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| **MODIFICATION PROPOSAL FORM** | | | | | |
| **Proposer** | **Date of receipt** | | **Type of Proposal** | | **Modification Proposal ID** |
| **Elastricity Ltd** | **15 May 2012** | | **Standard** | | **Mod\_12\_12** |
| **Contact Details for Modification Proposal Originator** | | | | | |
| **Name** | | **Telephone number** | | **Email address** | |
| **Philip Hart** | | **+44 (0)1249 714 621** | | **philip.hart@elastricity.co.uk** | |
| **Modification Proposal Title** | | | | | |
| **Mandating adherence to the Bidding Code of Practice by all Price Maker Generator Units** | | | | | |
| **Documents affected** | | **Section(s) Affected** | | **Version number of T&SC or AP used in Drafting** | |
| **T&SC**  **Glossary** | | **T&SC Section 4, Glossary** | | **T&SC Version 10** | |
| **Explanation of Proposed Change**  *(mandatory by originator)* | | | | | |
| This modification would make explicit reference to the Bidding Code of Practice within the Trading & Settlement Code, and would mandate adherence to it by all Price Maker Generator Units for which Commercial Offer Data is submitted. | | | | | |
| **Legal Drafting Change**  *(Clearly show proposed code change using* ***tracked*** *changes, if proposer fails to identify changes, please indicate best estimate of potential changes)* | | | | | |
| TRADING & SETTLEMENT CODE  Commercial Offer Data   * 1. The required Data Records which must be included in the Commercial Offer Data are listed in Appendix I “Offer Data”.      1. A Participant submitting Commercial Offer Data for a Price Maker Generator Unit must adhere to the Bidding Code of Practice.   2. Where any Participant submits any value for a monetary sum as part of the Commercial Offer Data for a Generator Unit, it shall express such sum in the Currency that is relevant to the Currency Zone in which the Generator Unit is registered, provided that where such value is in pounds sterling, the Market Operator shall, for the purposes of all calculations within Sections 4 or 5 within this Code, convert the value to euro in accordance with paragraph 6.10.   Glossary  Definitions   |  |  | | --- | --- | | **Bidding Code of Practice** | means ANNEX A: BIDDING CODE OF PRACTICE, as contained in AIP-SEM-07-430 “The Bidding Code of Practice - A Response and Decision Paper”, 30 July 2007 | | | | | | |
| **Modification Proposal Justification**  *(Clearly state the reason for the Modification)* | | | | | |
| At present Price Maker Generator Units are mandated to adhere to the Bidding Code of Practice through a specific condition of their Generator Licence or other Regulatory Agreement (in the case of Aggergated Generator Units).  However although Demand Side Units are treated in the T&SC as Price Maker Generator Units, they would typically be licenced to operate through a Supply Licence, which heretofore doesn’t have such a condition.  In order to rectify this situation, the RAs, in their decision paper (120403 SEM C Decision on Mod 36\_10), indicated that they would adopt a different solution in each jurisdiction: CER indicated that they would provide an additional section in the Electricty Supply licence in Ireland; whereas UREGNI indicated a need to give longer consideration as to how this could be achieved in Northern Ireland.  This modification would mitigate such inter-jurisdictional differences by specifically mandating in the T&SC adherence to the Bidding Code of Practice for all Price Maker Generator Units. | | | | | |
| **Code Objectives Furthered**  *(State the Code Objectives the Proposal furthers, see Section 1.3 of T&SC for Code Objectives)* | | | | | |
| 1.Trading & Settlement Code Objective 1.3.3 “to facilitate the participation of electricity undertakings engaged in the generation, supply or sale of electricity in the trading arrangements under the Single Electricity Market”  2. Trading & Settlement Code Objective 1.3.4 “to promote competition in the single electricity wholesale market on the island of Ireland”  3. Trading & Settlement Code Objective 1.3.6 “to ensure no undue discrimination between persons who are parties to the Code”. | | | | | |
| **Implication of not implementing the Modification Proposal**  *(State the possible outcomes should the Modification Proposal not be implemented)* | | | | | |
| Not implementing this modification would mean that participants in Northern Ireland would not have parity of opportunity to operate a Demand Side Unit in the SEM. | | | | | |
| **Working Group**  *(State if Working Group considered necessary to develop proposal)* | | | **Impacts**  *(Indicate the impacts on systems, resources, processes and/or procedures)* | | |
| Not considered to be necessary. | | | It is considered that there will be no such impact. | | |
| ***Please return this form to Secretariat by email to*** [***modifications@sem-o.com***](mailto:modifications@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 Modifications Committee.**
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:**

**Agreed Procedure(s): means the detailed procedures to be followed by Parties in performing their obligations and functions under the Code as listed in Appendix D “List of Agreed Procedures”.**

**T&SC / Code: means the Trading and Settlement 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 “Market Operator”, “Modifications Committee” 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 2 of the Code (and Agreed Procedure 12), which I have read and understand, I agree as follows:**

**1. I hereby grant a worldwide, perpetual, royalty-free, non-exclusive licence:**

* 1. **to the Market Operator and the Regulatory Authorities to publish and/or distribute the Modification Proposal for free and unrestricted access;**
  2. **to the Regulatory Authorities, the Modifications Committee and each member of the Modifications Committee 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;**
  3. **to the Market Operator 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 Modifications Committee and/or the Regulatory Authorities and that there is no guarantee that my Modification Proposal will be incorporated into the Code.**