
DRAFT STATUTORY INSTRUMENTS

2019 No.

The Electricity Capacity (No. 1) Regulations 2019

PART 5

Conditional agreement auction

Interpretation: modifications

- 29.**—(1) Regulation 2 (interpretation) of the Principal Regulations applies as if—
- (a) in the definition of “auction clearing price”, at the end there were inserted “, or the price at which such payments would be payable if the T-1 capacity agreement trigger event occurred”;
 - (b) in the definition of “auction window”, for “31st July” there were substituted “30th August”;
 - (c) after the definition of “auction window” there were inserted—
““auction withdrawal notice” has the meaning given in the Rules;”;
 - (d) in the definition of “capacity agreement notice”—
 - (i) after “about a”, there were inserted “conditional”; and
 - (ii) at the end there were inserted “, or the capacity agreement this conditional capacity agreement becomes under regulation 30(2A) if the T-1 capacity agreement trigger event occurs”;
 - (e) after the definition of “capacity market register”, there were inserted—
““capacity market supplier charges” means charges which electricity suppliers are required to pay under electricity capacity regulations to meet the cost of funding capacity payments;”;
 - (f) in the definition of “capacity provider”, before paragraph (a) there were inserted—
“(za) a conditional capacity agreement;”;
 - (g) in the definition of “capacity provider penalty charge”, at the end, there were inserted “and includes an amount that would be payable by a capacity provider under regulation 41 if the T-1 capacity agreement trigger event occurred”;
 - (h) after the second definition of “commissioned”, there were inserted—
““conditional agreement auction” means the T-1 auction for the delivery year commencing on 1st October 2019;
“conditional capacity agreement” has the meaning given in regulation 30(1A);”;
 - (i) in the definition of “delivery year”, in paragraph (b), for “capacity agreement”, in both places it occurs, there were substituted “conditional capacity agreement or capacity agreement”;
 - (j) in the definition of “demand curve”, after “which”, in the second place it occurs, there were inserted “conditional”;

- (k) after the definition of “site”, there were inserted—
 - ““standstill collection period” means a period made up of the months of a delivery year which are standstill months which begins at the start of the first standstill month in the delivery year and ends at the end of the last standstill month in the delivery year;
 - “standstill month” means—
 - (a) any month included (wholly or partly) in the T-1 standstill period; or
 - (b) the month after the month in which the T-1 capacity agreement trigger event or T-1 termination trigger event occurs;”;
 - (l) after the definition of “supplementary auction”, there were inserted—
 - ““supplementary mutualisation payment” has the meaning given in regulation 7A(8) of the Supplier Payment Regulations;”;
 - (m) after the definition of “T-1 auction”, there were inserted—
 - ““T-1 capacity agreement trigger event” means a notification by the Secretary of State under regulation 5(1) of the Electricity Capacity (No. 1) Regulations 2019, and occurs on the date on which the notification is given;
 - “T-1 standstill period” means any part of the delivery year beginning on 1st October 2019 which falls before the date on which the T-1 capacity agreement trigger event or T-1 termination trigger event occurs;
 - “T-1 termination trigger event” means a notification by the Secretary of State under regulation 6(1) or 6(2) of the Electricity Capacity (No. 1) Regulations 2019 in respect of conditional capacity agreements, and occurs on the date on which the notification is given;”;
 - (n) in the definition of “termination fee”—
 - (i) after “where a”, there were inserted “conditional capacity agreement,”; and
 - (ii) at the end, there were inserted “, and includes a fee that would be payable by a capacity provider under regulation 43 if the T-1 capacity agreement trigger event occurred”.
- (2) Regulation 5 (demand side response CMU) of the Principal Regulations applies as if, in paragraph (1)(c), after “a” there were inserted “conditional capacity agreement or”.