

Draft MODIFICATION REPORT for Modification Proposal P133

Facility to permit BSCCo to undertake the role of Profile Administrator

Prepared by: ELEXON on behalf of the Balancing and Settlement Code Panel

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This document has been distributed in accordance with Section F2.1.10¹ of the Balancing and Settlement Code.

RECOMMENDATIONS

The Balancing and Settlement Code Panel recommends that:

- **Proposed Modification P133 should be made;**
- **Alternative Modification P133 should not be made**
- **The Proposed Modification P133 should have an Implementation Date of 5 Working Days after the Authority Decision; and**
- **In the Event that the Authority determine that Alternative Modification P133 should be made an Implementation Date of 5 Working Days after the Authority Decision.**

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¹ The current version of the Balancing and Settlement Code (the 'Code') can be found at www.elexon.co.uk/ta/bscrel_docs/bsc_code.html

CONTENTS TABLE

Summary of impacted parties and documents	4
1 Description of Proposed Modification and assessment against the Applicable BSC Objectives	5
1.1 Modification Proposal	5
1.2 Proposed Modification	6
1.3 Issues raised by the Proposed Modification	6
1.4 Assessment of whether or not the Proposed Modification would better facilitate the Applicable BSC Objectives	6
1.5 Modification Group's cost benefit analysis of Proposed Modification	7
1.6 Alternative Modification	7
1.7 Issues raised by the Alternative Modification	7
1.8 Assessment of whether or not the Alternative Modification would better facilitated the Applicable BSC Objectives	7
1.9 Modification Group's cost benefit analysis of Alternative Modification	8
2 Rationale for Panel's recommendations	8
3 Impact on BSC Systems and Parties	9
3.1 BSCCo	10
3.2 BSC Systems	10
4 Impact on Code and documentation.....	10
4.1 Balancing and Settlement Code	10
4.2 Code Subsidiary Documents	10
4.3 BSCCo Memorandum and Articles of Association	11
4.4 Impact on Core Industry Documents and supporting arrangements	11
5 Summary of consultations	11
5.1 Summary of the consultation responses	11
5.2 Comments and views of the Panel	11
6 Summary of Transmission Company analysis.....	11
6.1 Analysis	11
7 Summary of external advice	11
8 Implementation approach	11
9 Document control	12
9.1 Authorities	12
9.2 References.....	12
Annex 1 Draft legal text.....	13
Annex 2 Modification Group details.....	13
Annex 3 Consultation responses.....	13
Annex 4 Transmission Company analysis	14
Annex 5 BSC Agent impact assessments	15
Annex 6 Party impact assessments	15
Annex 7 Cost benefit analysis	15
Annex 8 Core Industry Document Owner impact assessments.....	15
Annex 9 Proposed text to modify BSCCo Memorandum and Articles of Association	15

Annex 10 Terms of reference and report/analysis of external consultants/advisors.....15

SUMMARY OF IMPACTED PARTIES AND DOCUMENTS

The following parties/documents have been identified as being potentially impacted by Modification Proposal XXX.

Parties	Sections of the BSC	Code Subsidiary Documents
Suppliers	A	<input type="checkbox"/> BSC Procedures
Generators	B	<input type="checkbox"/> Codes of Practice
Licence Exemptable Generators	C	<input checked="" type="checkbox"/> BSC Service Descriptions
Transmission Company	D	<input type="checkbox"/> Service Lines
Interconnector	E	<input checked="" type="checkbox"/> Data Catalogues
Distribution System Operators	F	<input type="checkbox"/> Communication Requirements Documents
Party Agents		
Data Aggregators	G	<input type="checkbox"/> Reporting Catalogue
Data Collectors	H	<input type="checkbox"/> MIDS
Meter Operator Agents	J	<input type="checkbox"/> Core Industry Documents
ECVNA	K	<input type="checkbox"/> Grid Code
MVRNA	L	<input type="checkbox"/> Supplemental Agreements
BSC Agents		
SAA	M	<input type="checkbox"/> Ancillary Services Agreements
FAA	N	<input type="checkbox"/> Master Registration Agreement
BMRA	O	<input type="checkbox"/> Data Transfer Services Agreement
ECVAA	P	<input type="checkbox"/> British Grid Systems Agreement
CDCA	Q	<input type="checkbox"/> Use of Interconnector Agreement
TAA	R	<input type="checkbox"/> Settlement Agreement for Scotland
CRA	S	<input type="checkbox"/> Distribution Codes
Teleswitch Agent	T	<input type="checkbox"/> Distribution Use of System Agreements
SVAA	U	<input type="checkbox"/> Distribution Connection Agreements
BSC Auditor	V	<input type="checkbox"/> BSCCo
Profile Administrator	W	<input type="checkbox"/> Internal Working Procedures
Certification Agent	X	<input type="checkbox"/> Other Documents
MIDP		<input type="checkbox"/> Transmission Licence
TFLA		
Other Agents		
SMRA		
Data Transmission Provider		

X = Identified in Report for last Procedure
N = Newly identified in this Report

Cost of implementing Proposed Modification: Change specific Operational/maintenance Total:	£0 £0 5 ELEXON man days
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1 DESCRIPTION OF PROPOSED MODIFICATION AND ASSESSMENT AGAINST THE APPLICABLE BSC OBJECTIVES

1.1 Modification Proposal

The Profile Administrator is currently defined as a BSC Agent in Section E of the Balancing and Settlement Code (the Code). As such, the role of the Profile Administrator cannot be undertaken by any Party, nor is it obvious in the Code that the role can be undertaken by BSCL or any of its subsidiary companies.

The role of the Profile Administrator is currently being undertaken by Electricity Association Services Limited (EASL), appointed by BSCL. EASL had informally informed ELEXON that, as a result of a restructuring process it was planning to undertake, it intended to cease acting as Profile Administrator at some point during 2003. Under the terms of the agreement with EASL, a formal notice period of 6 months is required to be provided in writing to BSCL, as well as up to a further 12 months of agreed exit management services if required to do so by BSCL. This informal contact between EASL and BSCL did not constitute a formal notice from EASL under the terms of its contract as Profile Administrator. As a consequence of this informal approach, BSCL believed that, unless swiftly remedied, a serious and credible threat to the quality of data entering Settlement would exist, as it would be difficult to procure a service "off-the-shelf" from an organisation that would be sufficiently independent of Trading Parties and have the relevant expertise to commence service provision quickly.

The data provided by the Profile Administrator is an integral part of the Settlement system. EASL's informally stated intention to cease providing the service could have meant that it would not have been possible to procure, at a reasonable cost, and in a timely manner, an alternative independent service provider with the relevant expertise to undertake the role of the Profile Administrator. Notwithstanding any contractual commitments, an issue existed in that if no service was in place to provide the relevant analysis and data, BSCL may be in breach of its obligations under the Code and the Settlement system might be compromised.

Modification Proposal P133 (P133) is an "enabling" Modification Proposal, intended to provide flexibility to BSCL in the way in which it is able to secure the provision of the services currently undertaken by the Profile Administrator ("the Profile Administrator Services"). Without adversely affecting Settlement, it allows BSCL, or any of its subsidiary companies, to become responsible for the provision of the Profile Administration Services in the event that a commercial decision to do so were made by the board of BSCL.

P133 was raised by the Balancing and Settlement Code Panel ('the Panel') on the recommendation of BSCL following its meeting on 12 June 2003. An initial written assessment was considered by the Panel meeting on 10 July 2003 and the Panel submitted P133 to the Assessment Procedure to be undertaken by a new Modification Group ('the Group'). The Group was formed from members of the existing Volume Allocation Standing Modification Group and the Governance Standing Modification Group. Further details of the Group can be found in Annex 2.

Two meetings of the Group were organised during the Assessment Procedure for P133, (17 July 2003 and 20 August 2003) with further correspondence issued via electronic mail. The Group issued a consultation document based on the discussions and views of the Group at the initial meeting. The second meeting of the Group agreed a provisional recommendation that the Proposed Modification should not be made. Furthermore the Group identified an Alternative Modification that when compared with the Proposed Modification, it believed better facilitated the achievement of the Applicable BSC Objectives.

1.2 Proposed Modification

The Proposed Modification P133 allows BSCLCo, or one of its subsidiary companies, to provide the services currently undertaken by the Profile Administrator as described Section S of the Code with respect to England and Wales.

1.3 Issues raised by the Proposed Modification

- **Formal Notice** – At the time P133 was raised, there had been no formal notification from EASL of the desire to terminate its contract with the BSCLCo. On 22 August 2003 formal notification, under the terms of the Profile Administrator contract was received and BSCLCo is currently in discussions about the exercising of this notice period and the provision of exit management services.
- **Market Testing of the Profile Administrator Role** – At the time of drafting P133 it was not possible to identify the quantity nor quality of companies that may be interested in undertaking the role of Profile Administrator. Outside of the Modification Procedures, BSCLCo initiated a market testing exercise to determine whether there are companies who are willing to, and capable of providing the service of Profile Administrator. The market testing exercise is not yet finalised, however it is possible to state that there is an interest from potential service providers to perform the Profile Administration Services. There is a risk however that it will be impossible to procure a capable and cost beneficial service provider within the restricted timescale.

1.4 Assessment of whether or not the Proposed Modification would better facilitate the Applicable BSC Objectives

The Group assessed whether the Proposed Modification better facilitated the achievement of the Applicable BSC Objectives and in so doing took due account of the views of the consultation respondents.

The Group believed that P133 could introduce efficiencies into the balancing and settlement arrangements and therefore would better facilitate the achievement of Applicable BSC Objective (c). The Group however discussed the effect on both transparency within the balancing and settlement arrangements and the costs of those arrangements. In considering whether there would be any cost saving if BSCLCo were to provide the Profile Administrator services, the Group believed that were savings to be identified, this would introduce lower costs of entry to the market and hence would better facilitate Applicable BSC Objective (c). The Group also recognised that such detailed cost analysis may not be possible without formally undertaking a due diligence exercise on the relevant part of EASL's business. The Group also recognised that such analysis also went beyond the scope of the Proposed Modification which was simply to allow, but not compel, BSCLCo to provide the Profile Administrator services.

The Group also believed there may be a loss of transparency in the process in the event that a regular re-procurement of the Profile Administration Services was not undertaken by BSCLCo. The Group noted therefore that the most cost effective service provider might not always be undertaking the Profile Administrator role. If this were to be the case, then this would provide further evidence that Applicable BSC Objective (c) may not be better facilitated by P133.

The Group concluded that although the efficiency of the balancing and settlement arrangements may be increased by the introduction of P133, this would be outweighed by the negative effects on competition in the generation and supply of electricity. The Group however also concluded that these concerns could be mitigated through a different approach and therefore an Alternative Modification was developed.

The Panel discussed the rationale used by the Group at its meeting on 11 September 2003. The Panel concluded that despite the concerns of the Group that the Proposed Modification increased the efficiency in the implementation of the balancing and settlement arrangements and therefore better facilitated the achievement of Applicable BSC Objective (d). A full explanation of the Panel discussions and rationale is contained within section 2 of this report.

1.5 Modification Group's cost benefit analysis of Proposed Modification

The Modification Group noted that the costs of implementing P133 were solely related to making the changes to the Code and that other costs would be incurred as a consequence of BSCCo's Board of Directors decision to provide the Profile Administrator Services.

These consequential costs were therefore not quantifiable during the assessment of P133 and as such the Modification Group provided no additional cost benefit analysis over and above its discussions of Applicable BSC Objectives.

1.6 Alternative Modification

The Group considered whether there existed an Alternative Modification that, when compared with the Proposed Modification, would better facilitate the achievement of the Applicable BSC Objectives. In so doing, the Group discussed whether there was any contractual remedy to resolve any lack of notice provided by the incumbent Profile Administrator. The Group however recognised that whatever contractual remedy was in place, this may not ensure that the quality of data entering Settlement was maintained.

The Group considered that, in the event of a crisis arising, where it was unlikely that sufficient notice were to be provided by the incumbent Profile Administrator, it was entirely appropriate for BSCCo to step in as a temporary measure and provide the services. This would be until such a provider of the services could be procured in accordance with Section E of the Code.

The Alternative Modification, seeks to allow BSCCo to provide the Profile Administrator services for a limited period of time (agreed to be one year). This period can be extended by the Panel on an annual basis, in the event that it is not possible to procure an appropriate service provider within that time period. During the period whereby BSCCo undertook the service, BSCCo would seek to procure a new Profile Administrator.

1.7 Issues raised by the Alternative Modification

The Group believed that no significant issues arose as a result of the Alternative Modification, however it should be noted that an attendee of the final Modification Group meeting highlighted the possible implications of taking on staff for a short period of time. This person indicated that this may prove to be more costly and there may be protection of employment issues associated within this.

BSCCo believe that there may exist, as yet unquantifiable, cost savings were it to provide the Profile Administration Services in the event that it was not possible to procure an alternative provider in accordance with Section E. BSCCo believes that any such cost savings would be severely curtailed in the event that ELEXON were only permitted to provide the Profile Administration Services for a limited period of time.

1.8 Assessment of whether or not the Alternative Modification would better facilitated the Applicable BSC Objectives

The Group concluded that if BSCCo was to only provide the Profile Administration Services for a limited period of time, whilst the tendering out for that service took place, the concerns expressed in relation to the Proposed Modification could be overcome. Specifically it was the view of the Group that the

service would be tendered out to the most cost effective service provider at all times and as a result this would ensure that the costs incurred were the lowest possible. The Group therefore believed that as well as introducing efficiencies into the balancing and settlement arrangements, facilitating Applicable BSC Objective (d), there could be lower costs which in turn would lead to lower costs of market participation and hence better facilitating the achievement of the Applicable BSC Objective (c).

The Panel concluded that placing a restriction on BSCCo's ability to provide the Profile Administration Services would not increase the efficiency in the implementation of the balancing and Settlement arrangements and therefore not better facilitate the achievement of Applicable BSC Objective (d). The Panel concluded that when compared with the Proposed Modification P133, the achievement of the Applicable BSC Objectives would not be better facilitated by the introduction of the Alternative Modification P133.

1.9 Modification Group's cost benefit analysis of Alternative Modification

In assessing the Alternative Modification, the Group believed that without performing due diligence tests on parts of EASL's business, it was unable to estimate the consequential costs of a decision by the BSCCo Board of Directors to provide the Profile Administrator services. No further cost benefit analysis has therefore been performed.

2 RATIONALE FOR PANEL'S RECOMMENDATIONS

Provisional Recommendation

The Panel believed that there would be an increase in the efficiency of the implementation of the balancing and settlement arrangements were Proposed Modification P133 to be made. The Panel also believed that the Alternative Modification P133 did not better facilitate the achievement of the Applicable BSC Objectives when compared to the Proposed Modification P133.

At its meeting on 11 September 2003, the Panel considered the P133 Assessment Report and the recommendation of the P133 Modification Group that the Alternative Modification P133 should be made. In addition to the discussions of the Modification Group, the Panel was informed that ELEXON had undertaken a market test to determine if there existed any companies interested in providing the Profile Administrator Role. In addition to this the Panel were informed that Electricity Association Services Limited (EASL) had provided formal notice of the termination of its contract with ELEXON.

The Panel discussed whether the time limit of one year, as proposed within the Alternative Modification P133, was an adequate period to undertake a formal procurement exercise and provide the service.

ELEXON stated that the time limit of one year would cause operational difficulties in relation to for example, recruitment of staff. ELEXON stated that it would be difficult to employ staff with the prospect that they could be made redundant after the time period had expired. Furthermore, it was stated that any decision made by the board of BSCCo would be included within the BSC Strategy which Parties can comment on. It was stated that the aim of BSCCo in the first instance would be to tender out the Profile Administrator role. The Panel noted that these difficulties had been discussed by the Modification Group but it felt that there were not significant to warrant the Panel's recommendation of the Alternative Modification.

ELEXON also stated that formal notice had been received on 22 August 2003 and that there is a minimum 6-month notice period during which the Profile Administrator service should continue. After this date there would be a period of Exit Management for up to 12 months. It was stated that this was currently under discussion with EASL.

Furthermore, it was stated that EASL may attempt to close down the service at some point prior to the formal termination in accordance with the contract.

The Panel questioned whether any of the companies expressing an interest in providing the service were capable of undertaking it. ELEXON stated that although there were a number of expressions of interest, formal assessment of the capabilities of each prospective tenderer had not been yet undertaken. It was also stated that it was not appropriate to publicly provide any material information relating to the commercial negotiations in a public forum.

ELEXON stated that it was its preferred approach to contract out the service as a BSC Agent however if BSCLCo needed to commence the provision of the service, it should be able to do so in an unfettered manner.

The Panel asked whether it was permissible for the Panel to grant an extension to BSCLCo's powers for longer than one year under the Alternative Modification P133. The intention of the Modification Group was that this should not be permitted and the legal text for the Alternative Modification reflects this.

ELEXON stated that the likely duration pf any procurement would be approximately 4 - 5 months with a cost of 7 – 10 man months of effort.

A Panel member expressed concern about the transparency of the process were the Proposed Modification to be approved. It was agreed that the draft Modification Report would contain reference to this and BSCLCo have publicly stated their intention would be to tender out the service in the first instance and that they would only provide the service were any potential service providers unable to do so at reasonable cost. It was also stated that any such activities to be undertaken by BSCLCo would be included within the BSC Strategy.

The Panel then discussed the Implementation Date of 13 weeks after the Authority determination in light of the concern expressed at the Panel meeting that the service may be terminated prior to the end of the contract notice period. ELEXON explained that the Implementation Date had been chosen to allow the various Code Subsidiary Documents to undergo formal approval by the various committees. The actual effort involved in producing the documents would be no more than 5 Working Days. It was stated that it was therefore possible to approve either the Proposed Modification or the Alternative Modification with an earlier Implementation Date. The changes to the documents were to state unambiguously that any data flows to/from the Profile Administrator could be received / sent by BSCLCo. Were the Implementation Date to be brought forward, the relevant Code Subsidiary Documents could then either be approved ex-committee or shortly after the Implementation Date. If the latter route were to be adopted then the provisions in the Code would prevail over the relevant Code Subsidiary Documents.

The Panel concluded that the Proposed Modification would lead to efficiencies in the implementation and administration of the balancing and settlement arrangements and therefore would better facilitate the achievement of Applicable BSC Objective (d). However, the Panel also concluded that restricting BSCLCo's ability to provide the service, as suggested by the Alternative Modification P133, would not better facilitate the achievement of the Applicable BSC Objectives when compared to the Proposed Modification.

The Panel therefore recommended that the Proposed Modification should be made.

3 IMPACT ON BSC SYSTEMS AND PARTIES

An assessment has been undertaken in respect of BSC Systems and has identified there will be no impact to BSC Systems of enabling BSCLCo to provide the Profile Administration services.

3.1 BSCCo

There is a cost of 5 ELEXON man days for both the Proposed Modification and the Alternative Modification. BSCCo, however, recognise that there would be consequential costs were the BSCCo Board to determine it would be appropriate to provide the Profile Administrator services. In particular, and in relation to the Alternative Modification, BSCCo recognises the difficulties expressed by one attendee of the Modification Group meeting who stated that there may be Transfer of Employment issues and associated costs increases were BSCCo to only provide the Profile Administration Service for short periods of time.

3.2 BSC Systems

No impact to BSC Systems has been identified.

4 IMPACT ON CODE AND DOCUMENTATION

4.1 Balancing and Settlement Code

Proposed Modification

The following Sections of the Code would be impacted by the Proposed Modification:

A new paragraph will be required within Section C of the Code to allow BSCCo to provide the Profile Administration Services.

Consequential changes will be required to Section E of the Code to indicate that where BSCCo provides the Profile Administration Services it does not do so as a BSC Agent.

A new definition of Profile Administration Services is required to be added to Annex X-1 and Annex X-2 would require a further change to ensure that references to the Profile Administrator also refer to BSCCo where it is providing Profile Administration Services.

Alternative Modification

The following Sections of the Code would be impacted by the Alternative Modification:

In addition to the changes highlighted above, further changes will be necessary to indicate the limited time period for which BSCCo can provide the Profile Administration Services and indicate that the Panel would be required to grant any further extension to this time period.

A copy of the legal text for the Proposed Modification and Alternative Modification is given in Annex 1 of this report.

4.2 Code Subsidiary Documents

The following BSCPs will require changes:

- BSCP509 – Refers to the Profile Administrator for nominating changes to a number of Market Domain data items;
- BSCP510 – Refers to the Profile Administrator role in the load research process

The Supplier Volume Allocation Agent Service Line may require amendments:

- SSL360 – Refers to the Profile Administrator notifying the SVAA that parties have signed the confidentiality agreement associated with the Technical Deliverables.

All the changes highlighted above would seek to clarify that references to the Profile Administrator would refer to BSCCo in the event that BSCCo were to provide the Profile Administration Services.

4.3 BSCCo Memorandum and Articles of Association

No impact identified.

4.4 Impact on Core Industry Documents and supporting arrangements

No impact identified.

5 SUMMARY OF CONSULTATIONS

Consultation question	Respondent agrees	Respondent disagrees	Opinion unexpressed
Do you agree with the Panel's views on P133 and the provisional recommendation to the Authority contained in the draft Modification Report that P133 should be made?			
Do you agree with the Panel's view that the legal text provided in the draft Modification Report correctly addresses the defect or issue identified in the Modification Proposal?			
Do you agree with the Panel's provisional recommendation concerning the Implementation Date for P133 (i.e. implementation of either the Proposed Modification or the Alternative Modification should be 5 Working Days after the Authority decision)?			
Do you believe that there are any impacts that have not been highlighted?			

5.1 Summary of the consultation responses

To be completed following the draft Modification Report Consultation.

5.2 Comments and views of the Panel

To be completed following the review of the draft Modification Report at the Panel meeting on 9 October 2003

6 SUMMARY OF TRANSMISSION COMPANY ANALYSIS

6.1 Analysis

During the Assessment Procedure for P133, the Transmission Company identified no impact.

7 SUMMARY OF EXTERNAL ADVICE

No external advice requested.

8 IMPLEMENTATION APPROACH

Following approval of either the Proposed Modification P133, or the Alternative Modification P133, BSCCo would implement the changes to the Code 5 Working Days after the Authority decision. It should be noted that P133 requires minor changes to Code Subsidiary Documents which BSCCo would

require approval ex-committee, or possibly shortly after the Implementation Date. This is not envisaged to be an issue as the changes to the Code Subsidiary Documents are clarifications which insert a paragraph indicating that the Profile Administration Services could be provided by BSCCo.

9 DOCUMENT CONTROL

9.1 Authorities

Version	Date	Author	Reviewer	Change Reference
0.1	17/09/03	Richard Clarke	Change Delivery	Peer Review
0.2	19/09/03	Richard Clarke	Change Delivery	Formal Review
0.3	22/09/03	Richard Clarke	Change Delivery	For Consultation

9.2 References

Ref	Document	Owner	Issue date	Version

ANNEX 1 DRAFT LEGAL TEXT

- Draft Legal Text for the Proposed Modification is included as Annex 1A and attached as a separate document.
- Draft Legal Text for the Alternative Modification is included as Annex 1B and attached as a separate document.

ANNEX 2 MODIFICATION GROUP DETAILS

It should be noted that due to other commitments, a limited number of Modification Group members were able to attend each meeting of the P133 Modification Group. It should be noted however that an electronic distribution list was created for correspondence amongst the group; this was used to circulate comments on both the consultation document and the final versions of the Assessment Report to ensure that the entire Group were fully consulted on the Group's decision.

Member	Organisation	Present
Graham Webb	ELEXON (Chairman)	✓
Alan Bender	ELEXON (Chairman)	✓
Richard Clarke	ELEXON (Lead Analyst)	✓
Clare Walsh	BGT	
Joanne Ellis	Cornwall Consulting	
Man Kwong Liu	Scottish Power	✓
Clare Talbot	National Grid	
Terry Ballard	Innogy	✓
John Sykes	Scottish and Southern	
Phil Russell	TXU	

Attendee	Organisation	Present
Paul O'Donovan	Ofgem	✓
Kathryn Coffin	ELEXON Analyst	✓
Martin Mate	British Energy	✓
Russell Loasby	Powergen	✓

ANNEX 3 CONSULTATION RESPONSES

To be completed following draft Modification Report Consultation.



ANNEX 4 TRANSMISSION COMPANY ANALYSIS

In accordance with paragraph F 2.8 of the Code, please respond to the following questions concerning P133 (including the rationale for each response):

Q	Question	Response
1	Please outline any impact of the Proposed Modification (and, if applicable, any Alternative Modification) on the ability of the Transmission Company to discharge its obligations efficiently under the Transmission Licence and on its ability to operate an efficient, economical and co-ordinated transmission system.	We believe that the implementation of P133 has no impact on the ability of the Transmission Company to discharge its obligations under the Transmission Licence.
2	Please outline the views and rationale of the Transmission Company as to whether the Proposed Modification (and, if applicable, any Alternative Modification) would better facilitate achievement of the Applicable BSC Objectives.	We believe that the modification better facilitates applicable objective d) promoting efficiency in the implementation and administration of the balancing and settlement arrangements as the maintenance of the role of Profile Administrator is a crucial part of the Settlement system.
3	Please outline the impact of the Proposed Modification (and, if applicable, any Alternative Modification) on the computer systems and processes of the Transmission Company, including details of any changes to such systems and processes that would be required as a result of the implementation of the Proposed Modification (and, if applicable, any Alternative Modification)	There is no direct impact on our systems and processes as a result of the proposed modification.
4	Please provide an estimate of the development, capital and operating costs (broken down in reasonable detail) which the Transmission Company anticipates that it would incur in, and as a result of, implementing the Proposed Modification (and, if applicable, any Alternative Modification).	None identified
5	Please provide details of any consequential changes to Core Industry Documents that would be required as a result of the implementation of the Proposed Modification (and, if applicable, any Alternative Modification).	None identified.

6	Any other comments on the Proposed Modification (and Alternative Modification if applicable).	None.
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ANNEX 5 BSC AGENT IMPACT ASSESSMENTS

None commissioned

ANNEX 6 PARTY IMPACT ASSESSMENTS

None commissioned

ANNEX 7 COST BENEFIT ANALYSIS

None commissioned

ANNEX 8 CORE INDUSTRY DOCUMENT OWNER IMPACT ASSESSMENTS

None commissioned

ANNEX 9 PROPOSED TEXT TO MODIFY BSCCO MEMORANDUM AND ARTICLES OF ASSOCIATION

No impact

ANNEX 10 TERMS OF REFERENCE AND REPORT/ANALYSIS OF EXTERNAL CONSULTANTS/ADVISORS

None commissioned