

## Stage 04: Final Modification Report

What stage is this document in the process?

- 01 Initial Written Assessment
- 02 Definition Procedure
- 03 Assessment Procedure
- 04 Report Phase

# P236: Compensation Claims for MVRN Parties arising from an Outage

[Section Q8 of the BSC](#) allows for a Party to claim compensation for losses incurred as a result of an Outage.

P236 seeks to amend the Q8 claims process so that where the affected BM Unit is subject to a Meter Volume Reallocation Notification, the Trading Charges and Avoidable Costs of both the Lead Party and the Subsidiary Party or Parties are considered.



The Panel recommends **Approval** of Proposed Modification P236 with an Implementation date of 5 Working Days after an Authority decision



Impacts: **Transmission Company, Generators and Parties** who enter into percentage-based Metered Volume Reallocations with Generators

P236  
Final Modification Report

14 August 2009

Version 1.0

Page 1 of 10

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## Contents

<b>1</b>	<b>Summary</b>	<b>3</b>
<b>2</b>	<b>Why Change?</b>	<b>4</b>
<b>3</b>	<b>Solution</b>	<b>5</b>
<b>4</b>	<b>Impacts &amp; Costs</b>	<b>7</b>
<b>5</b>	<b>Implementation</b>	<b>8</b>
<b>6</b>	<b>The Case for Change</b>	<b>8</b>
<b>7</b>	<b>Panel Discussions</b>	<b>8</b>
<b>8</b>	<b>Panel's initial Recommendations</b>	<b>9</b>
<b>9</b>	<b>Report Phase Consultation Responses</b>	<b>9</b>
<b>10</b>	<b>Panel's Final Views and Recommendations</b>	<b>10</b>
<b>11</b>	<b>Further Information</b>	<b>10</b>
	<b>Attachment A: P236 Assessment Report</b>	<b>10</b>
	<b>Attachment B: Detailed Assessment</b>	<b>10</b>
	<b>Attachment C: Legal Text</b>	<b>10</b>

## About this document:

This document is a Final Modification Report, which ELEXON has submitted to the Authority on the Panel's behalf. The Authority will decide whether or not it agrees with the Panel's recommendations in this report, and will issue a decision letter to either approve or reject the change.

This document contains a summary of the industry responses to the Report Phase Consultation. You can download the full individual responses from ELEXON's website [here](#).



### Any questions?

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P236  
Final Modification Report

14 August 2009

Version 1.0

Page 2 of 10

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### Why Change?

Currently the Q8 claims process prevents Lead Parties from claiming for Trading Charges and Avoidable Costs incurred by Subsidiary Parties where an MVRN is in place.

### Solution

Amend Section Q8 of the BSC, so that the Trading Charges and Avoidable Costs of both the Lead and Subsidiary Party are considered by the Q8 claims committee.

### Impacts & Costs

We believe that the impacts of the P236 solution would be minimal and there are no system impacts. However, Parties may have to update their internal processes.

The estimated implementation cost is £770 (3.5 man days of effort).

### Implementation

P236 will be implemented 5 Working Days after an Authority Decision has been received.

### The Case for Change

The Panel and the Modification Group believe that P236 will provide equitable treatment for Parties who are subject to an MVRN. It will also ensure Parties are not exposed to Imbalance costs through no fault of their own.

### Recommendations

The Panel recommend P236 be **APPROVED**

This is in line with the unanimous view of the Modification Group and respondents to both the Assessment and Report Phase Consultations.



### What is an Outage?

A period where Lead Parties cannot submit PNs or Bid-Offer data because the Transmission Company's communication services have failed or been withdrawn.  
Section Q 1.2.1 (c)



### Outage Compensation Period

Not every Outage is eligible for compensation. Claims can only be made for an 'Outage Compensation Period'.

This is where National Grid has given less than 12 hours notice prior to the start of the Outage or the Outage lasts longer than 2 hours.

## Introduction

Physical Notifications (PNs) are notifications sent by Parties to the Transmission Company to show the expected level of energy they will be adding to, or removing from, the Transmission System.

The Grid Code obligates Generators to provide their best estimate of power output through PN submissions. Generally, a Party's PN will be consistent with its contractual position. In the event of an Outage, Parties are unable to update their PNs and must subsequently follow their last valid PN submission. Such a restriction could potentially result in a difference between the metered output and the contract position of the Party, which will ultimately lead to Trading Charges.

However, the BSC allows Parties to claim compensation for such losses. The Outage compensation claims process is detailed in section Q of the BSC and is commonly referred to as the 'Q8 Claims process'.

## What can be claimed?

Section Q states that following an outage compensation period, any Lead Party of a BM Unit (i.e. the Party registered to the BM Unit) that considers it has suffered material loss can claim. Lead Parties can claim compensation for losses incurred on:

- Trading Charges – typically this is the sum of the Imbalance costs and the Residual Cashflow Reallocation Cashflow (RCRC); and
- Avoidable Costs - costs that could be avoided if an Outage did not occur.

However, the Q8 claims process does not take into account costs where Lead Parties enter into a Metered Volume Reallocation Notification (MVRN).

## Metered Volume Reallocation Notifications

MVRNs allow Lead Parties to allocate either a percentage or a fixed volume of their BM Unit's energy to the Energy Account of another Trading Party. This Trading Party is known as a Subsidiary Party.

When a MVRN is in place, Subsidiary Parties take responsibility for the Trading Charges associated with the Energy volumes allocated to their account, as well as any associated liabilities under the BSC, including Imbalance Costs.

## The issue

As set out above, Section Q states that only a Lead Party can claim for compensation if there is an impact on their Trading Charges and Avoidable Costs. Under these rules Subsidiary Parties cannot claim. Neither can Lead Parties claim on behalf of Subsidiary Parties.

Where a MVRN is in place, the situation is created that:

1. the Lead Party cannot claim for any Trading Charges related to the Energy Volumes used in the MVRN as they have not incurred any losses; and

2. the Subsidiary Party, although potentially incurring losses in relation to the Metered Volumes, cannot claim as they are not registered to the respective BM unit.

P236 seeks to amend the Q8 claims process so that, where the affected BM Unit is subject to MVRNs, the Trading Charges and Avoidable Costs of both the Lead Party and the Subsidiary Party or Parties are considered.

### 3 Solution

#### Significant Changes?

The P236 solution will not make significant changes to the current Q8 claims process.

Currently, the Lead Party must submit a claim within 10 Business Days after an outage compensation period. The claim must include an explanation of how the Lead Party believes they have suffered loss, along with any supporting evidence. The Q8 committee then considers the claim, requesting further information from the impacted Party, ELEXON or Transmission Company if required. The Q8 committee not only take into account the financial impact on Trading Charges and Avoidable Costs, but also whether the Lead Party acted reasonably in submitting its original Notifications. Any compensation awarded is paid to the Lead Party.

P236 will not alter this process. It will however widen the remit of what the Q8 committee can consider as part of a claim and what a Lead Party can claim for.

#### How will it do this?

P236 will amend the Q8 claims process so that, where the affected BM Unit is subject to MVRNs, the Trading Charges and Avoidable Costs of both the Lead Party and the Subsidiary Party or Parties are considered by the Q8 claims committee.

**This will not enable Subsidiary Parties to individually claim using the Q8 process.** But it allows the Lead Party to have such financial loss considered by the Q8 committee as part of their claim.

Where a BM Unit is subject to an MVRN and the Lead Party makes a claim, the Lead Party will also be required to submit details of all MVRNs associated with the BM Unit(s). These details include:

- Details of the MVRN i.e. the percentage of energy or fixed volume being transferred;
- The name of the Energy Account the energy is being transferred to; and
- The name of the Trading Party (Subsidiary Party).

To assist the Q8 committee with progressing such a claim, ELEXON will contact the impacted Subsidiary Party/Parties. This is to assure the Q8 committee that the Subsidiary Party is aware of the claim and its contents. The Subsidiary Party does not have to agree or fully support the claim, but to acknowledge that the Lead Party is claiming the costs. The Q8 committee will take this into account during the claim hearing.

As with the current claims process, any compensation will be issued to the Lead Party. The division of any received compensation is subject to individual bi-lateral contracts between the Lead and Subsidiary Parties.

The Modification Group did not develop an Alternative Modification.

## P236 Q8 claims process

The Q8 claims process under P236 is detailed below. The current process is shown in black text, with the P236 amendments **highlighted**.

1. Within 10 Business Days of an outage compensation period the Lead Party submits a claim where it has, **or where a MVRN is in place any Subsidiary Party/Parties have**, incurred a net financial loss on Trading Charges and Avoidable Costs;
2. The claim must be accompanied by a statement and explanation of loss that has been incurred. **The Lead Party must include details of all MVRNs in place on their BM Unit(s) i.e. not just when there is an impact on a Subsidiary Party.**
3. **Within 10 Working Days of a claim being submitted, ELEXON will contact the impacted Subsidiary Party/Parties. This is to ensure that all affected Parties are aware that a claim is being submitted for an Outage Compensation Period.**
4. ELEXON provides analysis of the impact on **the net** Trading Charges and Avoidable Costs and presents a summary to the Q8 Committee.
5. The Q8 committee reviews the claim of the Lead Party. The committee takes into account the financial impact on Trading Charges and Avoidable Costs of the Lead Party, **and any impacted Subsidiary Party/Parties**. It also considers whether the Lead Party acted reasonably in submitting its original Notifications. Any compensation is awarded directly to the Lead Party.
6. Where appropriate, the Q8 committee can request for further information from the Lead Party, **Subsidiary Party**, ELEXON or Transmission Company during its evaluation of the compensation claim.
7. If the claim is upheld, the Lead Party will directly receive the total compensation amount. Where the committee believes it to be justifiable, it can instruct a different compensation amount.

Details of how the Group developed this solution is included in the P236 Assessment Report and Detailed Assessment (Attachment A and B respectively) of this document.

### Impacts and costs to industry and ELEXON

The impact and cost of implementing the P236 solution would be minimal. There are no BSC system impacts. However, Parties may have to update their internal processes and their contractual arrangements.

We do not anticipate that there will be a significant increase in ELEXON workload as a result of administering the revised claims process.

### Materiality of the P236 solution

The P236 Modification Group considered the materiality of including Subsidiary Parties' Trading Charges in the Q8 claims process and undertook some analysis.

The analysis used the assumption that an average Outage Compensation Period lasts for 4 hours. As such, for a sample of BM Units, the PNs received 4 hours before Gate Closure were compared with those received by Gate Closure. This highlights how a Party would be impacted if it couldn't update its PN should an Outage occur. This analysis was carried out for those BM Units with and without MVRNs in place. This allows a comparison between the compensation that could possibly be claimed under the current Q8 process, and the potential compensation amounts under a P236 regime. Further details on the analysis can be found in Section 6 of Attachment B.

The results of the analysis indicate that there is an increase (around fourfold) in the number of Parties in imbalance who could make a claim. This is not surprising since around 60% of BM Units have MVRNs in place and therefore would not be able to claim under current arrangements. However, the analysis also shows that although the number of Parties able to claim is increased, the amount of potential compensation does not increase proportionally. In fact around 50% of the 'new' potential compensation amounts are below £1000.

Additionally, the analysis has indicated that over the last 12 months, a number of MVRN BM units that have been financially impacted due to an Outage, have not attempted to raise claims. This would suggest that Parties may not often consider the compensation amount under the Q8 process as being a significant financial loss.

This assumption is further supported by the majority of respondents to the P236 consultation who stated that they would not change the way they use MVRNs nor would they have raised a claim if the P236 solution was in use.

The Group considered these findings and concluded that, while the impact of the P236 solution was low as it does not alter how a Party would act, it should be implemented as it corrects an existing defect in the Code. It is believed that as MVRNs become more widely used, the materiality of P236 may increase, and addressing this defect sooner will avoid any issues and litigations that may arise due to an unclear claims process.

## 5 Implementation

The proposed implementation date is **5 Working Days following** an Authority Decision.

## 6 The Case for Change

### Applicable BSC Objectives

The view of the Panel is that the Proposed Modification **WOULD** better facilitate the achievement of Applicable BSC Objectives (c) and (d) when compared to the current BSC baseline. The arguments made in support were as follows:

#### Applicable BSC Objective (c)

*P236 would promote effective competition as:*

- Parties would not be exposed to Imbalance costs which are caused by no fault of their own.
- Including 'Subsidiary costs' in the Q8 claims process means all Parties are treated equally.
- It would enable the intended consequences of MVRNs to be fully realised by all Parties impacted during an outage, through the Lead Party.
- P236 improves transparency of the Q8 claims process resulting in claims accurately reflecting costs incurred.

#### Applicable BSC Objective (d)

*P236 would promote efficiency in the implementation of the balancing and settlement arrangements as:*

- Removing uncertainty of what Parties can and cannot claim for helps the efficiency of the Q8 committee and removes the risk of escalation, or litigation, should a Party wish to claim for Subsidiary Party costs.

## 7 Panel Discussions

### What were the Panel's initial views?

The Panel considered the Group's Assessment Report at its meeting in July 2009.

The Panel unanimously agreed with the views of the Modification Group and consultation respondents, that P236 better facilitated the Applicable BSC Objectives.

### Implementation approach

In discussing the implementation approach, a Panel member queried whether the implementation for P236 was dependant on a standard BSC Release. ELEXON confirmed that this was not the case, and that P236 would be implemented 5 Working Days after receiving an Authority decision, as there were no system impacts; only updates to the Code.



## Draft Legal text

The Panel noted that some comments were received on the Legal Text and that these were being discussed with the respective respondents. ELEXON explained that any required updates to the Legal Text would be made prior to it being issued to industry in the Report Phase consultation.

## 8 Panel's initial Recommendations

The Panel initially recommends:

- P236 **should** be made;
- A provisional Implementation date of **5 Working Days** following an Authority decision;
- The legal text for Proposed Modification P236 as contained in Attachment C.



### Recommendation

The Panel's initial unanimous recommendation is that the Proposed Modification should be made.

## 9 Report Phase Consultation Responses

Following the initial Panel discussions ELEXON issued a Report Phase consultation in July 2009. This consultation provides an opportunity for the industry to comment upon the Panel's initial recommendations.

This table summarises the Report Phase Consultation responses.



### What are consultation respondents' views?

Respondents unanimously support the approval of the Proposed Modification.

Question		Responses
1	Do you agree with the Panel's view that the Proposed Modification should be <b>approved</b> and the arguments against the Applicable BSC Objectives?	5 Yes - <b>Unanimous</b> 0 No
2	Do you agree with the Panel's suggested Implementation Date?	5 Yes - <b>Unanimous</b> 0 No
3	Do you agree that the legal text delivers the intention of P236?	5 Yes - <b>Unanimous</b> 0 No
4	Do you have any further comments on P236?	0 Yes 5 No - <b>Unanimous</b>

The full Report Phase responses can be found on the [P236 webpage](#).

## Unanimous Industry Support

Respondents unanimously agree with the Panel initial recommendations that:

- The Proposed Modification P236 should be made;
- P236 should be implemented 5 **Working Days** following an Authority decision.

While there was unanimous agreement for the P236 implementation approach, a respondent suggested that some Modifications should be implemented retrospectively. It was concluded such an approach would offer no significant benefits under P236, as the majority of Parties to the Assessment consultation indicated that they would not act differently had the Modification been in place at an earlier date. Retrospective implementation does however remain an option that Modification Groups are free to consider when assessing any Modification Proposal.

P236  
Final Modification Report

14 August 2009

Version 1.0

Page 9 of 10

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## 10 Panel's Final Views and Recommendations

### What are the Panel's final views?

The Panel considered the Report Phase Consultation responses and the Draft Modification Report at its meeting on 13 August 2009. The Panel unanimously believed that P236 would remove the current competitive distortion that exists in the market, by virtue of having a clear and transparent Q8 claims process.

The Panel noted that the Report Phase Consultation respondents:

- Unanimously supported the Panel's recommendation that the Proposed Modification should be made;
- Unanimously supported the Legal text;
- Unanimously supported the Implementation approach (see section 5); and
- No new arguments were made during the consultation.

### Recommendations

The Panel therefore unanimously recommends to the Authority:

- The Proposed Modification P236 **should** be made;
- An Implementation date of **5 Working Days** following an Authority decision;
- The legal text for Proposed Modification P236 (as contained in Attachment C).

## 11 Further Information

More information is available in:

### Attachment A: P236 Assessment Report

The Assessment Report can be accessed by via the [P236](#) page of the ELEXON website and contains:

- A high level summary of P236 and its solution

### Attachment B: Detailed Assessment

The Detailed Assessment can be accessed by via the [P236](#) page of the ELEXON website and contains:

- An overview of Outages and PNs
- The roles of ELEXON and the Q8 Committee
- Modification Group Terms of Reference
- Modification Group discussions
- Impacts and costs
- Process followed for P236

### Attachment C: Legal Text

Other related documentation can be found on the [P236](#) page of the ELEXON website.