

Direct Dial: 020 7901 7017

Email: [David.Halldearn@ofgem.gov.uk](mailto:David.Halldearn@ofgem.gov.uk)

[Angela.Pearce@dti.gsi.gov.uk](mailto:Angela.Pearce@dti.gsi.gov.uk)

11/03/05

Dear Colleague

## **BETTA Go-live and contingency planning - Conclusions**

### **Background**

With effect from September 2004, the legal framework for the British Electricity Trading and Transmission Arrangements (BETTA) was introduced. Certain aspects of this legal framework are now in effect, and other aspects will take effect on and from the BETTA go-live date.

On 8 March 2005, the Minister for Energy and E-commerce directed on behalf of the Secretary of State that, unless the Secretary of State revokes the direction before 1 April 2005, the BETTA go-live date shall be 1 April 2005.

### **February 2005 open letter**

On 18<sup>th</sup> February 2005, Ofgem/DTI published an open letter consultation<sup>1</sup> ("the February consultation") which explained that they had been giving further consideration as to how various events that may arise at any time prior to the BETTA go-live date should be dealt with. In particular, Ofgem/DTI considered what might happen if, the Secretary of State, upon the advice of the transmission licensees, ELEXON and the Authority, decides in early March that the BETTA go-live date should be 1 April 2005 and subsequently certain events occur which might make it necessary subsequently to defer the go-live date.

It was emphasised that Ofgem/DTI believed that the likelihood of these circumstances occurring was very low indeed and that it would only happen if the Secretary of State believed that it was not reasonably practicable for BETTA to go live on 1 April 2005. However, despite this, Ofgem/DTI also stated that they believed that it was prudent to plan for such eventualities.

---

<sup>1</sup> "BETTA go-live and contingency planning", Ofgem /DTI consultation, 18 February 2005, Ofgem 50/05

### *Events that may require a deferral*

In the February consultation, Ofgem/DTI noted that contingency arrangements are in place to accommodate a variety of events under the existing trading arrangements in Scotland and in England and Wales, and that this was also the case under BETTA. For example, Section G of the Balancing and Settlement Code sets out changes to the market rules in a number of different scenarios. Similarly the transmission licensees have in place plans to deal with the loss of certain transmission-related facilities which are critical to the operation of the transmission system, furthermore other arrangements exist to deal with matters such as a supplier failure.

Ofgem/DTI stated that in general, they were of the view that in most cases if, following a decision that BETTA shall take effect on and from a particular date, events of the type discussed above were to occur, it would be likely to be most appropriate that BETTA should still take effect on and from that date and that the consequences of such events should be addressed under the enduring BETTA arrangements rather than to delay BETTA, address the consequences of the events under the existing pre BETTA arrangements and then subsequently to implement BETTA at a later date. This was because deferral of the BETTA go-live date may introduce additional disruption because continuation of the pre BETTA arrangements would be unexpected.

Ofgem/DTI stated that, despite this, it was still possible that the circumstances of a particular event may mean that it is necessary for the Secretary of State subsequently to decide to defer the BETTA go-live date and consequently, despite the very low probability, Ofgem/DTI stated that they believed that it was prudent to consider what would be the consequences of this on the wholesale market.

### *Consequences of deferral*

As far the consequences of any such a deferral are concerned, Ofgem/DTI were particularly interested in receiving views as to the impact of a deferral of the BETTA go-live date from 1 April 2005 on the wholesale market arrangements in Scotland and in England and Wales. Generally, Ofgem/DTI were of the view that if sufficient notice were given of the deferral, then the practical impact on the operation of the markets would be relatively limited. Market participants would, for example, have time to adjust their commercial positions in light of the new information. Therefore, whilst recognising that any deferral would be highly undesirable, Ofgem/DTI believed that it should be possible for the existing wholesale market arrangements to continue to function, without intervention, in a reasonable manner without undue commercial impact on participants.

If, however, an event occurs that does mean that it is necessary for the BETTA go-live date to be deferred to a date later than 1 April 2005 at short notice, Ofgem/DTI were of the view that, given the ex-ante contract notification arrangements in place in England and Wales (and proposed for the GB wholesale market under BETTA) it may be necessary for some intervention to take place. This was because, in the run-up to the BETTA go-live date, it may reasonably be expected that parties across GB expecting to trade under the GB arrangements would have struck and notified bilateral contracts to reflect their anticipated GB market positions. A deferral of the BETTA go-live date to a date later than 1<sup>st</sup> April 2005 at short notice may not give participants an adequate opportunity to trade out of their prior GB position and to re-notify contract positions appropriate for previously unanticipated extended operation under the separate market arrangement. This would be expected to affect

Balancing and Settlement Code (BSC) parties in general, i.e. including those with imports and exports in England and Wales as well as in Scotland.

The two most viable solutions to this issue were considered by Ofgem/DTI to be:

- i) allowing BSC parties to revise their notified contract positions on an ex-post basis for some period of time (i.e. to adopt arrangements akin to those that may be used in the event of an ECVAA failure); and
- ii) invoking the arrangements within Section G of the BSC to adopt a single imbalance price for some period of time (the proposal is that the provisions of BSC Section G 4.2.1 to 4.2.3 would be capable of being brought into effect, and consequently also the provisions of BSC Section T1.6.)<sup>2</sup>.

Of these two solutions, Ofgem/DTI favoured the second. This is because Ofgem/DTI believed that the second option would best make those who were in energy imbalance as a consequence of the short-notified deferral relatively financially neutral to the deferral because their energy imbalances would be settled at a “market price”. In the case of the former, whether or not new contracts could be struck would be likely to most depend upon the prevailing energy imbalance prices, and not upon considerations of submitting contractual positions consistent with the BSC parties’ physical positions in England and Wales and consequently Ofgem/DTI believed that this solution would be less financially neutral.

Under the single imbalance price option, whilst parties would still be in imbalance, these imbalances would be settled at a “market price” and consequently the financial consequences of the imbalances would be likely to be minimised.

It was once again noted that Ofgem/DTI believed that the likelihood of these arrangements being used is very low and that they are only being contemplated for reasons of prudence. They would only be necessary if:

- i) the Secretary of State had previously designated that BETTA would have effect from a particular date
- ii) despite the fact that in most instances it may be possible to rely upon the enduring contingency provisions, an event occurs that means the Secretary of State believes it is no longer reasonably practical for BETTA to go live on the specified date
- iii) the notification to defer the BETTA go-live date is given at short notice, and
- iv) the event triggering the need for deferral does not itself invoke other contingency provisions that mean that the adoption of a single imbalance price is inappropriate.

Finally, Ofgem/DTI stated that they were of the view that given the different nature of the wholesale electricity market arrangements in Scotland, it would not be necessary for any similar intervention to be made even if the notice of the deferral were given at short notice.

---

<sup>2</sup> Ofgem/DTI note that additional BSC changes would be needed in order to permit these provisions to be invoked in these circumstances.

## Views invited

Views were invited on the issues raised in the February consultation and in particular on:

- i) whether it was appropriate to make provisions to amend the BSC in the event that a short-notice deferral of any decision to go-live at a particular date were made
- ii) if so, whether the “single imbalance price” option identified above would be the most appropriate way forward
- iii) if so, then what would be the minimum notice period, longer than which it would be unnecessary to adopt the single imbalance price option (Ofgem/DTI’s initial view on this matter is around three days)
- iv) for what duration any single imbalance price option should have effect (Ofgem/DTI’s initial view on this matter is again around three days), and
- v) whether or not equivalent intervention in the Scottish market arrangements is necessary.

## Respondents’ Views

Ofgem/DTI received nine responses to the consultation, of which five agreed that most events would best be dealt with under the enduring BETTA arrangements, and consequently that their occurrence should not delay go-live.

Of the six respondents who expressed an opinion on the adoption of the proposed single imbalance price option (“SIP”), all agreed (albeit in one case, reluctantly) that this was an appropriate approach to adopt.

Two respondents agreed that the minimum notice period should be three days, one suggested a clarification that this should be three working days and another suggested that the minimum notification should be one week. The respondent who believed that one week’s notice was required stated that most market participants could be expected to finalise their portfolio positions once the announcement of BETTA go-live is made. Assuming a minimum notice period of three weeks i.e. notice on March 8<sup>th</sup> any deferral after this time would require an unwinding of positions. Given the volatility of the electricity and fuel markets they stated that it was feasible that generators could suffer losses should they have to replace one sort of generation with another at short notice. In this instance a single imbalance price would be critical to alleviating any additional costs that could arise. However they stated that the issue of volatility is such that the single imbalance price needs to cover the most volatile period of the forward curve. Typically they stated that this is day to week ahead and proposed that the minimum notice period should be one week.

Three respondents commented upon whether or not any changes were needed in Scotland two believed that some intervention was also needed in the Scottish market, one thought that it was important that the existing arrangements should continue so as to ensure that the single imbalance price arrangements in England and Wales continue to be reflected in Scottish prices.

One respondent stated that any imbalance in England and Wales as a consequence of a delay to BETTA was likely to be accompanied by an equal and opposite imbalance in Scotland. For example, they noted that a company that was unexpectedly “short” in Scotland would have to purchase additional energy through the Scottish trading arrangements and that

the price would be likely to be linked at or linked to the Scottish wholesale price. The respondent stated that because the Scottish wholesale price was linked to the month-ahead price for the month concerned which may be very different to the price at which power trades are carried out after such a delay as the market would be operating under very different circumstances. For example, if the month ahead price was £20/MWh and, as a result of the delay, the price fell to £15/MWh, then the supplier would be able to sell its surplus energy in England and Wales for £15/MWh, but would have to purchase the additional energy in Scotland at £20/MWh, resulting in a loss of £5/MWh. They noted that it was possible that the party concerned could gain, depending on how prices move, but that the uncertainty represented a risk for participants. They suggested that the risk could be removed by linking Scottish wholesale price to a shorter term measure such as the Market Price Index in the BSC or another shorter term index such as the Spectron day ahead index and that this would more closely reflect the price at which the equivalent imbalance was traded in England and Wales. Finally, they stated that given that the scaling in the Scottish wholesale price occurs on a monthly basis, it would seem sensible to continue to use the relevant shorter term data for the entire month affected (presumably April 05) and revert to the prior calculation thereafter.

Another respondent stated that in the event that BETTA Go-live is deferred, they would wish to see intervention in the Scottish market arrangements to the extent that the 100% of Demand and the Top-up and Spill contracts continue in force until BETTA Go-live. These are the contracts through which England & Wales based Suppliers currently purchase from the Scottish Companies to satisfy their customers' demand in Scotland.

The third respondent that commented on this matter stated that in the event that the go-live date was delayed, Scottish participants could be out of balance where they had intended to either "import" or "export" between Scotland and England and would now be prevented from doing so because of the continuation of the Interconnector limit. In this situation they believed that the reflection of the single imbalance price into Scotland through the Scottish Wholesale Price arrangements should ensure that parties' imbalance costs are minimised and that it is important therefore that the arrangements in both E&W and Scotland continue the reflection of E&W prices, including the single imbalance price, into Scotland.

A number of further observations were made by respondents. One expressed great concern that a late and somewhat unexpected consultation on the potential fallout from a delay to implementation had appeared at this late stage. Another respondent believed that it was important that any decision to enact BETTA go-live should be for the simultaneous enactment of the whole BETTA framework and that any partial implementation (e.g. the implementation of the trading without transmission components) would cause additional disruption.

One respondent stated that should it become necessary to defer the BETTA go-live date, it was critical that there should be no ambiguity over the new revised date. Another respondent stated that the BETTA go-live announcement should provide the necessary certainty as to the conditions that need to be satisfied that to allow timely BETTA implementation and identify the circumstances that would require a deferral of the go-live date. They also stated that it would be helpful to properly define "short term" to remove any uncertainty as to which arrangements could be invoked at any point in time in the run up to go-live. Finally, one respondent noted that if a deferral were notified after 15<sup>th</sup> March then it would be necessary for Elexon to proceed to implement BETTA in England and Wales as if go-live had not been delayed and that the consequential disputes may take considerable time and resource to administer.

One respondent stated that it would be helpful if any delay to BETTA go-live was communicated over the balancing mechanism reporting arrangements to ensure that operational staff working over the Easter weekend are notified of all relevant information.

Finally, one respondent stated that there were a number of matters in addition to those raised in the consultation document that would need to be taken into account before any decision to delay BETTA go-live could be taken. The respondent noted that if BETTA were delayed, then SP Transmission would retain its obligation to set and recover charges for the period of any delay. They noted that whilst SP Transmission had already published charges which would apply for the period of any delay, by their nature, many of these charges are derived using the assumption that the charging period is a full financial year. They also noted that they were dependent upon Scottish settlement data being available and that NGC would have set post BETTA go-live transmission charges on the basis of full year charges. Consequently, they noted that a delay to BETTA go-live could have a significant impact on all transmission licensees and may result in reworking transmission charges for part of a year. They also noted that there may be some consequential impact on distribution charges.

### **Ofgem/DTI conclusions**

In light of the general support for the proposals in relation to England and Wales, Ofgem/DTI conclude that it would be appropriate to amend the BSC in the event that a short-notice deferral of go-live. In such circumstances, Ofgem/DTI conclude that the adoption of the “single imbalance price” option would be the most appropriate way forward in England and Wales. Ofgem/DTI accept that it would be necessary for changes to be made to the BSC in order to implement the single imbalance price. These changes will be made, if necessary, at or near the time at which any announcement that a deferral was necessary. A copy of the BSC changes proposed is included in Appendix 1.

Insofar as the minimum notice period is concerned, Ofgem/DTI recognise that there is no correct answer, but in light of the comments received and the fact that the currently anticipated go-live date falls soon after Easter, Ofgem/DTI conclude that it is appropriate to adopt the following approach: as the BETTA go-live date has now been set for 1 April 2005, the “single imbalance price” option will be adopted for each Settlement Period<sup>3</sup> in each of the Settlement Days<sup>3</sup> as follows:

<b>If notification of deferral is:</b>	<b>Then Single Imbalance Price will be applied to each Settlement Period falling within the following Settlement Days:</b>
After midday on 31 March	1 – 6 April inclusive
Between midday on 30 March and midday on 31 March	1 – 5 April inclusive
Between midday on 29 March and midday on 30 March	1 – 4 April inclusive
Between midday on 24 March and midday on 29 March	1 April only

---

<sup>3</sup> As defined in the BSC

Prior to midday on 24 March	None
-----------------------------	------

This approach means that the Single Imbalance Price option will be adopted for a particular calendar day except where more than three and a half working days notice of the deferral prior to the start of calendar day in question is given. In light of the consultation responses, Ofgem/DTI are of the view that this strikes a reasonable balance between giving participants sufficient time to trade out of any imbalanced position and minimising the duration of the single imbalance price arrangements.

Ofgem/DTI recognise that it would be necessary to make changes to the BSC in order to give effect to the single price energy imbalance price calculations in these circumstances. The necessary changes to give effect to the provisions of Section T1.6 of the BSC for the relevant Settlement Days as set out above would be made if necessary following the announcement of any deferral. A copy of the BSC changes that Ofgem/DTI would make are set out in Appendix A. It is intended that the Authority would direct the Settlement Periods in relation to which a single imbalance price should apply in accordance with the above table.

Ofgem/DTI intend that the necessary changes would be made by the Authority in accordance with the provisions of Standard Licence Condition C3, paragraph 6(h) in the transition period. Paragraph 6(h) states that the Authority may direct changes to the BSC during the transition period where it considers it necessary or expedient for the purposes of implementing BETTA and where the Secretary of State consents to the direction being made. Ofgem/DTI are of the view that the contingency arrangements proposed in this document are expedient for BETTA go-live. Ofgem/DTI recognise that in order to properly plan for BETTA go-live the announcement of BETTA go-live needs to be made in advance. Furthermore whilst Ofgem/DTI are of the view that it is very unlikely, it is possible that an event could occur between the date of the announcement of the go-live date and go-live which would mean that it was no longer practicable to go-live, and that the go-live date therefore needed to be deferred. Hence, Ofgem/DTI believe that in order to make the necessary advance announcement of the go-live date, it is expedient to have in place contingency arrangements that will ensure undistorted market operation should the go-live date be deferred. Based on the consultation responses, Ofgem/DTI are of the view that the proposals set out in this document are necessary for continued undistorted market operation and consequently that they are expedient for BETTA go-live. Consequently Ofgem has decided that it would be appropriate direct the changes in order to give effect to the arrangements set out in this document should the short notice of a delay to the BETTA go-live date occur.

Insofar as intervention in the Scottish market is concerned, Ofgem/DTI remain of the view that, on balance, it would not be necessary to intervene because, in Scotland, market participants will be subject to a "reasonable" price for any surpluses or deficits of energy. Ofgem/DTI understand that market participants in Scotland would be exposed to either Scottish Wholesale Price ("SWP") or to top-up or spill price. The derivation of SWP is based upon a number of market price indices in England and Wales, whilst top-up and spill prices are based upon the imbalance prices in England and Wales. Noting that the England and Wales imbalance prices will be set on a market basis if there is a deferral of the go-live date at short notice, this market price would be reflected in the Scottish imbalance pricing arrangements. Ofgem/DTI are therefore of the view that Scottish prices would also be based upon a reasonable market price for electricity, although this is discussed in further detail below. Further background information on these matters can be found in Ofgem's

consultation paper of February 2004<sup>4</sup> and the associated conclusions document of March 2004<sup>5</sup>. These documents explain the following:

- SWP is based on an average of reported England and Wales prices
- Top-up price is based on the England and Wales System Buy Price (“SBP”)(and capped at SWP plus 5%)
- Spill prices vary depending on whether the settlement area is in net spill or net top-up and on the volume of spill in the settlement area. If the total area spill is less than total area top-up (i.e. the settlement area overall is “short”) then the spill price paid per MWh for spill volumes is equal to the capped top-up price. If the total area spill is greater than the total area top-up then the price paid per MWh for spill volumes is calculated from a volume weighted average of the price payable under three tranches:
  - the first tranche of spill is equivalent to the total area top-up. This is paid at the capped top-up price;
  - the second tranche of spill is equal to spill volumes in excess of the total area top-up volume and up to 20 per cent of the quantity of supplies made to customers by suppliers acting out of area. This volume of spill is paid at the England and Wales System Sell Price (“SSP”) with a floor in each half-hour of £10/MWh; and
  - the third tranche of spill is spill volumes in excess of 20 per cent of the quantity of supplies made to customers by suppliers<sup>6</sup>. This volume of spill receives no payment.

In light of the fact that SBP and SSP would be set on the basis of the “single imbalance price” arrangements described above, i.e. they would be set on the basis of a “market” price, then Ofgem/DTI believe that following a short-notice deferral of the go-live date, the only circumstances in which energy would not be settled at a reasonable market price would be if the spill volume in either Scottish area reached the third spill tranche in either Scottish area. Ofgem/DTI understand however that the likelihood of this quantity of spill arising is very low and consequently do not believe that it is necessary to make changes in advance to deal with the possibility that spill volumes will encroach into this third tranche. Ofgem/DTI’s understands that the likelihood of such a quantity of spill arising is low because the existing contracts that underpin the wholesale trading arrangements in Scotland will endure until BETTA go-live.

Ofgem/DTI are therefore of the view that changes are only needed to the England and Wales imbalance prices following any short notice deferral of the BETTA go-live date. Whilst this does not mean that parties will necessarily be wholly financially neutral to any short-notice deferral of go-live Ofgem/DTI believe that applying the single imbalance pricing arrangements in England and Wales alone will, given its consequential impact on top-up and

---

<sup>4</sup> Scottish administered pricing arrangements from 1 April 2004 to the implementation of the British Electricity Trading and Transmission Arrangements. Ofgem consultation paper, February 2004. Ofgem #22/04

<sup>5</sup> Scottish administered pricing arrangements from 1 April 2004 to the implementation of the British Electricity Trading and Transmission Arrangements. Ofgem conclusions, March 2004. Ofgem #69/04.

<sup>6</sup> i.e. 20 per cent of the quantity of supplies made by suppliers other than Scottish Power Generation Limited and SSE Energy Supply Limited in each of their relevant areas.



spill prices in Scotland be sufficient to ensure that there is no undue commercial impact on any GB market participants.

Whilst, as explained above, Ofgem/DTI remain of the view that it is not necessary to intervene in the Scottish pricing arrangements Ofgem/DTI remain open to further representation on this issue and would welcome any further comments to the extent that any parties continue to believe that intervention in Scotland would be needed.

In response to the suggestion that it would be helpful if any delay to BETTA go-live was communicated over the balancing mechanism reporting arrangements, Ofgem/DTI will give further consideration to the means by which any deferral would be reported, including considering the use of the balancing mechanism reporting arrangements.

Insofar as transmission charges are concerned, Ofgem/DTI are aware of the fact that that any deferral of the go-live date would have an impact on such matters and that it would be likely to be necessary to make adjustment to both the pre and post BETTA arrangements to deal with the consequences of any deferral.

Ofgem/DTI note that if it becomes necessary to invoke the arrangements set out in this paper, Ofgem/DTI will take the necessary steps to ensure that this is communicated to the industry as quickly and as effectively as possible.

If you wish to discuss any aspect of this document, please contact Richard Haigh by emailing [Richard.Haigh@ofgem.gov.uk](mailto:Richard.Haigh@ofgem.gov.uk), or telephoning 020 7901 7487.

## Appendix 1 BSC changes

The proposed changes to the BSC Section G are identified in bold and underlined.

### **SECTION G: CONTINGENCIES**

#### **1. GENERAL**

##### **1.1 Provisions in Code**

1.1.1 This Section G sets out or refers to provisions of the Code which are to apply in certain contingencies, and related provisions.

1.1.2 The following provisions of the Code address the possibility of certain emergencies and other unusual or unexpected events of various kinds:

- (a) Section P5, which addresses circumstances in which the ECVAA may be unable to receive Energy Contract Volume Notifications and Metered Volume Reallocation Notifications;
- (b) Section P6, which addresses the possibility of notification errors in the submission of Volume Notifications;
- (c) Section Q7, which addresses the possibility of manifest errors in the submission or acceptance of Bids and Offers;
- (d) Section Q8, which addresses circumstances in which the Transmission Company may be unable to receive Physical Notifications;
- (e) paragraph 3, which addresses Black Start Periods;
- (f) paragraph 4, which applies where the Secretary of State exercises certain emergency powers **or where the Authority makes certain directions.**

1.1.3 For the avoidance of doubt, paragraph 1.1.2 is not intended to be an exclusive list of provisions of the Code which address failures or delays or other abnormalities in the implementation of the Code.

1.1.4 The provisions of the Code referred to in paragraph 1.1.2 are "**Contingency Provisions**".

1.1.5 Paragraph 5 sets out arrangements for giving effect to a Generator Compensation Instruction delivered pursuant to the Fuel Security Code.

#### **4. CIVIL EMERGENCIES AND FUEL SECURITY PERIODS**

##### **4.1 Application of emergency powers**

4.1.1 This paragraph 4 applies in any case (whether before, on or after the Go-live Date):

- (a) where the Secretary of State gives a direction under Section 34(4)(b) of the Act;  
or
- (b) where:
  - (i) any action is taken by or on behalf of Her Majesty's Government pursuant to and in accordance with the emergency provisions set out in sections 1 to 4 of the Energy Act 1976, and
  - (ii) the Secretary of State is of the opinion (in his discretion) that such action has, or will or is likely to have, a material effect on the ability of any person or persons to generate, participate in the transmission of, distribute or supply electricity in pursuance of a Licence or Exemption; or
- (c) where any action is taken by or on behalf of Her Majesty's Government pursuant to and in accordance with the emergency provisions set out in section 96 of the Act; or
- (d) where the Secretary of State revokes his direction that the BETTA go-live date shall be 1 April 2005. In this sub-paragraph, the "BETTA go-live date" means the date which the Secretary of State indicates in a direction shall be the BETTA go-live date;

and (in any such case) for so long as such direction or action continues in force or effect, and for such period (if any) thereafter as appears to the Secretary for State to be appropriate in all the circumstances.

- 4.1.2 For the avoidance of doubt, where this paragraph 4 applies, directions and notices may from time to time be given by the Secretary of State under each of paragraphs 4.2, 4.3 and 4.4 independently or together.

#### **4.2 Single Imbalance Price**

- 4.2.1 Where this paragraph 4 applies:

**(a)** if at any time the Secretary of State, in his discretion, after consultation with the Authority, gives a direction to the Panel that this paragraph 4.2.1 is to apply, specifying the time of commencement of such direction in accordance with paragraph 4.2.2(a);~~or~~

**(b)** **where paragraph 4.1.1(d) applies, in accordance with any direction of the Authority,**

a single imbalance cash-out price shall apply in accordance with Section T1.6 in relation to each relevant Settlement Period.

- 4.2.2 For the purposes of paragraph 4.2.1, a relevant Settlement Period is a Settlement Period for which Gate Closure falls within the period:

(a) commencing at the time specified by the Secretary of State **or the Authority where paragraph 4.1.1(d) applies,** (not being earlier than the time at which ~~his~~**the** direction is given under paragraph 4.2.1); and

(b) ending at such time as the Secretary of State **or the Authority where paragraph 4.1.1(d) applies,** may (at any time after giving a direction under paragraph 4.2.1) direct by notice of not less than 48 hours given to the Panel.

- 4.2.3 Where the Secretary of State **or the Authority where paragraph 4.1.1(d) applies,** gives a direction to the Panel under paragraph 4.2.1 or 4.2.2(b), BSCCo shall send a copy of such direction to all Parties as soon as possible after receiving the same.

- 4.2.4 For the avoidance of doubt, directions under paragraph 4.2.1 may be given by the Secretary of State **or the Authority where paragraph 4.1.1(d) applies,** on more than one occasion (in relation to the same circumstances giving rise to the application of this paragraph 4) where, following any one such direction, the period referred to in paragraph 4.2.2 is to end or has ended.