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| **MODIFICATION PROPOSAL FORM** | | | | | | |
| **Proposal Submitted by:** | **Date Proposal received by Secretariat:**  *(to be assigned by Secretariat)* | | **Type of Proposal**  *(please delete as appropriate)* | | | **Number:**  *(to be assigned by Secretariat)* |
| Endesa Ireland | 26 May 2011 | | **Standard** | | | 18\_11 |
| **Contact Details for Modification Proposal Originator** | | | | | | |
| **Name:**  **Marian Troy** | | **Telephone number:**  01 5228343/ 5228300 | | **e-mail address:**  marian.troy@endesaireland,ie | | |
| **Modification Proposal Title:** Definition of ‘Availability’ | | | | | | |
| **Trading and Settlement Code and/or Agreed Procedure change?** | | | | | Trading and Settlement Code Change | |
| **Section(s) affected by Modification Proposal:** | | | | | Glossary | |
| **Version Number of the Code/Agreed Procedure used in Modification drafting:** | | | | | Version 9.0 | |
| **Modification Proposal Description**  *(Clearly show proposed code change using* ***tracked changes*** *& include any necessary explanatory information)* | | | | | | |
| |  |  | | --- | --- | | Availability | means a Generator Unit’s capability in MW to deliver Active Power to the Connection Point or a Demand Side Unit’s capability of reducing the Active Power consumed on the Trading Site. | | | | | | | |
| **Modification Proposal Justification**  *(Clearly state the reason for the Modification & how it furthers the Code Objectives)* | | | | | | |
| The current definition of *Availability* leaves room for ambiguity in interpretation. This raises concerns around certainty and transparency; it is preferable for the Trading and Settlement Code definition to be amended to provide certainty.  This Modification will align the Trading and Settlement Code definition of ‘Availability’ with the Grid Code definition, which deems a generator to be available where it is capable of delivering electricity to the Connection Point.  This Modification Proposal furthers Code objectives 2, 3, 5 and 6 in clarifying the definition of ‘Availability’:  2. to facilitate the efficient, economic and coordinated operation, administration and development of the Single Electricity Market in a financially secure manner  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  5. to provide transparency in the operation of the Single Electricity Market  6. to ensure no undue discrimination between persons who are parties to the code | | | | | | |
| **Implication of not implementing the Modification**  *(Clearly state the possible outcomes should the Modification not be made , or how the Code Objectives would not be met)* | | | | | | |
| If this Modification is not implemented, there will continue to be ambiguity in the definition of Availability. | | | | | | |
| ***Please return this form to Secretariat by e-mail 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.**
4. **For the purposes of this Modification Proposal Form, the following terms shall have the following meanings:**

**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.**