

DRAFT LEGAL TEXT FOR PROPOSED MODIFICATION P309

SECTION P: ENERGY CONTRACT VOLUMES

AND METERED VOLUME REALLOCATIONS (V16.0)

1. GENERAL

1.2 Authorisations - general

Amend paragraph 1.2.2 to read as follows:

1.2.2 A Contract Trading Party:

- (a) shall not include in any ECVNA Authorisation or MVRNA Authorisation any qualification of or condition ~~(other than as to the effective period)~~ as to the authority of the relevant Energy Contract Volume Notification Agent or Metered Volume Reallocation Notification Agent; other than:

(i) the effective period; and

(ii) in the case of an ECVNA Authorisation submitted after the Relevant Implementation Date of Modification Proposal P309, an authorisation to submit only Replacement Energy Contract Volume Notifications or only Additional Energy Contract Volume Notifications under that ECVNA Authorisation;

- (b) shall for the purposes of the Code be bound by, and may not challenge or dispute under or for the purposes of the Code:

(i) any Energy Contract Volume Notification or Metered Volume Reallocation Notification submitted by any Energy Contract Volume Notification Agent or Metered Volume Reallocation Notification Agent; and

(ii) any omission or failure to submit any Energy Contract Volume Notification or Metered Volume Reallocation Notification by any Energy Contract Volume Notification Agent or Metered Volume Reallocation Notification Agent

which has been authorised by that Contract Trading Party and whose authorisation remains effective at the relevant time in accordance with this Section P.

2. ENERGY CONTRACT VOLUMES

2.1 Submission of ECVNA Authorisation

Amend paragraph 2.1.2 to read as follows:

2.1.2 An ECVNA Authorisation:

- (a) shall be made under the authority of both Relevant Contract Parties;
- (b) shall specify:
- (i) the relevant Energy Contract Volume Notification Agents,

- (ii) the Relevant Contract Parties,
- (iii) the Energy (From) Account,
- (iv) the Energy (To) Account, and
- (v) the first day on which it is intended to be effective;

(bb) shall, in the case of an ECVNA Authorisation submitted after the Relevant Implementation Date of Modification Proposal P309, specify whether the Energy Contract Volume Notification Agent is authorised to submit:

(i) only Replacement Energy Contract Volume Notifications; or

(ii) only Additional Energy Contract Volume Notifications; or

(iii) either Additional Energy Contract Volume Notifications or Replacement Energy Contract Volume Notifications,

under that ECVNA Authorisation;

- (c) shall be made in accordance with and subject to BSCP71; and
- (d) may specify the last day on which it is to be effective (failing which it is to be effective until otherwise terminated in accordance with paragraph 2.2).

Amend paragraph 2.1.3 to read as follows:

2.1.3 An ECVNA Authorisation shall be valid if and only if it is made in accordance with BSCP71 and the following conditions are met:

- (a) each Relevant Contract Party is a Contract Trading Party;
- (b) each Energy Contract Volume Notification Agent has qualified in accordance with Section J5.3;
- (c) the Energy (From) Account is either the Production Energy Account or the Consumption Energy Account of one of the Relevant Contract Parties;
- (d) the Energy (To) Account is either the Production Energy Account or the Consumption Energy Account of the other Relevant Contract Party;

(e) in the case of an ECVNA Authorisation submitted after the Relevant Implementation Date of Modification Proposal P309, the authorisation identifies whether the Energy Contract Volume Notification Agent is authorised to submit:

(i) only Additional Energy Contract Volume Notifications; or

(ii) only Replacement Energy Contract Volume Notifications; or

(iii) either Additional Energy Contract Volume Notifications or Replacement Energy Contract Volume Notifications,

under that ECVNA Authorisation.

Insert new paragraphs 2.1.5 to 2.1.9 to read as follows:

2.1.5 The Relevant Contract Parties may, subject to and in accordance with BSCP71, submit a change to the authority of an Energy Contract Volume Notification Agent to submit Replacement Energy Contract Volume Notifications or Additional Energy Contract Volume Notifications (an "Authorisation Change").

2.1.6 The Energy Contract Volume Aggregation Agent shall, in accordance with BSCP71:

- (a) validate an Authorisation Change; and
- (b) on the basis of such validation, confirm or reject the Authorisation Change by notice to the Relevant Contract Parties and each of the Energy Contract Volume Notification Agents.

2.1.7 An Authorisation Change shall be effective from the later of:

- (a) the effective date specified in the Authorisation Change in accordance with BSCP71; and
- (b) the day following that on which the Energy Contract Volume Aggregation Agent gives notice of confirmation thereof pursuant to paragraph 2.1.6(b).

2.1.8 An Authorisation Change shall be effective until the earlier of:

- (a) the termination or expiry of the associated ECVNA Authorisation; and
- (b) confirmation (in accordance with paragraph 2.1.6(b)) of a subsequent Authorisation Change in respect of the same ECVNA Authorisation.

2.1.9 During the period in which an Authorisation Change is effective (in accordance with paragraphs 2.1.7 and 2.1.8), the relevant Energy Contract Volume Notification Agent shall be authorised to submit Energy Contract Volume Notifications as authorised by that Authorisation Change.

2.3 Energy Contract Volume Notifications

Insert a new paragraph 2.3.1A to read as follows:

2.3.1A An Energy Contract Volume Notification shall be one or more of the following types:

- (a) an Additional Energy Contract Volume Notification;
- (b) an Initial Energy Contract Volume Notification;
- (c) a Replacement Energy Contract Volume Notification.

Amend paragraph 2.3.2 to read as follows:

2.3.2 An Energy Contract Volume Notification:

- (a) shall specify:
 - (i) the ECVNA Authorisation under which it is given (thereby identifying the Energy (From) Account and the Energy (To) Account),
 - (ii) the Energy Contract Volume Notification Agent,

- (iii) the first Settlement Day on which it is intended to be in force (the "**Effective-from Date**"), and
- (iv) for each Settlement Period, a quantity of Active Energy (expressed in MWh);
- (b) shall be submitted in accordance with and subject to BSCP71; and
- (c) may specify:
 - (i) subject to paragraph 2.3.4(d)(i), that it is to replace, in accordance with paragraph 2.3.5(a), a previous Energy Contract Volume Notification identified (by the ECVN identifier provided for in BSCP71) in such notification; and/or
 - (ii) the last Settlement Day on which it is to be in force (the "**Effective-to Date**"), failing which it is to be in force until and unless replaced in accordance with paragraph 2.3.5(a).

Amend paragraph 2.3.4 to read as follows:

2.3.4 An Energy Contract Volume Notification shall be valid (but without prejudice to paragraph 1.2.4) if and only if it is made in accordance with BSCP71 and:

- (a) there is an effective ECVNA Authorisation with respect to the Energy (From) Account, Energy (To) Account, and the Energy Contract Volume Notification Agent submitting the Energy Contract Volume Notification;
- (b) the Energy Contract Volume Notification is submitted within the period of effectiveness of such ECVNA Authorisation; ~~and~~
- (c) the Energy Contract Volume for each Settlement Period is a number in MWh, positive or negative, with no more than three digits after the decimal point, and between -99,999.999 and 99,999.999; provided that (subject to paragraph 1.2.5) where in relation to a Settlement Period no value for Energy Contract Volume is specified, a value of zero shall be deemed to be specified; ~~and~~

(d) where the Energy Contract Volume Notification:

- (i) is a Replacement Energy Contract Volume Notification, the relevant ECVNA Authorisation authorises the Energy Contract Volume Notification Agent to submit Replacement Energy Contract Volume Notifications;
- (ii) is an Additional Energy Contract Volume Notification, the relevant ECVNA Authorisation authorises the Energy Contract Volume Notification Agent to submit Additional Energy Contract Volume Notifications.

Insert a new paragraph 2.3.4A to read as follows:

2.3.4A For the purpose of paragraph 2.3.4(d):

- ~~(a) the references to an ECVNA Authorisation shall include any change to such authorisation pursuant to an effective Authorisation Change or Retrospective Authorisation Change; and~~
- ~~(b) an ECVNA Authorisation validated prior to the Implementation Date of Modification Proposal P309 shall be deemed to authorise an Energy Contract Volume Notification Agent to submit Replacement Energy Contract Volume Notifications or Additional Energy Contract Volume Notifications except to the extent that the Relevant Contract Parties have changed the authority of the Energy Contract Volume Notification Agent in accordance with an Authorisation Change or Retrospective Authorisation Change.~~

Insert a new paragraph 2.3.4B to read as follows:

~~2.3.4B For the avoidance of doubt, any authorisation to submit:~~

- ~~(a) only Replacement Energy Contract Volume Notifications; or~~
- ~~(b) only Additional Energy Contract Volume Notifications; or~~
- ~~(c) either Additional Energy Contract Volume Notifications or Replacement Energy Contract Volume Notifications,~~

~~as specified in an ECVNA Authorisation, shall not affect the ability to submit, or the validity of, an Initial Energy Contract Volume Notification and paragraph 2.3.4(d) shall not apply to such notification.~~

Amend paragraph 2.3.5 to read as follows:

~~2.3.5 Where a valid (in accordance with paragraph 2.3.4):~~

- ~~(a) Replacement Energy Contract Volume Notification is submitted then, with effect from the Effective-from Date of the Replacement Energy Contract Volume Notification (or, if later, the first Settlement Period from which it is in force pursuant to paragraph 1.2.4), the Replacement Energy Contract Volume Notification shall replace the earlier valid Energy Contract Volume Notification and, the earlier valid Energy Contract Volume Notification shall cease to be in force (or if it is not yet in force, shall not come into force), irrespective of whether the Effective-from Date of the earlier valid Energy Contract Volume Notification falls before or after the Effective-to Date of the Replacement Energy Contract Volume Notification; Energy Contract Volume Notification (the "second" such notification) is submitted for which the relevant Energy Contract Volume Notification Agent, Energy (From) Account and Energy (To) Account are the same as those for an earlier submitted Energy Contract Volume Notification (the "first" such notification):~~

- ~~(a) if the second notification specifies (pursuant to paragraph 2.3.2(c)(i)) that it is to replace the first notification, and either~~
- ~~(i) the Effective-from Date of the second notification is the same as or prior to the Effective-to Date of the first notification; or~~
- ~~(ii) the first notification has no Effective-to Date;~~

~~then, with effect from the Effective-from Date of the second notification (or, if later, the first Settlement Period from which it is in force pursuant to paragraph 1.2.4), the second notification shall replace the first notification and, the first~~

~~notification shall cease to be in force (or if it is not yet in force, shall not come into force), irrespective of whether the Effective from Date of the first notification falls before or after the Effective to Date of the second notification;~~

- (b) ~~otherwise, Additional Energy Contract Volume Notification is submitted, the second notification~~ Additional Energy Contract Volume Notification shall be additional to the ~~first~~ earlier valid Energy Contract Volume Notification, and the ~~earlier valid Energy Contract Volume Notification~~ first notification shall (subject to any other provision of this Section P) remain in (or, as the case may be, come into) force.

Insert a new paragraph 2.7 as follows:

2.7 Retrospective Authorisation Change

- 2.7.1 Notwithstanding anything to the contrary in this Section P, no later than five (5) Business Days after the Relevant Implementation Date of Modification Proposal P309, the Relevant Contract Parties may submit one or more Authorisation Changes where the effective date of that Authorisation Change (specified in accordance with BSCP71) is between 21 May 2013 and the Relevant Implementation Date of Modification Proposal P309 (a "Retrospective Authorisation Change").
- 2.7.2 If the Energy Contract Volume Aggregation Agent receives a Retrospective Authorisation Change in accordance with paragraph 2.7.1, paragraph 2.1.6 of this Section P shall apply to such Retrospective Authorisation Change (and references to an "Authorisation Change" shall be deemed to be references to a "Retrospective Authorisation Change").
- 2.7.3 An Energy Contract Volume Notification submitted after the effective date of a Retrospective Authorisation Change (specified in accordance with BSCP71) shall be valid only if the conditions in paragraph 2.3.4 are met (and paragraph 2.3.4A shall apply).
- 2.7.5 The Energy Contract Volume Aggregation Agent shall re-validate (in accordance with paragraph 2.7.3) Energy Contract Volume Notifications that have been previously submitted after the effective date of a Retrospective Authorisation Change.
- 2.7.6 An Energy Contract Volume Notification that is subject to re-validation in accordance with paragraph 2.7.5 and does not achieve validation shall be removed from the next Reconciliation Settlement Run and Reconciliation Volume Allocation Run or, if there is no further Reconciliation Settlement Run and Reconciliation Volume Allocation Run, an Extra Settlement Determination shall be performed in accordance with Sections U2.2.3, U2.2.3A, U2.2.3B, and U2.2.5 (provided that, for the purpose of this paragraph, the provisions of Section U2.2.3 shall apply mutatis mutandis to the Panel as if references to the Trading Disputes Committee were references to the Panel).

ANNEX X-1: GENERAL GLOSSARY (V63.0)

Insert the following new definitions into the general glossary in alphabetical order to read as follows:

"Additional Energy Contract Volume Notification":

means an Energy Contract Volume Notification (the "second" such notification) submitted for which the relevant Energy Contract Volume Notification Agent, Energy (From) Account and Energy (To) Account are the same as those for an earlier valid Energy Contract Volume Notification (the "first" such notification), and:

- (a) the second notification does not specify (pursuant to Section P2.3.2(c)(i)) that it is to replace the first notification (by the ECVN identifier provided for in BSCP71); and
- (b) the period for which the second notification shall be effective includes one or more Settlement Periods that are within the period for which the first notification is effective;

"Authorisation Change":

has the meaning given to that term in Section P2.1.5;

"Initial Energy Contract Volume Notification":

means:

- (a) an Energy Contract Volume Notification in respect of which there is no earlier valid Energy Contract Volume Notification with the same Energy Contract Volume Notification Agent, Energy (From) Account and Energy (To) Account; or
- (b) an Energy Contract Volume Notification (the "second" such notification) submitted for which the relevant Energy Contract Volume Notification Agent, Energy (From) Account and Energy (To) Account are the same as those for an earlier valid Energy Contract Volume Notification (the "first" such notification) and the second notification is not an Additional Energy Contract Volume Notification or a Replacement Energy Contract Volume Notification in relation to the first notification;

"Replacement Energy Contract Volume Notification":

means an Energy Contract Volume Notification (the "second" such notification) submitted for which the relevant Energy Contract Volume Notification Agent, Energy (From) Account and Energy (To) Account are the same as those for an earlier valid Energy Contract Volume Notification (the "first" such notification), and:

(a) the second notification specifies (pursuant to Section P2.3.2(c)(i)) that it is to replace the first notification (by the ECVN identifier provided for in BSCP71); and

(b) either:

(i) the Effective-from Date of the second notification is the same as or prior to the Effective-to Date of the first notification; or

(ii) the first notification has no Effective-to Date;

"Retrospective Authorisation Change":

has the meaning given to that term in Section P2.7.1;