

Responses from P180 Draft Report Consultation

Consultation Issued 18/01/2005

Representations were received from the following parties

No	Company	File number	No BSC Parties Represented	No Non-Parties Represented
1.	EDF Energy	P180_DR_001	9	0
2.	Scottish and Southern Energy	P180_DR_002	5	0
3.	National Grid Company	P180_DR_003	1	0
4.	E.ON UK	P180_DR_004	15	0
5.	British Energy	P180_DR_005	5	0
6.	British Gas Trading	P180_DR_006	1	0
7.	RWE	P180_DR_007	10	0
8.	EDF Trading	P180_DR_008	2	0

P180 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:	Stephen Moore (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) EDF Energy (Cottam Power) 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 <small>Error! Bookmark not defined.</small>	Rationale
1.	Do you agree with the Panel's views on P180 and the provisional recommendation to the Authority contained in the draft Modification Report that P180 should be made? Please give rationale.	Yes	Although the number of modifications subject to appeal is likely to be low, P180 does provide an efficient process for formally setting a new implementation date thus better facilitating objective d).
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 P180? Please give rationale.	Yes	As the change is code only, there is no reason why implementation should not take place five working days after a decision.
4.	Are there any further comments on P180 that you wish to make?	No	

Please send your responses by **12:00 on Friday 28 January 2005** to modification.consultations@elexon.co.uk and please entitle your email '**P180 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 Richard Hall on 020 7380 4033, email address richard.hall@elexon.co.uk.

Dear Sirs,

This response is sent on behalf of Scottish and Southern Energy, Southern Electric, Keadby Generation Ltd., Medway Power Ltd., and SSE Energy Supply Ltd.

In relation to the four questions contained within your note of 18th January 2005, and the associated Consultation for P180, we have the following comments to make: -

Q1 Do you agree with the Panel's views on P180 and the provisional recommendation to the Authority contained in the draft Modification Report that P180 should be made? Please give rationale.

Yes, we agree with the proposed BSC Panel recommendation to the Authority that Modification Proposal P180 should be made for the reasons outlined in the Modification Report.

Q2 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.

It appears to.

Q3 Do you agree with the Panel's provisional recommendation concerning the Implementation Date for P180? Please give rationale.

If the Modification Proposal P180 is approved, we agree with the proposed BSC Panel recommendation regarding the timing for the Implementation Date, as outlined in the Modification Report.

Q4 Are there any further comments on P180 that you wish to make?

Nothing further at this time.

Regards

Garth Graham
Scottish and Southern plc

P180 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:	National Grid Company plc
No. of Parties Represented	1
Parties Represented	National Grid Company plc
No. of Non Parties Represented	0
Non Parties represented	N/A
Role of Respondent	Transmission System Operator

Q	Question	Response Error! Bookmark not defined.	Rationale
1.	Do you agree with the Panel's views on P180 and the provisional recommendation to the Authority contained in the draft Modification Report that P180 should be made? Please give rationale.	Yes	NGC agrees that there is a defect in the BSC whereby the Authority may not be able to make a decision on a Modification Proposal because the Implementation Date has been timed-out due to appeal or JR. NGC agrees with the Panel's views on P180 and the provisional recommendation that P180 should be made since P180 addresses this defect effectively.
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	NGC believes that the legal text provided in the draft Modification Report does remedy the defect identified in P180, primarily through the mechanism of enabling the Panel to recommend a Conditional Implementation Date. NGC therefore agrees with the Panel's view that the legal text provided correctly addresses the defect identified in P180.
3	Do you agree with the Panel's provisional recommendation concerning the Implementation Date for P180? Please give rationale.	Yes	Should the Authority approve P180 in due course NGC believes that the defect identified in the BSC by P180 should be remedied as soon as possible. In particular, P180 should be in place before the expected introduction of the appeals arrangements under the Energy Act 2004 in late Spring/Summer 2005. NGC therefore agrees with the Panel's recommendation that P180 should be implemented 5 Business days after any decision by the Authority to approve P180.

Q	Question	Response Error! Bookmark not defined.	Rationale
4	Are there any further comments on P180 that you wish to make?	No	

Please send your responses by **12:00 on Friday 28 January 2005** to modification.consultations@elexon.co.uk and please entitle your email '**P180 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 Richard Hall on 020 7380 4033, email address richard.hall@elexon.co.uk.

P180 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>E.ON UK</i>
No. of Parties Represented	15
Parties Represented	E.ON UK plc, Powergen Retail Limited, Cottam Development Centre Limited, Enizade Ltd, E.ON UK Drakelow Limited, E.ON UK Ironbridge Limited, E.ON UK High Marnham Limited, Midlands Gas Limited, Western Gas Limited, TXU Europe (AHG) Limited, TXU Europe (AH Online) Limited, Citigen (London) Limited, Severn Trent Energy Limited (known as TXU Europe (AHST) Limited), TXU Europe (AHGD) Limited and Ownlabel Energy.
No. of Non Parties Represented	-
Non Parties represented	-
Role of Respondent	Supplier, Generator, Trader, Consolidator & Exemptable Generator

Q	Question	Response Error! Bookmark not defined.	Rationale
1.	Do you agree with the Panel's views on P180 and the provisional recommendation to the Authority contained in the draft Modification Report that P180 should be made? Please give rationale.	Yes	We agree with the Panel's provisional recommendation that modification P180 should be made on the basis that it will improve the efficiency the BSC. We concur with both the Panel and the Modification Group that P180 offers superior benefits compared to the existing remedy whereby a modification would have to be resubmitted. We believe that the provisions for industry consultation within the process are vitally important. It is unlikely that we would have been able to support a modification which failed to recognise this concern.
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 P180? Please give rationale.	Yes	
4.	Are there any further comments on P180 that you wish to make?	No	

Please send your responses by **12:00 on Friday 28 January 2005** to modification.consultations@elexon.co.uk and please entitle your email '**P180 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 Richard Hall on 020 7380 4033, email address richard.hall@elexon.co.uk.

P180 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>Steven Eyre</i>
No. of Parties Represented	5
Parties Represented	<i>British Energy Power & Energy Trading Ltd, British Energy Generation Ltd, Eggborough Power Ltd, British Energy Generation (UK) Ltd, British Energy Direct Ltd</i>
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 P180 and the provisional recommendation to the Authority contained in the draft Modification Report that P180 should be made? Please give rationale.	Yes	The modification should make the modification process more efficient (in the event of an appeal) by ensuring that modifications are not rejected purely on the grounds of process. Consequently, we consider that P180 will at the very least better facilitate Applicable BSC Objective (d) and thus we agree with the Panel's provisional recommendation.
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 P180? Please give rationale.	Yes	Given that there is no immediate direct impact on BSC parties/agents as a consequence of this modification the proposed implementation date is appropriate.
4.	Are there any further comments on P180 that you wish to make?	No	

Please send your responses by **12:00 on Friday 28 January 2005** to modification.consultations@elexon.co.uk and please entitle your email '**P180 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 Richard Hall on 020 7380 4033, email address richard.hall@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.
28 January 2005

Dear Sirs,

Re: Modification Proposal P180 – Revision to BSC Modification Implementation Dates, where an Authority determination is referred to appeal or judicial review

Thank you for the opportunity of responding to this draft modification report considering Modification Proposal P180. British Gas Trading (BGT) agrees with the Panel's provisional recommendation that the Modification should be made.

BGT agree that in the limited circumstances of appeal or judicial review it may be more efficient to introduce an additional step in the process rather than having to raise a new modification proposal. This can be seen to better facilitate applicable objective (d) by promoting efficiency in the administration of the balancing and settlement arrangements. Notwithstanding this view, BGT continue to believe that in some circumstance it may still be more appropriate for a new modification proposal to be raised and the issues to be re-considered under the vires of a new proposal.

The draft modification report contains a process diagram that illustrates the process that would be followed in the event of an appeal or judicial review being raised. The process details that the appellant will inform BSCCo of the appeal being raised and where appropriate that it has been granted leave to appeal. In light of the Competition Commissions (CC) 'rules for the conduct and disposal of appeals in energy code modification cases' which obligates the appellant to send a copy of the application to other persons affected by the decision. BGT would like clarification on whether the BSC process is a parallel process or if this is the appellant discharging his obligations to notify affected parties. If it is intended to be the former then this should be included within the report for the purposes of clarification and if it is to be the latter then the CC would need to be contacted to ensure it was consistent with the rules they are adopting.

The draft modification report also details the impact on BSCCo of implementing P180. Section 4.1 of the report does not include the impact of the CC suspending the implementation of the approved change. BGT believe for the purposes of completeness this eventuality should be captured by the report.

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

P180 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>Terry Ballard</i>
No. of Parties Represented	10
Parties Represented	<i>RWEnpower; RWE Trading; npower cogen, npower cogen trading; npower, npower direct, npower northern, npower northern supply, npower yorkshire, npower yorkshire supply</i>
No. of Non Parties Represented	
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 state ¹)</i>

Q	Question	Response ¹	Rationale
1.	Do you agree with the Panel's views on P180 and the provisional recommendation to the Authority contained in the draft Modification Report that P180 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 P180? Please give rationale.	Yes	
4.	Are there any further comments on P180 that you wish to make?	No	

Please send your responses by **12:00 on Friday 28 January 2005** to modification.consultations@elexon.co.uk and please entitle your email '**P180 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 Richard Hall on 020 7380 4033, email address richard.hall@elexon.co.uk.

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

P180 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>Steve Drummond</i>
No. of Parties Represented	2
Parties Represented	<i>EDF Trading Limited EDF (Generation)</i>
No. of Non Parties Represented	None
Non Parties represented	N/A
Role of Respondent	<i>Trader / Generator</i>

Q	Question	Response	Rationale
1.	Do you agree with the Panel's views on P180 and the provisional recommendation to the Authority contained in the draft Modification Report that P180 should be made? Please give rationale.	Yes	The current BSC is deficient in this area and P180 provides a good solution. P180 will remove the risk of Implementation Dates not being able to be changed should any Authority decisions be subjected to legal challenge.
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 proposed modification is considered to be the most efficient to address the defect and the least change possible that maintains the present Governance arrangements.
3.	Do you agree with the Panel's provisional recommendation concerning the Implementation Date for P180? Please give rationale.	Yes	
4.	Are there any further comments on P180 that you wish to make?	No	

Please send your responses by **12:00 on Friday 28 January 2005** to modification.consultations@elexon.co.uk and please entitle your email '**P180 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 Richard Hall on 020 7380 4033, email address richard.hall@elexon.co.uk.