

16 March 2000

To: Shippers, Panel Members & Non-Network Code Parties

Dear Colleague,

**NOTICE OF IMPLEMENTATION  
MODIFICATION PROPOSAL No: 0365  
"Availability of Within Day Capacity"**

Please note that the Final Modification Report, Version 1.0 was signed by Ofgem on 28 February 2000 for Modification Proposal No: 0365

With effect from 06.00 hours on 1 June 2000, the new Network Code text resulting from this Modification is detailed below.

NB The bid window opens for DSEC on 25 May (D-7), within day auctions commence 31 May (D-1)

Transco apologises for the circulation of a previous Implementation Notice which included draft legal text. This revised Implementation Notice contains the Final legal text.

**Modified Text:**

Proposed legal drafting

**SECTION B: SYSTEM USE AND CAPACITY**

*Amend paragraph 2.1.5(d) to read as follows:*

“....pursuant to paragraph 2.7.12....”.

*Delete paragraph 2.1.5(d)(iii) and amend paragraph 2.1.5(e) to read as follows:*

“....pursuant to paragraphs 2.7.12 and 2.8.3;”.

*Amend paragraph 2.1.5(g) to read as follows:*

“....by an amount which is related to the amount by which such capability....”.

*Amend paragraph 2.5.2(a)(iv) to read as follows:*

“....applied for (in kWh/Day);”.

*Amend reference in paragraph 2.5.2(a)(v) to 'paragraph 2.5.5(c) or (d)' to 'paragraph 2.5.7(c) or (d)'.*

*Renumber paragraph 2.5.2(b) and (c) as (c) and (d) respectively and insert new paragraph (b) and amend paragraphs (c) and (d) to read as follows:*

- “(b) whether such bid is a fixed or reducing daily capacity bid;
- (c) may be submitted at any time from the 7th Day before the Gas Flow Day until 02:00 hours on the Day for which the Daily Entry Capacity is applied for;
- (d) may, subject to paragraph 2.5.3, in the case of a fixed bid be withdrawn or amended and in the case of a reducing bid withdrawn, at any time before Daily Entry Capacity is allocated in respect of such bid.”.

*Insert new paragraph 2.5.3 to read as follows and renumber accordingly:*

“A daily capacity bid may not be withdrawn during a capacity allocation period (irrespective of whether or not the daily capacity bid is in relation to an Aggregate System Entry Point at which, for the purposes of the capacity allocation, there is Available Daily Capacity) and where a User seeks to withdraw a bid during such period, Transco will notify the User that a capacity allocation period is current and Transco may, subject to paragraph 2.5.5, accept such daily capacity bid.”.

*Amend paragraph 2.5.3 (renumbered paragraph 2.5.4) to read as follows:*

“In relation to each Aggregate System Entry Point and in respect of any Day (or part of any such Day) a User may have, at any one time, up to but not more than 20 daily capacity bids which are capable of acceptance in accordance with this paragraph 2.5.”.

*Add new paragraph 2.5.6 to read as follows:*

“For each Day (or part of each such Day) in respect of each Aggregate System Entry Point, where Transco determines that Daily System Entry Capacity is available at one or more Aggregate System Entry Points, Transco will initiate, not earlier than 13:00 hours on the Preceding Day, a capacity allocation period.”.

*Amend paragraph 2.5.5 (renumbered as paragraph 2.5.7) to read as follows:*

“Where Transco has initiated a capacity allocation period [r for the purposes of paragraph 2.5.11, Daily System Entry Capacity (up to the amount if any of the Available Daily Capacity) will be allocated pursuant to daily capacity bids as follows:

- (a) all available daily capacity bids (excluding any bid rejected pursuant to paragraph 2.5.5) will be ranked in order of bid price (the highest priced ranking first);....”.

*Amend references in paragraphs 2.5.5(c) and (d) (renumbered paragraph 2.5.7(c) and (d)) to 'paragraph 2.5.6' to 'paragraph 2.5.8'.*

*Amend reference in paragraph 2.5.7(renumbered as paragraph 2.5.9) to 'paragraph 2.5.6' and paragraph '2.5.5' to 'paragraph 2.5.8' and 'paragraph 2.5.7' respectively.*

*Amend reference in paragraph 2.5.6 (renumbered as paragraph 2.5.8) to 'paragraph 2.5.5' to 'paragraph 2.5.7'.*

*Add new paragraphs 2.5.11 and 2.5.12 to read as follows:*

“2.5.11 Daily capacity bids will also be selected for acceptance pursuant to the following provisions:

- (a) where in relation to any Aggregate System Entry Point, for any Day, the condition in paragraph (b) is satisfied in relation to any daily capacity bid:
  - (i) the daily capacity bid will be selected for acceptance in accordance with paragraph 2.5.7 as though references therein to Available Daily Capacity were to the aggregate of the unsatisfied bid quantities under all eligible offers; and
  - (ii) the Firm Capacity Shortfall (in respect of that or the related Aggregate System Entry Point) shall be redetermined for the purposes of paragraph 2.7 so as to take account of the allocation of additional Daily System Capacity pursuant to acceptance of such daily capacity bid (and, in the case of a related Aggregate System Entry Point, the resulting redetermination of System Entry Capability);
- (b) the condition is that the daily capacity bid specifies a bid price which is greater than the offer price specified in any daily capacity offer (in respect of the same or a related Aggregate System Entry Point) in relation to which there is an unsatisfied bid quantity;
- (c) for the purposes of this paragraph 2.5.11, in relation to any daily capacity offer:
  - (i) an “**unsatisfied offer quantity**” is the whole or part of the amount applied for in a daily capacity offer which would not be satisfied by the acceptance of daily capacity offers made pursuant to the application of paragraph 2.7.6 in the absence of the application (in relation to that daily capacity bid) of this paragraph 2.5.11;
  - (ii) an “**eligible offer**” is a daily capacity offer falling within paragraph (b);
- (d) this paragraph 2.5.11 shall apply iteratively to daily capacity bids (in the order ranked under paragraph 2.5.7) until the condition in paragraph (b) is not satisfied, and paragraph 2.7.6 shall apply thereafter.

2.5.12 Transco will accept daily capacity bids selected pursuant to paragraph 2.5.7 or 2.5.11 and the amount of Available Firm System Entry Capacity (for the Day in respect of

which Aggregate System Entry Point) will be decreased by the amount for which the bid was selected.”.

*Amend paragraph 2.5.9 (now renumbered paragraph 2.5.13) to read as follows:*

“Transco will, not later than one (1) hour after a capacity allocation, inform each User of those of its daily capacity bids which have been accepted and the amount of Daily System Entry Capacity which it is registered as holding pursuant to each such accepted bid.”.

*Delete paragraph 2.5.10 and insert new paragraph 2.5.14 to read as follows:*

“2.5.14 For the purposes of this paragraph 2.5:

the “**applicable reserve price**” is the price determined as such (for the purposes of this paragraph 2.5) in accordance with the Transportation Statement;

- (b) the “**ASEP Non-specific Available Daily Capacity**” in respect of two or more Aggregate System Entry Points (each a “**relevant**” Aggregate System Entry Point), for any Day or part of such Day, is the amount determined by Transco, by which System Entry Capacity exceeds the Firm System Entry Capacity at each relevant Aggregate System Entry Point for the time being held by Users in aggregate (including pursuant to any preceding capacity allocation);
- (c) the “**ASEP Specific Available Daily Capacity**” in respect of an Aggregate System Entry Point, for any Day or part of such Day, is the amount determined by Transco, by which System Entry Capacity exceeds the Firm System Entry Capacity for the time being held by Users in aggregate (including pursuant to any preceding capacity allocation);
- (d) the “**Available Daily Capacity**” in relation to an Aggregate System Entry Capacity on any Day or remaining part of any such Day, is as appropriate, the ASEP Specific Available Daily Capacity or the ASEP Non-specific Available Daily Capacity;
- (e) the “**bid effective time**” is the time on the hour in relation to a daily capacity bid being the later of:
  - (i) 06:00 hours on the Gas Flow Day;
  - (ii) the time falling no earlier than 60 minutes after Daily Entry Capacity has been allocated in respect of such bid;
- (f) a “**capacity allocation period**” is the period of 15 minutes in which, where Transco intends to allocate Daily System Entry Capacity in respect of available daily capacity bids, it conducts a capacity allocation;
- (g) a “**capacity allocation**” is the allocation of Daily System Entry during a capacity allocation period in accordance with this paragraph 2.5;

- (h) a “**fixed bid**”, is a daily capacity bid in relation to which the Daily System Entry Capacity applied for is not conditional on the bid effective time and a “**reducing bid**” is a daily capacity bid in relation to which the amount of Daily Entry Capacity applied for is determined as:

$$(DSEC / BET) * N$$

where:

DSEC is the amount of Daily System Entry Capacity applied for when the bid was first submitted;

BET commencing from the earliest bid effective time in respect of such bid, the number of hours remaining on the Gas Flow Day;

N the number of hours remaining from the actual bid effective time were Daily System Entry Capacity to be allocated in respect of such a bid.”.

*Insert new paragraphs 2.5.15 and 2.5.16 to read as follows:*

“2.5.15A daily capacity bid is “**available**” where:

- (a) submitted and not withdrawn prior to the start of any capacity allocation period; and
- (b) where the bid effective time is later than 06:00 on the Gas Flow Day, the implied capacity rate is less than or equal to the available capacity rate at the relevant Aggregate System Entry Point

and for the avoidance of doubt, where Daily System Entry Capacity is allocated in respect of a bid such bid shall be extinguished and no longer be available for the purposes of this paragraph 2.5.

2.5.16 For the purposes of paragraph 2.5.15:

- (a) the “**available capacity rate**” in relation to an Aggregate System Entry Point is the rate (in kWh/hour) calculated as an amount of Daily System Entry Capacity equal, as appropriate, to the Available Daily Capacity, divided by the number of hours remaining in the Day following the capacity allocation effective time;
- (b) the “**capacity allocation effective time**” is the hour bar following the next hour bar falling after the end of a capacity allocation period;
- (c) the “**implied capacity rate**” in relation to a:
  - (i) a fixed bid, is the rate (in kWh/hour), calculated as the amount of Daily System Entry Capacity in respect of which the bid was made divided by the number of hours remaining in the Day where Daily System Entry Capacity to be allocated in respect of such bid;

- (ii) a reducing bid, is the rate (in kWh/hour) calculated as the amount of Daily System Entry Capacity in respect of which the bid was made divided by the number of hours remaining in the Day from the hour bar following the next falling next hour after submission of such bid.”.

*Amend paragraph 2.6.2(a)(iv) to read as follows:*

“....applied for (in kWh/Day);”.

*Amend paragraph 2.6.10(b) to read as follows:*

“the “**Available Interruptible Capacity**” in respect of an Aggregate System Entry Point for any Day is the sum of:

- (i) the amount (if any) by which the Aggregate Firm Registered Capacity exceeds the Estimated Nomination Quantity; and
- (ii) based on Transco’s reasonable forecast, the amount (if any) by which the System Entry Capability may increase during the Day to the extent it exceeds the Aggregate Firm Registered Capacity;”.

*Rename paragraph 2.7 ‘Surrender of Firm System Entry Capacity’.*

*Amend paragraph 2.7.1 to read as follows:*

“....to surrender Available Firm System Entry Capacity....”.

*Amend paragraph 2.7.2 to read as follows:*

“....to surrender Firm System Entry Capacity....”.

*Amend paragraph 2.7.2(a)(iv) to read as follows:*

“....applied for (in kWh/Day);”.

*Amend reference in paragraph 2.7.2(a)(v) to ‘paragraph 2.7.6(d) or (e)’ to ‘paragraph 2.7.8(d) or (e)’.*

*Renumber paragraph 2.7.2(b) and (c) as (c) and (d) respectively and insert new paragraph (b) and amended paragraphs (c) and (d) to read as follows:*

- “(b) whether such offer is a fixed or reducing daily capacity offer;
- (c) may be submitted at any time from the 7th Day before the Gas Flow Day until 02:00 hours on the Day for which the System Entry Capacity is offered for surrender;
- (d) may, subject to paragraph 2.7.3, in the case of a fixed offer be withdrawn or amended and in the case of a reducing offer be withdrawn, at any time before System Entry Capacity in such bid is selected for surrender.”.

*Insert new paragraph 2.7.3 to read as follows and renumber accordingly:*

“A daily capacity offer may not be withdrawn during a capacity selection period (irrespective of whether or not the daily capacity offer is in relation to an Aggregate System Entry Point at which, for the purposes of the capacity selection, there is [Firm Capacity Shortfall] and where a User seeks to withdraw an offer during such period, Transco will notify the User that a capacity selection period is current and Transco may, subject to paragraph 2.5.5, accept such daily capacity offer.”.

*Amend paragraph 2.7.3 (renumbered paragraph 2.7.4) to read as follows:*

“In relation to each Aggregate System Entry Point and in respect of any Day (or part of any such Day) a User may have, at any one time, up to but not more than 20 daily capacity offers which are capable of acceptance in accordance with this paragraph 2.7.”.

*Amend paragraph 2.7.4 (renumbered paragraph 2.7.5) to read as follows:*

“Transco will reject a daily capacity offer where any requirement of paragraphs 2.7.2 and 2.7.4 is not complied with, and may reject such an offer where the amount of System Entry Capacity offered for surrender exceeds the amount of the User’s Available Firm System Entry Capacity (determined by reference to System Capacity Transfers which have at the relevant time become effective pursuant to paragraph 5.2.4 and the provisions of paragraph 2.11).”.

*Add new paragraph 2.7.6 to read as follows:*

“For each Day (or part of each such Day) in respect of each Aggregate System Entry Point, where Transco determines that there is a Firm Capacity Shortfall at one or more Aggregate System Entry Points, Transco will initiate, not earlier than 13:00 hours on the Preceding Day, a capacity selection period.”.

*Amend paragraph 2.7.5 (now renumbered paragraph 2.7.7) to read as follows:*

“For each Aggregate System Entry Point and each Day (or part of each such Day), the “**Firm Capacity Shortfall**” is an amount of System Entry Capacity equal to the amount by which, the lesser of:

- (i) the amount in aggregate of gas which Transco estimates will be delivered to the System at the Aggregate System Entry Point on the Day or remaining part of such Day (excluding, if Transco so decides, any amount which Transco anticipates would be delivered only if Interruptible System Entry Capacity were allocated), and
- (ii) the sum of the Aggregate Registered Monthly Capacity and Daily System Entry Capacity held in aggregate by all Users,

exceeds System Entry Capability.”.

*Amend paragraph 2.7.6 (now renumbered paragraph 2.7.8) to read as follows:*

“Where Transco has initiated a capacity selection period or for the purposes of paragraph 2.7.11, offers to surrender Firm System Entry Capacity pursuant to daily capacity offers will be selected for acceptance as follows:

- (a) all available relevant daily capacity offers (excluding any offer rejected pursuant to paragraph 2.7.5) will be ranked in order of offer price (the lowest priced ranking first);....”.

*Amend references in paragraphs 2.7.6.(c) and (d) (now renumbered paragraph 2.7.8) to ‘paragraph 2.7.8’ to ‘paragraph 2.7.10’.*

*Amend paragraph 2.7.6(f) (now renumbered paragraph 2.7.8(f) to read as follows:*

“....all available daily capacity offers....”.

*Amend references in paragraph 2.7.7 (now renumbered paragraph 2.7.9) to ‘paragraph 2.7.9(c)(iii)’ and ‘paragraph 2.7.6’ to ‘paragraph 2.7.11(c)(iii)’ and ‘paragraph 2.7.8’ respectively.*

*Amend paragraph 2.7.9 (now renumbered paragraph 2.7.11) to read as follows:*

“Daily capacity offers will be accepted....”.

*Amend reference in paragraph 2.7.9(a) (now renumbered paragraph 2.7.11(a)) to ‘paragraph 2.7.9(c)(iii)’ to ‘paragraph 2.7.8’.*

*Amend two references in paragraph 2.7.9(c) (now renumbered paragraph 2.7.11(c)) to ‘paragraph 2.7.9’ to ‘paragraph 2.7.11’.*

*Amend references in paragraph 2.7.9(d) (now renumbered paragraph 2.7.11(d)) to ‘paragraph 2.7.9’ and ‘paragraph 2.7.6’ to ‘paragraph 2.7.11’ and ‘paragraph 2.7.8’ respectively.*

*Amend reference in paragraph 2.7.10 (now renumbered paragraph 2.7.12) to ‘paragraph 2.7.6 or paragraph 2.7.9’ to ‘paragraph 2.7.8 or paragraph 2.7.11’.*

*Amend paragraph 2.7.11 (now renumbered paragraph 2.7.13) to read as follows:*

“...., not later than one (1) hour after each capacity selection, inform each User....”.

*Insert new paragraphs 2.7.14, 2.7.15 and 2.7.16 to read as follows:*

“2.7.14 For the purposes of this paragraph 2.7:

- (a) the “**offer effective time**” is the time on the hour in relation to a daily capacity offer being the later of:
  - (i) 06:00 hours on the Gas Flow Day; and
  - (iii) the time not earlier than 60 minutes after Firm System Entry Capacity has been selected pursuant to such bid for surrender;



- (b) a “**capacity selection period**” is the period of 15 minutes in which, where Transco intends to accept Firm System Entry Capacity for surrender pursuant to available daily capacity offers, it conducts a capacity selection;
- (c) a “**capacity selection**” is the acceptance of Firm System Entry for surrender during a capacity selection period in accordance with this paragraph 2.7;
- (d) a “**fixed offer**”, is a daily capacity offer in relation to which the amount of Firm System Entry Capacity offered for surrender is not conditional on the offer effective time and a “**reducing offer**” is a daily capacity offer in relation to which the amount of Firm Entry Capacity offered for surrender is determined as:

$$(FSEC / OET) * N$$

where:

FSEC is the amount of Firm Monthly System Entry Capacity offered for surrender when the offer was first submitted;

OET commencing from the earliest offer effective time in respect of such bid, the number of hours remaining on the Gas Flow Day;

N the number of hours remaining from the actual offer effective time were Firm System Entry Capacity be selected for surrender pursuant to such offer.

2.7.15 A daily capacity offer is “**available**” where:

- (a) submitted and not withdrawn prior to the start of any capacity selection period; and
- (b) where the offer effective time is later than 06:00 on the Gas Flow Day, the implied surrender rate is less than or equal to the available surrender rate at the relevant Aggregate System Entry Point

and for the avoidance of doubt, where Firm System Entry Capacity is selected for surrender pursuant to an offer such offer shall be extinguished and no longer be available for the purposes of this paragraph 2.7.

2.7.16 For the purposes of paragraph 2.7.15:

- (a) the “**available surrender rate**” in relation to an Aggregate System Entry Point is the rate (in kWh/hour) calculated as an amount of Firm System Entry Capacity equal, as appropriate, to the Available Capacity Shortfall, divided by the number of hours remaining in the Day following the capacity selection effective time;

- (b) the “**capacity selection effective time**” is the hour bar following the next hour bar falling after the end of a capacity selection period;
- (c) the “**implied surrender rate**” in relation to:
  - (i) a fixed offer, is the rate (in kWh/hour), calculated as the amount of Firm System Entry Capacity in respect of which the offer was made divided by the number of hours remaining in the Day were Firm System Entry Capacity to be selected for surrender pursuant to such offer;
  - (ii) a reducing offer, is the rate (in kWh/hour) calculated as the amount of Firm System Entry Capacity in respect of which the offer was made divided by the number of hours remaining in the Day from the hour bar following the next falling next hour after submission of such offer.”.

*Amend paragraph 2.8.2 to read as follows:*

“....

Y ....held by Users at the Aggregate System Entry Point pursuant to paragraphs 2.7 and/or 2.11.”.

*Amend paragraph 2.8.4 to read as follows:*

“Where no Interruptible System Entry Capacity is held at the Aggregate System Entry Point, or such Interruptible System Entry Capacity has been wholly curtailed (by an interruptible curtailment factor of zero), Transco will initiate a capacity selection period (in accordance with paragraph 2.7).”.

*Delete paragraph 2.8.5 and renumber paragraph 2.8.6 as paragraph 2.8.5.*

*Rename paragraph 2.9 ‘Capacity Charges and Capacity Surrender Charges’.*

*Amend paragraph 2.9.3 to read as follows:*

- “(iii) in respect of Daily System Entry Capacity, the bid price tendered by the User in respect of the Daily System Entry Capacity allocated for the Day pursuant to paragraph 2.5;
- (iv) in respect of Interruptible System Entry Capacity, the bid price tendered by the User in respect of the Daily System Entry Capacity allocated for the Day pursuant to paragraph 2.6.”.

*Amend paragraph 2.9.4 to read as follows:*

“....Unadjusted pursuant to paragraph 2.7.10).”.

*Delete paragraphs 2.9.6 and 2.9.7.*

*Renumber paragraph 2.9.8 as paragraph 2.9.6 and amend to read as follows:*

“System Entry Capacity Charges and Capacity Surrender Charges will be invoiced...”.

*Amend paragraph 2.10.3 to read as follows:*

“(i) ....for the Day not later than 24:00 hours on the Preceding Day;

....

(iii) ....for the Day not later than 24:00 hours on the Preceding Day; and”.

## SECTION I: ENTRY REQUIREMENTS

*Amend paragraph 3.7.1 to read as follows:*

“....pursuant to Section B2.7.12.”.

*Amend paragraph 3.7.2 to read as follows:*

“....

A ....over the constrained period (the “**Constrained Amount**”);

X<sub>t</sub> pursuant to Section 2.7.12;

....

B is the charge rate determined as the greater of the rates R1 and R2, where,

R1 is  $(F1 * ADR)$ , where ADR is the Applicable Daily Rate determined in accordance with paragraph 2.9.3(ii) for Monthly System Entry Capacity at the Aggregate System Entry Point for the month in which the Day falls;

R2 is the rate determined as,

$$F2 * (M + N) / Q$$

where

M is an amount determined as the aggregate notional surrender cost in relation to the constrained Aggregate System Entry Point in respect of an amount determined as one half of the Constrained Amount;

N is an amount determined as the aggregate notional surrender cost in relation to the highestpriced Aggregate System Entry Point in respect of an amount determined as one half of Constrained Amount;

Q is the Constrained Amount;

F1 is six (6);

F2 is one decimal one decimal four (1.4).

*Amend reference in paragraph 3.7.3 to 'Sections B2.7.10 and B2.8.5' to 'Section B2.7.12'.*

*Amend reference in paragraph 3.7.4 to 'Section B2.11' to 'Section B2.12'.*

*Add new paragraph 3.7.7 to read as follows:*

“3.7.7 For the purposes of paragraph 3.7.2:

- (a) in relation to a particular Aggregate System Entry Point and a given quantity of the Constrained Amount, the “**aggregate notional surrender cost**” is the aggregate of the amounts which Transco would have paid by way of Capacity Surrender Charges if Transco had accepted remaining daily capacity offers for that quantity pursuant to and in accordance with paragraph 2.7.8; where subject to paragraph (b) “**remaining**” daily capacity offers are daily capacity offers remaining:
  - (i) after acceptance of those daily capacity offers which Transco did accept for the relevant Day,
  - (ii) for the purposes of determining ‘N’ in paragraph 3.7.2, after excluding daily capacity offers to the extent taken into account in determining ‘M’ in that paragraph, and
  - (iii) after excluding daily capacity offers to the extent taken into account in any earlier application (pursuant to any provision of the Code) of that paragraph in respect of that Day;
- (b) for the purposes of paragraph (a) above, where paragraph 2.7.8(f) would have applied (in the notional application of paragraph 2.7.8) there shall be deemed to have been a remaining daily capacity offer for (and accepted for) the outstanding unsatisfied amount referred to in paragraph 2.7.8(f) specifying an offer price equal to ‘R1’ (in relation to the particular Aggregate System Entry Point) in paragraph 3.7.2 above (and accordingly the reference to paragraph 2.8 in paragraph 2.7.8(f) shall be disregarded);
- (c) the “**Constrained Amount**” in relation to an Aggregate System Entry Point is the aggregate of the constrained amounts for all Users;
- (d) the “**highestpriced Aggregate System Entry Point**” in relation to quantity ‘N’ is the Aggregate System Entry Point for which the aggregate notional surrender costs for that quantity would be the highest.”.

## TRANSITION DOCUMENT PART II, PARAGRAPH 8

*Amend paragraph 8.1.1 to read as follows:*

“In respect of Pricing Consultations 48, 49 and 51 the requirement in Section B1.8.2....”.

*At paragraph 8.1.2 add new sub-paragraph (3) to read as follows:*

“In respect of the calendar months April to September 2000 (inclusive) for the purposes of Section B2.6 the Available Interruptible Capacity in respect of an Aggregate System Entry Point for any Day is:

- (a) subject to, in relation to all Aggregate System Entry Points, the aggregate Aggregate Firm Registered Capacity being less than 90% of the aggregate Determined System Entry Capacity, where the Aggregate Firm Registered Capacity is less than 90% of the Determined System Entry Capacity, the amount (if any) by which the Aggregate Firm Registered Capacity exceeds the Estimated Nomination Quantity;
- (b) except where paragraph (a) applies, an amount equal to the sum of 10% of the Determined System Entry Capacity and the amount (if any) by which the Aggregate Firm Registered Capacity exceeds the Estimated Nomination Quantity.

Yours sincerely

Julian Majdanski  
Modification Panel Secretary