

MODIFICATION PROPOSAL FORM			
Proposer (Company)	Date of receipt (assigned by System Operator)	Type of Proposal (delete as appropriate)	Modification Proposal ID (assigned by System Operator)
EPUKI	10 th January 2023	Standard	CMC_01_23
Contact Details for Modification Proposal Originator			
Name	Telephone number	Email address	
Harry Molloy		h.molloy@tynaghenenergy.ie	
Modification Proposal Title			
Amendment to Substantial Completion Drafting			
Documents affected (delete as appropriate)	Section(s) Affected	Version number of CMC used in Drafting	
CMC	Section J2.1.1		
Explanation of Proposed Change (mandatory by originator)			
<p>This modification proposes to amend the drafting under Section J.2.1.1 (c) of the Capacity Market Code, which relates to the requirements for Substantial Completion. Specifically, this mod seeks to introduce the ability of the Regulatory Authorities to waive requirements under Section J.2.1.1. (c) (iv) in order to de-risk the process for Participants.</p> <p>Currently this subsection requires Participants to have met “all Trading and Settlement and Grid Code requirements for participating in the Balancing Market”. This is an onerous requirement and one which has a multitude of various requirements, which may be a lengthy or administrative process. This creates a risk whereby, all other requirements have been satisfied bar one minor point which was overlooked in the TSC.</p> <p>Such a requirement may not physically prevent the delivery of New Capacity (or the partaking of New Capacity in the Balancing Market), but under the current drafting of the CMC, would prevent a unit from being Substantially Complete.</p> <p>We are thus proposing a mechanism whereby the Regulatory Authorities may waive requirements under this Section at its discretion. This would reduce the risk associated with the onerous requirements under Section J.2.1.1. (c) (iv). Additionally, this would provide the RAs with flexibility to facilitate delivery of New Capacity at a point in time when it is much needed, if it is in the interest of consumers to do so.</p>			
Legal Drafting Change (Clearly show proposed code change using tracked changes, if proposer fails to identify changes, please indicate best estimate of potential changes)			
<p><i>We envision the legal drafting changes associated with this modification to be straightforward:</i></p> <p>J.2.1.1 Subject to paragraphs J.2.1.3 and J.2.1.4, the Implementation Plan in respect of Awarded New Capacity shall include the following Major Milestones (and dates by which they must be achieved):</p> <p>[...]</p> <p>(c) Substantial Completion: this milestone is achieved when:</p>			

[...]

(iv) each new or refurbished Generator Unit or Interconnector providing the Awarded New Capacity has met all Trading and Settlement Code and Grid Code requirements for participating in the Balancing Market, **with the exception of any such requirements which have been waived at the discretion of the Regulatory Authorities**; and

Modification Proposal Justification

(Clearly state the reason for the Modification)

This modification provides additional flexibility for the RAs in supporting the delivery of New Capacity and de-risks the delivery process for Participants.

Code Objectives Furthered

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

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

(d) to promote competition in the provision of electricity capacity to the SEM;

(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)

Failure to implement this modification will result in difficulties for New Capacity seeking to achieve Substantial Completion and increase risk within the New Capacity delivery process.

Impacts

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

Please return this form to the System Operators by email to 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.