

DRAFT LEGAL TEXT FOR DECC'S EII CONSULTATION

SECTION D: BSC COST RECOVERY AND PARTICIPATION CHARGES (V18.0)

ANNEX D-3: SPECIFIED BSC CHARGES

3. Main Specified Charges

Amend paragraph 3.1 to read as follows:

3.1 The Main Specified Charges payable by Parties in relation to each month are as follows:

- (a) a Base Monthly Charge, payable by each Party, at a charge rate as determined and notified to Parties by the Panel by publication on the BSC Website;
- (b) a CVA Metering System Monthly Charge, for each CVA Metering System (including a Metering System at a Systems Connection Point) of which a Party is Registrant for all or any part of that month, at a charge rate as determined and notified to Parties by the Panel by publication on the BSC Website;
- (c) a CVA BM Unit Monthly Charge, for:
 - (i) each BM Unit (other than a Supplier BM Unit and other than BM Units as provided in paragraph (ii)) for which a Trading Party is Lead Party for all or any part of that month; and
 - (ii) for:
 - (1) each Consumption BM Unit associated with an Exemptable Generating Plant for which (Consumption BM Unit) the Trading Party is Lead Party for all or any part of that month (and, in this case, no charge will be made for any Exempt Export BM Units at the Exemptable Generating Plant); or
 - (2) (if there are no Consumption BM Units associated with an Exemptable Generating Plant) all Exempt Export BM Units at the Exemptable Generating Plant for which the Trading Party is Lead Party for all or any part of that month (as a single charge taking such Exempt Export BM Units in aggregate),at a charge rate as determined and notified to Parties by the Panel by publication on the BSC Website;
- (d) a Dataline Monthly Charge, for each data communications line supplied to a Trading Party (as described in paragraph 3.3(a)), at a charge rate as determined and notified to Parties by the Panel in a 'Schedule of Specified Communication Charges' placed on the BSC Website;
- (e) a TIBCO Software Support Charge (as described in paragraph 3.3(b)), at a charge rate as determined and notified to Parties by the Panel in a 'Schedule of Specified Communication Charges' placed on the BSC Website;
- (f) a Notified Volume Charge, for the Gross Contract MWh determined for a Trading Party in accordance with paragraph 3.2, at a charge rate as determined and notified to Parties by the Panel by publication on the BSC Website;

- (g) a Base BM Unit Monthly Charge, for a set of Base BM Units (in aggregate) automatically allocated (in accordance with Section K3.3.1(a)) to a Supplier (in respect of each of its Supplier IDs), and held by a Supplier for all or any part of that month, at a charge rate as determined and notified to Parties by the Panel by publication on the BSC Website;
- (h) except for Additional BM Units that are:
 - (i) ~~comprised of CFD Assets or CM Assets (for which there shall be no Additional BM Unit Monthly Charge); or~~
 - (ii) ~~comprised of EII Assets or registered for the purpose of including EII Assets (which are subject to paragraph 3.1(j),~~
 an Additional BM Unit Monthly Charge, for each Supplier BM Unit for which a Supplier is Lead Party for all or any part of that month, and which is not charged for under paragraph (g), at a charge rate as determined and notified to Parties by the Panel by publication on the BSC Website; ~~and~~
- (i) for a Replacement Supplier BM Unit held by a Replacement Supplier for all or any part of that month:
 - (i) which corresponds to a Base BM Unit, to the Replacement Supplier, one twelfth of the Base BM Unit Monthly Charge;
 - (ii) which corresponds to an Additional BM Unit, to the Replacement Supplier, the Additional BM Unit Monthly Charge,
 and no charge will be made in respect of Replacement Supplier BM Units under paragraphs (g) or (h) provided that, for the purposes of this paragraph 3.1, a BM Unit shall cease to be considered a Replacement Supplier BM Unit when all the Metering Systems associated with that BM Unit are no longer registered in the name of the relevant failing Supplier; ~~and~~
 - (j) for Additional BM Units that are comprised of EII Assets or registered for the purpose of including EII Assets, an Additional BM Unit Registration Charge at a charge rate determined by [the Secretary of State after consultation with BSC Parties] and notified to Parties by publication on the BSC Website.

SECTION F: MODIFICATION PROCEDURES (V24.0)

1. MODIFICATION OF THE CODE

1.1 Modification

Amend paragraph 1.1.9 to read as follows:

- 1.1.9 Notwithstanding paragraph 2 and subject to paragraph 1.1.10, the following Code provisions may not be amended without the prior written consent of the Secretary of State:
 - (a) paragraphs 1.1.9, 1.1.10, 1.6.1B, 1.6.3(e), 1.6.3(f), 1.9.3, 2.1.1(e), 2.1.1(f), 2.1.10(a)(viii), 2.7.6(b)(iii) and paragraph 1(d)(viii) of Annex F-1;
 - (b) any paragraph in this Section F to the extent only that it makes reference to the persons referred to in paragraph 1.9.3 or refers to the Capacity Market Rules and/or the AF Rules;

- (c) Sections C1.2.1B, C11, paragraphs 1.1 and 1.2 of Annex C-1, Section D7, Sections K3.1.8 to ~~K3.1.11~~ (inclusive), Sections K3.3.12 to ~~K3.3.14~~ ~~K3.3.16~~ (inclusive), Section L7.6.1A, Sections S2.4.1(i), S2.9 and S4.1.1(f), Section V5 and Section W1.5.3;
- (d) all terms and expressions that are defined in Annex X-1 and that are used only in the Code provisions specified in paragraphs 1.1.9(a), (b) and (c); and
- (e) any reference elsewhere in the Code to a CFD Settlement Services Provider, a CfD Counterparty, a Contract for Difference, a CM Settlement Services Provider, the CM Settlement Body, the Capacity Market Rules and/or an EMR Legal Requirement.

SECTION K: CLASSIFICATION AND REGISTRATION OF METERING SYSTEMS AND BM UNITS (V36.0)

3. CONFIGURATION AND REGISTRATION OF BM UNITS

3.1 Configuration of BM Units

Include new paragraph 3.1.9

3.1.9 A BM Unit comprised of EII Assets or registered for the purpose of including EII Assets shall:

- (a) not include any Plant or Apparatus other than EII Assets; and
- (b) be comprised solely of EII Assets which have the same Exemption Proportion for the time being.

3.1.10 Subject to paragraph 3.1.11, a Supplier shall assign EII Assets to an Additional BM Unit in accordance with paragraph 3.1.9 within the following timescales:

- (a) where a Supplier registers a new Additional BM Unit for the purposes of paragraph 3.1.9, the later of:
 - (i) 90 days after an EII Certificate is issued to the Supplier under the EII Regulations; or
 - (ii) the effective date specified in an EII Certificate,in each case being the EII Certificate in respect of a Metering System associated with the EII Assets to be assigned to that Additional BM Unit; or
- (b) where a Supplier assigns EII Assets to an Additional BM Unit that is already registered, the later of:
 - (i) 30 days after an EII Certificate is issued to the Supplier under the EII Regulations; or
 - (ii) the effective date specified in an EII Certificate,in each case being the EII Certificate in respect of a Metering System associated with the EII Assets to be assigned to that Additional BM Unit.

3.1.11 Where:

(a) there has been a change of Supplier in relation to EII Assets, the timescales described in paragraphs 3.1.10(a)(i) or 3.1.10(b)(i) shall apply as relevant to the assignment of EII Assets to an Additional BM Unit by a new Supplier save that such timescales shall run from the change of supply date; and/or

(b) a Supplier has withdrawn EII Assets from an Additional BM Unit in accordance with a notice issued by the Secretary of State amending the Exemption Proportion relating to those EII Assets and paragraph 3.1.9, the timescales described in paragraphs 3.1.10(a)(i) or 3.1.10(b)(i) shall apply as relevant to the assignment of those EII Assets to an Additional BM Unit save that such timescales shall run from the effective date specified in the notice.

3.1.12 A Supplier shall not assign EII Assets to an Additional BM Unit that has not been registered for the purpose of including EII Assets.

Include new paragraphs 3.3.15 and 3.3.16

3.3.15 Where a Supplier is the Registrant of SVA Metering System(s) associated with EII Assets, the Supplier shall in respect of those EII Assets ensure that Additional BM Unit(s) have been registered in accordance with this Section K.

3.3.16 A Supplier shall inform the CfD Settlement Services Provider when it has included or removed EII Assets in or from an Additional BM Unit in accordance with BSCP503.

ANNEX X-1: GENERAL GLOSSARY (V63.0)

Insert the following new definitions in alphabetical order:

<u>"Additional BM Unit Registration Charge":</u>	<u>has the meaning given to that term in paragraph 3.1 of Annex D-3;</u>
<u>"EII Asset":</u>	<u>means Plant and Apparatus associated with Metering Systems in respect of which an EII Certificate is in force;</u>
<u>"EII Certificate":</u>	<u>means a certificate issued by the Secretary of State pursuant to the EII Regulations;</u>
<u>"EII Regulations":</u>	<u>means The Electricity Supplier Obligations (Amendment & Excluded Electricity) Regulations [2015];</u>
<u>"Exemption Proportion":</u>	<u>in respect of EII Assets, means the exemption proportion specified in an EII Certificate, or as amended by notice from the Secretary of State in accordance with the EII Regulations ;</u>