



Capacity Market Disputes Webinar

10th November 2017

Welcome and introductions

During this session we will be covering the following:

- Disputes procedure (including key messages)
- Timetable and support
- Submitting disputes
- Disputes notices
- Common failures
- Next steps

A. Disputes
procedure

B. Timetable
and support

C. Submitting
disputes

D. Dispute
notices

E. Common
failures

F. Next steps

A. Disputes procedure

This section outlines information on the end to end disputes process and key dates.

A.1 Tier 1 Disputes key messages

A.2 Tier 1 Disputes end to end process

A. Disputes procedure

B. Timetable and support

C. Submitting disputes

D. Dispute notices

E. Common failures

F. Next steps

A.1 Tier 1 Disputes key messages (1)

- In this section we will aim to reiterate the approach to be taken at disputes in accordance with the Capacity Market Rules and Regulations.
- A reminder of Regulation 69...
 - 69 (1) An affected person may request the Delivery Body to review a delivery body reviewable decision.
 - ...69 (5) Subject to regulation 87(7), in reconsidering a prequalification decision or a decision to issue a termination notice or a notice of intention to terminate, the Delivery Body must not take into account any information or evidence which —
 - (a) the affected person was required by these Regulations or Capacity Market Rules to provide to the Delivery Body before the decision was taken; and**
 - (b) the affected person failed to provide in accordance with that requirement.**
- Regulation 69 was amended in previous years to allow information that was not provided in the Application as required by the Regulations or Capacity Market Rules to be considered by the Delivery Body and the Authority when considering disputes.
 - It is no longer the case. The Delivery Body can no longer take into account any information during the Tier 1 Disputes process, that the Applicant was required by the Regulations and the Capacity Market Rules to provide with the Application.

A.1 Tier 1 Disputes key messages (2)

- It's worth reiterating the importance of the correct information being provided in applications to prequalify for the Capacity Market:
 - The Delivery Body is bound by the Capacity Market Rules and Regulations to assess information provided to it for Prequalification.
 - The Delivery Body is not able to prequalify an Application that has not been completed or submitted in accordance with the Capacity Market Rules. Therefore the data must be complete and correct when submitted to the Delivery Body for consideration.
 - The data provided and held on the Capacity Market Register is Applicant data.
 - The data is ultimately used by the Capacity Market delivery partners to;
 - define the scope of Capacity Market Agreements
 - make payments to Capacity Providers
 - Settle stress events and issue penalties for non-delivery

Therefore the data must be complete and correct.

A.1 Tier 1 Disputes key messages (3)

- As part of the transformation of our customer engagement approach, we worked with government, the regulator and the Settlement Body to build extra time in the Prequalification process.
- This gave you, as Applicants, more time between the Operational Plan being published and the closure of the Prequalification submissions Window to prepare your Applications.
- The Delivery Body provided support for this through a programme of ~200 Prequalification Surgeries, an enhanced plain English guidance document and a series of webinars.
- In the Prequalification Surgeries and guidance, we encouraged a low risk approach. We communicated that you need to get your applications right first time, as errors or omissions could result in a failure with no recourse under disputes in light of no amendment being made to Regulation 69 for this Prequalification round.

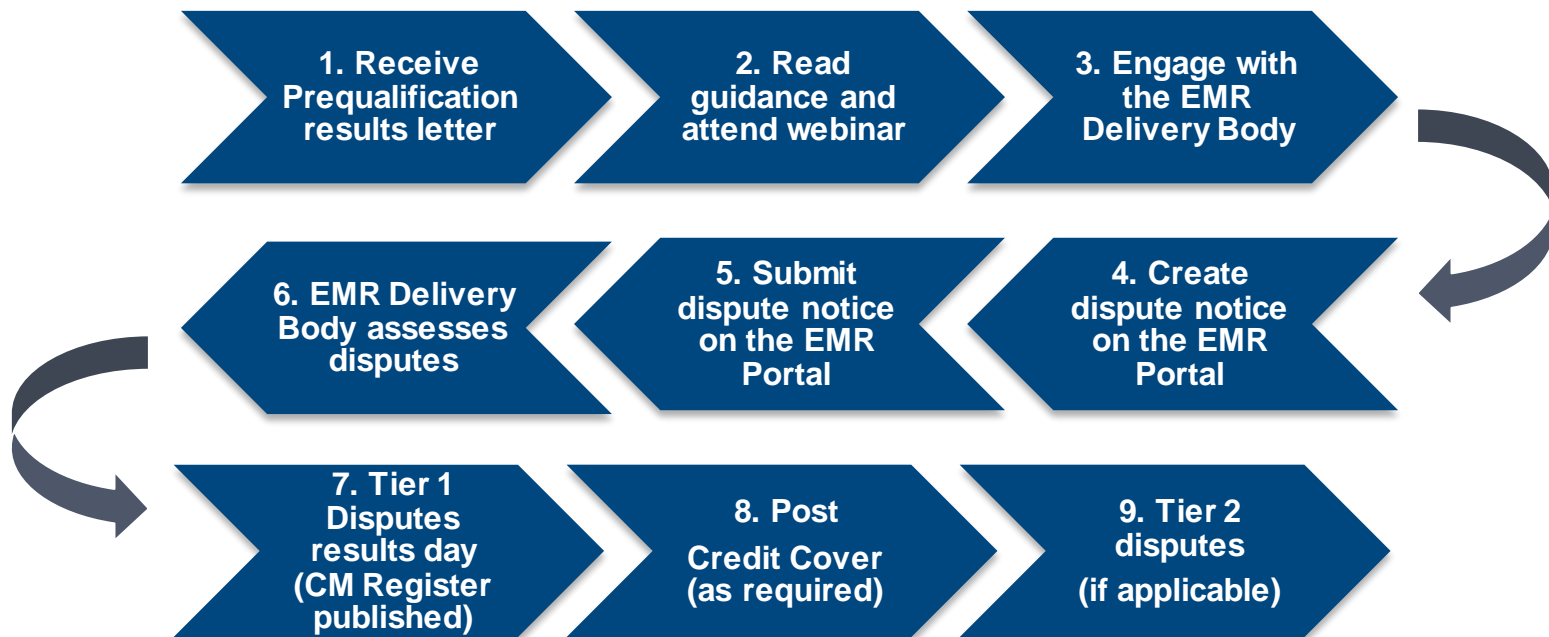
A.1 Tier 1 Disputes key messages (4)

- Regulation 69 does not allow the Delivery Body to consider information or evidence from Applicants which should have been provided with the Application.
- Any information provided in accordance with the Capacity Market Rules as part of a Prequalification Application had to be provided by the 29th September at 17:00.
- Document(s) required by the Capacity Market Rules missing from the application cannot be considered at Prequalification or Tier 1 Disputes.
- Clerical errors may be corrected if they can be substantiated at Tier 1 Disputes through one of the means below:
 1. Missing or incorrect information may possibly be corrected if it can be verified from other information provided in the Application. E.g. Company name being incorrect but a cover letter attached with the correct company name; or
 2. Incorrect information may possible be corrected using other formal documentation that was not required (by the Regulations or Capacity Market Rules) to be submitted as part of the Application. This does not include emails. E.g. board minutes, bank statements or EPC contracts etc.

The above approach does not extend to the treatment of missing or incorrect information within Connection Agreements, Planning Consents or Supplier Letters.

- Ofgem are aware that this is the approach we will be using at Tier 1.
- The Delivery Body is offering 20 minute calls to discuss individual cases ahead of submitting your dispute letter.

A.2 Tier 1 Disputes end to end process



A. Disputes procedure

B. Timetable and support

C. Submitting disputes

D. Dispute notices

E. Common failures

F. Next steps

B. Timetable and support

This section outlines information on the end to end disputes process and key dates.

B.1 Key dates

A.3 Support

**A. Disputes
procedure**

**B. Timetable
and support**

**C. Submitting
disputes**

**D. Dispute
notices**

**E. Common
failures**

F. Next steps

B.1 Tier 1 Disputes key dates

November 17

December 17

13 – 17 Nov

Tier 1 Disputes submission window (5 working days, deadline 5pm on 17 Nov)

20 Nov – 1 Dec

Tier 1 Disputes assessment window (10 working days)

1 Dec

Tier 1 Disputes results released and CM Register published



FAQ: what are the credit cover deadlines and amounts?

- ***1 Dec** deadline for Applicants who received a Conditionally Prequalified status on Prequalification Results Day.
- ****22 Dec** deadline for Applicants who received a Conditionally Prequalified status following Tier 1 Disputes

Credit cover amounts: All CMUs except Unproven DSR CMUs: £10,000 / MW
DSR CMUs: £5,000 / MW. EMR Settlements collect Credit Cover.



1st Dec Credit Cover deadline 1*



22nd Dec Credit Cover deadline 2**

A. Disputes procedure

B. Timetable and support

C. Submitting disputes

D. Dispute notices

E. Common failures

F. Next steps

B.2 Tier 1 Disputes – support

The EMR Delivery Body is here to support you in understanding your Prequalification result(s) and to discuss any potential dispute you may wish to raise.

Disputes process webinar

Friday 10th November 2017 at 10am.
This webinar will be recorded and published on our website later the same day.

Guidance document

This interactive guidance document provides all the information you should need to produce and submit a dispute notice. This document will be available on our website from **10th November 2017**.

Telephone and email

Phone lines will be open between 9am and 5pm from Monday 13th November 2017 through to Friday 17th November 2017. Use this support for generic disputes queries.

Surgery slots

20 minute surgery phone calls will be made available to all participants, slots will be allocated on a first come first served basis and will be restricted to **strictly 1 call per parent company**

[Click HERE to book your slot](#)

A. Disputes
procedure

B. Timetable
and support

C. Submitting
disputes

D. Dispute
notices

E. Common
failures

F. Next steps

C. Submitting disputes

This section contains information on how to submit a dispute notice and what information is required.

CM Applicants must submit a dispute notice via the EMR Portal, per Application.

Select from the link buttons opposite to find out more:

C.1 Information required in a dispute notice

D. How to submit a dispute notice

A. Disputes procedure

B. Timetable and support

C. Submitting disputes

D. Dispute notices

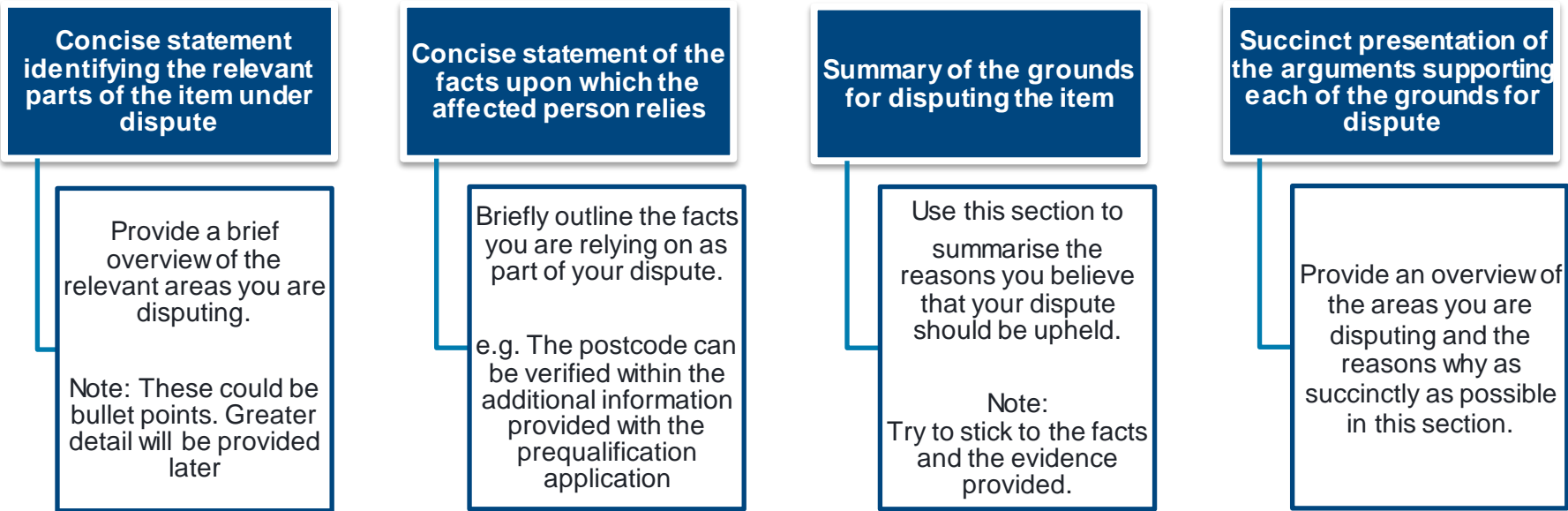
E. Common failures

F. Next steps

C.1 Information required in a dispute notice

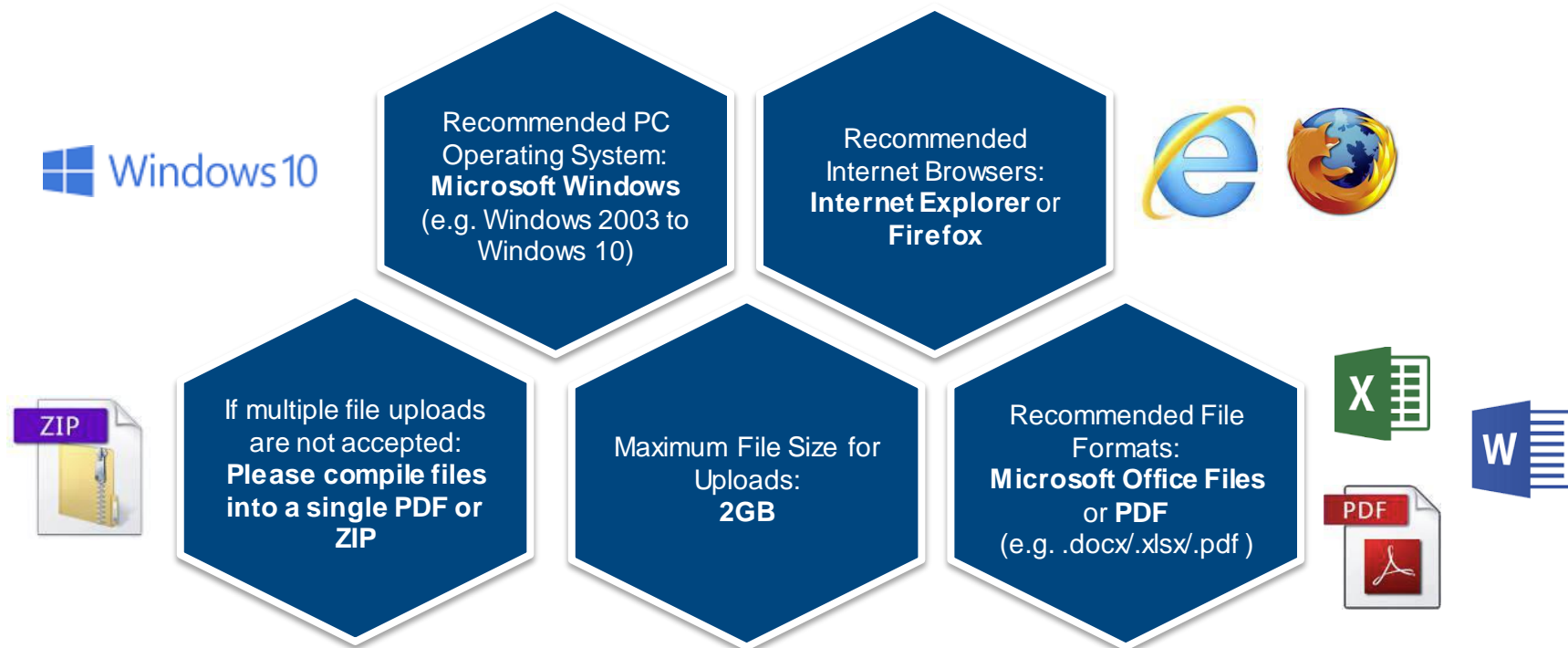
This section outlines the **mandatory information** for applicants to provide when raising a dispute notice via the EMR Portal.

As outlined in Regulation 69(2)(b), a dispute notice must contain the following information as required by Regulation70(3):



EMR portal system requirements

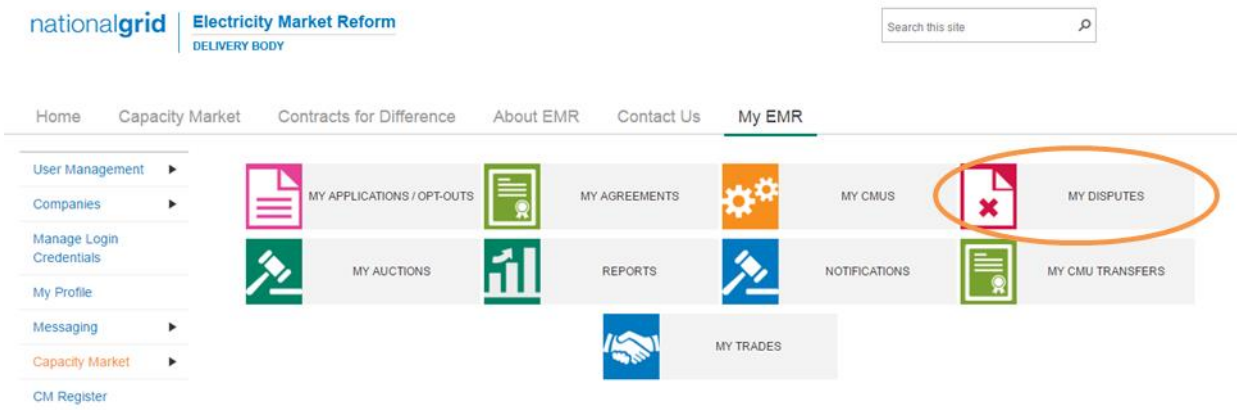
Please ensure that you are familiar with these recommended requirements before completing your Tier 1 Disputes on the EMR portal:



D. Dispute notices (1)

Raising a dispute notice

- Navigate to the EMR Portal at www.emrdeliverybody.com and sign in to your account
- Navigate to the “My Disputes” section of the EMR Portal.



A. Disputes
procedure

B. Timetable
and support

C. Submitting
disputes

D. Dispute
notices

E. Common
failures

F. Next steps

D. Dispute notices (2)

Raising a dispute notice

- From the Disputes homepage, hover over the blue “Raise New Dispute” button and then select “Auction prequal decision”.

The screenshot shows the National Grid Electricity Market Reform portal. The top navigation bar includes links for Home, Capacity Market, Contracts for Difference, About EMR, Contact Us, and My EMR. The left sidebar contains links for User Management, Companies, Manage Login Credentials, My Profile, Messaging, Capacity Market, and CM Register. The main content area displays a table with columns for Dispute ID, CMU ID, Type, Status, Raised By, Submission Date, and Last Up. A message states "No data available in table". Below the table, there are filter options and a "Show 30 entries" dropdown. A blue button labeled "Raise New Dispute" is visible at the bottom right. A dropdown menu is open from this button, showing options: "Auction prequal decision", "Secondary Trading prequal decision", "CMR entry", "CAN entry", "Termination Notice", and "Raise New Dispute". The "Auction prequal decision" option is highlighted with an orange circle.

A. Disputes
procedure

B. Timetable
and support

C. Submitting
disputes

D. Dispute
notices

E. Common
failures

F. Next steps

D. Dispute notices (3)

Raising a dispute notice

- The next screen allows the details of the dispute to be completed by the Applicant.
- **Please remember to select from the drop down list (highlighted in the screenshot below) the Application ID to which the dispute relates.**

The screenshot shows the 'My EMR' page of the National Grid Electricity Market Reform portal. The left sidebar contains a menu with items like 'User Management', 'Companies', 'Manage Login Credentials', 'My Profile', 'Messaging', 'Capacity Market', and 'CM Register'. The main content area has a header with navigation links: 'Home', 'Capacity Market', 'Contracts for Difference', 'About EMR', 'Contact Us', and 'My EMR'. Below this, there's a search bar and a form for raising a dispute. The form includes fields for 'Dispute ID', 'Raised By' (set to 'am1j.mainadmin'), 'Type of Dispute' (set to 'Auction prequal decision'), 'Submission Date', and 'Status' (set to 'Saved'). A dropdown menu for 'Related Auction Application ID' is highlighted with an orange circle, showing 'Select Application Id'. Below this is a section for 'Dispute Details' with a text area for providing a concise statement identifying the relevant parts of the item under dispute.

A. Disputes
procedure

B. Timetable
and support

C. Submitting
disputes

D. Dispute
notices

E. Common
failures

F. Next Steps

D. Dispute notices (4)

Raising a dispute notice

- In accordance with the CM Regulations, complete the first four sections of the dispute application page as outlined in section C.1 of this guidance
- If there are supporting documents that you wish to provide alongside the dispute notice then these may be uploaded at the foot of the form as shown below. More than one document may be uploaded by clicking on the “Add File” link.

The screenshot shows a web interface for raising a dispute notice. On the left is a sidebar with links: 'my i-frontie', 'Messaging', 'Capacity Market', and 'CM Register'. The main content area has a heading 'Please provide a succinct presentation of the arguments supporting each of the grounds for dispute' followed by a large text input field. At the bottom of the form, there is a section titled 'Supporting documentation' with the text 'There are no documents uploaded.' and a link 'Add file'. Below this is a 'Choose File' button and the text 'No file chosen'. At the very bottom of the form are 'Cancel', 'Save', and 'Submit' buttons. An orange oval highlights the 'Supporting documentation' section.

D. Dispute notices (5)

Additional documentation in support of the dispute

- Dispute notices may be accompanied by supporting documentation in order to give further context to the dispute.
- Where information in the Application is incorrect it may be possible to correct the error and verify the correct information from other formal documentation that was not required (by the Regulations or Capacity Market Rules) to be submitted as part of the Application. Such documentation does not include emails. E.g. board minutes, bank statements or EPC contracts etc.
- **Please note:** The above approach does not extend to the treatment of missing or incorrect information within Connection Agreements, Planning Consents or Supplier Letters. These documents should already be complete, free from error and signed (where applicable) at the time that they are submitted with the Application to the delivery Body for consideration.

A. Disputes
procedure

B. Timetable
and support

C. Submitting
disputes

D. Dispute
notices

E. Common
failures

F. Next Steps

D. Dispute notices (6)

Raising a dispute notice

- Once a dispute notice has been submitted to the EMR Delivery Body it may be withdrawn before the end of the submission window by clicking on the “Withdraw” button as shown below. In this case, the dispute notice will not be assessed by the EMR Delivery Body and the original Prequalification Decision will stand. If a dispute notice is withdrawn accidentally then the dispute can not be re-submitted. **DO NOT CLICK WITHDRAW UNLESS ABSOLUTELY CERTAIN.**

The screenshot shows the 'My EMR' section of the nationalgrid Electricity Market Reform portal. A table lists dispute notices with columns: Dispute ID, CMU ID, Type, Status, Raised By, and Submission Date. One entry is visible: DN-00010, AEXG21, Auction prequal decision, Submitted to DB, raised by am1j.mainadmin on 01/09/2016 13:35. A 'WITHDRAW' button is highlighted with an orange circle next to the submission date. Below the table are filters and pagination controls.

Dispute ID	CMU ID	Type	Status	Raised By	Submission Date
DN-00010	AEXG21	Auction prequal decision	Submitted to DB	am1j.mainadmin	01/09/2016 13:35

Showing 1 to 1 of 1 entries

A. Disputes procedure

B. Timetable and support

C. Submitting disputes

D. Dispute notices

E. Common failures

F. Next steps

D. Dispute notices (7)

Raising a dispute notice

- The dispute notice may be saved for submission at a later date by clicking on the button “Save”, or saved and submitted to the EMR Delivery Body by clicking on the “Submit” button.

All disputes must be received by 17:00 on Friday 17 November 2017.

PLEASE NOTE: dispute notices that are saved but not submitted by this point will not be considered to have been submitted. In such cases the original Prequalification Decision will stand.

A. Disputes
procedure

B. Timetable
and support

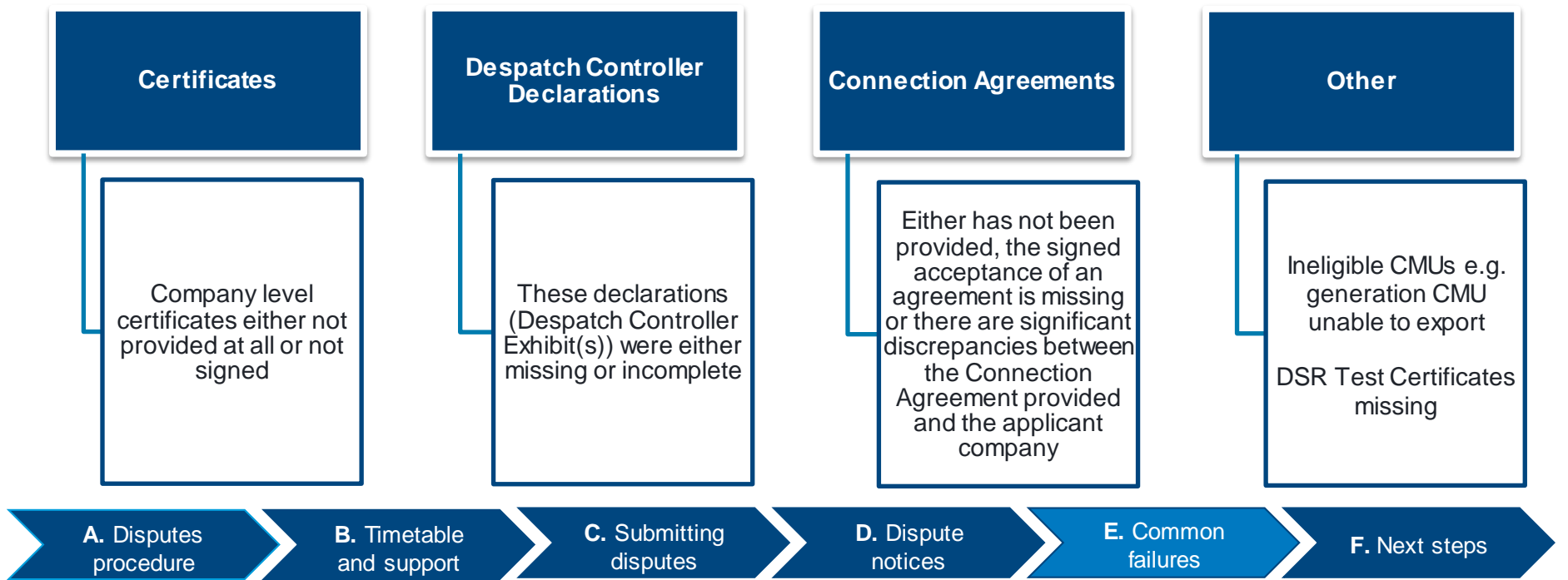
C. Submitting
disputes

D. Dispute
notices

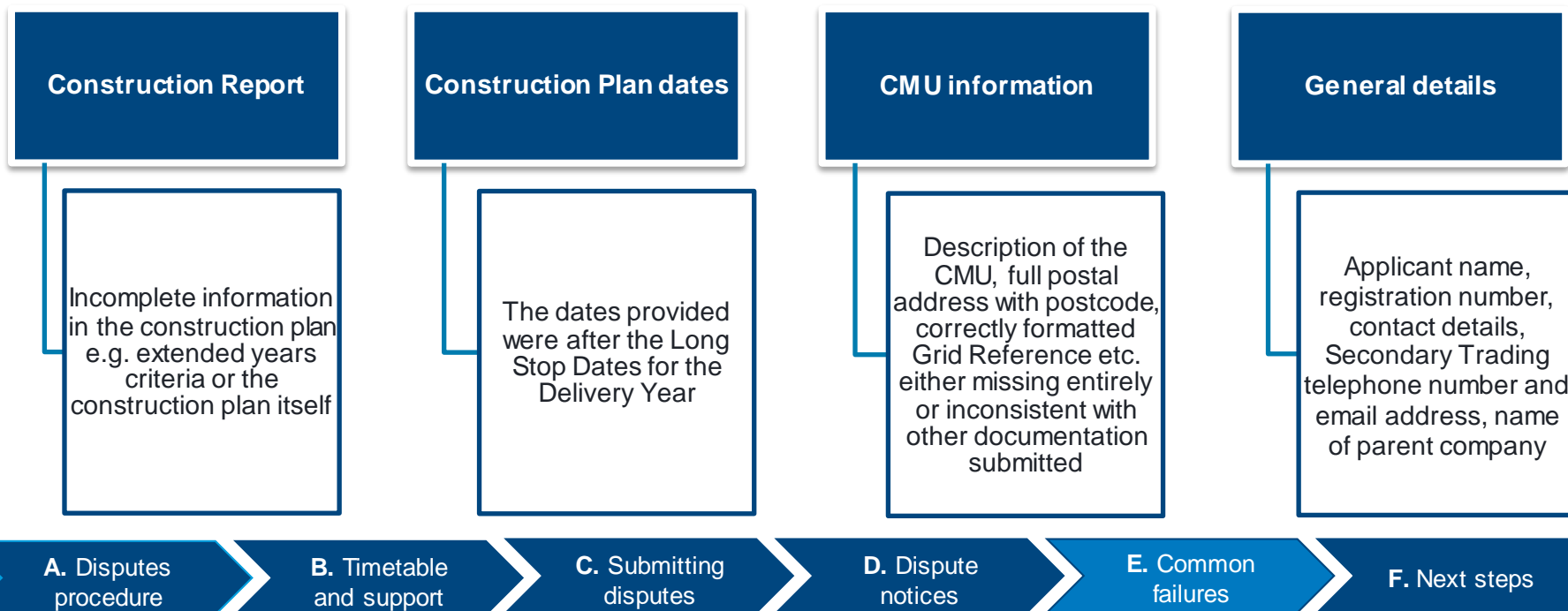
E. Common
failures

F. Next steps

E.1 Common failures you may see (1)



E.2 Common failures you may see (2)



F.1 Next steps (1)

Dispute notice submission	Once a dispute notice has been submitted the Applicant will receive an automatic notification confirming that the dispute notice has been submitted.
Contacting the EMR Delivery Body	From 5pm on 17 November the EMR Delivery Body will be unable to discuss your dispute until Monday 4 December 2017. The team will be contactable during the assessment period on a reduced basis, please try and email your queries in to us as a first resort.
Reconsidered decisions	The EMR Delivery Body will release your outcomes of the disputes assessments (Reconsidered Decisions) by 5pm on Friday 1 December 2017. These notices will be available on the EMR Portal via the “My Disputes” section.
Credit Cover	<ul style="list-style-type: none">Applicants who originally received a Prequalification status of Conditionally Prequalified will need to post Credit Cover on 1 December 2017.Applicants who received a Reconsidered Decision (outcome at disputes) of Conditionally Prequalified i.e. your Prequalification Status has been changed to Conditionally Prequalified, will need to post Credit Cover by 22 December 2017.Credit Cover is collected by EMR Settlements.

A. Disputes procedure

B. Timetable and support

C. Submitting disputes

D. Dispute notices

E. Common failures

F. Next Steps

F.2 Next steps (2)

Tier 2 disputes

- If an Applicant wishes to further dispute the Reconsidered Decision then they may do so by appealing to the Authority (in accordance with Regulation 70 of the Regulations).
- Tier 2 disputes must be raised with the Authority within 5 working days of receiving the Reconsidered Decision notice from the EMR Delivery Body. The deadline therefore is **5pm Friday 8 December 2017**
- Ofgem has issued guidance regarding any disputes to the Authority and this may be found here: [Electricity Market Reform dispute resolution guidance](#)
- For Prequalification decisions Ofgem will seek to make their decision within whichever is the later of:
 - 20 working days of receiving all information required to reach a robust, rational and procedurally fair decision
 - 20 working days of the deadline for receipt of disputes (assuming all the information is received by then).

A. Disputes
procedure

B. Timetable
and support

C. Submitting
disputes

D. Dispute
notices

E. Common
failures

F. Next Steps



Summary and close

- Your Prequalification results will be released by the end of today.
- The team will be available to discuss any queries from 9am on Monday 13th November until 5pm on Friday 17th November.
- Book yourself a 20 minute surgery slot to discuss your specific Dispute queries that cannot be answered by the guidance.
- Please familiarise yourself with the guidance and use the webinar as a reference point.
- We will be publishing an FAQ from the questions raised via the chat functionality by the end of today (we will keep the webinar open for 30 minutes to allow you to post any further queries you may have).
- Make sure you can log in to the portal and access the “My Disputes” section. Contact us if you have any issues.

Thank you for listening!



Capacity Market Disputes Webinar

10th November 2017