

<b>Modification Proposal</b>	<b>MP No: 112</b> <i>(mandatory by BSCCo)</i>
<b>Title of Modification Proposal</b> <i>(mandatory by proposer):</i>	
Removing the obligation on new BSC Parties acceding to the BSC Framework Agreement to comply with Section A 2.2.5.	
<b>Submission Date</b> <i>(mandatory by proposer):</i> <b>27 November 2002</b>	
<b>Description of Proposed Modification</b> <i>(mandatory by proposer):</i>	
<p>The Proposed Modification seeks to obviate the obligation on new BSC Parties acceding to the Framework Agreement to comply with the provisions of Section A 2.2.5 i.e giving a confidential undertaking and complying with the requirements of the IPR Litigation Requirements document, whilst ensuring that the undertakings as to confidentiality remain in place in relation to existing BSC Parties.</p> <p>To give effect to the proposal and upon recommendation by ELEXON, the BSC Panel (in its capacity as Proposer), suggests by way of legal text the insertion of a new paragraph BSC Section A 2.2.7 as follows:</p> <p><i>"The requirements contained in Section A 2.2.5 and all related requirements in the Code shall not apply to any person acceding to the Framework Agreement after [date as determined by the BSC Panel]."</i></p>	
<b>Description of Issue or Defect that Modification Proposal Seeks to Address</b> <i>(mandatory by proposer):</i>	
<p>Section A 2.2.5 of the BSC requires that a person wishing to enter into or accede to the BSC Framework Agreement and become a Party to the BSC must comply with the requirements set out in the IPR Litigation Requirements document (and related undertakings of confidentiality). The dispute to which this document refers has now been resolved and therefore it is recommended that the BSC be amended to reflect the fact that the obligations in Section A 2.2.5 are not relevant to new Parties acceding to the BSC Framework Agreement.</p> <p>ELEXON has taken legal advice from the solicitors instructed to defend the OSL claim on the question of whether current BSC Parties should remain bound by their existing confidentiality undertakings in relation to the IPR Litigation Requirements document. The advice received is that it would be desirable if these undertakings remained in place in part to enable ELEXON to exert continuing control over what information is disseminated about the litigation and associated proceedings.</p>	
<b>Impact on Code</b> <i>(optional by proposer):</i>	
<p>Insertion of a new paragraph BSC Section A 2.2.7 as follows:</p> <p><i>"The requirements contained in Section A 2.2.5 and all related requirements in the Code shall not apply to any person acceding to the Framework Agreement after [date as determined by the BSC Panel]."</i></p>	
<b>Impact on Core Industry Documents</b> <i>(optional by proposer):</i>	
Not applicable	
<b>Impact on BSC Systems and Other Relevant Systems and Processes Used by Parties</b> <i>(optional by proposer):</i>	
Not applicable	

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### Impact on other Configurable Items (optional by proposer):

Not applicable

### Justification for Proposed Modification with Reference to Applicable BSC Objectives (mandatory by proposer):

In the proposer's view, the Proposed Modification 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 BSC. The removal of the requirement for new BSC Parties acceding to the BSC Framework Agreement to comply with Section A 2.2.5 would reduce the administrative burden on both new Parties wishing to accede and ELEXON's administration of the accession process.

### Details of Proposer:

**Name:** BSC Panel

**Organisation:**

**Telephone Number:**

**Email Address:**

### Details of Proposer's Representative:

**Name:** Modification Secretary

**Organisation:** ELEXON

**Telephone Number:** 020 73804337

**Email Address:** chris.rowell@ELEXON.co.uk

### Details of Representative's Alternate:

**Name:**

**Organisation:**

**Telephone Number:**

**Email Address:**

**Attachments:** NO

**If Yes, Title and No. of Pages of Each Attachment:**