

MODIFICATION RECOMMENDATION FORM



*RECOMMENDATION TO CER BY EIRGRID OF MODIFICATION TO GRID
CODE.*

ABSTRACT / TITLE OF MODIFICATION	GC9 Derogation Process
MODIFICATION NUMBER	MPID 205
RECOMMENDED AT GCRP MEETING NUMBER	27
LIST OF GRID CODE SECTION(S) AFFECTED BY PROPOSED MODIFICATION:	GC9.2 GC9.3 GC9.5 GC9.6 GC9.7 GC9.8
CURRENT GRID CODE VERSION :	3.5

MODIFICATION DESCRIPTION Overview

SUMMARY DESCRIPTION OF:

- a) THE REASON FOR THE RECOMMENDED MODIFICATION
- b) HISTORY OF PROGRESSION THROUGH GCRPs, WORKING GROUP AND/OR CONSULTATION
- c) SUMMARY NOTE OF ANY OBJECTIONS TO THE RECOMMENDED CHANGE FROM GCRP MEMBERS OR CONSULTATION RESPONSES
- d) OUTCOME OF ANY GCRP MEETING ACTIONS RELATING TO THE RECOMMENDED MODIFICATION

The derogation process is not aligned with Clause GC9. EirGrid is thus recommending that the process is aligned by reflecting the actual process in the Grid Code but with some improvements in terms of introducing:

- submission of a derogation request to GridCode@eirgrid.com and copy to CER;
- validation of the request form before it is assessed;
- participant update to the request where additional information is required before it can be assessed;
- derogation assessment performed by EirGrid and the assessment to be provided to the CER; and
- removal of duplication of text/housekeeping.

This modification was recommended for approval by the Grid Code Review Panel on the 23 Feb 2011 subject to the removal of any reference to publishing a register of derogation applications. This change to the recommendation has been carried out by the TSO.

It is recommended to delete the text highlighted in red strikethrough and insert the text highlighted in blue.

GC.9 DEROGATIONS

GC.9.1 If a **User** finds that it is, or will be, unable to comply with any provision of the **Grid Code**, then it shall without delay report such non-compliance to the **TSO** and shall, subject to the provisions of GC.9.2 make such reasonable efforts as are required to remedy such non-compliance as soon as reasonably practicable. Where the **TSO** is aware or should reasonably be aware that a non-compliance may have an impact on the **Other Transmission System** or on the operation of the **SEM**, the **TSO** shall provide details of the non-compliance to the **Other TSO**.

GC.9.2 Where the non-compliance is:

- (a) with reference to **Plant** and/or **Apparatus** connected to the **Transmission System** and is caused solely or mainly as a result of a revision to the **Grid Code**; or
- (b) with reference to **Plant** and/or **Apparatus** which is connected, approved to connect, or for which approval to connect to the **Transmission System** is being sought,

and the **User** believes either that it would be unreasonable (including cost and technical considerations) to require it to remedy such non-compliance or that it should be granted an extended period to remedy such non-compliance, it shall promptly submit to the **Commission TSO** a request for a derogation from such provision in accordance with the requirements of GC.9.3 and shall provide the **TSO CER** with a copy of such a request. In consideration of a derogation request by a **User**, the **TSO** may contact the relevant **User** to obtain clarification of the derogation request, or to obtain further information regarding the request, or to discuss changes to the request. Once the derogation request has been validated by the **TSO**, the reference number is assigned.

Where the derogation request may have an impact on the **Other Transmission System** or the operation of the **SEM**, the **TSO** shall liaise with the **Other TSO** prior to providing an assessment to the **CER**.

The **TSO** will assess the derogation request and provide to the **CER** an assessment and a recommendation.

On receipt of a derogation assessment from the **TSO**, the **CER** will consider the derogation request, the **TSO's** assessment and the **TSO's** recommendation.

In its consideration of a derogation request by a **User**, the **CER** may contact the relevant **User** and/or the **TSO** to obtain clarification of the request, or to obtain further information regarding the request, or to discuss changes to the request.

Where the **CER** identifies that a derogation request may impact on the **Other Transmission System** or the operation of the **SEM**, the **CER** shall keep the **Regulatory Authority** in Northern Ireland informed in its consideration of the request.

Provided that the **CER** considers that the grounds for the derogation are reasonable, then the **CER** shall grant such derogation unless the derogation would, or it is likely that it would, have a materially adverse impact on the security and stability of the **Transmission System** or the **Other Transmission System** or impose unreasonable costs on the operation of the **Transmission System** or on other **Users**.

GC.9.3

A request for derogation from any provision of the **Grid Code** shall contain:

- (a) the version number ~~and the date~~ of the **Grid Code** ~~which includes the provision against which the non-compliance or predicted non-compliance was identified;~~
- (b) identification of the **Plant** and/or **Apparatus** in respect of which a derogation is sought ~~and, if relevant, the nature and extent to which the non-compliance exists;~~
- (c) identification of the provision with which the **User** is, or will be, unable to comply;
- (d) ~~the extent of the non-compliance;~~
- (e) the reason for the non-compliance; and
- (f) the date by which compliance will be achieved (if remedy of the non-compliance is possible) subject to GC.9.2.

GC.9.4

If the **TSO** finds that it is, or will be, unable to comply with any provision of the **Grid Code**, then it shall, subject to the remaining provisions of GC.9 make such reasonable efforts as are required to remedy such non-compliance as soon as reasonably practicable.

GC.9.5 In the case where the **TSO** requests a derogation, the **TSO** shall submit the information set out in GC.9.3 to the **Commission CER**.

~~GC.9.6 On receipt of any request for derogation, the **Commission** shall promptly consider such request. Where the **Commission** identifies that a derogation request may impact on the on the **Other Transmission System** or the operation of the **SEM**, the **Commission** shall liaise with the **Regulatory Authority** in Northern Ireland in its consideration of the request. Provided that the **Commission** considers that the grounds for the derogation are reasonable, then the **Commission** shall grant such derogation unless the derogation would, or it is likely that it would, have a materially adverse impact on the security and stability of the **Transmission System** or the **Other Transmission System** or impose unreasonable costs on the operation of the **Transmission System** or on other **Users**. In its consideration of a derogation request by a **User**, the **Commission** may contact the relevant **User** and/or the **TSO** to obtain clarification of the request, or to obtain further information regarding the request, or to discuss changes to the request. Where the derogation request may have an impact on the **Other Transmission System** or the operation of the **SEM**, the **TSO** shall liaise with the **Other TSO** prior to providing an assessment to the **Commission**. The **TSO** may also contact the relevant **User** to obtain clarification of the request, or obtain further information regarding the request, or to discuss changes to the request. The **User** shall respond to all such requests without undue delay.~~

Derogations from any provision of the **Grid Code** shall contain:

~~(a) the version number and the date of the **Grid Code** which includes the
 _____ provision against which the derogation applies;~~

~~(b) identification of the provision with which the derogation applies;~~

~~(a) identification of the **Plant** and/or **Apparatus** in respect of which a derogation~~

~~applies and, if relevant, the nature and extent to which the derogation applies including alternate compliance provisions;~~

~~(b) the reason for the non-compliance requiring derogation;~~

~~(c) the date by which the derogation ends if compliance will be achieved, or by _____ which such derogation expires.~~

GC.9.76 To the extent of any derogation granted in accordance with this GC.9, the **TSO** and/or the **User** (as the case may be) shall be relieved from its obligation to comply with the applicable provision of the **Grid Code** and shall not be liable for failure to so comply but shall comply with any alternate provisions as set forth in the derogation.

GC.9.87 The **TSO** shall:

- (a) keep a register of all derogations which have been granted, identifying the company and **Plant** in respect of whom the derogation has been granted, the relevant provision of the **Grid Code** and the **Grid Code** version number, the period of the derogation and the extent of compliance to the provision;
- (b) on request from any **User** or **User** of the **Other Grid Code**, provide a copy of such register of derogations to such **User**; and
- (c) publish this register on the **TSO's** website.

GC.9.98 Where a material change in circumstance has occurred a review of any existing derogations, and any derogations under consideration, may be initiated by the ~~Commission~~ **CER** at the request of the ~~Commission~~ **CER**, the **TSO**, or **Users**.

<p>IMPLICATION OF NOT IMPLEMENTING THE MODIFICATION</p>	<p>The current derogation process will not be aligned with clause GC9 and this may lead to confusion for Users.</p>
--	---