

MODIFICATION PROPOSAL FORM			
<b>Proposer</b> <i>(Company)</i>	<b>Date of receipt</b> <i>(assigned by System Operator)</i>	<b>Type of Proposal</b> <i>(delete as appropriate)</i>	<b>Modification Proposal ID</b> <i>(assigned by System Operator)</i>
RA's	27 <sup>th</sup> May 2024	Standard	CMC_09_24
Contact Details for Modification Proposal Originator			
<b>Name</b>	<b>Telephone number</b>	<b>Email address</b>	
Elvis Sebastian		<a href="mailto:esebastian@cru.ie">esebastian@cru.ie</a>	
Modification Proposal Title			
Amendments to J.5.7 and J.5.8			
<b>Documents affected</b> <i>(delete as appropriate)</i>	<b>Sections Affected</b>	<b>Version number of CMC used in Drafting</b>	
CMC	J.5.7 and J.5.8	11.0	
Explanation of Proposed Change <i>(mandatory by originator)</i>			
<p>This modification proposal seeks to amend J.5.7 and J.5.8 of the CMC to allow market participants the ability to apply for an extension to either their Long Stop Date (LSD) and/or Capacity Quantity End Date and Time (CQEDT).</p> <p>The proposal also seeks to delete part of J.5.8.2, which as currently drafted, limits the ability for multi-year New Capacity to apply for an extension to their LSD and/or CQEDT if it expects to achieve Minimum Completion by the LSD.</p>			
Legal Drafting Change <i>(Clearly show proposed code change using <b>tracked</b> changes, if proposer fails to identify changes, please indicate best estimate of potential changes)</i>			
J.5.7	<b>Extension of Long Stop Date and/or Capacity Quantity End Date and Time pursuant to Extension of Date for Substantial Financial Completion</b>		
J.5.7.1	The provisions of this section J.5.7 apply to Awarded New Capacity with a Maximum Capacity Duration of more than one Capacity Year, allocated pursuant to T-3 or T-4 Auctions for the Capacity Year beginning 1 October 2024 and to Auctions for subsequent Capacity Years, until such time as the Regulatory Authorities consider appropriate.		
J.5.7.2	Where a Participant or an Enforcing Party (on behalf of a Participant) applies to the Regulatory Authorities to extend the date of the Substantial Financial Completion under paragraph J.5.2.1, the Participant or an Enforcing Party (on behalf of a Participant), may apply to the Regulatory Authorities to extend the Long Stop Date and/or the Capacity Quantity End Date and Time associated with a Capacity Market Unit by a period no greater than the period of extension sought to the Substantial Financial Completion period.		
J.5.7.3	The application under paragraph J.5.7.2 shall be in the form and made in the manner prescribed by the Regulatory Authorities and shall include:		
	(i)	Any information specified as required by the Regulatory Authorities;	

- (ii) Reasons for the request in reasonably sufficient detail to enable the Regulatory Authorities to consider the request, together with sufficiently detailed supporting evidence;
- (iii) details of the actions being taken to rectify the issues causing the delay;
- (iv) detailed plan to rectify those issues;
- (v) the tasks that need to be undertaken to achieve Substantial Completion; and
- (vi) details on any impact on other Implementation Plan dates, with detailed reasoning.

J.5.7.4 The Regulatory Authorities may decide to extend either the Long Stop Date or the Capacity Quantity End Date and Time or both.

J.5.7.5 When considering any application under paragraph J.5.7.2, the Regulatory Authorities may request such further information about the application and/or about the Awarded New Capacity from the relevant Participant or from the System Operator as they deem appropriate.

J.5.7.6 Where the Regulatory Authorities accept a request under paragraph J.5.7.2, they shall advise the System Operators of the new Long Stop Date and/or Capacity Quantity End Date and Time, and any other changed Implementation Plan dates and the System Operators shall record those changes in the Capacity and Trade Register.

J.5.7.7 Any application made under paragraph J.5.7.2 should be made as soon as reasonably practicable, and in any event, at least 20 working days prior to the scheduled date for achieving Substantial Financial Completion in the relevant Implementation Plan.

J.5.7.8 Where the Capacity Market Unit which meets the criteria set out in paragraph J.5.7.2 has been granted an extension to the Substantial Financial Completion Date prior to 1 January 2024 but has not yet achieved Substantial Financial Completion by 1 January 2024 a Participant or an Enforcing Party may apply to the Regulatory Authorities for an extension to the Long Stop Date and/or the Capacity Quantity End Date and Time commensurate with the extension to the Substantial Financial Completion Date extension already granted, provided that the applicant:

- (i) makes that application within 20 Working Days of 1 January 2024; and
- (ii) provides the information set out in J.5.7.3, (and any other information required by the Regulatory Authorities).

**J.5.8 Extension to Long Stop Date and Capacity Quantity End Date and/or Time after achieving Substantial Financial Completion**

J.5.8.1 The provisions of this section J.5.8 apply to Awarded New Capacity with a Maximum Capacity Duration of more than one Capacity Year, allocated pursuant to T-3 or T-4 Auctions for the Capacity Year beginning 1 October 2024 and to Auctions for subsequent Capacity Years, until such time as the Regulatory Authorities consider appropriate.

J.5.8.2 Where a Participant or an Enforcing Party (on behalf of a Participant) has already achieved Substantial Financial Completion, but has not yet achieved Minimum Completion ~~and does not expect to achieve Minimum Completion before the Long Stop Date~~, the Participant or an Enforcing Party (on behalf of a Participant) may apply to the Regulatory Authorities for:

- (i) an extension to the Long Stop Date; and
- (ii) an extension to the Capacity Quantity End Date and Time.

- J.5.8.3 The application under paragraph J.5.8.2 shall be in the form and made in the manner prescribed by the Regulatory Authorities and shall include:
- (i) Any information specified as required by the Regulatory Authorities;
  - (ii) reasons for the request in reasonably sufficient detail to enable the Regulatory Authorities to consider the request, together with sufficiently detailed supporting evidence;
  - (iii) details of the actions being taken to rectify the issues causing the delay;
  - (iv) a detailed plan to rectify those issues;
  - (v) the tasks that need to be undertaken to achieve Substantial Completion; and
  - (vi) details of any impact on other Implementation Plan dates, with detailed reasoning.
- J.5.8.4 The Regulatory Authorities may decide to extend either the Long Stop Date or the Capacity Quantity End Date and Time or both.
- J.5.8.5 When considering any application under paragraph J.5.8.2, the Regulatory Authorities may request further information on the Awarded New Capacity from the relevant Participant or from the System Operator as it deems appropriate.
- J.5.8.6 Where the Regulatory Authority accepts a request under paragraph J.5.8.2, they shall advise the System Operators of the new Long Stop Date and/or Capacity Quantity End Date and Time, and any other changed Implementation Plan dates and the System Operators shall record those changes in the Capacity and Trade Register.
- J.5.8.7 Any application made under J.5.8.2 should be made as soon as reasonably practicable and, in any event, at least 3 months prior to the scheduled Long Stop Date.

**Modification Proposal Justification**

*(Clearly state the reason for the Modification)*

J.5.7.4 and J.5.8.4 allow the RAs to extend “either the Long Stop Date or the Capacity Quantity End Date and Time or both”, but wording elsewhere in J.5.7 and J.5.8 does not make this clear. This modification proposal seeks to address this by making the proposed changes. This would ensure that the legal drafting more accurately reflects the decision of the SEM Committee as set out in SEM-23-101.

The proposal also seeks to delete part of J.5.8.2 to ensure that where a project is expected to be delayed, but still meet Minimum Completion by the LSD, a market participant may apply to the RAs to receive an extension to its CQEDT. In particular, this may be for instances where the delay in achieving Minimum Completion, though before the LSD, is such that contract erosion occurs to such an extent that proceeding with the project is no longer financially viable. This change would also more accurately reflect the SEM Committee’s decision as set out in SEM-23-101.

**Code Objectives Furthered**

*(State the Code Objectives the Proposal furthers, see Sub-Section A.1.2 of the CMC Code Objectives)*

This modification would further Code Objectives (b), (c) and (g).

**Implication of not implementing the Modification Proposal**

*(State the possible outcomes should the Modification Proposal not be implemented)*

The CMC would not fully reflect the decision of the SEM Committee set out in SEM-23-101.

**Impacts**

*(Indicate the impacts on systems, resources, processes and/or procedures)*

No impact on systems, resources, processes and/or procedures.

*Please return this form to the System Operators by email to [CapacityModifications@sem-o.com](mailto:CapacityModifications@sem-o.com)*

**Notes on completing Modification Proposal Form:**

1. If a person submits a Modification Proposal on behalf of another person, that person who proposes the material of the change should be identified on the Modification Proposal Form as the Modification Proposal Originator.
2. Any person raising a Modification Proposal shall ensure that their proposal is clear and substantiated with the appropriate detail including the way in which it furthers the Code Objectives to enable it to be fully considered by the Regulatory Authorities.
3. Each Modification Proposal will include a draft text of the proposed Modification to the Code unless, if raising a Provisional Modification Proposal whereby legal drafting text is not imperative.
4. For the purposes of this Modification Proposal Form, the following terms shall have the following meanings:

<b>CMC / Code:</b>	means the Capacity Market Code for the Single Electricity Market
<b>Modification Proposal:</b>	means the proposal to modify the Code as set out in the attached form
<b>Derivative Work:</b>	means any text or work which incorporates or contains all or part of the Modification Proposal or any adaptation, abridgement, expansion or other modification of the Modification Proposal

The terms "System Operators" and "Regulatory Authorities" shall have the meanings assigned to those terms in the Code.

In consideration for the right to submit, and have the Modification Proposal assessed in accordance with the terms of Section B.12 of the Code, which I have read and understand, I agree as follows:

1. I hereby grant a worldwide, perpetual, royalty-free, non-exclusive licence:
  - 1.1 to the System Operators and the Regulatory Authorities to publish and/or distribute the Modification Proposal for free and unrestricted access;
  - 1.2 to the Regulatory Authorities to amend, adapt, combine, abridge, expand or otherwise modify the Modification Proposal at their sole discretion for the purpose of developing the Modification Proposal in accordance with the Code;
  - 1.3 to the System Operators and the Regulatory Authorities to incorporate the Modification Proposal into the Code;
  - 1.4 to all Parties to the Code and the Regulatory Authorities to use, reproduce and distribute the Modification Proposal, whether as part of the Code or otherwise, for any purpose arising out of or in connection with the Code.
2. The licences set out in clause 1 shall equally apply to any Derivative Works.
3. I hereby waive in favour of the Parties to the Code and the Regulatory Authorities any and all moral rights I may have arising out of or in connection with the Modification Proposal or any Derivative Works.
4. I hereby warrant that, except where expressly indicated otherwise, I am the owner of the copyright and any other intellectual property and proprietary rights in the Modification Proposal and, where not the owner, I have the requisite permissions to grant the rights set out in this form.
5. I hereby acknowledge that the Modification Proposal may be rejected by the Regulatory Authorities and that there is no guarantee that my Modification Proposal will be incorporated into the Code.