



Department
of Energy &
Climate Change

Contract for Difference: Final Allocation Framework for the October 2014 Allocation Round

1 September 2014

© Crown copyright 2014

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence.

To view this licence, visit www.nationalarchives.gov.uk/doc/open-government-licence/ or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Contents

1.	Title and application	5
2.	Interpretation	5
3.	Determination of eligibility	5
4.	Connection Agreements	6
5.	Supplemental Requirements	7
6.	Excluded Applications	7
7.	Valuation of Applications	8
8.	Reviews and appeals of non-qualification determinations	8
9.	Allocation Process	9
10.	Notice of Auction	9
11.	Submission of sealed bids	11
12.	Phased Offshore Wind CfD Units	13
13.	Withdrawal of Applications and sealed bids	13
14.	Order of auctions	14
15.	Minima auctions	14
16.	Auction in relation to Pots or the Overall Budget	16
17.	Maximum only auction	19
18.	Tiebreaker Rules	21
19.	Impact of delays on the Administrative Strike Price	22
20.	CfD Notifications	23
21.	Pending Applications	25
22.	Notification to the Authority and the Secretary of State of auction irregularity	26
23.	Time and dates	26

24.	Notification to the Delivery Body	27
25.	Changes to timing and submission requirements	27
26.	Hierarchy of documents	27
	Schedule 1 Definitions	28
	Schedule 2 Valuation Formula	35
	Schedule 3 Applicable Reference Price	47
	Schedule 4 Application checks to be carried out by the Delivery Body	48
	Schedule 5 Target Commissioning Windows	55

1. Title and application

- 1.1 This document may be referred to as the Contracts for Difference Allocation Framework 2014 (“**the Allocation Framework**”).
- 1.2 Pursuant to Regulation 6, the Allocation Framework applies to the first Allocation Round, which opens for application on 14 October 2014.

2. Interpretation

- 2.1 Definitions used in the Allocation Framework are set out in **Schedule 1**, apart from those used in the Valuation Formula and associated definitions which are set out in **Schedule 2**.
- 2.2 Any reference to “£” or “pounds sterling” is to the lawful currency of the United Kingdom.
- 2.3 Any reference to “MW” is to megawatts and to “MWh” is to megawatt hours.
- 2.4 A reference to “capacity” means the Initial Installed Capacity Estimate unless otherwise stated.
- 2.5 A reference to a Regulation is to the regulation of that number in the Regulations.

3. Determination of eligibility

- 3.1 For the purposes of this Rule only, “**Relevant Person**” means the Secretary of State, the Authority or the CfD Counterparty.
- 3.2 Where the Delivery Body is required to make a determination under Regulation 17, the Delivery Body must perform the checks stated in **Schedule 4** that are applicable to a particular Application.
- 3.3 Subject to Rule 3.5, where the applicable checks in Schedule 4 are satisfied in respect of an Application, the Delivery Body is entitled to make a presumption that the Application is a Qualifying Application.
- 3.4 The presumption in Rule 3.3 does not apply where, having regard to credible evidence:
- (i) received in writing by the Delivery Body from a Relevant Person;
or
 - (ii) otherwise in the knowledge of or presented to the Delivery Body in its role as the Delivery Body, including that received from a person other than a Relevant Person,

it is apparent to the Delivery Body that the Application may not have satisfied any one or more of the checks in Schedule 4.

- 3.5 If Rule 3.4 applies, the Delivery Body must determine whether or not the Application is a Qualifying Application having regard to such relevant evidence available to it before the Delivery Body is required to give notice to an Applicant under Regulation 19.

4. Connection Agreements

4.1 Pursuant to Regulation 25(5):

- (i) where a Direct Connection applies or is to apply to the relevant CfD Unit and where the connection is or will be to the Transmission System, the Connection Agreement must secure Transmission Entry Capacity for the CfD Unit of at least 75% of the Initial Installed Capacity Estimate of the CfD Unit; or, where the connection is or will be to a Distribution System, the Connection Agreement must provide for the connection of at least 75% of the Initial Installed Capacity Estimate of the CfD Unit to connect to the Distribution System;
- (ii) where no Direct Connection or Partial Connection applies or is to apply to the relevant CfD Unit, no statement is required under Regulation 25(3)(b) but the Applicant must provide either:
 - (a) a statement that the Applicant is or is to be the owner of the Private Network to which the Applicant supplies or is to supply electricity; or
 - (b) a statement that the Applicant is not and is not to be the owner of the Private Network to which the Applicant supplies or is to supply electricity and a copy of the Private Network Use Agreement between the Applicant and the owner of the Private Network to which the Applicant supplies or is to supply electricity generated by that CfD Unit;
- (iii) where a Partial Connection applies or is to apply to the relevant CfD Unit, no statement is required under Regulation 25(4) but the Applicant must provide either:
 - (a) a copy of the Connection Agreement between the Applicant and the operator of the Transmission System or the relevant Distribution System; or
 - (b)

- (I) a copy of the Private Network Use Agreement between the Applicant and the operator of the Private Network that allows the CfD Unit to access a connection to the Transmission System or the relevant Distribution System; and
- (II) a copy of the Connection Agreement between the operator of the Private Network and the operator of the Transmission System or the relevant Distribution System,

and for the purpose of this Rule 4 a Connection Agreement includes a countersigned offer (or offers) made to an Applicant by the operator of the Transmission System or the relevant Distribution System.

5. Supplemental Requirements

5.1 Pursuant to Regulation 28:

- (i) where a relevant CfD Unit is (or is to be) a Phased Offshore Wind CfD Unit, the Applicant must demonstrate that:
 - (a) after all phases are completed, the CfD Unit will have a capacity of no greater than 1500 MW;
 - (b) the first phase must represent at least 25% of the total capacity of the CfD Unit after all phases are completed;
 - (c) the first phase is targeted to complete by a date no later than 31st March 2019 (subject to any changes to the Target Commissioning Date under Regulation 34 as a result of delays to the Allocation Process); and
 - (d) the Target Commissioning Date of the last phase is no later than 2 years after the date referred to in (iii) above; and
- (ii) where the Technology Type of a CfD Unit is AD (with or without CHP), Hydro, Onshore Wind or Solar PV the capacity of that CfD Unit must be greater than 5MW.

6. Excluded Applications

Pursuant to Regulation 14(14), no Application may be made in respect of a CfD Unit where:

- (i) the Technology Type of that CfD Unit is Energy from Waste with CHP (as defined in the Eligible Generator Regulations); and

- (ii) an application for accreditation has been made in respect of that CfD Unit under the Renewable Heat Incentive Regulations 2011.

7. Valuation of Applications

- 7.1 Pursuant to Regulation 29(1), the Delivery Body must determine the Applications Valuations in respect of each of the years specified in the Budget Profile.
- 7.2 Pursuant to Regulation 29(3)(a), the method of calculation for determining the Applications Valuations is set out in **Schedule 2** (“**Valuation Formula**”).
- 7.3 For the 2014 Allocation Round, Applications will be valued using 2012 prices (which are set out in Appendices 1 and 2 of **Schedule 2**).
- 7.4 For the purposes of these Rules:
 - (i) where two or more Pot(s) are specified in the Budget Notice, the Overall Budget is not relevant; and
 - (ii) where a Pot is referred to, this should be taken as a reference to the Pot applicable to the Application(s) under consideration.
- 7.5 Pursuant to Regulation 29(5), the Delivery Body must determine the Applications Valuations:
 - (i) within 1 Working Day after the Application Closing Date in respect of all Applications; and
 - (ii) where no Review Notices have been given under Regulation 20, within 1 Working Day after the Non-Qualification Review Request Date in respect of Qualifying Applications; or
 - (iii) where one or more Review Notices have been given under Regulation 20, within 1 Working Day after the Appeals Deadline Date in respect of Qualifying Applications and Applications subject to a Non-Qualification Review or a qualification appeal.

8. Reviews and appeals of non-qualification determinations

- 8.1 Pursuant to Regulation 31:
 - (i) The Non-Qualification Review Request Date is 18 November 2014;
 - (ii) The Appeals Deadline Date is 9 December 2014; and

- (iii) The Post-Appeals Indicative Start Date:
 - (a) where there are no appeals is 23 December 2014; and
 - (b) where there are appeals is 23 January 2015.

9. Allocation Process

- 9.1 Where, pursuant to Regulation 33, the Delivery Body must commence the Allocation Process, the Delivery Body must carry out the steps in this Rule 9.
- 9.2 Where a Pot is specified in the Budget Notice, the Delivery Body must sum the value of all relevant Qualifying Applications in that Pot (including Qualifying Applications of a Technology Type to which a Minimum or Maximum applies) and either:
 - (i) where the value of the relevant Qualifying Applications is equal to or less than the Pot in every Delivery Year, determine that all such Qualifying Applications are Successful Applications and the final Strike Price applicable to those Applications is the Administrative Strike Price (subject to the application of any Maxima, as set out at Rule 9.5 below); or
 - (ii) where the value of the relevant Qualifying Applications would exceed the Pot in any Delivery Year, assess any Minima in accordance with Rule 9.4 below and hold an auction in relation to those Qualifying Applications for all Delivery Years in accordance with Rule 16 below.
- 9.3 Where no Pots are specified in the Budget Notice, the Delivery Body must assess whether the value of all Qualifying Applications would exceed the Overall Budget by summing the value of all Qualifying Applications (including Qualifying Applications to which a Minimum or Maximum applies) and either:
 - (i) where the value of the relevant Qualifying Applications is equal to or less than the Overall Budget in every Delivery Year, determine that all such Qualifying Applications are Successful Applications and the final Strike Price applicable to those Applications is the Administrative Strike Price (subject to the application of any Maxima, as set out at Rule 9.5 below); or
 - (ii) where the value of the relevant Qualifying Applications would exceed the Overall Budget in any Delivery Year, assess any Minima in accordance with Rule 9.4 below and hold an auction in relation to those Qualifying Applications for all Delivery Years in accordance with Rule 16 below.

9.4 Any Minima applying to the first Allocation Round will be stated in MW. Where a Minimum is specified in the Budget Notice for an Allocation Round the Delivery Body must where the value of all Qualifying Applications (not limited to the Qualifying Applications subject to the Minimum) would exceed the Pot/Overall Budget in any Delivery Year, request sealed bids in accordance with Rule 11 for all Qualifying Applications (in the relevant Pot, where one is specified). For each Minimum the Delivery Body must sum the capacity and sum the value of the Qualifying Applications of the Technology Type subject to the Minimum and:

- (i) where the capacity sum is equal to or less than the Minimum and the value of the Applications (subject to the Minimum) does not exceed the Pot/Overall Budget in any Delivery Year, determine that all such Qualifying Applications are Successful Applications and the final Strike Price applicable to those Qualifying Applications is the Administrative Strike Price;
- (ii) where the capacity sum is equal to or less than the Minimum but the value of the Qualifying Applications (subject to the Minimum) would exceed the Pot/Overall Budget in any Delivery Year, hold an auction in relation to those Qualifying Applications, in accordance with Rule 14 below; or
- (iii) where the capacity sum exceeds the Minimum, hold an auction in relation to those Qualifying Applications in accordance with Rule 14 below.

9.5 Any Maxima applying to the first Allocation Round will be stated in MW. Where a Maximum is specified in the Budget Notice for that Allocation Round, for each Maximum the Delivery Body must sum the capacity of all Qualifying Applications of the Technology Type subject to the Maximum and either:

- (i) where the capacity sum would exceed the Maximum, if the Pot/Overall Budget would be exceeded, consider the Qualifying Applications subject to the Maximum as part of the auction to be held in accordance with Rule 16 below;
- (ii) where the capacity sum is equal to or less than the Maximum, consider those Qualifying Applications as part of the Pot/Overall Budget as set out in Rules 9.2 or 9.3 above, as applicable; and/or
- (iii) where the capacity sum would exceed the Maximum, if the Pot/Overall Budget is not exceeded, hold an auction in relation to only the Qualifying Applications subject to the Maximum in accordance with Rule 17 below.

10. Notice of Auction

10.1 If one or more auction(s) are to be held pursuant to Rule 7 above:

- (i) the Delivery Body must notify the Secretary of State, as soon as practicable, that it intends to hold an auction; and
- (ii) the Delivery Body must then wait 5 Working Days. If, during that period:
 - (a) the Secretary of State issues a Budget Revision Notice, the Delivery Body must assess whether the Qualifying Applications would exceed the revised Overall Budget, Pots, Minima or Maxima (as appropriate) as set out in the Budget Revision Notice, in accordance with Rule 7 above. If an auction is required, the Delivery Body must, as soon as practicable:
 - (I) notify the Secretary of State that it will hold an auction; and
 - (II) issue a notice ("**Notice of Auction**") to the relevant Qualifying Applicants, inviting the submission of sealed bids; or
 - (b) no Budget Revision Notice is issued by the Secretary of State, the Delivery Body must issue a Notice of Auction to the relevant Qualifying Applicants, inviting the submission of sealed bids.

10.2 The Notice of Auction must state the following:

- (i) that the value of Qualifying Applications received has exceeded the specified Minimum, Maximum, Pot or Overall Budget, as appropriate;
- (ii) that an auction is to be held in relation to Qualifying Applications subject to the exceeded Minimum, Maximum, Pot and/or Overall Budget, as appropriate;
- (iii) that sealed bids are invited in the form and manner prescribed in the Notice of Auction; and
- (iv) the sealed bid submission closing date, which must be a Working Day no less than 5 Working Days after the day the Delivery Body issues the Notice of Auction ("**Submission Closing Date**").

11. Submission of sealed bids

11.1 Each sealed bid must:

- (i) be submitted on or before the Submission Closing Date;
 - (ii) be submitted in accordance with the instructions set out in the Notice of Auction; and
 - (iii) contain the following:
 - (a) the Applicant's proposed Strike Price in pounds sterling that it will accept for each megawatt hour of Metered Output, which must not be more than the applicable Administrative Strike Price;
 - (b) the Applicant's Target Commissioning Date and start date of the Target Commissioning Window; and
 - (c) the capacity of the CfD Unit.
- 11.2 Subject to Rule 13, for each Application an Applicant may submit only one sealed bid (and one Strike Price) for the same first Delivery Year and for the same capacity.
- 11.3 Only one sealed bid per Application may be a Successful Application.
- 11.4 The lowest Strike Price bid in each Delivery Year must be expressed to be to the nearest whole pence.
- 11.5 For each Application, an Applicant may submit up to 10 Flexible Bids (including the bid as per its original Application) which are sealed bids with varying capacities and/or Target Commissioning Dates, of which no more than three bids may have a Target Commissioning Date in the same Delivery Year.
- 11.6 All Flexible Bids made by an Applicant must:
- (i) be made at different Strike Prices;
 - (ii) subject to Rule 11.4, be expressed to be to the nearest 0.1 pence;
 - (iii) have a first Delivery Year that is no earlier than the Delivery Year specified in the in the Application submitted to the Delivery Body prior to the Application Closing Date ("**Original Application**"); and
 - (iv) have a capacity that is no greater than the capacity specified in the Original Application and satisfy Rule 5.1(ii) above, if applicable.
- 11.7 For the 2014 Allocation Round, bids:
- (i) Should be requested and submitted using 2012 prices; and

- (ii) will be valued using 2012 prices (which are set out in Appendices 1 and 2 of **Schedule 2**).

11.8 Where no sealed bid is submitted by an Applicant by the Submission Closing Date, the Delivery Body must assign the Application a bid of the Administrative Strike Price for its Technology Type and Delivery Year as specified in the Application.

11.9 The Delivery Body must not accept any sealed bids submitted after the Submission Closing Date.

12. Phased Offshore Wind CfD Units

12.1 In respect of Applications for Phased Offshore Wind CfD Units:

- (i) a sealed bid must include a single Strike Price to apply to all phases (but Flexible Bids may be submitted in accordance with Rule 11.5 above);
- (ii) the Delivery Year for the first phase will be treated as the first Delivery Year; and
- (iii) all phases must be taken into account when the Delivery Body is assessing the impact of a Phased Offshore Wind CfD Unit on the Budget Profile in the Applications Valuation and/or any relevant auction.

13. Withdrawal of Applications and sealed bids

13.1 Pursuant to Regulation 16(4), an Application may be withdrawn by an Applicant before the Application Closing Date, or where a Notice of Auction has been issued by the Delivery Body, before the Submission Closing Date. Such withdrawal must be made by giving notice to the Delivery Body.

13.2 If one or more Applications are withdrawn after the Application Closing Date in accordance with Rule 13.1, the Delivery Body is not required to carry out the Applications Valuations again and must proceed with the auctions specified in the Auction Notice(s).

13.3 An Applicant may withdraw a previously submitted sealed bid and submit a new bid or bids provided that any new bid is submitted to the Delivery Body on or before the Submission Closing Date. If a sealed bid is withdrawn and no new sealed bid is submitted on or before the Submission Closing Date, the Delivery Body must follow Rule 11.8.

14. Order of auctions

- 14.1 Where the Delivery Body must hold an auction in relation to Qualifying Applications that are subject to a Minimum, it must carry out that auction prior to any other auctions that are required.

15. Minima auctions

- 15.1 Where an auction is to be held in relation to Qualifying Applications subject to a Minimum pursuant to Rule 9.2, the Delivery Body must carry out the auction as follows:

- (i) any bid which would exceed the Minimum (in terms of capacity) or the Pot/Overall Budget (in terms of value) is unsuccessful;
- (ii) the Delivery Body must rank the remaining bids subject to the Minimum in order of lowest Strike Price to highest, regardless of Delivery Year;
- (iii) starting with the lowest Strike Price bid, the Delivery Body must determine that each Qualifying Application subject to the Minimum, up to but not including the first Application which would result in the Minimum or Pot/Overall Budget being exceeded, is a Successful Application:
 - (a) to assess whether the Minimum is exceeded, the Delivery Body must sum the capacity of the bid under consideration with that of any Qualifying Application(s) that the Delivery Body has already determined to be Successful Application(s); and
 - (b) to assess the impact on the Pot/Overall Budget, the Delivery Body must use the Strike Price of the bid under consideration as the provisional clearing price for that Qualifying Application and any Qualifying Application(s) that the Delivery Body has already determined to be Successful Application(s) with the same Delivery Year, capped at the relevant Administrative Strike Price. The Delivery Body must then calculate the impact on the Pot or Overall Budget using the Valuation Formula in **Schedule 2**. The impact on the Pot/Overall Budget must be calculated each time the provisional clearing price is increased. If, following the calculation:
 - (l) the cumulative value of the relevant Qualifying Applications is at or below the Pot/Overall Budget and the Minimum, the Delivery Body must determine that all Qualifying Applications considered up to this

point are Successful Applications. The provisional clearing price for all such Applications is the Strike Price bid of the bid under consideration for Applications with the same Delivery Year or, for Applications with a different Delivery Year, the highest Strike Price bid in the Relevant Delivery Year, capped at the Administrative Strike Price and subject to Rule 16.1(iii)(b)(II); or

- (II) the cumulative value of the relevant Qualifying Applications would exceed the Pot/Overall Budget or Minimum, the Qualifying Application under consideration is unsuccessful in the Minimum auction. All Qualifying Applications that the Delivery Body has already determined to be Successful Applications have a provisional clearing price of the Strike Price bid of the bid under consideration for Applications with the same Delivery Year or, for Applications with a different Delivery Year, the highest Strike Price bid in the Relevant Delivery Year, capped at the Administrative Strike Price;
- (iv) if two or more sealed bids include the same Strike Price (regardless of Delivery Year) and both cannot be Successful Applications because this would result in the Minimum and/or Pot/Overall budget being exceeded, they must be evaluated in accordance with the Tiebreaker Rules set out in Rule 18 below;
- (v) if a sealed bid from an Applicant is determined to be a Successful Application, the Delivery Body must not consider any further Flexible Bids from that Applicant in relation to that Qualifying Application;
- (vi) the Delivery Body must close the Minimum auction when the Qualifying Application under consideration would cause the Minimum to be exceeded unless there are Flexible Bids in relation to that Qualifying Application, which must be considered under sub-paragraph (viii) below;
- (vii) the Delivery Body must close the auction in respect of a Delivery Year when the Qualifying Application under consideration (for that Delivery Year) would cause the Pot/Overall Budget to be exceeded, unless there are Flexible Bids in relation to that Application, which are to be considered under step (viii) below;
- (viii) where this sub-paragraph (vii) applies, the Delivery Body must consider any Flexible Bids from the relevant Applicant in order of Strike Price bid (from lowest to highest), provided they are not the same as or higher than the Strike Price of another Applicant's

sealed bid. The Delivery Body must assess the impact on the Minimum and the Pot/Overall Budget as set out at step (iii) above and must determine a Flexible Bid to result in a Successful Application if it does not exceed the Minimum or Pot/Overall Budget (and any Flexible Bid which causes the Minimum or Pot/Overall Budget to be exceeded is unsuccessful);

- (ix) if the Delivery Body determines an Applicant's Flexible Bid to result in a Successful Application, the Delivery Body must not consider any other bids (including Flexible Bids) from that Applicant in relation to that Qualifying Application in any auction in the same Allocation Round. If a Flexible Bid is unsuccessful, the Delivery Body must continue to consider any further Flexible Bids from the Applicant;
- (x) following steps (vi – ix), the Delivery Body must close the Minimum auction or the Relevant Delivery Year, as appropriate. If only a Delivery Year is closed, the Delivery Body must continue to consider sealed bids, as appropriate until the Minimum is exceeded or all Delivery Years are closed; and
- (xi) any unsuccessful Qualifying Applications under the Minimum auction or that are not subject to the Minimum must be considered in the auction in relation to the relevant Pot/Overall Budget (as appropriate).

15.2 Where multiple Minima are specified in the Budget Notice, steps 15.1(i) – 15.1(xi) above must be carried out in relation to each Minimum where an auction is required.

16. Auction in relation to Pots or the Overall Budget

16.1 Where an auction is to be held in relation to a Pot/Overall Budget pursuant to Rules 9.2 or 9.3, the Delivery Body must carry out the auction as follows:

- (i) any bid which would exceed the Pot/Overall Budget is unsuccessful;
- (ii) the Delivery Body must rank the remaining bids in order of lowest Strike Price to highest, regardless of Delivery Year;
- (iii) starting with the lowest Strike Price bid, the Delivery Body must determine that each Qualifying Application, up to but not including the first Qualifying Application that would exceed the Pot/Overall Budget for any Delivery Year or any applicable Maximum, is a Successful Application (subject to (iv) and (vi) below):

- (a) to assess whether the Maximum is exceeded, the Delivery Body must sum the capacity of the Qualifying Application under consideration with that of the Qualifying Application(s) that the Delivery Body has already determined to be Successful Applications:
 - (I) if the sum of the Qualifying Applications would exceed a Maximum, the Qualifying Application under consideration is unsuccessful, subject to the application of step (vii) below. Any Qualifying Applications subject to the same Maximum with a higher Strike Price bid are unsuccessful;
 - (II) if no Maxima are exceeded (or no Maximum applies), the Delivery Body must continue with step (b) below; and
- (b) to assess the impact on the Pot/Overall Budget:
 - (I) the Delivery Body must use the Strike Price of the bid under consideration as the provisional clearing price for that Qualifying Application and any Application(s) that the Delivery Body has already determined to be Successful Applications with the same Delivery Year, capped at the relevant Administrative Strike Price. The Delivery Body must then calculate the impact on the Pot or Overall Budget using the Valuation Formula in **Schedule 2**.
 - (II) if the clearing price for any Delivery Year in this auction is higher than the clearing price for Qualifying Applications that were determined to be Successful Applications in a Minima auction under Rule 14 in the same Delivery Year, that higher price will become the clearing price applicable to the Qualifying Applications subject to the Minima in that Delivery Year, capped at the Administrative Strike Price;
 - (III) The impact on the budget must be calculated taking into account the revised clearing prices determined in (I) and (II) above. If, following the calculation:
 - (A) the cumulative value of the relevant Qualifying Applications is at or below the Pot/Overall Budget, the Delivery Body must determine that all Qualifying Applications are Successful Applications. The clearing price for all such Applications is the Strike Price bid of the bid under consideration for Applications with the

same Delivery Year or, for Applications with a different Delivery Year, the highest Strike Price bid in the Relevant Delivery Year, capped at the Administrative Strike Price; or

- (B) the cumulative value of the relevant Qualifying Applications would exceed the Pot/Overall Budget, the Qualifying Application under consideration is unsuccessful. Qualifying Applications that the Delivery Body has already determined to be Successful Applications have a clearing price for all such Applications is the Strike Price bid of the bid under consideration for Applications with the same Delivery Year or, for Applications with a different Delivery Year, the highest Strike Price bid in the Relevant Delivery Year, capped at the Administrative Strike Price;
- (iv) if two or more sealed bids include the same Strike Price bid and both cannot be Successful Applications because this would result in a Maximum, the Pot/Overall Budget being exceeded, they must be evaluated in accordance with the Tiebreaker Rules set out at Rule 18 below;
- (v) if a sealed bid from an Applicant is determined to result in a Successful Application, the Delivery Body must not consider any further Flexible Bids from that Applicant in relation to that Qualifying Application;
- (vi) the Delivery Body must close an auction in respect of a Delivery Year when the Qualifying Application under consideration would cause the Pot/Overall Budget to be exceeded, unless there are Flexible Bids in relation to that Application, which must be considered under sub-paragraph (vii) below;
- (vii) where this sub-paragraph (vii) applies, the Delivery Body must consider any Flexible Bids from that Applicant in order of Strike Price bid (from lowest to highest), provided they are not the same as or higher than the Strike Price of another Applicant's sealed bid. The Delivery Body must assess the impact of each Flexible Bid (in order) on the Pot/Overall Budget and any applicable Maxima as set out at step 15.1(iii) above and must determine a Flexible Bid to result in a Successful Application if the value of that Qualifying Application does not exceed the Pot/Overall Budget or any applicable Maxima (and any Flexible Bid which causes the Pot/Overall Budget or any applicable Maxima to be exceeded is unsuccessful);

- (viii) if the Delivery Body determines an Applicant's Flexible Bid to result in a Successful Application, the Delivery Body must not consider any other bids (including Flexible Bids) from that Applicant in relation to that Qualifying Application in any auction in the same Allocation Round;
- (ix) following steps (vi) - (viii), the Delivery Body must close the relevant auction in relation to that Delivery Year;
- (x) the Delivery Body must continue with steps (ii) – (ix) until all Delivery Years are closed or no more sealed bids remain; and
- (xi) when all Delivery Years are closed or no more bids remain, the Delivery Body must close the auction.

17. Maximum only auction

17.1 Where an auction is to be held in relation to Qualifying Applications subject only to a Maximum pursuant to Rule 9.5, the Delivery Body must carry out the auction as follows:

- (i) the Delivery Body must rank the bids in order of lowest Strike Price bid to highest, regardless of Delivery Year;
- (ii) starting with the lowest Strike Price bid, the Delivery Body must determine that Qualifying Applications subject to the Maximum, up to but not including the first Qualifying Application which would result in the Maximum being exceeded, are Successful Applications;
- (iii) to assess whether the Maximum is exceeded, the Delivery Body must sum the capacity of the Qualifying Application under consideration with that of the Qualifying Application(s) that the Delivery Body has already determined to be Successful Applications. If, following the calculation:
 - (a) the cumulative value of the relevant Qualifying Applications is at or below the Maximum, the Delivery Body must determine that all Qualifying Applications considered up to this point are Successful Applications. The clearing price for all such Applications is the Strike Price bid of the bid under consideration for Applications with the same Delivery Year or, for Applications with a different Delivery Year, the highest Strike Price bid in the Relevant Delivery Year, capped at the Administrative Strike Price; or
 - (b) the cumulative value of the relevant Qualifying Applications would exceed the Maximum, the Qualifying Application under consideration is unsuccessful. All Qualifying

Applications that the Delivery Body has already determined to be Successful Applications have a clearing price of the Strike Price bid of the bid under consideration for Applications with the same Delivery Year or, for Applications with a different Delivery Year, the highest Strike Price bid in the Relevant Delivery Year, capped at the Administrative Strike Price;

- (iv) if two or more sealed bids subject to the Maximum include the same Strike Price bid (regardless of Delivery Year) and both cannot be Successful Applications because this would result in the Maximum being exceeded, they must be evaluated in accordance with the Tiebreaker Rules set out in Rule 18 below;
- (v) if a sealed bid from an Applicant is determined to result in a Successful Application, the Delivery Body must not consider any further Flexible Bids from that Applicant in relation to that Qualifying Application;
- (vi) the Delivery Body must close a Maximum auction when the Qualifying Application under consideration would cause the Maximum to be exceeded, unless there are Flexible Bids in relation to that Qualifying Application, which must be considered under step (vii) below;
- (vii) where this sub-paragraph (vii) applies, the Delivery Body must consider any Flexible Bids from the relevant Applicant in order of Strike Price bid (from lowest to highest), provided they are not the same as or higher than the Strike Price of another Applicant's sealed bid. The Delivery Body must assess the impact on the Maximum as set out at step (ii) above and must determine a Flexible Bid to result in a Successful Application if the value of that Qualifying Application does not exceed the Maximum (and any Flexible Bid which would cause the Maximum to be exceeded is unsuccessful);
- (viii) if the Delivery Body determines an Applicant's Flexible Bid to result in a Successful Application, the Delivery Body must not consider any other bids (including Flexible Bids) from that Applicant in relation to that Qualifying Application in any auction. If a Flexible Bid is unsuccessful, the Delivery Body must continue to consider any further Flexible Bids from the Applicant;
- (ix) following steps (v – viii), the Delivery Body must close the Maximum auction;
- (x) any unsuccessful Qualifying Applications under the Maximum auction are not considered further; and

- (xi) where multiple Maxima are specified in the Budget Notice, steps (i) – (viii) above must be carried out in relation to each Maximum where an auction is required.

18. Tiebreaker Rules

18.1 Where two or more sealed bids being evaluated against a Minimum or Maximum include the same Strike Price and both cannot be Successful Applications because this would result in the Minimum or Maximum (as relevant) being exceeded (but would not result in the Pot/Overall Budget being exceeded):

- (i) any Qualifying Application which by itself would result in the Minimum or Maximum being exceeded is unsuccessful;
- (ii) the Qualifying Application or combination of Qualifying Applications (out of all possible combinations) which comes closest to fulfilling the Minimum or Maximum, without exceeding the Minimum or Maximum, must be determined by the Delivery Body to be a Successful Application(s);
- (iii) if two or more Qualifying Applications or combination of Qualifying Applications come equally close to fulfilling the Minimum or Maximum, the Delivery Body must choose from these Qualifying Applications at random, using an electronic random assignment process; and
- (iv) a Qualifying Application subject to a Minimum which is unsuccessful under this Rule, must be considered under Rule 15.1(viii), if relevant and, if unsuccessful, must be considered in the auction in relation to the Pot/Overall Budget. A Qualifying Application which is unsuccessful under a Maximum must be considered under Rule 17.1(vii), if relevant.

18.2 Where two or more sealed bids in an auction have the same Strike Price and both cannot result in Successful Applications because this would result in a Pot/Overall Budget being exceeded (but would not result in a Minimum or Maximum being exceeded):

- (i) any Qualifying Application which by itself would result in the Pot/Overall Budget being exceeded is unsuccessful;
- (ii) the Qualifying Application or combination of Qualifying Applications (out of all possible combinations) which comes closest to fulfilling the Pot/Overall Budget in the final year of the Budget Profile must be determined by the Delivery Body to be a Successful Application(s), provided this does not exceed the Pot/Overall Budget;

- (iii) if two or more Qualifying Applications or combination of Qualifying Applications come equally close to fulfilling the Pot or Overall Budget in the final year of the Budget Profile, the Delivery Body must choose from these Qualifying Applications at random, using an electronic random assignment process; and
- (iv) Qualifying Applications which are unsuccessful under this Rule must be considered under Rule 16.1(vi), if relevant.

18.3 Where two or more sealed bids in an auction include the same Strike Price and both cannot be Successful Applications because this would result in both a Minimum or Maximum and a Pot/Overall Budget being exceeded:

- (i) any Qualifying Application which by itself would result in the Pot/Overall Budget and/or a Minimum or Maximum (if applicable) being exceeded is unsuccessful;
- (ii) the Qualifying Application or combination of Qualifying Applications (out of all possible combinations) which comes closest to fulfilling the Pot/Overall Budget in the final year of the Budget Profile must be determined by the Delivery Body to be a Successful Application(s), provided this does not exceed the Pot, Overall Budget or any Maxima;
- (iii) if two or more Qualifying Applications or combination of Qualifying Applications come equally close to fulfilling the Pot or Overall Budget in the final year of the Budget Profile, the Delivery Body must assess which of these Qualifying Applications or combination of Qualifying Applications comes closest to fulfilling the Minimum or Maximum (as relevant);
- (iv) if these Qualifying Applications or combination of Qualifying Applications fulfil the Minimum or Maximum by the same amount, the Delivery Body must choose from these Qualifying Applications at random, using an electronic random assignment process; and
- (v) Qualifying Applications which are unsuccessful under this Rule must be considered under Rule 16.1(vi), if relevant.

19. Impact of delays on the Administrative Strike Price

19.1 For the purpose of this Rule only, “**Delay Period**” means the period by which a Target Commissioning Date is varied pursuant to Regulations 34(5) or 40(2).

19.2 Where, pursuant to Regulation 34(6), the Delivery Body is required to re-determine the Applications Valuations and sealed bids are yet to be submitted, the Delivery Body must do so in accordance with Rule 9 except to the extent that an Applicant has varied its Target Commissioning Date in accordance with Regulation 34(5). In such a case:

- (i) Applicants are able to submit bids as directed by the Delivery Body; and
- (ii) in respect of an Applicant's bid with the earliest Target Commissioning Date:
 - (a) where no auction is necessary, if that Target Commissioning Date falls within the Delay Period the Delivery Body must perform the re-determination using the Administrative Strike Price specified in the relevant Application as submitted prior to the delay; and
 - (b) where an auction is necessary, if that Target Commissioning Date falls within the Delay Period the Delivery Body must perform the re-determination and allocation using the Administrative Strike Price in the relevant Application as submitted prior to the delay.

19.3 Where, pursuant to Regulation 40(2), the Delivery Body is required to re-determine the Applications Valuations (whether sealed bids have been submitted or not), the Delivery Body must do so in accordance with Rule 9 except to the extent that an Applicant has varied its Target Commissioning Date, in which case, and the Target Commissioning Date of any bid that falls within the Delay Period, the Delivery Body must perform the re-determination and allocation in respect of such bids using the Administrative Strike Price specified in the relevant bid as submitted prior to the delay.

20. CfD Notifications

20.1 Pursuant to Regulation 42(2), the following additional information must be included in a CfD Notification issued by the Delivery Body:

- (i) the Target Commissioning Date and the start of the Target Commissioning Window;
- (ii) the Successful Allocation Capacity;
- (iii) whether the CfD Unit is a Dual Scheme CfD Unit;
- (iv) where the CfD Unit is, or is to form part of, a Biomass Conversion station (as defined in the Eligible Generator Regulations), or is a

Dual Scheme CfD Unit, the capacity in megawatts of the whole station;

- (v) the contact information (including the address and email address) of:
 - (a) the Applicant;
 - (b) the person, position or group to whom future notices should be addressed; and
 - (c) where the Applicant is not based in Great Britain, its agent for service of process;
- (vi) a description of the CfD Unit, including the unique geographical coordinates, provided in the Application;
- (vii) the version number of the CfD Standard Terms and Conditions applicable to the Application and, where applicable, the reference number of the modification agreement and the date this was entered into with the CfD Counterparty;
- (viii) whether a Direct Connection, a Partial Connection or no connection applies to the CfD Unit;
- (ix) where a Direct Connection or a Partial Connection applies, whether that connection is to the Transmission System or a Distribution System;
- (x) where a Direct Connection applies and the CfD Unit is connected only to the Distribution System then the Applicant must indicate whether it intends to be Licence Connected or Licence Exempt Embedded; and/or
- (xi) if the CfD Unit is a Phased Offshore Wind CfD Unit:
 - (a) in which of the following Offshore Wind Leasing Rounds was the CfD Unit granted a lease or agreement for lease by the Crown Estate in respect of the location of that CfD Unit:
 - (I) Round 2; or
 - (II) Round 3 or Scottish Territorial Waters;
 - (b) the contact information (including name, address and email address) of the generator, Initial Installed Capacity Estimates, start dates for each of the Target Commission Windows and descriptions of the CfD Unit as provided in

the Application for each phase of the Phased Offshore Wind CfD Unit; and

- (c) whether the Applicant intends to treat phases as individual projects for the purposes of metering or use apportionment methodology to assign net generation to each individual phase based on the overall functionality of that phase.

21. Pending Applications

21.1 Where a Pending Application's Technology Type is not subject to a Minimum, or would by itself exceed the stated Minimum, Rule 21.3 applies.

21.2 Where a Pending Application's Technology Type is subject to a Minimum and would not by itself exceed the stated Minimum, Rule 21.4 applies.

21.3 Where this Rule applies and where, pursuant to Regulation 51(3), a Pending Application is determined to be a Qualifying Application, such an Application will be a Successful Application if:

- (i) an auction was held and the Applicant's lowest Pending Bid is equal to or lower than the clearing price for the auction for the relevant Pot (or Overall Budget, as relevant) for the Relevant Delivery Year, in which case the Strike Price applicable to such Application is that clearing price capped at its Administrative Strike Price;

- (ii) an auction was held but there were no Successful Applications in that Delivery Year and:

- (a) the Applicant's lowest Pending Bid is equal to or lower than the first unsuccessful bid; or

- (b) no bids exist for the auction for the relevant Pot (or Overall Budget, as relevant) for the Relevant Delivery Year,

in which case the Strike Price applicable to such Application is the lowest Pending Bid submitted by the Applicant in relation to the Pending Application; or

- (iii) no auction was held, in which case the Strike Price applicable to such an Application is the Administrative Strike Price for the Relevant Delivery Year.

21.4 Where this Rule applies and, where pursuant to Regulation 51(3), a Pending Application is determined to be a Qualifying Application, such an Application will be a Successful Application if:

- (i) a Minimum auction was held and the Applicant's lowest Pending Bid is equal to or lower than the clearing price for the Minimum auction or general auction (whichever is higher) for the Relevant Delivery Year, in which case the Strike Price applicable to such Application is that clearing price, capped at its Administrative Strike Price;
- (ii) a Minimum auction was held, but there were no Successful Applications subject to the Minimum in that Delivery Year and:
 - (a) the Applicant's lowest Pending Bid is equal to or lower than the first unsuccessful bid in that Delivery Year; or
 - (b) no bids exist for the Minimum auction for the Relevant Delivery Year,
 in which case the Strike Price applicable to such Application is the lowest Pending Bid submitted by the Applicant in relation to the Pending Application; or
- (iii) a Minimum auction was not held in which case the Strike Price applicable to such an Application is its Administrative Strike Price.

22. Notification to the Authority and the Secretary of State of auction irregularity

22.1 If, in respect of any Qualifying Applicant or member of a Qualifying Applicant's Group, the Delivery Body becomes aware of:

- (i) any conduct which appears to it to indicate anti-competitive practices or attempted anti-competitive practices with respect to the Allocation process; or
- (ii) any irregularity with respect to the participants' conduct in an auction or any other conduct which appears to the Delivery Body as likely to have the effect of distorting the outcome of the auction process,

the Delivery Body must notify the Authority and the Secretary of State as soon as reasonably practicable.

23. Time and dates

23.1 Where a Deadline falls on a Working Day or any period is to run to a Working Day, this is to be taken as meaning 17:00 on that Working Day.

23.2 Where something is done after 17:00 on a Working Day or on a day which is not a Working Day, it is to be treated as having been done on the next Working Day.

24. Notification to the Delivery Body

If in accordance with any provision of these Rules an Applicant is required, or wishes, to notify the Delivery Body of any fact or circumstance it must do so in accordance with the notice requirements in the Notice of Auction.

25. Changes to timing and submission requirements

25.1 If the Delivery Body cannot proceed with or complete any aspect of the Allocation Process or a determination of eligibility in accordance with these Rules because of an IT Auction System failure or other exceptional circumstances, the Delivery Body may:

- (i) alter the method by which any data, information, document or sealed bid is required to be submitted to the Delivery Body under these Rules;
- (ii) extend, on a day for day basis, the Deadline for submitting any data, information, document or sealed bid that is required to be submitted to the Delivery Body under these Rules; and/or
- (iii) extend the Deadline, on a day for day basis, for undertaking any other action that is required to be undertaken under these Rules.

25.2 Where the Delivery Body takes action under Rule 25.1, the Delivery Body must publish details of the changes made. Where reasonably practicable this must be done using the same method of publication as was used by the Delivery Body to publish the Notice of Auction.

26. Hierarchy of documents

In the event of any conflict or inconsistency between the Regulations, the Eligible Generator Regulations and these Rules, the Regulations and the Eligible Generator Regulations prevail over these Rules.

Schedule 1 Definitions

1. Unless otherwise stated, terms defined in the Regulations and the Eligible Generator Regulations have the same meaning in these Rules. For ease of reference such definitions are replicated or referred to below.

2. In these Rules:

“**AD**” means a CfD Unit which uses or is to use as its source of energy gas formed by anaerobic digestion of material which is not landfill gas or sewage gas;

“**Administrative Strike Price**” means the Strike Price specified in a Budget Notice which:

(i) is to be used by the Delivery Body to value an Application under Regulation 29; and

(ii) is the Maximum Strike Price which applies to a Successful Application;

“**Allocation Framework**” has the meaning given in section 13(2)(a) of the EA 2013;

“**Allocation Process**” means the process included in these Rules by which the Delivery Body determines which Qualifying Applications are Successful Applications and the Strike Price applicable to Successful Applications;

“**Allocation Round**” has the meaning given in section 13(2)(b) of the EA 2013;

“**Appeals Deadline Dates**” mean, in respect of an Allocation Round, the dates stated in Rule 8.1(ii), which are the latest date after the Non-Qualification Review Request Dates by which an appeal may be made;

“**Applicant**” has the meaning given in Regulation 16(2);

“**Application**” means (except in paragraph 4(b) of Schedule 1 of the Regulations) a request by an Applicant to the Delivery Body to take part in an Allocation Process in respect of a CfD Unit;

“**Application Closing Date**” in relation to an Allocation Round has the meaning given in Regulation 4(2)(b)(iii);

“**Applications Valuations**” has the meaning given in Regulation 29(2);

“Associated” has the meaning given in section 67 of the Energy Act 2008 as if that section also applied to Scotland;

“Authority” means the Gas and Electricity Markets Authority established pursuant to section 1 of the Utilities Act 2000;

“Budget Profile” means the budget for all Relevant Delivery Years and 2020/2021 as set out in the Budget Notice;

“Budget Notice” means a notice required by Regulation 11;

“Budget Revision Notice” has the meaning given in Regulation 12(2)(b);

“CfD Agreement” means the agreement entered into between the CfD Counterparty and the Eligible Generator pursuant to an offer made by the CfD Counterparty pursuant to section 14 of the EA 2013;

“CfD Counterparty” means Low Carbon Contracts Company Limited, a company incorporated under the laws of England and Wales whose registered office is at 3 Whitehall Place, London SW1A 2AW and whose company number is 08818711 (or if more than one person is designated as the CfD Counterparty, each of them);

“CfD Notification” has the meaning given in section 12 of the EA 2013;

“CfD Unit” means the whole or part of an Eligible Generating Station situated in Great Britain or the territorial waters thereof;

“CHP” has the meaning given to the term “CHP station” in the Eligible Generator Regulations;

“CMU” has the meaning given to that term in The Electricity Capacity Regulations 2014;

“Connection Agreement” has the meaning given in Regulation 25(6);

“Crown Estate” means the crown estate commissioners acting in exercise of the powers of the Crown Estate Act 1961;

“Deadline”, in relation to any requirement imposed on any person by or under these Rules, means (as the case may require):

- (i) the time,
- (ii) the date, or
- (iii) the date, and the time on that date,

by which that requirement must be fulfilled by that person;

“Delivery Body” means:

- (i) the Transmission System Operator; or
- (ii) if the Transmission System Operator’s functions under Part 2, Chapter 2 of the EA 2013 have been transferred to an alternative delivery body, that body;

“Delivery Year” means any of:

- (i) the period from the date on which the Regulations come into force and ending on 31st March 2015; and
- (ii) the 12 month periods commencing on 1st April 2015 and each anniversary of that date and ending with the 12 month period ending on 31 March 2021;

“Direct Connection” has the meaning given in Regulation 25(6);

“Directed Date” has the meaning given in Regulation 33(2);

“Distribution Licence” means a licence granted or treated as granted pursuant to section 6(1)(c) of the EA 1989;

“Distribution System” has the meaning given by section 4(4) of the Electricity Act 1989;

“Dual Scheme CfD Unit” has the meaning given to the term “Dual Scheme Facility” in the most recently published version of the CfD Standard Terms and Conditions;

“EA 2013” means the Energy Act 2013;

“Eligible Generating Station” has the meaning given in Regulation 3 of the Eligible Generator Regulations;

“Eligible Generator” has the meaning given in Regulation 3 of the Eligible Generator Regulations;

“Eligible Generator Regulations” mean the Contracts for Difference (Definition of Eligible Generator) Regulations 2014;

“Flexible Bid” means a sealed bid which meets the requirements set out in Rule 11.6;

“Generating Station” means a station which generates electricity;

“Grid Code” has the meaning given to that term in the Transmission Licence;

“Hydro” has the meaning given to the term “Hydro generating station” in the Eligible Generator Regulations;

“Initial Installed Capacity Estimate” means the initial Installed Capacity as notified to the Delivery Body in an Application as the “Initial Installed Capacity Estimate” or in relation to a Flexible Bid, the capacity specified in that bid;

“Installed Capacity” means the capacity of the CfD Unit (expressed in MW) were it to be operated on a continuous basis at the maximum capacity possible without causing damage to it (assuming any source of power used by it to generate electricity was available to it without interruption);

“IT Auction System” means the IT infrastructure used to submit Applications and sealed bids;

“Licence Connected” means an Applicant which holds a licence to generate electricity and which is connected or is to be connected to the Transmission System or a Distribution System;

“Licence Exempt Embedded” means an Applicant which is exempt from the requirement to hold a licence to generate electricity and which is connected or is to be connected to a Distribution System;

“Licensed Distributor” means a person who is authorised pursuant to a Distribution Licence to distribute electricity;

“Maximum” (or **“Maxima”**) has the meaning given in Regulation 11(2)(b);

“Metered Output” has the meaning given in the most recently published version of the CfD Standard Terms and Conditions;

“Minimum” (or **“Minima”**) has the meaning given in Regulation 11(2)(a);

“Non-Qualification Review Request Dates” means, in respect of an Allocation Round, the dates stated in Rule 8.1(i), which are the latest dates after the Application Closing Date by which a Review Notice may be given;

“Notice of Auction” has the meaning given in Rule 8;

“Offshore Wind CfD Unit” means a CfD Unit which generates electricity by the use of wind and which is situated (or is to be situated) wholly in offshore waters;

“Onshore” means England, Wales or Scotland, including the waters in or adjacent to them up to the mean low water mark;

“Onshore Wind” means a CfD Unit which uses or is to use as its source of energy wind, other than in respect of an Offshore Wind CfD Unit;

“Original Application” has the meaning given in Rule 11.6(iii);

“Overall Budget” means an amount set out in a Budget Notice, which is the total:

- (i) sum of money potentially payable by the CfD Counterparty under CfDs to Eligible Generators in a Delivery Year;
- (ii) capacity of electricity which may be generated by Generating Stations subject to a CfD in a Delivery Year; or
- (iii) a combination of (i) and (ii);

“Offshore Wind Leasing Rounds” means that leasing round (or extension thereto) designated as such by the Crown Estate;

“Partial Connection” has the meaning given in Regulation 25(6);

“Pending Application” has the meaning given in Regulation 49(2);

“Pending Bid” has the meaning given in Regulation 50(2)(b);

“Phased Offshore Wind CfD Unit” means an offshore wind CfD Unit:

- (i) which is to be established or altered by two or three phases of construction;
- (ii) where each phase of construction is to provide new generating capacity; and
- (iii) in the case of a CfD Unit which is to be established, where each phase of construction is to provide a generating capacity of more than or equal to 5 megawatts;

“Post-Appeals Indicative Start Date” means the date stated in Rule 8.1(iii), which is the date on which the Secretary of State is minded to require the Allocation Process to commence but which date must be no earlier than 10 working days after the Appeals Deadline Date;

“Pot” has the meaning given in Regulation 11(2)(c);

“Private Network” means a network for the distribution of electricity which is not operated by a Licensed Distributor;

“Private Network Use Agreement” means, where the Applicant is not the operator of the Private Network, an agreement between the Applicant

and the operator of the Private Network which sets out the terms on which the Applicant is able to access that Private Network, and, in particular:

- (i) specifies the capacity in the Private Network that the Applicant is able to access;
- (ii) specifies the terms on which the Applicant is able to supply electricity on the Private Network; and
- (iii) where relevant, specifies the terms on which the Applicant can use the Private Network to obtain access to a connection between the CfD Unit and the Transmission System and any Distribution System;

“Qualifying Applicant” has the meaning given in Regulation 17(2) and includes a person determined by the Authority as a Qualifying Applicant;

“Qualifying Applicant’s Group” means, in relation to a Qualifying Applicant:

- (i) that Qualifying Applicant; and
- (ii) any person Associated with that Qualifying Applicant;

“Qualifying Application” has the meaning given by Regulation 17(2);

“Regulations” mean The Contracts for Difference (Allocation) Regulations 2014 and a reference to any particular Regulation is a reference to those Regulations;

“Relevant Delivery Year” means the Delivery Year in which the Target Commissioning Date specified in an Application falls;

“Rules” means the rules set out in this Allocation Framework and a reference to any particular Rule is a reference to these Rules;

“Solar PV” means a CfD Unit which uses or is to use as its source of energy solar radiation when captured by photovoltaic array;

“Strike Price” has the meaning given in **Schedule 2** below;

“Submission Closing Date” has the meaning given in Rule 10.2(iv);

“Successful Allocation Capacity” means the capacity stated in an Application or sealed bid which is determined by the Delivery Body to be a Successful Application pursuant to these Rules;

“Successful Application” means an Application in respect of which, further to an Allocation Process, a CfD Notification may be made or, in the case of an application in respect of a Phased Offshore Wind CfD Unit, more than one CfD Notification may be made;

“Supplemental Requirements” has the meaning given in Regulation 28;

“Target Commissioning Date” means the date notified to the Delivery Body in an Application as the “Target Commissioning Date” within the Target Commissioning Window;

“Target Commissioning Window” means the period notified to the Delivery Body in an Application as the “Target Commissioning Window” as set out in Schedule 5;

“Target Dates” has the meaning given in Regulation 34(2);

“Technology Type” means the technology type notified to the Delivery Body in an Application as the CfD Unit’s Technology Type;

“Transmission Entry Capacity” has the meaning given to that term in the Grid Code;

“Transmission Licence” means any licence for electricity transmission, as modified from time to time, granted pursuant to section 6(1)(b) of the Electricity Act 1989;

“Transmission System” has the meaning given by section 4(4) of the Electricity Act 1989;

“Transmission System Operator” has the meaning given to the term “National System Operator” in section 8(3) of the EA 2013; and

“Working Day” means 9 am to 5 pm on Mondays to Fridays excluding:

- (i) bank holidays within the meaning of section 1 of the Banking and Financial Dealings Act 1971, including:
 - (a) except in respect of Part 10 of the Regulations, those bank holidays in part only of Great Britain;
 - (b) in respect of Part 10 of the Regulations, those bank holidays in part only of the United Kingdom;
- (ii) Good Friday; and
- (iii) when it falls on a day that would otherwise be a working day, Christmas Day.

Schedule 2 Valuation Formula

“Valuation Formula” means:

$$\text{Budget impact}_{s,yr,p} = (\text{Strike Price}_{cy,t} - \text{Reference Price}_{yr}) \times \text{Load Factor}_{t,yr} \times \text{YR1F}_{s,c,p} \\ \times \text{Capacity}_{s,p} \times (\text{Days}_{yr} \times 24) \times (1 - \text{TLM}_{yr}) \times \text{RQM}_t \times \text{CHPQM}_s$$

where:

Term	Definition and/or value
Strike Price	<p>Strike Price means a price (“SP”) for one megawatt hour of electricity generated by a CfD Unit; and where the price (“MP”) obtainable on the electricity market for one megawatt hour of electricity generated by that CfD Unit:</p> <ul style="list-style-type: none"> (a) is below SP, the difference between SP and MP is a sum payable under a CfD Agreement by a CfD Counterparty to the Eligible Generator who is a party to the CfD Agreement; and (b) is above SP, the difference between SP and MP is a sum payable under a CfD Agreement by the Eligible Generator who is a party to the CfD Agreement to a CfD Counterparty;

and, in relation to the Valuation Formula:

- (i) in the context of the Applications Valuations, means the relevant Administrative Strike Price, as set out at **Appendix 1** below.

Term	Definition and/or value
	(ii) in the context of calculating the impact on the Budget Profile in an auction under Rules 14 - 17 above, means the relevant clearing price in the auction, capped at the Administrative Strike Price for that Delivery Year and that Technology Type.
	CfD Units to be established or altered in phases of construction are to be valued using the same Strike Price across each phase.
Reference Price	Reference Price is set out at Appendix 2 below (in 2012 prices).
Capacity	Capacity is the Initial Installed Capacity Estimate to 2 decimal places. See Schedule 1 for definition.
Load Factor	Load Factor is as set out at Appendix 3 below.
TLM is the Transmission Loss Multiplier	Transmission Loss Multiplier is as set out at Appendix 4 below.
RQM is the Renewable Qualifying Multiplier	Renewable Qualifying Multiplier is as set out at Appendix 5 below.
CHPQM is the CHP Qualifying Multiplier	CHP Qualifying Multiplier is a factor of one (1) for all technologies.
Days	Days is the number of days in a year as set out in Appendix 6 below.
YR1F	YR1F is a factor applied to each CfD Unit to account for partial year generation in the first year, as set out in the paragraph below. Thereafter it is set as one (1). In the final year set out in the Budget Notice it is set at one (1) regardless of whether a CfD Unit's Target Commissioning Date is in that year.
	If the commissioning year is between 2014/15 - 2017/18:
	$YR1F = 1 - \text{Number of calendar days between Target Commissioning Date and start of financial year that}$

Term	Definition and/or value
	<i>Target Commissioning Date falls within / Number of calendar days in the financial year that Target Commissioning Date falls within.</i>
	Otherwise: YR1F= 1
C is the Target Commissioning Date	See Schedule 1 for definition.
P is the Phase	Phase is the valuation calculation which must be taken into account whether the Application is for a CfD Unit to be established or completed in phases as notified in the Application. All phases must be within budget following valuation in accordance with this formula for the Application to be successful.
t is the Technology Type	See Schedule 1 for definition.
cy is the Commissioning Year	Commissioning Year means the Delivery Year in which the Target Commissioning Date falls.
yr is the Budget Year	Budget Year means the first Delivery Year and each subsequent Delivery Year thereafter (each being a Budget Year).
s is the CfD Unit which is the subject of the Application	See Schedule 1 for definition.

Appendix 1 – Administrative Strike Prices (in 2012 prices)

These are the Administrative Strike Prices, in 2012 prices, published in the December 2013 final Delivery Plan. The methodology for calculating Administrative Strike Prices for Wave and Tidal projects that are greater than 30MW is given below. DECC intends to publish Strike Prices for 2019/2020 and 2020/2021 in the 2015 Annual Update to the Delivery Plan.

Technology Type	2015/16	2016/17	2017/18	2018/19
ACT (with or without CHP)	155	150	140	140
AD (with or without CHP; >5MW)	150	150	140	140
Biomass Conversion	105	105	105	105
Dedicated Biomass (with CHP)	125	125	125	125
Energy from Waste (with CHP)	80	80	80	80
Geothermal (with or without CHP)	145	145	140	140
Hydro (>5MW and <50MW)	100	100	100	100
Landfill Gas	55	55	55	55
Sewage Gas	75	75	75	75
Offshore Wind	155	150	140	140

Technology Type	2015/16	2016/17	2017/18	2018/19
Onshore Wind (>5MW)	95	95	90	90
Solar PV (>5MW)	120	115	110	100
Tidal Stream (0-30MW)	305	305	305	305
Wave (0-30MW)	305	305	305	305

Wave and Tidal Stream > 30 MW

Where the Initial Installed Capacity Estimate of a Wave or Tidal Stream Application is above 30MW, the Administrative Strike Price for that Application will be calculated using the following formula:

$$ASP_{Application} = \{(305 \times 30) + ASP_{Offshore\ Wind} \times (Y - 30)\} / Y$$

Where:

- (a) $ASP_{Offshore\ Wind}$ is the Administrative Strike Price for Offshore Wind for that Delivery Year; and
- (b) Y is the Initial Installed Capacity Estimate of the Application.

Appendix 2 - Reference Price (in 2012 prices)*

	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Reference price £/MWh	56.09	58.54	60.20	61.77	62.89	63.78

*** NB. Reference Price figures will be updated after 22 September 2014**

Appendix 3 - Load Factors

Technology Type	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
ACT (with or without CHP)	64.5%	64.5%	64.5%	64.5%	64.5%	64.5%
AD (with or without CHP; >5MW)	59.4%	59.4%	59.4%	59.4%	59.4%	59.4%
Biomass Conversion	64.5%	64.5%	64.5%	64.5%	64.5%	64.5%
Dedicated Biomass (with CHP)	64.5%	64.5%	64.5%	64.5%	64.5%	64.5%
Energy from Waste (with CHP)	42.5%	42.5%	42.5%	42.5%	42.5%	42.5%
Geothermal (with or without CHP)	91.2%	91.2%	91.2%	91.2%	91.2%	91.2%
Hydro (>5MW and <50MW)	34.5%	34.5%	34.5%	34.5%	34.5%	34.5%
Landfill Gas	56.7%	56.7%	56.7%	56.7%	56.7%	56.7%
Sewage Gas	51.0%	51.0%	51.0%	51.0%	51.0%	51.0%
Offshore Wind	37.7%	37.7%	37.7%	37.7%	37.7%	37.7%
Onshore Wind (>5MW)	26.7%	26.7%	26.7%	26.7%	26.7%	26.7%
Solar PV (>5MW)	11.1%	11.1%	11.1%	11.1%	11.1%	11.1%

Technology Type	2015/16	2016/17	2017/18	2018//19	2019/20	2020/21
Tidal Stream	31.0%	31.0%	31.0%	31.0%	31.0%	31.0%
Wave	31.0%	31.0%	31.0%	31.0%	31.0%	31.0%

Appendix 4 - Transmission Loss Multiplier

Year	Transmission Loss Multiplier
2015/16	0.0085
2016/17	0.0085
2017/18	0.0087
2018/19	0.0088
2019/20	0.0089
2020/21	0.0089

Appendix 5 - Renewable Qualifying Multiplier

Technology Type	Renewable Qualifying Multiplier
ACT (with or without CHP)	0.635
AD (with or without CHP; >5MW)	1.000
Biomass Conversion	1.000
Dedicated Biomass (with CHP)	1.000
Energy from Waste (with CHP)	0.635
Geothermal (with or without CHP)	1.000
Hydro (>5MW and <50MW)	1.000
Landfill Gas	1.000
Sewage Gas	1.000
Offshore Wind	1.000
Onshore Wind (>5MW)	1.000
Solar PV (>5MW)	1.000

Technology Type	Renewable Qualifying Multiplier
Tidal Stream (0-30MW)	1.000
Wave (0-30MW)	1.000

Appendix 6 - Days

Year	Number of days in the year
2014/15	365
2015/16	366
2016/17	365
2017/18	365
2018/19	365
2019/20	366
2020/21	365

Schedule 3 Applicable Reference Price

Technology Type	Baseload Market Reference Price*	Intermittent Market Reference Price**
Advanced Conversion Technology	X	
Anaerobic Digestion	X	
Dedicated Biomass with Combined Heat and Power (CHP)	X	
Biomass Conversion Station	X	
Landfill Gas	X	
Sewage Gas	X	
Waste with CHP	X	
Geothermal	X	
Hydro	X	
Offshore Wind		X
Onshore Wind		X
Solar Photovoltaic		X
Tidal Stream		X
Wave		X

* **Baseload Market Reference Price** has the meaning given in the most recently published version of the CfD Standard Terms and Conditions.

** **Intermittent Market Reference Price** has the meaning given in the most recently published version of the CfD Standard Terms and Conditions.

Schedule 4

Application checks to be carried out by the Delivery Body

Eligibility Criteria	Regulation No. ¹	Requirement	Documentary Evidence	Checks against CfD Application				
				Name	Location	MW	Dates	Technology
Statements in relation to Supply Chains	26	In the Application, each Applicant must provide a statement in accordance with Regulation 26(4).	Copy of statement issued by the Secretary of State pursuant to Regulation 11 of the Electricity Market Reform (General) Regulations 2014 (" Approval Certificate ").	Where the Applicant has specified in the Application that Regulation 26(4) applies in respect of the Application for the CfD Unit, the name of the CfD Unit specified in the Approval Certificate appears to be the same as the name of the CfD Unit specified in the Application.	None required	None required	Where the Applicant has specified in the Application that Regulation 26(4) applies in respect of the Application for the CfD Unit, the date the Application is submitted falls within the time period specified in the Approval Certificate as being the time period within which an Application may be	None required

¹ All references are to the Contracts for Difference (Allocation) Regulations 2014 unless otherwise specified.

Eligibility Criteria	Regulation No. ¹	Requirement	Documentary Evidence	Checks against CfD Application				
				Name	Location	MW	Dates	Technology
							submitted.	
Applicable Planning Consents	23, 24	<p>In the Application, an Applicant must demonstrate that either the applicable planning consents do not apply, or that the applicable planning consents obtained for the relevant works enable:</p> <ul style="list-style-type: none"> the proposed CfD Unit to be established or altered; and electricity generated from the proposed CfD Unit to be supplied to the national “transmission system” for Great Britain, the “Distribution System”, or a private wire network. 	Copy of all applicable planning consent(s).	None required	The postcode, the geographic coordinates, and/or the Ordnance Survey Grid Reference for the proposed CfD Unit specified in the applicable planning consent(s) is the same as the postcode, the geographic coordinates, and/or the Ordnance Survey Grid Reference for the CfD Unit specified in the Application.	Where the applicable planning consent(s) sets out the capacity (in MW) of the proposed CfD Unit permitted under the applicable planning consent(s), that capacity is equal to or more than the Initial Installed Capacity Estimate of the CfD Unit specified in the Application.	Where the applicable planning consent(s) sets out a time period during which the proposed CfD Unit permitted under the applicable planning consent(s) must be developed, the Target Commissioning Date set out in the Application falls within the time period specified in the applicable planning consent(s).	The technology of the proposed CfD Unit specified in the applicable planning consent(s) appears to be the same as the category of Eligible Generating Station for the proposed CfD Unit specified in the Application.

Eligibility Criteria	Regulation No. ¹	Requirement	Documentary Evidence	Checks against CfD Application				
				Name	Location	MW	Dates	Technology
Connection Agreements	25 and Allocation Framework 4.1	<p>In the Application, an Applicant must explain whether:</p> <ul style="list-style-type: none"> a Direct Connection applies or is to apply to the relevant CfD Unit and where the connection is or will be: (a) to the national Transmission System for Great Britain, the Connection Agreement entered into secures (via either firm or non-firm capacity agreement) Transmission Entry Capacity for the CfD Unit at least equal to 75% of the Initial Installed Capacity Estimate of the CfD Unit; or (b) to the Distribution System, the Connection Agreement entered into permits (via either a firm or non-firm capacity agreement) at least 75% of 	<p>Where a Direct Connection applies or is to apply to the relevant CfD Unit, a copy of Connection Agreement.</p> <p>Where a Partial Connection applies or is to apply to the relevant CfD Unit, the Applicant must provide either:</p> <p>(a) a copy of the Connection Agreement between the Applicant and the relevant operator of the Transmission System or Distribution System; or</p> <p>(b) a copy of the Private Network Use Agreement between the Applicant and the operator of the Private Network which permits the connection of the CfD Unit to the Transmission</p>	N/A	Where the Applicant has specified in the Application that a Partial Connection applies or is to apply to the relevant CfD Unit, there is nothing in the Connection Agreement that indicates that the location of the CfD Unit to which the Connection Agreement applies is not the same as the location of the CfD Unit, as indicated by the postcode, the geographic coordinates, and/or the Ordnance Survey Grid Reference for the	Where the Applicant has specified that a Direct Connection applies or is to apply to the relevant CfD	Where the Applicant has specified that a Direct Connection applies or is to apply to the relevant CfD Unit, the Target Commissioning Date once the CfD Unit is established or altered (as relevant) specified in the Application, appear to be on or after the connection date specified in the Connection Agreement.	Where the Applicant has specified in the Application that a Direct Connection or a Partial Connection applies or is to apply to the relevant CfD Unit, there is nothing in the Connection Agreement that indicates that the technology of the CfD Unit to which the Connection Agreement applies is not the same as the category of Eligible Generating Station for the CfD Unit specified in the Application.

Eligibility Criteria	Regulation No. ¹	Requirement	Documentary Evidence	Checks against CfD Application				
				Name	Location	MW	Dates	Technology
		<p>the Initial Installed Capacity Estimate of the CfD Unit to connect to the Distribution System;</p> <ul style="list-style-type: none"> a Partial Connection applies or is to apply to the relevant CfD Unit and no other Connection Agreement applies or is to apply to the CfD Unit ; or no Connection Agreement applies to the relevant CfD Unit. 	<p>System or relevant Distribution System; and</p> <p>(c) a copy of the Connection Agreement between the operator of the Private Network and the Transmission System Operator or the relevant operator of the Distribution System.</p> <p>Where no connection applies to the relevant CfD Unit, the Applicant must provide a copy of the Private Network Use Agreement.</p>		CfD Unit specified in the Application.	Unit and the connection is or will be to a Distribution System, the Connection Agreement entered into permits at least 75% of the Initial Installed Capacity Estimate of the proposed CfD Unit to connect to the Distribution System.		
Non-receipt of funds under other Government support schemes	14 and 18	<p>In the Application, an Applicant must:</p> <ul style="list-style-type: none"> confirm that its Application is not an excluded Application under 		<p>The:</p> <ul style="list-style-type: none"> name of the CfD Unit specified in the Application is not the same as a name; or postcode, the geographic coordinates, and/or the Ordnance Survey Grid Reference of the CfD Unit specified in the Application is not the same as the postcode, the geographic coordinates, and/or the 				

Eligibility Criteria	Regulation No. ¹	Requirement	Documentary Evidence	Checks against CfD Application				
				Name	Location	MW	Dates	Technology
		<p>Regulation 14;</p> <ul style="list-style-type: none"> if the Technology Type of the CfD Unit which is the subject of that Application is Energy from Waste with CHP (as defined in the Eligible Generator Regulations), state that no application for accreditation has been made under the Renewable Heat Incentive Regulations 2011, in respect of that CfD Unit; and confirm whether: (a) an accreditation applies to the CfD Unit; or (b) an accreditation does not apply to the CfD Unit; or (c) an accreditation does not apply to the CfD Unit but an application for accreditation for the CfD 		<p>Ordnance Survey Grid Reference;</p> <p>that appears on:</p> <ul style="list-style-type: none"> the information given to the Delivery Body by the Authority setting out the CfD Units to which an accreditation applies or to which an application for accreditation applies but only where the Authority has provided the information to the Delivery Body by the time that the Delivery Body is required to give a notice to an Applicant under Regulation 19. Where in exceptional circumstances the Authority has not provided information about accreditation by the time the Delivery Body is required to give a notice to an Applicant under Regulation 19, if an Applicant has provided a certification relating to accreditation then the Delivery Body should rely on that certification in ascertaining whether accreditation applies to the CfD Unit which is the subject of the Application; the information titled Non-Fossil Fuel Order (“NFFO”) 3, NFFO 4, NFFO 5, Scottish Renewable Obligation (“SRO”) 1, SRO 2, SRO3 published by the Non-Fossil Purchasing Agency (“NFPA”) and which the Delivery Body accesses from the NFPA’s website or the NFPA gives to the Delivery Body on the Application Closing Date or as soon as reasonably practicable thereafter but only where, in the case of the NFPA providing the Delivery Body with information, where that information is given to the Delivery Body by the time that the Delivery Body is required to give a notice to an Applicant under Regulation 19; the list of CfD Units to which a CfD Agreement or investment contract applies published by the CfD Counterparty and which the Delivery Body accesses or which the CfD Counterparty gives to the Delivery Body on the Application Closing Date or as soon as reasonably practicable thereafter but only where, in the case of the CfD Counterparty providing the Delivery Body with the list, where that 				

Eligibility Criteria	Regulation No. ¹	Requirement	Documentary Evidence	Checks against CfD Application				
				Name	Location	MW	Dates	Technology
		Unit has been made and a determination has not been made in respect of such application.		<p>list is given to the Delivery Body by the time that the Delivery Body is required to give a notice to an Applicant under Regulation 19; and/or</p> <ul style="list-style-type: none"> the list of CfD Units or CMU to which a capacity agreement applies published by the Delivery Body in accordance with Capacity Market Rules made pursuant to regulation 44 of The Electricity Capacity Regulations 2014 on the Application Closing Date. 				
Incorporation	Schedule 1 – 1, 2	<p>In the Application, an Applicant must provide evidence of whether it is:</p> <ul style="list-style-type: none"> a UK registered company; VAT registered; or a company but is not registered in the UK. 	<p>Where the Applicant is a UK registered company, a copy of the Certificate of Incorporation.</p> <p>Where the Applicant is VAT registered, a copy of the VAT Certificate of Registration.</p> <p>Where the Applicant is a company but is not registered in the UK, a copy of the certificate of registration and, if applicable, a copy of the tax certificate.</p>	<p>Where the Applicant has specified in the Application that the Applicant is a UK registered company: (a) a copy of the Applicant's Certificate of Incorporation is included with the Application; and (b) the company registration number specified in the Certificate of Incorporation is the same as the Applicant's company registration number specified in the Application.</p> <p>Where the Applicant has specified in the Application that the Applicant is VAT registered: (a) a copy of the Applicant's VAT Certificate of Registration is included with the Application; and (b) the company registration number specified in the VAT Certificate is the same as the Applicant's company registration number specified in the Application.</p> <p>Where the Applicant has specified in the Application, that the Applicant is a company but is not registered in the UK: (a) a copy of the certificate of registration and tax certificate from the jurisdiction in which the entity is domiciled is included with the Application; and (b) the company registration number (if any) specified in the certificate of registration and tax certificate is the same as the Applicant's company registration number (if any) specified in the Application.</p>				

Eligibility Criteria	Regulation No. ¹	Requirement	Documentary Evidence	Checks against CfD Application				
				Name	Location	MW	Dates	Technology
Target Commissioning Window	17(4)	Target Commissioning Date	N/A	Applicant's Target Commissioning Date falls within the relevant Target Commissioning Window (as set out in Schedule 5).				

Schedule 5 Target Commissioning Windows

Target Commissioning Window (in years)	
Advanced Conversion Technology (ACT) (with or without CHP)	1
Anaerobic Digestion (with or without CHP)	1
Biomass Conversion	1
Dedicated Biomass (with/without CHP)	1
EfW with CHP	1
Geothermal (with or without CHP)	1
Hydroelectricity	1
Landfill Gas	0.5
Offshore Wind	1
Onshore wind	1
Sewage Gas	1
Solar PV	0.25
Tidal Stream	1
Wave	1

© Crown Copyright 2014

Department of Energy & Climate Change

3 Whitehall Place

London SW1A 2AW

www.gov.uk/decc

URN 14D/328