

Representation For. 0039
"Removal of 9.5.5 of the Modification Rules"
Version 1.0

Date of Communication: 24/08/2005
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Slant: For
Strictly Confidential: No

Abstract

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Julian Majdanski
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Draft Modification Report 0039: Removal of 9.5.5 of the Modification Rules

Thank you for providing Scottish and Southern Energy plc (SSE) with the opportunity to comment on the above draft modification report.

We understand that the proposal has been raised as a result of the work of Review Group 0020, which was convened to consider whether any changes to the UNC Modification Rules were required as a result of the introduction of the Appeals mechanism against Authority UNC Modification decisions.

SSE agrees with Review Group 0020's conclusion that Modification Rule 9.5.5 could be ambiguous in terms of what the Panel recommendation to the Authority would be in circumstances where there is an equal number of votes in favour of/against implementation of a proposal. We do not believe it appropriate that in this situation, the Panel would be deemed to recommend non-implementation and as such the Rule could subsequently jeopardise a party's right of appeal if the Authority were to direct implementation of that proposal.

In our view removing Modification Rule 9.5.5 would add clarity to the Panel decision making process and ensure that all interested parties are aware of the circumstances under which they would be entitled to raise an appeal against an Authority UNC Modification decision.

We therefore confirm our full support for implementation of this proposal. We concur with the proposer's opinion that this proposal would better facilitate the achievement of the relevant objectives specified in Standard Special Condition A.11.2 and A.11.1 (f).

We have no comments on the legal text provided with the proposal.

I hope that our comments have been helpful. Should you wish to discuss any of the points raised in our response, please do not hesitate to contact me in the first instance on the above direct dial number.

Yours sincerely

Katherine Marshall
Market Development