

Responses from P184 Draft Report Consultation

Consultation Issued 19 April 2005

Representations were received from the following parties

No	Company	File number	No BSC Parties Represented	No Non-Parties Represented
1.	EDF Energy	P184_dMR_001	9	0
2.	Scottish Power	P184_dMR_002	6	0
3.	Npower	P184_dMR_003	10	0
4.	SSE Energy Supply Ltd	P184_dMR_004	6	0
5.	British Gas Trading	P184_dMR_005	1	0
6.	British Energy	P184_dMR_006	5	0

P184 REPORT PHASE CONSULTATION QUESTIONS

BSC Parties ("Parties") and other interested parties are invited to respond to this consultation expressing their views or provide any further evidence on any of the matters contained within this document. In particular views are sought in respect of the following questions. Parties are invited to supply the rationale for their responses.

Respondent:	EDF Energy
No. of Parties Represented	9
Parties Represented	EDF Energy Networks (EPN) plc; EDF Energy Networks (LPN) plc EDF Energy Networks (SPN) plc; EDF Energy (Sutton Bridge Power) Jade Power Generation Ltd; EDF Energy (West Burton Power) Ltd; EDF Energy plc; London Energy plc; Seeboard Energy Limited
No. of Non Parties Represented	0
Non Parties represented	N/A
Role of Respondent	Supplier/Generator/ Trader

Q	Question	Response Error! Bookmark not defined.	Rationale
1.	Do you agree with the Panel's views on P184 and the provisional recommendation to the Authority contained in the draft Modification Report that P184 should be made? Please give rationale.	Yes	
2.	Do you agree with the Panel's view that the legal text provided in the draft Modification Report correctly addresses the defect or issue identified in the Modification Proposal? Please give rationale.	Yes	
3.	Do you agree with the Panel's provisional recommendation concerning the Implementation Date for P184? Please give rationale.	Yes	
4.	Are there any further comments on P184 that you wish to make?	No	

Please send your responses by **12:00 on Wednesday 27 April 2005** to modification.consultations@elexon.co.uk and please entitle your email 'P184 Report Phase Consultation'. Please note that any responses received after the deadline may not receive due consideration by the Panel.

Any queries on the content of the consultation pro-forma should be addressed to David White on 020 7380 4374, email address david.white@elexon.co.uk.

P184 REPORT PHASE CONSULTATION QUESTIONS

BSC Parties ("Parties") and other interested parties are invited to respond to this consultation expressing their views or provide any further evidence on any of the matters contained within this document. In particular views are sought in respect of the following questions. Parties are invited to supply the rationale for their responses.

Respondent:	<i>Name James Kelly (SAIC Ltd)</i>
No. of Parties Represented	6
Parties Represented	<i>Please list all Parties responding on behalf of (including the respondent company if relevant). Scottish Power UK plc; ScottishPower Energy Management Ltd.; ScottishPower Generation Ltd; ScottishPower Energy Retail Ltd.; SP Transmission Ltd; SP Manweb plc.</i>
No. of Non Parties Represented	0
Non Parties represented	<i>Please list all non Parties responding on behalf of (including the respondent company if relevant).</i>
Role of Respondent	<i>(Supplier/Generator/ Trader / Consolidator / Exemptable Generator / BSC Agent / Party Agent / other – please state¹)</i> Supplier / Generator / Trader / Consolidator / Exemptable Generator

Q	Question	Response ¹	Rationale
1.	Do you agree with the Panel's views on P184 and the provisional recommendation to the Authority contained in the draft Modification Report that P184 should be made? Please give rationale.	Yes	The implementation of P184 would provide timely clarification on the duration of settlement error, the query deadline for a Settlement Period and the process to be followed when only part of a Trading query has been raised within the Query Deadline. In addressing these issues the Modification will ensure that the balancing and settlement arrangements operate in a more efficient manner.
2.	Do you agree with the Panel's view that the legal text provided in the draft Modification Report correctly addresses the defect or issue identified in the Modification Proposal? Please give rationale.	Yes	The legal text provides greater clarity and addresses the issues raised by the Modification in relation to Trading Queries and Disputes.
3.	Do you agree with the Panel's provisional recommendation concerning the Implementation Date for P184? Please give rationale.	Yes	The implementation date is reasonable and gives an adequate amount of time to ensure that correct processes and procedure are in place.
4.	Are there any further comments on P184 that you wish to make?	No	

¹ Delete as appropriate – please do not use strikethrough, this is to make it easier to analyse the responses

Please send your responses by **12:00 on Wednesday 27 April 2005** to modification.consultations@elexon.co.uk and please entitle your email 'P184 **Report Phase Consultation**'. Please note that any responses received after the deadline may not receive due consideration by the Panel.

Any queries on the content of the consultation pro-forma should be addressed to David White on 020 7380 4374, email address david.white@elexon.co.uk.

P184 REPORT PHASE CONSULTATION QUESTIONS

BSC Parties ("Parties") and other interested parties are invited to respond to this consultation expressing their views or provide any further evidence on any of the matters contained within this document. In particular views are sought in respect of the following questions. Parties are invited to supply the rationale for their responses.

Respondent:	<i>Louisa Gilchrist</i>
No. of Parties Represented	10
Parties Represented	RWE Trading GmbH, RWE Npower plc, Npower Co-gen Ltd, Npower Co-gen Trading Ltd, Npower Direct Ltd, Npower Ltd, Npower Northern Ltd, Npower Northern Supply Ltd, Npower Yorkshire Ltd, Npower Yorkshire Supply Ltd
No. of Non Parties Represented	N/A
Non Parties represented	N/A
Role of Respondent	<i>Supplier/Generator/ Trader / Consolidator / Exemptable Generator / Party Agent¹)</i>

Q	Question	Response ¹	Rationale
1.	Do you agree with the Panel's views on P184 and the provisional recommendation to the Authority contained in the draft Modification Report that P184 should be made? Please give rationale.	Yes	We agree that Modification P184 should be recommended to the Authority
2.	Do you agree with the Panel's view that the legal text provided in the draft Modification Report correctly addresses the defect or issue identified in the Modification Proposal? Please give rationale.	Yes	The legal text has clarified all issues raised within the initial proposal and removes the perceived ambiguity that already exists.
3.	Do you agree with the Panel's provisional recommendation concerning the Implementation Date for P184? Please give rationale.	Yes / No	Nov 2005 is the best date for implementation, given that this does not involve any significant changes to systems and processes and therefore should be quite easy to implement, the sooner the ambiguities are removed the better
4.	Are there any further comments on P184 that you wish to make?	Yes / No	

Please send your responses by **12:00 on Wednesday 27 April 2005** to modification.consultations@elexon.co.uk and please entitle your email 'P184 Report Phase Consultation'. Please note that any responses received after the deadline may not receive due consideration by the Panel.

Any queries on the content of the consultation pro-forma should be addressed to David White on 020 7380 4374, email address david.white@elexon.co.uk.

¹ Delete as appropriate – please do not use strikethrough, this is to make it easier to analyse the responses

P184 REPORT PHASE CONSULTATION QUESTIONS

BSC Parties ("Parties") and other interested parties are invited to respond to this consultation expressing their views or provide any further evidence on any of the matters contained within this document. In particular views are sought in respect of the following questions. Parties are invited to supply the rationale for their responses.

Respondent:	<i>Andrew Colley</i>
No. of Parties Represented	6
Parties Represented	<i>SSE Energy Supply Ltd, SSE Generation Ltd, Keadby Generation Ltd, Medway Power Ltd, Southen Electric Power Distribution plc, Scottish Hydro-Electric Power Distribution Ltd</i>
No. of Non Parties Represented	0
Non Parties represented	
Role of Respondent	<i>Supplier/Generator/Trader/LDSO</i>

Q	Question	Response Error! Bookmark not defined.	Rationale
1.	Do you agree with the Panel's views on P184 and the provisional recommendation to the Authority contained in the draft Modification Report that P184 should be made? Please give rationale.	Yes	The Code should be clear and ambiguous. In this instance there is sufficient doubt surrounding the duration of a dispute to warrant further clarification. In practical terms it is essential that the business of the Trading Disputes Committee and the Dispute Administrator operate in as efficient a manner as possible, with the onus of decision-making in the correct place. It is probable that a sub-optimal process will develop without these changes being made.
2.	Do you agree with the Panel's view that the legal text provided in the draft Modification Report correctly addresses the defect or issue identified in the Modification Proposal? Please give rationale.	Yes	
3.	Do you agree with the Panel's provisional recommendation concerning the Implementation Date for P184? Please give rationale.	Yes	
4.	Are there any further comments on P184 that you wish to make?	No	

Please send your responses by **12:00 on Wednesday 27 April 2005** to modification.consultations@elexon.co.uk and please entitle your email 'P184 Report Phase Consultation'. Please note that any responses received after the deadline may not receive due consideration by the Panel.

Any queries on the content of the consultation pro-forma should be addressed to David White on 020 7380 4374, email address david.white@elexon.co.uk.



ELEXON Limited
4th Floor
350 Euston Road
London
NW1 3AW

Millstream East
Maidenhead Road
Windsor
Berkshire
SL4 5GD

Tel. (01753) 431137
Fax (01753) 431150
Our Ref.
Your Ref.
25 April 2005

Dear Sirs,

Re: Modification Proposal P184 – Clarification of BSC Section W in relation to the application of the query deadline to Trading Queries and Disputes

Thank you for the opportunity of responding to this draft modification report considering Modification Proposal P184. British Gas Trading (BGT) agrees with the Panel's provisional recommendation that the Modification should be made.

The modification will provide greater clarity in the application of the deadline, which will improve the processing of Trading Queries and Disputes. BGT believe this will enhance the efficiency in the administration of the BSC arrangements and thereby better facilitate Applicable Objective (d).

BGT agrees with the proposed implementation date.

If you have any questions regarding this response please contact me 01753 431137.

Yours faithfully

Mark Manley
Contract Manager

A *centrica* business

British Gas Trading Limited Registered in England No.3078711. Registered Office: Millstream, Maidenhead Road, Windsor, Berkshire SL4 5GD
www.gas.co.uk

P184 REPORT PHASE CONSULTATION QUESTIONS

BSC Parties ("Parties") and other interested parties are invited to respond to this consultation expressing their views or provide any further evidence on any of the matters contained within this document. In particular views are sought in respect of the following questions. Parties are invited to supply the rationale for their responses.

Respondent:	British Energy Power & Energy Trading Ltd
No. of Parties Represented	5
Parties Represented	British Energy Power & Energy Trading Ltd, British Energy Generation Ltd, British Energy Direct Ltd, British Energy Generation (UK) Ltd, Eggborough Power Ltd
No. of Non Parties Represented	-
Non Parties represented	-
Role of Respondent	<i>Supplier/Generator/Trader/Consolidator/Exemptable Generator/Party Agent</i>

Q	Question	Response	Rationale
1.	Do you agree with the Panel's views on P184 and the provisional recommendation to the Authority contained in the draft Modification Report that P184 should be made? Please give rationale.	Yes	Clarification of the rules concerning query deadlines; the duration of a settlement error and BSCCo's role in handling formal queries and disputes will reduce participant uncertainty, thus better meeting BSC Objective (c) relating to competition. It will also improve efficiency of BSCCo and TDC handling of these matters, which given the implementation cost is low will better meet BSC objective (d) relating to administrative efficiency.
2.	Do you agree with the Panel's view that the legal text provided in the draft Modification Report correctly addresses the defect or issue identified in the Modification Proposal? Please give rationale.	Yes, but see below.	A number of queries/questions below. Apologies for the late submission of these.
3.	Do you agree with the Panel's provisional recommendation concerning the Implementation Date for P184? Please give rationale.	Yes, but	Why not earlier? No systems implications, just a clarification of procedure.
4.	Are there any further comments on P184 that you wish to make?	No	

Comments on legal text (mostly relating to existing text rather than proposed changes)

W3.1.1(e): Not clear why it is proposed to delete W3.1.1(e) 'references to "Trading Query" and "Trading Dispute" shall be taken to relate to the same matter unless the context requires otherwise.'. Surely this is just indicating that when a Trading Query becomes a Trading Dispute it is in respect of the same matter.

W3.2.2(a): Reference should be to business days following the day on which the relevant Settlement Run was notified to parties ie. published, not the time when the run was carried out. It is unreasonable to start

the clock from the time when the run is carried out, because parties do not know the results at that time. Reference could be made to the notification date in the Settlement Calendar or such later time that the relevant settlement reports were issued to parties.

W3.2.7: 'Following the treatment of a Trading Query raised by a Party under paragraph 3.2.1:...' It is not absolutely clear what 'treatment' is being referred to.

W3.2.7(a): BSCCo may decide to address the questions in paragraph (b) (if not, refer to paragraph 3.3).

W3.2.7 & 3.3: BSCCo's determination of 'affected parties' is quite important, as it can determine who has the opportunity to support or oppose a proposed action relating to a query. I understand BSCCo is reviewing its methodology for this determination.

W3.2.9: I see no reason to remove this clause. BSCCo should not instruct rectification of an error unless it can be achieved by and for the RF run. Any rectification by ESD or post-RF should be referred to the TDC and Panel. 3.3.1(e) refers to this and requires a Trading Dispute.

W3.4.9: I see no reason to remove this clause (which if retained would refer to new W3.2.4). It seeks to prevent any party taking to arbitration a decision by the Panel or TDC 'in its sole discretion' to waive the query deadline. It may also prevent a party challenging the decision not to waive the deadline at its sole discretion. This is not the same as challenging the determination of whether or not the deadline had in fact been met. Permitting a 'discretionary' decision to be taken to arbitration seems fraught with difficulty. I would prefer to see W3.4.9 left in, or the discretion in W3.2.4 to be removed. In the latter case, arbitration on the determination would seem more straightforward.

Please send your responses by **12:00 on Wednesday 27 April 2005** to modification.consultations@elexon.co.uk and please entitle your email 'P184 Report Phase Consultation'. Please note that any responses received after the deadline may not receive due consideration by the Panel.

Any queries on the content of the consultation pro-forma should be addressed to David White on 020 7380 4374, email address david.white@elexon.co.uk.