Alternative Redlined BSCP40 text for P370 'Allow the Panel to designate non-BSC Parties to raise Modifications'

P370 proposes changes to sections 1.1, 1.2, 2.2, 3.14, 3.15, 4.8, 4.13, 4.14, and 4.15.

We have redlined these changes against Version 16.0

There is no impact on any other part of this document for this Modification.

Please note that should P370 and CP1511 be approved, a minor presentational change will be needed to BSCP40 section 1.1:

CP1511 proposes to insert '1.1.5 Draft Change Proposals and Issues'. This will need to change to '1.1.5 Draft Change Proposals ~~and Issues~~' if P370 and CP1511 are approved.

Amend Section 1.1 as follows:

1.1. Purpose and Scope of the Procedure

This BSC Procedure (BSCP):

- outlines the Change Management processes invoked to progress and implement changes to Configurable Items;~~.~~
- ~~It also~~ defines the process for submitting Modification Proposals to make changes to the Balancing and Settlement Code[1];
- defines the process for Third Party Applicants to request designation to raise a Modification Proposal;~~.~~ and
- defines a pre-change process for Issues.

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One of the objectives of this procedure is to maintain the integrity and robustness of the BSC, subsidiary Configurable Items and supporting products and to ensure that all changes are introduced in a controlled and auditable manner. This is achieved by:

- implementing the change management procedures within the BSC;
- assessing all proposed changes and assisting the BSC Panel and its Committees in making informed decisions;
- consulting with interested parties how work will be progressed;
- implementing new, or revisions to existing, Configurable Items; and
- producing Baseline Statements.

The Baseline Statement is a list of BSC Sections and all Configurable Items, together with the current live version. This procedure does not cover changes to associated Core Industry products or the System Operator-Transmission Owner Code (STC). However, where proposed changes to the Code or Configurable Items would result in a corresponding change to the Core Industry products or the STC BSCCo will liaise with the relevant bodies to ensure the appropriate change documentation is raised.

This procedure does not cover changes to BSC Parties' or their Agents' systems and procedures which may be necessary for participants to implement any changes that are made to the BSC or subsidiary Configurable Items. Party Agents must consider whether any potential changes would trigger the need for Re-Qualification by assessing the risk that implementing the corresponding changes within their own organisations would pose to the Balancing and Settlement arrangements as described in BSCP537.

[1] Changes to Configurable Items may be required to make them consistent with any changes to the BSC.

Change Management of Configurable Items

This procedure provides a standard form for raising proposals to modify Configurable Items ('Change Proposals') to ensure that all changes to Configurable Items are introduced in a controlled and auditable manner. The sections in this BSCP relating to changes to Configurable Items are derived from Section F of the BSC.

Where a Change Proposal is raised that impacts the following Configurable Items (Category 1 Configurable Items) redlined drafting of the proposed changes to the Configurable Items must be included with the Change Proposal:

- Balancing and Settlement Code Procedures (BSCPs);
- Party Service Line (PSL100);
- Codes of Practice (CoPs)
- Business Definition Documents (encompassing Data Catalogues, the Reporting Catalogue, the Communication Requirements Document) (BDDs);
- Interface Design Documents[2] (IDDs); and
- Description of physical interfaces in Settlement Software Documentation.

Where a Change Proposal does not impact Category 1 Configurable Items, the redlined changes required to support the solution need not be provided at the same time as the formal Change Proposal. All other Configurable Items, including the following, will be known as Category 2 Configurable Items:

- Service Descriptions
- SVA software documentation; and
- User Requirements Specifications.[3]

Change Proposals raised against the Market Index Definition Statement (MIDS) will be progressed in accordance with the process detailed in Section 3.10.

This procedure also contains standard forms for raising Draft Change Proposals to allow participants to comment on or discuss a particular issue and solution prior to a Change Proposal being raised.~~ If the originator believes that raising an Issue would be a more appropriate medium for a change they should do so in accordance with Section F of the BSC Code and follow the relevant guidance published on the BSC Website.~~

~~Where a Party feels that it has an issue, but is unsure of how or whether to progress the concern, it may present the issue to the Panel Committees in order to seek guidance. The Panel Committees would then advise on any possible solution to the concern and how best to resolve the problem, e.g. raise a Draft CP for discussion by a Working Group. Please note that the ability to use this process to address issues does not affect the Issues process as defined in Section F of the BSC. In no way does this optional process remove the right of any applicable Party from raising a Draft or Formal CP. An 'issue' form can be found in Section 4.7 and,~~

[2] Due to necessary design and development work that must be undertaken before the IDD can be produced this document will be drafted by the BSC Agent to reflect the solution as described in the CP.
[3] Note that this is not an exhaustive list of Category 2 Configurable Items and should be treated as being for illustrative purposes only.

~~once completed, should be submitted to BSCCo so that it may be added to the applicable agenda for the relevant Panel Committee.~~

Change Proposal Circulars (CPC) will be used to communicate all change management information relating to Configurable Items to BSC Parties and their Agents throughout the process. BSCCo will endeavour to publish all CPCs on the BSC Website.

Parties and their Qualified Agents may nominate individuals within their organisations to register as BCAs and PACAs respectively, to interface with BSCCo on all matters relating to changes to Configurable Items. Please see section 3.11 of this procedure for more information on the registration process.

Submission of Modification Proposals

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This procedure additionally provides for the submission of proposals to modify the BSC ('Modification Proposals') to ensure that all Modification Proposals are introduced in a controlled and auditable manner. The section relating to Modification Proposals within this procedure is derived from Section F of the BSC. Section F contains the rules pertaining to modification of the BSC (the 'Modification Procedures') and the procedures and timescales by which Modification Proposals are progressed. The provisions concerning general email communications from BSCCo to Parties are contained in Section H of the BSC.

All interested parties, as listed in Section F of the BSC, may register (or be registered by BSCCo) to receive by email communications which support the Modification Procedures and fulfil BSCCo's obligations in accordance with Section F of the BSC, by providing relevant contact details to BSCCo.

To raise a Modification Proposal, Parties must complete a Modification Proposal form. BSCCo must publish the Modification Proposal form template on the BSC Website for use by Parties. Guidelines for completing this form are contained within the form itself.

Submission of Issues

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Where a Party or interested third party feels that it has an issue, problem, defect or improvement with the BSC arrangements, but is unsure of how or whether to progress the concern, or wants to explore the solution options, an Issue should be raised. This pre-change process shall assist in the framing of issue(s)/defect(s) and possible CPs or Modifications. Parties, interested third parties (including bodies representative of interested third parties and Party Agents) and BSCCo, may raise an Issue in accordance with section 3.15 below.

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Panel Committees may be consulted by the proposer of the Issue in order to seek guidance. The Panel Committees would then advise on any possible solution to the concern and how best to resolve the problem, e.g. to raise a Change Proposal, or form an Issue Group.

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Issue Groups shall adhere to the Issue Group Terms of Reference, which shall be set and maintained by the Panel and published on the BSC Website.

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Unless an Issue is withdrawn by the proposer, an Issue Report shall be presented to the Panel following the assessment and discussion of the Issue.

Amend Section 1.2 as follows:

1.2 Main Users of the Procedure and their Responsibilities

The main users of this procedure are:

- *BSCCo* - manages the change process.
- *BSC Panel*.
- *BSC Change Administrator (BCA)* - nominated by BSC Parties to interface with BSCCo on all change issues.
- *Citizens Advice and Citizens Advice Scotland*
- *Market Index Data Provider (MIDP).*
- *Panel Committee* - controls all changes to Configurable Items, apart from modifications to the BSC.
- *Party Agent Change Administrator (PACA)* - nominated by a Qualified Party Agent, or an applicant for Qualification, to interface with BSCCo on all change issues. (For the purposes of this procedure, Party Agents are defined as those service providers defined in Section J of the BSC as requiring Qualification. (Note that PACAs **cannot** raise DCPs or CPs in their own right, but could ask a Party to raise them on their behalf.).
- ~~*Such other bodies representative of interested third parties as may be designated in writing for this purpose by the Authority from time to time.*~~*Interested third parties (including Party Agents) or any bodies representative of interested third parties* – to raise Issues.
- *Third Party Applicants* – to request designation by the Panel or the Authority to raise Modification Proposals.

Amend Section 2.2 as follows:

2.2 List of Definitions

The following is a list of definitions used in this BSCP:

- Baseline – for the purposes of this procedure, this is defined to be a logical grouping of all Configurable Items, with the live, operational version numbers on the implementation of one or more changes.
- BSC Change Administrator (BCA) – individual nominated by BSC Parties to be responsible for interfacing with BSCCo on all change issues.
- BSCCo - functional responsibility for the purpose of managing the change process in accordance with the BSC and this BSC Procedure.
- BCA Register - details of all registered BCAs maintained by BSCCo. It is used for the purpose of distributing to, and receiving change information from, BCAs.
- Category 1 Configurable Item – the following are examples of Category 1 Configurable Items:

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- Balancing and Settlement Code Procedures (BSCPs);
- Party Service Line100;
- Codes of Practice;
- Business Definition Documents (encompassing Data Catalogues, the Reporting Catalogues, the Communication Requirements Document);
- Interface Design Documents; and
- Descriptions of physical interfaces in Settlement Software Documentation.

- Category 2 Configurable Item – the following are examples of Category 2 Configurable Items:
  - Market Index Definition Statement;
  - Service Descriptions;
  - SVA software documentation; and
  - User Requirements Specifications.[3]

- Change Submission Deadline – the date by which the Change must be submitted.

- Change Proposal (CP) - a proposal to amend a BSC subsidiary document, a Configurable Item, that contains a single detailed solution and associated redline text where affecting Category 1 Configurable Items. A CP can be raised by BSCCo, a BSC Agent[4], a Party, Citizens Advice, Citizens Advice Scotland, the BSC Panel or one of its Committees~~ or such other bodies representative of interested third parties as may be designated by the Authority from time to time~~.

- Change Proposal Circular (CPC) - communication sent by BSCCo to BCAs and PACAs as appropriate when communicating BSCCo change information.

- Change Register – a document which contains up-to-date information for each Modification Proposal, Change Proposal and Issue, including the name and organisation of the proposer, the date the Modification Proposal, Change Proposal or Issue was raised, the title and brief description of the Modification Proposal, Change Proposal or Issue, and the current status of the Change Proposal or Issue.

- Configurable Item – all subsidiary documents to the BSC and any other product as agreed by BSCCo to be changed in accordance with this procedure.

- Core Industry Documents – a suite of documents set out in the Transmission Licence.

- CP Impact Assessment – BCA / PACA / BSC Agent assessment of a CP. This involves assessing the suitability of the solution, the lead time required for implementation and commenting on whether or not the change should be made.

- Draft Change Proposal (DCP) - a proposal to amend a Code Subsidiary Document, a Configurable Item or an associated product that contains one or more proposed

[4] Proposals raised by BSC Agents will only be validated and logged as a CP with BSCCo's consent.

solution(s). DCPs can be issued to participants for consultation to obtain views, comments and narrow down solutions before a CP is raised. A DCP can be raised by BSCCo, a BSC Agent[5], a Party, Citizens Advice, Citizens Advice Scotland, the BSC Panel, or one of its Committees~~, or such other bodies representative of interested third parties as may be designated by the Authority from time to time~~.

- DCP Consultation – BCA / PACA / BSC Agent assessment of a DCP. This involves providing comments and views on the DCP.

- Effective Date - the Calendar Day on which a revised Configurable Item becomes effective.

- Emergency Fix - an urgent correction to one or more Configurable Items to correct an existing serious operational problem with the Balancing and Settlement Arrangements, for which there is no known workaround, that is causing loss of availability, loss of data integrity, an irretrievable data quality issue or significant degradation of performance. It can only be performed with the authorisation of the Chief Executive, or other persons to whom the Chief Executive has given express delegated authority (i.e. an 'authorised person'), and is carried out in accordance with section 3.7.

- Housekeeping CP – a Change Proposal which, if approved, would result in a Housekeeping Change to one or more Configurable Items in the Baseline Statement[6]. Housekeeping CPs will be published on the BSC Website and require Committee approval.

- Housekeeping Change – involves the correction of manifest errors, minor errors and inconsistencies, including typographical errors (e.g. punctuation errors, spelling mistakes, incorrect font, incorrect capitalisation) incorrect cross-referencing, and the removal of redundant text.

- Implementation Date – the calendar date on which a new release of a Configurable Item is used for the purposes of implementation of the Code.

- Issue – a pre-change process used to define and assess an issue(s) and/or solution(s).

- Issue Group – a group established from the Standing List of Experts to consider an Issue.

- Issue Report – a report summarising one or more Issues, any Issue Group conclusions and recommendations.

- Market Index Data Provider (MIDP) – particular entity which is responsible for making available Market Index Data in respect of each Settlement Period as defined in the BSC.

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[5] Proposals raised by BSC Agents will only be validated and logged as a DCP with BSCCo's consent.
[6] The relevant Panel Committee will decide whether a CP should be progressed as a Housekeeping CP.

- Market Index Definition Statement (MIDS) – a statement which is approved by the Authority detailing each MIDP's methodology statement and Individual Liquidity Threshold, as defined in the BSC.

- Master Registration Agreement (MRA) BCA – the individual, nominated to interface with BSCCo on all change issues by the MRA Service Company.

- Modification Proposal (MP) – proposal of a modification to the BSC.

- MRA Service Company (MRASCo) – for the purposes of this document, this is considered to be the organisation that manages change to the MRA and the Data Transfer Catalogue (DTC).

- Originating BCA - Any registered BCA who raises an issue, DCP or CP.

- PACA Register – details of all registered PACAs, maintained by BSCCo. It is used for the purpose of distributing to, and receiving change information from, PACAs.

- Panel Committee – a committee established by the BSC Panel with delegated authority for changes to Code Subsidiary Documents and associated products.

- Party Agent Change Administrator (PACA) – individual nominated by a Qualified Party Agent, or an applicant for Qualification, in accordance with section 3.11. The nominated PACA will be responsible for interfacing with BSCCo on all change issues.

- Project - discrete set of activities which will implement changes and/or correct errors by amending one or more of the Configurable Items. Projects may be established under the auspices of the BSC Panel or by BSCCo in accordance with the IS Policies.

- Qualification Service Provider - the organisation contracted by BSCCo to perform the duties set out in BSCP537.

- Release Strategy – a strategy, agreed by the BSC Panel, for the delivery of changes to the BSC Systems as a result of approved modifications and changes.

- Standing List of Experts – a list of persons with relevant experience and/or expertise who may be willing to be members of a Workgroup or Issue Group, established and maintained by the Panel in accordance with Section F1.5 of the BSC.

- Third Party Applicant – an interested third party or any body representative of interested third parties that has applied to be designated as a Third Party Proposer.

- Third Party Proposer - means any interested third party or any body representative of interested third parties in each case designated by the Panel as being permitted to make a proposal to modify the Code pursuant to Section F2.1.1(c) and in accordance with this BSCP40.

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- Transmission Company BCA – the individual, nominated to interface with BSCCo on all change issues.

Add Section 3.14 as follows:

3.14 Designation Request for Raising a Modification Proposal

REF	WHEN	ACTION	FROM	TO	INFORMATION REQUIRED	METHOD
3.14.1	Any time	Submit Designation Request Form and a draft Modification Proposal Form.	Third Party Applicant	BSCCo	Completed BSCP40/07 form (Appendix 4.13 and Appendix 4.14 for guidelines) Completed Modification Proposal Form (available from the BSC Website) Completed Appendix 4.15 Pro Forma Letter from Third Party Applicant	Email or other agreed means
3.14.2	Within 1 WD of 3.14.1	Acknowledge receipt.	BSCCo	Third Party Applicant	As submitted in 3.14.1	Email or other agreed means
3.14.3	Within 5WDs of 3.14.1	Validate request. Where invalid, provide reasons for refusal and report to Panel and end process.	BSCCo	Third Party Applicant Panel	As submitted in 3.14.1 Derogation Request guidelines in 4.14	Internal process Email or other agreed means
3.14.4	Following 3.14.3 where valid submission	Notify industry and update Change Register.	BSCCo	Panel Third Party Applicant BCAs / PACAs Interested parties	As submitted in 3.14.1	Email or other agreed means
3.14.5	Following 3.14.4 and at next available Panel meeting	Present Designation request and draft Modification Proposal.	Third Party Applicant BSCCo	Panel	As submitted in 3.14.4	Electronic and verbal
3.14.6	At same time as 3.14.5	Make Designation request decision and provide reasons for decision (note the Panel may consult with Parties and interested third parties as it considers necessary before making its decision).	Panel		As submitted in 3.14.4	Electronic and verbal

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REF	WHEN	ACTION	FROM	TO	INFORMATION REQUIRED	METHOD
3.14.7	Within 1 WD of 3.14.6	Notify designation decision, including reasons.	BSCCo	Panel Third Party Applicant BCAs / PACAs Interested parties	As provided from 3.14.6	Email or other agreed means
3.14.8	Within 15 WDs of 3.14.7	Where disagree with decision of Panel to designate and have valid grounds raise appeal in writing.	BSC Party[7]	Authority BSCCo	As requested by the Authority	Email or other agreed means
3.14.9	Within 1 WD of 3.14.8	Acknowledge receipt of appeal and notify.	BSCCo	Panel BSC Party Third Party Proposer BCAs / PACAs Interested parties	As provided from 3.14.8	Email or other agreed means
3.14.10	Following 3.14.8 and 3.14.9	Notify appeal decision.	Authority	BSCCo	As provided in 3.14.9	Email or other agreed means
3.14.11	Within 1 WD of 3.14.10	Notify appeal decision.	BSCCo	Panel BSC Party Third Party Proposer BCAs / PACAs Interested parties	As submitted in 3.14.10	Email or other agreed means

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[7] Please note that Third Party Applicants can also appeal to the Authority where they disagree with the Panel's decision not to designate them as a Third Party Proposer.

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Add Section 3.15 as follows:

3.15 Issues Process

REF	WHEN	ACTION	FROM	TO	INFORMATION REQUIRED	METHOD
3.15.1	Any time	Submit Issue Form.	Proposer of Issue	BSCCo	Completed BSCP40/04 form (Appendix 4.7)	Email or other agreed means
3.15.2	Within 1 WD of 3.15.1	Acknowledge receipt.	BSCCo	Proposer of Issue	As submitted in 3.15.1	Email or other agreed means
3.15.3	Within 5WDs of 3.15.1	Validate Issue form. Where invalid, provide reasons for refusal and end process.	BSCCo	Proposer of Issue	As submitted in 3.15.1 Issue guidelines in 4.8	Internal process Email or other agreed means
3.15.4	Following 3.15.3 where valid submission	Agree best route for progression: 1. Issue Group 2. Seek advice and guidance from Panel Committee(s) Where disagree on best route, then route 2 shall be followed.	BSCCo Proposer of Issue	Proposer of Issue BSCCo	As submitted in 3.15.1 Issue Group Terms of Reference (available on BSC Website) Panel Committee Terms of Reference (available on BSC Website)	Electronic and verbal
3.15.5	Following 3.15.4	Raise and Progress Issue. Update Change Register.	BSCCo Proposer of Issue	Issue Group or Panel Committee(s)	As agreed in 3.15.4 and as submitted in 3.15.1	Electronic and verbal
3.15.6	Following 3.15.5	Submit Issue Report.	BSCCo	Panel	As provided in 3.15.5	Electronic and verbal

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Amend Section 4.8 as follows:

4.8. Issue Form Guidelines

These guidelines are to be used to assist in the completion of the Issue Form, contained in Appendix 4.7. The guidelines state who should complete each item on the form and whether it is mandatory or optional. They also give a brief description of the information that should be given for each item. For further support on completing this Issue Form, please contact BSCCo. ~~For further guidance please contact your BCA / PACA.~~ Once completed this form should be submitted to BSCCo. ~~for inclusion on the relevant Panel Committee agenda.~~

- **Issue Number** –mandatory to be completed by BSCCo once the proposed ~~i~~Issue has been received. ~~-~~This is a unique number.

- **Issue Title –** mandatory and is completed by the ~~originator~~ proposer of the Issue at the time the ~~i~~Issue is raised. ~~-~~This should be unique where possible.

- **Issue Description** – mandatory and is completed by the ~~originator~~proposer of the Issue. The description should include as much detail as possible of the issue being encountered.

- **Potential Solution(s) -** optional by ~~originator~~ proposer of the Issue – This is to be completed where the originator has potential solutions that they want to be discussed as part of a potential solution to the issue.

- **Justification for Examining Issue** – mandatory by ~~originator~~ proposer of the Issue – details of the business case for examining the issue(s). This section should also include a brief assessment of the risk associated with leaving the problem/issue unresolved, in terms of materiality and probability of occurrence.

- **Proposer's Details** – mandatory completion by ~~originator~~ proposer of the Issue – the name, organisation, email address and telephone number of the proposer. This should include details of any originators of the Issue, for example if BSCCo is raising an Issue on behalf of another participant.

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Add Section 4.13 as follows:

4.13 Designation Request Form

Designation Request Form - BSCP40/07	**Request Number** *(mandatory by BSCCo)*
Title of proposed Modification *(Mandatory by originator – please also attach draft Modification Proposal Form, which can be found on the BSC Website and must meet the requirement in Section F2.1.2 of the BSC, and the signed letter from section 4.15)*	
Rationale for Requesting Designation *(Mandatory by originator – this must include any information on what other steps, if any, have been taken to have the Code issue or defect addressed)*	
Reasons why Applicant has an interest in the Code/issue *(Mandatory by originator – this may include evidence of being materially affected by the issue)*	
Additional Details which may support the application *(Optional by originator)*	
Proposer Name	
Organisation	
Email Address	
Telephone Number	
Date	

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Add Section 4.14 as follows:

4.14. Designation Request Form Guidelines

These guidelines are to be used to assist in the completion of the Designation Request Form, given in Appendix 4.13. The guidelines state who should complete each item on the form and whether it is mandatory or optional. They also give a brief description of the information that should be given for each item. For further guidance please contact BSCCo.

- **Request Number** –mandatory to be completed by BSCCo once the request has been received. This is a unique number.

- **Title of Proposed Modification** – mandatory and is completed by the originator at the time the request is raised. This must match the title on the draft Modification Proposal Form that accompanies your Designation Request.

- **Rationale for Requesting Designation** – mandatory and is completed by the originator. You should include as much detail as possible on your reasons for requesting Designation. This should include any information on your attempts to find a Party to raise the Modification, the reason they will not raise or 'sponsor' this Modification and any information on other industry discussions or forum discussion you have had on the Modification.

- **Reasons why Applicant has an interest in the Code/issue** - mandatory by originator – .You need to explain how the issue impacts you and what it is about the proposed Modification that makes you an interested party in it. If you are acting for another party/parties (for example, a trade association acting for its members) this should be explained.

- **Additional Details which may support the application** – optional by originator – if there are any other details that you believe will support your request, please include them.

- **Proposer's Details** – mandatory completion by originator – the name, organisation, email address and telephone number of the applicant.

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Add Section 4.15 as follows:

4.15 Pro Forma Letter from Third Party Proposer

To:

ELEXON Limited as the Balancing and Settlement Code (the "BSC") Company ("BSCCo")

[insert registered office address]

[insert date]

Dear Sirs,

Application to be designated by the Panel as a Third Party Proposer pursuant to Section F2.1A.1 of the Balancing and Settlement Code

By writing this letter, and submitting a Designation Request Form and a draft Modification Proposal Form we are applying to be designated as a Third Party Proposer under the Section F (Modification Procedures) of the BSC.

Unless otherwise stated, or the context otherwise requires, any capitalised term in this letter shall have the meaning given to it in the BSC.

We acknowledge that we have obtained a copy of the latest versions of Section B (The Panel), Section C (BSCCo and its Subsidiaries), Section F and Section H (General) and Section X-1 (General Glossary) of the BSC as well as BSC Procedure 40 from the BSC Website.

In consideration of BSCCo and/or the Panel considering our application to be designated as a Third Party Proposer, we hereby agree with each of you that we shall be bound by:

a) the terms of Section B1, B3 and B4.6 (the Panel); Section C1 and C3 (BSCCo and its Subsidiaries), Section F (Modification Procedures) and Section H7.1, H8 and H9 (General) of the BSC; and

b) the terms of BSC Procedure 40,

for the purposes of our application to be designated as a Third Party Proposer and the consideration of our modification proposal under the Modification Procedures as if we were a party to the BSC for the purposes of those Sections and BSC Procedures.

We acknowledge and agree that:

a) during our application to be appointed as a Third Party Proposer the provisions of paragraph 2.1A of Section F (Modification Procedures) of the BSC provide a right of appeal to the Authority should the Panel reject our application and that should our application be rejected our sole and exclusive remedy will be to refer the matter for determination to the Authority in accordance with that paragraph and we accept that its determination will be final, conclusive and binding; and

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b) we will not make any claim in damages or any other claim of a financial nature against ELEXON Limited or any Panel Member and we hereby waive (to the fullest extent permitted by law) any such claim against ELEXON Limited or any Panel Member and release each from any such liability in respect of any breach by ELEXON Limited or the Panel of any provision of the Code or in tort (including negligence) or otherwise.

Nothing in this letter shall exclude or limit liability for death or personal injury resulting from negligence by ELEXON Limited or any Panel Member or resulting from fraudulent misrepresentation.

This letter shall expire following the later of:

a) the final determination (whether by the Panel or the Authority) that we have not been designated as a Third Party Proposer;

b) the withdrawal of the Modification Proposal proposed by us; or

c) the final determination (whether by the Panel or the Authority) as to whether the Modification Proposal proposed by us should be approved or rejected.

This letter shall be governed by, and construed in all respects in accordance with, the laws of England and Wales.

Yours faithfully,

……..

signed by [**insert name**] being a Director and signing this letter for and on behalf of [**insert full name of company**]

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