

# Decision

## Decision on Capacity Market change proposals CP368, CP369 and CP373

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This document sets out our decisions regarding the implementation of Capacity Market Rules proposals discussed in our Statutory Consultation on Capacity Market Rules change proposals, published in November 2023. Having considered and taken account of stakeholder feedback received in response to our Statutory Consultation, we have decided to progress all our proposed Rule amendments.

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## 1. Introduction

### Background to this Decision Letter

The Capacity Market (CM) is governed by secondary legislation through a combination of the Electricity Capacity Regulations 2014<sup>1</sup> (the CM Regulations) and the Capacity Market Rules<sup>2</sup> (the CM Rules). The CM Rules provide the detail for implementing much of the Capacity Market operating framework set out in the CM Regulations. Ofgem, in our role as the Authority, share responsibility for the CM Rules with the Secretary of State and we are granted the power to amend, add to, revoke, or substitute any provision of the CM Rules under Regulation 77.<sup>3</sup>

In the past, we have typically published a single annual call for input on our website for proposed changes to the CM Rules, followed by a single statutory consultation for those we decide to take forward then a final decision on the proposed rule changes, with justification for the decisions and an updated CM Rules text.

While this system progressed a number of CM rule change proposals, feedback from stakeholders cautioned that it did not provide much opportunity for development and dialogue around CM rule change proposals before they were submitted to Ofgem. It also did not allow for a back-and-forth approach to developing CM rule changes without going through several annual cycles of submissions and rejections.

To improve upon this, Ofgem first proposed the Capacity Market Advisory Group (CMAG) in our Five-Year Review of the CM Rules<sup>4</sup> on 16 April 2019. Our intention by establishing CMAG was to ensure that there was a forum for industry to develop, scrutinise and prioritise proposals to improve the CM Rules. We expected CMAG to be a route to establish industry's priorities for CM rule changes and to facilitate industry participants to collaborate effectively to identify the most beneficial changes.

CMAG has now been operating since November 2022, with Elexon acting as the secretariat, and it has provided a platform for industry participants and delivery partners to meet and

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<sup>1</sup> [The Electricity Capacity Regulations 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

<sup>2</sup> [Informal Consolidated Version of the Capacity Market Rules July 2023 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

<sup>3</sup> [Regulation 77 of The Electricity Capacity Regulations 2014](https://www.legislation.gov.uk)

<sup>4</sup> [Five Year Review of the Capacity Market Rules \(ofgem.gov.uk\)](https://www.ofgem.gov.uk)

discuss issues and opportunities in the CM and evaluate potential CM rule changes in a forum that emphasises transparency and collaboration.

After the conception of CMAG, Ofgem published a statutory consultation in November 2023<sup>5</sup> which represented the first CM rule change proposals that went through this new CMAG process, and the details of the CMAG discussion were included in the description of each of the proposed Rule Changes. This decision letter sets out the decisions taken on the proposals presented in that statutory consultation.

## Capacity Market Rules proposals we are deciding on

This decision document provides policy backgrounds to three different rule change proposals in the Capacity Market.

- CP368– Capacity Volume Register (CVR) Publication Deadline<sup>6</sup>
- CP369– Secondary Trading with Capacity Market Unit (CMU) Metering Aggregation Rules<sup>7</sup>
- CP373– Aggregation, Metering and Demand Side Response Component Reallocation process transfer from Delivery Body to Settlement Body<sup>8</sup>

We have provided the background for each of these CM rule change proposals, including our minded-to position to provide context. We have also included the responses we received from stakeholders on each question along with our final decision on each change proposal.

We have also included the amendments to the legal text for each of the change proposals in Annex A. Additionally, Annex B includes a flow chart explaining the Factual Inaccuracy Appeals process. Finally, Annex C includes information on submitting rule change proposals to CMAG.

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<sup>5</sup> [Statutory Consultation on Capacity Market Rule change proposals CP368, CP369 and CP373 \(ofgem.gov.uk\)](https://www.ofgem.gov.uk/statutory-consultation-on-capacity-market-rule-change-proposals-cp368-cp369-and-cp373)

<sup>6</sup> [CVR Publication and CMVRN Submission Deadline - Elexon CMAG](#)

<sup>7</sup> [Secondary Trading with CMU Metering Aggregation Rules - Elexon CMAG](#)

<sup>8</sup> [Process Transfer from EMR Delivery Body to CM Settlement Body - Elexon CMAG](#)

## 2. CP368 – Capacity Volume Register (CVR) Publication Deadline

### Section summary

In this section we outline the policy background of CP368, which proposes to move the CVR publication deadline from 17:00 to 17:30. We also provide our minded-to position, stakeholder feedback and our final decision to proceed with this change proposal.

### Background

CM rule change CP368 was proposed by the Electricity Settlement Company (ESC)<sup>9</sup> on 23 November 2022. This Change Proposal seeks to increase the Capacity Volume Register (CVR) publication deadline by 30 minutes (from 17:00 to 17:30), to account for the time required to process Capacity Market Volume Registration Notification (CMVRN) submissions received by the Low Carbon Contracts Company (LCCC)/Electricity Settlements Company (ESC).

Participants in the Capacity Market can reallocate excess capacity arising from the over-delivery of capacity during a System Stress Event, to other CM participants who have under-delivered during this event. The aim is to incentivise delivery and support the respective flow of payments. This short-term trading measure is known as Volume Reallocation.

Volume Reallocation involves a CMVR (Capacity Market Volume Reallocation) registered participant submitting a file (for positive volume) for the CMU which is trading away excess volume (the 'transferor'), and an equal but opposite file (for negative volume) being submitted by the owner of the CMU receiving the volume (the 'transferee'). These files are known as Capacity Market Volume Reallocation Notifications (CMVRNs).

In the case of a System Stress Event, the ESC is required to manage this Volume Reallocation using a Capacity Volume Register (CVR). The CVR is published to provide information on each CMU's performance in relation to its obligation. The CVR must include the most recent data

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<sup>9</sup> The ESC is responsible for financial transactions relating to the energy Capacity Market, including making capacity payments to capacity providers, controlling collateral, and managing auction bid bonds

provided to the Capacity Market Settlement Body (CMSB)<sup>10</sup> via CMVRN submissions by CM participants.

Rule 10.5.1 requires the Capacity Market Settlement Body to publish the CVR at 17:00, 10 working days after the end of a month where a System Stress Event has occurred. The CVR also must be re-published every day thereafter from WD11 to WD19 after the end of a month where a System Stress Event has occurred.

The intent of Rule 10.5.1 is to allow CMVRN submissions to continue up to 17:00. However, to generate and publish the CVR at 17:00, the ESC needs 30 minutes to process the submissions, run calculations, carry out final sign offs and publish. Thus, the proposer of CP368 believes that, in practice, the last submissions incorporated in the register are those submitted by 16:30.

Rule 10.2.4 states that all submissions up to 17:00 are valid for that day.<sup>11</sup> A low-risk approach for ESC is to be compliant with both rules, but this results in the CVR being out-of-date as soon as its published. This is because it will not include the last 30 minutes of trades while system trades have been accepted in the “back-end”.

Therefore, CP368 proposes to amend Rule 10.5.1 to allow an extension of 30 minutes to the CVR publication time, proposing a new time of 17:30, to account for the additional time required by ESC for calculating and processing the CVR prior to publishing.

## Minded-to position

We outlined our minded-to position regarding CP368 in our November 2023 Statutory Consultation. Taking into consideration the discussion by the industry through CMAG, we were minded to take this proposal forward, and we agreed with both the proposer and CMAG on their views about the impact of CP368 on Ofgem’s principal objective, CM rule change objectives, and expected costs. We agreed with the CMAG view that CP368 will positively impact the efficient operation and administration of the CM. Additionally, we expected the change proposal to have a neutral impact on Ofgem’s Principal Objective. We also agreed that CP368 would not have any enduring costs on CM participants. Finally, we agreed that

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<sup>10</sup> [Home - Low Carbon Contracts](#)

<sup>11</sup> [Refer to Rule 1.4](#)

the benefits to the parties through this change proposal would be sufficiently minor that they would be unlikely to impact any investment decisions.

## **Consultation questions and stakeholder feedback**

### **Question 1: Do you agree with the proposal to move the CVR publication deadline from 17:00 to 17:30?**

A significant majority of stakeholders agreed with the proposal to move the CVR publication deadline from 17:00 to 17:30.

Two stakeholders suggested that this move improves the completeness and accuracy of the data and reflects all CMVR submissions up to and including submission made close to 17:00.

Highlighting that this change proposal focuses on the issue that Volume Reallocation trades completed in the final 30 minutes of that day's notification window cannot practically be published by the ESC until the following day's CVR, one stakeholder supports this rule change to extend the CVR publication deadline to 17:30. They also added that this change will improve the transparency of data and facilitate efficient volume reallocation.

### **Question 2: Do you have any comments on the specific changes to the legal text of the CM Rules proposed in Annex A?**

None of the stakeholders had any comments on the specific changes to the legal text of the CM Rules proposed in Annex A.

### **Question 3: Do you foresee any unintended consequences as a result of implementing this proposal?**

No stakeholder identified any unintended consequences as a result of implementing this proposal.

### **Additional comments from Stakeholders**

There were no additional comments by any stakeholders.



## **Decision**

We have decided to proceed with CP368 which proposes to amend Rule 10.5.1 to allow an extension of 30 minutes to the CVR publication time, proposing a new time of 17:30, to account for the additional time required by ESC for calculating and processing the CVR prior to publishing. The specific changes to the legal text can be found in Annex A.

### 3. CP369 – Secondary Trading with Capacity Market Unit Metering Aggregation Rules

#### Section summary

In this section we outline the policy background of CP369, which proposes to include an additional control point for Secondary Trades that require aggregation rules to be fully set up. We also provide our minded-to position, stakeholder feedback and our final decision to proceed with this change proposal.

#### Background

CM rule change CP369 was proposed by the Electricity Settlement Company on 1 December 2022. If Capacity Market Units (CMUs) secondary trade without setting up metering aggregation rules, the ESC would automatically produce the maximum penalty charge as part of the penalties process due to there being no associated metering data for the CMU. This Change Proposal would require Capacity Providers to fully set up meter aggregation rules prior to registering a secondary trade.

Capacity Market Units (CMUs) can consist of individual or multiple components that can be configured with a wide variety of different metering arrangements. To determine the CMU Metered Volume - the net amount of energy (imported or exported) to the Transmission System or Distribution Network by a CMU over a Settlement Period - meter aggregation rules are required by the Capacity Provider. The CMU Meter Aggregation Rules<sup>12</sup> are a set of algebraic equations that determine how the import or export of electricity associated with a CMU should be calculated in a System Stress Event. CMU Meter aggregation Rules are also used in Satisfactory Performance Day (SPD) testing, Extended Performance (EP) Testing and Demand Side Response (DSR) testing.

Currently, Capacity Providers can secondary trade without setting up meter aggregation rules in advance. If a System Stress Event were to occur before aggregation rules for a CMU had been approved by the Capacity Market Settlement Body (CMSB), it would not be possible to

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<sup>12</sup> [Refer to page number 3 of 11](#)

calculate the metered volume. This is because there is no way of accurately measuring the volume of energy that is being delivered to the Transmission System or Distribution Network system for each relevant Settlement Period during the System Stress Event. If this were to occur, Capacity Providers would be unable to demonstrate that they had met their capacity obligation and would therefore be charged the maximum penalty amount. This could potentially mean that Capacity Providers are charged significant sums (between £1,000 and £10,000,000 depending on the size of the capacity agreement and the duration of the System Stress Event(s)) with no way to retrospectively correct the penalty payment.

Additionally, since the provision of approved meter aggregation rules is key to demonstrating that the Capacity Provider can meet their Capacity Obligation, in the event of a System Stress Event, if the Capacity Provider does not have approved aggregation rules in place prior to the Delivery Year or before accepting a secondary trade, capacity payments to providers may be suspended by the Settlement Body. This could have a material impact on capacity providers who were expecting payments. The payment suspension may not be immediately visible, as payments lag two months behind the collection mechanism.

CP369 proposes to insert a requirement that, if secondary trading is submitted to the EMR Delivery Body after a T-1 auction but before the start of the Delivery Year, the meter aggregation rules must be set up for the transferee CMU 5 working days before the start of a Delivery Year. Additionally, CP369 recommends inserting a requirement that if secondary trading is submitted to the EMR Delivery Body within a Delivery Year or one month prior to the start of the Delivery Year, meter aggregation rules must be set up for the transferee CMU before submitting the transfer to the EMR Delivery Body for registration.

## **Minded-to position**

We published our minded-to position regarding CP369 in our November 2023 Statutory Consultation. Taking into consideration the discussion by industry through CMAG, we were minded to take this proposal forward and agreed with both the proposer and CMAG on their views about the impact of CP369 on Ofgem's Principal Objective, CM rule change Objective, and expected costs. We agreed that CP369 reduces the administrative burden on the Settlement Body / EMR Delivery Body in the approval of meter aggregation rules. Additionally, we expected that this change proposal will neutrally impact Ofgem's Principal Objective and the investment in capacity to ensure security of electricity supply. Finally, we did not identify any costs associated with the implementation of this rule change.

## Consultation questions and stakeholder feedback

### **Question 4: Do you agree with the expected positive impacts of CP369 on CM participants?**

A significant majority of stakeholders agreed with the expected positive impacts of CP369 on CM participants.

One stakeholder stated that this is a sensible step to ensure that there is no delay in capacity payments, and another suggested that requiring Secondary Trading Recipients to submit metering aggregation rules will improve delivery assurance.

Two stakeholders suggested that ensuring that meter aggregation rules are in place ahead of the transfer of the contracted capacity will mitigate the risk of not receiving payment by transferees and avoiding the maximum penalty rate in the case of a stress event.

Although one stakeholder was generally supportive of this change, they suggested that it would be helpful to get some clarity as to how these changes will impact certain circumstances:

- a) What are the sanctions for not having the metering details agreed 5 Working Days (Working days) ahead of the Delivery Year (DY)?
- b) What happens in a situation within which the transfer has not been confirmed 5 Working days ahead of the Delivery Year starting?

*Our response: In the case of a CMU Transferee to which a Capacity Obligation transfer is to be registered prior to the Delivery Year, if they fail to have their meter aggregation rules approved 5 Working Days ahead of the Delivery Year, capacity payments may be suspended by the Settlement Body until meter aggregation rules are approved. If a transfer takes place less than one month before the start of the Delivery Year, meter aggregation rules are required to be in place before the transfer will be registered.*

### **Question 5: Do you have any comments on the specific changes to the legal text of the CM Rules proposed in Annex A?**

A significant majority of stakeholders did not have any comments on the specific changes to the legal text of the CM Rules proposed in Annex A.

With respect to the amendments in chapter 8, one stakeholder raised a question regarding whose responsibility it is to ensure the metering solution is in place – the transferee, EMR Delivery Body, Capacity Market Settlement Body or Low Carbon Contracts Company.

*Our response: The responsibility under chapter 8 falls to the transferee, who may or may not be the capacity provider at that time. All Acceptable Transferee requirements are obligations on the Transferee and must be in place before a transfer is submitted to the Delivery Body. The Metering Solution assessment will be the responsibility of the Settlement Body and they have committed to publishing SLAs for the assessment. The Settlement Body will confirm that meter aggregation rules have been approved.*

**Question 6: Do you foresee any unintended consequences as a result of implementing this proposal?**

A significant majority of stakeholders do not foresee any unintended consequences as a result of implementing this proposal.

One stakeholder stated that this proposed update to the Capacity Market Rules would ensure that parties that need to submit meter aggregation rules have done so prior to taking on any capacity market trade. They agreed that this is a sensible additional step to ensure that there is no delay in capacity payments.

Another stakeholder raised concerns that the implementation of this change proposal might serve to further restrict the window in which secondary trading is carried out.

*Our response: Although this change proposal adds an additional step for capacity providers who wish to secondary trade within the Delivery Year or less than a month before the start of the Delivery Year, it does not apply to secondary trades that take place before this point, which are only required to have their meter aggregation rules in place 5 Working Days before the start of the Delivery Year. We view the additional step as a necessary assurance that capacity providers can demonstrate that they are meeting their capacity obligation.*

Lastly, one stakeholder stated that they were unsure if the proposed drafting of 9.2.5 (ba)(i) clarified that the intention of the proposer and CMAG was to still allow transfers of capacity to be approved before the metering aggregation rules were in place where the transfer is prior to the Delivery Year. They stated that the current drafting of the Rules could suggest that trade will not be effective if the Capacity Provider does not put an Approved Metering Solution in place and so the obligation will revert to the transferor. This could be a significant

unintended consequence and will reduce the certainty of any transfer and could potentially dissuade trades.

*Our response: Our decision document has made amendments to 9.2.5(ba)(i) and 9.2.5(ba)(ii) which clarifies this concern. The legal text is included in Annex A. The text changes state that if Capacity Obligation transfer is to be registered less than one month before the start of the Delivery Year or within the Delivery Year, the Transferee must set up meter aggregation rules in advance. However, if the Capacity Obligation transfer is to be registered more than one month before the start of the Delivery Year, the Transferee must set up meter aggregation rules 5 Working Days before the start of the Delivery Year.*

### **Additional comments from Stakeholders**

There were no additional comments by any stakeholders.

## **Decision**

We have considered all the stakeholder responses and decided to proceed with CP369 which proposes to insert a requirement for secondary trading that is submitted to the EMR Delivery Body after a T-1 auction but before the start of the Delivery Year, requiring that the meter aggregation rules must be set up for the transferee CMU 5 working days before the start of a Delivery Year. Our decision document includes amendments to Rule 8.3.3 and 9.2.5(ba) in Annex A.

## 4. CP373 – Aggregation, Metering and Demand Side Response Component reallocation process transfer from Delivery Body to Settlement Body

### Section summary

In this section we outline the policy background of CP373, which proposes the process transfers from the Delivery Body to the Settlement Body. We also provide our minded-to position, stakeholder feedback and our final decision to proceed with this change proposal.

### Background

CM rule change CP373 was proposed by the Electricity Market Reform – Delivery Body (EMR-DB) and Capacity Market Settlement Body (CMSB) on 8 August 2023. This Change Proposal seeks to transfer responsibilities from the Delivery Body to the Settlement Body for Metering Aggregation, Metering Test, Metering Assessment and DSR Component Reallocation.

Issues with the functionality and performance of the existing EMR Delivery Body Portal have been frequently highlighted by stakeholders and a new EMR Delivery Body portal has been a priority for several years. The EMR Delivery Body New Portal will replace the existing system on 17 June 2024. In progressing this project, the EMR Delivery Body and Capacity Market Settlement Body identified areas in the existing metering processes where the data owner is not currently the data controller. This proposal considers resolving this by moving data items from the Capacity Market Register (CMR) to a new Capacity Market Metering Register (CMMR).

The four core changes proposed by CP373 are as follows:

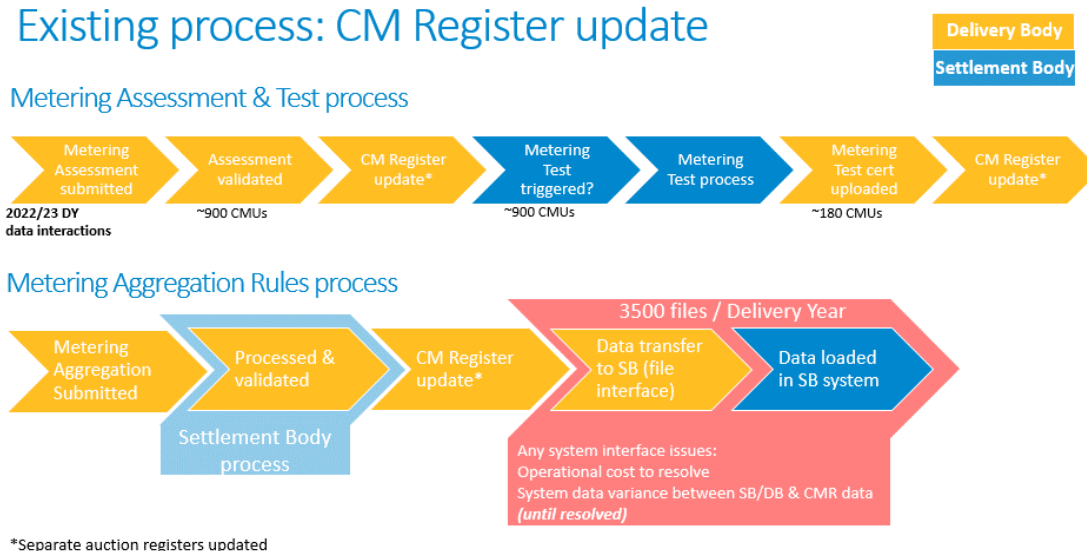
1. Simplify capacity provider obligations at Prequalification by extracting metering processes from the Prequalification process and moving them to a post-auction process for applicants/capacity providers to be provided directly to the Capacity Market Settlement Body. This includes metering information, Metering Arrangements, and relevant declarations.
2. Clarify within the CM Rules that Metering Arrangements are to be supplied and validated with the Capacity Market Settlement Body as a prerequisite to provision of relevant milestones. CP373 will amend the Rules to include confirmation of metering

status from the Capacity Market Settlement Body as prerequisites to the Substantial Completion Milestone, Secondary Trade Request, Location Change Request & DSR Test processes. All metering related information and processes will be validated with Capacity Market Settlement Body and will be required and checked prior to meeting delivery milestones.

3. Transfer the process of DSR Component Reallocation from the EMR Delivery Body to the Capacity Market Settlement Body, with requests issued to and validated by the Capacity Market Settlement Body to enable metering validation in line with Rule obligations. CP373 will clarify that the process owner for DSR Component Reallocation will be transferred from the EMR Delivery Body to Capacity Market Settlement Body.
4. Create a Capacity Market Metering Register. The Capacity Market Settlement Body will create and maintain a register of metering information. This will include Approved Metering Solution (including CM Aggregation Rules) for each component as well as for each CMU their Meter Point Asset Number (MPAN), Balancing Mechanism Unit (BMU) ID, Metering Assessment, Meter Test deadlines, Metering Assessment Responses, confirmation of Meter Test Certificate issue date and the status of DSR components.

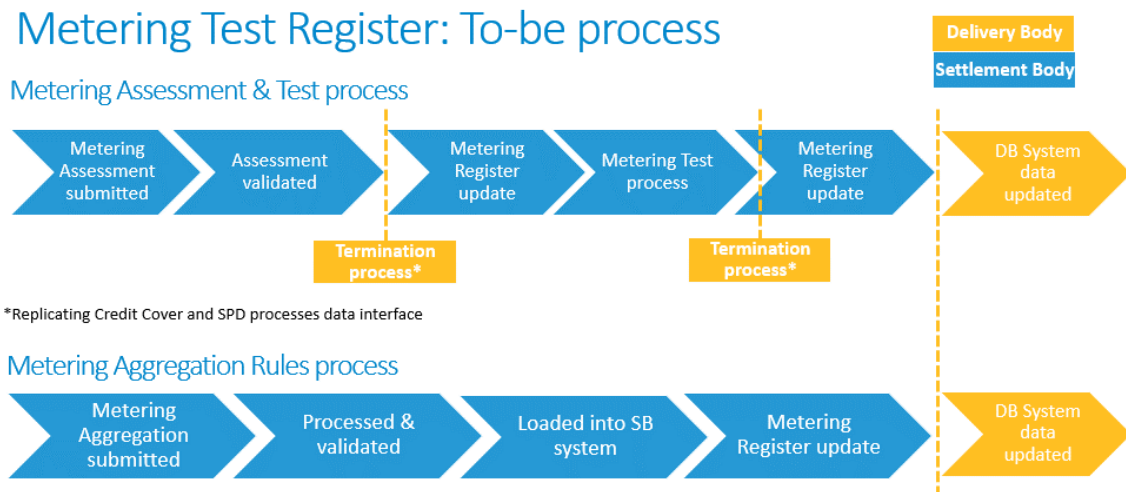
The November 2023 statutory consultation also proposed the removal of the requirement to submit Single Line Diagrams (SLD) as part of the metering assessment. The rules drafted in Annex A has removed the requirement for SLDs as the Settlement Body and Delivery Body do not audit these as part of their metering assessment.

## Existing process: CM Register update



**Figure 1: Current Capacity Market Register Process**





**Figure 2: Proposed Capacity Market Metering Register Process**

## Minded-to position

We published our minded-to position regarding CP373 in our November 2023 Statutory Consultation. Taking into consideration the discussion by industry through CMAG, we were minded to take this proposal forward and agreed with both NGESO and CMAG on their views about impact of CP373 on Ofgem’s Principal Objective, CM rule change Objectives, and expected costs. We expected this change proposal to positively impact the efficient operation and administration of the CM. Additionally, we agreed that CP373 has a neutral impact on both Ofgem’s Principal Objective and promoting investment in capacity to ensure security of electricity supply. Finally, we did not expect any additional enduring costs other than the implementation cost incurred to accommodate the use of the Capacity Market Metering Register.

## Consultation questions and stakeholder feedback

**Question 7: Do you agree this rule change supports the efficient operation and administration of the capacity market?**

A significant majority of stakeholders agreed that the rule change supports the efficient operation and administration of the capacity market. One stakeholder did not have any comment to this question.

One stakeholder supported this change because they believe there should be a separation between Prequalification and provision of metering details and, more fundamentally, a greater demarcation between the work of the Delivery Body and the Capacity Market Settlement Body. Whilst they saw only limited benefit in the publication of metering information, the introduction of a metering register would at least mean that the current detail available to participants and other interested parties continues to be available. They also stated that it made sense to remove the need for participants to provide Single Line Diagrams (SLDs) as neither the Delivery Body nor the Settlement Body is referring to these documents. Likewise, if any other documentation currently being submitted is not being reviewed, then the requirements around providing those should be amended. As a result this stakeholder considered that this change will reduce the risk of a unit failing Prequalification and having to enter the dispute process for all participants.

Another stakeholder agreed that removing metering details from the EMR Delivery Body administered process will improve customer participation within the Capacity Market by ensuring that the metering processes (which often requires input from assessors with technical knowledge of metering systems) are handled by EMR Settlement rather than the EMR Delivery Body.

Lastly, one stakeholder agreed that the proposed modification will simplify capacity provider obligations and will improve the overall process both for providers and Delivery Partners. Additionally, the proposed change will add clarity around Delivery Body and Settlement Body accountability, responsibilities, and metering process ownership.

**Question 8: Do you foresee any unintended consequences as a result of implementing this proposal?**

A majority of stakeholders did not identify any unintended consequences as a result of implementing this proposal.

One stakeholder stated that since the Settlement Body takes the majority of practical actions, this was a sensible approach to move all the processes to increase efficiency, and another stakeholder emphasised the need for a clear separation of the information required at

Prequalification such that anything involving metering should be the Settlement Body's responsibility.

Considering this proposal could impact Prequalification applications, one stakeholder suggested a few changes such as updating the EMR Delivery Body portal as soon as possible in order to remove the sections required to submit metering agreements, creating a separate section on portal to submit metering details, and rapid integration into existing processes. The stakeholder also raised a question on how historic performance will be validated for CMRS and non-CMRS Existing Distribution CMUs if MPAN/MSIDs are no longer provided at Prequalification.

*Our response: The EMR Delivery Body new portal will fully launch on 17<sup>th</sup> June 2024.*

*For CMRS, the applicant will continue to provide the relevant Balancing Mechanism Unit IDs to the Delivery Body as part of Prequalification, which will be used in the Prequalification assessment. For Non-CMRS the CM rules require relevant evidence to be provided by the Applicant, which will be assessed accordingly. There is therefore no requirement for MPAN/MSIDs to be provided to support this process.*

Lastly, one stakeholder highlighted the importance of having a clear and practical route for CM participants to get a timely and prompt reminder to submit the required metering data after Prequalification. They noted that the prolonged delays to the delivery of the CM portal mean that there is no single source of requirements and obligations that CM participants must meet at various stages of Prequalification and ahead of the delivery year. Without an efficient call to action or a clear channel of communication of the new requirement, there is a risk that some CM participants may miss the requirement to submit metering data under the new process. This may trigger unintended penalties and terminations.

*Our response: With the approval of CP373, the launch of the EMR Delivery Body new portal, Delivery Body and Settlement Body will have clear guidance and communication of the changes in process and roles and responsibilities. Normally the Settlement Body sends out communications post-auction to Capacity Providers to inform them of their responsibilities to setup for settlement which includes metering setup. Closer to agreement go-live, Settlement Body /Delivery Body have indicated their intention to hold a pre-Delivery Year webinar and issue communications to Capacity Providers to remind them of setup responsibilities.*

**Question 9: Do you think this rule change will impact the consumers within CM functions?**

One stakeholder suggested that this change proposal will have minimal impact within CM functions, and another stakeholder stated that they do not envisage any direct impact on consumers.

One stakeholder stated that this proposal will impact CM participants as it will make minor changes to the processes used for Prequalification, data submission, and the use of the CM register. However, they did not object to these changes as they believed it could result in a more efficient solution overall. They highlighted that the Settlement Body will provide updates via webinars or other industry forums; this engagement with CM participants will be important to ensure participants are prepared for the system changes and processes, and to identify any potential issues for users before the changes are fully implemented.

**Question 10: Do you have any comments on the specific changes to the legal text of the CM Rules proposed in Annex A?**

A significant majority of the stakeholders did not have any comments on the specific changes to the legal text of the CM Rules proposed in Annex A.

One stakeholder wanted to understand the need for Rule 3.11.2B given, by definition, there is no 'Delivery Year' for an opted-out unit.

*Our response: At present when a CMU submits an Opt-out Notification they are required to provide the MPAN for all relevant meters. These MPANs are used to ensure these meters are not used in other CMUs during the Delivery Year and for Settlement to be able to comply with Rule 3.11.3 i.e. inform the Delivery Body that a mandatory CMU opting out as non-operational but then delivering in the winter period is identified as a Retired CMU (which becomes an Excluded CMU). 3.11.2B moves this requirement to provide MPANs from the Delivery Body to the Settlement Body directly and it was seen as appropriate to give providers as long as possible to complete this obligation. The definition in the regulations has three parts and whilst (b) and (c) both relate to a capacity obligation/capacity agreement, part (a) refers to the auction.*

The stakeholder also wanted to understand how 8.3.3(ea) will work in practice. Their follow up question asked if 8.3.3(f) should state the trigger to which the "within 10 working days deadline" refers to.

*Our response: The trigger for the 10 Working Days deadline is having an agreement or registering as a CMVR. The CP should ensure metering setup "as soon as reasonably practical" and provide metering information which has not already been submitted. There will be sufficient guidance and direction for CPs to setup once they have an agreement and want to become a Secondary Trade entrant or CMVR registered. The Settlement Body will be monitoring and proactively chasing CPs to submit metering data. There are payment suspension mechanisms in place to suspend capacity payments if a CMU is not setup by Delivery Year start.*

**Question 11: Do you agree with the expected impacts of CP373 on CM participants?**

A significant majority of stakeholders agreed with the expected impacts of CP373 on CM participants.

One stakeholder expected this modification will simplify capacity provider obligations at Prequalification and provide clearer interface between Prequalification requirements and after Prequalification milestones.

Lastly, one stakeholder suggested that this rule change will have a positive impact on consumers primarily through improved accountability and alignment of processes, leading to enhanced customer experience and operational efficiency by Delivery Partners.

**Additional comments from Stakeholders**

There were no additional comments by any stakeholders.

## **Appeals process**

After the consultation process, it was highlighted that, in transferring all these processes from the Delivery Body to the Settlement Body, the standard process for challenging inaccurate information would shift from the standard Delivery Body process to the standard Settlement Body process. The following sets out the appeals process available to the capacity provider in the case of a factual inaccuracy in the Capacity Market Metering Register/CMMR:

If the capacity provider finds a factual inaccuracy in the Capacity Market Metering Register, they should inform the Settlement Body about the inaccuracy. The Settlement Body will assess the request and provide their decision within 5 working days. If the Settlement Body accepts the request, the Capacity Market Metering Register must be amended within 5

working days of receiving the request. If the Settlement Body does not accept the request, the capacity provider has the option to provide a representation to the Settlement Body on why they do not agree with the decision. This is followed by an assessment of the representation and evidence. If the Settlement Body accepts the request, the Capacity Market Metering Register is amended within 5 working days of raising the dispute. If the Settlement Body does not accept the request, the capacity provider has the option to submit for an Expert Determination as per the Expert Determination Procedure.<sup>13</sup> If the expert determines a factual inaccuracy, the Capacity Market Metering Register will be amended. If they do not determine any factual inaccuracy, no amendments will be made to the Capacity Market Metering Register.

More information about the Expert Determination Procedure is provided in Annex B.

## Decision

We have considered all the stakeholder responses and decided to proceed with CP373 which seeks to transfer responsibilities from the Delivery Body to the Settlement Body for Metering Aggregation, Metering Test, Metering Assessment and DSR Component Reallocation. Our decision document includes the legal text change in Annex A and information about the proposed appeals process available to capacity providers.

## Implementation

As part of this decision, Ofgem is aware that there is an approximate six-week transition period between the provision of the Delivery Body Processes and Settlement Body processes. During this period, the Settlement Body has stated that only business critical updates to aggregation rules will be processed, on a case-by-case basis. Changes which were undertaken during the transition phase will be committed and available to view only following deployment of the Settlement Body functionality at which point full end-to-end business processes as laid out in CP373 will be available.

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<sup>13</sup> [Informal Consolidated Version of the Capacity Market Rules July 2023 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1154442/Informal_Consolidated_Version_of_the_Capacity_Market_Rules_July_2023.pdf)

## **Annex A –Amendments to the Capacity Market Rules**

### **CP368 – CVR Publication Deadline**

#### 10.5 Information

10.5.1 By ~~5pm~~5.30pm on WD10, the CM Settlement Body must publish on the Capacity Volume Register, for each Settlement Period in the previous calendar month which was a System Stress Event and in respect of each CMU, using the most recent data provided to it under Regulation 35:

- (a) the energy delivered by CMU<sub>i</sub> in a given Settlement Period (E<sub>ij</sub>);
- (b) the Adjusted Load Following Capacity Obligation (ALFCO);
- (c) (if any) the Initial Over-Delivery Volume; and
- (d) (if any) the Initial Under-Delivery Volume.

10.5.2 The CM Settlement Body must determine the Aggregate Traded Capacity Market Volume and Adjusted E<sub>ij</sub> for each CMU and submit this data to the Capacity Volume Register no later than ~~5pm~~5.30pm on each Settlement Day from WD11 to WD19 inclusive.

## CP369 – Secondary Trading with CMU Metering Aggregation Rules

### 1. Amendments to Chapter 1: General Provisions

*Insert the following new definition:*

**CM Aggregation Rules**

for an Approved Metering Solution means the formula used to calculate relevant volumes for any Settlement Period

*Amend the following definitions:*

**Approved Metering Solution**

means:

- (a) a Metering Configuration Solution (including CM Aggregation Rules) approved by the CM Settlement Body which is an arrangement of Metering Equipment for:
  - ~~(a)(i)~~ a Generating Unit that is not a BM Unit;
  - ~~(b)(ii)~~ a DSR CMU Component that is not a BM Unit; ~~or~~
  - ~~(c)(iii)~~ a CMU that is a partial BM Unit; or
- (b) a Metering Configuration Solution in respect of a Generating Unit or DSR CMU Component where such Metering Configuration Solution is comprised of a BM Unit that is registered in the Central Meter Registration Service in accordance with the BSC and CM Aggregation Rules are in place

### 2. Amendments to Chapter 8:

*Amend paragraph 8.3.3 as follows:*

8.3.3 Metering

- (a) If an Existing Generating CMU, Existing Interconnector CMU, or a Proven DSR CMU is awarded a Capacity Agreement then, where the Capacity Provider made a declaration in the Application for that CMU in accordance with Rule 3.6.4(b), 3.6A.3(aa) or Rule 3.9.4(b) (as applicable), the Capacity Provider must provide detailed line diagrams showing electrical configurations and metering sites at which the Generating Units or DSR CMU Components (as applicable) are located (or in the case of an Existing Interconnector CMU provide detailed line diagrams showing the location at which the Interconnector CMU is metered) and complete a Metering Assessment with respect to that CMU by:
  - (i) no later than the date falling three years prior to the commencement of the Delivery Year in the case of an Existing CMU or a Proven DSR CMU that has been awarded a Capacity Agreement in a T-4 Auction; or
  - (ii) no later than the date falling six months prior to the



commencement of the Delivery Year in the case of an Existing CMU or a Proven DSR CMU that has been awarded a Capacity Agreement in any auction other than a T-4 Auction; or

- (iii) no later than the date falling four months after the auction in the case of the time period between the Delivery Year and the auction is less than eight months.
- (b) If an Unproven DSR CMU is awarded a Capacity Agreement then the Capacity Provider must complete a Metering Assessment with respect to that CMU.
- (ba) If a Prospective CMU is awarded a Capacity Agreement then the Capacity Provider must, as soon as reasonably practicable after the CMU becomes Operational, and in any event not later than the Long Stop Date:
  - (i) provide to the Delivery Body detailed line diagrams showing electrical configurations and metering sites at which the Generating Units are located or the location at which the Interconnector CMU is metered; and
  - (ii) complete a Metering Assessment in relation to the CMU.
- (c) Following the completion of a Metering Assessment pursuant to Rule 8.3.3(a), (b) or (ba), or 8.3.4(h)(i)(bb) (and following the completion of amendments made to a Metering Assessment, pursuant to Rules 3.6.4(d), 3.6A.3(c), 3.9.4(d), or 8.3.3(h) where applicable) the Delivery Body must:
  - (i) notify the relevant Capacity Provider whether or not, based on such Metering Assessment, the metering arrangements for such CMU will be subject to a Metering Test
  - (ii) send a copy of any completed Metering Assessment to the CM Settlement Body.
- (d) If:
  - (i) a Prospective CMU or an Unproven DSR CMU has been awarded a Capacity Agreement and the Delivery Body notifies the relevant Capacity Provider, pursuant to Rule 8.3.3(c)(i), that such CMU is subject to a Metering Test; or
  - (ii) an Existing CMU or a Proven DSR CMU has been awarded a Capacity Agreement and the Delivery Body notifies the relevant Capacity Provider, pursuant to Rule 8.3.3(c)(i), that such CMU is subject to a Metering Test

the Capacity Provider must provide a Metering Test Certificate with respect to that CMU by no later than the relevant date specified in Rule 8.3.3(e).

- (e) The date by which a Capacity Provider must provide a Metering Test Certificate where required to do so under Rule 8.3.3(d) is:

- (i) in the case of a Unproven DSR CMU, the date falling two weeks prior to the start of the relevant Delivery Year (or, if the Capacity Agreement is of a duration exceeding one Delivery Year, by the date falling two weeks before the commencement of the second Delivery Year of the Capacity Agreement);
  - (ii) in the case of an Existing CMU or a Proven DSR CMU that has been awarded a Capacity Agreement in a T-4 Auction, the date falling 18 months prior to the start of the first Delivery Year;
  - (iii) in the case of an Existing CMU or a Proven DSR CMU that has been awarded a Capacity Agreement in a T-1 Auction or where the time period between the Delivery Year and the auction is less than eight months, the date falling two weeks prior to the start of the first Delivery Year.
  - (iv) in the case of a Prospective CMU, as soon as reasonably practicable after the date on which the Capacity Provider receives notification under Rule 8.3.3 (d)(i), and in any event not later than the Long Stop Date; and
  - (v) In the case of a Proven DSR CMU that is adding components within a Delivery Year pursuant to Rule 8.3.4, within the period specified in accordance with Rule 8.3.4(h).
- (ea) In relation to any CMU for which a Capacity Provider has received a Capacity Agreement and has not made a declaration in accordance with Rule 3.6.4(b), 3.6A.3(aa) or Rule 3.9.4(b), the Capacity Provider must, for each Generating Unit or DSR CMU Component comprised in a CMU, or the Electricity Interconnector comprised in an Interconnector CMU, confirm to the Delivery Body that:
- (i) it complies with the Metering Configuration Solution requirements set out in the applicable Governing Documents; and
  - (ii) if applicable, the metering arrangements have not changed since the Metering Test was carried out by the CM Settlement Body.
- (f) A Capacity Provider or CMVR Registered Participant must:
- (i) ensure the accurate submission of information to the Delivery Body and the CM Settlement Body in meeting the requirements under Rule 3.6.4(a), Rule 3.6A.3(a) and Rule 13.3.2 as applicable;
  - (ii) notify the Delivery Body and the CM Settlement Body in advance of any proposed change to:
    - (aa) the metering configuration for any Generating Unit or DSR CMU Component, or any Interconnector CMU;
    - (bb) the arrangements specified in the information provided pursuant to Rule 3.4.3; or
    - (cc) the arrangements specified in the information provided pursuant to Rule 8.3.3(ea).

- (iii) obtain the prior confirmation of the CM Settlement Body that such proposed changes:
    - (aa) will meet the standards required at Prequalification; and
    - (bb) in the case of a DSR CMU or a DSR CMU Component, will not affect its ability to determine the Baseline Demand with accuracy on a Settlement Period basis;
  - (iv) in the case of a proposed change pursuant to paragraph (ii)(aa) above, obtain a Metering Test Certificate for the DSR CMU with the new metering configuration after the change has taken effect;
  - (v) if notified by a third party that the Metering Equipment is faulty and/or the Meter is recording inaccurate data, notify the CM Settlement Body within two Working Days of being notified by the third party and within five Working Days either:
    - (aa) correct the fault; or
    - (bb) submit a rectification plan to the CM Settlement Body setting out how and when the fault will be corrected;
  - (vi) ensure that all replacement Metering Equipment is installed and tested in accordance with the relevant Governing Documents;
  - (vii) ensure that all replacement Metering Equipment complies with the change procedures set out in the relevant Governing Documents and in the event the Delivery Body no longer operates a Relevant Balancing Service, the Capacity Provider or CMVR Registered Participant must amend the metering configuration to one of the other Metering Configuration Solutions; and
  - (viii) ensure the Metering Configuration Solution for each Generating Unit or DSR CMU Component, or for the Interconnector CMU, complies with any changes to the process for submitting meter data as requested by the CM Settlement Body.
- (g) In respect of a CMU that is a subset of a BM Unit, the Capacity Provider must:
- (i) divide the BM Unit into further BM Units that represent the output of the CMU; or
  - (ii) when confirming the Metering Configuration Solution under Rule 8.3.3(ea)(i) select the Bespoke Metering Configuration Solution to identify the output of the CMU.

For the purposes of the definition of the Bespoke Metering Configuration Solution, Schedule 7 has effect

- (h) A Capacity Provider may amend a Metering Assessment completed in compliance with Rules 8.3.3(a), 8.3.3(b), or 8.3.3(ba) provided that:
- (i) in the case of an Existing Generating CMU, Existing Interconnector CMU, or a Proven DSR CMU awarded a Capacity Agreement in a T-

- 4 Auction, any amendments are made by the earlier of:
- (aa) the earliest date the Capacity Provider provides any Metering Test Certificate; and
  - (bb) the date falling 18 months prior to the start of the first Delivery Year;
- (ii) in the case of an Existing Generating CMU, Existing Interconnector CMU, or a Proven DSR CMU awarded a Capacity Agreement in a T-1 Auction or where the time period between the Auction Results Day and the start of the Delivery Year is less than eight months, any amendments are made by the earlier of:
- (aa) the earliest date the Capacity Provider provides any Metering Test Certificate; and
  - (bb) the date falling two weeks prior to the start of the first Delivery Year.
- (iii) in the case of an Unproven DSR CMU any amendments are made by the earlier of:
- (aa) the earliest date the Capacity Provider provides any Metering Test Certificate; and
  - (bb) the date falling two weeks prior to the start of the relevant Delivery Year; ~~and~~
- (iv) in the case of a Prospective CMU any amendments are made by the earlier of:
- (aa) the earliest date the Capacity Provider provides any Metering Test Certificate; and
  - (bb) as soon as reasonably practicable after the date on which the Capacity Provider receives a notification under Rule 8.3.3 (d)(i), and in any event not later than the Long Stop Date; and

(i) In the case of a CMU Transferee to which a Capacity Obligation transfer is to be registered prior to the Delivery Year, the Transferee must evidence that an Approved Metering Solution is in place 5 Working Days prior to the start of the Delivery Year;

### **3. Amendments to Chapter 9: Transfer of Capacity Obligations**

*Amend paragraph 9.2.5 as follows:*

#### **9.2.5 Transfers of a Capacity Agreement:**

- (a) under Rule 9.2.4(a) can only be effected on the Capacity Market

Register after the T-1 Auction for the relevant Delivery Year has concluded (or, in the case of an SA Agreement, after 30th May 2017) and provided that:

- (i) in the case of a Prospective Generating CMU and its second or third Delivery Year, it has achieved the Substantial Completion Milestone by the Prequalification Results Day for the T-1 Auction for that Delivery Year; and
  - (ii) in the case of a Prospective Interconnector CMU in relation to which a Capacity Agreement has been awarded for a Delivery Year ("Y") as well as for either or both of the two immediately following Delivery Years Y+1 and Y+2, and in respect of either of the latter two Capacity Agreements, it has achieved the Substantial Completion Milestone by the Prequalification Results Day for the T-1 Auction for Delivery Year Y+1 or Y+2 as the case may be; and
  - (iii) in the case of an Unproven DSR CMU that has been awarded a Capacity Agreement of a duration exceeding one Delivery Year, the Delivery Body has issued a DSR Test Certificate to the Applicant or Capacity Provider (as applicable) under Rule 13.2.11 and the Capacity Provider has satisfied the requirements of Rule 8.3.6 (Evidence of Total Project Spend).
- (b) under Rule 9.2.4(a) can only be effected in respect of a CMU Transferor and CMU Transferee:
- (i) for which no amount payable under the Regulations is due and unpaid;
  - (ii) for which no suspension of capacity payments as described in Rule 13.4.1ZA(b) is in effect for failure to demonstrate satisfactory performance days;
  - (iii) in respect of which there is not a breach of Rule 8.3.3(f) (metering changes); and
  - (iv) in respect of which there is not a breach of Rule 14.5.7;
- (ba) under Rule 9.2.4(a) can only be effected in respect of a CMU Transferee:
- (i) in the case of a Capacity Obligation transfer that is to be registered within the Delivery Year or less than one month prior to the start of the Delivery Year, where the Transferee has evidenced that an Approved Metering Solution is in place before submitting the transfer to the Delivery Body for registration.
- (c) under Rule 9.2.4(b), 9.2.4 (c) and 9.2.4 (d) can be effected on the Capacity Market Register at any time.

**CP373 – Aggregation, Metering, and Demand Side Response Component  
reallocation process transfer from Delivery Body to Settlement Body**

CHAPTER 1: GENERAL PROVISIONS

|   |  |
|---|--|
| <b>Applicant<br/>Confidential<br/>Information</b> | means all data and other information of whatever nature and in whatever form, including but not limited to written, oral, electronic and in a visual or machine- readable form (including but not limited to CD-ROM, magnetic and digital form) and relating to the affairs of an Applicant that is furnished to the Delivery Body, <u>or CM Settlement Body</u> by the Applicant or an Applicant-related Party under or in accordance with the Rules, the Regulations or the Auction Guidelines |
| <b>Capacity Market Register</b>                   | has the meaning given to that term in Regulation 2   |
| <b>Capacity Market Metering Register</b>          | <u>means a register maintained by the CM Settlement Body to record approved <del>m</del> metering solutions and related -information, <del>-and</del> metering related obligations set out in Chapter 7 for each CMU and DSR Component Reallocation set out in Chapter 8.3.4 from time to time</u>   |
| <b><u>CM Settlement Body Portal</u></b>           | <u>means the <del>IT infrastructure</del> online service through which relevant Rules are administered by the CM Settlement Body or its agents. Pursuant to which, without limitation, information pertinent to an approved metering solution and all notifications to be made by, or to, the CM Settlement Body in relation to the relevant Rules must be submitted</u>   |
| <b>CMRS CMU</b>                                   | means a Transmission CMU or a CMRS Distribution CMU  |

**Metering Assessment**

means a questionnaire relating to the metering arrangements for a CMU, hosted on the [CM Settlement](#) ~~EMR Delivery~~ Body Portal

**Metering Statement**

means a statement provided ~~by an Applicant~~ which must include, as applicable, the metering information set out in Schedule 6 of the Rules

**1.6 Notices**

1.6.1 All notices, submissions and other communications by, or to, the Delivery Body pursuant to the Regulations or the Rules must be in writing and:

- (a) where pursuant to Rule 5.6 or Rule 5.10, submitted via the IT Auction System; and
- (b) for all other purposes, submitted via the EMR Delivery Body Portal.

1.6.2 All notices, submissions and other communications by, or to, the Auctioneer pursuant to the Regulations or the Rules must be in writing and submitted via the IT Auction System.

~~1.6.2A~~ 3 All notices, submissions and or communications by, or to, the CM Settlement Body pursuant to the Regulations or the Rules must be in writing and:

- (a) submitted via the CM Settlement Body Portal
- (b) for all other purposes, submitted via email.

1.6.~~433~~ Neither the Delivery Body, ~~nor~~ the Auctioneer ~~or the CM Settlement Body~~ has any obligation to respond to, or otherwise act upon, any notice, submission or other communication received by it other than in accordance with Rule 1.6.1, ~~or~~ Rule 1.6.2 or Rule 1.6.2A (as applicable) which it will be deemed not to have received for any purposes under the Regulations or the Rules.

## CHAPTER 3: PREQUALIFICATION INFORMATION

### 3.4.3 Nominations relating to the CMU

Each Applicant must:

(a) specify in the Application:

- (i) the CMU to which the Application relates (including a description of, the full postal address with postcode, if available, and the two letter prefix and six-figure Ordnance Survey grid reference numbers of, the Generating Unit(s) and for Proven DSR CMUs, their CMU Component(s), or of the Electricity Interconnector). In the event that no postcode has yet been assigned to the CMU at the point the Applicant submits the Application, the Applicant should provide the Delivery Body with notice of this fact. The Applicant must as soon as it is reasonably practicable notify the Delivery Body of the CMU's postcode once it has been allocated by Royal Mail;
- (ii) ~~all relevant Meters, and Meter Point Administration Numbers, for all the relevant Meter(s), except in respect of Unproven DSR CMUs~~  
Not used;
- (iii) BM Unit Identifiers (as defined in the Balancing and Settlement Code), if applicable; and
- (iv) ~~in the case of an Interconnector CMU, the relevant interconnector identifier(s) as specified for the purposes of the BSC in file CDCA-I041 of the Central Data Collection Agent (CDCA).~~

- (b) ~~except in respect of an Unproven DSR CMU, if any Meter Point Administration Number specified in the Application has already been:~~
- ~~(i) registered to another CMU which is a Capacity Committed CMU in respect of one or more of the same Delivery Years; or~~
  - ~~(ii) specified in a prior Application submitted in respect of another CMU in the same Prequalification Window;~~

~~include in the Application a declaration explaining how the two CMUs relate and how metering will separately identify the output of each of them~~  
Not used.

### 3.6.4 Metering Arrangements

- ~~(a) Each Applicant for an Existing Generating CMU must, subject to Rule 3.6.4(b):~~
- ~~(i) provide detailed line diagrams showing electrical configurations and metering sites at which the Generating Units are located; and~~
  - ~~(ii) complete a Metering Assessment in relation to that CMU.~~
- ~~(b) An Applicant may elect to defer the requirements in Rule 3.6.4(a) until after the Capacity Auction to which the application relates, in which~~



~~case the Applicant must declare that it will provide detailed line diagrams showing electrical configurations and metering sites at which the Generating Units are located and complete a Metering Assessment for that Existing Generating CMU by:~~

- ~~(i) no later than the date falling three years prior to the start of the relevant Delivery Year in the case of an Existing Generating CMU that has been awarded a Capacity Agreement in a T-4 Auction; or~~
- ~~(ii) no later than the date falling six months prior to the start of the relevant Delivery Year in the case of an Existing Generating CMU that has been awarded a Capacity Agreement in any auction other than a T-4 Auction; or~~
- ~~(iii) no later than the date falling four months prior to the start of the relevant Delivery Year where the time period between the Auction Results Day and the start of the Delivery Year is less than eight months.~~
- ~~(c) The Delivery Body must send to the CM Settlement Body a copy of any completed Metering Assessment, or other information provided by the applicant under (a), (b) and (d).~~
- ~~(d) An Applicant may amend a Metering Assessment completed in compliance with Rule 3.6.4(a)(ii), provided that:~~
  - ~~(i) if the application relates to a T-4 Auction, any amendments are made by the earlier of:~~
    - ~~(aa) the earliest date the Applicant provides any Metering Test Certificate; and~~
    - ~~(bb) the date falling 18 months prior to the start of the first Delivery Year; and~~
  - ~~(ii) if the application relates to a T-1 Auction or where the time period between the Auction Results Day and the start of the Delivery Year is less than eight months, any amendments are made by the earlier of:~~
    - ~~(aa) the earliest date the Applicant provides any Metering Test Certificate; and~~
    - ~~(bb) the date falling two weeks prior to the start of the first Delivery Year~~Not used.

### 3.6A.3 Metering Arrangements

- ~~(a) Each Applicant for an Existing Interconnector CMU must, subject to Rule 3.6A.3(aa):~~
  - ~~(i) provide detailed line diagrams showing the location at which the Interconnector CMU is metered; and~~
  - ~~(ii) complete a Metering Assessment in relation to that CMU.~~

- ~~(aa) An Applicant may elect to defer the requirements in Rule 3.6A.3(a) until after the Capacity Auction to which the application relates, in which case the Applicant must declare that it will provide detailed line diagrams showing the location at which the Interconnector CMU is metered and complete a Metering Assessment for that Existing Interconnector CMU by:~~
  - ~~(i) no later than the date falling three years prior to the start of the relevant Delivery Year in the case of an Existing Interconnector CMU that has been awarded a Capacity Agreement in a T-4 Auction; or~~
  - ~~(ii) no later than the date falling six months prior to the start of the relevant Delivery Year in the case of an Existing Interconnector CMU that has been awarded a Capacity Agreement in any auction other than a T-4 Auction; or~~
  - ~~(iii) no later than the date falling four months prior to the start of the relevant Delivery Year where the time period between the Auction Results Day and the start of the Delivery Year is less than eight months.~~
- ~~(b) The Delivery Body must send to the CM Settlement Body a copy of any completed Metering Assessment or other information provided by an Applicant under (a), (aa) and (c).~~
- ~~(c) An Applicant may amend a Metering Assessment completed in compliance with Rule 3.6A.3(a)(ii), provided that:~~
  - ~~(i) if the application relates to a T-4 Auction, any amendments are made by the earlier of:~~
    - ~~(aa) the earliest date the Applicant provides any Metering Test Certificate; and~~
    - ~~(bb) the date falling 18 months prior to the start of the first Delivery Year; and~~
  - ~~(ii) if the application relates to a T-1 Auction or where the time period between the Auction Results Day and the start of the Delivery Year is less than eight months, any amendments are made by the earlier of:~~
    - ~~(aa) the earliest date the Applicant provides any Metering Test Certificate; and~~
    - ~~(bb) the date falling two weeks prior to the start of the first Delivery Year~~Not used.

#### 3.9.4 Metering Arrangements

- ~~(a) Each Applicant for a Proven DSR CMU must, subject to Rule 3.9.4(b):~~
  - ~~(i) provide detailed line diagrams showing electrical configurations and metering sites at which the DSR CMU Components are~~

- ~~located; and~~
- ~~(ii) complete a Metering Assessment in relation to that CMU.~~
- ~~(b) An Applicant may elect to defer the requirements in Rule 3.9.4(a) until after the Capacity Auction to which the Application relates, in which case the Applicant must declare that it will provide detailed line diagrams showing electrical configurations and metering sites at which the Proven DSR CMU Components are located and complete a Metering Assessment for that Proven DSR CMU by:~~
  - ~~(i) no later than the date falling three years prior to the start of the relevant Delivery Year in the case of a Proven DSR CMU that has been awarded a Capacity Agreement in a T-4 Auction; or~~
  - ~~(ii) no later than the date falling six months prior to the start of the relevant Delivery Year in the case of a Proven DSR CMU that has been awarded a Capacity Agreement in any auction other than a T-4 Auction; or~~
  - ~~(iii) no later than the date falling four months prior to the start of the relevant Delivery Year where the time period between the Auction Results Day and the start of the Delivery Year is less than eight months.~~
- ~~(c) The Delivery Body must send to the CM Settlement Body a copy of any completed Metering Assessment, or other information provided by the applicant under (a), (b) and (d).~~
- ~~(d) An Applicant may amend a Metering Assessment completed in compliance with Rule 3.9.4(a)(ii), provided that:~~
  - ~~(i) if the application relates to a T-4 Auction, any amendments are made by the earlier of:~~
    - ~~(aa) the earliest date the Applicant provides any Metering Test Certificate; and~~
    - ~~(bb) the date falling 18 months prior to the start of the first Delivery Year; and~~
  - ~~(ii) if the application relates to a T-1 Auction or where the time period between the Delivery Year and the auction is less than eight months, any amendments are made by the earlier of:~~
    - ~~(aa) the earliest date the Applicant provides any Metering Test Certificate; and~~
    - ~~(bb) the date falling two weeks prior to the start of the first Delivery Year~~Not used.

### 3.10.2 Required Testing

Each Applicant for an Unproven DSR CMU must confirm that it will complete in relation to that CMU prior to the date falling one month before the commencement of the Delivery Year to which the Capacity Auction

relates (or in the case of an Applicant intending to bid for a Capacity Agreement of a duration exceeding one Delivery Year, prior to the date falling one month before the commencement of the second Delivery Year to which the Capacity Auction relates), a DSR Test or Joint DSR Test;

~~(b) — prior to the date falling four months before the commencement of the Delivery Year to which the Capacity Auction relates (or, in the case of an Applicant intending to bid for a Capacity Agreement of a duration exceeding one Delivery Year, prior to the date falling four months before the commencement of the second Delivery Year to which the Capacity Auction relates), a Metering Assessment (including providing line diagrams as described in Rule 3.9.4(a)(i)); and~~

~~(c) — prior to the date falling two weeks before the commencement of the Delivery Year to which the Capacity Auction relates (or, in the case of an Applicant intending to bid for a Capacity Agreement of a duration exceeding one Delivery Year, prior to the date falling two weeks before the commencement of the second Delivery Year to which the Capacity Auction relates), if required, a Metering Test.~~

### **3.11 Opt-out Notifications**

3.11.1 For each Capacity Auction, if no Application is made in relation to a Mandatory CMU, the person who is the legal owner of that Mandatory CMU must, during the Prequalification Window, submit an Opt-out Notification to the Delivery Body.

3.11.2 An Opt-out Notification must state:

- (a) the name of the CMU owner submitting the notification;
- (b) if relevant, the corporate registration number of the CMU owner;
- (c) contact details, including registered address of the CMU owner and name of authorised contact person at the CMU owner who is responsible for liaising with the Delivery Body in relation to the Opt-out Notification;
- (d) the CMU to which the Opt-out Notification relates including a description of, and the full postal address with postcode and the two letter prefix and six-figure Ordnance Survey grid reference numbers of, the Electricity Interconnector or the Generating Unit(s) and/or DSR CMU Component(s) ~~and Meter Point Administration Numbers for all the relevant Meter(s);~~
- (e) the Connection Capacity of the CMU for the Delivery Year to which the Capacity Auction relates;
- (f) whether the CMU:
  - (i) will be closed down, decommissioned or otherwise non-operational by the commencement of the Delivery Year to which the Capacity Auction relates;
  - (ii) will be temporarily non-operational for all the Winter of the Delivery Year to which the Capacity Auction relates but will be

operational thereafter; or

- (iii) will remain operational during the Delivery Year to which the Capacity Auction relates,

in each case providing a summary of the reasons for that statement.

3.11.2A If an Opt-out Notification states, pursuant to Rule 3.11.2(f)(iii), that the CMU will remain operational during the Delivery Year, the summary of the reasons for that statement must explain if a reason for the statement is that the CMU comprises of at least one Fossil Fuel Component or at least one Storage Facility which has part or all of its electricity requirements met by an Associated Fossil Fuel Component, any of which would exceed the Fossil Fuel Emissions Limit if a Fossil Fuel Emissions Declaration in respect of the CMU were made as part of an Application for Prequalification.

3.11.2B Pursuant to 3.11.2 (d) following provision of an Opt-out Notification, a Mandatory CMU must provide Meter Point Administration Numbers for all the relevant Meters to the CM Settlement Body prior to the relevant Delivery Year.

3.11.3 The Delivery Body must notify the CM Settlement Body of any Opt-out Notification with respect to a CMU that makes a statement pursuant to Rule 3.11.2(f)(ii) and the CM Settlement Body must notify the Delivery Body if any such CMU provides electricity during the relevant Winter.

3.11.4 [Omitted]

3.11.5 The person submitting an Opt-out Notification must make a declaration of the matters set out in Exhibit C as at the date of the Opt-out Notification.

3.11.6 For the purposes of Rule 3.11.5, Exhibit C is to be read as if references to the Applicant or to Applicant-related Parties were references to the person submitting the Opt-out Notification.

3.16 Provision of information by Delivery Body

3.16.1 The Delivery Body must send ~~the following~~ relevant component information received as part of Prequalification to the CM Settlement Body as soon as reasonably practical. . .

## CHAPTER 4: DETERMINATION OF ELIGIBILITY

### 4. Determination of eligibility

#### 4.4 Decisions to be made by the Delivery Body

4.4.1 The Delivery Body must, for each CMU for which an Application has been received, determine whether the CMU has prequalified for the Capacity Auction (the "Prequalification Decision").

4.4.2 Subject to Rule 3.8.1A(c)(ii), the Delivery Body must not Prequalify a CMU where:

- (a) it is aware that the Application has not been completed or submitted in accordance with the Rules;
- (aa) it reasonably believes that any information or declaration submitted in or with an Application does not comply with the requirements in Rule 3.12.1;
- (b) the required Additional Information is missing;
- (c) any Meter Point Administration Number specified in relation to the CMU pursuant to Rule 3.4.3(a)(ii) has already been registered to another CMU in respect of which a person either:
  - (i) has a Capacity Agreement in relation to one or more of the same Delivery Years; or
  - (ii) has submitted a prior Application in the same Prequalification Window,unless the Application includes a declaration under Rule 3.4.3(b); or
- (d) any Generating Unit comprised in a CMU which is also a BM Unit has already been registered to another CMU in respect of which a person either:
  - (i) has a Capacity Agreement in relation to one or more of the same Delivery Years; or
  - (ii) has submitted a prior Application in the same Prequalification Window;
- (e) the Delivery Body is unable to obtain any data with respect to the physically generated net output for a Generating Unit comprised in an Existing Generating CMU in any Settlement Period nominated by the Applicant pursuant to Rule 3.6.1;
- (f) the physically generated net outputs, or Metered Volumes where applicable, of an Existing Generating CMU in the Settlement Periods nominated by the Applicant pursuant to Rule 3.6.1 are not each greater than the Anticipated De-rated Capacity;
- (g) the Delivery Body is unable to obtain any data with respect to the Net Output of an Existing Interconnector CMU in any Settlement Period nominated by the Applicant pursuant to Rule 3.6A.1;

- (h) the Net Outputs of an Existing Interconnector CMU in the Settlement Periods nominated by the Applicant pursuant to Rule 3.6A.1, as recorded for the purposes of the BSC by file CDCA-I041 of the Central Data Collection Agent (CDCA), are not each greater than zero.; or
- (i) the Applicant is required to provide a Fossil Fuel Emissions Commitment under Rule 3.7.4, Rule 3.8.3 or Rule 3.10.4, but has not done so or has provided a Fossil Fuel Emissions Commitment which the Delivery Body considers does not fully address the matters set out in Exhibit ZB
- (j) the Applicant is required to provide a Fossil Fuel Emissions Declaration under Rule 3.6.5 or Rule 3.9.5, but has not done so or has provided a Fossil Fuel Emissions Declaration which the Delivery Body considers does not fully address the matters set out in Exhibit ZA; or
- (k) the Applicant has provided a Fossil Fuel Emissions Declaration under Rule 3.6.5 or Rule 3.9.5 in which the Applicant declares that in respect of a Fossil Fuel Component or Associated Fossil Fuel Component specified in the declaration (a “relevant Fossil Fuel Component”):
  - (i) the relevant Fossil Fuel Component exceeds the Fossil Fuel Emissions Limit (and, in the case of a relevant Fossil Fuel Component with a Commercial Production Start Date before 4 July 2019, no value for the Fossil Fuel Yearly Emissions has been provided); or
  - (ii) in the case of a relevant Fossil Fuel Component with a Commercial Production Start Date before 4 July 2019, the relevant Fossil Fuel Component exceeds both the Fossil Fuel Emissions Limit and the Fossil Fuel Yearly Emissions Limit

## CHAPTER 6: CAPACITY AGREEMENTS

### 6.7 Achieving the Substantial Completion Milestone

6.7.1 A Capacity Provider is not liable for, or entitled to, any payments in respect of a particular CMU if the relevant System Stress Event precedes the date on which the Substantial Completion Milestone for such CMU is reached.

6.7.2 In the case of a Generating CMU, a New Build CMU or a Refurbishing CMU will have met its Substantial Completion Milestone obligation if:

- (a) the corresponding Generating Unit(s) is/are Operational with an aggregate physical generating capacity (in MW) which, after being multiplied by its De-rating Factor, equals or exceeds 90 per cent of its Capacity Obligation;
- (b) the Capacity Provider has ~~provided detailed line diagrams and~~ completed a Metering Assessment as required by Rule 8.3.3(ba); and
- (c) where required under Rule 8.3.3(d), the Capacity Provider has provided a Metering Test Certificate.

6.7.3 In the case of an Interconnector CMU, a New Build CMU or a Refurbishing CMU will have met its Substantial Completion Milestone obligation if:

- (a) the corresponding Electricity Interconnector is Operational with the physical capability of transmitting a Net Output which, after being multiplied by its De-rating Factor, equals or exceeds 90 per cent of its Capacity Obligation;
- (b) the Capacity Provider has ~~provided detailed line diagrams and~~ completed a Metering Assessment as required by Rule 8.3.3(ba); and
- (c) where required under Rule 8.3.3(d), the Capacity Provider has provided a Metering Test Certificate.

6.8.3 A Prospective Generating CMU has reached its Minimum Completion Requirement if:

- (a) the corresponding Generating Unit(s) is/are Operational with an aggregate physical generating capacity which, after being multiplied by its De-rating Factor, exceeds 50 per cent of its Capacity Obligation;
- (b) the Capacity Provider has ~~provided detailed line diagrams and~~ completed a Metering Assessment as required by Rule 8.3.3(ba); and
- (c) where required under Rule 8.3.3(d), the Capacity Provider has provided a Metering Test Certificate.

6.8.3A A Prospective Interconnector CMU has reached its Minimum Completion Requirement if:

- (a) the CMU is Operational with a Connection Capacity which, after being multiplied by its De-rating Factor, exceeds 50 per cent of its Capacity Obligation;



- (b) the Capacity Provider has ~~provided detailed line diagrams and~~ completed a Metering Assessment as required by Rule 8.3.3(ba); and
- (c) where required under Rule 8.3.3(d), the Capacity Provider has provided a Metering Test Certificate.
- (ha) where the Capacity Agreement relates to an Existing CMU, a Proven DSR CMU or an Unproven DSR CMU and, ~~in any such case, the Capacity Provider has made a declaration in its Application in accordance with Rule 3.6.4(b), 3.6A.3(aa), 3.9.4(b) or 3.10.2(b) that it will complete a Metering Assessment for that CMU,~~ the Capacity Provider has failed to complete a Metering Assessment in accordance with Rule 8.3.3(a) or 8.3.3(b);

## CHAPTER 7: CAPACITY MARKET REGISTER AND CAPACITY MARKET METERING REGISTER

### **7. Capacity Market Register** and Capacity Market Metering Register

#### **7.1 Purpose of this Chapter**

7.1.1 The Rules govern the establishment and maintenance by the Delivery Body of the Capacity Market Register and the Capacity Market Metering Register by the CM Settlement Body.

#### **7.2 Establishment, form and maintenance of the Capacity Market Register**

7.2.1 The Delivery Body must establish and maintain a Capacity Market Register in accordance with the Regulations and the Rules.

7.2.2 The Capacity Market Register may be in electronic form.

7.2.3 The Capacity Market Register must be established by the time the Prequalification Window for the first Capacity Auction closes.

7.2.4 The Delivery Body and the CM Settlement Body will make arrangements for such data transmission facilities as are necessary to give the CM Settlement Body secure access to the Capacity Market Register.

7.2.5 The Delivery Body shall retain all data submitted to or stored on the Capacity Market Register (but not the Capacity Market Register itself) for a period of:

- (a) 5 years from the date on which it is received by the Delivery Body, in the case of data referred to in Rule 7.4.1 to Rule 7.4.4; and
- (b) 5 years from the date of the expiry or earlier termination of the Capacity Agreement, in the case of data referred to in Rule 7.4.5.

#### **7.2A Establishment, form and maintenance of the Capacity Market Metering Register**

7.2A.1 The CM Settlement Body must establish and maintain a Capacity Market Metering Register in accordance with the Rules.

7.2A.2 The Capacity Market Metering Register may be in electronic form.

7.2A.3 The Capacity Market Metering Register must be established by the end of

the 2024 Prequalification Assessment Window.

7.2A.4 The Delivery Body and the CM Settlement Body will make arrangements for such data transmission facilities as are necessary to give the Delivery Body secure access to the Capacity Market Metering Register.

7.2A.5 The CM Settlement Body shall retain all data submitted to or stored on the Capacity Market Metering Register for a period of:

(a) 5 years from the date on which the content was received by the CM Settlement Body, in the case of data referred to in Rule 7.4A; and

(b) 5 years from the date of the expiry or earlier termination of the Capacity Agreement, in the case of data referred to in Rule 7.4A.

#### **7.4 Contents of the Capacity Market Register**

With respect to each Capacity Auction, the Delivery Body must ensure that the following entries are made on the Capacity Market Register:

7.4.1 On the day on which the Secretary of State is given the notification required by Regulation 23(1):

(a) in relation to each Mandatory CMU and any CMU that is the subject of an Application:

- (i) the name of the Applicant;
- (ia) an email address and telephone number that can be used by a person wishing to discuss secondary trading in relation to the CMU;
- (ib) where the Applicant is a member of a Group, the name of the direct Holding Company for the Applicant;
- (ic) a description of the CMU including (where applicable) each Generating Unit comprising such CMU and in the case of a Generating CMU, the Primary Fuel Type, Generating Technology Class, Connection Capacity and De-rated Capacity for the CMU and the Primary Fuel, Generating Technology Class, Connection Capacity and De-rated Capacity for each Generating Unit comprising such CMU;
- (id) a description of the CMU including (where applicable) each DSR CMU Component comprising such CMU and in the case of a Proven DSR CMU, whether it includes a Permitted On-Site Generating Unit and if so the Primary Fuel and generating capacity (in MW) of the Permitted On-Site Generating Unit;
- (ii) a description of the CMU including (where applicable) each Generating Unit or DSR CMU Component comprising such CMU and in the case of a Generating CMU, the Primary Fuel Type and Generating Technology Class for the CMU;
- (iii) the full postal address with postcode, if available, and the two letter prefix and six-figure Ordnance Survey grid reference

numbers of the CMU;

- (iv) ~~the Meter Point Administration Numbers for the relevant Meters relating to the CMU~~Not used;
  - (v) the Connection Capacity or DSR Capacity (as applicable) of the CMU; and
  - (vi) Not used
  - (vii) ~~the responses submitted in the Metering Assessment (if completed)~~Not used.
- (d) in relation to any Prequalified CMU:
- (xi) ~~the results of the Metering Assessment for the CMU~~Not used;
  - (xv) ~~for a DSR CMU, the status of the Components comprising the relevant CMU, which by default shall be listed as "Live" until such times as Rules 8.3.4(k) or 8.3.4(l) apply~~Not used;

7.4.5 By no later than 5 Working Days after the date of issue of a Capacity Agreement Notice for a Capacity Committed CMU:

- (a) the unique identification number given to the Capacity Agreement Notice by the Delivery Body;
- (b) the name of the Capacity Provider (the "Registered Holder"), being the name of the person to whom the Delivery Body awarded the Capacity Agreement, or, where there has been a subsequent transfer of all or part of that Capacity Agreement, the name of the Transferee;
- (c) ~~BM Unit ID and other identification codes for the relevant Meters (as applicable)~~Not used;
- (l) ~~in relation to each Capacity Committed CMU is a Prospective CMU, an Existing CM, or a Proven DSR CMU or an Unproven DSR CMU whether the Capacity Provider is subject to a requirement to complete a Metering Assessment and, if so, the date by which it must be completed~~Not used;
- (la) ~~where applicable, the date on which a valid Metering Test Certificate was awarded to a Capacity Committed CMU which is a Prospective CMU, an Existing CMU, a Proven DSR CMU or an Unproven DSR CMU~~Not used;

#### **7.4A Contents of the Capacity Market Metering Register**

7.4A.1 With respect to each Capacity Auction, the CM Settlement Body must ensure that the following entries are made on the Capacity Market Metering Register from Prequalification Results Day~~TBD~~:

- (a) Reference data, which, where applicable, refers to data items as defined in Rule 7.4 and 7.5 required to distinguish the relevant metering data  
~~Reference data:~~
  - i. ~~the name of the Applicant~~

- ~~ii. a description of the CMU including (where applicable) each Generating Unit comprising such CMU;~~
- ~~iii. a description of the CMU including (where applicable) each DSR CMU Component comprising such CMU~~

(b) Metering data:

- i. the Meter Point Administration Numbers for the relevant Meters relating to the CMU;
- ii. whether the Capacity Provider is subject to a requirement to complete a Metering Assessment and, if so, the date by which it must be completed
- iii. where applicable, the date on which a valid Metering Test Certificate was awarded to a CMU within 5 days of completion
- iv. the responses submitted in the Metering Assessment within 5 days of completion
- v. Confirmation based on the results of the Metering Assessment on whether a Metering Test is required within 5 days of completion
- vi. BM Unit ID and other identification codes for the relevant Meters
- vii. to record any changes to the Meter Point Administration Numbers, BM Unit IDs and other identification codes for the relevant Meters relating to the CMU within five Working Days following approval
- viii. Status of a DSR Component in accordance with Rule 8.3.4.

## **7.5 Delivery Body amendments to the Capacity Market Register**

### **7.5.1 The Delivery Body must update the Capacity Market Register:**

- (k) ~~to record the responses to, and result of, any Metering Assessment within five Working Days of the assessment~~Not used;
- (l) ~~to record the issue of a Metering Test Certificate for a CMU within five Working Days of receipt of the Metering Test Certificate~~Not used;
- (la) ~~to record the date on which a Capacity Committed CMU is awarded a Metering Test Certificate, within five Working Days of receipt of the Metering Test Certificate~~Not used;
- (u) where the Delivery Body is required by Regulation 73 to amend the Capacity Market Register to give effect to:
  - (i) a decision of the Authority or the court on review or appeal under the Rules or the Regulations; or
  - (ii) a redetermination by the Delivery Body pursuant to a direction by the Authority or the court, within five Working Days of receipt of the decision or instruction amend the Capacity Market Register as required by that decision or instruction;
- (cc) ~~to record any changes to the Meter Point Administration Numbers, BM~~

~~Unit IDs and other identification codes for the relevant Meters relating to the CMU within five Working Days following approval from the Delivery Body~~ Not used;

## **7.5A Settlement Body amendments to the Capacity Market Register**

### 7.5A.1 The Settlement Body must update the Capacity Market Register:

- (a) to record the responses to, and result of, any Metering Assessment within five Working Days of the Metering Assessment;
- (b) to record the issue of a Metering Test Certificate for a CMU within five Working Days of receipt of the Metering Test Certificate;
- (c) to record the date on which a Capacity Committed CMU is awarded a Metering Test Certificate, within five Working Days of receipt of the Metering Test Certificate;
- (d) to record any changes to the Meter Point Administration Numbers, BM Unit IDs and other identification codes for the relevant Meters relating to the CMU within five Working Days following approval from the Settlement Body;

## **7.6A Capacity Market Metering Register to be publicly available**

### 7.6A.1 The contents of the Capacity Market Metering Register must be available for inspection by the public on request at reasonable notice during the CM Settlement Body's working hours or online.

### 7.6A2 At the request of any person the CM Settlement Body must provide a written statement of any entry on the Capacity Market Metering Register within five Working Days.

## **7.7 Applications for rectification of the Capacity Market Register and Appeals**

7.7.1 Where any person considers that an entry maintained in respect of it or any Capacity Committed CMU for which they are the Capacity Provider under this Chapter 7 as it pertains to the Capacity Market Register is factually inaccurate, they may request to the Delivery Body that the entry be amended or deleted.

7.7.1-A Where any person considers that an entry maintained in respect of it or any Prequalified CMU for which they are the Applicant under this Chapter 7 is factually inaccurate, during the period beginning fifteen working days following the relevant Prequalification Results Day and ending ten working days prior to the first bidding round of the relevant auction only, they may request to the Delivery Body that the entry be amended or deleted.

7.7.2 If the Delivery Body accepts a request received under Rule 7.7.1 or 7.7.1A, the Delivery Body must within five Working Days of receiving the request:

- (a) rectify the relevant entry in the Capacity Market Register as set out in

the request; and

- (b) notify the person who made the request for rectification of the Capacity Market Register that it has been rectified.

7.7.3 If the Delivery Body refuses a request for rectification received under Rule 7.7.1 or 7.7.1A, the Delivery Body must within five Working Days notify the person who made the request that the Delivery Body has refused the request and shall provide reasons for that decision.

7.7.4 A person who receives a notice under Rule 7.7.3 may dispute the decision and request that the Delivery Body reconsider its decisions to refuse the request for rectification of the Capacity Market Register in accordance with Regulation 69.

### **7.7A Application for rectification of the Capacity Market Metering Register and Appeals**

7.7A.1 Where any person considers that an entry maintained in respect of it or any ~~Capacity Committed~~ CMU for which they are the Capacity Provider under this Chapter 7 is factually inaccurate, they may request to the CM Settlement Body that the entry be amended or deleted.

Any such request must set out the reasons why the Capacity Provider believes that the entry is factually inaccurate together with such supporting information as may be relevant; and ~~be given not later than 28 days after the entry has been made to the Capacity Market Metering Register.~~

7.7A.2 If the CM Settlement Body accepts a request received under Rule 7.7A.1 the CM Settlement Body must within five Working Days of receiving the request:

(a) rectify the relevant entry in the Capacity Market Metering Register as set out in the request; and

(b) notify the person who made the request for rectification of the Capacity Market Metering Register that it has been rectified.

7.7A.3 If the CM Settlement Body refuses a request for rectification received under Rule 7.7A.1, the CM Settlement Body must within five Working Days notify the person who made the request that the CM Settlement Body has refused the request and shall provide reasons for that decision.

7.7A.4 If the Capacity Provider disagrees with the decision of the CM Settlement Body pursuant to Rule 7.7A.3, they may submit a further request to the CM Settlement Body within 5 Working Days to have them reconsider the decision, stating why they do not agree with the decision.

7.7A.5 If the CM Settlement Body receives a request under Rule 7.7A.4, the CM Settlement Body must within five Working Days of receiving the request:

(a) rectify the relevant entry in the Capacity Market Metering Register as set out in the request; and

(b) notify the person who made the request for rectification of the Capacity Market Metering Register that it has been rectified.

7.7A.6 If the CM Settlement Body refuses a request for rectification received under Rule 7.7A.4, the CM Settlement Body must within five Working Days notify the person who made the request that the CM Settlement Body has refused the request and shall provide reasons for that decision.

7.7A.6 If the Capacity Provider does not accept a decision of the CM Settlement Body pursuant to Rule 7.7A.6, they may submit the dispute to an expert for determination in accordance with the Expert Determination Procedure and, following the determination by the expert in accordance with the Expert Determination Procedure, within 5 working days the CM Settlement Body will either

(a) rectify the Capacity Market Metering Register and notify the person who made the request for rectification of the Capacity Market Metering Register that it has been rectified; or

(b) refuse the request for rectification

## CHAPTER 8: OBLIGATIONS OF CAPACITY PROVIDERS AND SYSTEM STRESS EVENTS

### 8.3.3 Metering

- (a) If an Existing Generating CMU, Existing Interconnector CMU, or a Proven DSR CMU is awarded a Capacity Agreement then, ~~where the Capacity Provider made a declaration in the Application for that CMU in accordance with Rule 3.6.4(b), 3.6A.3(aa) or Rule 3.9.4(b) (as applicable),~~ the Capacity Provider must provide to the CM Settlement Body a detailed line diagrams showing electrical configurations and metering sites at which the Generating Units or DSR CMU Components (as applicable) are located (or in the case of an Existing Interconnector CMU provide detailed line diagrams showing the location at which the Interconnector CMU is metered) and completed ~~a~~ Metering Assessment with respect to that CMU by:
  - (i) no later than the date falling three years prior to the commencement of the Delivery Year in the case of an Existing CMU or a Proven DSR CMU that has been awarded a Capacity Agreement in a T-4 Auction; or
  - (ii) no later than the date falling six months prior to the commencement of the Delivery Year in the case of an Existing CMU or a Proven DSR CMU that has been awarded a Capacity Agreement in any auction other than a T-4 Auction; or
  - (iii) no later than the date falling four months after the auction in the case of the time period between the Delivery Year and the auction is less than eight months.
- (b) If an Unproven DSR CMU is awarded a Capacity Agreement then the Capacity Provider must complete a Metering Assessment with respect to that CMU prior to the date falling four months before the commencement of the Delivery Year to which the Capacity Auction relates (or, in the case of an Applicant intending to bid for a Capacity Agreement of a duration exceeding one Delivery Year, prior to the date falling four months before the commencement of the second Delivery Year to which the Capacity Auction relates),.
- (ba) If a Prospective CMU is awarded a Capacity Agreement then the Capacity Provider must, as soon as reasonably practicable after the CMU becomes Operational, and in any event not later than the Long Stop Date:
  - (i) ~~not used provide to the CM Settlement Delivery Body detailed line diagrams showing electrical configurations and metering sites at which the Generating Units are located or the location at which the Interconnector CMU is metered; and~~
  - (ii) complete a Metering Assessment in relation to the CMU.
- (c) Following the completion of a Metering Assessment pursuant to Rule



8.3.3(a), (b) or (ba), or 8.3.4(h)(i)(bb) (and following the completion of amendments made to a Metering Assessment, pursuant to Rules 3.6.4(d), 3.6A.3(c), 3.9.4(d), or 8.3.3(h) where applicable) the CM Settlement~~Delivery~~ Body must notify the relevant Capacity Provider and the Delivery Body whether or not, based on such Metering Assessment, the metering arrangements for such CMU will be subject to a Metering Test;

~~(i) — notify the relevant Capacity Provider whether or not, based on such Metering Assessment, the metering arrangements for such CMU will be subject to a Metering Test~~

~~(ii) — send a copy of any completed Metering Assessment to the CM Settlement Body.~~

(d) If:

(i) a Prospective CMU or an Unproven DSR CMU has been awarded a Capacity Agreement and the CM Settlement~~Delivery~~ Body notifies the relevant Capacity Provider, pursuant to Rule 8.3.3(c)(i), that such CMU is subject to a Metering Test; or

(ii) an Existing CMU or a Proven DSR CMU has been awarded a Capacity Agreement and the CM Settlement~~Delivery~~ Body notifies the relevant Capacity Provider, pursuant to Rule 8.3.3(c)(i), that such CMU is subject to a Metering Test

the Capacity Provider must ~~obtain~~provide a Metering Test Certificate with respect to that CMU from the CM Settlement Body by no later than the relevant date specified in Rule 8.3.3(e).

(da) The CM Settlement Body must notify the Delivery Body within five working days from the date that a Metering Test Certificate has been issued to the Capacity Provider, including confirmation of the date that the Metering Test Certificate was awarded.

(e) The date by which a Capacity Provider must ~~be awarded~~provide a Metering Test Certificate where required to do so under Rule 8.3.3(d) is:

(i) in the case of an Unproven DSR CMU, the date falling two weeks prior to the start of the relevant Delivery Year (or, if the Capacity Agreement is of a duration exceeding one Delivery Year, by the date falling two weeks before the commencement of the second Delivery Year of the Capacity Agreement);

(ii) in the case of an Existing CMU or a Proven DSR CMU that has been awarded a Capacity Agreement in a T-4 Auction, the date falling 18 months prior to the start of the first Delivery Year;

(iii) in the case of an Existing CMU or a Proven DSR CMU that has been awarded a Capacity Agreement in a T-1 Auction or where the

time period between the Delivery Year and the auction is less than eight months, the date falling two weeks prior to the start of the first Delivery Year.

- (iv) in the case of a Prospective CMU, as soon as reasonably practicable after the date on which the Capacity Provider receives notification under Rule 8.3.3 (d)(i), and in any event not later than the Long Stop Date; and
- (v) In the case of a Proven DSR CMU that is adding components within a Delivery Year pursuant to Rule 8.3.4, within the period specified in accordance with Rule 8.3.4(h).
- (ea) In relation to any CMU for which a Capacity Provider has received a Capacity Agreement, ~~and has not made a declaration in accordance with Rule 3.6.4(b), 3.6A.3(aa) or Rule 3.9.4(b),~~ the Capacity Provider must, for each Generating Unit or DSR CMU Component comprised in a CMU, or the Electricity Interconnector comprised in an Interconnector CMU, confirm to the [CM Settlement](#)~~Delivery~~ Body that:
  - (i) it complies with the Metering Configuration Solution requirements set out in the applicable Governing Documents; and
  - (ii) if applicable, the metering arrangements have not changed since the Metering Test was carried out by the CM Settlement Body.
- (f) A Capacity Provider or CMVR Registered Participant must:
  - (i) [Provide to the CM Settlement Body as soon as reasonably practicable -and, in any event, within 10 Working Days](#) ensure the accurate submission of [the following](#) information to ~~the Delivery Body and~~ the CM Settlement Body ~~in meeting the requirements under Rule 3.6.4(a), Rule 3.6A.3(a) and Rule 13.3.2~~ as applicable;
    - [\(aa\) All relevant Meters, and Meter Point Administration Numbers, for all the relevant Meter\(s\),](#)
    - [\(bb\) BM Unit Identifiers \(as defined in the Balancing and Settlement Code\), if applicable; and](#)
    - [\(cc\) in the case of an Interconnector CMU, the relevant interconnector identifier\(s\) as specified for the purposes of the BSC in file CDCA- I041 of the Central Data Collection Agent \(CDCA\).](#)
    - [\(dd\) If any Meter Point Administration Number specified has already been registered to another CMU which is a Capacity Committed CMU in respect of one or more of the same Delivery Years, include a declaration explaining how the two CMUs relate and how metering will separately identify the output of each of them.](#)
  - (ii) notify ~~the Delivery Body and~~ the CM Settlement Body in advance of any proposed change to:

(g) Where a Metering Assessment is amended the CM Settlement Body must notify the Delivery Body as soon as reasonably practicable whether based on such updated Metering Assessment, the metering arrangements for such CMU will be subject to a Metering Test.

#### 8.3.3A Notifying DSR Components

- (a) A Capacity Provider in respect of an Unproven DSR CMU must, by no later than the date specified in Rule 8.3.3A(b) below, give a notice to the Delivery Body specifying:
  - (i) each DSR CMU Component which forms part of the Unproven DSR CMU, including a description of, and the full postal address with postcode and the two letter prefix and six-figure Ordnance Survey grid reference numbers of, each such DSR CMU Component;
  - (ia) for each DSR CMU which is comprised of at least one Fossil Fuel Component or at least one Storage Facility which has part or all of its electricity requirements met by an Associated Fossil Fuel Component, whether the Commercial Production Start Date of the Fossil Fuel Component or the Associated Fossil Fuel Component is before or on or after 4 July 2019;
  - (ii) ~~all relevant Meters, and Meter Point Administration Numbers, for those Meters if applicable~~ Not used; ~~and~~
  - (iii) in the case of a CMU that has been awarded a Capacity Agreement of a duration exceeding one Delivery Year, for each DSR CMU Component comprising the CMU, the Manufacturer Serial Number for the equipment in the component in respect of which the highest Capital Expenditure forming part of the Total Project Spend has been incurred for that component.

(aa) A Capacity Provider in respect of an Unproven DSR CMU must, by no later than the date specified in Rule 8.3.3A(b) below, give a notice to the CM Settlement Body specifying all relevant Meters, and Meter Point Administration Numbers, for those Meters if applicable.

- (b) The date referred to in Rules 8.3.3A(a) and 8.3.3A(aa) is the earlier of the dates on which the Capacity Provider:
  - (i) completes a Metering Assessment under Rule 8.3.3(b); or
  - (ii) provides the Delivery Body with the information required in order to carry out a DSR Test under Rule 13.2.5, or a Joint DSR Test under Rule 13.2B.5.

#### 8.3.4 Changing DSR Components

- (b) A Capacity Provider may notify ~~the Delivery Body and~~ the CM Settlement Body that it wishes to remove one or more DSR CMU Component from a DSR CMU that is a Capacity Committed CMU (except if the CMU has been awarded a Capacity Agreement of a duration exceeding one Delivery Year and has not yet met the requirements of

Rule 8.3.2 (DSR Test) and Rule 8.3.6 (Evidence of Total Project Spend)).

- (e) A Capacity Provider may notify the ~~Delivery Body and the~~ CM Settlement Body, during the relevant Delivery Year and no later than two months prior to the subsequent Delivery Year, that it wishes to add one or more DSR CMU Component to a DSR CMU that is a Capacity Committed CMU (except if the CMU has been awarded a Capacity Agreement of a duration exceeding one Delivery Year and has not yet met the requirements of Rule 8.3.2 (DSR Test) and Rule 8.3.6 (Evidence of Total Project Spend)).
- (f) When the Capacity Provider has notified ~~Delivery Body and~~ the CM Settlement Body in accordance with Rule 8.3.4(e), the Capacity Provider must provide the ~~CM Settlement~~~~Delivery~~ Body with the information for the new component(s), in accordance with Rules 8.3.3A(a)(i) and 8.3.3A(a)(ii).
- (h) Where Rule 8.3.4(e) applies, within five Working Days of notification to ~~the Delivery Body and~~ the CM Settlement Body:
  - (i) a Capacity Provider must, for each DSR CMU Component being added to the relevant DSR CMU:
    - (aa) ~~provide detailed line diagrams showing electrical configurations and metering sites at which the DSR CMU Components are located; and~~
- (i) A Capacity Provider may make notifications pursuant to Rules 8.3.4(b) and 8.3.4(e) jointly or separately for more than one component, and where applicable one or more CMUs, as part of one notification to the ~~Delivery Body and~~ CM Settlement Body.
- (k) Following receipt of a notification pursuant to Rule 8.3.4(b) or Rule 8.3.4(e), the ~~CM Settlement~~~~Delivery~~ Body must update the Capacity Market Metering Register within two Working Days to reflect the status of the relevant DSR CMU Components, as appropriate, as either:
  - (i) "Notified Addition"; or
  - (ii) "Notified Removal".
- (l) If a component is rejected during the process, the ~~CM Settlement~~~~Delivery~~ Body must update the Capacity Market Metering Register within two Working Days to reflect the status of the relevant DSR CMU as:
  - (i) "Rejected"
- (m) Where the requirements of Rule 8.3.4(c) and Rule 8.3.4(g) have been met, the ~~CM Settlement~~~~Delivery~~ Body must:
  - (i) update the Capacity Market Metering Register within two Working Days to reflect the status of the relevant DSR CMU Components, as appropriate, as:

- (~~aa~~i) "Added - Live"; or
- (~~bb~~ii) "Removed"; or
- (~~cc~~ii) "Original/Default – Live".

(ii) Update the Delivery Body as soon as reasonably practicable and, in any event, within 5 days on the updated completion details and status for all Added or Removed DSR CMU Components.

#### 8.3.7 Notifying change of address

- (a) A New Build CMU or DSR CMU notifying the Delivery Body pursuant to Rule 7.5.1(r) that the location of a Generating Unit(s) and/or DSR CMU Component(s) is or will be different from the location described in the Application must provide the Delivery Body with the following as applicable:
  - (~~ia~~) Relevant Planning Consents as required by Rule 3.7.1;
  - (~~ib~~) Connection Arrangements as required by Rule 3.7.3;
  - (~~ii~~e) A report confirming they have met the Financial Commitment Milestone;
  - (~~iv~~d) ~~An updated Metering Assessment, details of the Metering Configuration Solution and/or new Metering Test Certificate and any Detailed Line Diagrams~~Not used;
  - (~~ve~~) ~~Confirmation from the CM Settlement Body confirming the change to the Metering Configuration, as set out in Rule 8.3.3~~Not used;
  - (~~vi~~f) Confirmation of the new location and new Ordnance Survey grid reference;
  - (~~vii~~g) Omitted
  - (~~viii~~h) Low Carbon Exclusion and Low Carbon Grant status as set out in Rule 3.4.7;
  - (~~ix~~) ~~Meter Point Administration Numbers of the relevant Meter(s) at the new location and, where a MPAN is already in use by another CMU, a declaration that explaining the relationship between these CMUs and the metering solutions necessary to identify their individual~~Not used.
- (b) A Declaration that the Capacity Provider will notify the CM Settlement Body as soon as reasonably practicable and, in any event, within 5 days of Notifying change of address to:
  - (i) Provide Meter Point Administration Numbers of the relevant Meter(s) at the new location and, where a MPAN is already in use by another CMU, a declaration that explaining the relationship between these CMUs and the metering solutions necessary to identify their individual outputs
  - (ii) Complete an updated Metering Assessment and provide details of

the Metering Configuration Solution and/or new Metering Test Certificate ~~and any Detailed Line Diagrams;~~

(iii) Confirm with the CM Settlement Body any change to the Metering Configuration, as set out in Rule 8.3.3

(iv) Where a change of address is notified after the deadlines set in Rule 8.3.3, the Capacity Provider must fulfil updated obligations within 40 working days.

## **CHAPTER 9: TRANSFER OF CAPACITY OBLIGATIONS**

### **9. Transfer of Capacity Obligations**

9.2.4 A Capacity Provider may transfer a Capacity Agreement by:

- (a) transferring all or part of its Capacity Obligation in respect of a Capacity Committed CMU (the "CMU Transferor") for all or a specified number of calendar days in a Delivery Year to an Acceptable Transferee in respect of another CMU (the "CMU Transferee") provided that:
  - (i) the Acceptable Transferee nominates a CMU Transferee to perform the Capacity Obligation;
  - (ii) if the transfer is of part of its Capacity Obligation, the part transferred is at least equal to the Minimum Capacity Threshold; and
  - (iii) following the transfer, the aggregate Capacity Obligation of each of the CMU Transferor and the CMU Transferee is at least equal to the Minimum Capacity Threshold unless the CMU Transferor has transferred all of its Capacity Obligation.
- (b) with respect to a Capacity Committed CMU which is a Generating CMU where the Capacity Provider is the legal owner of each Generating Unit comprised in such CMU, transferring all Capacity Agreements relating to that CMU outright to:
  - (i) a person acquiring all such Generating Units (or, if it is a Prospective Generating CMU, all the contractual and other rights and assets then owned by the Capacity Provider and necessary to achieve the Substantial Completion Milestone with respect to such CMU); or
  - (ii) a person that is the Despatch Controller with respect to all such Generating Units,provided in each case that such person is an Acceptable Transferee; or
- (c) with respect to a Capacity Committed CMU which is a Generating CMU where the Capacity Provider is the Despatch Controller with respect to each Generating Unit comprised in such CMU, transferring all Capacity Agreements relating to that CMU outright to a person that is the legal

owner with respect to all such Generating Units provided that such person is an Acceptable Transferee; or

- (d) with respect to a Capacity Committed CMU which is an Interconnector CMU, transferring all Capacity Agreements relating to that CMU outright to a person acquiring that Electricity Interconnector (or, if it is a Prospective Interconnector CMU, all the contractual and other rights and assets then owned by the Capacity Provider and necessary to achieve the Substantial Completion Milestone with respect to such CMU) provided that such person is an Acceptable Transferee,

in each case such transfer of the Capacity Agreement to be in accordance with the Regulations and the Rules (including the requirements relating to the updating of the Capacity Market Register) [and the Capacity Market Metering Register](#). An individual transfer under Rule 9.2.4(a) may not relate to more than one Delivery Year.

#### 9.2.5 Transfers of a Capacity Agreement:

- (a) under Rule 9.2.4(a) can only be effected on the Capacity Market Register [and the Capacity Market Metering Register](#) after the T-1 Auction for the relevant Delivery Year has concluded (or, in the case of an SA Agreement, after 30th May 2017) and provided that:
  - (i) in the case of a Prospective Generating CMU and its second or third Delivery Year, it has achieved the Substantial Completion Milestone by the Prequalification Results Day for the T-1 Auction for that Delivery Year; and
  - (ii) in the case of a Prospective Interconnector CMU in relation to which a Capacity Agreement has been awarded for a Delivery Year ("Y") as well as for either or both of the two immediately following Delivery Years Y+1 and Y+2, and in respect of either of the latter two Capacity Agreements, it has achieved the Substantial Completion Milestone by the Prequalification Results Day for the T-1 Auction for Delivery Year Y+1 or Y+2 as the case may be; and
  - (iii) in the case of an Unproven DSR CMU that has been awarded a Capacity Agreement of a duration exceeding one Delivery Year, the Delivery Body has issued a DSR Test Certificate to the Applicant or Capacity Provider (as applicable) under Rule 13.2.11 and the Capacity Provider has satisfied the requirements of Rule 8.3.6 (Evidence of Total Project Spend).

#### 9.2.6 An Acceptable Transferee in relation to Rule 9.2.4(a), for any Delivery Year, is any of the persons in paragraphs (a) to (d) who meets the conditions in Rule 9.2.6(e)(i) to (xii):

- (a) a Bidder in a Capacity Auction for that Delivery Year (which may include a Bidder in relation to a CMU which Opted-out under Rule 3.11.2(f)(iii) at the T-4 Auction if, and only if, such CMU has since Prequalified in the T-1 Auction) in relation to a Prequalified CMU that does not have a

Capacity Agreement for that Delivery Year;

- (b) a Capacity Provider in relation to the De-rated Capacity of a Prequalified Prospective CMU that has achieved the Substantial Completion Milestone prior to the Delivery Year in which its Capacity Obligation commences (provided that the transfer relates only to the period prior to such Delivery Year);
- (c) a Capacity Provider of a CMU that Prequalified for that Delivery Year and that does not have a Capacity Agreement for that Delivery Year equal to the De-rated Capacity of that Prequalified CMU;
- (d) an Eligible Secondary Trading Entrant;
- (e) the conditions in this Rule 9.2.6(e) are that:
  - (i) the Capacity Obligation transferred, when aggregated with all other Capacity Obligations in respect of the CMU Transferee for that Delivery Year, will not at any time exceed:
    - (aa) the aggregate De-rated Capacity of the CMU Transferee (as recorded on the Capacity Market Register); or
    - (bb) where there is a Grid Connection Agreement relating to the CMU Transferee, the Transmission Entry Capacity recorded on the TEC Register in respect of that CMU Transferee;
  - (ii) the CMU Transferee:
    - (aa) satisfies the criteria set out in Rule 9.2.5(b); and
    - (bb) has delivered a capacity at least equal to its De-rated Capacity in any settlement period falling within the six months prior to the first date in the relevant Delivery Year on which a request was submitted to the Delivery Body under Rule 9.3.1;
    - (cc) has provided metering information, completed a Metering Assessment, ~~provide a Single Line Diagram~~ and where applicable holds a Metering Test Certificate with the CM Settlement Body.



## CHAPTER 10: VOLUME REALLOCATION

### 10.1A CMVR Registered Participant

10.1A.1 A person ("P") who is an Acceptable Transferee in respect of a CMU within the meaning of Rule 9.2.6, 9.2.7 or 9.2.8 may apply to be registered as a "CMVR Registered Participant" for a Delivery Year or, if it has commenced, so much of the Delivery Year that remains, by giving notice to the Delivery Body:

- (a) stating that P wishes to participate in volume reallocation under this Chapter;
- (b) specifying the Delivery Year for which P wishes to be so registered; and
- (c) specifying the CMU in respect of which the application is made.

10.1A.2 If the Delivery Body is satisfied that the application satisfies the conditions in Rule 10.1A.1:

- (a) P's registration as a CMVR Registered Participant is to take effect five Working Days after the notice under Rule 10.1A.1 is given to the Delivery Body; and
- (b) the Delivery Body must as soon as possible and in any event no later than 9 working days after the end of the month in which the application was made:
  - (i) notify the Settlement Body of the application; and
  - (ii) publish the following information:
    - (aa) that P is a CMVR Registered Participant for the Delivery Year specified in the application,
    - (bb) the effective date of P's registration; and
    - (cc) details of the CMU in respect of which P is so registered (the "CMVR Registered CMU").

### 10.2 Capacity Market Volume Reallocation Notification

10.2.1 Subject to the provisions of this Chapter, a Capacity Provider or CMVR Registered Participant may, in respect of a CMU ("the CMVR Transferor"), allocate any or all of the Volume Eij of that CMU to another CMU (the "CMVR Transferee") by way of a CMVRN.

10.2.1A Before becoming a CMVR Transferee, the CMVR Registered Participant must provide metering information ~~and a Single Line Diagram~~ to the CM Settlement Body, complete a Metering Assessment and, where applicable, hold a Metering Test Certificate.

## CHAPTER 13: TESTING REGIME

### 13. Testing Regime

#### 13.2 DSR Test

13.2.1 Each DSR CMU must carry out either a:

- (a) DSR Test in accordance with this Rule 13.2; or
- (b) Joint DSR Test in accordance with Rule 13.2B.

13.2.2 A DSR CMU can participate in a DSR Test:

- (a) prior to the commencement of the Prequalification Window for a Capacity Auction (in which case the DSR CMU may submit an Application for Prequalification as a Proven DSR CMU); or
- (b) after the award of a Capacity Agreement but by no later than one month prior to the commencement of the Delivery Year for that Capacity Agreement (in which case the DSR CMU must submit an Application for Prequalification as an Unproven DSR CMU); or
- (c) where Rules 8.3.4(b) or 8.3.4(e) apply, prior to the commencement of the subsequent Delivery Year, and after the final notification of component additions and/or removals; or
- (d) in the case of an Unproven DSR CMU that has been awarded a Capacity Agreement of a duration exceeding one Delivery Year, up to the date falling one month before the commencement of the second Delivery Year to which the Capacity Auction relates.

13.2.5 In order to carry out a DSR Test with respect to a DSR CMU, an Applicant or Capacity Provider (as applicable) must provide ~~the CM Settlement~~~~Delivery~~ Body with:

13.2.5A The CM Settlement Body must confirm to the Delivery Body that they have received information required in accordance with 13.2.5(a) or 13.2.5(b).

13.2.9 Within 5 Working Days of:

- (a) receipt of historic information under Rule 13.2.6(a) above; or
- (b) receipt of data from the ~~CM~~ Settlement Body regarding Metered Volumes at the relevant meters during the relevant Settlement Periods referred to in Rule 13.2.6(b),

13.2.12B In the event that the metering configuration details provided pursuant to Rule 13.2.5 change, then the Capacity provider must notify the ~~Delivery Body and the~~ Settlement Body as soon as practicable.

13.2.12C Within five Working Days of notification to the ~~Delivery Body and the~~ CM Settlement Body under Rule 13.2.12B, a Capacity Provider must, for each DSR CMU Component where metering configuration details differ from those provided pursuant to Rule 13.2.5:

- (a) ~~provide detailed line diagrams showing electrical configurations and~~

~~metering sites at which the DSR CMU Components are located; and~~  
Not used

- (b) complete a Metering Assessment in relation to that CMU.

13.2.12D If, as a consequence of Rule 13.2.12C(b), a Capacity Provider has been informed, pursuant to Rule 8.3.3(c)(i), that a Metering Test is required, then a Capacity Provider must ~~obtain~~provide a Metering Test Certificate within forty Working Days from the date of notification under Rule 8.3.3(c)(i).

13.2.12E Where one or more notifications have been made to the ~~Delivery Body and the~~ Settlement Body pursuant to Rule 13.2.12B, the DSR Test Certificate for the relevant DSR CMU shall:

### **13.2A New DSR Test**

13.2A.3 To enable the Delivery Body to carry out a new DSR Test with respect to the relevant DSR CMU, the Capacity Provider must provide the CM Settlement~~Delivery~~ Body with the information set out in Rule 13.2.5, except for the information required by Rule 13.2.5(b)(ii).

### **13.2B Joint DSR Test**

13.2B.1 An Applicant or Capacity Provider may, by notification to the Delivery Body, nominate more than one DSR CMU for a Joint DSR Test, provided the relevant DSR CMUs are Unproven DSR CMUs and have the same Applicant or Capacity Provider.

13.2B.2 A DSR CMU can participate in a Joint DSR Test:

- (a) prior to the commencement of the Prequalification Window for a Capacity Auction (in which case each DSR CMU may submit an Application for Prequalification as a Proven DSR CMU); or

13.2B.5 In order to carry out a Joint DSR Test with respect to a group of DSR CMUs, an Applicant or Capacity Provider (as applicable) must provide the CM Settlement~~Delivery~~ Body with:

13.2B.5A The CM Settlement Body must confirm within five days to the Delivery Body that they have received information required in accordance with 13.2B.5(a) or 13.2B.5(b)

13.2B.20 In the event that the metering configuration details provided pursuant to Rule 13.2B.5 change, then the Capacity provider must notify ~~the Delivery Body and~~ the Settlement Body as soon as practicable.

13.2B.21 Within five Working Days of notification to the ~~Delivery Body and the~~ CM Settlement Body under Rule 13.2B.20, a Capacity Provider must, for each DSR CMU Component where metering configuration details differ from those provided pursuant to Rule 13.2B.5:

- (a) ~~provide detailed line diagrams showing electrical configurations and metering sites at which the DSR CMU Components are located; and~~  
Not

used

- (b) complete a Metering Assessment in relation to that CMU.

13.2B.22 If, as a consequence of Rule 13.2B.21(b), a Capacity Provider has been informed, pursuant to Rule 8.3.3(c)(i), that a Metering Test is required, then a Capacity Provider must ~~obtain~~provide a Metering Test Certificate within forty Working Days from the date of notification under Rule 8.3.3(c)(i).

13.2B.23 Where one or more notifications have been made to ~~the Delivery Body~~ and the Settlement Body pursuant to Rule 13.2B.20, the DSR Test Certificate for the relevant DSR CMU shall:

- (a) remain valid for the duration of the Capacity Agreement in respect of which the CMU carried out the DSR Test; and
- (b) not be valid after the end of that Capacity Agreement, and a new DSR Test Certificate will be required for any subsequent Delivery Year no later than six weeks prior to that Delivery Year.

13.2C.3 To enable the Delivery Body to carry out a new Joint DSR Test with respect to the relevant DSR CMUs, the Capacity Provider must provide the ~~CM Settlement~~Delivery Body with the information set out in Rule 13.2B.5, except for the information required by Rule 13.2B.5(b)(ii).

13.3.10 The CM Settlement Body shall notify the Delivery Body of the outcome of any Metering Test carried out pursuant to this Rule 13.3 and confirm the date that the Metering Test Certificate was awarded.

### **13A.5 Submission of incorrect information**

13A.5.1 If the CM Settlement Body becomes aware that a Capacity Provider has submitted incorrect information to the ~~Delivery Body or~~ CM Settlement Body regarding a CMU, Generating Unit or DSR component in purported compliance with Rule 8.3.3(f)(i), the CM Settlement Body must, as soon as reasonably practicable, issue a Metering Recovery Payment Notice to the Capacity Provider.

13A.5.2 Within five Working Days of receipt of a Metering Recovery Payment Notice, the Capacity Provider must:

- (a) provide the CM Settlement Body with details of the date when the incorrect information was first submitted (the "invalidation date"); and
- (b) explain to the CM Settlement Body why ~~the line diagrams provided in accordance with, as applicable, Rule 3.6.4(a)(i), Rule 3.9.4(a)(i) or Rule 8.3.3(ba), and/or~~ the Metering Statement provided in accordance with Rule 13.3.2, differ from the metering configuration.

## SCHEDULE 1: TEMPLATE CAPACITY AGREEMENT NOTICE

## CAPACITY AGREEMENT NOTICE

## Part D: CMU Details

|       |  |  |
|-------|--|--|
| (i)   | Description and the full postal address with postcode, if available, and the two letter prefix and six-figure Ordnance Survey grid reference numbers of Generating Unit(s) and/or DSR CMU Component(s) or the Electricity Interconnector |  |
| (ii)  | <del>Meter Point Administration Numbers for relevant Meter(s) or details of metering and communications arrangements</del><br><u>Not used</u>  |  |
| (iii) | <del>BM Unit ID (if applicable)</del><br><u>Not used</u>   |  |
| (iv)  | Type of CMU<br>(Transmission, CMRS Distribution, Non-CMRS Distribution or DSR, Interconnector)   |  |
| (v)   | Classification<br><i>(for Generating or Interconnector CMUs only – Existing, Prospective and, if applicable Refurbishing)</i>  |  |
| (vi)  | Construction Milestone Dates<br><i>(for Prospective CMUs only)</i>   |  |

## SCHEDULE 5: EXPERT DETERMINATION PROCEDURE

### 1 Purpose of expert determination procedure

If a Capacity Provider does not accept a decision of the CM Settlement Body pursuant to:

1.1 Rule 7.7A.1 and no resolution is agreed pursuant to Rule 7.7A.3, the Capacity Provider may submit the dispute to expert determination in accordance with Rule 7.7A.7 and the procedure set out in this Schedule 5 (the “Expert Determination Procedure”).

1.2 Rule 13.3.6(b) and no resolution is agreed pursuant to Rule 13.3.9(b), the Capacity Provider may submit the dispute to expert determination in accordance with Rule 13.3.9(d) and the procedure set out in this Schedule 5 (the “Expert Determination Procedure”).

### 2 Submission of dispute to expert determination

2.1 In order to submit the dispute to expert determination in accordance with Rule 13.3.9(d), the Capacity Provider must give a notice (an “Expert Determination Notice”) to the CM Settlement Body, no later than 10 Working Days after the meeting held under Rule 13.3.9(b), which includes:

2.1.1 a statement that the Capacity Provider considers that the dispute should be referred for expert determination in accordance with Rule 13.3.9(d) and the Expert Determination Procedure;

2.1.2 a description of the subject matter of the dispute and the issues to be resolved;

2.1.3 where the Capacity Provider considers it appropriate, copies of any supporting information on which the Capacity Provider intends to rely; and

2.1.4 a proposal as to the identity, and terms of reference, of the person to be appointed in accordance with the Expert Determination Procedure to determine the dispute (“Expert”) and the relevant expertise that the Capacity Provider considers qualifies the Expert to determine the relevant matter.

2.1A In order to submit the dispute to expert determination in accordance with Rule 7.7A.7, the Capacity Provider must give a notice (an “Expert Determination Notice”) to the CM Settlement Body, no later than 10 Working Days after notification of refusal received under 7.7A.6, which includes:

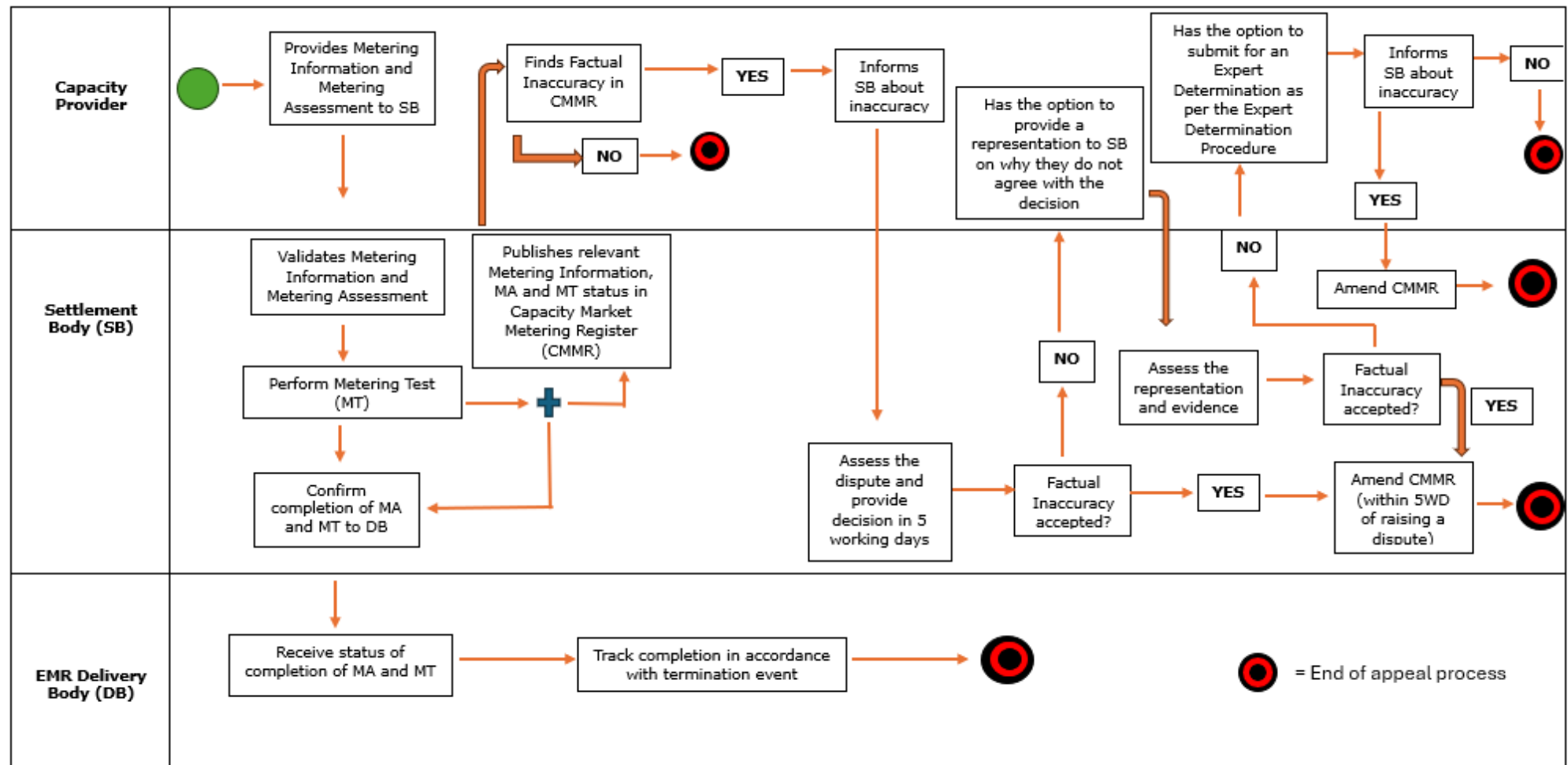
2.1A.1 a statement that the Capacity Provider considers that the dispute should be referred for expert determination in accordance with Rule 7.7A.7 and the Expert Determination Procedure;

2.1A.2 a description of the subject matter of the dispute and the issues to be resolved;

2.1A.3 where the Capacity Provider considers it appropriate, copies of any supporting information on which the Capacity Provider intends to rely; and

2.1A.4 a proposal as to the identity, and terms of reference, of the person to be appointed in accordance with the Expert Determination Procedure to determine the dispute (“Expert”) and the relevant expertise that the Capacity Provider considers qualifies the Expert to determine the relevant matter.

## Annex B – Factual Inaccuracy Appeals Process



## **Annex C - Submitting CM rule change Proposals to CMAG**

To raise a change, you can complete the CM rule change proposal form<sup>14</sup> and submit it to [CMAG@Elexon.co.uk](mailto:CMAG@Elexon.co.uk). The CMAG Secretariat will provide all Proposers with 'critical friend' support to ensure there is appropriate level of detail in the Change Proposal to ensure productive CMAG prioritisation and development. Alongside the CMAG Secretariat's 'critical friend' work, CM Delivery Partners and Ofgem will complete their own assessment of the proposal form.

Proposers will be invited to attend a CMAG meeting to present their CM rule change proposal form to CMAG. CMAG will prioritise the change in line with other active changes, and it will be added to the CMAG forward work plan. CMAG will assess the issue and solution presented, confirming any impacts to both participants and consumers. Proposers will be invited to attend all CMAG meetings where their proposal is being discussed. CMAG will answer a list of standard change proposal questions during the development stage and confirm if any specific questions are required for the proposal. Proposers will be requested to share their responses to the standard and specific questions relating to their change proposal.

The CMAG Secretariat will work with the Delivery Partners to complete an impact assessment of all CM rule change proposals. This impact assessment will consider: the technical feasibility of the solution, implementation, ongoing costs for implementation, expected impacts to Delivery Partners and expected timescales for implementation.

CMAG will look to make a recommendation to Ofgem to approve or reject for each CM rule change proposal it receives. The recommendation will be noted within the CM rule change proposal report, which CMAG produces to accompany each of the CM rule change proposals it submits to Ofgem.

All CM rule change proposals will be consulted on by Ofgem via a statutory consultation, giving interested stakeholders the opportunity to share their feedback on the proposals, including where appropriate on the proposed drafting of the legal text.

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<sup>14</sup> [CM-Change-Proposal-Template-2023.docx \(live.com\)](#)