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| **MODIFICATION PROPOSAL FORM** | | | | | |
| **Proposer** | **Date of receipt** | | **Type of Proposal** | | **Modification Proposal ID** |
| **SEMO** | **30 May 2013** | | **Standard** | | **Mod\_08\_13** |
| **Contact Details for Modification Proposal Originator** | | | | | |
| **Name** | | **Telephone number** | | **Email address** | |
| **David Hade** | | **(01) 23 70467** | | **David.hade@sem-o.com** | |
| **Modification Proposal Title** | | | | | |
| **Amendment to number of days granted to the MO for the issuing of Party Accession Deeds** | | | | | |
| **Documents affected** | | **Section(s) Affected** | | **Version number of T&SC or AP used in Drafting** | |
| **Agreed Procedure 1** | | **Section 3.1.2 – Step 19** | | **V 13.0** | |
| **Explanation of Proposed Change**  *(mandatory by originator)* | | | | | |
| Section 3.1.2 of Agreed Procedure 1 defines the Party Registration procedural steps. As part of this process the Applicant must sign, date and return a Party Accession Deed to the Market Operator (as stated in Step 18). Once received, the Market Operator must sign and date the Accession Deed, sending a copy to the Applicant (as stated in Step 19). Currently the Market Operator has 2 Working Days to complete this step.  This Modification proposes to change the timing of Step 19 from “Within 2 Working Days” to a more realistic timeline of “Within 15 Working Days”. | | | | | |
| **Legal Drafting Change**  *(Clearly show proposed code change using* ***tracked*** *changes, if proposer fails to identify changes, please indicate best estimate of potential changes)* | | | | | |
| | **#** | | **Procedural Step** | | **Timing** | **Method** | | | **By/From** | | **To** | | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | | 1 | | Retrieve Application Form | | As required | Download from the MO Website | | | Applicant | |  | | | 2 | | Complete Application Form | | As required | - | | | Applicant | |  | | | 3 | | Send Application Form and Accession Fee in the form of a bank draft or Electronic Funds Transfer (EFT) | | As required | Registered Post / Bank | | | Applicant | | Market Operator | | | 4 | | Receive Accession Fee and Application Form.  If no Accession Fee received with the Application form,  Then go to step 5  Otherwise go to step 6 | | - | - | | | Market Operator | |  | | | 5 | | Deem the application to be withdrawn and inform the Applicant by sending a Deemed Withdrawn Notice  End of Process | | Within 10 WDs of receipt of Application Form | Registered post | | | Market Operator | | Applicant | | | 6 | | Assess Application Form. If further clarification is required  then go to step 7  Otherwise go to step 17 | | Within 10 WDs of receipt of Application Form |  | | | Market Operator | |  | | | 7 | | Notify the Applicant that further information is required or that clarification of information that has been sent is required  Go to step 8 and step 15 | | Within 10 WDs of receipt of Application Form | | | Registered post/fax | Market Operator | | Applicant | | | 8 | | Receive notification that further information is required or that clarification of information that has been sent is required.  If more time than the allotted 20 WDs is required to assess the response, then go to step 9.  If no further time is required then go to step 13 | | 1 WD before deadline for submission of additional information | | |  | Applicant | |  | | | 9 | | Request more time to submit additional information. | | 1 WD before deadline for submission of additional information | | | Registered post/fax | Applicant | | Market Operator | | | 10 | | Consider the request for additional time and, if granted, inform the Applicant of how much additional time has been granted. If additional time has not been granted go to step 12 | | Within 1 WD of receipt of request for additional time | | | Registered post/fax | Market Operator | | Applicant | | | 11 | | Receive notice that additional time has been granted to provide further information or clarification of the Application Form. If further time is required beyond that given in the extension period then go to step 9. If further time is not required go to step 13 | | 1 WD before deadline for submission of additional information | | |  | Applicant | |  | | | 12 | | Inform Applicant that additional time has not been granted with a reason | | Within 1 WD of receipt for additional time | | | Registered post/fax | Market Operator | | Applicant | | | 13 | | Provide the additional information or clarification information requested | | Within 20 WDs of request for information or such other time agreed with the Market Operator | | | Registered post/fax | Applicant | | Market Operator | | | 14 | | If further clarification is required go to step 7. If no further clarification required go to step 17 | | Within 10 WDs of receipt of Application Form | | | Registered post/fax | Market Operator | | Applicant | | | 15 | | If required information is not received by the deadline  then go to step 16  Otherwise go to step 17 | | Within 1 WD of failure to meet the agreed deadline | | | Registered post | Market Operator | | Applicant | | | 16 | | Deem the application to be withdrawn and inform the Applicant by sending a Deemed Withdrawn Notice  End of Process | | Within 1 WD of failure to meet the agreed deadline | | | Registered post | Market Operator | | Applicant | | | 17 | | On receipt of all required information, and provided the Applicant fulfils the conditions for accession, the Market Operator provides the Applicant with a blank Accession Deed. | | Within 10 WDs of final receipt of required information | | | Registered post | Market Operator | | Applicant | | | 18 | | Applicant signs, dates, and returns the Accession Deed to the Market Operator | | Within 20 WDs of receipt or such other time agreed with the Market Operator | | | Registered post | Applicant | | Market Operator | | | 19 | | Market Operator signs and dates the Accession Deed, sending a copy to the Applicant | | Within 15 WD of receipt of signed Accession Deed | | | Registered post | Market Operator | | Applicant | | | 20 | | Applicant becomes a Party to the Code | | On date specified in Accession Deed | | |  |  | |  | | | 21 | | Market Operator publishes the fact that the Applicant has/will become a Party | | Within 2 Working Days of the completed Accession Deed | | | MO Website | Market Operator | |  | |  * + 1. Swimlane – Party Registration:   These swimlanes are provided as an illustration of the Procedural Steps. The Procedural Steps take precedence, in the event of conflict between the swimlanes and the Procedural Steps. | | | | | |
| **Modification Proposal Justification**  *(Clearly state the reason for the Modification)* | | | | | |
| A minor Market Operator audit item was identified in November 2012 whereby SEMO was not meeting its obligation under AP1 Section 3.1.2 Procedural Step 19 to sign and date an Accession Deed and send a copy to the Applicant “Within 2WD of receipt of signed Accession Deed”.  Once a signed Accession Deed is received by SEMO it is first validated by the Registration Team and then passed onto our Legal Department who also carry out an appropriate legal review. Provided there are no issues with the Accession Deed as executed by the Applicant, the Deed must then be signed by a Director and Company Secretary or two Directors of EirGrid and two Directors of SONI. There are only a limited number of people within the organisation who are authorised to sign an Accession Deed. As such, where an Accession Deed is received, there is no guarantee that an Authorised Signatory will be available during the current timeframe of 2 Working Days. Due to potential unavailability of Authorised Signatories SEMO are of the opinion that the 2 working day timeline stated in Step 19 is unrealistic. SEMO therefore propose that this timeline be extended from “Within 2” Working Days to “Within 15” Working Days. | | | | | |
| **Code Objectives Furthered**  *(State the Code Objectives the Proposal furthers, see Section 1.3 of T&SC for Code Objectives)* | | | | | |
| 1. to facilitate the efficient discharge by the Market Operator of the obligations imposed upon it by its Market Operator Licences; | | | | | |
| **Implication of not implementing the Modification Proposal**  *(State the possible outcomes should the Modification Proposal not be implemented)* | | | | | |
| If this Modification is not implemented it is likely that there will be further Code Breaches by SEMO in regards to this. SEMO would also make the point that as both the Party Application Process and Unit Registration Process can run concurrently, this Modification should in no way affect the Unit Registration timelines. | | | | | |
| **Working Group**  *(State if Working Group considered necessary to develop proposal)* | | | **Impacts**  *(Indicate the impacts on systems, resources, processes and/or procedures)* | | |
| No | | | No system changes. | | |
| ***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.**