

To: All holders of an electricity generation licence

**Electricity Act 1989
Section 11A(1)(b)**

Modification of the standard conditions of all electricity generation licences

1. Each of the licensees to whom this document is addressed has a generation licence which has been granted or treated as granted under 6(1)(a) of the Electricity Act 1989 (the Act).
2. Under section 11A(2) of the Act the Gas and Electricity Markets Authority ('the Authority')¹ gave Notice on 16 October 2018 ('the Notice') that we propose to modify standard condition 12. We stated that any representations to the modification proposal must be made on or before 16 November 2018.
3. A copy of the Notice was sent to the Secretary of State in accordance with section 11A(4)(b) of the Act, and we have not received a direction that the change should not be made.
4. We received 39 responses to the Notice, which we carefully considered. We have placed all non-confidential responses on our website. Our response to these comments is set out in the accompanying letter.
5. The reason for this modification is to ensure that change programmes initiated or sponsored by the Authority are delivered in an effective manner. At present, the Significant Code Review procedures focus on the process up to the point at which a decision is made to modify the relevant industry codes. The new requirements will ensure that any necessary change to systems and other processes are also delivered in an effective manner to deliver the policy intent.
6. The effect of the modification(s) will be to:
 - a) delete the defunct requirements within standard condition 12 and replace them with a duty to cooperate with the Authority in delivery of a Significant Code Review; and
 - b) include definitions of new terms where appropriate.
7. Where an application for permission to appeal our decision is made to the Competition and Markets Authority (CMA) under section 11C of the Act, Rule 5.7 of the Energy Licence Modification Appeals: Competition and Markets Authority Rules² requires that the appellant must send to any relevant licence holders who are not parties to the appeal a non-sensitive Notice setting out the matters required in Rule 5.2. The attached Schedule 2 provides a list of the relevant licence holders in relation to this modification. Section 11A(10) of the Act sets out the meaning of 'relevant licence holder'.

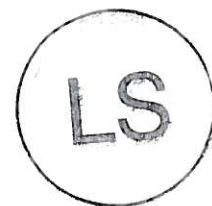
¹ The terms "the Authority", "we" and "us" are used interchangeably in this document.

² CMA70

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/655601/energy-licence-modification-appeals-rules.pdf

8. Under the powers set out in section 11A(1)(b) of the Act, we hereby modify the standard licence conditions for all electricity generation licences in the manner specified in attached Schedule 1. This modification will take effect 1 February 2019.
9. This document is Notice of the reasons for the decision to modify the electricity generation licences as required by section 49A(2) of the Act.

**The Official Seal of the Gas and Electricity Markets Authority
here affixed is authenticated by the signature of**



Rachel Clark,
Programme Director, Switching Programme
Duly authorised on behalf of the Gas and Electricity Markets Authority

6 December 2018

Schedule 1 - Modification of Standard Condition 12 of the Electricity Generation licence

Deletions are shown in strike through and new text is double underlined.

Delete:

~~Condition 12. Change Co-ordination for the Utilities Act 2000~~

- ~~1. The licensee shall take all reasonable measures to secure and implement, and shall not take any steps to prevent or unduly delay, such changes to the industry framework documents as are necessary or expedient to give full and timely effect to the provisions of the Utilities Act 2000.~~
- ~~2. In complying with paragraph 1, the licensee shall act in the case of each industry framework document consistently with the change procedures currently applicable to that document, except where to do so would be inconsistent with any provision of the Utilities Act 2000, in which event that provision shall take precedence.~~
- ~~3. For the purposes of this condition, "industry framework document" means, subject to paragraph 4, any of the following documents to which the licensee is a party, or in relation to which it holds rights in respect of amendment or termination, together with any documents which are supplemental or ancillary thereto:

 - ~~(a) the Pooling and Settlement Agreement;~~
 - ~~(b) the Balancing and Settlement Code;~~
 - ~~(c) the Master Connection and Use of System Agreement or the Connection and Use of System Code;~~
 - ~~(d) the Settlement Agreement for Scotland;~~
 - ~~(e) the Master Registration Agreement;~~
 - ~~(f) the Data Transfer Services Agreement;~~
 - ~~(g) the Radio Teleswitch Agreement;~~
 - ~~(h) any Grid Code;~~
 - ~~(i) any Distribution Code;~~
 - ~~(j) the Trading Code;~~
 - ~~(k) the Fuel Security Code;~~
 - ~~(l) any agreement for use of an interconnector or Scottish interconnection; and~~
 - ~~(m) any agreement for the provision of distribution use of system, meter provision services, meter maintenance services, data retrieval services, data processing services, data aggregation services, or prepayment meter services.~~~~
- ~~4. Where the Authority considers that the list of industry framework documents set out in paragraph 3 should be modified for the purposes of this condition generally, the licensee shall discuss any proposed modification (including addition) to the list in good faith and use all reasonable endeavours to agree such modification with the Authority.~~
- ~~5. This condition shall cease to have effect on 30 June 2002 or such earlier date as the Authority may specify in a direction given for the purposes of this condition generally.~~

Insert:

Condition 12: Duty to cooperate

1. This condition shall apply where the licensee has entered into a framework agreement or otherwise acceded to an Industry Code.
2. The licensee will cooperate with the Authority and/or any person(s) appointed by the Authority or appointed pursuant to a direction of the Authority, to undertake any reasonable requests in relation to planning, project assurance and/or coordination/systems integration in order to give full effect to the conclusions of a Significant Code Review.
3. Cooperation for the purposes of condition 12(2) may include but not be limited to:
 - a) the sharing of such information as reasonable, and constructive participation in industry engagement in order to undertake appropriate planning of changes to IT systems or industry standard operational processes system changes pursuant to the conclusions of a SCR;
 - b) the provision of such data as may be identified and reasonably requested in order to undertake testing and/or the population of any new central systems;
 - c) the preparation and cleansing of such data as may reasonably be requested in order to facilitate live operation of the new central system;
 - d) the provision of test scripts and results of any testing as may be requested by any person appointed to assure the success of any testing;
 - e) all reasonable steps to:
 - i) meet key programme milestones for the completion of any action(s) assigned to the licensee;
 - ii) adhere to any remedial plan put in place to address any issues, delays or slippage that may impact the licensee's ability to meet programme milestones, to the extent that failure to do so may jeopardise the successful and timely implementation of the programme;
 - iii) identify any dependencies that the licensee may have upon agents or other third-parties and secure the necessary support from such parties; and,
 - iv) promptly escalate and/or resolve any disputes that if unresolved may jeopardise the fulfilment of these obligations.

Interpretation

4. In this condition:

Significant Code Review means a review of matters in relation to its principal objective and/or general duties (under section 3A of the Electricity Act or section 4AA of the Gas Act), statutory functions and/or relevant obligations arising under EU law, which the Authority considers are likely to relate to one or more of the documents referred to in this condition, or to which the licensee is required under this licence to be a party, and concerning which the Authority has consulted upon and issued a Notice to the parties stating that the review will constitute a Significant Code Review.

Industry Code means any and all of the following:

- a) the Grid Code;
- b) the Distribution Code;

- c) the Connection and Use of System Code (CUSC);
- d) the Balancing and Settlement Code (BSC);
- e) the System Operator – Transmission Owner Code (STC)

Schedule 2: Relevant licence holders

Abbey Power Generation Limited	Knottingley Power Limited
Aberdeen Offshore Wind Farm Limited	Lincs Wind Farm Limited
Abergelli Power Limited	London Array Limited
AES Barry Limited	Lynemouth Power Limited
Aikengall II Community Wind Company Limited	MacColl Offshore Windfarm Limited
Aikengall IIA Community Wind Company Limited	Marchwood Power Limited
Arenko Cleantech Limited	Medway Power Limited
Baglan Operations Limited	MeyGen Limited
Barking Power Limited	MGT Teesside Limited
Beatrice Offshore Windfarm Limited	Minnygap Energy Limited
Beinneun Wind Farm Limited	Moray Offshore Windfarm (East) Limited
Bess Aylesford Limited	Moray Offshore Windfarm (West) Limited
Bess Claredown Limited	Morecambe Wind Limited
Bess K Barn Limited	Morgan Credit Limited
Blary Hill Energy Limited	Nant Bach Wind Farm Limited
Breesea Limited	Navitus Bay Development Limited
Brits Energy Limited	Neart na Gaoithe Offshore Wind Limited
Bryn Blaen Wind Farm Limited	Njord Limited
Burbo Extension Ltd	NNB Generation Company (HPC) Limited
Carnedd Wen Wind Farm Limited	Npower Direct Limited
Carrington Power Limited	NuGeneration Limited
Celtpower Limited	Optimus Wind Limited
Centrica Barry Limited	Ormonde Energy Limited
Centrica KL Limited	Orsted Hornsea Project Three (UK) Limited
Centrica KPS Limited	Peak Gen Power 2 Limited
Centrica PB Limited	Pelham Storage Limited
C.Gen Killingholme Limited	Pencloe Wind Energy Limited
Citigen (London) Limited	Pen Y Cymoedd Wind Farm Limited
Cleator Battery Storage Limited	Petre Street Storage Ltd
Cleve Hill Solar Park Limited	Progress Power Limited
Clyde Windfarm (Scotland) Limited	Race Bank Wind Farm Limited
Cogle Moss Renewables LLP	Rampion Offshore Wind Limited
Coire Glas Hydro Pumped Storage Limited	Richborough A Limited
Corby Power Limited	Roaring Hill Energy Storage Ltd
Corriegarth Wind Energy Limited	Rocksavage Power Company Limited
Coryton Energy Company Limited	Rugeley Power Generation Limited
Cour Wind Farm (Scotland) Limited	RWE Generation UK Plc
Crystal Rig II Limited	Saltend Cogeneration Company Limited
Danske Commodities A/S	Sanquhar Community Wind Company Limited
Deeside Power (UK) Limited	Sanquhar II Community Wind Co Ltd
Derwent Cogeneration Limited	Sargas Power Yorkshire Limited
Dorenell Windfarm Limited	Scira Offshore Energy Limited
Drax Corporate Developments Limited	Scottish Power Generation Limited
Drax Power Limited	ScottishPower Renewables (UK) Limited
Dudgeon Offshore Wind Limited	ScottishPower Renewables (UK Assets) Limited
Dulater Hill Wind Park Limited	Seabank Power Limited
E.ON Climate & Renewables UK Humber Wind Limited	Seagreen Alpha Wind Energy Limited
E.ON UK Plc	Seagreen Bravo Wind Energy Limited
East Anglia One Limited	Sellafield Limited

East Anglia Three Limited	Severn Power Limited
EDF Development Company Limited	Simec Ghr Keltneyburn Hydro Limited
EDF Energy (Cottam Power) Limited	Simec Uskmouth Power Limited
EDF Energy Renewables Limited	Sofia Offshore Wind Farm Limited
EDF Energy (Thermal Generation) Limited	Sonningmay Wind Limited
EDF Energy Nuclear Generation Limited	Soundmark Wind Limited
Eggborough Power Limited	Spalding Energy Company Limited
ENGIE Power Limited	Spalding Energy Expansion Limited
EP Langage Limited	SPEP Limited
EP SHB Limited	SSE Generation Limited
Esso Petroleum Company Limited	SSEPG (Operations) Limited
Fallago Rig Windfarm Limited	Stevenson Offshore Windfarm Limited
Fibre Power (Slough) Limited	Sutton Bridge Power Generation
First Hydro Company	Symbio Energy Limited
Freasdail Energy Limited	Telford Offshore Windfarm Limited
FS Port of Tyne Limited	Tetragen Holdings Limited
Galloper Wind Farm Limited	Thanet Offshore Wind Limited
Gateway Energy Centre Limited	The Nuclear Decommissioning Authority
GB Developers Limited	Thorpe Marsh Power Limited
Glassenbury Battery Storage Limited	Triton Knoll Offshore Windfarm Limited
Glenmuckloch Pumped Storage Hydro Limited	Turncole Wind Farm Limited
Grangemouth CHP Limited	UK Capacity Reserve Limited
Greater Gabbard Offshore Winds Limited	UK Energy Storage Services Ltd
Green Hill Energy Limited	UK Power Reserve (Trumfleet) Limited
GridBeyond Limited	UK Power Reserve Limited
Griffin Wind Farm Limited	Ulzieside Wind Energy Limited
Gwynt Y Mor Offshore Wind Farm Limited	Uniper UK Limited
Hirwaun Power Limited	Vattenfall Wind Power Ltd
Horizon Nuclear Power Wylfa Limited	VPI Immingham LLP
Hornsea 1 Limited	Wainstones Energy Limited
Inch Cape Offshore Limited	Walney Extension Limited
Indian Queens Power Limited	Walney (UK) Offshore Windfarms Limited
International Power Ltd.	West Garty Renewables LLP
Intervate Limited	Westermost Rough Limited
IPM Energy Trading Limited	Willington Power Limited
Keadby Developments Limited	Willowind Linfairn Limited
Keadby Generation Limited	Zenic Energy Ltd
Kincardine Offshore Windfarm Limited	

