

MODIFICATION REPORT for Modification Proposal P157

Replacement of current Supplier Charges rules

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This document has been distributed in accordance with Section F2.1.10¹ of the Balancing and Settlement Code.

RECOMMENDATIONS

Having considered and taken into due account the contents of draft P157 Modification Report, the Balancing and Settlement Code Panel recommends:

- **that Alternative Modification P157 should be made;**
- **that Proposed Modification P157 should not be made;**
- **the Implementation Date for the Alternative Modification of 1 December 2005 if an Authority decision is received on or before 3 March 2005, or 1 March 2006 if the Authority decision is received after 3 March 2005 but on or before 23 June 2005;**
- **the Implementation Date for the Proposed Modification (in the event that the Authority determines that the Proposed Modification P157 should be made) of 1 December 2005 if an Authority decision is received on or before 3 June 2005, or 1 March 2006 if the Authority decision is received after 3 June 2005 but on or before 23 September 2005; and**
- **the proposed text for modifying the Code, as set out in this Modification Report.**

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¹ The current version of the Balancing and Settlement Code (the 'Code') can be found at <http://www.elexon.co.uk/bscrelateddocs/BSC/default.aspx>

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SUMMARY OF IMPACTED PARTIES AND DOCUMENTS

The following parties/documents have been identified as being potentially impacted by Modification Proposal P157.

Parties	Sections of the BSC	Code Subsidiary Documents
Suppliers <input checked="" type="checkbox"/>	A <input type="checkbox"/>	BSC Procedures <input checked="" type="checkbox"/>
Generators <input checked="" type="checkbox"/>	B <input type="checkbox"/>	Codes of Practice <input type="checkbox"/>
Licence Exemptable Generators <input checked="" type="checkbox"/>	C <input type="checkbox"/>	BSC Service Descriptions <input type="checkbox"/>
Transmission Company <input type="checkbox"/>	D <input type="checkbox"/>	Service Lines <input type="checkbox"/>
Interconnector <input checked="" type="checkbox"/>	E <input type="checkbox"/>	Data Catalogues <input type="checkbox"/>
Distribution System Operators <input type="checkbox"/>	F <input type="checkbox"/>	Communication Requirements Documents <input type="checkbox"/>
Non-Physical Traders <input type="checkbox"/>	G <input type="checkbox"/>	Reporting Catalogue <input type="checkbox"/>
Party Agents		
	H <input type="checkbox"/>	MIDS <input type="checkbox"/>
Data Aggregators <input type="checkbox"/>	I <input type="checkbox"/>	Core Industry Documents
Data Collectors <input type="checkbox"/>	J <input type="checkbox"/>	Grid Code <input type="checkbox"/>
Meter Operator Agents <input type="checkbox"/>	K <input type="checkbox"/>	Supplemental Agreements <input type="checkbox"/>
ECVNA <input type="checkbox"/>	L <input type="checkbox"/>	Ancillary Services Agreements <input type="checkbox"/>
MVRNA <input type="checkbox"/>	M <input type="checkbox"/>	Master Registration Agreement <input type="checkbox"/>
BSC Agents		
SAA <input type="checkbox"/>	N <input type="checkbox"/>	Data Transfer Services Agreement <input type="checkbox"/>
FAA <input type="checkbox"/>	O <input type="checkbox"/>	British Grid Systems Agreement <input type="checkbox"/>
BMRA <input type="checkbox"/>	P <input type="checkbox"/>	Use of Interconnector Agreement <input type="checkbox"/>
ECVAA <input type="checkbox"/>	Q <input type="checkbox"/>	Settlement Agreement for Scotland <input type="checkbox"/>
CDCA <input type="checkbox"/>	R <input type="checkbox"/>	Distribution Codes <input type="checkbox"/>
TAA <input type="checkbox"/>	S <input checked="" type="checkbox"/>	Distribution Use of System Agreements <input type="checkbox"/>
CRA <input type="checkbox"/>	T <input type="checkbox"/>	Distribution Connection Agreements <input type="checkbox"/>
Teleswitch Agent <input type="checkbox"/>	U <input type="checkbox"/>	BSCCo
SVAA <input type="checkbox"/>	V <input type="checkbox"/>	Internal Working Procedures ² <input checked="" type="checkbox"/>
BSC Auditor <input type="checkbox"/>	W <input type="checkbox"/>	Other Documents
Profile Administrator <input type="checkbox"/>	X <input checked="" type="checkbox"/>	Transmission Licence <input type="checkbox"/>
Certification Agent <input type="checkbox"/>		System Operator-Transmission Owner Code <input type="checkbox"/>
MIDP <input type="checkbox"/>		
Other Agents		
SMRA <input type="checkbox"/>		
Data Transmission Provider <input type="checkbox"/>		

X = Identified in Report for last Procedure
N = Newly identified in this Report

² BSCCo contracted system PARMS will be impacted.

1 DESCRIPTION OF PROPOSED MODIFICATION AND ASSESSMENT AGAINST THE APPLICABLE BSC OBJECTIVES

1.1 Modification Proposal

Modification Proposal P157 'Replacement of current Supplier Charges rules', (P157, Reference 1), was raised on 5 January 2004 by EDF Energy. P157 proposes to replace the current Supplier Charges rules in Annex S-1 of the Code with a robust set of rules that adhere to the proposed criteria for a corrective technique suggested by the Volume Allocation Standing Modification Group (VASMGM) in its report to the Balancing and Settlement Code Panel (the 'Panel') on Issue 6 'Appropriateness of the Current Supplier Charging Mechanism' (Reference 2).

The Proposer believes that a clear and readily understood set of rules would assist with the drive to improve the quality of data entering Settlement. The latest BSC Audit was qualified and it is the Proposer's view that a major contributory factor to this was the level of poor data quality in the Supplier Volume Allocation portion of the market, especially within the Non Half Hourly (NHH) sector. Supplier Charges are intended to be a corrective technique for this issue, but the VASMGM, in its discussions under Issue 6, considered the appropriateness of the current rules and their effectiveness as a corrective technique. A majority concluded that they were unsuccessful at improving data quality.

The Proposer considers that P157 would better facilitate the achievement of Applicable BSC Objectives c and d. The achievement of Applicable BSC Objective d - promoting efficiency in the implementation and administration of the balancing and settlement arrangements, would be achieved by P157 since the quality of data entering Settlement will be improved through the introduction of a Supplier Charges mechanism that is easily understood and that provides incentives on Parties. The Proposer further argued that any mechanism that is effective in improving data quality should also better facilitate the achievement of Applicable BSC Objective c - promoting effective competition in the generation and supply of electricity, and promoting such competition in the sale and purchase of electricity.

The P157 Initial Written Assessment (IWA, Reference 3) was presented to the Panel at its meeting on the 15 January 2004. In raising P157, the Proposer did not propose a specific solution. Instead, the aim was that the detailed work required to consider and design a replacement to the current Supplier Charges rules should be undertaken as part of the Modification Procedure. For this reason, the Panel submitted P157 to a two-month Definition Procedure.

The Definition Report (Reference 4) was presented to the Panel at its meeting on 11 March 2004. The Panel decided to submit P157 to a three-month Assessment Procedure, with an Assessment Report scheduled to be presented to the Panel at its June 2004 meeting.

During the initial stage of the Assessment Procedure, the Group issued a consultation document (Reference 5) to the industry detailing its initial conclusions regarding the Proposed Modification and a number of potential alternative solutions.

At its meeting on 13 May 2004, the Panel requested that the Group present an Interim Report at the next Panel meeting to enable the Panel to seek provisional thinking from the Authority. An Interim Report was presented (Reference 6) and the request for provisional thinking was made. The Authority delivered its provisional thinking on 25 June 2004 such that it could be considered at the July 2004 Panel meeting. At this meeting the Panel also considered a second Interim Report (Reference 7) submitted to it by the Group, which contained the Group's views on the Authority's provisional thinking.

The Panel directed the Group that the Proposed or Alternative Modification should have the following features:

- The genuine pre estimate of loss for Serial SP08a should include a suitable calculation for in-house Supplier costs to correct bad data;
- The charging method should not be the 'Bond Rebate' method;
- The charge re-distribution method should be linked to the target Standard and hence support its attainment, and be continuous and monotonic; and
- There should be no cap on a "basket" of Serials (this direction was clarified at the August Panel meeting), although a cap on individual Serials is acceptable.

The Group issued a second assessment consultation document (Reference 8) to industry to finalise the composition of any Proposed and Alternative Modification. The Group then decided the components of the Proposed and Alternative Modifications and agreed its provisional recommendations to the Panel.

The Group issued a third Interim Report (Reference 9) to confirm the details of the Proposed and Alternative Modifications it had developed and to specify the additional work it required to complete the Assessment Procedure. The Panel agreed a one month extension to the Assessment Procedure such that an Assessment Report would be presented at the October Panel.

In September the Group issued a third assessment consultation document (Reference 10) to allow participants to consider P157 on a GB basis following BETTA Go-Active on 1 September 2004. The purpose of this consultation was for all participants to consider P157 on a GB basis as well as for new Scottish participants to consider P157 against the Applicable BSC Objectives.

Finally the Group issued a fourth consultation (Reference 11) in relation to an issue regarding use of Final Reconciliation (RF) data under the P157 Alternative Modification Proposal.

As part of the Assessment Procedure, the Group has met on twelve occasions to date – 15 March, 23 March, 2 April, 28 April, 28 May, 18 June, 28 June, 12 July, 13 August and 27 August 2004, 28 September and 12 October 2004.

The Assessment Report was presented to the Panel at its meeting on 14 October 2004. At this meeting, the Panel submitted P157 to the Report Phase with a draft Modification Report to be presented to the Panel at its meeting on 11 November 2004.

1.2 Proposed Modification

There will be Supplier Charges on Serials SP01, SP02, SP04, SP08a, b and c. These Serials are described in more details in the Assessment Report section 2.2.1. SP01 and SP02 will be charged on a £ per day basis only i.e. not charged per GSP Group, SP04 will be charged on a £ per day basis as it is currently and SP08a, b and c on a £ per MWh basis as they are currently. The charges for SP08 a, b and c will be capped overall such that no Supplier shall pay more than 1% of its Supplier Take*Credit Assessment Price in any GSP Group (i.e. no cap applied to SP01, SP02 and SP04 charges). SP01 and SP02 will cease to be applied after 12 months has passed. The funds collected from all Serials will be used in the following manner: 10% will be distributed to all Trading Parties based on their Main Funding Shares: the remaining 90% will be redistributed on a GSP Group basis according to NHH market share – this is the current method of redistribution.

The level of the charges will be reviewed at the Panel's request at least once every two years following the methodology contained in the Code.

1.3 Alternative Modification

The Alternative Modification is the same as the Proposed Modification in all aspects except the redistribution. In the Alternative Modification, the funds collected from all Serials will be used in the following manner:

For all GSP Groups in which there is a full month of RF data available;

10% will be distributed to all Trading Parties based on their Main Funding Shares: the remaining 90% will be redistributed on a GSP Group basis to NHH Suppliers who have either achieved the performance Standard (97%) or have performed above average on SP08a for the GSP Group. The amount each Supplier will receive will be dependent on its market share at RF, how far above the average it is and whether it has achieved the Standard.

For all GSP Groups which do not have a full month of RF data available;

10% will be distributed to all Trading Parties based on their Main Funding Shares: the remaining 90% will be redistributed on a GSP Group basis according to NHH market share. This will occur until such time as a full month of RF data is available.

The Modification Group believes that the Alternative Modification fulfils the directions of the Panel to the Group.

1.4 Summary Table

Aspect of P157	Proposed Modification	Alternative Modification
Chargeable Serials	SP01, 2, 4, 8a, 8b, 8c	As per Proposed
Basis of Genuine pre-estimate of loss	SP01 and SP02 – administration charges SP04 – error in profiles used for missing HH Meters. SP08a – value of volume of energy that is uncertain plus incremental central costs relating to poor performance and in house costs to correct bad data SP08b and c – value of volume of energy that is uncertain plus incremental central costs relating to poor performance	As per Proposed
Redistribution	Leave as currently	A Supplier who has performed either above the average (or Standard if lower) will receive a proportion of the funds collected based on its amount above average (or Standard if lower) and an additional (2x share) if above Standard. Redistribution is on a GSP Group basis
Caps	Amended cap on SP08a, b and c only: 1%*Supplier Take*CAP	As per Proposed

1.5 Issues raised by the Proposed and Alternative Modifications

The following issues were considered during the assessment of Proposed Modification P157:

- Peer group comparison (pgc)
- Serials

- Which should be charged
- How they should be charged
- What the charge should be - genuine pre-estimate of loss methodology
- Reviewing Supplier Charges
- Caps
- Redistribution
 - Current method
 - Average performance related
 - Bond rebate method
- 90/10 rule
- Force majeure
- BETTA issues
- Implementation Date.

These issues are discussed in the Assessment Report and are not covered further here.

1.6 Assessment of how the Proposed Modification will better facilitate the Applicable BSC Objectives

The Group considered the achievement of Applicable BSC Objectives c and d as being most suitable for P157:

Applicable BSC Objective c) - promoting effective competition in the generation and supply of electricity, and (so far as consistent therewith) promoting such competition in the sale and purchase of electricity;

Applicable BSC Objective d) - promoting efficiency in the implementation and administration of the balancing and Settlement arrangements.

The majority of the Group considered that overall the Proposed Modification better facilitated the achievement of the Applicable BSC Objectives in comparison to the current baseline. The Group and consultation respondents' comments that are relevant to the Proposed Modification are:

- Revision of the genuine pre estimate of loss will make the process more cost reflective since the charges will be more accurate;
- The existing cap calculation was not considered justifiable and has been removed. An amended cap has been introduced – having no cap was seen as being a barrier to entry to Parties and a cap that is inappropriate and is invoked frequently is detrimental to competition since Parties will not be incentivised to improve data as their maximum liability is not significant;
- Supplier Charges are supposed to be compensatory and the current redistribution does that.

A minority did not believe that the Proposed Modification better facilitated the achievement of the Applicable BSC Objectives:

- The reason the current mechanism does not provide an incentive is because of the redistribution – it is possible for a Party to receive back via the current redistribution much of the monies it paid out;

- The level of monies that will be circulated under P157 will be of a magnitude less than the level of monies that are currently circulated;
- The proposal makes gross assumptions in order to derive and apply average charge rates for poor performance against Serials, particularly SP08a, b, c. The proposed charges disregard individual Supplier data accuracy performance, and assume an average accuracy of estimated data based on a limited sample of doubtful validity. This will give charges which are over generous for some Parties and penal for others, and for Half Hourly (HH) Suppliers this discrimination will be greater than under the current arrangements due to the higher proposed rates.

1.7 Modification Group's cost benefit analysis of Proposed Modification

The Group decided that it was not viable to perform a quantitative cost benefit analysis and a qualitative cost benefit analysis could be seen in the Group and consultation response discussions as to whether P157 would better facilitate the achievement of the Applicable BSC Objectives or not.

The reason it was considered impracticable was since it would be difficult to isolate and quantify the benefit for P157 alone without including in the P99 "Changes to Accreditation and the PARMS Serials and Standards resulting from the Performance Assurance Framework (PAF) Review" benefits.

1.8 Assessment of how the Alternative Modification will better facilitate the Applicable BSC Objectives

A majority of the Group considered that overall the Alternative Modification better facilitated the achievement of the Applicable BSC Objectives as compared to both the current baseline and the Proposed Modification. The Group and consultation respondents' comments relevant to the Alternative Modification are:

- Revision of the genuine pre estimate of loss will make the process more cost reflective since the charges are more accurate;
- The existing cap calculation was not considered justifiable and has been removed. An amended cap has been introduced – having no cap was seen as being a barrier to entry to Parties and a cap that is inappropriate and invoked frequently is anticompetitive since Parties will not be incentivised to improve data as their maximum liability is not significant;
- It should act as an incentive on Parties to address poor data quality issues – mainly as a result of the amended redistribution;
- The disincentive for a new Party to enter the market is reduced since there is less uncertainty in the market as P157 should improve performance (amended redistribution should provide an incentive);
- The efficiency of BSCCo and industry should increase as less time should be required to be spent on improving poor performance and dealing with data quality issues;
- The level of monies that will be circulated under P157 will be of a magnitude less than the level of monies that are currently circulated. However, under the Alternative Modification redistribution, the monies are circulated amongst the right Parties.

However a minority considered that the Alternative Modification did not better facilitate the achievement of the Applicable BSC Objectives:

- P157 does not create a clear, transparent and predictable incentive which was the defect identified by the Modification Proposal;

- The Alternative Modification redistribution could be discriminatory by nature, and thus would not meet the Applicable BSC Objectives;
- The Alternative represents a shift away from charges being related to the genuine pre estimate of loss and the use of Liquidated Damages to a system of fines and incentives;
- The proposal is more complicated;
- The industry has yet to see the benefits from P99 so it is difficult to calculate if P157 is better than the current mechanism in place;
- The proposal makes gross assumptions in order to derive and apply average charge rates for poor performance against Serials, particularly SP08a, b and c. The proposed charges disregard individual Supplier data accuracy performance, and assume an average accuracy of estimated data based on a limited sample of doubtful validity. This will give charges which are overgenerous for some Parties and penal for others, and for HH Suppliers this discrimination will be greater than under the current arrangements due to the higher proposed rates;
- The additional cost of the Alternative Modification outweighs any benefits it might have.

1.9 Modification Group's cost benefit analysis of Alternative Modification

The Group decided that it was not viable to perform a quantitative cost benefit analysis and a qualitative cost benefit analysis could be seen in the Group and consultation response discussions as to whether P157 would better facilitate the achievement of the Applicable BSC Objectives or not.

The reason it was considered impracticable was since it would be difficult to isolate and quantify the benefit for P157 alone without including in the P99 benefits.

1.10 Governance and regulatory framework assessment

During the assessment of the Proposed and Alternative Modification, the VASMG considered the wider implications of P157 in the context of the statutory, regulatory and contractual framework within which the Code sits, as is required by the Code (Annex F-1, paragraph 1(g)). The VASMG was of the opinion that, were P157 to be implemented, there would be no such wider implications.

2 COSTS³

PROGRESSING MODIFICATION PROPOSAL

Meeting Cost	£6,500
Legal/expert Cost	£2,500
Impact Assessment Cost	£3,500
ELEXON Resource	160 Man days £45,000

³ Clarification of the meanings of the cost terms in this section can be found in annex 7 of this report

PROPOSED MODIFICATION IMPLEMENTATION COSTS

		Stand Alone Cost	Tolerance
Service Provider⁴ Cost			
	Total Service Provider Cost	£68,000	+/- 14%
Implementation Cost			
	Design Clarifications	£6,800	+/- 100%
Total Demand Led Implementation Cost		£74,800	+/- 22%

ELEXON Implementation Resource Cost		235 Man days £70,500	+/- 10%
Total Implementation Cost		£145,300	+/- 16%

ONGOING SUPPORT AND MAINTENANCE COSTS

		Stand Alone Cost	Tolerance
Service Provider Operation Cost		£0 per annum ⁵	n/a
Service Provider Maintenance Cost		£ 9,500 per annum	n/a
ELEXON Operational Cost		£0 per annum ⁵	n/a

ALTERNATIVE MODIFICATION IMPLEMENTATION COSTS

Stand Alone Cost	Tolerance
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⁴ BSC Agent and non-BSC Agent Service Provider and software Costs see annex 4 of this report

⁵ The operation of PARMS under P157 will not incur additional operational costs.

Service Provider⁴⁶ Cost			
	Total Service Provider Cost	£191,000	+/-18%
Implementation Cost			
	Design Clarifications	£19,100	+/-100%
Total Demand Led Implementation Cost		£210,100	+/- 25%

ELEXON Implementation Resource Cost		370 Man days £111,000	+/- 10%
Total Implementation Cost		£321,100	+/- 20%

ONGOING SUPPORT AND MAINTENANCE COSTS		
	Stand Alone Cost	Tolerance
Service Provider Operation Cost	£0 per annum ⁵	n/a
Service Provider Maintenance Cost	£26,700 per annum	n/a
ELEXON Operational Cost	£0 per annum ⁵	n/a

Implementation of Proposed Modification, its interaction with P99 and impact on cost

The cost of P157 were it to be implemented alongside P99 would be lower than quoted above since there is ELEXON resource already committed to PARMS changes. The P99 phase 4 software release which addresses various contingency events is due to be implemented as part of the June 2005 release and hence it would only be feasible to take advantage of any savings for the P157 Proposed Modification since it requires a lead time of 5 months (the Alternative Modification requires a lead time of 8 months). The ELEXON cost would be reduced from 235 ELEXON man days (£70,500) to 70 ELEXON man days (£21,000). The Service Provider cost would also be reduced from £68,000 to £51,500. The total implementation cost would thus be £77,700 +/- 19%.

To enable these cost savings implied by an implementation coincident with phase 4 of P99 an early decision would be required such that P157 changes could be implemented in June 2005 and only "switched on" or made effective on 1 December 2005 so as not to force too many major successive changes on Scottish GSP Groups. The Group agreed with this and hence agreed that an Authority decision would be required by 30 January 2005 to take advantage of reduced costs associated with coincident P99 implementation although P157 would not be effective until 1 December 2005 (the November 2005 release).

⁶ The Service Provider costs have been updated since the Assessment Report to account for the transitional redistribution arrangements for new GSP Groups.

3 RATIONALE FOR PANEL'S RECOMMENDATIONS

3.1 Provisional Recommendations

The Panel at its meeting on 14 October discussed its provisional recommendation for P157 to be contained within this draft Modification Report and sent to industry for consultation.

One Panel member questioned whether current charges were considered to be a genuine pre estimate of loss by the Group. It was stated that the Group does not believe the current charges represent a genuine pre estimate of loss and that it had rejected some components of the current genuine pre estimate of loss methodology (see Assessment Report Section 2.2.2).

It was queried whether another methodology for calculating the genuine pre estimate of loss for SP08b had been suggested, as this had been proposed by one of the consultation respondents. It was confirmed that no other calculation had been suggested, and that the Group were content with the methodology it had put forward and with the assumptions made.

One Panel member queried whether ELEXON remained confident that the redistribution method set out in the Alternative Modification remained viable and legally robust in light of some comments made by consultation respondents. ELEXON re-iterated that no mechanism for calculating and distributing a genuine pre estimate of loss can be guaranteed to be beyond legal challenge. ELEXON has considered the consultation responses received, and have informally shown the key points regarding the proposed legal text for the 'average redistribution' mechanism to external lawyers - which did not identify any key design problems with the mechanism. It remains ELEXON's view that it is viable to propose the average redistribution mechanism in that it accommodates the fundamental principles necessary to any valid liquidated damages arrangement.

The Panel, by a majority, recommended the implementation of the Alternative Modification relative to the Proposed Modification for the reasons given by the Group, as detailed above and in the Assessment Report. These are in short, that the revised genuine pre estimate of loss and cap calculations are more appropriate and justifiable and that the amended redistribution will provide an incentive to improve data quality in the market.

One Panel member did not recommend that the Alternative Modification be made since she did not believe that there would be sufficient pressure on the NHH market as a result of the low SP08a charge and that the pressure would be skewed towards the HH market where there was less concern regarding performance. Additionally this Panel member was concerned regarding the transitional redistribution methodology for Scottish and new GSP Groups who would not benefit from the incentives associated with the redistribution until such time as RF data was available.

3.2 Final Recommendations

The Panel at its meeting on 11 November discussed its recommendation for P157 to be contained within this final Modification Report to be issued to the Authority for decision.

One Panel member expressed concern that the Group's opinion on several aspects of P157 was divided (namely in relation to the genuine pre estimate of loss and redistribution) and that those dissenting members of the Group failed to produce more viable alternatives.

It was observed by ELEXON that a majority of the Group agreed with the revised genuine pre estimate of loss values and supported the amended redistribution and hence the Alternative Modification. It was confirmed that those disagreeing with the genuine pre estimate of loss calculations did not suggest alternative methodologies. Some of those disagreeing with the amended redistribution did so for reasons of principle since in their opinion an arrangement of Liquidated Damages can not also be used to provide an incentive but merely provides compensation for loss.

One Panel member disagreed that the situation was disappointing and stated approval at the progress of the Group, the clarification of the issues associated with the Supplier Charges and the production of two coherent packages to form the Proposed and Alternative Modifications with the latter achieving a sharpening of incentives.

One Panel member commented that the legal text of the Alternative Modification contained question marks in some of the definitions. It was clarified by ELEXON that this was unintentional, the question marks ought to have appeared as mathematical summation signs and that it was due to the production package used. This would be amended and checked before being issued to the Authority.

As with its provisional recommendation, a majority of the Panel recommended the implementation of the Alternative Modification relative to the Proposed Modification. This was for the reasons given by the Group as detailed above and in the Assessment Report. These are in short, that the revised genuine pre estimate of loss and cap calculations are more appropriate and justifiable and that the amended redistribution will provide an incentive to improve data quality in the market.

One Panel member did not recommend that the Alternative Modification be made since she was concerned about the bias of incentives towards the Half Hourly market as opposed to the Non Half Hourly market. This Panel member also stated unease regarding the transitional redistribution methodology for Scottish and new GSP Groups who would not benefit from the incentives associated with the redistribution for some time after the BETTA Effective Date. Finally this Panel member stated that there was an interaction between P157 and the BSC review that had not been considered.

4 IMPACT ON BSC SYSTEMS AND PARTIES

An assessment has been undertaken in respect of BSC Systems and Parties and the following have been identified as being impacted by the Proposed Modification and the Alternative Modification.

4.1 BSCCo

The table below provides a summary of the effort required by BSCCo to support the Proposed and Alternative Modifications.

Area of Business	Impact of Proposed and Alternative Modifications
Market Monitoring	5 man days' effort to amend the Market Monitoring documentation
Assurance	15 man days' effort to review changes to system to ensure they are compliant with requirements and redraft of the BSCP in accordance with the requirements
Governance & Regulatory Affairs	0.25 man day effort to update the Panel Plan will need and include brief explanation of the issue in the Panel Reference Document as well as 0.5 man days per annum ongoing operational effort
SVA Programme	15 man days' effort to amend BSCP536 Implementation Support as in Section 3
Corporate Assurance	3 man days' programme assurance to update the BPM and Obligations Register 40 man days' to provide project assurance and provide IT support to the testing and installation and housekeeping of the revised PARMS

Area of Business	Impact of Proposed and Alternative Modifications
Website	1 man day effort to publish serials and associated charges on the BSC (ELEXON) website and review changes to these values if necessary, in conjunction with the issuing of an ELEXON Circular

4.2 BSC Systems

The Performance Assurance Reporting and Monitoring System (PARMS) will be amended in the Supplier Charges module as according to the BSC Agent Impact Assessment. The total costs are described in the cost section (Section 2 and Annex 4). There will be no changes to the Serials but the charges, the Settlement Runs associated with charges, the methodology for capping and the use of Supplier Charges funds will be amended.

System / Process	Potential Impact of Proposed/Alternative Modification
Reporting	The PARMS system will be amended.

4.3 Parties and Party Agents

Four responses were received from Parties in response to the Requirements Specification, one of which indicated that P157 would have no impact in terms of costs, changes or implementation timescales but stated surprise and disappointment that the "Bond Rebate" method and associated removal of caps have been withdrawn from any of the P157 proposals.

The remaining responses stated that the Proposed and Alternative Modifications will impact Parties in terms of a business impact and cost since Parties will outlay different amounts of money in terms of Supplier Charges, and there will be an administrative effort to implement P157.

Actual systems and procedures will not require changing for some Parties. Those Parties that validate Supplier Charges invoices will need to amend the validation methods. In addition some Parties have internal monitoring tools to monitor and report on the combined position of different Supplier Ids, there will be costs associated with amending these tools.

See Annex 5 of the Assessment Report for Party and Party Agent Impact Assessment Responses.

5 IMPACT ON CODE AND DOCUMENTATION

5.1 Balancing and Settlement Code

Sections S (Annex S-1) and Section X will be amended as a result of P157.

5.2 Code Subsidiary Documents

The reports in BSCP536 will need amending as a result of the changes to the PARMS system.

5.3 BSCCo Memorandum and Articles of Association

No changes required.

5.4 Impact on Core Industry Documents and supporting arrangements

No changes required.

6 SUMMARY OF CONSULTATIONS

7 responses representing 48 Parties and one non Party were received to the consultation.

Consultation question	Respondent agrees	Respondent disagrees	Opinion unexpressed
Do you agree with the Panel's views on P157 and the provisional recommendation to the Authority contained in the draft Modification Report that P157 Alternative Modification should be made?	5 (24 +1)	2 (24)	
Do you agree with the Panel's views on P157 and the provisional recommendation to the Authority contained in the draft Modification Report that P157 Proposed Modification should not be made?	5 (24 +1)	1 (14)	1 (10)
Do you agree with the Panel's view that the legal text provided in the draft Modification Report correctly addresses the defect or issue identified in the Modification Proposal for i) The Proposed Modification ii) The Alternative Modification?	5 (38)	1 (10)	1 (0+1)
Do you agree with the Panel's provisional recommendation concerning the Implementation Date for P157 for i) The Proposed Modification ii) The Alternative Modification?	6 (38 +1)	1 (10)	

6.1 Panel's Provisional Recommendation

A majority of respondents supported the Panel's provisional recommendation that P157 Alternative Modification should be made. These respondents were of the opinion that implementation of the P157 Alternative Modification would offer an incentive to Parties to address the issue of poor data quality in Settlement due to the amended redistribution component of the Alternative Modification (this is the reason it is preferred to the Proposed Modification as well as the current baseline). This would decrease the barriers to entry and reduce the industry and BSCCo costs of dealing with poor performance and hence would fulfil the achievement of the Applicable BSC Objectives c and d.

One of the respondents stated its particular lack of support for the current redistribution method under P157.

Those respondents that supported the Panel's recommendation for the Alternative Modification also supported its recommendation for the Proposed Modification.

A minority of respondents did not support the Panel's provisional recommendation that P157 Alternative Modification should be made. One of these preferred the Proposed Modification to the Alternative Modification particularly when considering the higher costs involved in implementing the Alternative Modification when compared to those involved in implementing the Proposed Modification.

The other respondent felt that neither the Proposed nor the Alternative Modification should be made since the genuine pre estimate of loss calculation is flawed and the new Supplier Charge for Half Hourly SP08b Serial is too high whilst the Non Half Hourly Charge SP08a Serial has been set too low. In addition it believes that the redistribution mechanism proposed under the Alternative Modification is inequitable and represents a shift away for the principle of Liquidated Damages.

6.2 Draft Legal Text

A majority of respondents supported the Panel's view that the draft legal text would correctly address the issue identified by P157.

One respondent commented that for SP08 a, b and c paragraphs 3.2.1, 3.3.1 and 3.4.1 should all use the same style and should replicate the proposed 3.4.1 style. They stated that it is not necessary to include the two tables in 3.2.1 and 3.3.1 since Suppliers are no longer charges on performance at more than one Settlement Run.

This respondent was contacted to describe the rationale behind continuation of those paragraphs in style:

- The paragraphs have always been in different styles since there is only one Standard for SP08c – 99% target at RF, whereas SP08a and SP08b have more than one Standard associated; and
- Retention of the tables populated with the Standard implies that although Parties are not charged for not reaching the targets they still exist and should be aimed at.

6.3 Recommended Implementation Date

A majority of respondents supported the recommended Implementation Date for the Alternative Modification of 1 December 2005 if an Authority decision is received on or before 3 March 2005, or 1 March 2006 if the Authority decision is received after 3 March 2005 but on or before 23 June 2005 and the Implementation Date for the Proposed Modification (in the event that the Authority determines that the Proposed Modification P157 should be made) of 1 December 2005 if an Authority decision is received on or before 3 June 2005, or 1 March 2006 if the Authority decision is received after 3 June 2005 but on or before 23 September 2005.

The respondent who disagreed with the Implementation Dates put forward was also not supportive of any of the Panel's recommendations.

6.4 Further Comments

Two respondents made further comments.

One commented that although the P157 review process has taken a considerable amount of time and effort, the review, supported by the detailed modelling undertaken, has been a worthwhile exercise. The discussion areas covered in VASMG meetings e.g. genuine pre estimate of loss should be of use in future meetings / Modification discussions. This respondent expressed a hope that these will have been captured and recorded for future reference.

One respondent voiced concerns about the high costs of implementing the Alternative Modification and did not understand why the Panel recommended approval of this. It was not convinced the cost / benefit arguments justify the Panel's preference for the Alternative Modification over the Proposed Modification.

6.5 Comments and views of the Panel

The Panel noted and considered the responses received to the consultation on the draft Modification Report and that no new issues arose during the consultation. Further comments by the Panel are detailed in section 3.2 of this report.

7 SUMMARY OF TRANSMISSION COMPANY ANALYSIS

7.1 Initial Analysis

Q	Question	Response
1	Please outline any impact of the Proposed Modification on the ability of the Transmission Company to discharge its obligations efficiently under the Transmission Licence and on its ability to operate an efficient, economical and co-ordinated transmission system.	We do not believe that the proposed modification P157 has any impact on the ability of the Transmission Company to discharge its obligations under the Transmission Licence.
2	Please outline the views and rationale of the Transmission Company as to whether the Proposed Modification would better facilitate achievement of the Applicable BSC Objectives.	We support the continuation of Supplier Charges as an appropriate mechanism to incentivise the provision of better quality data into Settlement. We believe that the principles outlined in P157, to achieve a Supplier Charges Mechanism that is easily understood and provides effective incentives on Parties, meet BSC Applicable Objectives c) for promoting effective competition in the generation and supply of electricity and d) for promoting efficiency in the implementation and administration of the balancing and settlement arrangements. However, we would endorse the views expressed by the Mod Group that any potential benefits arising from the proposed modification would have to be measured against the costs of introducing the necessary changes to the existing processes.
3	Please outline the impact of the Proposed Modification on the computer systems and processes of the Transmission Company, including details of any changes to such systems and processes that would be required as a result of the implementation of the Proposed Modification.	No impact has been identified from the proposed modification P157 on the computer systems and processes of the Transmission Company.
4	Please provide an estimate of the development, capital and operating costs (broken down in reasonable detail) which the Transmission Company anticipates that it would incur in, and as a result of, implementing the Proposed Modification.	No costs have been identified.
5	Please provide details of any consequential changes to Core Industry Documents that would be required as a result of the implementation of the Proposed Modification.	No changes have been identified.
6	Any other comments on the Proposed Modification.	

7.2 Second Analysis

Q	Question	Response
1	Please outline any impact of the Proposed and Alternative Modifications on the ability of the Transmission Company to discharge its obligations efficiently under the Transmission Licence and on its ability to operate an efficient, economical and co-ordinated transmission system.	We do not believe that the proposed modification P157 has any impact on the ability of the Transmission Company to discharge its obligations under the Transmission Licence.
2	Please outline the views and rationale of the Transmission Company as to whether the Proposed and Alternative Modifications would better facilitate achievement of the Applicable BSC Objectives.	We support the continuation of Supplier Charges as an appropriate mechanism to incentivise the provision of better quality data into Settlement. We believe that the principles outlined in P157 and its Alternative, to achieve a Supplier Charges Mechanism that is easily understood and provides effective incentives on Parties, meet BSC Applicable Objectives c) for promoting effective competition in the generation and supply of electricity and d) for promoting efficiency in the implementation and administration of the balancing and settlement arrangements. However, we would endorse the views expressed by the Mod Group that any potential benefits arising from the proposed modification would have to be measured against the costs of introducing the necessary changes to the existing processes.

		We have no specific comment to make as to whether the Original or the Alternative is better in achieving the Applicable BSC Objectives.
3	Please outline the impact of the Proposed and Alternative Modifications on the computer systems and processes of the Transmission Company, including details of any changes to such systems and processes that would be required as a result of the implementation of the Proposed and Alternative Modifications.	None envisaged
4	Please provide an estimate of the development, capital and operating costs (broken down in reasonable detail) which the Transmission Company anticipates that it would incur in, and as a result of, implementing the Proposed and Alternative Modifications.	None envisaged
5	Please provide details of any consequential changes to Core Industry Documents that would be required as a result of the implementation of the Proposed and Alternative Modifications.	None envisaged
6	Any other comments on the Proposed and Alternative Modification.	None

7.3 Comments and views of the Panel

The Transmission Company did not make any material remarks relating to P157 and its progress and neither the Group nor the Panel made any comments on the responses.

8 SUMMARY OF EXTERNAL ADVICE

No external advice was sought.

9 IMPLEMENTATION APPROACH

This sets out in high level terms a proposed project for the implementation of the changes required to:

- Develop the changes to the PARMS software required to implement the Proposed and Alternative Modifications; and
- Implement the necessary changes to the Code Subsidiary Documents and other configurable items required to implement the Proposed and Alternative Modifications.

The BSC Agent has provided costs and timescales for the development of the changes to the PARMS software. On the basis of the estimates provided by the BSC Agents the development should take approximately:

- 5 months for the Proposed Modification, at a total cost of £145,300 +/-16%; or
- 8 months for the Alternative Modification, at a total cost of £321,100 +/- 20%.

Monthly operation would be zero additional cost. However maintenance costs are £9,500 for the Proposed Modification and £26,700 for the Alternative Modification.

The costs are made up as described in Section 3 of this Modification Report.

One key risk identified is that the P99 implementation is still ongoing and the assessment of P157 has been based on a P99 baseline.

P157 will be implemented on a Calendar Day basis. Thus, on the Implementation Date, there will be an absolute break between the pre P157 rules and the newly introduced P157 rules. For example from the Implementation Date, new P157 charges will apply for all Settlement Runs performed after that

date, even those that apply to Settlement Days prior to that date. This element of retrospectivity has been highlighted by the Group to industry during the P157 Assessment Procedure.

ELEXON will be responsible for managing implementation of the Proposed and Alternative Modifications.

10 DOCUMENT CONTROL

10.1 Authorities

Version	Date	Author	Reviewer
0.1	15/10/04	Dena Harris	ELEXON
0.2	19/10/04	Dena Harris	Consultation
0.3	02/11/04	Dena Harris	ELEXON
0.4	03/11/04	Dena Harris	ELEXON
0.5	05/11/04	Dena Harris	Panel
0.6	11/11/04	Dena Harris	ELEXON
1.0	12/11/04	Dena Harris	Authority

10.2 References

Ref	Document	Owner	Issue date	Version	Document Link
1	P157 Modification Proposal	N/a	05/01/04	1.0	http://www.elexon.co.uk/documents/modifications/157/P157.pdf
2	Issue 6: Report from the VASMG	VASMG	07/11/03	Final	http://www.elexon.co.uk/documents/BSC Panel and Panel Committees/BSC Panel Meetings 2003 - 069 - Papers/69_020.pdf
3	P157 Initial Written Assessment	ELEXON	09/01/04	1.0	http://www.elexon.co.uk/documents/modifications/157/71_012a.pdf
4	P157 Definition Report	ELEXON	05/03/04	1.0	http://www.elexon.co.uk/documents/modifications/157/74_012a_P157_DR.pdf
5	P157 Assessment Consultation	ELEXON	10/05/04	1.0	http://www.elexon.co.uk/documents/modifications/157/P157AC10.doc
6	P157 Interim Report	ELEXON	04/06/04	1.0	http://www.elexon.co.uk/documents/modifications/157/78_009a_P157_IR.pdf
7	P157 Second Interim Report	ELEXON	02/07/04	1.0	http://www.elexon.co.uk/documents/modifications/157/79_005a_P157_IR.pdf
8	P157 Second Assessment Consultation	ELEXON	20/07/04	1.0	http://www.elexon.co.uk/documents/modifications/157/P157_Assessment_Consultation_(2)_Document.pdf
9	P157 Third Interim Report	ELEXON	3/09/04	1.0	http://www.elexon.co.uk/documents/modifications/157/82_009a.pdf
10	P157 Third Assessment Consultation	ELEXON	7/09/04	1.0	http://www.elexon.co.uk/documents/modifications/157/P157AC310.pdf
11	P157 Fourth Assessment Consultation	ELEXON	30/09/04	1.0	http://www.elexon.co.uk/documents/modifications/157
12	P157 Assessment Report	ELEXON	14/10/04	1.0	http://www.elexon.co.uk/documents/modifications/157

ANNEX 1 LEGAL TEXT

Attachment 1: Legal text Proposed Modification

Attachment 2: Legal text Alternative Modification

Phil Russell		Phil.russell@bigfoot.com	Y	N	N	Y	Y	N	Y	N	N	N
Carl Wilkes	Npower	Carl.Wilkes@npower.com	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
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Martin Mate	British Energy	martin.mate@british-energy.com	N	Y	N	N	N	N	N	N	Y	Y
Attendee	Organisation	Email	15/03/04	23/03/04	02/04/04	28/04/04	28/05/04	18/06/04	28/06/04	12/07/04	13/08/04	27/08/04
Nick Simpson	Ofgem	Nick.Simpson@Ofgem.gov.uk	N	Y	Y	N	Y	Y	N	Y	Y	Y
Steve Mackay	Ofgem	Steve.mackay@Ofgem.gov.uk	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Katharine Morrison	energywatch	Katharine.Morrison@energywatch.org.uk	N	N	Y	Y	Y	N	N	Y	Y	Y
Barbara Vest	BSC Panel	barbara.vest@gazdefranceenergy.co.uk	N	N	N	N	N	N	N	Y	N	N
	Electricity Spoc	electricity_spoc@scottishpower.plc.uk										
Lousia Stuart Smith	Npower	Lousia.stuart-smith @npower.com	N	N	N	Y	N	N	N	N	N	N
Heather Mackenzie	Scottish Power	Heather.McKenzie@saic.com	N	N	N	N	N	N	N	N	Y	N
Clare Talbot	National Grid	Clare.Talbot@uk.ngrid.com	N	N	N	N	N	N	N	N	N	N
Adam Richardson	ELEXON	Adam.richardson.elexon.co.uk	N	N	N	N	N	Y	N	N	N	N
Beth Brown	ELEXON	Beth.brown@elexon.co.uk	N	N	N	N	N	N	Y	N	N	N
Derek Lowe	Scottish and Southern	Derek.Lowe@scottish-southern.co.uk	N	N	N	N	N	N	N	N	Y	N

ANNEX 3 CONSULTATION RESPONSES



Attachment 3: Consultation Responses from the draft Modification Report

ANNEX 4 CLARIFICATION OF COSTS

There are several different types of costs relating to the implementation of Modification Proposals. ELEXON implements the majority of Approved Modifications under its CVA or SVA Release Programmes. These Programmes incur a base overhead which is broadly stable whatever the content of the Release. On top of this each Approved Modification incurs an incremental implementation cost. The table of estimated costs of implementing the Proposed/Alternative Modification given in section 2 of this report has three columns:

- **Stand Alone Cost** – the cost of delivering the Modification as a stand alone project outside of a CVA or SVA Release, or the cost of a CVA or SVA Release with no other changes included in the Release scope. This is the estimated maximum cost that could be attributed to any one Modification implementation.
- **Incremental Cost** - the cost of adding that Modification Proposal to the scope of an existing release. This cost would also represent the potential saving if the Modification Proposal was to be removed from the scope of a release before development had started – not applicable to P157.
- **Tolerance** – the predicted limits of how certain the cost estimates included in the template are. The tolerance will be dependent on the complexity and certainty of the solution and the time allowed for the provision of an impact assessment by the Service Provider(s).

The cost breakdowns are shown below:

PROGRESSING MODIFICATION PROPOSAL	
Meeting Cost	This is the cost associated with holding Modification Group meetings and is based on an estimate of the travel expenses claimed by Modification Group members.
Legal/expert Cost	This is the cost associated with obtaining external expert advice, usually legal advice.
Impact Assessment Cost	Service Provider Impact Assessments are covered by a pre-determined monthly contractual charge. Therefore the cost included in this report is an estimate based on the level of impact assessment that the modification is expected to require and may not reflect the actual cost attributed to the modification, which will be based on a percentage of the contractual impact assessment costs for each month that it is assessed.
ELEXON Resource	This is the ELEXON Resource requirement to progress the Modification Proposal through the Modification Procedures. This is estimated using a standard formula based on the length of the Modification Procedure.

SERVICE PROVIDER⁷ COSTS	
Change Specific Cost	Cost of the Service Provider(s) Systems development and other activities relating specifically to the Modification Proposal.

IMPLEMENTATION COSTS	
Design Clarifications	Allowance to cover the potential cost of making any amendments to the proposed solution to clarify any ambiguities identified during implementation. This is typically estimated as 10% of the total Service Provider Costs, with a tolerance of +/- 100%.

TOTAL DEMAND LED IMPLEMENTATION COSTS	
This is calculated as the sum of the total Service Provider(s) Cost and the total Implementation Cost. The tolerance associated with the Total Demand Led Implementation Cost is calculated as the weighted average of the individual Service Provider(s) Costs and Implementation Costs tolerances. This tolerance will be rounded to the nearest 5%.	

ELEXON IMPLEMENTATION RESOURCE COSTS	
Cost quoted in man days multiplied by project average daily rate, which represents the resources utilised by ELEXON in supporting the implementation of the release. This cost is typically funded from the "ELEXON Operational" budget using existing staff, but there may be instances where the total resources required to deliver a release exceeds the level of available ELEXON resources, in which case additional Demand Led Resources will be required.	
This ELEXON Implementation Resource Cost has a tolerance of +/- 10% associated with it.	

ONGOING SUPPORT AND MAINTENANCE COSTS	
ELEXON Operational Cost	Cost, in man days per annum multiplied by project average daily rate, of operating the revised systems and processes post implementation.
Service Provider Operation Cost	Cost in £ per annum payable to the Service Provider(s) to cover staffing requirements, software or hardware licensing fees, communications charges or any hardware storage fees associated with the ongoing operation of the revised systems and processes.
Service Provider Maintenance Cost	Cost quoted in £ per annum payable to the Service Provider(s) to cover the maintenance of the amended BSC Systems.

⁷ A Service Provider can be a BSC Agent or a non-BSC Agent, which provides a service or software as part of the BSC and BSC Agent Systems. The Service Provider cost will be the sum of the costs for all Service Providers who are impacted by the release.

ANNEX 5 ASSESSMENT REPORT

Attachment 4: P157 Assessment Report – Note this will not contain the legal text attachments.