

## Responses from P111 Draft Report Consultation

Consultation issued 19 February 2003

Representations were received from the following parties:

No	Company	File Number	No. BSC Parties Represented	No. Non-Parties Represented
1.	IMServ	P111_DR_001	1	
2.	SEEBOARD	P111_DR_002	1	
3.	Aquila Networks	P111_DR_003	1	
4.	British Gas Trading	P111_DR_004	1	
5.	NGC	P111_DR_005	1	
6.	British Energy	P111_DR_006	3	
7.	Scottish and Southern	P111_DR_007	4	
8.	LE Group	P111_DR_008	9	
9.	Scottish Power	P111_DR_009	6	

P111\_DR\_001 – IMServ

<b>Respondent:</b>	<i>Carmen Page</i>
<b>No. of BSC Parties Represented</b>	
<b>BSC Parties Represented</b>	
<b>No. of Non BSC Parties Represented</b>	1
<b>Non BSC Parties represented</b>	IMServ Europe Ltd
<b>Role of Respondent</b>	<i>HHDC, HHDA, HHMOP, NHHMOP, NHHDA, NHHDC</i>

<b>Q</b>	<b>Question</b>	<b>Response <sup>1</sup></b>	<b>Rationale</b>
1	Do you agree with the Panel's views on P111 and the provisional recommendation to the Authority contained in the draft Modification Report? Please give rationale.	Yes	The argument given makes sense.
2	Do you agree with the Panel's provisional recommendation concerning the Implementation Date for P111? Please give rationale.	Yes / No	There is no implementation date proposed. It is proposed to withdraw the change.
3	Are there any further comments on P111 that you wish to make?	Yes	What would be useful to avoid modifications being raised dependent on other modifications is that any modification proposal raised should be checked thoroughly for impact and all changes relating to a particular aspect grouped together. This would save respondents time and money in assessing changes and would give consistency and avoid unnecessary fixes. If all areas are not considered in a modification proposal, which does happen, then we are left with the situation of producing papers, briefing notes etc, to correct the situation, this means that we spend a lot of time reviewing the modification proposals and other industry changes.

P111\_DR\_002 – SEEBOARD

<b>Respondent:</b>	Dave Morton
<b>No. of BSC Parties Represented</b>	1
<b>BSC Parties Represented</b>	SEEBOARD Energy Limited
<b>No. of Non BSC Parties Represented</b>	0
<b>Non BSC Parties represented</b>	
<b>Role of Respondent</b>	Supplier

<b>Q</b>	<b>Question</b>	<b>Response <sup>1</sup></b>	<b>Rationale</b>
1	Do you agree with the Panel's views on P111 and the provisional recommendation to the Authority contained in the draft Modification Report? Please give rationale.	Yes	BSC already provides for rejection of modifications described in his proposal. Therefore, this modification cannot be seen to better facilitate BSC objectives.
2	Do you agree with the Panel's provisional recommendation concerning the Implementation Date for P111? Please give rationale.	No	As we do not consider that this proposal better facilitates BSC objectives we cannot support any implementation date detailed within draft modification report.
3	Are there any further comments on P111 that you wish to make?	No	

**P111\_DR\_003 – Aquila Networks**

Please find that Aquila Networks Response to P111: Procedure to allow the BSC Panel to refuse to accept Contingent Modification Proposals is 'No Comment.'

Regards,

Jason Guest

On Behalf of Rachael Gardener

Jason J Guest  
Distribution Support Office  
Aquila Networks plc

P111\_DR\_004 – British Gas Trading

**Re: Modification Proposal P111 – Procedure to allow the BSC Panel to refuse to accept Contingent Modification Proposals**

Thank you for the opportunity of responding to this draft modification report considering Modification Proposal P111. British Gas Trading (BGT) does not support the Modification Proposal and does not believe this would better facilitate Applicable BSC Objectives. The effect of this proposal is to introduce duplication into the BSC and this cannot be seen to better facilitate Applicable BSC Objective (d).

As stated in the ELEXON legal advice BGT believe that there are existing powers in the BSC to allow for the rejection of a Modification Proposal that is not raised against the current baseline. Therefore BGT support the Panel's decision to expedite the process and proceed straight to report and their provisional recommendation to reject the proposal.

Yours sincerely

Mark Manley  
Contract Manager

P111\_DR\_005 – NGC

<b>Respondent:</b>	<i>National Grid</i>
<b>No. of BSC Parties Represented</b>	One
<b>BSC Parties Represented</b>	<i>Please list all BSC Parties responding on behalf of (including the respondent company if relevant). National Grid</i>
<b>No. of Non BSC Parties Represented</b>	N/A
<b>Non BSC Parties represented</b>	<i>Please list all non BSC Parties responding on behalf of (including the respondent company if relevant). N/A</i>
<b>Role of Respondent</b>	<i>(Supplier/Generator/ Trader / Consolidator / Exemptable Generator / BSC Agent / Party Agent / other – please state <sup>1</sup>) BSC Party</i>

<b>Q</b>	<b>Question</b>	<b>Response <sup>1</sup></b>	<b>Rationale</b>
1	Do you agree with the Panel's views on P111 and the provisional recommendation to the Authority contained in the draft Modification Report? Please give rationale.	Yes	The Modification Proposal seeks to introduce powers that already exist under the Code and therefore we support the Panel recommendation that modification P111 should not be made.
2	Do you agree with the Panel's provisional recommendation concerning the Implementation Date for P111? Please give rationale.	Yes	We accept that the Panel is required to provide an implementation date in the report to the Authority. However, we question the value of specifying an implementation date for a modification without legal drafting.  In addition, the modification suggested applying the contingency test to pending modification proposals (currently in definition or assessment) any implementation timetable would need to address this issue.
3	Are there any further comments on P111 that you wish to make?	No	

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

P111\_DR\_006 – British Energy

<b>Respondent:</b>	J R Capener
<b>No. of BSC Parties Represented</b>	3
<b>BSC Parties Represented</b>	British Energy Generation Ltd, British Energy Power and Energy Trading Ltd, Eggborough Power Ltd
<b>No. of Non BSC Parties Represented</b>	
<b>Non BSC Parties represented</b>	
<b>Role of Respondent</b>	(Supplier/Generator/ Trader

<b>Q</b>	<b>Question</b>	<b>Response <sup>1</sup></b>	<b>Rationale</b>
1	Do you agree with the Panel's views on P111 and the provisional recommendation to the Authority contained in the draft Modification Report? Please give rationale.	<b>Yes</b>	We agree with the legal opinion presented to the GSMG that the powers proposed under P111 were already included in the Code. That legal stated that implementing P111 would better facilitate <b>none</b> of the Applicable BSC Objectives. We also agree with the with the view of the GSMG that further assessment of P111 should be curtailed in accordance with F2.2.11 and that P111 should be submitted to the Report Phase with a recommendation that the Proposed Modification should not be made.
2	Do you agree with the Panel's provisional recommendation concerning the Implementation Date for P111? Please give rationale.	<b>Yes</b>	
3	Are there any further comments on P111 that you wish to make?	<b>No</b>	

P111\_DR\_007 – Scottish and Southern

Dear Sirs,

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

In relation to the three questions listed in the Consultation Paper, contained within your note of 19th February 2003 concerning Modification Proposals P111, we have the following comments to make:-

Q1 Do you agree with the Panel's views on P111 and the provisional recommendation to the Authority contained in the draft Modification Report?  
Please give rationale.

We agree with the proposed BSC Panel recommendation to the Authority that this Modification Proposal P111 should not be made. We do not believe (given that the powers concerning contingent modifications already exist within the BSC), that this Modification will better facilitates the achievement of the BSC Objectives. We note that this is also a view shared by GSMG together with the Panel and concur with the legal opinion outlined in the Sandra Wybrow Memorandum of 27th January.

Please note our response to any of the following questions should not be construed to lend support whatsoever to this Modification.

Q2 Do you agree with the Panel's provisional recommendation concerning the Implementation Date for P111? Please give rationale.

If the Modification Proposal P111 is approved, we agree with the proposed BSC Panel recommendation on the timing for the Implementation Date, as outlined in Section 1.1 of the Modification Report.

Q3 Are there any further comments on P111 that you wish to make?

We have no further comments to make on P111 at this time.

Regards

Garth Graham  
Scottish and Southern Energy plc

P111\_DR\_008 – LE Group

<b>Respondent:</b>	<i>Tony Dicicco</i>
<b>No. of BSC Parties Represented</b>	9
<b>BSC Parties Represented</b>	LE Group plc, London Electricity plc, Jade Power Generation Ltd, Sutton Bridge Power Ltd, West Burton Power, London Power Networks plc, EPN Distribution Ltd, Seeboard Power Networks plc, Seeboard Energy Ltd,
<b>No. of Non BSC Parties Represented</b>	None that we consider applicable
<b>Non BSC Parties represented</b>	
<b>Role of Respondent</b>	Supplier / Generator / Party Agent / Distribution Business

<b>Q</b>	<b>Question</b>	<b>Response <sup>1</sup></b>	<b>Rationale</b>
1	Do you agree with the Panel's views on P111 and the provisional recommendation to the Authority contained in the draft Modification Report? Please give rationale.	Yes	We believe that the legal advice from Elexon is key to the Panel's recommendation to reject P111
2	Do you agree with the Panel's provisional recommendation concerning the Implementation Date for P111? Please give rationale.	Yes	However, we think this is non/applicable. The case against P111 seems conclusive to us.
3	Are there any further comments on P111 that you wish to make?	No	

P111\_DR\_009 – Scottish Power

<b>Respondent:</b>	Name John W Russell (SAIC Ltd)
<b>No. of BSC Parties Represented</b>	6
<b>BSC Parties Represented</b>	Please list all BSC Parties responding on behalf of (including the respondent company if relevant). Scottish Power UK plc; ScottishPower Energy Trading Ltd.; Scottish Power Generation plc; ScottishPower Energy Retail Ltd.; SP Transmission plc; SP Manweb plc.
<b>No. of Non BSC Parties Represented</b>	
<b>Non BSC Parties represented</b>	Please list all non BSC Parties responding on behalf of (including the respondent company if relevant).
<b>Role of Respondent</b>	(Supplier/Generator/ Trader / Consolidator / Exemptable Generator / BSC Agent / Party Agent / other – please state) Supplier/Generator/ Trader / Consolidator / Exemptable Generator / Party Agent

Q	Question	Response	Rationale
	Do you agree with the Panel's views on P111 and the provisional recommendation to the Authority contained in the draft Modification Report? Please give rationale.	Yes	<i>We agree with the Panels recommendation to reject on the basis that if the existing process already deals with contingency issue, there is no reason to waste any time and effort in progressing this Mod.</i>
	Do you agree with the Panel's provisional recommendation concerning the Implementation Date for P111? Please give rationale.	Yes	<i>The proposed implementation date looks appropriate, notwithstanding our expectation that this mod will be rejected.</i>
	Are there any further comments on P111 that you wish to make?	No	