



# Capacity Market Code Modifications Workshop 43

9<sup>th</sup> June 2025

RA Modification Proposals

## Context

Following the publication of the Final Auction Results for the T-4 2028/29 CRM auction, the RAs commenced a 'lessons learned' exercise.

Learnings identified by the RAs included:

- Consideration of time required to process both Qualification and Exception Applications
- Need to review certain aspects of the DRF calculations ahead of the next auction – data requested and received from SOs, and assessed by RAs – remains under consideration, with some possible changes requiring further time
- Development of ILC 'guidance note' to provide increased clarity to industry
- CMC\_07\_24 to be implemented ahead of the next auction
- **Need for reflection on RA role in terms of the qualification process as well as on certain provisions of the CMC which may be contradictory or unclear**

## RA CMC review

The RAs have decided to raise five Modification Proposals. The RAs consider that most of these are clarificatory in nature; however, CMC\_12\_25 proposes extensive changes to the CMC that would alter the RAs' role in the qualification process. An alternative approach is also included as an option in CMC\_12\_25.

**The RAs welcome feedback to these proposals, today and through the consultation process.** A timetable has already been published, and the consultation period is scheduled to run between 16<sup>th</sup> June – 15<sup>th</sup> July.

## CMC\_10\_25 – Amendments to E.7

There are two main elements to this proposal:

1. Text added to E.7.1.1 to clarify that no candidate unit should be considered qualified unless the qualification tests are satisfied.
2. Address the issue of overlapping provisions in relation to E.7.2.1(f) and E.7.5.1. The RAs consider that the concept of ‘achievability’ is clearer than that of ‘feasibility’. Therefore, the RAs propose to retain E.7.5.1, with some amendments, and delete E.7.2.1(f). The amendments to E.7.5.1 reflect the RAs’ understanding that part (c) is essentially a sub-set of part (b).

## CMC\_11\_25 – Clarification on provisions relating to ‘final and binding’ and dispute resolution under the CMC

There are two main elements to this proposal:

1. Seeks to clarify that the ‘final and binding’ decisions in the CMC do not apply to any RA decision made dishonestly or maliciously. In addition, amendments to B.2.1.2 seek to clarify the relationship between these provisions and those dealing with the jurisdiction of the courts to resolve CMC-related disputes.
2. Proposes to modify B.14.7.1 as the basis on which parties to the CMC can commence litigation under the CMC and delete B.14.2.7 accordingly.

## CMC\_12\_25 – RAs' role in relation to FQDs

This Modification Proposal considers altering the RAs role substantially to one which would:

- Be confined to resolving challenges brought against decisions reached earlier in the qualification process (i.e. through the CMDRB);
- Allow the RAs to rely (except where good cause could be shown) upon information which had been available at those earlier stages; and
- Be more closely integrated with the process for resolving qualification disputes, involving SO review and then dispute resolution by the CMDRB.

Alternatively, the proposal also considers a number of more minor changes to E.9.4.

## CMC\_13\_25 – Amendments to the CAT

This Modification Proposal relates to D.2.1.10 and D.2.1.12. The presence of a time frame in D.2.1.12 in relation to the postponement of a capacity auction may create confusion considering that D.2.1.10 allows the RAs and SOs to amend the CAT with no reference to a time frame.

The proposal seeks to clarify that the RAs and SOs can use their powers when required to amend the CAT by noting that D.2.1.12 is without prejudice to the powers under D.2.1.10.

## CMC\_14\_25 – New dates in the CAT

The RAs view this Modification Proposal to be administrative in nature and emerged directly from the lessons learned process due to concern from the RAs that data related to the Capacity Requirement is often received late from the TSOs.

Part 1 of this proposal relates to the submission of initial LCC volumes and seeks to add a requirement on the SOs to provide this data to the RAs at the same time that the SOs provide the all-island initial Capacity Requirement.

Part 2 of this proposal seeks to add a requirement on the SOs to submit the adjustments by a specific date in the CAT.