

## **Responses from P180 Assessment Consultation**

**Consultation Issued 26 November 2004**

**Representations were received from the following parties**

<b>No</b>	<b>Company</b>	<b>File number</b>	<b>No BSC Parties Represented</b>	<b>No Non-Parties Represented</b>
<b>1.</b>	<b>RWE Trading</b>	<b>P180_AR_001</b>	<b>10</b>	<b>0</b>
<b>2.</b>	<b>NGC</b>	<b>P180_AR_002</b>	<b>1</b>	<b>0</b>
<b>3.</b>	<b>EDF Energy</b>	<b>P180_AR_003</b>	<b>9</b>	<b>0</b>
<b>4.</b>	<b>EDF Trading</b>	<b>P180_AR_004</b>	<b>2</b>	<b>0</b>
<b>5.</b>	<b>Scottish Power</b>	<b>P180_AR_005</b>	<b>6</b>	<b>0</b>
<b>6.</b>	<b>British Energy</b>	<b>P180_AR_006</b>	<b>4</b>	<b>0</b>
<b>7.</b>	<b>Central Networks</b>	<b>P180_AR_007</b>	<b>1</b>	<b>0</b>
<b>8.</b>	<b>British Gas</b>	<b>P180_AR_008</b>	<b>1</b>	<b>0</b>
<b>9.</b>	<b>E.ON UK</b>	<b>P180_AR_009</b>	<b>15</b>	<b>0</b>
<b>10.</b>	<b>Scottish and Southern</b>	<b>P180_AR_010</b>	<b>5</b>	<b>0</b>

## P180 ASSESSMENT PROCEDURE 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.

<b>Respondent:</b>	<i>Terry Ballard</i>
<b>No. of Parties Represented</b>	<i>10</i>
<b>Parties Represented</b>	<i>Please list all Parties responding on behalf of (including the respondent company if relevant). RWE Trading GmbH; RWE Npower Ltd; Npower cogen 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>
<b>No. of Non Parties Represented</b>	
<b>Non Parties represented</b>	<i>Please list all non Parties responding on behalf of (including the respondent company if relevant).</i>
<b>Role of Respondent</b>	<i>(Supplier/Generator/ Trader / Consolidator / Exemptable Generator / BSC Agent / Party Agent / other – please state<sup>1</sup>)</i>

<b>Q</b>	<b>Question</b>	<b>Response<sup>1</sup></b>	<b>Rationale</b>
1.	Do you believe Proposed Modification <b>P180</b> better facilitates the achievement of the Applicable BSC Objectives? Please give rationale and state objective(s)	Yes	It will better facilitate objective (d) by providing an implementation date where a modification decision becomes the subject of appeal.
2.	Do you believe that impact assessments should be sought from affected parties prior to the determination of a revised Implementation Date to be put before the Panel? Please give rationale	Yes	This will allow an informed decision to be made.
3.	Do you believe that a further consultation should then be conducted on the basis of the BSCCo's recommendations to the Panel? Please give rationale	Yes	

<sup>1</sup> Delete as appropriate – please do not use knockout, this is to make it easier to analyse the responses

Q	Question	Response <sup>1</sup>	Rationale
4.	Do you believe there are any alternative solutions that the Modification Group has not identified and that should be considered? Please give rationale	No	It would seem unlikely that market participants would take decision to appeal lightly. This seems a pragmatic solution to what should be a rare occurrence.
5.	Do you believe that the introduction of an additional alternative Implementation Date where an Authority decision is subject to judicial review or appeal has a material impact upon levels of market certainty? Please give rationale	No	The fact that an appeal has been raised in the cause of uncertainty, not the fact that a revised implementation date is required.
6.	Are there any further comments on P180 that you wish to make?	No	

Parties are encouraged to provide financial information with regard to either the costs or benefits of the Modification Proposal to support the Assessment Procedure. Where requested this information can be treated as confidential, although all information will be provided to the Authority.

Please send your responses by **12:00 midday on Monday 6 December 2004** to [modification.consultations@elexon.co.uk](mailto:modification.consultations@elexon.co.uk) and please entitle your email '**P180 Assessment Consultation**'. Please note that any responses received after the deadline may not receive due consideration by the Modification Group.

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<b>Respondent:</b>	Richard Dunn
<b>No. of Parties Represented</b>	N/A
<b>Parties Represented</b>	National Grid Company plc
<b>No. of Non Parties Represented</b>	N/A
<b>Non Parties represented</b>	N/A
<b>Role of Respondent</b>	Transmission Company

Q	Question	Response Error! Bookmark not defined.	Rationale
1.	Do you believe Proposed Modification <b>P180</b> better facilitates the achievement of the Applicable BSC Objectives? Please give rationale and state objective(s)	Yes	Yes – a) and d).  For rationale please see the response to Q2 in the P180 Transmission Company Analysis and Impact Assessment
2	Do you believe that impact assessments should be sought from affected parties prior to the determination of a revised Implementation Date to be put before the Panel? Please give rationale	No	This should be sought at the initial consultation phase when affected parties should be in a position to assess any impact of any potential revised Implementation Dates.
3	Do you believe that a further consultation should then be conducted on the basis of the BSCCo's recommendations to the Panel? Please give rationale	No	Again this should have been assessed at the initial consultation phase.

Q	Question	Response Error! Bookmark not defined.	Rationale
4	Do you believe there are any alternative solutions that the Modification Group has not identified and that should be considered? Please give rationale	No	One Alternative solution was discussed at the first meeting of the GSMG but received no support from Group Members.
5	Are there any further comments on P180 that you wish to make?	No	

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<b>Respondent:</b>	Stephen Moore (EDF Energy)
<b>No. of Parties Represented</b>	9
<b>Parties Represented</b>	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
<b>No. of Non Parties Represented</b>	0
<b>Non Parties represented</b>	N/A
<b>Role of Respondent</b>	Supplier/Generator/ Trader

Q	Question	Response	Rationale
1.	Do you believe Proposed Modification <b>P180</b> better facilitates the achievement of the Applicable BSC Objectives? Please give rationale and state objective(s)	Yes	Whilst the number of decisions subject to appeal is likely to be low, we do agree that providing a formal process for setting an implementation date where necessary enhances efficiency in the market, better facilitating objective d).
2.	Do you believe that impact assessments should be sought from affected parties prior to the determination of a revised Implementation Date to be put before the Panel? Please give rationale	Yes	The choice of implementation date could have a material effect on participants, so it is right that their views are considered before any decision is made.
3.	Do you believe that a further consultation should then be conducted on the basis of the BSCCo's recommendations to the Panel? Please give rationale	Yes	It is important that the views of industry are taken into account, particularly in cases where other changes may have been made to the market whilst the appeal is in process.

Q	Question	Response	Rationale
4.	Do you believe there are any alternative solutions that the Modification Group has not identified and that should be considered? Please give rationale	No	The proposed modification represents the least possible change whilst Maintaining the present Governance arrangements. Any other proposal might alter the present balance between the Panel and Ofgem which would not be acceptable.
5.	Do you believe that the introduction of an additional alternative Implementation Date where an Authority decision is subject to judicial review or appeal has a material impact upon levels of market certainty? Please give rationale	Yes	Any impact will depend on the nature of any modification appealed, but in general uncertainty as to whether a mod would or would not be implemented forces BSC parties to make their own assessment of the likely outcome of review and whether to proceed with implementation and its inherent costs.
6.	Are there any further comments on P180 that you wish to make?	No	

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<b>Respondent:</b>	Steve Drummond, EDF Trading Ltd
<b>No. of Parties Represented</b>	2
<b>Parties Represented</b>	EDF Trading Ltd and EDF (Generation)
<b>No. of Non Parties Represented</b>	0
<b>Non Parties represented</b>	N/A
<b>Role of Respondent</b>	Trader/Generator

Q	Question	Response <small>Error! Bookmark not defined.</small>	Rationale
1.	Do you believe Proposed Modification <b>P180</b> better facilitates the achievement of the Applicable BSC Objectives? Please give rationale and state objective(s)	Yes	The proposed BSC Mod will reduce the risk of Implementation Dates not being able to be changed should any Authority decisions be subjected to legal challenge. Currently we recognise that not all potential outcomes to such challenge are catered for in this respect in the current BSC.
2.	Do you believe that impact assessments should be sought from affected parties prior to the determination of a revised Implementation Date to be put before the Panel? Please give rationale	Yes	Without doubt Parties should have the ability to relook at the impact of the proposed revised change. The choice of implementation date could have a material effect on participants.
3.	Do you believe that a further consultation should then be conducted on the basis of the BSCCo's recommendations to the Panel? Please give rationale	Yes	If time allows, then it would be orderly to do so sequentially, especially if the impact assessment was for a number of options. However the consultation could be undertaken at the same time as the RIA if timescales dictate.



Q	Question	Response <small>Error! Bookmark not defined.</small>	Rationale
4.	Do you believe there are any alternative solutions that the Modification Group has not identified and that should be considered? Please give rationale	No	The proposed modification is considered to be the most efficient to address the defect and the least change possible that maintains the present Governance arrangements. Any other proposal might alter the present balance between the Panel and the Ofgem which would not be acceptable.
5.	Do you believe that the introduction of an additional alternative Implementation Date where an Authority decision is subject to judicial review or appeal has a material impact upon levels of market certainty? Please give rationale	Yes	It will do to a limited extent, no doubt it will depend on the circumstances in each case. If a particular mod was approved but subject to legal challenge and it involved significant expenditure to implement, then should you spend that money or not?
6.	Are there any further comments on P180 that you wish to make?	No	

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<b>Respondent:</b>	Man Kwong Liu
<b>No. of Parties Represented</b>	6
<b>Parties Represented</b>	<i>Please list all Parties responding on behalf of (including the respondent company if relevant).</i> Scottish Power UK plc; ScottishPower Energy Management Ltd.; ScottishPower Generation Ltd; ScottishPower Energy Retail Ltd.; SP Transmission Ltd; SP Manweb plc.
<b>No. of Non Parties Represented</b>	0
<b>Non Parties represented</b>	<i>Please list all non Parties responding on behalf of (including the respondent company if relevant).</i>
<b>Role of Respondent</b>	<i>(Supplier/Generator/ Trader / Consolidator / Exemptable Generator / BSC Agent / Party Agent / other – please state <sup>1</sup>)</i> Supplier / Generator / Trader / Consolidator / Exemptable Generator

Q	Question	Response <sup>1</sup>	Rationale
1.	Do you believe Proposed Modification <b>P180</b> better facilitates the achievement of the Applicable BSC Objectives? Please give rationale and state objective(s)	Yes/No	No comment We do not understand the effect of an appeal/JR on the status of the modification proposal well enough to be able to offer sensible comment on whether P180 better meets the applicable objectives. In particular, we find parts of section 3.2.2 of the Assessment Consultation relating to the status of the modification proposal during the appeal process and the implied obligation on parties to continue implementation work to be confusing and contradictory. See also Q4
2.	Do you believe that impact assessments should be sought from affected parties prior to the determination of a revised Implementation Date to be put before the Panel? Please give rationale	Yes/No	No comment

<sup>1</sup> Delete as appropriate – please do not use strikethrough, this is to make it easier to analyse the responses

Q	Question	Response <sup>1</sup>	Rationale
3.	Do you believe that a further consultation should then be conducted on the basis of the BSCCo's recommendations to the Panel? Please give rationale	Yes/No	No comment
4.	Do you believe there are any alternative solutions that the Modification Group has not identified and that should be considered? Please give rationale	Yes	We do not understand why the post-appeal implementation date has to be set before the appeal is heard. We would suggest that the GSMG examine a process under which a replacement implementation date, if required, is set after the appeal decision is known.
5.	Do you believe that the introduction of an additional alternative Implementation Date where an Authority decision is subject to judicial review or appeal has a material impact upon levels of market certainty? Please give rationale	Yes/No	No comment An alternative implementation date which is subject to review will increase market uncertainty.
6.	Are there any further comments on P180 that you wish to make?	No	

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<b>Respondent:</b>	<i>Steven Eyre</i>
<b>No. of Parties Represented</b>	<i>4</i>
<b>Parties Represented</b>	<i>British Energy Power &amp; Energy Trading Ltd, British Energy Generation Ltd, Eggborough Power Ltd, British Energy Generation (UK) Ltd</i>
<b>No. of Non Parties Represented</b>	-
<b>Non Parties represented</b>	-
<b>Role of Respondent</b>	<i>Supplier/Generator/ Trader / Consolidator / Exemptable Generator / Party Agent</i>

<b>Q</b>	<b>Question</b>	<b>Response</b> Error! Bookmark not defined.	<b>Rationale</b>
1.	Do you believe Proposed Modification <b>P180</b> better facilitates the achievement of the Applicable BSC Objectives? Please give rationale and state objective(s)	Yes	On balance it would appear that P180 would better facilitate the applicable BSC objectives. The modification should make the modification process more efficient (in the event of an appeal) by ensuring that modifications are not rejected purely on the grounds of process. Consequently, P180 is at the very least likely to better facilitate Applicable BSC Objective (d).
2.	Do you believe that impact assessments should be sought from affected parties prior to the determination of a revised Implementation Date to be put before the Panel? Please give rationale	Yes	It is appropriate for all affected parties to be provided with the opportunity to provide impact assessments so that BSCCo can identify (if required) a suitable revised implementation date. The timetable for an appeal would clearly allow for such an assessment to take place.
3.	Do you believe that a further consultation should then be conducted on the basis of the BSCCo's recommendations to the Panel? Please give rationale	Yes	Similar to the arguments above, the appeal process timetable would appear to allow for such a consultation to take place. Such consultation would allow for full industry involvement in the recommendation to the Panel and would better inform the Panel of the industry's views when deciding on the revised implementation date to be put to the Authority.

Q	Question	Response <small>Error! Bookmark not defined.</small>	Rationale
4.	Do you believe there are any alternative solutions that the Modification Group has not identified and that should be considered? Please give rationale	No	None at this stage.
5.	Do you believe that the introduction of an additional alternative Implementation Date where an Authority decision is subject to judicial review or appeal has a material impact upon levels of market certainty? Please give rationale	No	It is the introduction of the ability to appeal Authority decisions on BSC Modifications that introduces some level of market uncertainty. However, it is our view that the benefits of such a mechanism clearly outweigh this negative. The introduction of an additional alternative Implementation Date when decisions are appealed does not in itself have a material impact on market certainty levels. Arguably it could have the opposite effect.
6.	Are there any further comments on P180 that you wish to make?	No	

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P180\_AR\_007.txt

P180 Assessment Consultation - Responses requested 06/12/04  
Sent: 06 December 2004 11:38  
To: Modification Consultations  
Subject: RE: P180 Assessment Consultation - Responses requested 06/12/04

Good morning,

Central Networks would like to return a response of 'No Comment' to the P180 Assessment Consultation

Regards

Simon Sturgess

Deregulation Control Group

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<b>Respondent:</b>	Mark Manley
<b>No. of Parties Represented</b>	
<b>Parties Represented</b>	British Gas Trading (BGT)
<b>No. of Non Parties Represented</b>	
<b>Non Parties represented</b>	
<b>Role of Respondent</b>	

<b>Q</b>	<b>Question</b>	<b>Response</b> Error! Bookmark not defined.	<b>Rationale</b>
1.	Do you believe Proposed Modification <b>P180</b> better facilitates the achievement of the Applicable BSC Objectives? Please give rationale and state objective(s)	Yes	<p>BGT agrees that in the very limited circumstances of Judicial Review (JR) and Appeal this could be seen to better facilitate the Applicable BSC Objectives.</p> <p>Arguments have been provided to justify that this change better facilitates Objective (a) and (d). The arguments raised in respect of (a) appear to suggest the existing baseline does work although it may benefit from some additional clarity. If this is true, BGT believe the benefits against this objective are minimal. Similarly the benefits of improved efficiency against Objective (d) are negligible. BGT do not believe there are significant efficiency gains to be achieved from undertaking a new process to propose a revised implementation date as opposed to simply re-raising a modification proposal.</p> <p>BGT also concurs with the view that this proposal could have a detrimental impact on competition. BGT believe there may be instances when it is</p>

Q	Question	Response Error! Bookmark not defined.	Rationale
			<p>appropriate for a decision to be timed out and completely valid that a new proposal is raised. BGT believe this eventuality could occur if there is a significant time delay whilst processing the JR or appeal. This could also arise if material new issues come to light during the hearing of the case that could require further assessment.</p> <p>BGT would like to caveat that the extension of powers to amend the implementation date under P180 is limited to JR and Appeal. BGT would not support a further proposal to extend this power outside of JR and Appeal. This would have a further detrimental impact on market certainty which would significantly increase the existing risks faced by BSC Parties.</p>
2.	<p>Do you believe that impact assessments should be sought from affected parties prior to the determination of a revised Implementation Date to be put before the Panel?</p> <p>Please give rationale</p>	Yes	<p>BGT believes that an integral part of the solution is an additional consultation with affected parties. BGT strongly believes that this re-consultation is a minimum requirement for 2 reasons.</p> <p>Implementation dates are developed based upon the lead-time required to amend central systems and the time required by participants to make their own systems compliant with the change. BGT therefore believe it is appropriate to consult parties on the revised implementation date.</p> <p>Secondly, as this process is merely an extension of the existing consultation process BGT believe it is appropriate to re-consult with parties. Respondents to the assessment consultation and draft modification report are given the option to comment on the proposed implementation dates. As this is a continuation of the process the requirement to consult still remains appropriate.</p>
3.	<p>Do you believe that a further consultation should then be conducted on the basis of the BSCCo's recommendations to the Panel?</p> <p>Please give rationale</p>	No	<p>BGT do not believe an additional consultation is required. This is an additional level of process that adds little value.</p>



Q	Question	Response <small>Error! Bookmark not defined.</small>	Rationale
4.	Do you believe there are any alternative solutions that the Modification Group has not identified and that should be considered? Please give rationale	No	
5.	Do you believe that the introduction of an additional alternative Implementation Date where an Authority decision is subject to judicial review or appeal has a material impact upon levels of market certainty? Please give rationale	Yes	<p>BGT believes that the introduction of an additional implementation date will adversely impact on levels of market certainty. BGT acknowledge that this power will only be available in the case of a JR or an Appeal being given leave.</p> <p>The current process contains an element of uncertainty as the construct is based upon 2 potential implementation dates, this proposed change will materially impact on market certainty. This is likely to be more significant in the case of JR as the length of process is more uncertain. To manage this uncertainty there may be instances when a number of iterations are required to provide a viable implementation date. This certainly adds to market uncertainty.</p> <p>BGT believe the current provisions with the BSC could be used to manage the impact on market certain more effectively. If the implementation date becomes redundant it may be more efficient to start from scratch with a new modification proposal. This may add to the administrative burden, however BGT do not believe this to be a significant downside.</p>
6.	Are there any further comments on P180 that you wish to make?	Yes	<p>Following discussion of CAP077, which is looking to address a similar perceived defect in the CUSC there appeared to be some uncertainty relating to the status of the Amendment Report. BGT would like some assurance about the legal robustness of the proposed solution that allows an implementation date to be revised whilst a decision is subject to a JR or has been appealed. If it is not possible to amend the implementation date in the modification report then the only possible option if a decision is overturned or quashed and timed out is to raise a new modification</p>

Q	Question	Response Error! Bookmark not defined.	Rationale
			proposal.

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<b>Respondent:</b>	E.ON UK plc
<b>No. of Parties Represented</b>	15
<b>Parties Represented</b>	E.ON UK plc, Powergen Retail Limited, Cottam Development Centre Limited, Enizade Ltd, E.ON UK Drakelow Limited, E.ON UK Ironbridge Limited, E.ON UK 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.
<b>No. of Non Parties Represented</b>	N/A
<b>Non Parties represented</b>	N/A
<b>Role of Respondent</b>	Supplier, Generator, Trader, Consolidator, Exemptable Generator and Party Agent

Q	Question	Response <small>Error! Bookmark not defined.</small>	Rationale
1.	Do you believe Proposed Modification <b>P180</b> better facilitates the achievement of the Applicable BSC Objectives? Please give rationale and state objective(s)	Yes	<p>We agree with the Proposer that there may be the potential for modifications being timed out following the referral of an Ofgem decision to Judicial Review (JR) or the Competition Commission (CC). However, we note that a remedy already exists. In the rare event that a modification is timed out, there is nothing to stop the modification from being re-submitted. Notwithstanding the existing solution outlined above, we do concur with the Proposer that P180 may improve the efficiency of the BSC under these specific circumstances.</p> <p>It should be noted that our support for this modification is based on an understanding that the processes for industry consultation and Panel recommendation will not be undermined. We would be unable to support a modification which failed to recognise the mechanism as proposed in the 'Strawman for the P180 process'.</p>

Q	Question	Response Error! Bookmark not defined.	Rationale
2.	Do you believe that impact assessments should be sought from affected parties prior to the determination of a revised Implementation Date to be put before the Panel? Please give rationale	Yes	Given that a substantial effort is made within the modification process to assess the impact of decisions on parties, it seems appropriate to conduct impact assessments across the industry. The revision of an implementation date can not be equitably and accurately determined without input from affected parties.
3.	Do you believe that a further consultation should then be conducted on the basis of the BSCCo's recommendations to the Panel? Please give rationale	Yes	<p>Whilst we recognise that some concerns may exist as to the efficiency of a consultation both before and after a revised implementation date is set, we consider two consultations necessary for the following reasons. Firstly, the consultations perform two similar but slightly different functions. The initial consultation is designed to inform the ELEXON determination and also provides a useful forewarning to industry as to the potential for change. The second consultation is necessary to allow parties to either confirm their support for the revised implementation date or to explain why the new date is inappropriate. Parties cannot be expected to comment upon the validity of a revised date until they know what that date is, equally parties must be able to feed in to the original decision.</p> <p>Given that JR or CC Appeals are likely to have a high material impact across the industry, it is important that there is a sufficient level of industry consultation.</p> <p>There is no reason why the impact assessment and further consultation phase (post recommendation) should be designed to be anything other than a simple and efficient process.</p>
4.	Do you believe there are any alternative solutions that the Modification Group has not identified and that should be considered? Please give rationale	No	The defect cited in support of this modification appears to be so accurately defined, that to develop an alternative would almost certainly breach the scope of this proposal.

Q	Question	Response <small>Error! Bookmark not defined.</small>	Rationale
5.	Do you believe that the introduction of an additional alternative Implementation Date where an Authority decision is subject to judicial review or appeal has a material impact upon levels of market certainty? Please give rationale	Yes	Clearly, whenever an implementation date is subject to review there will be an impact upon levels of market certainty. However, if you believe that the defect as cited in this modification proposal exists, then you must accept that in a world with appeals an impact upon certainty is inevitable. Arguably, whilst this modification provides some form of certainty by updating an implementation date, the status quo provides a greater level of certainty (albeit in the form of a potentially inefficient time out scenario). We believe that it is therefore the efficiency argument rather than market certainty considerations which best characterise the potential benefits of this modification.
6.	Are there any further comments on P180 that you wish to make?	No	

Parties are encouraged to provide financial information with regard to either the costs or benefits of the Modification Proposal to support the Assessment Procedure. Where requested this information can be treated as confidential, although all information will be provided to the Authority.

Please send your responses by **12:00 midday on Monday 6 December 2004** to [modification.consultations@elexon.co.uk](mailto:modification.consultations@elexon.co.uk) and please entitle your email '**P180 Assessment Consultation**'. Please note that any responses received after the deadline may not receive due consideration by the Modification Group.

Any queries on the content of the consultation pro-forma should be addressed to Richard Hall on 020 7380 4033, email address [richard.hall@elexon.co.uk](mailto:richard.hall@elexon.co.uk).

## P180 ASSESSMENT PROCEDURE 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.

<b>Respondent:</b>	<i>Scottish and Southern Energy</i>
<b>No. of Parties Represented</b>	<i>5</i>
<b>Parties Represented</b>	<i>This response is sent on behalf of Scottish and Southern Energy, Southern Electric, Keadby Generation Ltd., Medway Power Ltd., and SSE Energy Supply Ltd.</i>
<b>No. of Non Parties Represented</b>	<i>0</i>
<b>Non Parties represented</b>	
<b>Role of Respondent</b>	<i>Supplier / Generator/ Trader / Party Agent / LDSO</i>

<b>Q</b>	<b>Question</b>	<b>Response</b> Error! Bookmark not defined.	<b>Rationale</b>
1.	Do you believe Proposed Modification <b>P180</b> better facilitates the achievement of the Applicable BSC Objectives? Please give rationale and state objective(s)	Yes	For the reasons outlined in the modification proposal
2.	Do you believe that impact assessments should be sought from affected parties prior to the determination of a revised Implementation Date to be put before the Panel? Please give rationale	Yes	Any implementation date will affect parties and therefore should be consulted upon.
3.	Do you believe that a further consultation should then be conducted on the basis of the BSCCo's recommendations to the Panel? Please give rationale	Yes	It should have the same status and procedure as any modification

Q	Question	Response <small>Error! Bookmark not defined.</small>	Rationale
4.	Do you believe there are any alternative solutions that the Modification Group has not identified and that should be considered? Please give rationale	No	
5.	Do you believe that the introduction of an additional alternative Implementation Date where an Authority decision is subject to judicial review or appeal has a material impact upon levels of market certainty? Please give rationale	Yes	An alternative date in the event of JR should not be given. The proposal should go forward as if it will not be appealed. A revised date should only be determined once it is known the matter will go to JR.
6.	Are there any further comments on P180 that you wish to make?	No	

Parties are encouraged to provide financial information with regard to either the costs or benefits of the Modification Proposal to support the Assessment Procedure. Where requested this information can be treated as confidential, although all information will be provided to the Authority.

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