

**SECTION P: ENERGY CONTRACT VOLUMES
AND METERED VOLUME REALLOCATIONS** (*Version 10.0 including
all Approved Modifications*)

6 PAST NOTIFICATION ERRORS

Add new paragraph 6.8 as follows:

6.8 Past Notification Error Share

6.8.1 This paragraph 6.8 sets out the basis on which a Contract Trading Party is liable to pay an amount representing its share of any shortfall that may arise as between the following:

- (a) the total amount invoiced by BSCCo from Contract Trading Parties under paragraph 6.2.2; and
- (b) the total amount of costs and expenditure incurred (up to the date referred to in paragraph 6.8.6) by BSCCo in the discharge of its functions under, or otherwise in connection with the implementation of this paragraph 6, (including the remuneration of members of the Panel Committee established pursuant to paragraph 6.4.2), excluding paragraph 6.7 (the “Past Notification Error Process”); and

such Contract Trading Party’s share being the “Past Notification Error Share.”

6.8.2 A Contract Trading Party which has made a relevant claim of Past Notification Error and has not submitted a “statement of Past Notification Error claims not to be pursued” before or on 1 July 2003 in respect of all claims of Past Notification Error made by that Contract Trading Party, (the “relevant Past Notification Error Claimant”), shall be liable to pay a sum representing its Past Notification Error Share calculated in accordance with paragraph 6.8.5 below.

6.8.3 For the avoidance of doubt the provisions of paragraph 6.2.6 shall apply for the purposes of determining any Past Notification Error Share.

6.8.4 BSCCo shall:

- (a) calculate each relevant Past Notification Error Claimant’s Past Notification Error Share; and
- (b) notify all Past Notification Error Shares to all relevant Past Notification Error Claimants in the statement provided under paragraph 6.8.7.

6.8.5 The Past Notification Error Share for a relevant Past Notification Error Claimant “PNEDS_p” shall be calculated as follows:

$$PNEDS_p = \sum^c V_c * PNED / (\sum^p \sum^c V_c)$$

where:

c represents one or more claims as determined by the Panel pursuant to paragraph 6.2.2 and not the subject of a “statement of Past Notification Error claims not to be pursued”;

V_c is, in relation to each claim of Past Notification Error (or group of relevant claims determined in accordance with paragraph 6.2.6):

$$\max (\sum_i \sum_e (NCAEI_{aj} - CAEI_{aj}), 0)$$

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(i) where the Panel determined that the Past Notification Error should be rectified, $NCAEI_{aj}$ and $CAEI_{aj}$ have the values determined pursuant to paragraph 6.5.3;

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(ii) otherwise, $NCAEI_{aj}$ and $CAEI_{aj}$ have the values which would have been determined pursuant to paragraph 6.5.3 (had such claim been upheld and the error been rectified) on the basis of the error which the relevant Contract Trading Party claimed to have occurred (as such claim stood as at the date of the Panel's determination pursuant to paragraph 6.4);

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Σ_a represents the sum of those Energy Accounts of the relevant Contract Trading Parties to which the claim (or group of relevant claims) c relates;

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$\Sigma^c V_c$ represents the sum of all relevant Past Notification Error claims for a relevant Past Notification Claimant;

$\Sigma^p \Sigma^c V_c$ represents the sum of all relevant Past Notification Error claims across all Contract Trading Parties;

PNED represents the total cost of the Past Notification Error process as of the date that the fee referred to in paragraph 6.2.2 is invoiced to Parties less any amounts due to be paid in accordance with paragraph 6.2.2;

6.8.6 For the purposes of paragraph 6.8.5 above, the date used for the purposes of calculating the relevant Past Notification Error Claimants' Past Notification Error Shares shall be the date on which BSCCo first sends the invoice pursuant to paragraph 6.2.2.

6.8.7 BSCCo shall, as soon as is reasonably practicable after the calculation of PNED, send to each relevant Past Notification Error Claimant:

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(a) an invoice setting out the amount due (in respect of the relevant Past Notification Error Claimant's Past Notification Error Share) to include:

(i) applicable VAT; and

(ii) the invoice due date; and

(b) a statement showing the basis of calculation of the amounts under paragraph (a).

6.8.8 The invoice referred to in paragraph 6.8.7 above shall be issued pursuant to Section D4.5.

6.8.9 Where a Trading Party is owed any amount as a consequence of the provisions of this paragraph 6.8 in relation to any BSC Year for which final reconciliation has been prepared pursuant to Section D4.4.3 (the "Final Reconciliation Invoice"), such amount shall:

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(a) be calculated as the average of such Trading Party's Main Funding Share as shown on the Final Reconciliation Invoice for the relevant BSC Year; and

(b) payable to such Trading Party through the provisions of Section D applicable to Main Funding Shares.

Annex X-1 shall be amended by the addition of the following definitions:

ANNEX X-1: GENERAL GLOSSARY (*Version 19.0 including Approved Modifications awaiting Implementation*)

<u>“Final Reconciliation Invoice”:</u>	<u>has the meaning given to that term in Section P6.8.9:</u>
<u>“Past Notification Error Process”:</u>	<u>has the meaning given to that term in Section P6.8.1:</u>
<u>“Past Notification Error Share”:</u>	<u>means the amount determined in accordance with Section P6.8.5:</u>
<u>“Relevant Past Notification Error Claimant”:</u>	<u>has the meaning given to that term in Section P6.8.2:</u>

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Annex X-1 shall be amended by the addition of the following definitions:

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ANNEX X-1: GENERAL GLOSSARY (Version 19.0 including all Approved Modifications awaiting Implementation)

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Table X-2

<u>Defined Term</u>	<u>Acronym</u>	<u>Units</u>	<u>Definition/ Explanatory Text</u>
<u>Past Notification Error Share for a claimant_p</u>	<u>PNEDS_p</u>	<u>£</u>	<u>the amount determined in accordance with Section P6.8.5.</u>
<u>Past Notification Error Claim Value</u>	<u>V_c</u>	<u>£</u>	<u>the value established in accordance with Section P6.8.5.</u>
<u>Past Notification Error Shortfall</u>	<u>PNED</u>	<u>£</u>	<u>the value established in accordance with Section P6.8.5.</u>

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