

Responses from P159 Assessment Consultation

Consultation issued 2 April 2004

Representations were received from the following parties:

No.	Company	File Number	No. BSC Parties Represented	No. Non-Parties Represented
1.	Innogy	P159_ASS_001	10	0
2.	Scottish Power	P159_ASS_002	6	0
3.	Midlands Electricity	P159_ASS_003	1	0
4.	EDF Energy	P159_ASS_004	9	0
5.	British Gas Trading	P159_ASS_005	1	0
6.	Powergen	P159_ASS_006	14	0
7.	Scottish and Southern (late response)	P159_ASS_007	5	0

P159_ASS_001 - Innogy

Respondent:	<i>Terry Ballard</i>
No. of BSC Parties Represented	<i>10</i>
BSC Parties Represented	<i>RWE Trading; RWE Innogy; Innogy Cogen Ltd; Innogy Cogen Trading Ltd; Npower Ltd; Npower Direct Ltd; Npower Northern Ltd; Npower Northern Supply Ltd; Npower Yorkshire; Npower Yorkshire Supply Ltd</i>
No. of Non BSC Parties Represented	
Non BSC Parties represented	<i>Please list all non BSC 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)</i>

Q	Question	Response	Rationale
1.	Do you believe that the Proposed Modification P159 would better facilitate the achievement of the Applicable BSC Objectives? Please give rationale and state objective(s).	Yes	It will better facilitate objective 'D'
2.	Do you believe that e-mail represents a cost-effective and efficient medium for individual communications within the Code and Code Subsidiary Documents under H 9.2? Please give rationale with regard to the Applicable BSC Objectives. <i>Parties are invited to provide views as to the costs or cost-benefits associated with use of e-mail for communications under H 9.2, and any costs which would result from altering existing practice from use of e-mail for many communications to use of post or fax.</i> <i>Small Parties are also specifically invited to provide views as to the efficiency of e-mail communications for smaller market participants (with supporting cost information if desired).</i>	Yes	It will largely codify current practice within the BSC. Not implementing the Mod would result in a greater use of other forms of communication and therefore be inefficient.

Q	Question	Response	Rationale
3.	<p>Do you support the approach of the GSMG that use of e-mail under P159 should be at the discretion of the sender of the communication?</p> <p>Please give rationale with regard to the Applicable BSC Objectives.</p>	Yes	
4.	<p>Do you support the approach of the GSMG that exceptions to use of e-mail under P159 should occur only where BSCCo's legal advice indicates that certain communications should not be sent solely by e-mail?</p> <p>Please give rationale with regard to the Applicable BSC Objectives.</p>	Yes	It is not appropriate for the communication of formal notices that grant rights or impose obligations to be solely issued by e-mail.
5.	<p>Do you believe there to be any other communications not considered by the GSMG which should form exceptions to use of e-mail under P159?</p> <p>Please specify and give rationale with regard to the Applicable BSC Objectives (<i>with supporting legal or commercial arguments if desired</i>).</p>	No	
6.	<p>Do you believe there to be any communications considered by the GSMG to require exceptions where sole use of e-mail would in fact be appropriate?</p> <p>Please specify and give rationale with regard to the Applicable BSC Objectives (<i>with supporting legal or commercial arguments if desired</i>).</p>	No	
7.	<p>Do you support the approach of the GSMG that exceptions under P159 may be sent by e-mail providing that they are additionally confirmed by post or fax?</p> <p>Please give rationale with regard to the Applicable BSC Objectives.</p>	Yes	

Q	Question	Response	Rationale
8.	Do you believe there to be any communications under P159 which may require exceptions to the existing e-mail deemed receipt provisions contained in H 9.2 of the Code? Please specify and give rationale with regard to the Applicable BSC Objectives.	No	
9.	Do you believe there to be any additional governance rules for e-mail communications which should be introduced by P159 and which have not been considered by the GSMG? Please specify and give rationale with regard to the Applicable BSC Objectives.	No	
10.	Do you believe there are any alternative solutions that the Modification Group has not identified and that should be considered? Please give rationale.	No	
11.	Does P159 raise any other issues that you believe have not been identified so far and that should be progressed as part of the Assessment Procedure? Please give rationale.	No	

P159_ASS_002 - Scottish Power

Respondent:	<i>John W Russell (SAIC Ltd)</i>
No. of BSC Parties Represented	<i>6</i>
BSC Parties Represented	<i>Please list all BSC Parties responding on behalf of (including the respondent company if relevant). Scottish Power UK plc; ScottishPower Energy Management Ltd; Scottish Power Generation Ltd; ScottishPower Energy Retail Ltd; SP transmission Ltd; SP Manweb PLC.</i>
No. of Non BSC Parties Represented	<i>0</i>
Non BSC Parties represented	<i>Please list all non BSC Parties responding on behalf of (including the respondent company if relevant).</i>
Role of Respondent	<i>Supplier/Generator/ Trader / Consolidator / Exemptable Generator / Party Agent</i>

Q	Question	Response	Rationale
1.	Do you believe that the Proposed Modification P159 would better facilitate the achievement of the Applicable BSC Objectives? Please give rationale and state objective(s).	Yes	<i>Efficiency in administration of the BSC will be enhanced through limiting the range of communications methods in use. Cost savings will also be realised as postage costs are, generally, greater than those associated with sending emails. Thereby better facilitating the achievement of BSC objective D "promoting efficiency"</i>
2.	Do you believe that e-mail represents a cost-effective and efficient medium for individual communications within the Code and Code Subsidiary Documents under H 9.2? Please give rationale with regard to the Applicable BSC Objectives. <i>Parties are invited to provide views as to the costs or cost-benefits associated with use of e-mail for communications under H 9.2, and any costs which would result from altering existing practice from use of e-mail for many communications to use of post or fax. Small Parties are also specifically invited to provide views as to the efficiency of e-mail communications for smaller</i>	Yes	<i>We agree with the Authority, who have already accepted in their decision letter concerning P113: "that the distribution of general notices by e-mail has demonstrated itself to be as reliable as post or fax, whilst delivering significant gains in administrative efficiency" We also agree with GSMG that since P159 would largely confirm existing practice for individual communications and that the cost and efficiency benefits to BSCCo of the implementation of P159 may be relatively small. However the impact of changing these practises in order to send individual communications by post or fax only would result in increased BSCCo administrative costs and timescales for processes such as logging, thereby going against BSC objective D "promoting efficiency"</i>

Q	Question	Response	Rationale
	<i>market participants (with supporting cost information if desired).</i>		
3.	Do you support the approach of the GSMG that use of e-mail under P159 should be at the discretion of the sender of the communication? Please give rationale with regard to the Applicable BSC Objectives.	Yes	<i>The efficiency gains would be lost if recipients were able to select different methods of delivery.</i>
4.	Do you support the approach of the GSMG that exceptions to use of e-mail under P159 should occur only where BSCCo's legal advice indicates that certain communications should not be sent solely by e-mail? Please give rationale with regard to the Applicable BSC Objectives.	Yes	<i>Although this would retain an element of the existing inefficiency, there are likely to be a few cases where email cannot be used.</i>
5.	Do you believe there to be any other communications not considered by the GSMG which should form exceptions to use of e-mail under P159? Please specify and give rationale with regard to the Applicable BSC Objectives <i>(with supporting legal or commercial arguments if desired)</i> .	No	N/A
6.	Do you believe there to be any communications considered by the GSMG to require exceptions where sole use of e-mail would in fact be appropriate? Please specify and give rationale with regard to the Applicable BSC Objectives <i>(with supporting legal or commercial arguments if desired)</i> .	No	N/A
7.	Do you support the approach of the GSMG that exceptions under P159 may be sent by e-mail providing that they are additionally confirmed by post or fax? Please give rationale with regard to the Applicable BSC Objectives.	Yes	<i>The use of email would provide prior warning that such a communication should be expected.</i>

Q	Question	Response	Rationale
8.	Do you believe there to be any communications under P159 which may require exceptions to the existing e-mail deemed receipt provisions contained in H 9.2 of the Code? Please specify and give rationale with regard to the Applicable BSC Objectives.	No	<i>N/A</i>
9.	Do you believe there to be any additional governance rules for e-mail communications which should be introduced by P159 and which have not been considered by the GSMG? Please specify and give rationale with regard to the Applicable BSC Objectives.	No	<i>N/A</i>
10.	Do you believe there are any alternative solutions that the Modification Group has not identified and that should be considered? Please give rationale.	No	<i>N/A</i>
11.	Does P159 raise any other issues that you believe have not been identified so far and that should be progressed as part of the Assessment Procedure? Please give rationale.	No	<i>N/A</i>

P159_ASS_003 – Midlands Electricity

Midlands Electricity (formally Aquila Networks PLC) would like to return a response of 'No Comment' to P159 Assessment Consultation.

Regards,

Deborah Hayward
Distribution Support Office & Deregulation Control Group
Midlands Electricity

P159_ASS_004 – EDF Energy

Respondent:	Tony Diccio (EDF Energy)
No. of BSC Parties Represented	9
BSC 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 BSC Parties Represented	0
Non BSC Parties represented	N/A
Role of Respondent	Supplier/Generator/ Trader

Q	Question	Response	Rationale
1.	Do you believe that the Proposed Modification P159 would better facilitate the achievement of the Applicable BSC Objectives? Please give rationale and state objective(s).	Yes	To find against will remove efficiency benefits of present accepted practice and result in increased BSCCo administration costs.
2.	Do you believe that e-mail represents a cost-effective and efficient medium for individual communications within the Code and Code Subsidiary Documents under H 9.2? Please give rationale with regard to the Applicable BSC Objectives. <i>Parties are invited to provide views as to the costs or cost-benefits associated with use of e-mail for communications under H 9.2, and any costs which would result from altering existing practice from use of e-mail for many communications to use of post or fax.</i> <i>Small Parties are also specifically invited to provide views as to the efficiency of e-mail communications for smaller market</i>	Yes	We consider that Applicable BSC Objective (d) is better facilitated by the introduction of P159.

Q	Question	Response	Rationale
	<i>participants (with supporting cost information if desired).</i>		
3.	Do you support the approach of the GSMG that use of e-mail under P159 should be at the discretion of the sender of the communication? Please give rationale with regard to the Applicable BSC Objectives.	Yes	If BSCCo was to choose the format for both issue and receipt (& thereby removing this choice for Parties), it could potentially be viewed as discriminatory.
4.	Do you support the approach of the GSMG that exceptions to use of e-mail under P159 should occur only where BSCCo's legal advice indicates that certain communications should not be sent solely by e-mail? Please give rationale with regard to the Applicable BSC Objectives.	Yes	EDF Energy acknowledges that there are certain communications that should not be sent solely by e-mail and that additional confirmation with the appropriate signatories may be required. We believe that this better facilitates Applicable BSC Objective (d) ensuring BSCCo procedures are timely and legally robust.
5.	Do you believe there to be any other communications not considered by the GSMG which should form exceptions to use of e-mail under P159? Please specify and give rationale with regard to the Applicable BSC Objectives <i>(with supporting legal or commercial arguments if desired)</i> .	No	
6.	Do you believe there to be any communications considered by the GSMG to require exceptions where sole use of e-mail would in fact be appropriate? Please specify and give rationale with regard to the Applicable BSC Objectives <i>(with supporting legal or commercial arguments if desired)</i> .	No	
7.	Do you support the approach of the GSMG that exceptions under P159 may be sent by e-mail providing that they are additionally confirmed by post or fax? Please give rationale with regard to the Applicable BSC Objectives.	Yes	Post or fax are appropriate for any exceptions under P159 that require additional confirmation. However, if both parties agree that an email-only route is best then we would be sympathetic to that option being open to them. This should provide improvements that would assist in administration of BSC.

Q	Question	Response	Rationale
8.	Do you believe there to be any communications under P159 which may require exceptions to the existing e-mail deemed receipt provisions contained in H 9.2 of the Code? Please specify and give rationale with regard to the Applicable BSC Objectives.	No	We are content that the GSMG has addressed this issue.
9.	Do you believe there to be any additional governance rules for e-mail communications which should be introduced by P159 and which have not been considered by the GSMG? Please specify and give rationale with regard to the Applicable BSC Objectives.	No	We note the BSCCo's external legal advisors have confirmed that the P113 Code provisions were consistent with normal industry practice.
10.	Do you believe there are any alternative solutions that the Modification Group has not identified and that should be considered? Please give rationale.	No	
11.	Does P159 raise any other issues that you believe have not been identified so far and that should be progressed as part of the Assessment Procedure? Please give rationale.	No	

P159_ASS_005 – British Gas Trading

Respondent:	Mark Manley
No. of BSC Parties Represented	
BSC Parties Represented	British Gas Trading (BGT)
No. of Non BSC Parties Represented	
Non BSC Parties represented	
Role of Respondent	

Q	Question	Response	Rationale
1.	Do you believe that the Proposed Modification P159 would better facilitate the achievement of the Applicable BSC Objectives? Please give rationale and state objective(s).	Yes	BGT believe email communication is an efficient method of communicating and therefore agree the proposal to use email will improve administration in the BSC arrangements and therefore better facilitates Applicable BSC Objective (d).
2.	Do you believe that e-mail represents a cost-effective and efficient medium for individual communications within the Code and Code Subsidiary Documents under H 9.2? Please give rationale with regard to the Applicable BSC Objectives. <i>Parties are invited to provide views as to the costs or cost-benefits associated with use of e-mail for communications under H 9.2, and any costs which would result from altering existing practice from use of e-mail for many communications to use of post or fax.</i> <i>Small Parties are also specifically invited to provide views as to the efficiency of e-mail communications for smaller market participants (with supporting cost information if desired).</i>	Yes	The use of email is recognised as an efficient and cost effective method of communication. It is BGT's understanding that P159 is simply looking to formalise current practices. Therefore this can be seen to maintain the current level of efficiency of communication under the BSC.

Q	Question	Response	Rationale
3.	<p>Do you support the approach of the GSMG that use of e-mail under P159 should be at the discretion of the sender of the communication?</p> <p>Please give rationale with regard to the Applicable BSC Objectives.</p>	No	<p>BGT would prefer to have some certainty in terms of the communications medium chosen. BGT do have some concerns under the current regime that pertinent communications can be sent to the incorrect person within the company. Removing discretion from the sender would allow BSCCo to develop a more controlled method of communication, which would reduce the likelihood of communications going astray.</p>
4.	<p>Do you support the approach of the GSMG that exceptions to use of e-mail under P159 should occur only where BSCCo's legal advice indicates that certain communications should not be sent solely by e-mail?</p> <p>Please give rationale with regard to the Applicable BSC Objectives.</p>	Yes	<p>BGT note the legal opinion provided by BSCCo. The impact of this opinion means that there will be some duplication in communications. As some of the communications will not be able to be sent solely by email a back up source like post or fax will be required. In light of the legal opinion and the requirement for hard copy signatures, BGT agree there needs to be certain exceptions. BGT also concurs with the view of the group that these 'exceptions' need to be kept to a minimum.</p>
5.	<p>Do you believe there to be any other communications not considered by the GSMG which should form exceptions to use of e-mail under P159?</p> <p>Please specify and give rationale with regard to the Applicable BSC Objectives (<i>with supporting legal or commercial arguments if desired</i>).</p>	No	
6.	<p>Do you believe there to be any communications considered by the GSMG to require exceptions where sole use of e-mail would in fact be appropriate?</p> <p>Please specify and give rationale with regard to the Applicable BSC Objectives (<i>with supporting legal or commercial arguments if desired</i>).</p>	Yes	<p>BGT do not see the requirement to have hard copies for the nomination and voting forms for the Panel election process.</p>
7.	<p>Do you support the approach of the GSMG that exceptions under P159 may be sent by e-mail providing that they are additionally confirmed by post or fax?</p> <p>Please give rationale with regard to the Applicable BSC Objectives.</p>	Yes	<p>Whilst duplication of notices is not the most efficient method of communication, legal advice from ELEXON suggests that certain documents should be sent by hard copy as well. Using email in addition to the hard copy should ensure the Party in receipt of the notice receives the information promptly. This should also allow the recipient of the notice maximum time to meet the requirements of the notice.</p>

Q	Question	Response	Rationale
8.	<p>Do you believe there to be any communications under P159 which may require exceptions to the existing e-mail deemed receipt provisions contained in H 9.2 of the Code? Please specify and give rationale with regard to the Applicable BSC Objectives.</p>	No	<p>BGT do not believe there are any communications, which may require exceptions to the email deemed receipt rules. As formal notices under the Code will be sent by hard copy as well as email this should provide additional assurance of delivery. Therefore the existing rules appear to be appropriate. In addition the existing rules for deemed receipt seemed reasonable when they were implemented under P113 and BGT are not aware of any instances to date that would require an amendment to the rules.</p>
9.	<p>Do you believe there to be any additional governance rules for e-mail communications which should be introduced by P159 and which have not been considered by the GSMG? Please specify and give rationale with regard to the Applicable BSC Objectives.</p>	No	
10.	<p>Do you believe there are any alternative solutions that the Modification Group has not identified and that should be considered? Please give rationale.</p>	No	
11.	<p>Does P159 raise any other issues that you believe have not been identified so far and that should be progressed as part of the Assessment Procedure? Please give rationale.</p>	Yes	<p>BSCCo should create a central communication channel that it was obligated to adhere to for all communications. This would reduce the risk of pertinent emails going astray.</p>

P159_ASS_006 - Powergen

Respondent:	<i>Powergen</i>
No. of BSC Parties Represented	<i>14</i>
BSC Parties Represented	<i>Please list all BSC Parties responding on behalf of (including the respondent company if relevant). Powergen UK plc, Powergen Retail 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</i>
No. of Non BSC Parties Represented	<i>0</i>
Non BSC Parties represented	<i>N/A</i>
Role of Respondent	<i>Supplier, Generator, Trader and Exemptable Generator</i>

Q	Question	Response	Rationale
1.	Do you believe that the Proposed Modification P159 would better facilitate the achievement of the Applicable BSC Objectives? Please give rationale and state objective(s).	Yes	P159 will remove a potential inconsistency between the current drafting of the Code and Code Subsidiary Documents. Provided that appropriate exceptions are maintained (as described in the assessment consultation), we believe that the modification will better facilitate the achievement of the applicable BSC objective (d).

Q	Question	Response	Rationale
2.	<p>Do you believe that e-mail represents a cost-effective and efficient medium for individual communications within the Code and Code Subsidiary Documents under H 9.2? Please give rationale with regard to the Applicable BSC Objectives.</p> <p><i>Parties are invited to provide views as to the costs or cost-benefits associated with use of e-mail for communications under H 9.2, and any costs which would result from altering existing practice from use of e-mail for many communications to use of post or fax.</i></p> <p><i>Small Parties are also specifically invited to provide views as to the efficiency of e-mail communications for smaller market participants (with supporting cost information if desired).</i></p>	Yes	
3.	<p>Do you support the approach of the GSMG that use of e-mail under P159 should be at the discretion of the sender of the communication? Please give rationale with regard to the Applicable BSC Objectives.</p>	Yes	This would appear to be the most efficient means of implementing P159 as it would (to a large extent) confirm existing practices.
4.	<p>Do you support the approach of the GSMG that exceptions to use of e-mail under P159 should occur only where BSCCo's legal advice indicates that certain communications should not be sent solely by e-mail? Please give rationale with regard to the Applicable BSC Objectives.</p>	Yes	Unless exceptions are kept to a minimum it is likely that the level of administrative efficiency will be reduced.
5.	<p>Do you believe there to be any other communications not considered by the GSMG which should form exceptions to use of e-mail under P159? Please specify and give rationale with regard to the Applicable BSC Objectives <i>(with supporting legal or commercial arguments if desired)</i>.</p>	No	Non-identified so far.

Q	Question	Response	Rationale
6.	<p>Do you believe there to be any communications considered by the GSMG to require exceptions where sole use of e-mail would in fact be appropriate?</p> <p>Please specify and give rationale with regard to the Applicable BSC Objectives (<i>with supporting legal or commercial arguments if desired</i>).</p>	No	
7.	<p>Do you support the approach of the GSMG that exceptions under P159 may be sent by e-mail providing that they are additionally confirmed by post or fax?</p> <p>Please give rationale with regard to the Applicable BSC Objectives.</p>	Yes	
8.	<p>Do you believe there to be any communications under P159 which may require exceptions to the existing e-mail deemed receipt provisions contained in H 9.2 of the Code?</p> <p>Please specify and give rationale with regard to the Applicable BSC Objectives.</p>	No	Applying the current deemed receipt rules seems a logical and consistent approach.
9.	<p>Do you believe there to be any additional governance rules for e-mail communications which should be introduced by P159 and which have not been considered by the GSMG?</p> <p>Please specify and give rationale with regard to the Applicable BSC Objectives.</p>	No	
10.	<p>Do you believe there are any alternative solutions that the Modification Group has not identified and that should be considered?</p> <p>Please give rationale.</p>	No	
11.	<p>Does P159 raise any other issues that you believe have not been identified so far and that should be progressed as part of the Assessment Procedure?</p> <p>Please give rationale.</p>	No	

P159_ASS_007 – Scottish and Southern

Respondent:	<i>John Sykes SSE Energy Supply Limited</i>
No. of BSC Parties Represented	5
BSC Parties Represented	This response is sent on behalf of Scottish and Southern Energy, Southern Electric, Keadby Generation Ltd., Medway Power Ltd., and SSE Energy Supply Ltd.
No. of Non BSC Parties Represented	
Non BSC Parties represented	
Role of Respondent	<i>Supplier / Generator/ Trader / Party Agent</i>

Q	Question	Response	Rationale
1.	Do you believe that the Proposed Modification P159 would better facilitate the achievement of the Applicable BSC Objectives? Please give rationale and state objective(s).	Yes	But only as "regularising" existing practices.
2.	Do you believe that e-mail represents a cost-effective and efficient medium for individual communications within the Code and Code Subsidiary Documents under H 9.2? Please give rationale with regard to the Applicable BSC Objectives. <i>Parties are invited to provide views as to the costs or cost-benefits associated with use of e-mail for communications under H 9.2, and any costs which would result from altering existing practice from use of e-mail for many communications to use of post or fax.</i> <i>Small Parties are also specifically invited to provide views as to the efficiency of e-mail communications for smaller market participants (with supporting cost information if desired).</i>	No	The main advantage is one of timesaving. Whilst there is a saving in postage, this is probably marginal. It is assumed that in this mod, "email" refers to the method of transportation rather than the format. I.e. a document would be produced , but instead of printing it, putting it in an envelope and posting it (or faxing it) it is sent electronically as an attachment. This has several connotations:- <ul style="list-style-type: none"> • whilst most documents are produced in MS Office, compatibility of software even between version of the same product can cause issues. • This could lead to standards being imposed by Elexon which would be unacceptable. • For true interoperability and security, documents would need to be "imaged" e.g. "PDF". This would be an extra step and so less efficient. Some organisations may not have such facilities readily to hand. • The alternative use of passwords on documents would be a nightmare

Q	Question	Response	Rationale
			<p>to administer, and can cause firewall rejections, resulting in delayed delivery.</p> <ul style="list-style-type: none"> • How would Elexon then file it? Will they print it off anyway and file it as if it had been posted or faxed? If not, how will they file it electronically in a robust and orderly way? • The sender will almost certainly keep a paper copy on record, especially if it has an internal authorisation on it. <p>The administration is therefore likely to be more complicated.</p>
3.	<p>Do you support the approach of the GSMG that use of e-mail under P159 should be at the discretion of the sender of the communication? Please give rationale with regard to the Applicable BSC Objectives.</p>	Yes	<p>For the administrative reasons outlined in Q2. This means that Elexon will have to cater for both methods of operating, which will be more not less complicated.</p>
4.	<p>Do you support the approach of the GSMG that exceptions to use of e-mail under P159 should occur only where BSCCo's legal advice indicates that certain communications should not be sent solely by e-mail? Please give rationale with regard to the Applicable BSC Objectives.</p>	No	<p>The GSMG approach seems contrary to the approach in Q3.</p>
5.	<p>Do you believe there to be any other communications not considered by the GSMG which should form exceptions to use of e-mail under P159? Please specify and give rationale with regard to the Applicable BSC Objectives (<i>with supporting legal or commercial arguments if desired</i>).</p>	No	
6.	<p>Do you believe there to be any communications considered by the GSMG to require exceptions where sole use of e-mail would in fact be appropriate? Please specify and give rationale with regard to the Applicable BSC Objectives (<i>with supporting legal or commercial arguments if desired</i>).</p>	No	

Q	Question	Response	Rationale
7.	<p>Do you support the approach of the GSMG that exceptions under P159 may be sent by e-mail providing that they are additionally confirmed by post or fax? Please give rationale with regard to the Applicable BSC Objectives.</p>	Yes	But the follow up fax/post should be referred to in the email.
8.	<p>Do you believe there to be any communications under P159 which may require exceptions to the existing e-mail deemed receipt provisions contained in H 9.2 of the Code? Please specify and give rationale with regard to the Applicable BSC Objectives.</p>	No	
9.	<p>Do you believe there to be any additional governance rules for e-mail communications which should be introduced by P159 and which have not been considered by the GSMG? Please specify and give rationale with regard to the Applicable BSC Objectives.</p>	Yes	Where documents are required to have signatures, or where liability could accrue it is essential to have the paper backup. What happens if an "affirmative" is sent by email, and then the follow up says the opposite? Which takes precedence?
10.	<p>Do you believe there are any alternative solutions that the Modification Group has not identified and that should be considered? Please give rationale.</p>	No	
11.	<p>Does P159 raise any other issues that you believe have not been identified so far and that should be progressed as part of the Assessment Procedure? Please give rationale.</p>	Yes	<ul style="list-style-type: none"> • Durability and Authenticity – the important attributes that a piece of paper has is that it is physical, relatively forgery proof, and durable as a medium. Email attachments do not naturally have these attributes, and extra effort is needed to give them such. • Electronic Fraud – the current increase in SPAM, site ghosting and general internet fraud cannot be ignored. Other e-traders get round this by either using secure sites, encryption, electronic keys, etc. and/or by indemnifying the users against any loss that they may incur using the site. Elexon itself uses these techniques for its operational activities. The modification seems to be proposing that a totally insecure form of communication be given greater status than hitherto, which in the context of Elexon's other activities is paradoxical. It would be ludicrous to be able to acquire the keys to a secure system over an insecure one!

Q	Question	Response	Rationale
			Has the issue of fraud, either malicious, mischievous, or inadvertent been considered, and should we not be moving towards a private secure means of electronic communication, rather than the public www?