

ANNEX 1 – REPRESENTATIONS

Representations were received from the following parties:

No	Company
1.	Dynegy
2.	TXU Europe Energy Trading Ltd
3.	London Electricity
4.	Powergen UK plc
5.	SEEBOARD
6.	British Energy plc
7.	Scottish & Southern Energy
8.	Scottish Power UK plc
9.	British Gas Trading

Dynegy

Dynegy would like to make the following comments concerning the draft modification report of P001: Extension to the definition of ECVAAs system failure.

Dynegy support the BSC Panel's recommendation to the Authority that approves the alternative modification and the non retrospective implementation.

Dynegy welcome the expansion of the original modification that intends to cover the failure of the low grade links as well as the high grade. We are also pleased with the Panel's recommendation of not making the modification retrospective. We do not believe that there are any advantages of retrospection in comparison to the uncertainty created.

Rekha Patel

TXU Europe Energy Trading Ltd**Modification Proposal P1 - Extension to the Definition of ECVAAs System Failure**

Thank you for the opportunity to comment on the above modification proposal. TXU Europe Energy Trading Ltd would like to make the following comments on behalf of all TXU Europe companies.

TXU agree with the modification group recommendation that the alternative modification should be implemented. Communications failures, as described in the modification report, are beyond the control of market participants and therefore parties should be able to re-submit ECVNs should such a failure occur.

Yours sincerely

Nicola Lea
Market Development Analyst

London Electricity

London Electricity is happy with this modification.

Liz Anderson
(London Electricity, South Western Electricity, Jade Power and Sutton Bridge Power)

Powergen UK plc

Proposed Variation to BSC – Modification Proposal No: 1 - Extension Of The Definition Of ECVAA Systems Failure For Permitting Post Gate Closure Notification

Powergen UK plc ("Powergen") welcomes the opportunity to comment on the modification report issued for P1 on the 30th July. Powergen provides this response on behalf of itself and the following BSC Parties: Powergen Energy plc, Diamond Power Generation Limited, and Cottam Development Centre Limited.

In response to the modification report Powergen would raise the following points :-

- Powergen support the proposals contained within the report under the alternative modification including the extension of the modification to cover the low grade service.
- Powergen would support the implementation of the alternative modification immediately upon approval in order.

Yours Sincerely
James Hawkins
Strategy & Regulation
Energy Trading
Powergen
02476 42 4737.

SEEBOARD

We agree with the recommendation to accept P1 alternative modification.

We do feel that there should be a number of changes to section X-1 of Balancing & Settlement Code as part of this modification. These would be to remove definition of "ECVAA System Failure" and introduce three new definitions, namely: "Notification System", "Notification System Incident" and "Party Service Boundary". These could be added in the same form as currently used for "ECVAA System Failure" by defining under meaning as "has the meaning given to that term in Section P5.1.1:".

Dave Morton
SEEBOARD
0190 328 3465

British Energy plc

In general, British Energy supports the alternative proposal suggested by the Modification Group. We believe the modification will facilitate equitable treatment of communication failures to Parties using either High Grade or Low Grade links. We do not support retrospective application of code changes, which we consider would undermine confidence in the BSC and associated markets.

We have a concern over the clarity of the proposal in respect of parties with high grade systems. The proposal should clarify that a party with both a high grade and a low grade link would be covered in the event of a failure of its high grade link only. BE believe that as written it could be interpreted that if a party uses the high grade service, then both the high and low grade infrastructures need to fail before ECVAA failure can be claimed. Swapping between high grade and low grade services at short notice is not currently a practical option.

Regards
Rachel Ace
For
British Energy Power and Energy Trading
British Energy Generation
Eggborough Power Ltd

Scottish & Southern Energy

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

We support the recommendation of the Panel, that the Modification as submitted is rejected, and that the Alternative Modification is approved and implemented upon such approval. We do however have one further comment on the Draft Report.

It is not clear how the extension of the original Modification to include Low Grade links will work, e.g. as it includes internet connections, will failure of their ISP constitute an ECVAA failure. Does this leave scope for dubious ex-post notifications? Perhaps these issues have already been covered, if so, I would be interested in the conclusions.

Regards
Robert

Scottish Power UK plc**Modification Proposal P1 – Extension to the Definition of ECVAA System Failure**

Having reviewed the Draft Modification Report for P1, we support the recommendations of the Modification Group that the alternative proposal be implemented and that the definition of an ECVAA systems failure should be extended to include communication link failures in both Low and High Grade Links. We also concur with the recommendation not to implement retrospectively.

However, we would like to highlight some apparent errors in the legal drafting of the Modification Proposal, viz.

- 5.2.3 - incorrect cross reference to paragraph 5.1.1(c), should be paragraph 5.1.1(e)
- 5.3.1(a)(i) - same error as in 5.2.3 requiring the same remedy
- 5.3.1(b)(i) - text should say, "...in the case of a Notification System Incident giving rise..."

I hope that you find these comments to be helpful. If I may be of any further assistance, please do not hesitate to contact me.

Yours Sincerely,

James Nixon

On behalf of:

Scottish Power UK plc, Manweb Plc and Manweb Services Ltd.

British Gas Trading**Modification Proposal 1: Extension to the Definition of ECVAA System Failure**

Thank you for the opportunity of responding to this modification. British Gas Trading supports the Alternative modification developed by the Modification Group that extends the re-submission contingency for affected Volume Notifications to failures of Low grade, as well as High grade, Communication Links.

We support the removal of retrospective application of this Modification in the Alternative Proposal with the implementation date immediate on approval.

Yours faithfully,

Sarah Grimes

Commercial Manager