

## Stage 04: Draft Mod Report

What stage is this document in the process?

01 Initial Written Assessment

02 Definition Procedure

03 Assessment Procedure

▶ 04 Report Phase

# P258: Party Agent inclusion in the BSC Trading Disputes process

P258 seeks to enable Party Agents to notify BSCCo of significant errors that may have an impact on Settlement, where they have not been resolved by the respective BSC Party.



Initially, the Panel unanimously/by a majority recommends the **rejection** of P258.



High Impact:  
The Trading Disputes Committee, BSCCo, Parties and Party Agents

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### Any questions?

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## About this document:

This document is a Draft Modification Report, which ELEXON will present to the Panel on 12 August 2010. The Panel will consider the recommendations, and will agree its final view on whether or not this change should be made. ELEXON will then submit a Final Modification Report to the Authority.

This document contains a summary of the industry responses to the Report Phase Consultation. You can download the full individual responses from ELEXON's website [here](#).

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## 1 Summary

### Why Change?

The Trading Dispute Committee instigated a review of the Trading Disputes processes in 2009, which resulted in 12 recommendations, 8 of which are being progressed via 3 Modification Proposals (P256, P257 and P258). P258 is proposing changes to resolve one of the Trading Disputes review recommendations, which is to get Party Agents involved in the Trading Dispute process.

The Trading Dispute review group findings indicated that Supplier Agents, particularly Data Collectors (DCs) are likely to know if settlement data is wrong and what the correct data should be. Currently the Supplier Agent may inform the appropriate Supplier of this, but it is then up to the Supplier whether to raise a Dispute. As a result there may be reduced assurance that Settlement data is accurate.

### Solution

P258 intends to improve the accuracy of Settlement data by obliging Suppliers to ensure that Supplier Agents inform ELEXON of potential settlement errors in the Final Reconciliation Run (RF) that have not been reported or rectified via a Trading Dispute. This involves placing an obligation on BSC Parties to procure their Party Agents to inform both themselves and ELEXON of such significant errors that have not been reported or rectified. ELEXON would then investigate the error and if it was deemed to be genuine raise a Dispute.

### Impacts & Costs

The P258 Proposed solution involves no system impacts. The main impact will be on Section W to add the new obligation. BSCP11 will also need updating. The estimated implementation costs are £1,200 equating to 5 Man Days of ELEXON effort.

### Implementation

If approved the Panel's recommends P258 is implemented on:

- **03 November 2011** if a decision is reached by 01 November 2010: or
- **The Next Available Release** allowing for a minimum 12 month implementation period if a decision is made after 01 November 2010.

### The Case for Change

The Panel's unanimous view is that the proposed solution should be **rejected**.

The Panel agreed with the Group that the intention of P258 was laudable and that increased Settlement Accuracy is always a good thing, they also agreed with the majority of the Group that Supplier Agents may not have the complete picture of data and therefore would not be in a position to say if there was a potential error. Therefore this change would be difficult to implement, manage and enforce. It may also lead to an inefficient process where Supplier Agents spend time tracking many potential errors, which ELEXON would then have to investigate even though the majority of these errors would not end up as valid Disputes.

A Majority of the Report Phase consultation respondents supported the Panel's initial recommendations and its views against the Applicable BSC Objectives.

### Recommendations

**The Panel therefore initially recommends unanimously that P258 should be rejected.**

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## 2 Why Change?

### What is the TDC?

The role of the Trading Disputes Committee is to ensure that all Trading Disputes are resolved so that errors are corrected and the integrity of Settlement is maintained.

### The Trading Disputes Process

The Trading Disputes process is a remedial Performance Assurance technique that provides a mechanism for correcting identified settlement errors where the Code has not been followed or the error was not previously identified. Any data can be corrected before the Initial Settlement (SF) Run but after this can only be changed through the Disputes process or if the Code explicitly allows it.

Trading Disputes can arise as a result of errors in the data, processes and/or application of the rules used for the purposes of Settlement, where such errors affect the determination of Trading Charges paid to or from Parties. The Trading Disputes process allows for incorrectly derived Settlement data to be re-calculated, and for the corrected Trading Charges to be adjusted accordingly. The process is defined in Section W 'Trading Queries and Trading Disputes' of the BSC and BSCP11 'Trading Disputes and Trading Queries'.

### The Trading Disputes Process Review 2009

The Trading Disputes process was last reviewed in 2002. Over the recent years feedback from the industry has indicated that the current process is too complex. As a result of this feedback as well as the time elapsed since the last review, the Trading Disputes Committee (TDC) instigated a review of the Trading Disputes process to identify improvements that would make the process more user-friendly, simpler and efficient.

The TDC identified 12 changes that would speed up the overall process, encourage participation and make the process easier to understand. Modification P256 is progressing one, by including Party Agents in the Trading Dispute Process.

This proposed change was issued for industry consultation during November 2009 and received majority support among the small number of responses that were received.

### Related changes

P258 is one of three Modifications that are taking forward the outcomes of the Trading Dispute process review. The other two cover:

- P256 - Improving Efficiency and Clarity of the Trading Disputes Process; and
- P257 - Removal of the concept of Trading Queries.

A Change Proposal (CP) is also being put together to take forward changes to BSCP11.

### What is P258 trying to improve?

Trading Disputes are raised by BSC Parties or ELEXON. This Modification is not seeking to change this rule. However, it is the Supplier Agents, especially Data Collectors that may initially identify anomalies that could be potential settlement errors. Therefore, Party Agent's participation in the process should be encouraged.

Currently Supplier Agents would inform the appropriate Supplier of the error, but it is then up to the Supplier whether to raise a Dispute or not.

Once the Party Agent has contacted the Supplier there is no formal way for it to escalate the error reporting. Any significant errors in the Final Reconciliation (RF) Run data which have not been reported or rectified would have impact on the accuracy of Settlement data.

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### Placing an obligation on BSC Parties

P258 proposes to include Supplier Agents in the Trading Disputes process. This would be done by placing an obligation on BSC Parties to procure their Supplier Agents to additionally inform ELEXON of any significant errors in the RF data which has not been reported or rectified. ELEXON would then carry out an initial investigation and, if the error was deemed genuine, raise a Dispute.

The quantified error should be reported by Supplier Agents in terms of energy (megawatt-hours, MWh) in order to make the process as user-friendly as possible. The appropriate threshold for significant errors should be set by the TDC and will be documented in BSCP11. The initial threshold for a significant error will be 75 megawatt-hours (MWh) to reflect the equivalent financial value of a Dispute. The TDC would have to review this value to ensure that the equivalent financial value meets the Disputes materiality threshold as set in BSCP11 Section 5.1.6.

This obligation would:

- increase assurance around the accuracy of Settlement data;
- help the Parties who may not fully understand the Trading Arrangements or the Trading Disputes process; and
- increase the overall accuracy of Settlement data.

### Why not place an obligation on Party Agents?

Party Agents are not party to the Code. Therefore the Code cannot directly impose obligations on Party Agents. However, the Code does impose duties on Parties which it is obliged to perform through the use of Party Agents. Whilst Parties are obliged to ensure that their Agents comply with their functions, Parties remain responsible to perform those obligations under the Code in the event that the Party Agent concerned fails to perform.

Details of the Groups discussion on the issue P258 is trying to resolve and the proposed solution can be found in Attachment A section 3

## 4 Impacts & Costs

### Costs

ELEXON Cost	ELEXON Service Provider Cost
5 Man Days equating to £1,200 to cover the costs of updating the Code and affected Code Subsidiary Documents.	None – P258 will not affect the activities of Service Providers

#### Impact on BSC Parties and Party Agents

BSC Parties will need to ensure that new processes are established between Suppliers and Supplier Agents that support the notification, tracking and resolution monitoring of settlement errors from when they are identified up to TDC determination.

#### Impact on Transmission Company

None

#### Impact on ELEXON

Area of ELEXON's business	Potential impact
Trading Disputes processes	TDC Terms of Reference; Disputes Process Guidance Notes

#### Impact on Code

Code section	Potential impact
Section W	New obligation in W1.6 requiring Parties to ensure Supplier Agents notify BSCCo of potential Settlement Errors
Annex X-1	Addition of the new definition of 'Significant Error'

#### Impact on Code Subsidiary Documents

CSD	Potential impact
BSCP11	<p>The Modification Group has decided that the necessary obligation is added to the BSC only, with no procedural changes made to any CSDs.</p> <p>A Minor change is required to capture the materiality of the Significant Error at a level of 75 MWh, which will be reviewed from time to time by the TDC.</p>

ELEXON has drafted the necessary changes to the BSCP11 (Attachment C) and will consult the industry on the changes during the Report Phase consultation.

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### How will P258 be implemented?

The Panel initially recommends that, if the Authority approves P258, the changes to the BSC are implemented on:

- **03 November 2011** if a decision is reached by 01 November 2010: or
- The **Next Available Release** allowing for a minimum 12 month implementation period if a decision is made after 01 November 2010.

This will give Parties sufficient time to implement the changes, while still giving Parties a clear date for when the new changes would apply.

**Details of why the Panel has initially suggested these timescales are provided in Section 7.**

### The Group's discussion on the implementation timescales

The Group discussed the need for a clear implementation date following an Authority decision so that Parties were aware of when the new process would take effect.

The majority of the Group agreed that an implementation approach with a clear operational day cut over from the existing processes to those introduced by the Modification is more suitable than an implementation approach set around a specific Settlement Day. This was on the grounds that there would be no need for a run-off or parallel running of old and new processes which would likely give rise to confusion among Parties, if a Settlement day implementation was used.

While the Group initially agreed that there was no need to excessively delay implementation following an Authority decision with the initial implementation approach matching the P256 and P257 approaches. Following the Assessment, the Group unanimously agreed that due to the time required to make changes to contracts between Parties and their Agents and for potential system changes amongst Party Agents a longer implementation time frame would be preferable, in order to meet the new requirement that would be added to the Code.

**Further details on the Group's discussion and rationale on the implementation approach is provided in Attachment A, section 3.**

## Applicable Objectives

While the Group did appreciate the aim of the Modification is to improve the accuracy of Settlement, the Group's initial **majority** view is that P258 Proposed should be rejected. A majority of the group believe that P258 is not better than the current baseline and will not better facilitate the achievement of the relevant **Applicable BSC Objective (d)** and **(c)**.

The Group's views against the **Applicable BSC Objectives (d)** are as follows:

Applicable Objective (d)	
Benefits	Disadvantages
Minority view: If managed sensibly it would not necessarily create an inefficient process.	<p>Majority view: Obliging Suppliers to ensure that their Supplier Agents notify ELEXON of potential settlement errors which have not been raised as Trading Disputes by Suppliers will reduce efficiency by:</p> <ul style="list-style-type: none"> <li>increasing the chance that ELEXON would investigate potential non-issues or issues currently covered by an actual Trading Dispute that the Supplier Agent was unaware of; and</li> <li>requiring additional monitoring processes between ELEXON, Suppliers and Supplier Agents that enable the notification, tracking and resolution monitoring of potential settlement errors from identification through to TDC determination.</li> <li>Can already be done via existing arrangement, with investigation via TA check and potentially the BSC Audit.</li> </ul>

A Group member believed there was a benefit against **Applicable BSC Objective (c)**:

Applicable Objective (c)	
Benefits	Disadvantages
<p>Obliging Suppliers to ensure that their Supplier Agents notify ELEXON of potential settlement errors which have not been raised as Trading Disputes by Suppliers will improve competition by:</p> <ul style="list-style-type: none"> <li>ensuring that potential settlement errors are investigated regardless of the direction of the error, improving the accuracy of settlement and enabling a higher proportion of misallocated energy to be attributed to the correct Supplier.</li> </ul>	None

## Code clauses on accurate Settlement Data

The Group discussed that the clause in the Code, Section U1.2 has provisions that all Parties should ensure that data they provide will be as accurate and complete as possible. On this basis, the Group questioned why there would be a need to extend the existing

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obligations to get Supplier Agents to flag significant errors to ELEXON, when the respective Party should be ensuring that the data they provide is accurate.

### **Why should Supplier Agents need to inform ELEXON of significant errors?**

Following on from questioning why the existing obligations should be extended, the Group questioned whether there is a reason why Supplier Agents would find the need to inform ELEXON of significant errors directly rather than doing so via their respective Party. The Group were keen to hear if there were any reasons from participants as part of the Groups Assessment Consultation.

**Further details on the Groups discussion on the Modification can be found in Attachment A, section 3.**

### **Assessment Consultation Responses**

A majority of respondents to the Assessment Consultation supported the initial findings of the Modification Group, re-affirming the majority Group views on the P258 solution.

The majority of responses indicated that they did not believe that the obligations around Party Agent involvement in the Dispute process should be extended and that there are no reasons why Supplier Agents would need to inform ELEXON of significant errors directly rather than doing so via their respective Party. The Transmission Company analysis indicated there is no impact of the Transmission Company. They agreed with the findings of the majority of the Group that P258 would be difficult to implement, manage and enforce.

**Further details on the Assessment Consultation responses and the Group's discussions are provided in Attachment A, Section 5.**



### What is the Panel's view?

The Panel unanimously agrees with the Group that P258 will not better facilitate the achievement of the Applicable BSC Objective (d).

### Does the Panel agree with the Group's views?

Yes, initially the Panel unanimously **agreed** with the Group that P258 will not better facilitate the achievement of Applicable BSC Objective (d) for the following reasons:

- Creates a less efficient process, potentially duplicating effort;
- Difficult to enforce and implement; and
- The additional effort involved in the process would outweigh any small benefit of improved settlement accuracy.

Therefore the Panel initially unanimously recommends the **rejection** of P258.

### Does the Panel have any additional views or comments?

#### Would the TA check/Audit approach affect the timescales relating to P258

A Panel member questioned whether the TA Check/Audit approach considered by the Group and detailed in Attachment A, section 3, would affect the timescales relating to the Modification.

We responded by explaining that the TA check/Audit approach was completely separate from the Modification and could be done without the changes proposed under the Modification. It would investigate whether there was an underlying issue, and may give rise to a better solution at a later time.

#### Incentive to raise Disputes?

A Panel member questioned whether there was an incentive for Parties to raise a Dispute even if it doesn't benefit them.

While there is no direct incentive for a Party to raise a Dispute to correct an error that does not directly benefit themselves, there is the requirement in the Code to ensure that all data entering settlement is correctly derived in accordance with the BSC.

## 8 Report Phase Consultation Response

ELEXON consulted on the Panel's initial recommendations during the Report Phase.

The following table summarises the consultation responses which ELEXON received. You can download the full individual responses to this Report Phase Consultation, and to the Group's previous Assessment Consultation, [here](#).

Question		Responses
1	Do you agree that the Panel's recommended legal text and BSCP11 changes deliver the solution agreed by the Modification Group?	8 Yes – <b>Majority</b> 0 No 1 Other
2	<p>The Panel has initially recommended an implementation approach of:</p> <ul style="list-style-type: none"> <li>● <b>03 November 2011</b> if a decision is reached by 01 November 2010: or</li> <li>● <b>The Next Available Release</b> allowing for a minimum 12 month implementation period if a decision is made after 01 November 2010.</li> </ul> <p>Do you agree with the Panel's recommended implementation date?</p>	8 Yes – <b>Majority</b> 1 No - 0 Other
3	<p>Do you agree with the Panel's initial recommendation that:</p> <ul style="list-style-type: none"> <li>● P258 <b>will not benefit</b> the achievement of the <b>Applicable BSC Objectives (d)</b> when compare to the existing BSC requirements; and</li> <li>● P258 should therefore be <b>rejected</b>?</li> </ul>	8 Yes – <b>Majority</b> 0 No - 1 Other
4	Do you have any further comments on P242?	1 Yes 8 No

### Did respondents support the Panel's recommendations?

A **Majority** of the Report Phase consultation respondents supported the Panel's initial recommendations and its views against the Applicable BSC Objectives.

Respondents **did not** raise any new arguments in relation to the Modification proposal and the proposed solution developed.

One respondent explained that they were unable to form a complete view on the costs or benefits of P258, as the impact of the change is unknown. They commented that while there may be some benefit in relation to Applicable BSC Objective (c) with regard to benefits in timely data accuracy, the costs of setting up and co-ordinating the changes could outweigh any of the benefit.

### Legal Text and CSD changes

One respondent identified a minor typographical error in the Proposed Legal Text, which has been corrected. No other comments were made on the recommended Legal Text and CSD changes

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## Decision Date

A Majority of respondents supported the implementation approach. One respondent reiterated their view that P258 should be rejected by not supporting the implementation approach.

## Other Comments

One respondent queried the inclusion of the 'Significant Error' threshold set out in BSCP11 and what 'not less than' meant and whether the Materiality Threshold still applied. We contacted the respondent and clarified that 'not less than', means that the error must be equal or greater than the value set out in BSCP11 and that it does not replace the Materiality Threshold, which still applies when determining the validity of a Dispute. Instead the inclusion of what a 'Significant Error' is it would provide Supplier Agents with guidance on when they would need to flag an error to ELEXON as they may not know what the monetary equivalent is.

## Small Party Views

In addition to the formal consultation responses summarised above, we contacted a number of Small Parties separately. All of those we spoke to indicated their support of the initial Panel recommendation that P258 should be rejected.

## 9 Panel's Final Views and Recommendations



### Recommendation

Initially the Panel is unanimously recommended the rejection of P258

### What are the Panel's final views?

This section will be completed following the Panel's final considerations of P258.

ELEXON invites the Panel to:

- NOTE the P258 Draft Modification report and the Report Phase Consultation responses;
- CONFIRM the recommendation to the Authority contained in the P258 Draft Modification Report that P258 should not be made;
- AGREE an Implementation approach of:
  - **03 November 2011** if a decision is made by 01 November 2010; or
  - the **Next Available Release** allowing for a minimum 12 month implementation period if a decision is made after 01 November 2010.
- AGREE the draft BSC legal text contained in Attachment B;
- APPROVE the draft redlined changes to BSCP11 contained in Attachment C; and
- AGREE the P258 Modification Report; or
- INSTRUCT the Modification Secretary to make such changes to the report as may be specified by the Panel.

## 10 Further Information

More information is available in:

### Attachment A: Detailed Assessment

This information includes:

- Background information on the Trading Disputes process and review;
- The Modification Group's Terms of reference and how each has been completed;
- The Modification Group discussions on the Proposed Solution;
- Modification Group membership; and
- Process followed for P258.

### Attachment B: Draft Legal Text

### Attachment C: Draft BSCP11 changes

You can download further P258 documents [here](#), including the Transmission Company's impact assessment and copies of the full industry responses to the Group's previous Assessment Consultation.

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