

Trading and Settlement Code Modifications Committee
C/O Stephanie Fargher
SEMO Modifications Committee Secretariat
The Oval
160 Shelbourne Rd
Dublin 4

28th October 2009

Our Ref: 38960

**SEM Committee Decision for the Regulatory Authorities in relation to Mod_33_09
(Recommendation Report FRR_33_09)**

Dear Stephanie,

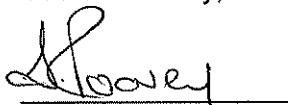
On 19th October 2009, the Modifications Committee submitted its Modification Recommendation Report with regard to a Modification Proposal; Mod_33_09 (Force Majeure Reporting), in accordance with paragraph 2.213 of the SEM Trading and Settlement Code (the Code).

This Modification Proposal, raised by the Regulatory Authorities, seeks to oblige the Market Operator to inform the Regulatory Authorities when any Party is subject to Force Majeure under the Code instead of only so reporting when the Market Operator itself is affected.

The SEM Committee notes that the Modifications Committee believes that the objective of the proposal could be better achieved by a simple change to the legal drafting of paragraph 2.329.2, rather than the proposed addition of a new paragraph 2.329A. The SEM Committee further notes that the Modifications Committee believes that the Modification Proposal furthers the Code Objectives 'to facilitate the efficient, economic and coordinated operation, administration and development of the Single Electricity Market in a financially secure manner' and voted unanimously to recommend the Modification Proposal to the Regulatory Authorities. The Modifications Committee also recommends that Mod_33_09 should be implemented on a Settlement Day basis on the next Working Day after the decision is made.

Considering the above, and in accordance with paragraph 2.218 of the Code, the SEM Committee decides that a modification be made in accordance with the Final Recommendation Report of the Modifications Committee (FRR_33_09), for the avoidance of doubt, based upon the legal drafting set out in Section 10 of that report. The Regulatory Authorities therefore direct that the Modification, as set out in FRR_33_09, be made on a Settlement Day basis with effect from the next Working Day after the date of this letter.

Yours sincerely,



Sheenagh Rooney
Manager – Wholesale Electricity Market