

Assessment Procedure Consultation Responses

P398 'Increasing access to BSC Data'



Phase

Initial Written Assessment

Definition Procedure

Assessment Procedure

Report Phase

Implementation

This Assessment Procedure Consultation was issued on 24 August 2020, with responses invited by 14 September 2020.

Consultation Respondents

Respondent	No. of Parties/Non-Parties Represented	Role(s) Represented
AIMDA	One	Trade Body
Arenko Group	One	Generator
IMServ Europe	One	Supplier Agent
Low Carbon Contracts Company (LCCC)	One	CfD Counterparty and CM Settlements Body
National Grid Electricity System Operator (NGESO)	One	System Operator
Northern Powergrid	One	Distributor
Power Data Associates	One	Supplier Agent
Stark	One	Supplier Agent
Western Power Distribution	One	Distributor

P398
Assessment Consultation
Responses

15 September 2020

Version 1.0

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Question 1: Do you agree that there should be no cost associated with requesting data?

Summary

Yes	No	Neutral/No Comment	Other
8	1	0	0

Responses

Respondent	Response	Rationale
AIMDA	No	As befits the concept of Open Data, P398 is very open in its principles. AIMDA believes that it is too open and worries that the mechanism could be misused as a means of obtaining valuable data and information, some of which may be commercially sensitive, at zero cost to the data requester. This might be of substantial commercial benefit to the data requester and funded by the rest of the industry and therefore the consumer. AIMDA recognises that this is not the intention of P398 and would suggest that the checks and balances to prevent this from occurring need to be clearly specified as part of the modification.
Arenko Group	Yes	The marginal cost to BSC Co. of publishing data that has already been requested by one party is likely to be low. Placing the financial burden on the party who first requests a given dataset creates a first-mover disadvantage, disincentivising innovation and competition, contrary to objective (c).
IMServ	Yes	We agree that the request itself can be free, however you may want to consider how you would deal with vexatious requests.
LCCC	Yes	With reference to BSC Objective (c) "Promoting effective competition in the generation and supply of electricity and (so far as consistent therewith) promoting such competition in the sale and purchase of electricity" we believe that in charging a cost for accessing the open data the BSC will be introducing a barrier that will stifle innovation and therefore new entrants to the market and greater competition. Less competition leads to greater cost to the consumer.
NGESO	Yes	Having a cost associated with requesting the data could create a barrier to submitting requests and therefore could have a negative impact on promoting effective competition.

Respondent	Response	Rationale
Northern Powergrid	Yes	No comment provided
Power Data Associates	Yes	Ideally data will be available via the BSC website in an accessible form that most data can be extracted without extra effort/cost by ELEXON. ELEXON is currently investing heavily in new IT systems, the benefit of this investment should be data would be more accessible.
Stark	Yes	Agree that there should be no cost associated with requesting data, with costs being covered by BSC, as this aligns with the principle of assuming all BSC data open; with the knowledge that all requested data can potentially be shared amongst parties & being typically data useful for niche market areas.
Western Power Distribution	Yes	Yes, we agreed that there should be no cost associated with requesting data. The requested data set, if approved, will be made available to all parties therefore supporting Applicable Objective C and have a positive effect on competition and supply of electricity.

Question 2: Do you agree with the threshold for the cost of publishing?

Summary

Yes	No	Neutral/No Comment	Other
7	1	1	0

Responses

Respondent	Response	Rationale
AIMDA	Neutral	No comment provided
Arenko Group	Yes	<p>We recognise the need for a threshold to prevent BSC Co. resources being overly taken up by fulfilling data requests, to the detriment of other duties, and the proposed threshold seems to strike a reasonable balance.</p> <p>We hope that the cost threshold, and the referral to the BSC Panel for requests exceeding it, does not prevent the fulfilment of most data requests. We welcome the efforts towards building an improved data publishing system by BSC Co., in the hope that having such a platform will reduce some of the costs incurred by data requests, allowing more to be fulfilled.</p>
IMServ	Yes	No comment provided
LCCC	No	See response to Q1
NGESO	Yes	The threshold is same as other BSC Committees when considering changes.
Northern Powergrid	Yes	No comment provided
Power Data Associates	Yes	As mentioned in Q1 the data platforms should allow for granular data to be published at a much lower cost, then stakeholders can use the data in whatever way they wish.
Stark	Yes	In alignment with threshold used across other BSC Committees when considering changes i.e. £150,000.
Western Power Distribution	Yes	We agree that the threshold of £150,000 should be applied when considering the cost of publishing.

Question 3: Do you agree with the Workgroup that there are no potential Alternative Modifications within the scope of P398 which would better facilitate the Applicable BSC Objectives?

Summary

Yes	No	Neutral/No Comment	Other
8	0	1	0

Responses

Respondent	Response	Rationale
AIMDA	Neutral	No comment provided
Arenko Group	Yes	No comment provided
IMServ	Yes	No comment provided
LCCC	Yes	No comment provided
NGESO	Yes	None of the alternatives discussed would appear to better facilitate the Applicable BSC Objectives.
Northern Powergrid	Yes	No comment provided
Power Data Associates	Yes	No comment provided
Stark	Yes	As per workgroup discussions
Western Power Distribution	Yes	We agree with the Workgroup that there are no potential Alternative Modifications within the scope of P398 which would better facilitate the Applicable BSC objectives.

Question 4: Do you agree with the Workgroup that the draft legal text in Attachment A delivers the intention of P398?

Summary

Yes	No	Neutral/No Comment	Other
5	3	1	0

Responses

Respondent	Response	Rationale
AIMDA	Neutral	No comment provided
Arenko Group	Yes	No comment provided
IMServ	Yes	No comment provided
LCCC	No	CONFIDENTIAL
NGESO	No	<p>H11.2.5 mentions about BSCCo's costs but it is not clear how 3rd parties shall be recompensed should they need to support a data request/impact assessment.</p> <p>Should a party disagree with the panel's answer in H11.3.3, is the next point of escalation Ofgem? If so, this should be mentioned in the text.</p>
Northern Powergrid	No	<p>some comments re Section H in the legal text for you to include in our response, as follows:</p> <p>Insert "the" between "under" and "Code" in the first line of paragraph 4.8.2.</p> <p>Paragraph 4.8.2 (b), it says that each Party will comply with data protection legislation in performance of its obligations under the Code. Paragraphs 4.8.2 (c) and (d) are, therefore, superfluous because they just deal with elements of data protection legislation with which compliance is required so would be covered by paragraph 4.8.2 (b) anyway.</p> <p>Paragraph 4.8.2 (e) should end after "consent" in the sixth line. If a Party uses its reasonable endeavours to obtain consent where it is needed but is unable to obtain consent, despite those reasonable endeavours, then the personal data concerned cannot be used.</p> <p>In paragraph 11.2.3 (c), after "industry" at the end of the definition, add "and including, where the BSC Data Request includes personal data, such a Data</p>

Respondent	Response	Rationale
		<p>Protection Impact Assessment as may be required under the Data Protection Legislation”.</p> <p>In paragraph 11.2.3 (a), insert “or” after sub-bullet (ii) and, in sub-bullet (iii) the meaning of “incremental security risks” should be clarified i.e. incremental to what?</p> <p>In paragraph 11.2.6 (a), insert “of that determination” after “Request”.</p> <p>Paragraph 11.2.7 should end “...pursuant to this paragraph 11”.</p> <p>In paragraph 11.2.9, replace “the disclosure rationale” with “the rationale for reaching those determinations”</p> <p>In paragraph 11.2.10, between “Requests” and “during” insert “in respect of which determinations were issued”.</p> <p>In paragraph 11.3.1, replace “requested the disclosure of BSC Data” with “made a BSC Data Request”.</p>
Power Data Associates	Yes	No comment provided
Stark	Yes	As per workgroup discussions
Western Power Distribution	Yes	We agree that the draft legal text delivers the intention of P398.

Question 5: In particular, the Workgroup would like to know if you agree that the text in BSC Section H 11.2.1(a) gives sufficient clarity on what is considered to be BSC Data and therefore what can be published?

Summary

Yes	No	Neutral/No Comment	Other
5	2	2	0

Responses

Respondent	Response	Rationale
AIMDA	Neutral	No comment provided
Arenko Group	Yes	No comment provided
IMServ	No	<p>The text states:</p> <p>"(a) "BSC Data" means data or information that is received, produced or sent by or on behalf of Parties under the Code (including, for the avoidance of doubt, by BSC Agents and Party Agents) for the purposes of Settlement but excluding any data or information that the Code explicitly identifies as confidential;"</p> <p>We do not believe that this provides sufficient clarity regarding the data held by a Party Agent unless it is intended to mean all data that enables the agent to perform its obligations, from meter technical information, site specific information through to consumption data. If this is the intention then the scope of this proposal has significantly extended into areas that could affect both Parties and Party Agents commercially and this should be explicitly highlighted and openly debated, as each respondent to this consultation may respond based on a different interpretation.</p> <p>Irrespective of what is intended, this definition also appears to be in conflict with the provisions of Section L which defines data ownership. This section notes that energy supplier (or "Registrant") is the owner of data collected from a metering system during the period of their appointment for settlement purposes (Section L – Metering) (Section L-5.1.1). The Registrant determines who is permitted to access or process the settlement data during the period of their appointment, subject to a broad obligation to ensure that data use is in</p>

Respondent	Response	Rationale
		accordance with the purpose of the BSC (Section L-5.1.3).
LCCC	Yes	The definition in draft BSC Section H 11.2.1(a) is sufficiently wide.
NGESO	No	It is not clear if/that this includes Code Subsidiary Documents.
Northern Powergrid	Neutral	No comment provided
Power Data Associates	Yes	No comment provided
Stark	Yes	As discussed by working group, it is important that text sufficient to identify what is being considered as data by BSC for purposes of these requests so agree that the text in BSC Section H 11.2.1.(a) provides a sufficient definition of BSC data.
Western Power Distribution	Yes	We agree that that the text in BSC Section H 11.2.1(a) provides sufficient clarity on what is considered to be BSC Data and therefore what can be published.

Question 6: Do you agree with the Workgroup's assessment of the impact on the BSC Settlement Risks?

Summary

Yes	No	Neutral/No Comment	Other
7	0	2	0

Responses

Respondent	Response	Rationale
AIMDA	Neutral	No comment provided
Arenko Group	Yes	No comment provided
IMServ	Yes	No comment provided
LCCC	Neutral	No comment provided
NGESO	Yes	Agree that Existing BSC Settlement Risks are not expected to be impacted
Northern Powergrid	Yes	No comment provided
Power Data Associates	Yes	No comment provided
Stark	Yes	Currently registered risks not impacted, however monitoring by relevant BSC committees will act as assurance.
Western Power Distribution	Yes	No comment provided

Question 7: Will P398 impact your organisation?

Summary

Yes	No	Neutral/No Comment	Other
5	2	2	0

Responses

Respondent	Response	Rationale
AIMDA	Neutral	No comment provided
Arenko Group	Yes	We expect that P398 will result in data becoming available that would not otherwise, the analysis of which may help us further our business goals.
IMServ	Yes	As a Party Agent we would need to support the possibility of providing data to BSCCo
LCCC	No	No comment provided
NGESO	Yes	Supporting activities related to data requests (post implementation).
Northern Powergrid	Neutral	No comment provided
Power Data Associates	Yes	It may provide the opportunity to access data which is currently not available.
Stark	No	No direct impact required for implementation.
Western Power Distribution	Yes	Impact will be minimal and restricted to receiving and responding to a data request consultation.

Question 8: Will your organisation incur any costs in implementing P398?

Summary

Yes	No	Neutral/No Comment	Other
3	5	1	0

Responses

Respondent	Response	Rationale
AIMDA	Yes	There are no direct costs to implement P398 within the AIMDA membership, but there is concern about cost recovery for individual data requests. Currently there is no mechanism for the local costs of BSC Party Agents to fulfil data requests to be charged to ELEXON. P398 should be extended to introduce such a mechanism, so that all costs of delivering data access requests for the "greater good" can be recovered.
Arenko Group	No	We do not anticipate incurring any costs.
IMServ	Yes	Implementing this modification itself will not engender any significant costs. However, if we are required to provide data to support a request, costs will be incurred. How these costs are to be recovered is unclear to us. Is it intended that the requester bears the full amount of these costs and that any costs incurred by an Agent would be recoverable from BSCCo?
LCCC	No	No comment provided
NGESO	No	No costs in implementing
Northern Powergrid	Neutral	No comment provided
Power Data Associates	No	No comment provided
Stark	No	No comment provided
Western Power Distribution	Yes	Costs will be minimal and restricted to receiving and providing resource to consider and respond to a data request consultation albeit a non-response will be construed as consent.

Question 9: How long (from the point of approval) would you need to implement P398?

Responses

Respondent	Response
AIMDA	No comment provided
Arenko Group	No activity on our part anticipated.
IMServ	1 month
LCCC	No comment provided
NGESO	N/A
Northern Powergrid	No comment provided
Power Data Associates	Nil
Stark	N/A
Western Power Distribution	No lead time required

Question 10: Do you agree with the Workgroup's assessment that P398 does/does not impact the European Electricity Balancing Guideline (EBGL) Article 18 terms and conditions held within the BSC?

Summary

Yes	No	Neutral/No Comment	Other
5	0	4	0

Responses

Respondent	Response	Rationale
AIMDA	Neutral	No comment provided
Arenko Group	Yes	We agree that the proposed changes will facilitate improved transparency as per as per EBGL Art 3 (2)(b).
IMServ	Neutral	No comment provided
LCCC	Neutral	No comment provided
NGESO	Yes	No comment provided
Northern Powergrid	Yes	No comment provided
Power Data Associates	Neutral	No comment provided
Stark	Yes	No comment provided
Western Power Distribution	Yes	We agree with the workgroups assessment that these changes will facilitate the EBGL objective as per EBGL Art 3(2)9B) regarding transparency

Question 11: Do you have any comments on the impact of P398 on the EBGL objectives?

Summary

Yes	No	Neutral/No Comment	Other
0	4	5	0

Responses

Respondent	Response	Rationale
AIMDA	Neutral	No comment provided
Arenko Group	Neutral	No comment provided
IMServ	Neutral	No comment provided
LCCC	Neutral	No comment provided
NGESO	No	No comment provided
Northern Powergrid	No	No comment provided
Power Data Associates	Neutral	No comment provided
Stark	No	No comment provided
Western Power Distribution	No	No comment provided

Question 12: Do you agree with the Workgroup's recommended Implementation Date?

Summary

Yes	No	Neutral/No Comment	Other
6	0	3	0

Responses

Respondent	Response	Rationale
AIMDA	Neutral	No comment provided
Arenko Group	Neutral	No comment provided
IMServ	Yes	No comment provided
LCCC	Neutral	No comment provided
NGESO	Yes	We do not see any issues with the proposed date.
Northern Powergrid	Yes	No comment provided
Power Data Associates	Yes	No comment provided
Stark	Yes	As discussed by the workgroup
Western Power Distribution	Yes	No comment provided

Question 13: Do you agree with the Workgroup's initial unanimous view that P398 does better facilitate the Applicable BSC Objectives than the current baseline?

Summary

Yes	No	Neutral/No Comment	Other
7	0	2	0

Responses

Respondent	Response	Rationale
AIMDA	Neutral	No comment provided
Arenko Group	Yes	The proposed changes support objectives (b) and (c). By improving the availability of data, BSC parties may be able to improve their business strategies and decisions based on more complete knowledge of the market. In doing so, they may be able to operate more efficiently, supporting objective (b). New market entrants may also be able to use the data to enable as-yet-unexplored business models and ways of working, thereby improving competition, supporting objective (c).
IMServ	Neutral	No view
LCCC	Yes	With reference to BSC Objective (c) "Promoting effective competition in the generation and supply of electricity and (so far as consistent therewith) promoting such competition in the sale and purchase of electricity" we believe that data openness will encourage new participants into the energy industry with new, innovative ideas that will improve competition and efficiencies and, in turn, drive down consumer costs.
NGESO	Yes	No comment provided
Northern Powergrid	Yes	No comment provided
Power Data Associates	Yes	No comment provided
Stark	Yes	As discussed in workgroup P398 does better facilitate the Applicable BSC Objectives than current baseline; adopting the principle of assuming that all BSC data is open will potentially encourage innovative reporting use of the data that is available.

Respondent	Response	Rationale
		<p>There are also currently mechanisms for releasing data & standard some data reports which have been given increased visibility & accessibility.</p> <p>It could be expected that requests for data add to this catalogue with positive effect; whilst the volume cannot initially be anticipated & as such initial benefits to efficiencies difficult to quantify, removal of some real or perceived barriers should be seen as facilitation of efficiencies.</p>
Western Power Distribution	Yes	We agree that P398 better facilitates Applicable BSC Objective C and have a positive effect on competition and supply of electricity.

Question 14: Do you agree with the majority Workgroup view that P398 should not be a Self-Governance Modification?

Summary

Yes	No	Neutral/No Comment	Other
8	0	1	0

Responses

Respondent	Response	Rationale
AIMDA	Neutral	No comment provided
Arenko Group	Yes	We agree that it will have a material impact on market competition and should be referred to the regulator.
IMServ	Yes	No comment provided
LCCC	Yes	LCCC&ESC believe that this modification should be under the governance of the Authority as open data will have a whole-market impact which is greater than the BSC Panel's remit and should be considered in the round. Therefore, we see it as appropriate that any amendments to this modification be approved by the Authority.
NGESO	Yes	Agree that P398 should have a material impact on competition, consumers and the market and as such, should be sent to Ofgem
Northern Powergrid	Yes	No comment provided
Power Data Associates	Yes	It should go to Ofgem for determination
Stark	Yes	No comment provided
Western Power Distribution	Yes	No comment provided

Question 15: Do you have any further comments on P398?

Summary

Yes	No
5	4

Responses

Respondent	Response	Comments
AIMDA	Yes	As befits the concept of Open Data, P398 is very open in its principles. AIMDA believes that it is too open and worries that the mechanism could be misused as a means of obtaining valuable data and information, some of which may be commercially sensitive, at zero cost to the data requester. This might be of substantial commercial benefit to the data requester and funded by the rest of the industry
Arenko Group	Yes	We support the recommendations made by the Energy Data Task Force and are pleased that the Panel and BSC Co. have moved quickly to make the needed changes and improvements.
IMServ	Yes	It is highly likely that we will be unable to provide information to BSCCo since contractually we are bound by confidentiality requirements. We would also not be prepared to provide information as a free service and would look to recover any costs incurred.
LCCC	No	No comment provided
NGESO	Yes	We fully support the EDTF recommendations and believe amending the BSC so that all data is assumed open is an important step in achieving the principle that energy system data should be presumed open.
Northern Powergrid	No	No comment provided
Power Data Associates	Yes	Welcome the move by the Panel to make data more transparent.
Stark	No	No comment provided
Western Power Distribution	No	No comment provided