



Dear Recipient,

As part of the quality review process for Urgent Modification Proposals within ELEXON, we have undertaken a further review of the draft legal text for P128 in parallel to the consultation process.

This review has highlighted a number of issues that necessitate clarifications to be made to the legal text. These amendments do not alter the way in which the defect outlined in the Modification Proposal is addressed and more fully reflect the process that will be adopted upon implementation as agreed by the Modification Group.

We have confirmed that these changes are necessary and not purely stylistic.

Attached is a revised redlined version of the legal text.

The changes are as follows:

- 1) A change to the date from which P128 retrospectively starts from "31st May 2002" to "on or after 20th May 2002" the latter being the date on which paragraph 6 came into effect, the former being the date that the claims window closed. '
- 2) Paragraph 6.2.9 has been removed from the legal text. This is due to issues arising from the approval of P107 which changes Section U 2.2.4 but which is not due to be implemented until November 2003. Any reference to Section U2.2.4 in the legal text of this modification would have to be made by reference to Section U2.2.4 as amended by P107. However if this present modification were approved and implemented prior to the implementation of P107 there would inevitably be an element of confusion as to the applicable provision. In practical terms, the overwhelming likelihood is that any PNE claims made under P6.2.2 will be resolved within a 28 month period of the relevant settlement day. If deemed necessary, any clarification of the method of rectification post 28 months can be resolved post P107 implementation.
- 3) Addition of the words "Subject to the provisions in paragraph 6.2.2" to paragraph 6.1.1 (a)
- 4) A small change to the definition of the ECVNPNE Error Window to make it explicit that more than one PNE claim can be raised in relation to affected settlement periods within the window and to include reference to paragraph 6.2.2
- 5) A typographical error in the headline of 6.2.2
- 6) Consistency changes in paragraph 6.2.2 (a)

Thank you.

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Memorandum

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