

## Responses from P113 Draft Report Consultation

Consultation issued 17 December 2002

Representations were received from the following parties:

No	Company	File Number	No. BSC Parties Represented	No. Non-Parties Represented
1.	SEEBOARD Energy	P113_DR_001	1	
2.	Aquila Networks	P113_DR_002	1	
3.	British Gas Trading	P113_DR_003	1	
4.	LE Group	P113_DR_004	7	
5.	Scottish Power	P113_DR_005	6	
6.	Scottish and Southern	P113_DR_006	4	
7.	Powergen	P113_DR_007	15	
8.	Slough Energy Supplies	P113_DR_008	1	

## P113\_DR\_001 – SEEBOARD Energy

With respect to draft modification report for P113 (Email communications under the Code) dated 17th December 2002. We agree to recommendations within section 1.1 of this report and suggested implementation timescales. We do have one concern with regards to suggested legal text for section H9.2.5. This notes that a deemed received date for any email will be made. We have had a number of occurrences throughout this year where email communications sent from Elexon have not been received. However, with this new section H9.2.5 we would have been considered to have received these without any checks in place. We feel that this section should either be removed or strengthened such that some form of acknowledgement of delivery has to have been received by Elexon prior to a deemed receipt being noted on any notice.

Dave Morton  
SEEBOARD Energy Limited

**P113\_DR\_002 – Aquila Networks**

Please find that Aquila Networks Plc response to P113 Consultation on draft Modification Report is 'No Comment'.

regards

Rachael Gardener

Deregulation Control Group &  
Distribution Support Office  
AQUILA NETWORKS

P113\_DR\_003 – British Gas Trading

**Re: Modification Proposal P113 E-mail Communications under the Code**

Thank you for the opportunity of responding to this draft modification report considering Modification Proposal P113. British Gas Trading (BGT) support this Modification Proposal as it mirrors Elexon's current working practices with regard to mass communication of information to the BSC community. We agree that this Modification Proposal will better facilitate applicable BSC Objective C3 (3)(d).

We have identified a couple of issues with regard to the legal text. Firstly, within the draft modification report the text specifies that Elexon will endeavour to contact the affected BSC Party(s) when a communication is not received. The legal text does not appear to provide for such 'best endeavours' to be undertaken by Elexon. Secondly, we would like to see Section H 9.2.6 expanded to place an obligation on Elexon to undertake best endeavours to send all documentation within normal working hours. Whilst we realise that this may not be possible in all circumstances we would like this obligation to be captured by the draft legal text.

We also have a more generic concern that within the draft modification report it states that regarding Urgent Modifications that are sent outside of working hours Elexon will 'where possible' provide advance notice of its intent to issue such communications. We believe Elexon should ensure that best endeavours are undertaken in all instances, to notify BSC Parties of the intention to circulate urgent communications outside of normal working hours that require immediate responses.

Yours faithfully

Mark Manley  
Contract Manager

## P113\_DR\_004 – LE Group

Dear Modifications

We have given considerable thought to the problem of parties being disadvantaged through failure to receive an e-mail communication. We would take this opportunity to highlight the problem and say that we think it's a difficult one to solve - but parties should not be exposed to risks over which they have no control. Perhaps there are some important categories of communication that would benefit from a back-up, i.e. 'letter post' routine.

However, we recognise that the proposal is a pragmatic solution to formalising what has become working practice. We therefore support P113

This reply is sent on behalf of: LE Group Plc, London Electricity Plc, Jade Power Generation Ltd, Sutton Bridge Power Ltd, West Burton Power, London Power Network Plc, and Eastern Power Network Distribution Ltd, ECS.

With kind regards, Paul Chesterman  
for Liz Anderson  
General Manager, Energy Strategy & Regulation

P113\_DR\_005 – Scottish Power

**P113 Draft Modification Report Comments**

**For and on behalf of: - *Scottish Power UK plc; ScottishPower Energy Trading Ltd.; Scottish Power Generation plc; ScottishPower Energy Retail Ltd.; SP Transmission plc; SP Manweb plc***

With reference to the above, we agree with the Panel's recommendation that P113: Email communications under the Code represents the most efficient form of communication in such cases since it enables fast dissemination of information to large numbers of recipients and therefore would better facilitate the objective in Condition C3(3)(d) of the Transmission Licence – i.e. promoting efficiency in the implementation and administration of the balancing and settlement arrangements.

We therefore support the implementation of P113.

We have also considered the legal drafting and have no further comments to make.

I trust that you will find these comments helpful. Nonetheless, should you require further clarification of any of the above, please do not hesitate to contact me.

Yours sincerely,

Man Kwong Liu  
Calanais Ltd.

For and on behalf of: - *Scottish Power UK plc; ScottishPower Energy Trading Ltd.; Scottish Power Generation plc; ScottishPower Energy Retail Ltd.; SP Transmission plc; SP Manweb plc*

**P113\_DR\_006 – Scottish and Southern**

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

Further to your note of 17th December 2002, and the associated Draft Modification Report for P113, we agree with the proposed BSC Panel recommendation to the Authority that the Original Modification Proposal P113 should be made.

If the Modification Proposal P113 is approved, we agree with the proposed BSC Panel recommendation on the timing for the Implementation Date, as outlined in Section 1.1 of the Draft Modification Report.

Regards

Garth Graham  
Scottish & Southern Energy plc

## **P113\_DR\_007 – Powergen**

### **Response to Modification Proposal P113 - E-mail Communications under the Code**

On behalf of Powergen UK plc\*, we are in favour of the above Modification Proposal. The arrangements currently in use should be reflected in the Code to confirm that 'general' communication is to be given by email. The proposal creates a more cost and time efficient process and so achieves the applicable BSC objective (d) by promoting 'efficiency in the implementation and administration of the balancing and settlement arrangements'.

As part of The BSCCo's Business Plan, the Corporate Priorities include improving the implementation of BSC arrangements, in particular, addressing the volume of paperwork produced. At present, there is an excess of paper and reading material produced by the BSCCo, attributing to significant costs to the BSC parties. Confirmation of the use of e-mails as the standard method for general communication moves the Code towards a more modern and efficient approach to the problem of paperwork volume.

The contingency provisions, the time an e-mail is deemed to have been received by Parties and how e-mail addresses are notified to Elexon by Parties, suggested in the Modification Report appear to be adequate in maintaining efficiency in the system.

We look forward to the implementation of the proposal.

Yours sincerely,

Christiane Sykes.

\* Powergen UK plc, Powergen Retail Limited, Diamond Power Generation Limited, Cottam Development Centre Limited, TXU Europe Drakelow Limited, TXU Europe Ironbridge Limited, TXU Europe 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



## P113\_DR\_008 – Slough Energy Supplies

I am writing to express concern about Modification Proposal P113 as it is currently drafted although I do accept that email is an appropriate medium for the distribution of information to Parties in general.

As the draft modification report recognises, it is not easy to determine that an email has been received by the recipient, but merely that it has been allocated to a "mail box". However, the proposal does not even contemplate using this as a method for determining delivery. The assumption that will be made within the Code is that a recipient will have received a message even though that may not be the case. This is contrary to the existing provision, whereby a fax receipt is required showing that a successful copy has been produced in the recipient's office. Indeed, in certain cases when the internet is busy messages may not be delivered until after an hour has passed, and it is usual to take several hours for a message to be returned indicating that delivery was not successful. Thus messages are required to have been received in the correct "mail box", let alone read as the modification is drafted.

In addition to whether an email has reached the correct "mail box" being in doubt, there is an issue as to when it would be received at that "mail box". Firstly, in addition to delays in a message being transmitted across the internet, many smaller companies use a service provider to handle email for them. Such a provider holds email until the company polls a server to collect the emails. This may vary from a few times an hour to once or twice a day. In such a case, the email does not get to the recipient's "mail box" until the service provider's server has been polled. A Code obligation that deems emails to have been read within an hour would effectively require parties to ensure that they did not use a polling connection to a service provider but hosted their own email server. I do not believe that this is appropriate additional cost. In addition, email sent out by a party using such a service would first of all get polled from an individual PC to the company email system. It would then subsequently be sent to the service provider's server at the next polling time. It is quite easy for such time to exceed one hour, and so notices could also be deemed to have been served by such a user before they had been received by BSCCo for example.

Finally, I have not considered the issue of the delay between an email reaching a recipient's "mail box" and being read. Unlike a fax or letter, an email address is unique, and its delivery will not be obvious to anyone else within an organisation. I do not think that this is adequately covered, since it is recognised that there is no distinction between working and non-working days. This suggests that the email contact should be reading their "mail box" every day and very frequently. In such circumstances, this cannot be a single contact.

I would therefore propose that the modification be changed so that notices are deemed to be delivered after a longer period - say 4 or 5 hours (this

is typical of the time taken for a non-delivery message when there are no delays around the internet). In addition, email communication should only be used for information communications which do not require action by the receiving party (notice of panel meetings, circulars about previous system outages, for example). It would seem appropriate that notices which have a potential impact on a party should only be deemed served if a receipt has been obtained to that effect.

Regards  
Steve Garrett  
Slough Energy Supplies Ltd