

## Guidance

# Market Facilitator Governance Framework Document 2026-2028

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Contact:	Paul Wheeler
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Team:	System Flexibility
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Telephone:	020 7901 7000
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Email:	<a href="mailto:flexibility@ofgem.gov.uk">flexibility@ofgem.gov.uk</a>
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The Market Facilitator is responsible for aligning local and national flexibility markets to reduce friction and remove barriers to unlock the full value of flexibility.

It issues and amends Flexibility Market Rules which are developed through collaboration and consultation with interested stakeholders, which Distribution Network Operators (DNOs) and National Energy System Operator (NESO) are required to adopt and adhere to.

This guidance document is an important part of the policy framework for the Market Facilitator role, which is being delivered by Elexon.

It sets out the Market Facilitator's scope, roles and responsibilities and the arrangements for how Ofgem assesses Elexon's performance as Market Facilitator and holds them to account.

The Market Facilitator Governance Framework Document is owned and designated by Ofgem. Elexon must comply with this document.

This document is applicable for the Market Facilitator's first delivery plan period, which runs from 1 January 2026 to 31 March 2028.

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# 1. Introduction

## Context

- 1.1 The Market Facilitator is a single, expert entity with a mandate to grow and develop flexibility markets, and align local and national flexibility markets.
- 1.2 Elexon have been appointed as the Market Facilitator delivery body.
- 1.3 The Market Facilitator role was developed as part of Ofgem's review of the future of local energy institutions and governance arrangements.

## Market Facilitator remit

- 1.4 The Market Facilitator is tasked with reducing friction in flexibility markets, to increase liquidity and unlock the full value of flexibility.
- 1.5 It's role is to simplify access to distribution and transmission flexibility markets with the aim of increasing participation for flexibility service providers.
- 1.6 It ensures consistent and coordinated market arrangements across existing or new DSO and NESO services which will increase revenue stacking opportunities.
- 1.7 The Market Facilitator must look for alignment where it is appropriate, whilst considering existing obligations on DNOs and NESO to provide safe and secure electricity systems.

## What does the Market Facilitator do and how does it operate?

- 1.8 The Market Facilitator issues and amends the Flexibility Market Rules.
- 1.9 These are designed and developed in collaboration with DNOs, NESO and other interested parties, including flexibility service providers.
- 1.10 The Flexibility Market Rules include the common rules, market processes, services and standards that DNOs and NESO are required to adopt and adhere to.
- 1.11 The Market Facilitator is the final decision-maker on Flexibility Market Rules, which are appealable to Ofgem.
- 1.12 DNOs and NESO are required by licence condition in the Electricity Distribution Licence and the Electricity System Operator Licence respectively to comply with the Market Facilitator's Flexibility Market Rules.
- 1.13 Licensees are also required to report the implementation status of Flexibility Market Rules in accordance with the Market Facilitator's implementation monitoring process.
- 1.14 These obligations are included in Electricity Distribution Licence Condition 55 and Electricity System Operator Licence Condition C20.

## Market Facilitator governance arrangements

- 1.15 The Market Facilitator governance arrangements were developed by Ofgem and Elexon, with a clear distinction in terms of the roles and responsibilities and split of activities between both organisations.
- 1.16 Elexon developed with stakeholders the detailed governance arrangements for how it delivers the role; including cost recovery, implementation monitoring and change management. These enduring governance arrangements were signed off by Ofgem and are set out in governance documents owned and maintained by Elexon.
- 1.17 Ofgem are responsible for the policy framework which includes how Elexon will be held to account and how its performance as Market Facilitator will be assessed and monitored.
- 1.18 These arrangements are set out in this Market Facilitator Governance Framework Document.

## Market Facilitator Governance Framework Document

- 1.19 This document sets out the scope and roles and responsibilities of the Market Facilitator and its deliverables, as well as how Elexon's performance as Market Facilitator will be assessed.
- 1.20 This version of the Market Facilitator Governance Framework Document is applicable for the period from 1 January 2026 to 31 March 2028.
- 1.21 This covers the period from Market Facilitator go-live until the end of the first delivery plan period.
- 1.22 The second delivery plan period will run for a two-year period from 1 April 2028 to 31 March 2030 and therefore a subsequent Market Facilitator Governance Framework Document will be consulted upon and published prior to 1 April 2028.
- 1.23 Future delivery plans will run for a two-year period starting 1 April and ending on 31 March and therefore future iterations of the Market Facilitator Governance Framework Document will align with this frequency.

## Appeals

- 1.24 This document also sets out the appeals process for the Market Facilitator budget, and the Market Facilitator's decision on Flexibility Market Rules and Elexon's Market Facilitator governance documents.

## Compliance

- 1.25 This Market Facilitator Governance Framework Document is published by Ofgem and may be amended by direction, subject to consultation with stakeholders.

1.26 Elexon are required to comply with this Market Facilitator Governance Framework Document.

## **Structure of this Market Facilitator Governance Framework Document**

- Section 1 is the introduction to this document
- Section 2 sets out the Market Facilitator scope and roles and responsibilities
- Section 3 sets out the Market Facilitator deliverables
- Section 4 sets out the Market Facilitator appeals
- Section 5 sets out the Market Facilitator performance arrangements
- Appendix 1 contains the performance assessment criteria for Flexibility Market Asset Registration (FMAR)
- Appendix 2 contains the appeal form for the Market Facilitator budget
- Appendix 3 contains the appeal form for the Market Facilitator's decision on Flexibility Market Rules and Elexon's Market Facilitator governance documents

## **Related publications**

April 2022: [Call for Input: Future of local energy institutions and governance | Ofgem](#)

March 2023: [Consultation: Future of local energy institutions and governance | Ofgem](#)

November 2023: [Decision on future of local energy institutions and governance | Ofgem](#)

December 2023: [Consultation: Market facilitator delivery body | Ofgem](#)

July 2024: [Decision: Market facilitator delivery body | Ofgem](#)

July 2024 Consultation: [Flexibility Market Asset Registration | Ofgem](#)

November 2024: [Decision to approve BSC Modification P481 | Ofgem](#)

December 2024: [Market facilitator policy framework consultation | Ofgem](#)

March 2025: [Decision: flexibility market asset registration | Ofgem](#)

June 2025: [Decision: market facilitator policy framework | Ofgem](#)

July 2025: [Proposed licence conditions to support the operation of the market facilitator | Ofgem](#)

September 2025: [Coordinating flexibility: the market facilitator blueprint | Ofgem](#)

November 2025: [P500 Balancing and Settlement Code \(BSC\) changes | Ofgem](#)

## 2. Market Facilitator scope and roles and responsibilities

### Section summary

This section sets out the Market Facilitator scope for the first delivery plan period and the enduring roles and responsibilities for Elexon as Market Facilitator and for Ofgem.

### Scope

#### Context

- 2.1 To ensure that the Market Facilitator can operate effectively, deliver tangible outcomes and avoid duplication of effort, it is important that the scope of the Market Facilitator is clear.
- 2.2 The scope needs to be comprehensive enough to support coordination of flexibility markets at both a local and national level, but also bounded and focused so that the Market Facilitator and stakeholders are not overloaded.

#### First delivery plan

- 2.3 For the first delivery plan period, from 1 January 2026 to 31 March 2028, the Market Facilitator scope includes:
  - All DNO flexibility services
  - NESO Services in scope of the role of the Market Facilitator, meaning most NESO ancillary services, defined as all service types under the "commercial ancillary services" heading in [NESO's procurement guidelines](#) (Part C Section 1), apart from stability and reactive power
  - Balancing Mechanism, excluding operational decisions, for example as to which bids and offers to accept and the subsequent balancing instructions to market participants
- 2.4 The Market Facilitator must consider the full end-to-end flexibility process for all DNO flexibility services and NESO ancillary services in scope, from procurement (exploration, registration and competition) to operations (availability and dispatch) and reporting (verification and settlement).
- 2.5 The Market Facilitator will not deliver flexibility services or operate the system. Dispatch decision-making remains the responsibility of DNOs and NESO.
- 2.6 The scope and remit of the Market Facilitator relates to its objectives.

#### Second delivery plan

- 2.7 The scope for the second delivery plan period will be set out in the Market Facilitator Governance Framework Document covering the period from 1 April 2028 to 31 March 2030.

- 2.8 However, as we have already confirmed the scope for this period in previous publications, and for the avoidance of doubt, the scope will be extended to include the Wholesale Market.

## **Roles and responsibilities**

### **Context**

- 2.9 This document is concerned with the enduring roles and responsibilities for Ofgem, Elexon and other actors with regards to the Market Facilitator.
- 2.10 Elexon as Market Facilitator are empowered to be a decision-maker and perform the Market Facilitator role in accordance with this Market Facilitator Governance Framework Document.
- 2.11 Ofgem will not be involved in the Market Facilitator role on a day-to-day, operational basis.

### **Ofgem**

- 2.12 The roles and responsibilities for Ofgem are:

- Direction setting for the Market Facilitator, working with the Department for Energy Security and Net Zero (DESNZ) on policy and strategy documents
- Setting the Market Facilitator's objectives
- Consider and decide any appeals relating to:
  - Market Facilitator budget
  - Flexibility Market Rules
  - Elexon's Market Facilitator governance documents
- An option to input into the development of the Market Facilitator's two-year delivery plan
- An option to input into the Market Facilitator's annual delivery schedule
- An option to input into the development of the Market Facilitator's annual budget
- Issue directions to Elexon as Market Facilitator, in accordance with [paragraph 17.5, Section C of the BSC](#)
- Remove or reassign the Market Facilitator role, as set out in [paragraphs 17.9 and 17.10, Section C of the BSC](#)
- Through this Market Facilitator Governance Framework Document, set out, and if necessary, update the Market Facilitator policy framework, including the scope, roles and responsibilities and requirements of the role
- Undertake an annual performance assessment of Elexon as Market Facilitator
- Compliance and enforcement of DNO and NESO licence conditions introduced to support the operation of the Market Facilitator



- Request strategic advice from Elexon as Market Facilitator subject to the agreed process

## Elexon

2.13 The roles and responsibilities and activities for Elexon as Market Facilitator are categorised under three functions:

- strategic leadership
- market coordination
- implementation monitoring

### **Strategic leadership**

- Monitor and horizon scan for upcoming challenges and opportunities (for example, policy, regulation, innovation, energy markets, international best practice)
- Provide strategic and expert advice to Ofgem / DESNZ, as requested, or proactively where a policy or regulatory barrier has been identified
- Recommend to Ofgem strategic updates to the Market Facilitator role as required. These will be considered by Ofgem and if taken forward will then be consulted upon by Ofgem
- Create a two-year Market Facilitator delivery plan in line with Ofgem and DESNZ's flexibility policy, and an annual Market Facilitator delivery schedule
- Proactively identify barriers to flexibility to either address in the delivery plan if within the Market Facilitator scope or raise with the relevant party

### **Market coordination**

- Design and develop new / update existing common rules, market processes, services, standards, in line with the delivery plan published in the form of Flexibility Market Rules
- Deliver the Flexibility Market Asset Registration (FMAR) digital infrastructure
- Input into NESO service design prior to implementation decisions being made and prior to formal consultation by NESO, identifying and advising on potential inconsistencies, which could include with existing arrangements or future changes
- Input into the NESO market design framework to support alignment between flexibility market arrangements
- Set out timelines for the adoption of new and updated common Flexibility Market Rules
- Facilitate open, participative discussions with broad stakeholder representation in developing Flexibility Market Rules

- Maintain an up-to-date repository of Flexibility Market Rules and Market Facilitator governance documents in a publicly accessible place
- Engage and comply with the appeals process for the Market Facilitator budget, Flexibility Market Rules and Market Facilitator governance documents

### **Implementation monitoring**

- Track implementation of Flexibility Market Rules across DNOs and NESO, and report implementation issues to Ofgem, in accordance with the implementation monitoring framework
- Input into the NESO performance assessment process and DSO incentive process, as requested by Ofgem
- Assess the effectiveness of services, processes, rules, standards and identify and feedback improvements or updates into the market coordination function

### **Stakeholder Advisory Board**

- 2.14 The Market Facilitator must have a Stakeholder Advisory Board.
- 2.15 The Stakeholder Advisory Board has a dual role, supporting high quality decision-making by Elexon and feeding into Ofgem’s assessment of Elexon’s performance as Market Facilitator.
- 2.16 The existence of the Stakeholder Advisory Board strengthens stakeholder oversight and helps to ensure accountability and transparency of Market Facilitator operations.
- 2.17 The Stakeholder Advisory Board must scrutinise and provide feedback on the budget, draft delivery plan and schedule, which the Market Facilitator must consider and incorporate.
- 2.18 The Stakeholder Advisory Board has an important role in assessing Elexon’s performance as Market Facilitator by providing formal input into the process, as set out in Section 5.
- 2.19 The detailed arrangements for the Stakeholder Advisory Board, including membership and Terms of Reference, are set out in [Elexon’s Market Facilitator governance documents](#).

### **Common roles and responsibilities DNOs, NESO and any other interested party**

- 2.20 For information only, we also set out the roles and responsibilities for other actors.

### **Interested parties**

- Contribute to the development of Flexibility Market Rules, delivery plans and budgets (through multiple routes, for example, working groups, public consultations and as a Stakeholder Advisory Board member)
- Input to the Market Facilitator's performance assessment process (through the stakeholder survey and Stakeholder Advisory Board)
- Appeal a Market Facilitator decision (Market Facilitator budget, Flexibility Market Rule or Market Facilitator governance document)

**Specific roles for DNOs and NESO**

- Adopt and adhere to the Market Facilitator's Flexibility Market Rules
- Report the implementation status of Flexibility Market Rules in accordance with the implementation monitoring process

**Specific role for NESO only**

- Engage with the Market Facilitator prior to formal consultation, as part of NESO's service design process and get Market Facilitator input to the market design framework

### 3. Market Facilitator deliverables

#### **Section summary**

This section sets out the Market Facilitator deliverables, including Flexibility Market Rules, a two-year delivery plan, an annual delivery schedule, an implementation tracker, strategic advice and an annual budget.

#### **Context**

- 3.1 This section sets out the Market Facilitator's deliverables. These are items that the Market Facilitator must develop and deliver in order to perform the Market Facilitator role.

#### **Governance**

- 3.2 The processes for these deliverables are set out in the Market Facilitator governance documents which are owned by Elexon and must be kept up-to-date and published on the Elexon website.
- 3.3 The Market Facilitator must follow Ofgem's [Data Best Practice guidance](#) for any data it handles, particularly relating to its implementation monitoring function.

#### **Flexibility Market Rules**

- 3.4 The Market Facilitator issues and amends the Flexibility Market Rules.
- 3.5 These have previously been referred to as outputs and then technical outputs in prior publications.
- 3.6 Flexibility Market Rules are new and existing common rules, market processes, services, standards for flexibility markets.
- 3.7 These rules are developed through collaboration with impacted stakeholders.
- 3.8 The rules are published on the [Flexibility Market Rules page on Elexon's website](#).
- 3.9 The Market Facilitator must maintain a change management process which sets out how new Flexibility Market Rules can be raised and how changes can be made to existing Flexibility Market Rules. This process sits in the [Market Facilitator governance documents owned by Elexon](#).
- 3.10 Flexibility Market Rules must be in line with the remit and scope of the Market Facilitator.
- 3.11 DNOs and NESO are required to adopt and adhere to the Flexibility Market Rules, as set out in licence conditions added to both the Electricity Distribution Licence and NESO's Electricity System Operator Licence.
- 3.12 As part of its implementation monitoring function, the Market Facilitator must monitor implementation and adoption of Flexibility Market Rules, and escalate

any implementation and adoption issues to Ofgem. This process is set out in the Implementation Monitoring Procedure which is available on the [Market Facilitator governance page on Elexon's website](#).

- 3.13 Ofgem are responsible for compliance and enforcement of licence conditions introduced on DNOs and NESO to support the operation of the Market Facilitator.
- 3.14 There is an appeals process for Flexibility Market Rules, which is set out in Section 4.

## Market Facilitator Information

- 3.15 The information that licensees are required to provide to the Market Facilitator to demonstrate adoption and implementation must be set out in each of the Flexibility Market Rules.
- 3.16 The Market Facilitator must apply Ofgem's [Data Best Practice guidance](#) when requesting and storing information from DNOs and NESO provided to demonstrate their compliance with the Flexibility Market Rules.
- 3.17 The Market Facilitator must establish and maintain robust policies and procedures governing the identification, disclosure and use of confidential information, which may include but is not limited to: information subject to legal privilege, relating to critical national infrastructure or that is commercially or market sensitive.
- 3.18 The Market Facilitator must ensure that any information provided by DNOs, NESO and any other stakeholder in relation to the Market Facilitator is handled and processed in accordance with these policies and procedures.
- 3.19 The Market Facilitator should put appropriate protections in place to ensure that any information identified as confidential is not directly or indirectly disclosed or otherwise accessible to persons other than the Market Facilitator's employees, agents and contractors.

## Two-year delivery plan

- 3.20 The Market Facilitator must produce a two-year delivery plan, outlining core activities.
- 3.21 The two-year delivery plan aligns with the financial / regulatory year (1 April to 31 March) rather than calendar year.
- 3.22 However, the first delivery plan covers the 27-month period from 1 January 2026 to 31 March 2028, to align with Market Facilitator go-live.
- 3.23 The second delivery plan period will then run from 1 April 2028 to 31 March 2030.

- 3.24 A draft delivery plan must be published and stakeholders will be invited to provide feedback, and the Market Facilitator will be required to consider and respond to this feedback.
- 3.25 Elexon sets its own delivery plan. It will not be signed off by Ofgem, but we do have the option to input into its development and will maintain oversight through the performance assessment process.
- 3.26 The delivery plan is not subject to an appeals process.

## **Annual delivery schedule**

- 3.27 To complement and support the two-year delivery plan, the Market Facilitator must produce an annual delivery schedule.
- 3.28 The first delivery schedule runs from 1 January 2026 to 31 December 2026, to align with Market Facilitator go-live.
- 3.29 The second annual delivery schedule will run from 1 January 2027 to 31 March 2028.
- 3.30 Elexon sets its own delivery schedule. It will not be signed off by Ofgem, but we do have the option to input into its development and will maintain oversight through the performance assessment process.
- 3.31 Elexon are not required to publish a draft delivery schedule for consultation, however, we expect it to engage with stakeholders during its development.
- 3.32 The delivery schedule is not subject to an appeals process.

## **Implementation tracker**

- 3.33 As part of its function to monitor the implementation and adoption of Flexibility Market Rules by DNOs and NESO, the Market Facilitator must develop and maintain an implementation tracker.
- 3.34 This tracks and monitors the implementation and adoption of standardised market processes, rules, standards and services across NESO and the DNOs, ensuring alignment and transparency in implementation.
- 3.35 DNOs and NESO are required by licence condition to provide information as requested by the Market Facilitator for the purposes of implementation monitoring.

## **Strategic advice**

- 3.36 As part of its strategic leadership function, Ofgem and / or DESNZ are able to formally request advice from the Market Facilitator.
- 3.37 These requests are expected to be ad hoc.

- 3.38 The Ofgem policy team responsible for the Market Facilitator will triage any requests from across Ofgem and DESNZ, acting as a single point of contact between the requester and Elexon on the request for strategic advice. Requests should be submitted to [flexibility@ofgem.gov.uk](mailto:flexibility@ofgem.gov.uk).
- 3.39 The Market Facilitator can also proactively provide strategic advice to Ofgem and / or DESNZ, for example where it identifies a policy or regulatory barrier that is not within its remit to resolve.

## **Annual budget**

- 3.40 The Market Facilitator must set an annual budget for Market Facilitator related costs and expenditure.
- 3.41 The Market Facilitator budget is part of the overall Elexon budget, but Market Facilitator costs must be set out separately in the budget.
- 3.42 The Market Facilitator budget is set ahead of each financial year.
- 3.43 The Market Facilitator budget must be cost reflective, and costs must be set out in a clear and transparent manner.
- 3.44 Market Facilitator costs must not be demonstrably uneconomical, wasteful or inefficient.
- 3.45 The Market Facilitator must consult on its draft budget and must consider and respond to stakeholder feedback.
- 3.46 There is an appeals process for the Market Facilitator budget, which is set out in Section 4.

## 4. Market Facilitator appeals

### Section summary

This section sets out the appeals process for the Market Facilitator budget, Flexibility Market Rules and Elexon's Market Facilitator governance documents.

### Context

- 4.1 As set out in Section 3, the Market Facilitator budget, and the Market Facilitator's decision on Flexibility Market Rules and Elexon's Market Facilitator governance documents can be appealed.
- 4.2 The appeals processes set out in this Market Facilitator Governance Framework Document 2026-2028 will also be applicable for future delivery plan periods.
- 4.3 Appeals can be raised by any interested party.

### Annual budget

- 4.4 A key deliverable of the Market Facilitator is an annual budget. The requirements for this are set out in Section 3.
- 4.5 The draft Market Facilitator budget is subject to consultation, and therefore interested parties will be able to provide views which Elexon must consider and respond to.
- 4.6 However, the final Market Facilitator budget can be appealed.
- 4.7 The Market Facilitator budget will be part of Elexon's overall budget.
- 4.8 Elexon are required to separately report Market Facilitator cost items.

### Appeals process

- 4.9 Appeals for the Market Facilitator budget can be made to Ofgem.
- 4.10 Ofgem's decision is final.
- 4.11 However, in certain circumstances our appeal decisions can be challenged on procedural grounds via judicial review.
- 4.12 Budget appeals are limited to the Market Facilitator budget only.
- 4.13 The appeals process, including timescales and criteria (grounds for appeal) sit in this Market Facilitator Governance Framework Document.
- 4.14 The appeals process is also referenced in [BSC Section C](#), pointing appellants to the timescales and grounds for appeal in this document.
- 4.15 The Market Facilitator is funded as specified in [BSC Section D 'BSC Cost Recovery and Participation Charges'](#).



- 4.16 However, any interested party (not just organisations who fund the Market Facilitator) can appeal the Market Facilitator budget.
- 4.17 An appeal must be lodged within 10 working days of the publication of the annual budget, which will have been subject to consultation and have been approved by the Elexon Board.
- 4.18 The appeal will need to relate to one or more specific Market Facilitator cost item(s), not the Market Facilitator budget as a whole.
- 4.19 Appellants must complete the Market Facilitator Budget Appeal Form, which can be found in Appendix 2.
- 4.20 A Microsoft Word version of the Appeal Form has been published alongside this Market Facilitator Governance Framework Document.
- 4.21 Appeals must be submitted to Ofgem via e-mail to [flexibility@ofgem.gov.uk](mailto:flexibility@ofgem.gov.uk) and also copied to the Market Facilitator via e-mail to [MF@elexon.co.uk](mailto:MF@elexon.co.uk), with the subject “Market Facilitator Budget Appeal” with a completed Market Facilitator Budget Appeal Form attached.
- 4.22 When completing the form, appellants must set out their interest in the Market Facilitator budget, which of the ground(s) for appeal is applicable and any evidence to support their appeal.

### **Grounds for appeal**

- 4.23 The following are grounds for appeal of the Market Facilitator budget.
- 4.24 The Market Facilitator cost item:
- was not adequately consulted upon as part of the draft budget or the Elexon Board failed to have reasonable regard to the consultation responses submitted;
  - is not a legitimate item of expenditure for the Elexon Board;
  - is an inappropriate provision for the activity in question, and there are insufficient safeguards in place to ensure that the actual costs incurred will be efficient; or
  - will, or is likely to, prejudice unfairly the interests of one or more interested stakeholder, or cause them to be in breach of the Balancing and Settlement Code (BSC), Licences and/or applicable law.
- 4.25 Appeals will be dismissed if Ofgem considers that the appeal is trivial or vexatious, or considers that it does not make a prima facie case that it meets one of the appeal grounds set out above or that it has no reasonable prospect of success.

- 4.26 In the event of multiple appeals from different interested parties relating to the same Market Facilitator cost item, Ofgem may amalgamate the appeals into one appeal.

**What happens after an appeal is submitted?**

- 4.27 Ofgem will acknowledge receipt of the appeal within 2 working days.
- 4.28 Within 10 working days of receipt of the appeal, Ofgem will reply to the appellant to confirm whether it considers the appeal to be valid and whether any more information is required.
- 4.29 If the appeal is considered valid, Ofgem will then aim to make a decision in a timely manner on whether to uphold or reject the appeal.
- 4.30 The timescales will depend on the nature, content and complexity of the appeal.
- 4.31 Ofgem will set out the date on which it expects to make a decision when confirming that the appeal is valid.
- 4.32 Ofgem may arrange to meet with the appellant or the Market Facilitator to discuss the appeal.
- 4.33 Whilst the appeal is being considered, the Market Facilitator shall be allowed to continue to incur costs for that particular Market Facilitator cost item.

**Outcomes**

- 4.34 If Ofgem upholds the appeal then it may:
- refer the particular cost item back to the Elexon Board for further consideration and, if appropriate, to pursue a revision to the current Market Facilitator budget;
  - revise the provision for that budget item to a figure which it reasonably considers to be a better forecast of the cost likely to be incurred, whether that is higher or lower than the Market Facilitator budgeted figure; or
  - direct the Market Facilitator to remove that cost item entirely and make suitable revision to its budget, along with highlighting the consequential impact on the Market Facilitator delivery plan / schedule.
- 4.35 If Ofgem rejects the appeal, then it will:
- direct the Market Facilitator to make no changes to the Market Facilitator cost item.
- 4.36 Ofgem will publish its decision on the Ofgem website, inform the appellant of its publication and notify the Market Facilitator.

## **Market Facilitator decision on Flexibility Market Rules or Elexon's Market Facilitator governance documents**

4.37 Flexibility Market Rules and Elexon's Market Facilitator governance documents are issued and amended by Elexon as Market Facilitator.

4.38 The appeals process includes:

- new Flexibility Market Rules
- changes to existing Flexibility Market Rules
- changes to Elexon's Market Facilitator governance documents

### **Flexibility Market Rules**

4.39 Flexibility Market Rules are a key deliverable of the Market Facilitator. The requirements and processes for Flexibility Market Rules are set out in Section 3.

4.40 Flexibility Market Rules are developed by the Market Facilitator in collaboration with interested parties, including DNOs, NESO and flexibility service providers.

4.41 Interested parties therefore have sufficient opportunities to input into the development of Flexibility Market Rules, either new or changes to existing, and provide feedback on the impacts.

4.42 However, Elexon's decision on Flexibility Markets Rules can be appealed.

### **Elexon's Market Facilitator governance documents**

4.43 Elexon's Market Facilitator governance documents are the working-level documents developed and maintained by the Market Facilitator covering the following topics:

- Market Facilitator Delivery Plan
- Implementation Monitoring
- Change Management
- Stakeholder Advisory Board
- Flexibility Market Rules Framework

4.44 These governance documents are available on the [Market Facilitator governance page on Elexon's website](#).

### **Appeals process**

4.45 Appeals on the Market Facilitator's decision on the Flexibility Market Rules (new or changes to existing) or Elexon's Market Facilitator governance documents can be made to Ofgem.

4.46 Ofgem's decision is final.

- 4.47 However, in certain circumstances our appeal decisions can be challenged on procedural grounds via judicial review.
- 4.48 The appeals process and criteria sit in this Market Facilitator Governance Framework Document, and are referenced in the Market Facilitator governance documents.
- 4.49 Housekeeping changes to the Flexibility Market Rules or Elexon's Market Facilitator governance documents cannot be appealed. These are typically minor changes, and involve the correction of manifest errors, minor errors and inconsistencies, including typographical errors (including punctuation errors, spelling mistakes, incorrect font, incorrect capitalisation) incorrect cross-referencing, and the removal of redundant text.
- 4.50 Any interested party can appeal Flexibility Market Rules (new or changes to existing) or changes to Elexon's Market's Facilitator governance documents.
- 4.51 An appeal must be lodged within 15 working days of the publication of the decision by the Market Facilitator to approve or reject a Flexibility Market Rule (new or change to existing) or a change to Elexon's Market Facilitator governance documents.
- 4.52 Appellants must complete the Flexibility Market Rules / Elexon's Market Facilitator governance documents Appeal Form which can be found in Appendix 3.
- 4.53 A Microsoft Word version of the Appeal Form has been published alongside this Market Facilitator Governance Framework Document.
- 4.54 Appeals must be submitted to Ofgem via e-mail to [flexibility@ofgem.gov.uk](mailto:flexibility@ofgem.gov.uk) and also copied to the Market Facilitator via e-mail to [MF@elexon.co.uk](mailto:MF@elexon.co.uk), with the subject either "Flexibility Market Rule Appeal" or "Elexon's Market Facilitator Governance Document Appeal", with a completed Flexibility Market Rules / Elexon's Market Facilitator Governance Document Appeal Form attached.
- 4.55 When completing the form, appellants must set out their interest in the Flexibility Markets / Elexon's Market Facilitator governance document, which of the ground(s) for appeal is applicable and any evidence to support their appeal.

### **Grounds for appeal**

- 4.56 The following are grounds for appeal on Elexon's decision on the Flexibility Market Rules / Elexon's Market Facilitator governance documents.

Applicable to all interested parties

- The Market Facilitator has not reasonably considered consultation responses or the views of the Stakeholder Advisory Board;
- the approved [legal] text does not reflect the intended purpose of the change;

- the Market Facilitator did not use an appropriate progression route for the change;
- the impacts of the change have not been accurately or adequately assessed;
- the implementation date does not allow sufficient time for the industry to implement the change;
- the change is not within the remit or scope of the Market Facilitator;
- an Alternative Solution which has been supported by the Stakeholder Advisory Board has been excluded by the Market Facilitator;

Applicable to DNOs and NESO only

- the risk of a potential breach of any statutory duty imposed on the licensee, or obligation of the licensee under its licence or any industry code arising from implementation of the Flexibility Market Rule
- the request for data contained within the Flexibility Market Rule is not reasonable.

4.57 Appeals will be dismissed if Ofgem considers that the appeal is trivial or vexatious, or considers that it does not make a prima facie case that it meets one of the appeal grounds set out above or that it has no reasonable prospect of success.

4.58 In the event of multiple appeals from different interested parties relating to the same Flexibility Market Rule / Elexon's Market Facilitator governance document, Ofgem may amalgamate the appeals into one appeal.

#### **What happens after an appeal is submitted?**

4.59 Ofgem will acknowledge receipt within 2 working days.

4.60 Within 10 working days of receipt of the appeal, Ofgem will reply to the appellant to confirm whether it considers the appeal to be valid and whether any more information is required.

4.61 If the appeal is considered valid, Ofgem will then aim to make a decision in a timely manner on whether to uphold or reject the appeal.

4.62 The timescales will depend on the nature, content and complexity of the appeal.

4.63 Ofgem will set out the date on which it expects to make a decision when confirming that the appeal is valid.

4.64 Ofgem may arrange to meet with the appellant or the Market Facilitator to discuss the appeal.

4.65 Whilst the appeal is being considered, the implementation of the Flexibility Market Rule or change to Elexon's Market Facilitator governance document shall be paused.

## **Outcomes**

4.66 If Ofgem uphold the appeal then it may determine that the Flexibility Market Rule or change to Elexon's Market Facilitator governance document:

- is not implemented;
- is 'sent back' to the Market Facilitator for further work to address the concerns raised in the appeal; or
- a new implementation date is required, and it may propose a new implementation date, taking into account the Market Facilitator's views.

4.67 If Ofgem rejects the appeal, then the decision to implement the Flexibility Market Rule (new or change to existing) / change to Elexon's Market Facilitator governance document will continue as per the Market Facilitator's original decision.

4.68 Ofgem will publish its decision on the Ofgem website, inform the appellant of its publication and notify the Market Facilitator.

## 5. Market Facilitator performance arrangements

### Section summary

This section sets out the Market Facilitator's objectives and how we will assess Elexon's performance as Market Facilitator.

### Context

- 5.1 Elexon are a not-for-profit entity and are delivering the Market Facilitator role on a not-for-profit basis.
- 5.2 The Market Facilitator's performance arrangements consist of the following components:
  - A reputational incentive framework with no financial incentives or revenue at risk
  - A requirement for Elexon to link its senior management performance-related remuneration policy with the Market Facilitator performance assessment
  - An annual, evaluative Market Facilitator performance assessment undertaken by Ofgem, with the following assessment criteria:
    - Plan delivery and ambition
    - Stakeholder evidence

### Performance objectives

- 5.3 The Market Facilitator's remit is set out in the introduction to this document in paragraphs 1.4 to 1.7.
- 5.4 For the first delivery plan period, from 1 January 2026 to 31 March 2028, we have set the Market Facilitator the following two performance objectives:
  - 1. Objective 1: By 31 March 2028 Elexon should:
    - Identify and implement alignment opportunities across DNO flexibility services, NESO ancillary services and the Balancing Mechanism where it offers system value, including by:
      - (a) Designing and delivering common and coherent market arrangements that simplify market access and participation while maintaining the integrity of the service
      - (b) Facilitating market coordination of NESO and DSO flexibility markets, such that value can be stacked
    - Clearly set out and justify instances where alignment is not being pursued (for instance due to a technical or legal barrier, system security, efficiency)
  - 2. Objective 2: By 30 September 2027, Elexon should deliver the Flexibility Market Asset Registration (FMAR) digital infrastructure.

- 5.5 These are the high-level objectives that we expect the Market Facilitator to consider when developing its delivery plan and delivery schedules, with key deliverables and milestones to ensure progress to meet the targets.
- 5.6 Prior to the start of the second delivery plan period, from 1 April 2028 to 31 March 2030, Ofgem will set a performance objective for this period, noting that the Market Facilitator scope will then include the Wholesale Market.

## **Performance assessment process**

- 5.7 Ofgem will hold check-ins with the Market Facilitator to assess progress against the delivery plan, on at least a quarterly basis.
- 5.8 Ofgem will formally assess Elexon's performance as Market Facilitator on an annual basis, with plan delivery and ambition and stakeholder evidence as assessment criteria. Detailed assessment criteria for FMAR are provided in Appendix 1.
- 5.9 The performance assessment process will start shortly after 31 March, at the end of each regulatory year.
- 5.10 Elexon must submit a self-assessment report to Ofgem to set out its progress against its delivery plan.
- 5.11 To capture stakeholder evidence Ofgem will carry out a stakeholder survey and seek formal input from the Stakeholder Advisory Board, in the form of a report.
- 5.12 Ofgem will consider Elexon's self-assessment report, responses to the stakeholder survey and the report from the Stakeholder Advisory Board in helping to form a view to assess the Market Facilitator's performance.
- 5.13 In its performance assessment report Ofgem will set out both successes and areas for improvement.

## **Elexon self-assessment report**

- 5.14 Elexon as Market Facilitator must publish and submit a self-assessment report to Ofgem covering the period being assessed (that is the prior regulatory year).
- 5.15 This report will set out progress against the milestones in its delivery plan and schedule and against its objectives, including the dedicated plan for FMAR.
- 5.16 The report should include factual reporting information of interest to Ofgem and stakeholders. This could include, for example, the number of workgroups held, consultations published and the number of changes to Flexibility Market Rules implemented.
- 5.17 The report should be no longer than 20 A4 pages (excluding cover pages, content pages and blank pages) and should be submitted to Ofgem by 31 May, or sooner if possible.



- 5.18 Ofgem will use the information contained within this report when assessing Market Facilitator delivery against its two-year delivery plan and annual schedule.

## Stakeholder evidence

### **Stakeholder survey**

- 5.19 We will issue a stakeholder survey, asking any interested parties to provide views of how Elexon has delivered the Market Facilitator role in the prior regulatory / financial year.
- 5.20 The survey will be conducted by Ofgem.
- 5.21 We welcome views from any stakeholders, but would particularly expect responses from organisations who will have worked closely with the Market Facilitator, including DNOs, NESO, flexibility service providers and trade associations.
- 5.22 Only one score per organisation will be considered for the purposes of the survey results.
- 5.23 Questions will relate to the Market Facilitator's performance across its three functions; strategic leadership, market coordination and implementation monitoring, and more generally on how stakeholders have found working with Elexon's Market Facilitator team.
- 5.24 We will ask how often a stakeholder has interacted with the Market Facilitator to help understand the level of engagement.
- 5.25 For each question we will ask for a satisfaction rating on the scale of 1 to 10, with 1 being very dissatisfied and 10 being very satisfied.
- 5.26 Stakeholders will then be able to provide a written answer to set out the rationale for their score.
- 5.27 We will also ask for an overall rating.
- 5.28 Using a scored approach enables benchmarking so that Elexon's performance as Market Facilitator can be compared against previous years.
- 5.29 We will utilise our list of stakeholder contacts to inform them of the survey and also ask the Market Facilitator to promote it via its communication channels.
- 5.30 To mitigate the risk of bias the Market Facilitator should promote the survey to all stakeholders who have engaged with the Market Facilitator, either registered for Market Facilitator updates (Flex News) or attended workshops. The Market Facilitator should not use any financial or non-financial incentive to encourage stakeholders to complete the survey.

- 5.31 There are already mechanisms for stakeholders to provide views to Ofgem on DNOs and NESO, so it is important that the feedback relates solely to the operations of Elexon as Market Facilitator.

### **Stakeholder Advisory Board**

- 5.32 The Stakeholder Advisory Board must submit a report to Ofgem on its views of the Market Facilitator's performance, to formally input into the performance assessment process.

### **Plan delivery and ambition**

- 5.33 In addition to stakeholder evidence from the stakeholder survey and formal input from the Stakeholder Advisory Board, we will also consider plan delivery and ambition.

### **Delivery**

- 5.34 The two-year delivery plan and annual delivery schedule are key documents where Elexon sets out how it will meet its objectives.
- 5.35 Therefore it is important that we assess Elexon's progress against its two-year delivery plan and annual delivery schedule.
- 5.36 At the end of each regulatory year we will assess progress against milestones in the delivery plan and delivery schedule.
- 5.37 For a two-year delivery plan period, at the end of the first year we will assess progress of the first annual delivery schedule and at the end of the second year we will assess delivery for the second annual delivery schedule.
- 5.38 The assessment at the end of the first year for each two-year delivery plan will provide an indication at the mid-way point of how likely it is that the two-year delivery plan will be delivered.

### **Ambition**

- 5.39 We will also assess the level of ambition for the two-year delivery plan and delivery schedule, particularly considering support for the government's [Clean Power 2030 Action Plan](#), the [Clean Flexibility Roadmap](#) and net zero.

### **Performance assessment timetable**

- 5.40 The annual performance assessment process will start shortly after the end of the regulatory year so that feedback is captured from stakeholders on a timely basis.
- 5.41 This approach also enables Elexon to consider Ofgem's performance assessment and to implement any changes based on feedback early in the new regulatory year.

- 5.42 The timetable set out below will apply to every regulatory year that the Market Facilitator's performance is assessed, subject to any changes in the arrangements or the process, which would be consulted on.
- 5.43 We will issue a stakeholder survey by 30 April, with a number of set questions for stakeholders to respond to.
- 5.44 Responses will be submitted to Ofgem.
- 5.45 The stakeholder survey will be open for a period of 28 calendar days.
- 5.46 Elexon must submit its self-assessment report by 31 May, or sooner if possible.
- 5.47 The Stakeholder Advisory Board must submit their report on the Market Facilitator's performance by 31 May, or sooner if possible.
- 5.48 We will endeavour to publish our report on Elexon's performance as Market Facilitator by 31 July.
- 5.49 The table below sets out the performance assessment timetable as described above:

**Table 1 Market Facilitator performance assessment timetable**

<b>When</b>	<b>What</b>	<b>Who</b>
31 March	End of regulatory year	N/A
By 30 April	Stakeholder survey issued	Ofgem
	Stakeholder survey response	Any interested stakeholder
28 calendar days after stakeholder survey issued	Stakeholder survey closes	Ofgem
By 31 May	Self-assessment report submitted to Ofgem	Elexon
By 31 May	Submit report	Stakeholder Advisory Board
1 June - 30 July	Undertake performance assessment	Ofgem
By 31 July	Publish performance assessment report	Ofgem

## **Removal or reassignment of the Market Facilitator role**

- 5.50 As a last resort, Ofgem can remove or reassign some, part of or all of the Market Facilitator role from Elexon to another organisation.

- 5.51 This clause is set out in this Market Facilitator Governance Framework Document and also in [paragraphs 17.9 and 17.10, Section C of the BSC](#).
- 5.52 Ofgem would undertake a process to select a new Market Facilitator delivery body.
- 5.53 In the event of removal or reassignment, Elexon would be required to support a smooth transition and handover to the new Market Facilitator delivery body. This could include the provision of materials or information as so required.
- 5.54 Ofgem would be required to provide Elexon with reasonable notice of removal or reassignment.
- 5.55 The circumstances where Ofgem would consider removal or reassignment could include, but are not limited to:
- Failure to comply with this Market Facilitator Governance Framework Document
  - Continued poor performance
  - A breakdown of trust between the Market Facilitator and stakeholders that Ofgem considers cannot be remedied
  - A significant change in Ofgem or DESNZ policy

## Send us your feedback

We are keen to receive your feedback about this guidance. We would also like to get your answers to these questions:

- Do you have any comments about the quality of this guidance?
- Do you have any comments about its tone and content?
- Was it easy to read and understand? Or could it have been better written?
- Do you have any further comments?

Please send your feedback to [stakeholders@ofgem.gov.uk](mailto:stakeholders@ofgem.gov.uk).

## Appendices

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## Appendix 1 Performance Assessment for FMAR

**Table 1 - 1st Assessment mid 2026 (Assessment period: 1 Apr 2025 to 31 Mar 2026)**

Deliverables	Assessment Criteria
1. FMAR delivery plan that includes key activities, milestones, and budget	<p>Is the plan robust with sufficient risk assessment and mitigation in place?</p> <p>Is the plan consistent with FMAR decision scope and final delivery target of end of Q3 2027?</p> <p>Is the programme on track?</p>
2. Design key steps of common Flexible Market Asset Registration processes for DSOs and alignment with NESO requirements	Does the common process support both DSO and NESO asset registrations and support FMAR digital infrastructure design?
3. Refining of scope for markets, data, and assets, and of design principles, functional requirements and non-functional requirements	Do the refined scope, design principles, functional requirements and non-functional requirements meet stakeholder needs and the latest sector developments?
4. High-level design of digital infrastructure, including machine interfaces for collection and access to data, and a data storage solution	<p>Does the high-level design fulfil the design principles, functional requirements and non-functional requirements as refined in Deliverable 3 outlined above? High-level design should include reference architecture, overarching enterprise architecture and key FMAR processes.</p> <p>Is the high-level design developed in close collaboration with NESO, to fulfil any requirement as a DSI use case, and align with the most recent update of the DSI governance framework?</p> <p>Has an initial trust framework policy or process been developed for FMAR?</p> <p>Has the high-level design been formally signed off by Ofgem?</p>
5. Consultation and publication of the DSO/NESO common elements of Flexibility Market Asset Registration processes and Change Proposal raised in the Flexibility Market Rules	<p>Is the consultation and publication conducted in appropriate manner, with sufficient feedback opportunity from stakeholders?</p> <p>Is stakeholder feedback sufficiently taken into account?</p>
6. Digital infrastructure initial delivery plan	<p>Is the initial delivery plan robust with sufficient risk assessment and mitigation for timely delivery of the digital infrastructure?</p> <p>Does it include appropriate piloting and testing windows?</p>

**Table 2 - 2nd Assessment mid 2027 (Assessment period: 1 Apr 2026 to 31 Mar 2027)**

<b>Deliverables</b>	<b>Assessment Criteria</b>
7. Procurement of digital infrastructure	Is procurement conducted with transparency, appropriate selection criteria for vendors, robust service level agreements (SLA) and at an appropriate cost?
8. Development of digital infrastructure	<p>Is development of the digital infrastructure progressing according to plan in terms of timeline, cost, and high-level design outlined in Deliverable 4?</p> <p>Is the digital infrastructure developed in close collaboration with NESO?</p> <p>Does it fulfil any requirement of a DSI use case, and align with the most recent update of the DSI governance framework?</p> <p>Has the trust framework been developed for FMAR?</p> <p>Is actual delivery on track?</p>
9. Piloting and testing of digital infrastructure	<p>Has sufficient and appropriate piloting and testing been conducted with appropriate stakeholder groups?</p> <p>Has the digital infrastructure undergone end user acceptance testing with appropriate metrics provided?</p>



**Table 3 - 3rd Assessment mid 2028 (Assessment period: 1 Apr 2027 to 31 Mar 2028)**

<b>Deliverables</b>	<b>Assessment Criteria</b>
10. Completion of digital infrastructure	<p>Is the digital infrastructure completed in accordance with the delivery plan and budget, and does it fulfil the high-level design outlined in Deliverable 4?</p> <p>Is FMAR Release 1 formally signed off by Ofgem?</p>
11. Launch/Go-live of digital infrastructure	<p>Is FMAR Release 1 live and operational by 30 September 2027?</p> <p>Is sufficient information, technical support, guidelines and procedures around data sharing and use of digital infrastructure provided for users for Release 1 development?</p> <p>Does the digital infrastructure have sufficient and appropriate problem feedback and resolution loop?</p>
12. Maintenance, expansion and upgrade plan of digital infrastructure	<p>Are appropriate plans and metrics in place to monitor performance and support regular maintenance?</p> <p>Are appropriate governance and stakeholder engagement processes in place for decisions on maintenance, expansion or upgrade?</p> <p>Is an appropriate plan in place for maintenance, expansion and upgrade? Has it been developed with appropriate input from performance monitoring, stakeholders/users and horizon scanning?</p> <p>Is the digital infrastructure sufficiently maintained, upgraded and expanded in line with the plan?</p>

## Appendix 2 Market Facilitator Budget Appeal Form

<b>Market Facilitator Budget Appeal Form</b>
Please use this form to submit an appeal on the Market Facilitator Budget
<b>Appeal details</b>
<p><b>Date appeal submitted</b></p> <p>[Insert date that appeal was submitted to Ofgem]</p>
<p><b>Which Financial Year does this budget appeal relate to?</b></p> <p>[Insert Financial Year in YYYY/YY format]</p>
<p><b>Which specific Market Facilitator Cost item(s) does your budget appeal relate to?</b></p> <p>[Insert Market Facilitator Cost Item(s) – note your appeal needs to relate to one or more specific Market Facilitator Cost Item(s), not the total Market Facilitator Budget nor Elexon's overall Budget]</p>
<p><b>On what grounds are you appealing the Market Facilitator Cost Item(s)?</b></p> <p>[Please complete the check box to indicate on which ground or grounds you are appealing, as set below and explain why you are appealing]</p> <p>The Market Facilitator cost item:</p> <p><input type="checkbox"/> was not adequately consulted upon as part of the draft budget or the Elexon Board failed to have reasonable regard to the consultation responses submitted</p> <p><input type="checkbox"/> is not a legitimate item of expenditure for the Elexon Board</p> <p><input type="checkbox"/> is an inappropriate provision for the activity in question, and there are insufficient safeguards in place to ensure that the actual costs incurred will be efficient</p> <p><input type="checkbox"/> will, or is likely to, prejudice unfairly the interests of one or more interested stakeholder, or cause them to be in breach of the Balancing and Settlement Code, Licences and/or applicable law</p>

<b>Please explain your interest in the Market Facilitator Budget</b> [Any interested party can submit a budget appeal, please explain your interest]
<b>Please provide any supporting evidence for your appeal, either in this form below or as an attachment</b>
<b>Appellant details</b>
<b>Organisation Name:</b> [Insert Organisation Name]
<b>Organisation Type:</b> [Insert Organisation Type e.g. DNO, flexibility service provider, supplier]
<b>Organisation's Address:</b> [Insert Organisation's Address]
<b>Appellant's Representative contact details</b>
<b>Name:</b> [Insert name of Appellant's Representative]
<b>Telephone number:</b> [Insert telephone number of Appellant's Representative]
<b>E-mail address:</b> [Insert e-mail address of Appellant's Representative]

<b>Appellant's Representative Alternate contact details</b>
<b>Name:</b>  [Insert name of an alternate contact]
<b>Telephone Number:</b>  [Insert telephone number of the alternate contact]
<b>E-mail address:</b>  [Insert e-mail address of the alternate contact]

Completed appeal forms should be submitted to Ofgem using the e-mail address [flexibility@ofgem.gov.uk](mailto:flexibility@ofgem.gov.uk) and copied to the Market Facilitator using the e-mail address [MF@elexon.co.uk](mailto:MF@elexon.co.uk), with the subject "Market Facilitator Budget Appeal".

Ofgem will acknowledge receipt within 2 working days.

## Appendix 3 Flexibility Market Rule / Elexon's Market Facilitator Governance Document Appeal Form

### **Flexibility Market Rule / Elexon's Market Facilitator Governance Document Appeal Form**

Please use this form to submit an appeal on a Flexibility Market Rule or Elexon's Market Facilitator Governance Document

#### **Appeal details**

##### **Date appeal submitted**

[Insert date that appeal was submitted to Ofgem]

##### **Does your appeal relate to a Flexibility Market Rule or Elexon's Market Facilitator Governance Document?**

[Insert Flexibility Market Rule or Elexon's Market Facilitator Governance Document]

##### **Which specific document does your appeal relate to?**

[Insert document name and add hyperlink]

##### **Please state the date that the Market Facilitator's decision was published**

[Insert date – please note that appeals can only be submitted within 15 working days of the publication of the Market Facilitator's decision]

##### **On what ground(s) are you appealing?**

[Please complete the check box to indicate on which ground or grounds you are appealing, as set out below, and explain why you are appealing]

☐ The Market Facilitator has not reasonably considered consultation responses or the views of the Stakeholder Advisory Board

- ☐ the approved [legal] text does not reflect the intended purpose of the change
- ☐ the Market Facilitator did not use an appropriate progression route
- ☐ the impacts of the change have not been accurately or adequately assessed
- ☐ the implementation date does not allow sufficient time for the industry to implement the change
- ☐ the change is not within the remit or scope of the Market Facilitator;
- ☐ an Alternative Solution which has been supported by the Stakeholder Advisory Board has been excluded by the Market Facilitator;

For DNOs and NESO only:

- ☐ the risk of a potential breach of any statutory duty imposed on the licensee or obligation of the licensee under its licence or any industry code arising from implementation of the Flexibility Market Rule;
- ☐ the request for data contained within the Flexibility Market Rule is not reasonable.

**Please explain your interest**

[Any interested party can submit an appeal on the Flexibility Market Rules / Elexon's Market Facilitator governance documents, please explain your interest]

**Please provide any supporting evidence for your appeal, either in this form below or as an attachment**

**Appellant details**

**Organisation Name:**

[Insert Organisation Name]

**Organisation Type:**

[Insert Organisation Type e.g. DNO, flexibility service provider, supplier]

**Organisation's Address:**

[Insert Organisation's Address]
<b>Appellant's Representative contact details</b>
<b>Name:</b> [Insert name of Appellant's Representative]
<b>Telephone number:</b> [Insert telephone number of Appellant's Representative]
<b>E-mail address:</b> [Insert e-mail address of Appellant's Representative]
<b>Appellant's Representative Alternate contact details</b>
<b>Name:</b> [Insert name of an alternate contact]
<b>Telephone Number:</b> [Insert telephone number of the alternate contact]
<b>E-mail address:</b> [Insert e-mail address of the alternate contact]

Completed appeal forms should be submitted to Ofgem using the e-mail address [flexibility@ofgem.gov.uk](mailto:flexibility@ofgem.gov.uk) and copied to the Market Facilitator using the e-mail address [MF@elexon.co.uk](mailto:MF@elexon.co.uk), with the subject "Flexibility Market Rule Appeal" or "Elexon's Market Facilitator Governance Document Appeal".

Ofgem will acknowledge receipt within 2 working days.

