CONTENTS

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SECTION O: COMMUNICATIONS UNDER THE CODE 1
1. GENERAL 1
1.1 Introduction 1
1.2 Communications 2
1.3 Data Catalogue 2
1.4 SVA Communications 2
2. SCOPE AND INTEPRETATION 3
2.1 Application of further provisions of this Section O 3
2.2 Interpretation 4
2.3 Communication Requirements Document 4
3 PARTIES' OBLIGATIONS 5
3.1 Requirement to have a Party System 5
3.2 Testing 6
3.3 Changes to Party Systems 6
3.4 Security 6
4 RULES AS TO COMMUNICATIONS 7
4.1 Form and effect of Communications 7
4.2 Effective receipt of Communications 8
4.3 BSC Agent Downtime 9
4.4 Other obligations 9

SECTION O: COMMUNICATIONS UNDER THE CODE

1. GENERAL

1.1 Introduction

1.1.1 This Section O sets out:

(a) an outline of the arrangements for Communications under the Code; and

(b) in relation to certain Communications between Parties and certain BSC Agents:

(i) requirements to be complied with by Parties and Party Agents in order to be able to send certain Communications to BSC Agents and ensure that certain Communications are received;

(ii) requirements as to the forms of certain Communications between Parties or Party Agents and BSC Agents;

(iii) the basis on which certain Communications will be treated as received by a Party or BSC Agent for the purposes of the Code.

1.1.2 In this Section O references to a Party do not include BSCCo or BSC Clearer. In this Section O references to a Party Agent do not include SVA Meter Operator Agents.

1.1.3 For the purposes of this Section O:

(a) "**Communication**" means any communication (including any notification, application, request, approval, acceptance, rejection, report or other data submission or data transfer) to be sent and received under the Code, and includes (where the context admits) the data flow and content comprised in such communication;

(b) "**Communications Medium**" means a particular method of transmitting Communications, including telefax, e-mail, telephone or other electronic communications system (and includes the Managed Data Network as defined in paragraph 1.4.1);

(c) a "**Data Catalogue**" is a document (or combination of documents) of that title, as established or adopted and from time to time modified by ~~the Panel~~BSCCo in accordance with the Code, containing a catalogue of certain Communications, specifying for each such Communication:

(i) the definition of the data items comprised in the Communication;

(ii) the format of the Communication;

(iii) in certain cases, the Communications Medium or alternative Communications Medium by which such Communication may be sent;

(iv) any other requirements as to the form of the Communication.

1.1.4 Data Catalogues are Code Subsidiary Documents.

1.2 Communications

1.2.1 Subject to any other specific provision of the Code, and subject to paragraph 1.2.2 and 1.2.3, the arrangements and requirements (including terms as to when the sending or receipt of a Communication is effective) which apply in relation to the various kinds of Communications are as follows (in each case where applicable to any Communication):

(a) Communications between (1) any Party and (2) ~~the Panel,~~ BSC Clearer (but not the FAA on its behalf) or subject to paragraph 1.2.3 BSCCo, are to be made in accordance with Section H9.2;

(b) Communications between the NETSO and a Party pursuant to Section Q are governed by the Grid Code as provided in Section Q;

(c) Communications between (1) Parties (including for the avoidance of doubt the NETSO pursuant to Section Q) or Party Agents and (2) BSC Agents (not including SVA Communications except as provided in paragraph 2.1.1(b)) are to be made in accordance with the further provisions of this Section O;

(d) SVA Communications are to be made in accordance with paragraph 1.4 (and with the further provisions of this Section O, if and to the extent applicable in accordance with paragraph 2.1.1(b));

(e) the arrangements for making communications between BSC Agents and/or between BSC Agents and Market Index Data Providers shall be contained in the relevant BSC Service Descriptions, BSC Agent Contracts, Market Index Data Provider Contracts and/or BSC Procedures or otherwise as established or approved by ~~the Panel~~BSCCo;

(f) unless otherwise provided in the Code, any other Communications between Parties are to be made in accordance with Section H9.2.

1.2.2 A Communication may be made by being posted on the BMRS or (where to be made by BSCCo ~~or the Panel~~) by being placed on the BSC Website, in a case where any other provision of the Code expressly so provides.

1.2.3 BSCCo may arrange with any BSC Agent to send and receive Communications by any of the Communications Mediums by which Communications are made between that BSC Agent and Parties.

1.3 Data Catalogue

1.3.1 Unless ~~the Panel~~BSCCo otherwise approves, any Communication which is specified in a Data Catalogue shall be sent and received in the form and format and using the Communications Medium (where specified) and otherwise in accordance with the requirements set out in that Data Catalogue (or where the Data Catalogue provides options, in accordance with one of the options), but subject as provided in paragraph 1.2.3.

1.4 SVA Communications

1.4.1 For the purposes of the Code:

(a) the "**SVA Data Catalogue**" is the Data Catalogue of that title (including a data interfaces document) relating to certain Communications between SVA data parties;

(b) "**SVA Communication**" means any Communication which is specified in the SVA Data Catalogue or another Code Subsidiary Document as a Communication to be made using the Managed Data Network or an alternative approved method of SVA data transfer;

(c) "**SVA data parties**" means Suppliers, Supplier Agents, SMRAs, BSCCo, the SVAA and the Teleswitch Agent (but does not include the Profile Administrator or the TAA for SVA Metering Systems);

(d) the "**Managed Data Network**" is any third party service approved as such from time to time by ~~the Panel~~BSCCo for the purposes of transfers of data relating to Supplier Volume Allocation between inter alia SVA data parties;

(e) references to an alternative approved method of SVA data transfer are to such alternative method or methods of data transfer as ~~the Panel~~BSCCo may approve for the purposes of transferring data to and from SVA data parties in connection with Supplier Volume Allocation and/or SMRS.

1.4.2 SVA Communications shall be sent and received by the relevant SVA data parties using the Managed Data Network or an alternative approved method of SVA data transfer.

1.4.3 The BSC Agent Contract for the SVAA shall provide for the SVAA to have access to the Managed Data Network and to comply with the requirements of any Code Subsidiary Document in respect of transfers of data using the Managed Data Network, or for an alternative approved method of SVA data transfer, provided that ~~the Panel~~BSCCo shall not, save in exceptional circumstances, approve an alternative method of SVA data transfer if the charges for transferring data by that method will exceed the charges for using the Managed Data Network.

1.4.4 Each Supplier shall procure that:

(a) each Supplier Agent for which it is responsible complies with the relevant requirements of applicable BSC Procedures in respect of transfers of data to and from SVA data parties, including the sending of data in accordance with the SVA Data Catalogue;

(b) without prejudice to paragraph (a), except to the extent otherwise specified by ~~the Panel~~BSCCo, procure that each such Supplier Agent uses the Managed Data Network or an alternative approved method of SVA data transfer.

1.4.5 Where applicable (in accordance with paragraph 2.1.1(b)) the further provisions of this Section O shall apply (unless in conflict with this paragraph 1.4) in relation to SVA Communications.

2. SCOPE AND INTEPRETATION

2.1 Application of further provisions of this Section O

2.1.1 The further provisions of this Section O apply in relation to:

(a) Communications, other than SVA Communications, to be made between:

(i) Parties or Party Agents other than Supplier Agents, and

(ii) BSC Agents; and

(b) SVA Communications which are to be made using an alternative approved method of SVA data transfer;

and references to "**Communications**" and to "**BSC Agents**" in the further provisions of this Section O shall be construed accordingly; and further references to this Section O are to the further provisions of this Section O.

2.1.2 This Section O shall apply in relation to each Party's Party Agents, and each Party shall be responsible for ensuring that its Party Agents send and receive Communications in accordance with and otherwise comply with the requirements of this Section O; and accordingly, where the context admits, a reference in this Section O to a Party includes its Party Agents.

2.2 Interpretation

2.2.1 For the purposes of this Section O:

(a) in relation to a particular BSC Agent and one or more particular Communications Mediums a "**Data File Catalogue**" is a Data Catalogue applying in respect of Communications to be made between Parties and that BSC Agent by that or those Communications Medium(s);

(b) a "**Communication Requirements Document**" is a document or documents of that title, as established or adopted and from time to time modified by ~~the Panel~~BSCCo in accordance with the Code, containing detailed requirements for sending and receiving Communications between Parties and one or more BSC Agents using one or more than one Communications Medium(s);

(c) a "**Party System**" is the system or systems collectively which (or the use of which) a Party or (pursuant to paragraph 2.1.2) a Party Agent has or is required to have pursuant to paragraph 3.1.1;

(d) "**Time Standard**" means any time standard specified (in relation to a BSC Agent and Communications Medium) in the relevant Communication Requirements Document.

2.2.2 Where the same person acts in the capacity of more than one BSC Agent, ~~the Panel~~BSCCo may decide that a single Data File Catalogue shall apply in relation to that person.

2.2.3 Communications specified in a Data File Catalogue are to be sent and received in accordance with that Data File Catalogue and the further requirements of this Section O and any applicable Communication Requirements Document.

2.2.4 References in the further provisions of this Section O to Communications are to Communications which are specified in a Data File Catalogue.

2.3 Communication Requirements Document

2.3.1 Each Communication Requirements Document sets out, in relation to the BSC Agent and each Communications Medium to which it relates:

(a) a description and specification of the Communications Medium;

(b) requirements (if any) as to the system(s) which are required by a Party in order to send and receive Communications using that Communications Medium;

(c) details of the tests which are required of a Party in relation to its Party System in accordance with paragraph 3.2;

(d) any particular requirements applying to a Party where it wishes to modify its Party System;

(e) any security requirements (as further described in paragraph 3.4) applying in respect of the use of the Communications Medium by a Party;

(f) any further terms applying to the use of such Communications Medium by a Party;

(g) the basis on which (as further described in paragraph 4.2) it will be determined whether and when Communications sent using such Communications Medium are deemed to have been received;

(h) for the purposes of the matters in paragraph 4.2.2, the arrangements which exist within, or the configuration of, each relevant BSC Agent System, and the arrangements which are required to be a part of each Party System, for recording and logging and (in certain circumstances) acknowledging the sending and receipt of communications;

(i) the Time Standard applicable for the purposes in paragraph 4.2;

(j) details relating to planned BSC Agent downtime for the purposes of paragraph 4.3.

2.3.2 A Communication Requirements Document may specify any of the foregoing by reference to another Code Subsidiary Document.

2.3.3 Communication Requirements Documents are Code Subsidiary Documents.

3 PARTIES' OBLIGATIONS

3.1 Requirement to have a Party System

3.1.1 Each Party is required, at its expense, to ensure that:

(a) it has or has the use of, and

(b) it maintains and (where necessary under paragraph 3.3.3) upgrades,

a system or systems, which may include telecommunications facilities, other equipment, software and hardware, up to the interface with each Communications Medium or (as the case may be) BSC Agent System, in compliance with the applicable requirements of the applicable Communication Requirements Document, which enables the Party to send and receive Communications by the relevant Communications Medium and otherwise in the manner required by such Communication Requirements Document.

3.1.2 A Party may use its Party System for any purpose other than a purpose specified under the Code, provided that use does not affect the Party's ability to send Communications and the effective receipt of Communications in accordance with the requirements of this Section O.

3.2 Testing

3.2.1 Each Party shall submit to, and submit its Party System to, tests known as "network access tests" and "business process integration tests", as provided in the applicable Communication Requirements Document(s), in order to establish that:

(a) the Party System is compatible with the relevant Communication Medium;

(b) the Party is capable of sending and receiving Communications using the relevant Communication Medium and otherwise in accordance with the applicable Communication Requirements Document.

3.2.2 The provisions of the applicable Communication Requirements Document shall apply for the purposes of determining if and when a Party and its Party System have satisfied the tests referred to in paragraph 3.2.1.

3.2.3 Each Party is required to comply with paragraph 3.1.1(a) and to satisfy the tests in paragraph 3.2.1 before it is registered in CRS pursuant to Section A4.1.5.

3.3 Changes to Party Systems

3.3.1 A Party may modify its Party System at any time, provided that:

(a) the Party notifies its intention to modify its Party System to BSCCo if required to do so by the Communication Requirements Document;

(b) the modification does not affect the Party's ability to receive and send Communications; and

(c) the modification is made in compliance with the applicable requirements set out in the Communication Requirements Document.

3.3.2 A Party which modifies its Party System may be required to carry out such further testing (in accordance with paragraph 3.2.2) as may be specified in or determined in accordance with each Communication Requirements Document.

3.3.3 It shall be the responsibility of each Party to modify its Party System from time to time and to take any other steps, upon any change (in accordance with Section F) in any Data File Catalogue or Communication Requirements Document (including any change in a Communications Medium), so as to ensure that the Party and its Party System continues to comply with this Section O (and remains compatible with the Communications Medium).

3.4 Security

3.4.1 A Communication Requirements Document may specify, in relation to any particular Communication or in relation to the use of the relevant Communications Medium, requirements as to security of the Communication and/or Communications Medium, including by reference to any one or more of:

(a) passwords and security keys;

(b) firewalls at relevant gateways from and to which Communications will be sent and at which Communications may be received;

(c) other encryption methods as may be specified in the Communication Requirements Document.

3.4.2 Each Party shall, but without prejudice to paragraph 4.1.3, take all reasonable steps to prevent unauthorised access to a Communication or Communications Medium and shall exercise care in the use of passwords and security keys in particular, to prevent unauthorised use of them.

3.4.3 If a Party becomes aware of a breach of security in relation to a Communication or Communications Medium, it shall promptly take such steps as may be required under the Communication Requirements Document in relation thereto, including notifying BSCCo and the relevant BSC Agent accordingly.

4 RULES AS TO COMMUNICATIONS

4.1 Form and effect of Communications

4.1.1 Parties shall send Communications using the applicable Communications Medium and in the format and in accordance with all other applicable requirements set out in the Data File Catalogue or other applicable Communication Requirements Document.

4.1.2 For the purposes of the Code a communication made by a Communications Medium and otherwise in accordance with the requirements specified in or pursuant to this Section O shall be a valid and effective Communication; and the Parties hereby confirm that they intend such communications to have legal effect for the purposes of the Code.

4.1.3 It shall be assumed that any person:

(a) using a Party's Party System, and

(b) where paragraph 3.4 applies, using the relevant identification, password, security key or authorisation or otherwise appearing to comply with the applicable security measures,

for the purposes of sending or receiving any Communication, is authorised to access and use the Party System and to send and receive Communications in the name of and on behalf of the Party; and any Communication so sent or received shall be considered to have been sent or received by that Party.

4.1.4 A Party may not send and shall not be entitled to receive a Communication by a means other than one required or permitted under this Section O, and must otherwise comply with the applicable requirements of this Section O in order to send Communications; and it is acknowledged that:

(a) where a Party does not comply with such requirements:

(i) the Party may be unable to send Communications;

(ii) a Communication sent to the Party in accordance with the requirements of paragraph 4.2.3 shall be properly sent and treated as received, notwithstanding that the Party may be unable to receive or access that Communication;

(b) where the Party attempts to send a Communication other than in accordance with such requirements, the Communication shall be treated as not having been sent and shall be of no effect.

4.2 Effective receipt of Communications

4.2.1 The Communication Requirements Document will specify, for the relevant Communications Medium and BSC Agent, and for all or particular Communications, the basis on which and time with effect from which a Communication is treated as received for the purposes of the Code.

4.2.2 In particular, in relation to Communications Mediums comprising electronic forms of communication, the Communication Requirements Document may specify:

(a) the equipment, to form part of the BSC Agent System and/or Party System (each referred to in this paragraph 4.2 as a " system"), by which, and the basis on which, the sending and/or receiving of a Communication is to be logged and recorded; and the basis on which such log or record is to be made available to any Party or other person for audit or other purposes;

(b) whether a Communication is treated as received for the purposes of the Code when logged as sent by the sender's system or as received by the receiver's system;

(c) whether the receiver's system will send an acknowledgement of receipt of a Communication and (if so) whether or not the sending of such acknowledgement of receipt is a condition to the Communication being treated as received for the purposes of the Code;

(d) any requirements applying where a message comprising a Communication is not properly received or is not accessible by the receiver, including any steps to be taken by the receiver and/or sender and whether the taking of or failure to take such steps has any effect in respect of the effective receipt of such Communication for the purposes of the Code;

(e) the basis on which (for the purposes of paragraph (b)) the time of sending or (as the case may be) receipt of a Communication will be logged, using the relevant Time Standard, where applicable.

4.2.3 It is agreed and acknowledged that (subject to paragraph 4.1.4(a)(ii)):

(a) Communications will be treated for the purposes of the Code as received (and as effective) by reference to and in accordance with the relevant arrangements and requirements specified in the Communication Requirements Document, and will not be treated as received other than in accordance with such arrangements and requirements; and

(b) where and to the extent that the Communication Requirements Document so specifies (and provides for arrangements and requirements which include a Time Standard for this purpose), the time with effect from which a Communications will be treated for the purposes of the Code as received will be the time determined in accordance with such arrangements and requirements and the Time Standard therein.

4.3 BSC Agent Downtime

4.3.1 Each Communication Requirements Document sets out, in relation to the relevant BSC Agent and Communications Medium:

(a) the basis on which the BSC Agent System or Communications Medium may be withdrawn (in whole or in part) from operation for maintenance or other purposes or may otherwise be unavailable; and

(b) terms as to the expected notice to be given of such withdrawal or unavailability and the expected duration of each such withdrawal or unavailability.

4.3.2 For the purposes of this Section O "**planned BSC Agent downtime**" means any period during which a BSC Agent's BSC Agent System or Communications Medium is withdrawn or unavailable in the circumstances referred to in paragraph 4.3.1.

4.3.3 During planned BSC Agent downtime, Parties will not be able or entitled to send or receive Communications to or from the relevant BSC Agent (and to that extent will not have use of or access to the relevant Communications Medium).

4.4 Other obligations

4.4.1 Each Party shall use reasonable endeavours to ensure that its use of any Communications Medium does not disrupt the use by other Parties of that or other Communications Mediums.

4.4.2 Parties shall not send Communications containing content which is illegal, immoral, pornographic, inciteful, defamatory or contrary in any way to applicable laws, practises and regulations.

AMENDMENT RECORD – SECTION O

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