

ATTACHMENT 1b – DRAFT LEGAL TEXT

MODIFICATION P223

ALTERNATIVE SOLUTION

SECTION S (Version 15.0)

Amend paragraph 2.7.5 as follows:

2.7.5 Each Supplier shall:

- (a) co-operate fully with the Profile Administrator in order to assist the Profile Administrator in the performance of its obligations under its BSC Agent Contract, including by complying with the requirements of BSCP510;
- (b) provide to the Profile Administrator the~~such~~ information required by BSCP510 and such other information (including in the form and at the times) as the Profile Administrator may reasonably require in order to assist it in the performance of ~~its~~~~such~~ obligations under its BSC Agent Contract, including:
 - (i) by providing information to assist the Profile Administrator in the creation and maintenance of a load research sample which includes the sample of the Supplier's customers required by the Profile Administrator; and
 - (ii) by providing or procuring the collection of half-hourly demand data for Profile purposes and providing or procuring the provision of that data to the Profile Administrator; and
- (c) comply with any directions as may from time to time reasonably be made by the Panel in respect of the Profile Administrator's BSC Agent Contract~~;~~;
- (d) provide from its customers the number of members and replacement members of the load research sample (including the number in a specified class or who satisfy specified criteria (including as to randomness of selection)) requested by the Profile Administrator from time to time;
- (e) in accordance with BSCP510, procure the installation and maintenance (including, where appropriate, by authorising and/or entering into an agreement with the Profile Administrator to install and maintain or procure the installation and maintenance on the Supplier's behalf) of Profile Capable Metering Systems at the premises of those customers of the Supplier who are or are to become members of the Profile Administrator's load research sample for the purposes of the Profile Administrator's load research programme; and
- (f) annually confirm to the Profile Administrator whether new customers are located at premises in which Profile Capable Metering Systems are providing half-hourly demand data for the purposes of the Profile Administrator's load research programme and, if they are, provide the Profile Administrator with all relevant details required by the Profile Administrator.

Insert new paragraph 2.7.5A as follows:

2.7.5A For the purposes of this Section S, references to a "Profile Capable Metering System" means a single Metering System capable of providing both half-hourly demand data and non half hourly demand data and which otherwise complies with the requirements of BSCP510.

Amend paragraph 4.2.1 as follows:

4.2 Profile Administrator

4.2.1 The principal functions of the Profile Administrator are, in accordance with the Supplier Volume Allocation Rules and relevant Code Subsidiary Documents:

- (a) to create and maintain a load research sample using customer information provided to it by Suppliers and to carry out a programme of load research in order to collect or obtain half-hourly demand data relating to~~from~~ customers who form part of the load research sample;
- (b) to analyse data collected through the load research programme and from other sources approved from time to time by the Panel;
- (c) to derive sets of Regression Coefficients for each Profile Class;
- (d) to deliver the Regression Coefficients and related data to Parties, the SVAA, Supplier Agents or BSCCo;
- (e) to analyse data and to monitor the accuracy of Profiles derived from Regression Coefficients; ~~and~~
- (f) to provide such consultancy services as the Panel may from time to time determine; and
- (g) to, where agreed between the Profile Administrator and the relevant Supplier and in accordance with any requirements in BSCP510, install and maintain and/or procure the installation and maintenance of Profile Capable Metering Systems at the premises of the customers referred to in paragraph 2.7.5(e) who are identified to the Profile Administrator by the Supplier.

Insert new paragraphs 4.2.5 to 4.2.8 (inclusive) as follows:

4.2.5 Where:

- (a) at the request of a Supplier, the Profile Administrator installs and maintains or procures the installation and maintenance of a Profile Capable Metering System on the Supplier's behalf at the premises of a customer who forms part of the load research sample, the Profile Administrator's associated costs shall be treated as BSC Costs under Section D of the Code; and
- (b) a Supplier procures the installation and maintenance of a Profile Capable Metering System at the premises of a customer who forms part of the load research sample, the Supplier shall be entitled in respect of that customer to be paid the relevant Profile Sum (referred to in paragraph 4.2.7) by the Profile Administrator.

4.2.6 Without prejudice to any other provision in the Code, in the event that the Supplier requests the Profile Administrator to install and maintain or procure the installation and maintenance of a Profile Capable Metering System in relation to a customer who forms part of the load research sample, the Supplier shall also request the Profile Administrator to acquire or procure the acquisition of the Profile Capable Metering System and to perform or procure the performance of the relevant functions of a Meter Operator Agent, Data Collector and Data Aggregator in relation to that Metering System.

4.2.7 The relevant Profile Sum shall be the total of the average annual cost per member of the load research sample incurred by the Profile Administrator in each BSC Year in relation to the:

(a) acquisition and installation of a Profile Capable Metering System (provided that this cost shall only be included in the relevant Profile Sum where it has been necessary for the Supplier to procure the acquisition and installation of a Profile Capable Metering System in relation to the relevant customer for the purposes of the load research programme, and then only in relation to the first acquisition and installation thereof or in relation to the necessary replacement thereof);

(b) annual maintenance of a Profile Capable Metering System at a customer's premises and of performing the other functions of a Meter Operator Agent in relation to it (provided that only 50% of such cost shall be included in the relevant Profile Sum where the relevant customer has been part of the load research sample for part only of the relevant BSC Year or has been a customer of the relevant Supplier for part only of the relevant BSC Year); and

(c) annual cost of the collection of the half-hourly demand data from a Profile Capable Metering System (provided that only 50% of such cost shall be included in the relevant Profile Sum where the relevant customer has been part of the load research sample for part only of the relevant BSC Year or has been a customer of the relevant Supplier for part only of the relevant BSC Year).

4.2.8 The Profile Sum payable to each Supplier shall be paid annually in accordance with BSCP510 in respect of each BSC Year and, for the avoidance of doubt, shall be treated as BSC Costs under Section D of the Code.

SECTION X (Version 37.0)

Amend Section X, Annex X-1 General Glossary by inserting the definition of Profile after the term Profile Administration Services as follows:

"Profile"

has the meaning given to that term in Annex X-2, Table X-6;