

MODIFICATION PROPOSAL FORM			
<b>Proposer</b> <i>(Company)</i>	<b>Date of receipt</b> <i>(assigned by System Operator)</i>	<b>Type of Proposal</b> <i>(delete as appropriate)</i>	<b>Modification Proposal ID</b> <i>(assigned by System Operator)</i>
Kilshane Energy Limited (KEL)	9 <sup>th</sup> January 2024	Standard	CMC_01_24
Contact Details for Modification Proposal Originator			
<b>Name</b>	<b>Telephone number</b>	<b>Email address</b>	
Brian McMullan		<a href="mailto:brian@kilshaneenergy.ie">brian@kilshaneenergy.ie</a>	
Modification Proposal Title			
Amendment to criteria to achieving Substantial Financial Completion Milestone			
<b>Documents affected</b> <i>(delete as appropriate)</i>	<b>Section(s) Affected</b>	<b>Version number of CMC used in Drafting</b>	
	J.2	V10.0	
Explanation of Proposed Change <i>(mandatory by originator)</i>			
<p>Under J.2.1.1(a)(v) of the CMC, Substantial Financial Completion (SFC) is achieved when;</p> <p>“(v) all necessary consents, licences, authorisations and permits in respect of the construction, commissioning, repowering or refurbishment works for each new or refurbished Generator Unit or Interconnector providing the Awarded New Capacity (including any necessary planning consents, licences, authorisations and permits) have been obtained.”</p> <p>Kilshane Energy Ltd (KEL) propose that it should not be necessary to have obtained any consents, licenses, authorisations or permits for the <b>commissioning</b> of any new or refurbished Generator Unit or Interconnector. KEL propose removing this from the current drafting.</p>			
Legal Drafting Change <i>(Clearly show proposed code change using <b>tracked</b> changes, if proposer fails to identify changes, please indicate best estimate of potential changes)</i>			
<p>It is proposed that the modification amends Section J.2.1.1(a)(v) as below;</p> <p>“(v) all necessary consents, licences, authorisations and permits in respect of the construction, <b>commissioning</b>, repowering or refurbishment works for each new or refurbished Generator Unit or Interconnector providing the Awarded New Capacity (including any necessary planning consents, licences, authorisations and permits) have been obtained.”</p>			
Modification Proposal Justification <i>(Clearly state the reason for the Modification)</i>			
SFC is required to be achieved 18 months post an auction award. Under the current T-4 timelines for awarded new capacity, this will be several years before the commissioning of new Generator Unit is likely to occur. KEL believe it is unreasonable			

to request that all licenses and consents required for the commissioning of a new unit are obtained so far in advance of when it would logically be required. There are sufficient necessary consents, licences, authorisations and permits in respect of the construction, repowering or refurbishment works for each new or refurbished Generator Unit or Interconnector that need to be obtained to evidence the significant commitment required to achieve SFC.

**Code Objectives Furthered**

*(State the Code Objectives the Proposal furthers, see Sub-Section A.1.2 of the CMC Code Objectives)*

KEL believes that this modification furthers a number of the Capacity Market Code Objectives:

*(c) to facilitate the participation of undertakings including electricity undertakings engaged or seeking to be engaged in the provision of electricity capacity in the Capacity Market; and*

*(g) through the development of the Capacity Market, to promote the short-term and long-term interests of consumers of electricity with respect to price, quality, reliability, and security of supply of electricity across the Island of Ireland.*

**Implication of not implementing the Modification Proposal**

*(State the possible outcomes should the Modification Proposal not be implemented)*

Failing to achieve SFC before the SFC Period can result in contract termination. Some of the consents, licenses etc... are interlinked and sequential. You cannot obtain some without first obtaining others. For example, you cannot be issued an IED license from the EPA without a final planning grant. Commissioning of a new unit naturally occurs at the end of the project schedule and so requiring all consents, licenses etc... at SFC is illogical. This requirement only increases the risk of a project not being able to reach SFC on time.

**Impacts**

*(Indicate the impacts on systems, resources, processes and/or procedures)*

No impact.

**Please return this form to the System Operators by email to [CapacityModifications@sem-o.com](mailto:CapacityModifications@sem-o.com)**

### Notes on completing Modification Proposal Form:

1. If a person submits a Modification Proposal on behalf of another person, that person who proposes the material of the change should be identified on the Modification Proposal Form as the Modification Proposal Originator.
2. Any person raising a Modification Proposal shall ensure that their proposal is clear and substantiated with the appropriate detail including the way in which it furthers the Code Objectives to enable it to be fully considered by the Regulatory Authorities.
3. Each Modification Proposal will include a draft text of the proposed Modification to the Code unless, if raising a Provisional Modification Proposal whereby legal drafting text is not imperative.
4. For the purposes of this Modification Proposal Form, the following terms shall have the following meanings:

CMC / Code:	means the Capacity Market Code for the Single Electricity Market
Modification Proposal:	means the proposal to modify the Code as set out in the attached form
Derivative Work:	means any text or work which incorporates or contains all or part of the Modification Proposal or any adaptation, abridgement, expansion or other modification of the Modification Proposal

The terms "System Operators" and "Regulatory Authorities" shall have the meanings assigned to those terms in the Code.

In consideration for the right to submit, and have the Modification Proposal assessed in accordance with the terms of Section B.12 of the Code, which I have read and understand, I agree as follows:

1. I hereby grant a worldwide, perpetual, royalty-free, non-exclusive licence:
  - 1.1 to the System Operators and the Regulatory Authorities to publish and/or distribute the Modification Proposal for free and unrestricted access;
  - 1.2 to the Regulatory Authorities to amend, adapt, combine, abridge, expand or otherwise modify the Modification Proposal at their sole discretion for the purpose of developing the Modification Proposal in accordance with the Code;
  - 1.3 to the System Operators and the Regulatory Authorities to incorporate the Modification Proposal into the Code;
  - 1.4 to all Parties to the Code and the Regulatory Authorities to use, reproduce and distribute the Modification Proposal, whether as part of the Code or otherwise, for any purpose arising out of or in connection with the Code.
2. The licences set out in clause 1 shall equally apply to any Derivative Works.
3. I hereby waive in favour of the Parties to the Code and the Regulatory Authorities any and all moral rights I may have arising out of or in connection with the Modification Proposal or any Derivative Works.
4. I hereby warrant that, except where expressly indicated otherwise, I am the owner of the copyright and any other intellectual property and proprietary rights in the Modification Proposal and, where not the owner, I have the requisite permissions to grant the rights set out in this form.
5. I hereby acknowledge that the Modification Proposal may be rejected by the Regulatory Authorities and that there is no guarantee that my Modification Proposal will be incorporated into the Code.