

APPENDIX C – RESPONSE TEMPLATE

SUMMARY INFORMATION

Respondent's Name	Bord na Móna
Type of Stakeholder	Generator
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Confidential Response	[N]

We wish to comment on:

CMC 15_25: Performance Securities for Extended Projects in T-4 2026_27 - Shannon LNG

This mod relates to a specific carve out for this auction only – and for Planning only. BnM does not see an explicit reason for this carve out for this project, and believes that is flawed and that it results in discrimination against existing/current participants; it fails to further code objective:

‘(f) To ensure no undue discrimination between persons who are or may seek to become parties to the Capacity Market Code,..’

However we do see rationale for this Mod being broadened (ie Mod 06_24 revisited) to permit application of delays to performance security posting to extensions granted under J.5.7 and J.5.8, but strictly only for auctions going forward, so as to avoid being in breach of CMC A.1.2.1 ‘(f)’ relating to undue discrimination against existing/current participants as referred to above.

CMC_10_25: Amendments to E.7

We believe that the proposed mod will make it more difficult for units to qualify by introducing unnecessarily increased stringent conditions, and have proposed alternative wording.

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CMC_12_25: RAs' role in relation to Final Qualification Decisions;

We believe that this Mod unnecessarily distances the RAs from inputting to Qualification decisions and do not support it. We believe that it is counter to Code objective: CMC A.1.2.1

‘(g) through the development of the Capacity Market, to promote the short-term and long-term interests of consumers of electricity with respect to price, quality, reliability, and security of supply of electricity across the Island of Ireland.’

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CAPACITY MARKET CODE MODIFICATIONS WORKSHOP 43 (PART B) CONSULTATION COMMENTS:

ID	Proposed Modification and its Consistency with the Code Objectives	Impacts Not Identified in the Modification Proposal Form	Detailed CMC Drafting Proposed to Deliver the Modification
CMC_10_25: Amendments to E.7	This Mod purports to further relevant code objectives: CMC A.1.2.1 (b) to facilitate the efficient, economic and coordinated operation, administration and development of the Capacity Market and the provision of adequate future capacity in a financially secure manner And (c) to facilitate the participation of undertakings including electricity undertakings engaged or seeking to be engaged in the provision of electricity capacity in the Capacity Market	This Mod intends to improve clarity and avoid potential inconsistencies between provisions dealing with qualification within the Code. However, we believe that the proposed mod will make it more difficult for units to qualify by introducing unnecessarily increased stringent conditions as set out in: E.7.5.1 The System Operators shall reject an Application for Qualification for a Capacity Year in respect of New Capacity for a Generator Unit or Interconnector comprising a Candidate Unit unless they consider that: (a) where New Capacity is under development, the information provided reflects an accurate view of the state of that development; (b) the Implementation Plan dates (including, but not limited to, the date for achieving Substantial Completion of the Generator Unit or Interconnector prior to the start of the Capacity Year) are achievable; (c)(b) Substantial Completion of the Generator Unit or Interconnector can be achieved prior to the start of the relevant Capacity Year; ..we believe that the wording.. ‘but not limited to’... is unnecessarily stringent.	Please refer to note 1.

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ID	Proposed Modification and its Consistency with the Code Objectives	Impacts Not Identified in the Modification Proposal Form	Detailed CMC Drafting Proposed to Deliver the Modification
CMC_11_25: Clarification on provisions relating to 'final and binding' and dispute resolution under the CMC			

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ID	Proposed Modification and its Consistency with the Code Objectives	Impacts Not Identified in the Modification Proposal Form	Detailed CMC Drafting Proposed to Deliver the Modification
CMC_12_25: RAs' role in relation to FQDs	This Mod purports to further relevant code objectives: CMC A.1.2.1 (b) to facilitate the efficient, economic and coordinated operation, administration and development of the Capacity Market and the provision of adequate future capacity in a financially secure manner And (c) to facilitate the participation of undertakings including electricity undertakings engaged or seeking to be engaged in the provision of electricity capacity in the Capacity Market And (e) to provide transparency in the operation of the SEM	This Mod sets out to 'reform the RAs' role in relation to FQDs, or in the alternative to clarify the operation of section E.9.4 of the CMC.' We believe that this Mod unnecessarily distances the RAs from inputting to Qualification decisions. We note that the SEM Committee understands that this proposal seeks to alter the RAs' role and responsibility in relation to FQDs so that it would be confined to reviewing any CMDRB decision made in a qualification dispute which had first been referred to the CMDRB and where a party is unhappy with the outcome of the CMDRB decision-making process. This would be a substantive change to the current arrangements and would increase the use of the Capacity Market Dispute Resolution Process – notwithstanding the potential for new information to be brought to the RAs post a CMDRB decision where this has been against the party entering the dispute. We do not believe that this will further Code objective: CMC A.1.2.1 '(g) through the development of the Capacity Market, to promote the short-term and long-term interests of consumers of electricity with respect to price, quality, reliability, and security of supply of electricity across the Island of Ireland.'	We have not provided alternative wording as we do not support this Mod.

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CMC_13_25: Amendments to the Capacity Auction Timetable			
CMC_14_25: New Dates in the Capacity Auction Timetable			

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CMC_15_25: Performance Securities for Extended Projects in T-4 2026/7	We believe relevant code objectives furthered: CMC A.1.2.1 (b) to facilitate the efficient, economic and coordinated operation, administration and development of the Capacity Market and the provision of adequate future capacity in a financially secure manner; (c) to facilitate the participation of undertakings including electricity undertakings engaged or seeking to be engaged in the provision of electricity capacity in the Capacity Market; (d) to promote competition in the provision of electricity capacity to the SEM; (e) to provide transparency in the operation of the SEM; (g) through the development of the Capacity Market, to promote the short-term and long- term interests of	-That there is not an explicit reason for this carve out for this project for an historical project. We would question why this proposal would relate to the T-4 2026/27 only and whether sufficient justification can be provided to differentiate between the treatment of projects in this auction and more recent auctions. -We believe that this proposal is flawed and that it results in discrimination against existing/current participants; it fails to further code objective: ‘(f) To ensure no undue discrimination between persons who are or may seek to become parties to the Capacity Market Code; and’ -In essence, notwithstanding the SEM Committee’s ‘minded to’ concerns, as expressed in its decision on CMC_06_24, to widen the applicability of delays to performance security posting to extensions granted under J.5.7 and J.5.8, given that the cause of delay in such instances may not be so easily attributable to a third-party, as is the case for a Third-Party Judicial Review or Planning Appeal, we provide qualified support for mod 06_24 (now rejected) which looked to amend the timelines for posting Performance Security and Termination Charges for All projects successful in all auctions, for all eligible extensions granted. Our qualified support is that we strongly believe that it is just that this should hold for auctions going forward only.	We would simply be adjusting the text to reflect this Mod being broadened to permit application of delays to performance security posting to extensions granted under J.5.7 and J.5.8, notwithstanding that the cause of delay in such instances may not be so easily attributable to a third-party, but where a case can be made - <u>and ONLY for auctions going forward.</u>
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	consumers of electricity with respect to price, quality, reliability, and security of supply of electricity across the Island of Ireland.		

NB please add extra rows as needed.

Note 1 – referring to: **CMC_10_25**: Amendments to E.7

We propose new wording as an alternative to the wording proposed in the mod shown here:

- E.7.5.1 The System Operators shall reject an Application for Qualification for a Capacity Year in respect of New Capacity for a Generator Unit or Interconnector comprising a Candidate Unit unless they consider that:
- (a) where New Capacity is under development, the information provided reflects an accurate view of the state of that development;
 - ~~(b)~~ the Implementation Plan dates (including, but not limited to, the date for achieving Substantial Completion of the Generator Unit or Interconnector prior to the start of the Capacity Year) are achievable;
 - ~~(c)(b)~~ Substantial Completion of the Generator Unit or Interconnector can be achieved prior to the start of the relevant Capacity Year;

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E.7.5.1 The System Operators shall reject an Application for Qualification for a Capacity Year in respect of New Capacity for a Generator Unit or Interconnector comprising a Candidate Unit unless they consider that:

- (a) where New Capacity is under development, the information provided reflects an accurate view of the state of that development;
- (b) the Implementation Plan dates ~~(including, but not limited to the date for achieving Substantial Completion of the Generator or Interconnector prior to the start of the Capacity Year)~~ are achievable;
- (c) Substantial Completion of the Generator Unit or Interconnector can be achieved prior to the start of the relevant Capacity Year.