

## Legal Draft for CM Rule Change

### Definitions

**Prequalification Agent** - means a person nominated by an Applicant pursuant to [Rule 3.3.5] to perform its obligations with respect to a CMU as Applicant.

**Commented [LW1]:** Depending on how this is dealt with in Section 3

**Prequalification Agent Nomination Form** - means an agent nomination form in the form set out in Exhibit [X]

**Applicant-related** - means, in relation to a CMU, its Applicant (or Bidder or Capacity Provider, as applicable) and any **Prequalification Agent** or Agent

### Chapter 2

2.2.3 (c) instructions on using the EMR Delivery Body Portal and the IT Auction System, including how to:

(i) register, and complete security and identity checks for, all individuals that require access to such systems (subject, in the case of any Agent or **Prequalification Agent**, to compliance with Rule 3.3.5);

We believe this could be altered into a new rule or the following changes could be made:

### Chapter 3

3.3.5 An Applicant may nominate an Agent or **Prequalification Agent** to submit an Application for a CMU on its behalf. **In the case of an Agent, the Applicant may have the Agent** perform all its obligations under the Regulations or the Rules (whether in its capacity as Applicant, Bidder or Capacity Provider). **An Applicant may nominate and Agent or Prequalification Agent** provided that:

- (a) an Agent Nomination Form or **Prequalification Agent Form** with respect to such Agent or **Prequalification Agent** is included in the Application;
- (b) only one Agent or **Prequalification Agent** is appointed by an Applicant with respect to a CMU at any one time;
- (c) such Agent is not also the Agent for any other Applicant (unless the other Applicant is a member of the same Group);
- (d) if the Applicant wishes to revoke the appointment of an Agent **Prequalification Agent** or to appoint a different Agent or **Prequalification Agent**, the Applicant must submit a new Agent Nomination Form or **Prequalification Agent Form** to the Delivery Body;
- (e) the Agent shall have not authority to sign any Prequalification Certificate, Price-Maker Certificate, Certificate of Conduct or any other directors' or officers' certificate or other formal representation required to be submitted by the Applicant pursuant to the Regulations or the Rules; **and**
- (f) **in the case of a Prequalification Agent the Applicant accepts that at the end of the Status Confirmation Window (rule) the Pre-qualification Agent's system access will be terminated by the Delivery Body.**

### 3.4.1 General details about the Applicant

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- (c) contact details, including registered address of the Applicant and:

(i) name of the authorised contact person at the Applicant or Agent or Prequalification Agent who is responsible for liaising with the Delivery Body in relation to the Application and, in the case of an Agent, the auction and any resulting Capacity Agreement;

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(f) in the case of an Application that is submitted by an Agent or Prequalification Agent, an Agent Nomination Form or Prequalification Agent Form.

#### Chapter 4

##### 4.12 Removal of Prequalification Agent access to EMR Delivery Body systems

4.12.1 no later than 10 Working Days prior to the commencement of the first Bidding Round of the relevant Capacity Auction the EMR Delivery Body will remove the system access rights for any Prequalification Agents that have been nominated by an Applicant and, if required, create a new access for the Applicant or its Agent.

#### Chapter 5

##### 5.13.1

(e) ..

(iv) to any Agent nominated by or on behalf of the Applicant to conduct its Application and Bidding provided that such Agent is not also the Agent of any other Applicant (unless such other Applicant is a member of the Applicant's group);

(ivA) to any Prequalification Agent nominated by or on behalf of the Applicant to not be involved in the capacity auction on behalf of the Applicant;

#### Chapter 7

7.5 (s) within five Working Days of receiving from a Capacity Provider an Agent Nomination Form or Prequalification Agent Form;

[7.5 (x) no later than 5 Working Days prior to the commencement of the first Bidding Round of the relevant Capacity Auction the Delivery Body would remove the name of Prequalification Agents.]

Commented [LW2]: Not sure this is necessary or desirable.

Exhibit E - either needs to be updated with a delete as applicable, or a new Exhibit J allowing for the creating of the Participation Agent declaration.