


<h2 style="margin: 0;">Proposal for a Capacity Market Rules Change</h2>		 <p style="margin: 0;">Making a positive difference for energy consumers</p>
		<p><b>Reference number</b> <i>(to be completed by Ofgem)</i>: <b>CP161</b></p>
<p><b>Name of Organisation(s) / individual(s):</b> <b>VPI Immingham</b></p>	<p><b>Date Submitted:</b> <b>14/01/16</b></p>	
<p><b>Type of Change:</b></p> <p><input type="checkbox"/> Amendment</p> <p><input checked="" type="checkbox"/> Addition</p> <p><input type="checkbox"/> Revoke</p> <p><input type="checkbox"/> Substitution</p>	<p><b>If applicable, whether you are aware of an alternative proposal already submitted which this proposal relates to:</b> <b>No</b></p>	
<p><b>What the proposal relates to and if applicable, what current provision of Rules the proposal relates to</b> <i>(please state provision number)</i>:</p> <p>Definition of an officer for an Applicant that is not a company (occurs throughout the Rules)</p>		
<p><b>Description of the issue that the change proposal seeks to address:</b></p> <p>For Applicants that are not companies, such as partnerships, officers as opposed to Directors must be signatories to the relevant certificates. However, the definition of an officer is not included within the Rules and therefore we believe that it is open to a subjective interpretation, as happened during this year's prequalification.</p> <p>Partnerships have "authorised signatories" who most would interpret as officers as a company. However, these authorised signatories are not formally registered with a third party and it is up to the company themselves to know who they are – although there is a formal record of who the signatories are, it is not externally available. This causes issues with pre-qualification as National Grid is not able to check the signatures against Companies House during pre-qualification. This resulted in at least one company failing pre-qualification as National Grid would only accept signatures of Directors of Companies that were accessible via the Companies House and not the authorised signatories, who are in fact officers of the company.</p>		
<p><b>If applicable, please state the proposed revised drafting</b> <i>(please highlight the change)</i>:</p> <p>The definition of an Officer should be added to the Definition section as an Authorised Signatory of the Applicant</p>		
<p><b>Analysis and evidence on the impact on industry and/or consumers including any risks to note when making the revision - including, any potential implications for industry codes:</b></p> <p>The risk is that the subjective nature of the definition could result in CMUs not pre-qualifying or leave Ofgem/EMR Delivery Body open to a legal challenge, delaying the auction. Failure to prequalify could also reduce liquidity in the auction, pushing up prices to the consumer</p>		
<p><b>Details of Proposer</b> <i>(please include name, telephone number, email and organisation)</i>:</p> <p>Mary Teuton, 0207 312 4469, <a href="mailto:mteuton@vpi-i.com">mteuton@vpi-i.com</a>, VPI Immingham LLP</p>		