

APPENDIX C – RESPONSE TEMPLATE

SUMMARY INFORMATION

Respondent's Name	ESB Generation and Trading
Type of Stakeholder	Generator
Contact name (for any queries)	Paraic Higgins
Contact Email Address	Paraic.higgins@esb.ie
Contact Telephone Number	01 7027119

CAPACITY MARKET CODE MODIFICATIONS CONSULTATION COMMENTS:

APPENDIX C – RESPONSE TEMPLATE

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
----	--	--	--

APPENDIX C – RESPONSE TEMPLATE

<p>CMC_01_19</p> <ul style="list-style-type: none"> - Interim Solution for Conducting Capacity Auctions 	<p>ESB GT has not been afforded the opportunity to comment as the legal drafting for the alternative proposed modification has not been provided. Subsequently, ESB GT would request this modification to be deferred as per B.12.11.1.c until such time as the modification proposal has been fully developed.</p>	<p>N/A</p>	<p>The current minded to position appears to mean that the SEMC are considering both the original and alternative proposals.</p> <p>ESB GT is being increasingly concerned with the implementation of the modification process specified in the CMC, particularly in relation to the consultation processes. Effectively, market participants are being requested to provide feedback on proposed modifications where no legal drafting is provided.</p> <p>B.12.4.4 of the CMC states “<i>any proposer shall ensure that their modification proposal is clear and substantiated with sufficient detail</i>” and B12.4.5 states “<i>Each proposal shall include draft text of the relevant provision of this code as amended by the modification proposal.</i>” This current minded to position on this modification (lacking sufficient detail) appears to be the RAs progressing a</p>
---	---	------------	--

APPENDIX C – RESPONSE TEMPLATE

			<p>modification in the absence of informed industry feedback.</p> <p>The issuing of a consultation that does not include a legal drafting for the alternative modification does not respect the established governance structure and is not in line with the RA's stated principle of transparency. ESB GT does not believe that this process leads to an efficient consultation with industry and effective modification process and exposes market participant to the risk of consequences, unintended on behalf of the RA's but which could be anticipated by market participants and avoided.</p> <p>The status of a modification as Urgent is not a reason and should not be used as an excuse to undermine the governance of the of the CMC. Publishing a consultation with significant elements of proposed modifications missing isn't a good regulatory practise.</p>
--	--	--	--

APPENDIX C – RESPONSE TEMPLATE

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
			<p>ESB GT are of the view that the RAs have failed to follow B.12.8.1 of the CMC by not applying a copy of the proposed modification.</p> <p>Considering the minded to position for CMC_01_19 and CMC_03_19, the SEMC/RAs appear to be performing the minimum in relation to B.12.5.12 (<i>“shall have regard to comments and submissions received during the consultation process”</i>) for this current consultation.</p>
<p>CMC_02_19 - Negative Interest</p>	N/A	N/A	N/A

APPENDIX C – RESPONSE TEMPLATE

<p>CMC_03_19</p> <ul style="list-style-type: none"> - Treatment of Exempt Price-Quantity Pairs 	<p>The necessary redrafting of the modification to address the ambiguous wording of “applicable” is required before any decision can be made on this modification. ESB GT would request this modification to be deferred as per B.12.11.1.c until further wording is provided and consulted upon with market participants.</p>		<p>The SEMC’s minded to position to approve the modification subject to a review of the detailed drafting is not acceptable as it does not allow participants to feedback on the potential modification. Participants raised their concerns with the wording “applicable” in the working group and were informed that a review would be performed for the consultation. No such wording has been provided and participants are now being ask to take comfort in the SEMC reviewing the wording and possibly subsequently approving it without market participants having any chance of inputting into the modification.</p> <p>Similar to CMC_01_19, the RAs have failed to follow B.12.8.1 of the CMC by not applying a copy of the proposed modification. If the modification was not available the modification should have been withdrawn or the consultation period delayed until the legal</p>
--	--	--	--

APPENDIX C – RESPONSE TEMPLATE

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
			<p>drafting of the proposed modification was available.</p> <p>ESB GT believes the use of sections B.12.11.4 and B.12.11.5 does not provide participants with an opportunity to challenge a modification until it is too late.</p> <p>ESB GT requests that SEM Committee to perform a review of the modifications process as this current consultation has highlighted serious issues with the governance of modifications to the CMC. In comparison to the significant input market participants can provide through the T&SC and SEMOpX modification committees, ESB GT believes the CMC modification process as currently implemented risks alienating the views of market participants.</p>

NB please add extra rows as needed.