

Responses from P209 Report Phase Consultation

Consultation Issued 16 Jan 2007

Representations were received from the following parties

No	Company	File number	No BSC Parties Represented	No Non-Parties Represented
1.	E.ON UK Energy Services Limited	P209_dMR_01	0	1
2.	EDF Energy	P209_dMR_02	9	0
3.	SAIC Ltd. (for and on behalf of ScottishPower)	P209_dMR_03	6	0
4.	Scottish and Southern	P209_dMR_04	5	0
5.	RWE npower	P209_dMR_05	10	0

P209 REPORT PHASE CONSULTATION QUESTIONS

BSC Parties ("Parties") and other interested parties are invited to respond to this consultation expressing their views or provide any further evidence on any of the matters contained within this document. In particular views are sought in respect of the following questions. Parties are invited to supply the rationale for their responses.

Respondent:	<i>Alastair Barnsley</i>
Company Name:	E.ON UK Energy Services Limited
No. of BSC Parties Represented	0
Parties Represented	
No. of Non BSC Parties Represented	1
Non Parties represented	E.ON UK Energy Services Limited
Role of Respondent	<i>Party Agent</i>
Does this response contain confidential information?	<i>No</i>

Q	Question	Response ¹	Rationale
1.	Do you agree with the Panel's provisional recommendation to the Authority contained in the draft Modification Report that Proposed Modification P209 should be made? Please give rationale.	Yes	There is no justification for not updating the code. To leave it without amendment would potentially cause confusion.
2.	Do you agree with the Panel's provisional recommendation concerning the Implementation Date for P209? Please give rationale.	Yes	It is important that this is implemented in parallel with P197
3.	Do you agree with the Panel's view that the legal text provided in the draft Modification Report <i>correctly addresses the issue or defect identified in the Modification Proposal?</i> Please give rationale.	Yes	

Q	Question	Response ¹	Rationale
4.	Do you agree with the Panel's provisional recommendation concerning the Implementation Date for P209? Please give rationale.	Yes	See 2 above
5.	Are there any further comments on P209 that you wish to make?	No	

Please send your responses by **12:00 on Tuesday 30 January 2007** to modification.consultations@elexon.co.uk and please entitle your email '**P209 Report Phase Consultation**'. Please note that any responses received after the deadline may not receive due consideration by the Panel.

Any queries on the content of the consultation pro-forma should be addressed to Chris Stewart on 020 7380 4309, email address chris.stewart@elexon.co.uk.

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Respondent:	David Lewis
Company Name:	EDF Energy
No. of BSC Parties Represented	9
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; EDF Energy Customers Plc; Seeboard Energy Limited
No. of Non BSC Parties Represented	0
Non Parties represented	N/A
Role of Respondent	Supplier/Generator/Trader/Distributor
Does this response contain confidential information?	No

Q	Question	Response ¹	Rationale
1.	Do you agree with the Panel's provisional recommendation to the Authority contained in the draft Modification Report that Proposed Modification P209 should be made? Please give rationale.	Yes	Housekeeping changes ensure that the code remains both clear and unambiguous. Without these amendments there is a risk that parts of the code could become unclear and be misinterpreted.
2.	Do you agree with the Panel's provisional recommendation concerning the Implementation Date for P209? Please give rationale.	Yes	It is sensible to implement these changes in line with that of P207.

Q	Question	Response ¹	Rationale
3.	Do you agree with the Panel's view that the legal text provided in the draft Modification Report <i>correctly addresses the issue or defect identified in the Modification Proposal?</i> Please give rationale.	Yes	We agree that the legal text correctly addresses the defect identified in the Modification Proposal.
4.	Do you agree with the Panel's provisional recommendation concerning the Implementation Date for P209? Please give rationale.	Yes	
5.	Are there any further comments on P209 that you wish to make?	No	

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Respondent:	Gary Henderson
Company Name:	SAIC Ltd. (for and on behalf of ScottishPower)
No. of BSC Parties Represented	6
Parties Represented	ScottishPower Energy Management Ltd, ScottishPower Generation Ltd, ScottishPower Energy Retail Ltd, SP Transmission Ltd, SP Manweb plc, SP Distribution Ltd
No. of Non BSC Parties Represented	0
Non Parties represented	N/A
Role of Respondent	Supplier / Generator / Trader / Consolidator / Exemptible Generator / Distributor
Does this response contain confidential information?	No

Q	Question	Response ¹	Rationale
1.	Do you agree with the Panel's provisional recommendation to the Authority contained in the draft Modification Report that Proposed Modification P209 should be made? Please give rationale.	Yes	The proposed modification will ensure that the subsidiary documents are accurate.
2.	Do you agree with the Panel's provisional recommendation concerning the Implementation Date for P209? Please give rationale.	Yes	The proposed date ensures the documents are updated in a timely manner.
3.	Do you agree with the Panel's view that the legal text provided in the draft Modification Report correctly addresses the issue or defect identified in the Modification Proposal? Please give rationale.	Yes	The proposed legal text incorporates the appropriate changes.

Q	Question	Response ¹	Rationale
4.	Do you agree with the Panel's provisional recommendation concerning the Implementation Date for P209? Please give rationale.	Yes	See answer to question 2
5.	Are there any further comments on P209 that you wish to make?	No	

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Dear Sirs,

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

In relation to the (four?) five questions contained within your note of 16th January 2007, and the associated Consultation for P209, we have the following comments to make: -

Q1 Do you agree with the Panel's provisional recommendation to the Authority contained in the draft Modification Report that Proposed Modification P209 should be made? Please give rationale.

Yes, we agree with the proposed BSC Panel recommendation to the Authority that Modification Proposal P209 should be made for the reasons outlined in the Modification Report. We believe that P209 will better facilitate the achievement of the Applicable BSC Objectives and it should therefore be approved.

Q2 Do you agree with the Panel's provisional recommendation concerning the Implementation Date for P209? Please give rationale.

If Modification Proposal P209 is approved, we agree with the proposed BSC Panel recommendation regarding the timing for the Implementation Date, as outlined in the Modification Report.

Q3 Do you agree with the Panel's view that the legal text provided in the draft Modification Report correctly addresses the issue or defect identified in the Modification Proposal? Please give rationale.

It appears to.

Q4 Do you agree with the Panel's provisional recommendation concerning the Implementation Date for P209? Please give rationale.

As this appears to be the same question as Question 2, see our answer to Question 2 above.

Q5 Are there any further comments on P209 that you wish to make?

Nothing further at this time.

Regards

Garth Graham
Scottish and Southern plc

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Respondent:	<i>Richard Harrison</i>
Company Name:	Npower Limited
No. of BSC Parties Represented	10
Parties Represented	<i>RWE Trading GmbH; RWE Npower Ltd; Npower Commercial Gas Ltd; Npower Cogen Trading Ltd; Npower Direct Ltd; Npower Ltd; Npower Northern Ltd; Npower Northern Supply Ltd; Npower Yorkshire Ltd; Npower Yorkshire Supply Ltd</i>
No. of Non BSC Parties Represented	None
Non Parties represented	N/A
Role of Respondent	<i>Supplier / Generator / Trader / Consolidator / Exemptable Generator / Party Agent</i>
Does this response contain confidential information?	<i>No</i>

Q	Question	Response ¹	Rationale
1.	Do you agree with the Panel’s provisional recommendation to the Authority contained in the draft Modification Report that Proposed Modification P209 should be made? Please give rationale.	Yes	The revised solution, involving the introduction of a new BSCP, improves transparency of the obligations relevant to an applicant who undertakes to continue with the existing process during the transitional period, and avoids potential drafting complexities in including both sets of requirements in the BSCP for a limited period.
2.	Do you agree with the Panel’s provisional recommendation concerning the Implementation Date for P209? Please give rationale.	Qualified Yes	It is important that this should align with the implementation date of Modification P197 in order to ensure that the obligations in the new BSCP537 have force from this date. In the event that a decision from the Authority is delayed, this would create a gap and it would be appropriate to consider delaying the implementation of P197 to avoid this.

Q	Question	Response ¹	Rationale
3.	Do you agree with the Panel's view that the legal text provided in the draft Modification Report <i>correctly addresses the issue or defect identified in the Modification Proposal?</i> Please give rationale.	Qualified Yes	The robustness of this depends on the wording of the new paragraph 2.1A.4 in Section J, introduced by Modification P197, which refers to the relevant pre-P197 processes by name. Since it is now considered appropriate to provide specific references to relevant BSCPs in the Code, it would clearly have been preferable to have references to both BSCP537 and BSCP531 to cover the transitional period.
4.	Do you agree with the Panel's provisional recommendation concerning the Implementation Date for P209? Please give rationale.	Qualified Yes	See answer to question 2 above.
5.	Are there any further comments on P209 that you wish to make?	Yes	Regardless of any benefits, we are concerned that this Modification is stretching the definition of a 'housekeeping' change, since it will mean that P197 will be implemented by a different set of Code Subsidiary Document changes than were envisaged in the approved legal text for Modification Proposal P197 (Alternative). We would note that the issue involved (i.e. the continuity of obligations over the transition) was one which we raised in relation to the draft legal text for P197, but which was apparently not satisfactorily resolved. In the context of this and of other previous experience (e.g. with Modification P106) where problems have been identified either in legal text or in the practicalities of implementation, we think the Panel and/or Elexon needs to give consideration to whether more attention needs to be given in the Modification process to these aspects and, in particular: <ul style="list-style-type: none"> <li data-bbox="1167 1050 2092 1118">i) 'stress testing' the legal text, by exploring all the different possible scenarios more thoroughly in the Modification Group <li data-bbox="1167 1118 2092 1264">ii) defining the Code Subsidiary Document changes (and, if relevant, detailed system changes) earlier in the Modification process (as has already been done in some cases) to as to ensure consistency with the Code changes.

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