

Balancing and Settlement Code

BSC PROCEDURE

QUALIFICATION PROCESS FOR SVA PARTIES, SVA PARTY AGENTS, VLPs AMVLPs, AMVLP-ASSET METERING AGENTS AND CVA MOAs

BSCP537

Version 17.2 ~~Version 17.0~~

Date: 02 November 2023 ~~29 June 2023~~ DD MM YYYY

BSC PROCEDURE 537 relating to the Qualification Process for SVA Parties, SVA Party Agents, Asset Metering Agents and CVA MOAs.

1. Reference is made to the Balancing and Settlement Code for the Electricity Industry in Great Britain and, in particular, to the definition of “BSC Procedure”.
2. This is BSC Procedure 537 Version 17.21~~Version 17.0~~ relating to Qualification Process for SVA Parties, SVA Party Agents, Asset Metering Agents and CVA MOAs.
3. This BSC Procedure is effective from 02 November 2023~~29 June 2023~~. DD MM YYYY
4. This BSC Procedure has been approved by the BSC Panel.

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AMENDMENT RECORD

| Version | Date | Description of Changes | CPs/ MPs Included | Mods Panel Ref |
|-------------|-----------------|------------------------------------------|----------------------|--------------------------------------------------------------------------|
| 1.0 | 23/07/07 | P197 Release | P197 | P/115/04 |
| 2.0 | 10/09/07 | P207 Release | P207 | P/127/04 |
| 3.0 | 1/11/07 | November 07 Release | CP1190 CP1210 | SVG77/04 ISG79/02 SVG79/02 |
| 4.0 | 06/11/08 | November 2008 Release | CP1240 CP1244 | PAB88/03 ISG88/01 SVG88/02 PAB88/03 ISG88/01 SVG88/02 |
| 5.0 | 26/11/08 | P207 Release | P207 | PAB91/12 ISG91/01 SVG91/06 |
| 6.0 | 07/11/13 | November 2013 Release | CP1391 | PAB148/04 ISG145/05 SVG148/05 |
| 7.0 | 26/06/14 | June 2014 Release | CP1406 | PAB158/06 ISG155/01 SVG158/03 |
| 8.0 | 05/11/15 | November 2015 Release | P319 Self-Governance | Panel 239/07 |
| 9.0 | 28/02/19 | February 2019 Release | P344 | Panel 284C/01 |
| 10.0 | 18/12/19 | December 2019 Standalone Release | CP1520 | PAB225B/02 ISG222/02 SVG225/03 |
| 11.0 | 02/04/20 | Emergency Fix 02042020 | - | ELEXON CEO Authorised |
| 12.0 | 25/06/20 | June 2020 Release | P404 Self-Governance | PAB232/08 ISG230/01 SVG232/02 |
| 13.0 | 05/11/20 | November 2020 Release | P411 Self-Governance | Panel 305/05 |
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| 15.0 | 01/09/21 | 1 September 2021 Non-Standard Release | P420 | P316/05 |
| 16.0 | 30/06/22 | 30 June <u>2022</u> Standard Release | P375 | P309/06 |
| 17.0 | 29/06/23 | 29 June <u>2023</u> Standard Release | CP1580 | P338/04 |
| <u>17.1</u> | <u>02/11/23</u> | <u>02 November 2023 Standard Release</u> | <u>P395</u> | <u>P340/05</u> |
| <u>17.2</u> | | <u>MHHS Changes</u> | <u>NA</u> | |

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1. Introduction

1.1 Scope and Purpose of the Procedure

The purpose of this BSCP is to set out the process that Applicants must follow so that they can be Qualified under the Balancing and Settlement Code (the Code). Qualification ensures that all those participants who are required to be Qualified have developed their systems and processes to accepted industry standards and are able to fulfil the requirements of the Code.

It also defines the roles and responsibilities of the main users. In addition it specifies various processes associated with Qualification including the Removal of Qualification and re-Qualification processes.

The Qualification Document, as defined in [Section X, Annex X-1](#) of the Code, consists of the '~~Qualification Self Assessment~~ Document (SAQD)'¹. This BSCP refers to the ~~SAQD~~, and participants' obligations to complete and submit the ~~SAQD~~ to the BSCCo as part of the Qualification process. The ~~SAQD~~ also contains a confirmation that Applicants and Qualified Persons are required to complete in accordance with [Section J](#) of the Code, which confirms that certain representations, warranties and undertakings set out in Section J are true and have been complied with.

The table below sets out which Applicants or Qualified Persons are subject to the processes set out in Section 2 'Interface and Timetable Information'.

SVA MOAs shall not be subject to the obligations and processes within this BSCP and shall qualify in accordance with the Retail Energy Code (REC).

| | Supplier | LDSO | SMRA | UMSO | HHDC | AMHHDC | NHHDC | HHDA | NHHDA | HH-SVA MOA | NHH-SVA MOA | AMMOA | CVA MOA | MA | VLP | AMVLP | <u>SDS</u> | <u>ADS</u> | <u>UMSDS</u> |
|---------------------------------------------------------|----------|------|------|------|------|--------|-------|------|-------|------------|-------------|-------|---------|----|-----|-------|------------|------------|--------------|
| Qualification Process | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| re-Qualification Initiating Process | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Removal of Qualification Process | | | | | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | ✓ | ✓ | ✓ |
| Annual Statement of Qualified Status Process | | | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | | | |

¹ The ~~Qualification Self Assessment~~ Document is available on the Elexon website

1.3 Main Users of the Procedure and their Responsibilities

The main users of this procedure and their responsibilities are:

Applicant to perform a self-assessment of its systems and procedures against Code requirements embodied within the Qualification Self Assessment Document.

Performance Assurance Board to carry out the functions, duties and responsibilities relating to the Qualification, re-Qualification, Removal of Qualification and Surrender of Qualification processes in accordance with the Code.

Performance Assurance Administrator (PAA) to carry out such functions as delegated to it by the PAB.

BSCCo to undertake reviews of completed Qualification Self Assessment Documents for Qualification and re-Qualification, as well as providing guidance, education and clarification to the Applicant throughout the Qualification and re-Qualification processes. BSCCo will also make recommendations to the PAB as to whether or not the Applicant should be Qualified.

The Authority to hear appeals raised by Applicants against any decisions of the PAB or Panel in relation to any Qualification Process or Qualification Requirement. The criteria for raising a valid appeal are detailed in Section J of the Code.

1.4 Balancing and Settlement Code Precedence

This BSCP should be read in conjunction with the Code and in particular Section J which sets out, amongst other things, the Qualification, re-Qualification, Renewal of Qualification and Removal of Qualification requirements and processes, and Section Z. In the event of inconsistency, conflict or ambiguity between the provisions of this BSCP and the Code, the provisions of the Code shall prevail.

1.5 Associated BSC Procedures

| | |
|---------|--------------------------------------------------------------|
| BSCP06 | CVA Meter Operations for Metering Systems Registered in CMRS |
| BSCP38 | Authorisations |
| BSCP65 | Registration of Parties and Exit Procedures |
| BSCP70 | CVA Qualification Testing for Parties and Party Agents |
| BSCP509 | Changes to Market Domain Data |
| BSCP538 | Error and Failure Resolution |

1.6 Acronyms and Definitions

Any capitalised term that is not defined in this BSCP shall have the same meaning given to it in the Code.

The following is a list of acronyms used in this BSCP:

| | |
|----------------|-----------------------------------------------------------|
| <u>ADS</u> | <u>Advanced Data Service</u> |
| AMHHDC | Asset Metering Half Hourly Data Collector |
| AMMOA | Asset Metering Meter Operator Agent |
| AMVLP | Asset Metering Virtual Lead Party |
| BSC | Balancing and Settlement Code (the “Code”) |
| BSC PAB | Balancing and Settlement Code Performance Assurance Board |
| BSC Panel | Balancing and Settlement Code Panel |
| BSCCo | Balancing and Settlement Code Company |
| BSCP | BSC Procedure |
| CRA | Central Registration Agent |
| HHDA | Half Hourly Data Aggregator |
| HHDC | Half Hourly Data Collector |
| LDSO | Licensed Distribution System Operator |
| MDD | Market Domain Data |
| MOA | Meter Operator Agent |
| NHHDA | Non Half Hourly Data Aggregator |
| NHHDC | Non Half Hourly Data Collector |
| PAA | Performance Assurance Administrator |
| PAP | Performance Assurance Party |
| SAD | Self Assessment Document |
| <u>QD</u> | <u>Qualification Document</u> |
| REC | Retail Energy Code |
| REC PAB | Retail Energy Code Performance Assurance Board |
| <u>REN</u> | <u>Renewal of Qualification</u> |
| RIA | Risk and Impact Assessment |
| ROP | Risk Operating Plan |
| RoQ | Removal of Qualification |
| <u>SDS</u> | <u>Smart Data Service</u> |
| SMRA | Supplier Meter Registration Agent |
| SVA | Supplier Volume Allocation |
| SVAA | Supplier Volume Allocation Agent |
| TAA | Technical Assurance Agent |
| <u>UMSDS</u> | <u>Unmetered Supplies Data Service</u> |
| UMSO | Unmetered Supplies Operator |

| | |
|-----|--------------------|
| VLP | Virtual Lead Party |
| WD | Working Day |

Note also, that in the procedure:

| | |
|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>R</i> | is the date that the Removal of Qualification process is triggered |
| <i>Written Confirmation</i> | Written Confirmation which is required to be given or received under this BSCP which can be in the form of an email, facsimile, circular or letter. |

1.7 Further Information

BSCCo may outsource all or part of its duties or functions in respect of the Qualification Process to one or more third parties.

Throughout this BSCP the term BSC Party should be interpreted as meaning only the SVA BSC Parties: LDSOs, Suppliers, ~~and~~ VLPs and AMVLPs.

An Applicant may appeal any decision of the PAB in relation to Qualification, re-qualification or Removal of Qualification in accordance with [Section J](#) of the Code.

The ~~SAQD document~~ contains questions that relate to some of the Qualification Requirements for each type of Qualified Person. The ~~SAQD~~ does not contain questions on all of the Qualification Requirements with which each Qualified Person must comply. The Qualification Requirements with which each Qualified Person must comply are contained in the Code and Code Subsidiary Documents and are those functions, duties and responsibilities that the Qualified Person must perform. It is the responsibility of the Qualified Person to ensure that they are aware of and comply with all of their applicable Qualification Requirements.

2. Interface and Timetable Information

2.1 Qualification Process

| REF | WHEN | ACTION | FROM | TO | INFORMATION REQUIRED | METHOD |
|-------|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| 2.1.1 | As required | Provide information and guidance on the Qualification Process and any other entry processes applicable to the Applicant. | BSCCo | Applicant | High level overview of Qualification Process including which Qualification Documents must be completed and the location of the information pack on the BSC Website. | Phone/Written Confirmation |
| 2.1.2 | After 2.1.1 | Applicant submits its proposed market role details and Qualification Letter ² . Where the Applicant intends to be a Party to the Code it has applied to become a Party in accordance with Section A of the Code. Applicant sends appropriate Qualification Fee (if applicable). | Applicant | BSCCo | Applicant's proposed market role details and Qualification Letter ³ or Applicant's application to be a Party to the Code. BSCP65 "Registration of Parties and Exit Procedures". Menu of Qualification Fees. | Written Confirmation |
| 2.1.3 | 5WD after 2.1.2 | BSCCo sends confirmation that the Applicant intends to commence the Qualification Process (and where applicable confirms receipt of any documentation or otherwise). | BSCCo | Applicant | Confirmation of Applicant's intention to commence Qualification Process. | Written Confirmation |

² The Applicant can voluntarily withdraw their Qualification Application, or put this application on hold, at any point in the process.

³ An Applicant intending to be a Party does not require a separate Qualification Letter

| REF | WHEN | ACTION | FROM | TO | INFORMATION REQUIRED | METHOD |
|-------|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| 2.1.4 | Prior to PAB Meeting | Applicant ensures and BSCCo confirms that any additional steps required to complete the Qualification Process have been carried out. | BSCCo Applicant | | <p>Confirmation that Accession has been completed for Suppliers, <u>LDSOs</u>, VLPs and AMVLPs.</p> <p>Confirmation that the confidentiality disclosure and licence agreement have been received for NHHDA and NHHDC applications.</p> <p>For BSC Parties and CVA MOAs- Confirmation that the Applicant has completed additional qualification testing (BSCP70 “CVA Qualification Testing for Parties and Party Agents”).</p> <p>For CVA MOAs - Confirmation that the Applicant has registered for CVA MOA Sealing ID for CVA MOA applications (BSCP06 “CVA Meter Operations for Metering Systems Registered in CMRS”).</p> | Internal Process |
| 2.1.5 | 5WD after 2.1.3 or later as agreed | <p>Meet to discuss or communicate the Qualification Process in particular the necessity for completing the <u>SAQD</u> and/or any testing requirements and/or witness testing⁴.</p> <p>In the case of BSC Parties liaise with the REC Code Manager to discuss possibility of combining any meeting. The aim of such meeting to discuss application timescales for the coordination of testing/witnessing.</p> | BSCCo | <p>Applicant</p> <p>REC Code Manager</p> | Mutually convenient date, time and venue. | Phone/Written Confirmation |

⁴ VLP parties will not be required to undergo witness testing.

| REF | WHEN | ACTION | FROM | TO | INFORMATION REQUIRED | METHOD |
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| <u>IMHHS CC</u> 2.1.6 | After 2.1.5 | Applicant completes any relevant section of the <u>SAQD</u> and submits to BSCCo for initial review ^{5 6} . | Applicant | BSCCo | Completed <u>SAQD</u> . <u>For Non-UMS capable Supplier, applicant to complete appropriate section in QD</u> | Written / Electronic Confirmation |
| 2.1.7 | At any time after 2.1.5 | Applicant completes internal testing of systems and processes which may be witnessed by BSCCo until such time as BSCCo confirms that witnessed testing demonstrates that requirements have been met. | Applicant BSCCo | | Completion of internal testing by Applicant and witnessing, if required, by BSCCo. | Internal Process |
| 2.1.8 | Within 10WD after 2.1.6 | BSCCo review the <u>SAQD</u> . BSCCo returns reviewed <u>SAQD</u> and provides guidance, education and clarification on sections where requirements have not been met. If the requirements have been met proceed to 2.1.10. | BSCCo | Applicant | Reviewed <u>SAQD</u> . | Phone/Written / Electronic Confirmation |
| 2.1.9 | After 2.1.8 | Applicant further completes the <u>SAQD</u> and submits to BSCCo for additional review. | Applicant | BSCCo | Completed <u>SAQD</u> . | Written / Electronic Confirmation |
| 2.1.10 | Within 10WD of 2.1.9 | BSCCo reviews <u>SAQD</u> to ensure that it is prepared to the required standard. If prepared to the required standard then proceed to 2.1.11. If the requirements have not been met proceed to 2.1.6. | BSCCo | | | Internal Process |

⁵ The SAQD may be either submitted in full or section by section, as agreed between Applicant and BSCCo.

⁶ The Applicant can go to the PAB at any time during the drafting of the SAQD for advice, clarification or endorsement of its plans.

| REF | WHEN | ACTION | FROM | TO | INFORMATION REQUIRED | METHOD |
|--------|------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------|------------------------------------------------------------|----------------------|
| 2.1.11 | After 2.1.10 | BSCCo and Applicant confirm that evidence review can commence and mutually agree timescales. ⁷ | BSCCo Applicant | | Details of <u>SAQD</u> supporting evidence to be reviewed. | Written Confirmation |
| 2.1.12 | After 2.1.11 and within the agreed timescales. | BSCCo reviews supporting evidence ⁸ to determine if evidence provides the appropriate confirmation that the required standard has been met. When required standards have been met proceed to 2.1.13. Where the required standards have not been met, BSCCo will provide guidance, assistance and clarification to the Applicant as to why. In this circumstance the Applicant should proceed to 2.1.9. | BSCCo | Applicant | Supporting evidence. | |
| 2.1.13 | After 2.1.12 | Applicant submits final version of <u>SAQD</u> authorised by a registered director of the Applicant (the registration of the latter to be verifiable with Companies House) or by such other person accepted as the authorised signatory pursuant to Section 3.6 hereof. | Applicant | BSCCo | <u>SAQD</u> . | Signed Off Hard copy |
| 2.1.14 | At any time between 2.1.5 and 2.1.13 | BSCCo shall provide the Applicant Written Confirmation of the outcome of any review carried out by BSCCo. | BSCCo | Applicant | | Written Confirmation |

⁷ When completing the SAQD the Applicant should detail what pieces of evidence can be provided in support of its response. BSCCo may request that these are provided for review, the 'evidence review'. Examples of types of evidence include documentation or evidence of testing.

⁸ This review may be at the Applicant's site, if so required.

| REF | WHEN | ACTION | FROM | TO | INFORMATION REQUIRED | METHOD |
|--------|-----------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------------------------------------------------|------------------------------------------------------------|----------------------|
| 2.1.15 | At any time between 2.1.5 and 2.1.13 but at least 12WD prior to PAB meeting | If Applicant disagrees with any aspect of the review carried out by BSCCo in relation to the Applicant's Qualification the Applicant may request that the PAB makes a Qualification determination in respect of its Application. | Applicant | PAB | Details of Applicant's appeal. | Written Confirmation |
| 2.1.16 | At least 12 WD before PAB Meeting and after 2.1.14. | BSCCo prepares and submits Qualification report to the PAB (and provides a copy of the same to the Applicant) recommending whether the Applicant should be Qualified. | BSCCo | PAB Applicant | Qualification Report. | Written Confirmation |
| 2.1.17 | At PAB Meeting | PAB decides whether the Applicant should be Qualified. If yes, then proceed to 2.1.18 ⁹ . If the application is deferred, then proceed to 2.1.21. | PAB | BSCCo | Qualification decision. | Meeting |
| 2.1.18 | Within 2WD of 2.1.17 | Notification of PAB's decision to accept Qualification. Advise CRA to add relevant information to CRS (except in the case of SVA Party Agents). | BSCCo | All interested parties Applicant CRA | PAB Decision. | Written Confirmation |
| 2.1.19 | At any point after 2.1.2 | Applicant or Qualified Person may commence with MDD change request process ¹⁰ . | Applicant / Qualified Person | BSCCo | MDD change request form F509/01 in accordance with BSCP509 | Email / Fax. |
| 2.1.20 | After PAB decision | Raise MDD Change Request to add Qualified Person information to MDD database in accordance with BSCP509. | BSCCo | SVAA | PAB decision on Qualification Approval. | As per BSCP509. |

⁹ The PAB may also approve the Applicant's Qualification and also impose certain conditions or requirements on the Qualified Person.

¹⁰ A Supplier/LDSO/UMSO/SMRA does not have to be Qualified by the PAB before registering in MDD. A VLP does not register in MDD.

| REF | WHEN | ACTION | FROM | TO | INFORMATION REQUIRED | METHOD |
|--------|---------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| 2.1.21 | Within 5 WD of 2.1.17 (if Qualification deferred) | Applicant informed in writing of the rationale for the decision. BSCCo to provide guidance, assistance and clarification to the Applicant as to why its Application was deferred. Proceed to 2.1.6. | BSCCo | Applicant | Areas of the SAQD that are not acceptable and/or other areas which require further testing or evidence to be provided as determined by the PAB. | Written Confirmation |

2.2 Renewal of Qualification Process

| <u>REF</u> | <u>WHEN</u> | <u>ACTION</u> | <u>FROM</u> | <u>TO</u> | <u>INFORMATION REQUIRED</u> | <u>METHOD</u> |
|--------------|----------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|---------------------------------------------------|-------------------------------------------|-----------------------------|
| <u>2.2.1</u> | <u>Minimum 6 months prior to Renewal of Qualification date</u> | <u>The PAB agrees and notifies each Qualified Person of Renewal of Qualification date</u> | <u>PAB</u> | <u>All Qualified Persons</u> | <u>Details of the PAB's decision</u> | <u>Written Confirmation</u> |
| <u>2.2.2</u> | <u>In line with schedule agreed in 2.2.1</u> | <u>Qualified Person completes QD</u> | <u>Qualified Person</u> | <u>BSCCo</u> | <u>QD</u> <u>Supporting evidence</u> | <u>Written Confirmation</u> |
| <u>2.2.3</u> | <u>After 2.2.2</u> | <u>BSCCo assesses QD</u> | <u>BSCCo</u> | | | <u>Internal Process</u> |
| <u>2.2.4</u> | <u>At least 12 WD before PAB Meeting and after 2.2.3.</u> | <u>BSCCo prepares and submits a paper to the PAB.</u> | <u>BSCCo</u> | <u>PAB Applicant</u> | <u>Renewal of Qualification Paper.</u> | <u>Written Confirmation</u> |
| <u>2.2.5</u> | <u>At PAB Meeting</u> | <u>PAB makes a determination based on the 'Renewal of Qualification' which may be one of:</u> a) <u>re-Qualification is required, or</u> b) <u>re-Qualification is not required.</u> | <u>PAB</u> | <u>BSCCo</u> | <u>Renewal of Qualification decision.</u> | <u>Meeting</u> |
| <u>2.2.6</u> | <u>Within 2WD of 2.2.5</u> | <u>Notification of PAB's decision</u> <u>If re-Qualification is required, proceed to 2.3.4</u> | <u>BSCCo</u> | <u>All interested parties</u> <u>Applicant</u> | <u>PAB Decision.</u> | <u>Written Confirmation</u> |

2.3 re-Qualification Process^{††}

| REF | WHEN | ACTION | FROM | TO | INFORMATION REQUIRED | METHOD |
|--------------------------------------------|----------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------------------------|------------------------------------|-----------------------------|
| <u>Where initiated by Qualified Person</u> | | | | | | |
| <u>2.3.1</u> | Before implementation of a Material Change to Qualified Person's systems and processes | Qualified Person performs its RIA and identifies that a change it wishes to implement is a Material Change. | Qualified Person | <u>BSCCo</u> | Appendix 3.14 're-Qualification'. | Internal Process |
| <u>2.3.2</u> | <u>Following 2.3.1 if change is deemed material</u> | <u>Submits the completed RIA to the BSCCo</u> | | | | |
| <u>2.3.2</u> | <u>At least 12WD before next PAB meeting after 2.3.1</u> | <u>BSCCo prepares and submits a paper to the PAB providing details of the proposed Material Change.</u> | <u>BSCCo</u> | <u>PAB</u> | <u>PAB paper</u> | <u>Paper</u> |
| <u>2.3.3</u> | <u>At PAB meeting</u> | <u>PAB makes a determination based on the 'Details of the Material Change' which may be one of:</u> a) <u>re-Qualification is required, or</u> b) <u>re-Qualification is not required, or</u> c) <u>Renewal of Qualification Technique Applied.</u> | <u>PAB</u> | <u>BSCCo</u> | <u>Details of Material Change.</u> | <u>Meeting</u> |
| <u>2.3.4</u> | <u>Within 5WD of 2.3.3</u> | <u>Notify Qualified Person of PAB decision.</u> | <u>BSCCo</u> | <u>Qualified Person</u> | <u>Details of PAB decision.</u> | <u>Written Confirmation</u> |

^{††}This process does not apply to a Qualified Person that is acting in its capacity as a Supplier or VLP.

| REF | WHEN | ACTION | FROM | TO | INFORMATION REQUIRED | METHOD |
|----------------------------|----------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|------------------|----------------------------------------------------------------------------------------------------------------|---------------------------------|
| 2.2.2 | Following 2.2.1 if change is deemed to be Material. | Submit completed re-Qualification Letter to BSCCo. | Qualified Person | BSCCo | Appendix 3.8 're-Qualification Letter' (including a summary of change to systems and/or processes). | Written Confirmation |
| 2.2.3 | Following 2.2.2 | Proceed to 2.1.5 and follow the Qualification Process as if the references to Qualification were references to re-Qualification and as if references to Applicant were references to Qualified Person. | Qualified Person | | | |
| Where initiated by the PAB | | | | | | |
| 2.32.4 | As required | PAB determines Qualified Person needs to Re-Qualify ¹² . | PAB | BSCCo | Details of PAB decision. | Meeting |
| 2.32.5 | 5WD after 2.32.4 | BSCCo sends confirmation that the Qualified Person is required to Re-Qualify. | BSCCo | Qualified Person | Details of PAB decision. | Written Confirmation |
| 2.32.6 | 5WD after 2.32.5 | Proceed to 2.1.5 and follow the Qualification Process as if the references to Qualification were references to re-Qualification and as if references to Applicant were references to Qualified Person. | Qualified Person | | | |

¹² Reasons may include but are not limited to a Qualified Person having a number of Errors/Failures (in accordance with BSCP538 – Error and Failure Resolution) identified in relation to it.

2.43 Removal of Qualification Process¹³

| REF | WHEN | ACTION | FROM | TO | INFORMATION REQUIRED | METHOD |
|--------|------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|---------------------------------------------------|-------------------------------------------------------------------------------------|--------------------------------------------|
| 2.34.1 | As required | Make observation or receive notification ¹⁴ that a Qualified Person has failed to comply with the relevant requirements and/or standards for performance as described in the Code or any Code Subsidiary Document. | BSC Auditor TAA BSCCo Panel ¹⁵ <u>Another Qualified Persons</u> | BSCCo | Notice of the Qualified Person's failure. BSCP538 – Error and Failure Resolution | Internal process / Written Confirmation |
| 2.43.2 | As soon as reasonably practicable after 2.43.1 | Collect history of the Qualified Person's failure from appropriate parties. | BSCCo | BSC Auditor TAA BSCCo Interested parties | Details of failure by Qualified Person. | Internal process / Written Confirmation |
| 2.43.3 | As soon as reasonably practicable after 2.43.2 | Send letter to the Qualified Person (including details of failure history) indicating that a failure has been identified and advising that the matter will be reported to the PAB. | BSCCo | Qualified Person | Letter outlining the nature of the failure. | Written Confirmation |
| 2.43.4 | 10 WD after 2.43.3 or as agreed. | Qualified Person to consider letter and provide response (including any mitigating factors) to BSCCo so it can be included in report to PAB. | Qualified Person | BSCCo | | Written Confirmation |

¹³ In this process Qualified Person should be read as not including Parties to the Code.

¹⁴ ~~This notification could have been received from another Qualified Person or interested party.~~

¹⁵ This process may be commenced following a Panel decision in accordance with BSCP538 – Error and Failure Resolution

| REF | WHEN | ACTION | FROM | TO | INFORMATION REQUIRED | METHOD |
|--------|---------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| 2.43.5 | As required, but at least 12WD before PAB meeting | Consider the information available on the Qualified Person's failure (including any submissions made by the Qualified Person) and prepare and submit a report for the PAB to consider whether Qualified Person should enter into the RoQ process. | BSCCo | PAB | Report detailing Qualified Person's failure history, and any submissions made by the Qualified Person. | Paper |
| 2.43.6 | Meeting of PAB | Consider failure history, and any mitigating factors submitted by the Qualified Person (either in writing or in person) and decide whether or not the Qualified Person should enter into the RoQ process. | PAB | | Outcome of Decision and rationale. | Meeting |
| 2.43.7 | 2WD after 2.43.6 | Provide the Qualified Person with the outcome of the decision ¹⁶ . | BSCCo | Qualified Person | Outcome of Decision and rationale. | Written Confirmation |
| 2.43.8 | At next PAB meeting after 2.43.6 | Agree an action plan and relevant material milestones with the Qualified Person ¹⁷ . If an action plan cannot be agreed, the PAB may choose to proceed to either 2.3.10 or 2.3.11. | PAB Qualified Person | | Details of actions to be taken to ensure compliance with the requirements or standards for performance are achieved. Details of appropriate milestone dates for each material action within the plan. | Written Confirmation |

¹⁶ If the PAB decides that the Qualified Person should not enter the RoQ process then the process ends here.

¹⁷ If revisions to the action plan or relevant material milestones are required at any time during this process then Qualified Person is to request agreement of the revised action plan or relevant material milestones at the next PAB meeting.

| REF | WHEN | ACTION | FROM | TO | INFORMATION REQUIRED | METHOD |
|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|---------------------------------------------------------------------------------|----------------------------------------------------------------------|----------------------|
| 2.43.9 | Prior to every PAB meeting, and no later than 12 WD prior to each PAB meeting throughout the period that Qualified Person is undergoing RoQ process | <p>The Qualified Person to provide updates on progress against its action plan and progress towards achieving compliance with the requirements for standards of performance.</p> <p>BSCCo to collect updates on the Qualified Person's progress against its action plan and progress towards achieving compliance with the requirements for standards of performance.</p> | <p>Qualified Person</p> <p>BSCCo</p> | <p>PAB</p> <p>BSC Auditor</p> <p>TAA</p> <p>BSCCo</p> <p>Interested parties</p> | Qualified Person's agreed action plan and updates on current status. | Written Confirmation |
| 2.43.10 | At PAB meetings throughout the period that Qualified Person is undergoing RoQ process | <p>PAB to monitor at each successive meeting the Qualified Person's compliance.</p> <p>If the Qualified Person is still failing to comply with the requirements and/or standards for performance or fails to meet any material milestones, or still fails to agree an action plan the PAB can, at its discretion, decide to proceed to 2.3.11.</p> <p>Where the PAB decides that the Qualified Person's achievement of compliance with the requirements or standards for performance has improved; or is no longer failing to meet any material milestones the PAB can, at its discretion decide to proceed to 2.3.15.</p> | PAB | | Qualified Person's agreed action plan and updates on current status. | Paper |

| REF | WHEN | ACTION | FROM | TO | INFORMATION REQUIRED | METHOD |
|---------|----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|------------------|------------------------------------------------------------------------------------|----------------------|
| 2.34.13 | At next relevant PAB meeting after 2.3.12(a) | <p>(a) Where the PAB has previously written to all interested parties at 2.3.12(a) and if the Qualified Person is still failing to comply with the requirements and/or standards for performance or fails to meet any material milestones or fails to agree an action plan with the PAB the PAB can, at its discretion, notify the Qualified Person that its Qualification will be removed.</p> <p>Proceed to 2.3.14. or</p> <p>(b) Where the PAB decides that the Qualified Person's achievement of compliance with the requirements or standards for performance has improved; or is no longer failing to meet any material milestones; or has agreed an action plan with the PAB; the PAB can, at its discretion decide to proceed to 2.3.9 for further monitoring or 2.3.15 to exit the RoQ process.</p> | PAB | Qualified Person | Details of the PAB's decision. Effective from date of removal of Qualification. | Written Confirmation |

| REF | WHEN | ACTION | FROM | TO | INFORMATION REQUIRED | METHOD |
|-------------------------------------------|-----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------------------------------------|-----------------------------------------------------------------------------------------------|----------------------|
| 2.43.14 | 5WD after 2.3.13(a) | <p>Notify all interested parties that the Qualified Person's Qualification will be removed 3 months (or in a timescale at the PAB's discretion) from the date of the PAB decision to remove Qualification.</p> <p>Raise MDD Change Request to remove Qualified Person information from the MDD database in accordance with BSCP509.</p> <p>Advise CRA to remove relevant information from CRS (except in the case of SVA Party Agents).</p> | PAB BSCCo | All interested parties SVAA CRA | <p>Details of the PAB's decision.</p> <p>Effective from date of removal of Qualification.</p> | Written Confirmation |
| 2.43.15 | At PAB meetings throughout period that Qualified Person is undergoing RoQ process | <p>Decide that the Qualified Person should exit the RoQ process as the Qualified Person is now achieving the required standard of compliance with the requirements or standards for performance have improved such that participation in the RoQ process is no longer required.</p> <p>Notify the Qualified Person.</p> <p>If letter at 2.3.12(a) sent, notify all interested parties that Qualified Person is no longer undergoing the RoQ process.</p> | PAB | All interested parties Qualified Person | <p>Details of the PAB's decision.</p> | Written Confirmation |
| If an appeal is lodged with the Authority | | | | | | |
| 2.43.16 | Within 5WD of BSCCo being informed of appeal | If BSCCo receives notification from the Qualified Person that an appeal has been lodged with the Authority, inform all interested parties that the impending removal is suspended until the outcome of the appeal process is known. | BSCCo | All interested parties | | Written Confirmation |

2.4 — Annual Statement of Qualified Status Process¹⁸

| REF | WHEN | ACTION | FROM | TO | INFORMATION REQUIRED | METHOD |
|-------|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-------|--------------------------------------------------------------|----------------------|
| 2.4.1 | On or before 1st April each year | Send annual statement signed by a registered director of the Applicant (the registration of the latter to be verifiable with Companies House) or by such other person accepted as the authorised signatory pursuant to Section 3.6 hereof | Qualified Persons | BSCCo | Annual statement letter ¹⁹ . | Written Confirmation |
| 2.4.2 | After 2.4.1 | Receive letters and present summary of letters to the PAB. | BSCCo | PAB | Paper summarising receipt of letters from Qualified Persons. | PAB Meeting |

¹⁸ Suppliers, LDSOs and VLPs are not required to provide an annual statement (LDSOs acting in their capacity as a SMRA or UMSO must provide an annual statement).

¹⁹ This letter must contain a statement that the Qualified Person has made no Material Changes to its systems or processes (as defined in this Appendix 3.4 'Re-Qualification') since their last annual statement, or their original Qualification, whichever is the later (no supporting evidence is required in this case). Where this is not the case, the letter must state which Material Change(s) have been made over that period, and refer to the application(s) for Re-Qualification in respect of this/these.

2.5 Surrender of Qualification Process²⁰

| REF | WHEN | ACTION | FROM | TO | INFORMATION REQUIRED | METHOD |
|-------|---------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------------------------------------------------------------------------|---------------------------------------------------------|----------------------|
| 2.5.1 | Initial contact from Qualified Person. | Qualified Person notifies BSCCo of wish to surrender its Qualification. | Qualified Person | BSCCo | Letter confirming intention to surrender Qualification. | Written Confirmation |
| 2.5.2 | At least 12WD before next PAB meeting after 2.5.1 | BSCCo prepares and submits a paper to the PAB outlining the Qualified Person's wish to surrender its Qualification. | BSCCo | PAB | Surrender of Qualification Paper. | Written Confirmation |
| 2.5.3 | PAB meeting | PAB removes Qualified status ²¹ . | PAB | BSCCo | Meeting minutes | Meeting |
| 2.5.4 | Within 5WD of 2.5.3 | <p>BSCCo confirms to Formerly Qualified Person that Qualification has been removed.</p> <p>BSCCo notifies all interested parties of the same.</p> <p>Raise MDD Change Request to remove Qualified Person information from the MDD database in accordance with BSCP509.</p> <p>Advise CRA to remove relevant information from CRS.</p> | BSCCo | <p>Formerly Qualified Person</p> <p>All interested parties</p> <p>SVAA</p> <p>CRA</p> | | Written Confirmation |

²⁰ This process does not apply to Qualified Persons who are Parties to the Code.

²¹ This will only happen when the PAB considers it to be appropriate in each circumstance, and only when certain considerations are taken into account, including but not limited to those described in Section J of the Code.

2.6 Change of Ownership Process²⁰

This process should be followed upon a change of ownership and is only required for SVA Party Agents and CVA MOAs. A change of ownership is through the sale and purchase of the majority of the shares in a legal entity with Qualified status which results in a change of control in that entity. A Qualification status cannot be transferred between legal entities except where the transfer takes place between affiliates (as defined in the Code save that, for the purposes of this BSCP, references to a Party in the definition of that term shall be deemed to be a reference to SVA Party Agents and CVA MOAs). Where the change of ownership process results in a Material Change to the staff, process or system, the applicant must proceed to [2.2 the 're-Qualification Process'](#).

| REF | WHEN | ACTION | FROM | TO | INFORMATION REQUIRED | METHOD |
|-------|---------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| 2.6.1 | Upon Change of Ownership of Qualified Person. | Inform BSCCo of Change of Ownership. | Qualified Person.. | BSCCo | Change of Ownership Letter (Appendix 3.9) signed by authorised signatory. Statement to say whether or not the Qualified Person is making any Material Changes and therefore whether re-Qualification will be sought. Confirmation that the confidentiality disclosure and licence agreement have been received for NHHDA's and NHHDC's. | Written Confirmation |
| 2.6.2 | At least 12WD before next PAB meeting after 2.6.1 | BSCCo prepares and submits a paper to the PAB providing details of the change of ownership. | BSCCo | PAB | PAB paper | Paper |
| 2.6.3 | At PAB meeting | PAB makes a determination based on the 'Details of the Change of Ownership' which may be one of: a) re-Qualification is required, or b) re-Qualification is not required. | PAB | BSCCo | Details of Change of Ownership. | Meeting |
| 2.6.4 | Within 5WD of 2.6.3 | Notify Qualified Person of PAB decision. | BSCCo | Qualified Person | Details of PAB decision. | Written Confirmation |

| REF | WHEN | ACTION | FROM | TO | INFORMATION REQUIRED | METHOD |
|-------|--------------------|-----------------------------------------------|------------------|----|----------------------|--------|
| 2.6.5 | Following 2.6.3 a) | Go to Section 2.2 're-Qualification Process'. | Qualified Person | | | |

2.7 Derogations Process²⁰

The process steps below describe the usual process for handling derogations specific to an individual Qualified Person or Applicant. Where an urgent and unforeseen market event requires a temporary market-wide dispensation the PAB may vary this process, but Exelon will in all cases notify interested parties of PAB's decision.

| REF | WHEN | ACTION | FROM | TO | INFORMATION REQUIRED | METHOD |
|-------|-----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|--------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| 2.7.1 | As required, but at least 30 WD before PAB Meeting. | Submit a letter requesting derogation against certain Code requirements, including evidence to support the request. | Qualified Person Applicant | BSCCo | Details of the Code requirements against which the derogation is requested and details of the Qualified Person's justification for requesting such derogation. | Written Confirmation |
| 2.7.2 | As required, but by PAB paper deadline. | Assess the derogation application, utilising any expert support as is necessary, and provide a paper detailing information on the derogation application for consideration by the PAB. | BSCCo | PAB | PAB paper detailing derogation application. | Paper |
| 2.7.3 | Next PAB meeting after 2.7.2 | PAB decision on the derogation application. | PAB | BSCCo | Derogation application. Information on the derogation application, provided by BSCCo. | Meeting |
| 2.7.4 | Within 5WD of 2.7.3. | Provide outcome of derogation decision to the Qualified Person and all interested parties. | BSCCo | Qualified Person All interested parties | PAB's decision on the derogation. | Written Confirmation |

3. Appendices

3.1 re-Qualification

~~re-Qualification does not apply to Suppliers, LDSOs or VLPs / AMVLPs.~~

re-Qualification does apply to all Roles listed under 1.1.

BSCCo will provide guidance, assistance and clarification to the Applicant (where required) for all matters relating to the re-Qualification Initiating Process (Section 2.32).

Qualified Persons should perform a Risk and Impact Assessment (RIA)^{22 23} to determine if any change (or group of changes) that it plans to implement will be a Material Change. The Risk and Impact Assessment procedure should be used to assess both industry driven changes and changes initiated by the Qualified Person.

If the RIA confirms that it will be a Material Change then the Qualified Person is required to re-Qualify in accordance with the Code and this BSCP.

Possible events and scenarios that may trigger a Material Change and therefore re-Qualification include:

- Changes that are highly likely to have an impact on the systems and processes which enable the Qualified Person to meet its obligations as detailed in the Code and Code Subsidiary Documents;
- In the case of Party Agents (excluding Meter Administrators) and SMRAs, a planned significant increase (or step change) in the number of Metering Systems for which that person is responsible;
- Significant change to the IT systems which are core to (or interface with the systems which are core to) the operation of the agency service, for example:
 - Hardware/software changes or upgrades
 - Implementation of new core agency systems and data migration
 - Changes to data flow management systems
- Significant change to operational procedures; and
- ~~In the case of SMRAs please see section 3.2 for details of further triggers of re-Qualification.~~

Consideration should be given to the impacts on systems, processes, and staff when assessing whether a change is a Material Change.

²² This is the Participant's own RIA.

²³ RIA procedures are subject to Section 5 - 'Change Management and Risk Assessment Process' of the SAQD.

~~3.2 — For SMRAs Only: Compliance with Modification P62²⁴~~

~~**If not already completed (including PAB approval), any SMRA who was Accredited and Certified and had completed the SMRS Entry Process at the time of implementation of the Qualification process²⁵ is required to re-Qualify before operating in a GSP Group other than the GSP Group that it was approved to operate in as part of its original Entry Process application.**~~

~~**Where re-Qualification is triggered in these circumstances, in order to re-Qualify the SMRA must complete (including obtaining endorsement of completion from the PAB) the TA Compliance Script which is a separate document.**~~

3.32 Authorised Signatories

An authorised signatory for any and all Qualification matters that may arise under or in connection with this BSCP shall be a registered director so verifiable by Companies House. In limited circumstances BSCCo may, at its sole discretion, accept as an authorised signatory an acceptable senior company representative who has been given appropriate delegated signing authority by their Company.

If a Company wishes to propose that a person other than a registered director of the Company should be the relevant authorised signatory, such Company shall write accordingly to BSCCo providing clear details of the reasons for its request, including the reason why it is not possible or practical for its proposed authorised signatory to be a registered director. This letter shall also contain the relevant proposed authorised signatory's delegated authority or be accompanied by an original or certified copy of such delegated authority.

²⁴ Approved Modification P62 (Changes to Facilitate Competitive Supply on the Networks of New Licensed Distributors) was implemented on 01 August 2003.

²⁵ This Qualification process was first implemented on the Implementation Date (23 August 2007) of approved Modification P197 (SVA Qualification Processes Review).

3.34 Qualification Letter

To:

Elxon Limited as the Balancing and Settlement Code (the “BSC”) Company (“BSCCo”)

[insert registered office address]

[insert date]

Dear Sirs,

Qualification Application & Letter

We are writing to you in your capacity as BSCCo for itself, and pursuant to paragraph 3.8 of Section J of the BSC, as trustee and agent for each other Party, the Panel, any Panel Committee, or the Performance Assurance Administrator.

Unless otherwise stated or the context otherwise requires any capitalised term in this letter shall have the meaning given to it in the BSC.

By writing this letter we are applying to undergo the Qualification Requirements and Qualification Processes in accordance with Section J of the BSC in respect of [insert proposed Qualification capacity].

We acknowledge that we have obtained a copy of the latest versions of Section B (The Panel), Section C (BSCCo and its Subsidiaries), and Section J (Party Agents and Qualification under the Code), and Section Z (Performance Assurance) of the BSC as well as BSC Procedure 537 from the BSC Website.

In consideration of BSCCo, and/or the Performance Assurance Board undertaking the Qualification Processes in relation to ourselves or arranging for such procedures to be undertaken, we hereby agree with each of you that we shall during the Qualification Processes and thereafter abide by:

- (a) the terms of Section B2 (the Panel), Sections C5 (BSCCo and its Subsidiaries), Section J (Party Agents and Qualification under the Code), Section Z (Performance Assurance) of the BSC for the purposes of the Qualification Requirements and Qualification Processes as if we were a party to the BSC for the purposes of those Sections and that Annex; and
- (b) the terms of BSC Procedure 537, as amended, and as referred to in those aforementioned Sections and any other applicable BSC Procedure.

1 In addition to the above, we acknowledge and agree that during the Qualification Processes and thereafter the provisions of paragraph 3.7 of Section J (Party Agents and Qualification under the Code) of the BSC which provide that should we be dissatisfied with any decision of the Performance Assurance Board concerning our Qualification, re-Qualification or removal of Qualification, our sole and exclusive remedy will be to refer the matter for determination to the Authority in accordance with that paragraph and we accept that its determination or, as the case may be, the determination of the arbitrator appointed by the Authority pursuant to paragraph 3.7.3 of that Section will be final, conclusive and binding.

- 2 We further acknowledge and agree that during the Qualification Processes and thereafter:
- (a) the total aggregate liability of the Performance Assurance Board, any such member thereof, and the Performance Assurance Administrator, to an Interested Person whether in contract, tort (including negligence or breach of statutory duty) or otherwise arising directly or indirectly out of or in connection with the performance or non-performance of its functions (including the contents of any opinion or report prepared by the Performance Assurance Board) shall in no circumstances exceed £1,000,000 per claim or series of related claims;
 - (b) neither the Performance Assurance Board nor any member thereof and the Performance Assurance Administrator shall be liable to any Interested Person for any loss of profit, loss of revenue, loss of contract, loss of goodwill or any indirect or consequential loss arising out of or in connection with the performance or non-performance of its functions;
 - (c) paragraphs 2 (a) and (b) above and any relevant provisions of the BSC shall not exclude the liability of the Performance Assurance Board, any members thereof or the Performance Assurance Administrator for fraud or death or personal injury resulting from the negligence of such board or member;
 - (d) the exclusions from and limitations of liability of the Performance Assurance Board, any members thereof or the Performance Assurance Administrator under paragraph 2 (a), (b) and (c) and any relevant paragraphs of the BSC are reasonable because of (amongst other matters) the likelihood that the amount of damages awardable to the Interested Person from the Performance Assurance Board, any members thereof or the Performance Assurance Administrator would otherwise be disproportionate to the charges which it makes in connection with the performance of its functions and because of the limited resources and expertise of the Performance Assurance Board, any members thereof and the Performance Assurance Administrator;
 - (e) the exclusions from and limitations of liability of the Performance Assurance Board, any members thereof and the Performance Assurance Administrator and any relevant paragraphs of the BSC shall be considered severally and the invalidity or unenforceability of any one paragraph shall not affect the validity or enforceability of any other paragraph; and
 - (f) the Applicant shall not (save to the extent required by law, any relevant regulatory bodies or pursuant to the rules of any arbitration tribunal or by any arbitration award) be entitled to and shall not copy or disclose any preliminary and/or final Qualification report relating to it submitted by BSCCo (or any of its agents or service providers), the Performance Assurance Board or any members thereof or the Performance Assurance Administrator or the contents thereof to any other person, other than to its employees and professional advisers for the purposes of advising the Applicant and (if the Applicant has lodged an appeal) to the Authority subject to the Applicant notifying such persons of the requirement to keep such reports confidential;
 - (g) to the extent permitted by law, any agent or service provider of BSCCo who may perform any of the Qualification services shall have no liability to the Applicant on any basis, whether in contract, tort (including negligence) or otherwise, arising from or in connection with its Application including

(without limitation) any advice or interpretation relating thereto given to it by any agent or service provider (whether orally or in writing). Such exclusion of liability shall not apply in the event of any acts or omission which are in any case criminal, dishonest or fraudulent on the part of the agent or service provider. In addition, we also agree not to take any action against an agent or service provider of BSCCo who may perform any of the Qualification services; and further that such agents or service providers shall have a right (subject to the discretion of the Court) to a stay in proceedings should we bring such a claim in breach of this paragraph 2 (g);

(h) the exclusion of liability under paragraph 2 (g) and any relevant paragraphs of the BSC (if applicable) are reasonable because of (amongst other matters) the agent or service provider will be relying on information provided by the Applicant and will not be acting in a decision making capacity in relation to the Application.

3 In addition to the above, we agree to be bound by the Qualification Process as set out in Section J of the BSC and BSC Procedure 537 and represent, warrant and undertake to you in the terms of paragraph 3.8 of Section J of the BSC.

4 We confirm that we:

- (a) have completed a Confidentiality Licence and Disclosure Agreement*;
- (b) represent, warrant and undertake that we are not appointed by a person with an electricity supply licence to retrieve, validate and process metering data for the purposes of the 1998 trading arrangements*.

5 This letter shall be governed by, and construed in all respects in accordance with, the laws of England and Wales.

Yours faithfully,

signed by [*insert name*] being a Director and signing this for and on behalf of [*insert name full registered name of Company*]

*delete as appropriate

3.5 ~~re-Qualification Application Letter~~

~~To:~~

~~*Elxon Limited as the Balancing and Settlement Code (the "BSC") Company
("BSCCo")*~~

~~{insert registered office address}~~

[insert date]

Dear Sirs,

~~re-Qualification Application Letter~~

~~*We are a [insert Qualified Person participation capacity].*~~

~~*Unless otherwise stated or the context otherwise requires any capitalised term in this letter shall have the same meaning given to it in the BSC.*~~

~~*By writing this letter we are advising BSCCo for itself, and pursuant to paragraph 3.8 of Section J of the BSC, as trustee and agent for each other Party, the Panel, any Panel Committee, or the Performance Assurance Administrator that we propose to make a change(s) to our systems and processes.*~~

~~*In accordance with BSC Procedure 537, we have undertaken a Risk and Impact Assessment (RIA) on the proposed change(s). It is our opinion that the RIA concludes that the proposed change(s) falls within the definition of a Material Change. In accordance with Section J of the BSC any change(s) that is proposed which is a Material Change requires us to re-Qualify.*~~

*A detailed description of the change(s) proposed for which we are seeking re-
Qualification is described in an Appendix attached to this letter.*

~~*We also confirm that all warranties and assurances given on [to be inserted] being the date when we were Qualified remain in force and are applicable as a result of and in respect of this re-Qualification.*~~

~~Yours faithfully,~~

signed by ~~[insert name]~~ as the duly authorised representative for and on behalf of ~~[insert full registered name of Company]~~

3.46 Change of Ownership Letter

To:

Elxon Limited as the Balancing and Settlement Code (the “BSC”) Company (“BSCCo”)

[insert registered office address]

[insert date]

Dear Sirs,

Change of Ownership Letter

We are writing to you in your capacity as BSCCo for itself, and pursuant to paragraph 3.8 of Section J of the BSC, as trustee and agent for each other Party, the Panel, any Panel Committee, or the Performance Assurance Administrator.

Unless otherwise stated or the context otherwise requires any capitalised term in this letter shall have the meaning given to it in the BSC.

By writing this letter we are confirming that *[name of the Qualified Party]* (MPID: *[insert MPID]*) was transferred by its previous owner, *[name of the previous owner]*, to us *[name of the current owner]* on *[date of the transfer of ownership]* (the “Change of Ownership”).

Prior to this Change of Ownership *[name of Qualified Party]* (MPID: *[insert MPID]*) has successfully completed Qualification in the role of *[insert Qualification capacity]*.

We acknowledge that following the Change of Ownership we have obtained a copy of the versions of the BSC and BSC Procedure 537 specified in the BSC Baseline Statement from the BSC Website.

We hereby confirm that this Change of Ownership does not affect or amend in any way the Qualified Person’s rights and obligations under the BSC and reaffirm our ongoing commitment to comply with these obligations.

This letter shall be governed by, and construed in all respects in accordance with, the laws of England and Wales.

Yours faithfully,

Signed by *[insert name]* being a Director and signing this for and on behalf of *[insert full registered name of the current legal owner of the Qualified Person]*

*delete as appropriate