
TYPE & NUMBER	EL02864
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Date	9 August 2018
To	BSC Parties
From	BSC Panel
Purpose	For information

Defaulting Party under the BSC – Electraphase Limited

This document sets out the resolutions made by the BSC Panel in relation to Electraphase Limited (company number 09485442) ('the Defaulting Party') under Section H3.2.1 of the Balancing and Settlement Code ('BSC'). Provision of a copy of this document to a BSC Party shall constitute notification to that BSC Party of the decisions of the Panel, and shall also constitute notification to that BSC Party of the Default pursuant to BSC H3.2.1(a).

In accordance with the provisions of the BSC a meeting of the Panel was convened at **10.00 on 9 August 2018**.

The Panel heard from the Defaulting Party and its Administrators and they confirmed that they were aware of the reasons why the Panel had been convened and the actions that were available to the Panel.

The Panel **NOTED** that the Defaulting Party is in Default under Section H3.1.1(g)(i) and (iv) of the BSC in that the Defaulting Party has had an administrator appointed H3.1.1(g)(iv) and because the appointment of an administrator is an implicit admission that the Defaulting Party is unable to pay its debts as they fall due H3.1.1(g)(i).

The Panel considered this matter and, having regard to its objectives under Section B1.2.1 and to its other obligations under the BSC, **RESOLVED** as follows:

- (a) Pursuant to Sections H3.2.1(b) and H3.2.2(a) to:
 - (i) suspend with effect on and from the commencement of Settlement Period 1 (00:00) on 10 August 2018 the right of the Defaulting Party to submit (or have submitted on its behalf) Energy Contract Volume Notifications under Section P of the BSC; and/or
 - (ii) disapply (for the purposes of Settlement) with effect on and from the commencement of Settlement Period 1 (00:00) on 10 August 2018 that part of all Energy Contract Volume Notifications submitted (at whatever time) by or on behalf of the Defaulting Party which relate to the period commencing on and continuing after Settlement Period 1 (00:00) on 10 August 2018.
- (b) Pursuant to Sections H3.2.1(b) and H3.2.2(b) to:
 - (i) suspend with effect on and from the commencement of Settlement Period 1 (00:00) on **10 August 2018** the right of the Defaulting Party to submit (or have submitted on its behalf) Metered Volume Reallocation Notifications under Section P of the BSC; and/or
 - (ii) disapply (for the purposes of Settlement) with effect on and from the commencement of Settlement Period 1 (00:00) on **10 August 2018** that part of all Metered Volume Reallocation Notifications submitted (at whatever time) by the Defaulting Party or on its behalf which relate to the period commencing on and continuing after Settlement Period 1 (00:00) on **10 August 2018**.
- (c) Pursuant to Sections H3.2.1 (b) and H3.2.2 (e), to suspend, subject to approval by the Authority, the right of the Defaulting Party to register further Metering Systems and BM Units.
- (d) Pursuant to Section H3.2.1(f), to notify the Funds Administration Agent on behalf of the BSC Clearer to treat the Defaulting Party as a Defaulting Party for the purposes of Section N of the BSC.

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- (e) Pursuant to Sections H3.2.1 (b) and H3.2.2 (g), to suspend with immediate effect the right of the Defaulting Party to vote pursuant to Annex B-2 of the BSC.
- (f) To notify the Defaulting Party and, pursuant to Section H3.2.1(a), each other BSC Party of the Default.

ELEXON shall continue to closely monitor and review the situation concerning the Defaulting Party (including its effect on other BSC Parties).

The Panel noted that nothing in these Resolutions should be taken as preventing it from deciding at any time to take any further, additional, different or other steps under Section H3.2.1 of the BSC in relation to the Defaulting Party.

For more information, please contact market.operations@elexon.co.uk.