

CONSULTATION DOCUMENT

CUSC Amendment Proposal CAP159 Arrangements for CUSC Mid- Term elections

The purpose of this document is to consult on Amendment Proposal CAP159 with CUSC Parties and other interested Industry members

Amendment Ref	CAP159
Issue	1.0
Date of Issue	17 th December 2007
Prepared by	National Grid

I DOCUMENT CONTROL

a National Grid Document Control

Version	Date	Author	Change Reference
1.0	17/12/07	National Grid	Formal version for release

b Document Location

National Grid website:

www.nationalgrid.com/uk/electricity/codes/

c Distribution

Name	Organisation
CUSC Parties	Various
Panel Members	Various
Interested Parties	Various
Core Industry Document Owners	Various
National Grid Industry Information Website	-

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1.0 SUMMARY AND VIEWS

Executive Summary

- 1.1 CAP159 Arrangements for CUSC mid-term elections was proposed by National Grid and submitted to the Amendment Panel on 30 November 2007. CAP159 proposes to create the facility of a mid-term CUSC Panel Election when an existing Panel member resigns/is unable to continue and there are no existing Alternative Members.
- 1.2 The process would be as the main elections which are held in accordance with CUSC Section 8A. CAP159 proposes in summary the following process:
 - Notification would be issued stating an election with be held and the process including the timescales
 - A nomination period for CUSC signatories to nominate a new representative
 - Should more than one person be nominated then a voting process would take place as per the main CUSC Panel elections
 - A voting period for all CUSC Signatories
 - The nominee receiving the highest number of votes would become a Panel Member and the remaining nominee(s) would become alternate members for the remaining Panel term in accordance with CUSC 8A.3.7.1

National Grid's View

1.3 National Grid, as the proposer of CAP159 is supportive of the Amendment Proposal, believing that it would better facilitate achievement of the Applicable CUSC Objective (a).

Amendment Panels View

1.4 The Amendments Panel agreed that CAP159 should proceed to a wider consultation by National Grid for a period of 4 weeks.

2.0 PURPOSE AND INTRODUCTION

- 2.1 This is a consultation document issued by National Grid under the rules and procedures specified in the Connection and Use of System Code (CUSC) as designated by the Secretary of State.
- 2.2 Further to the submission of Amendment Proposal CAP159, this document seeks views from industry members relating to the Amendment Proposal
- 2.3 CAP159 was proposed by National Grid and submitted to the CUSC Amendments Panel for consideration at their meeting on 30th November. Following evaluation by the Working Group, the Amendments Panel
- 2.4 This consultation document outlines the d nature of the CUSC changes that are proposed. Representations received in response to this consultation document will be included in National Grid's Amendment Report that will be furnished to the Authority for their decision.

- 2.5 This consultation document has been prepared in accordance with the terms of the CUSC. An electronic copy can be found on the National Grid website, at www.nationalgrid.com/uk/Electricity/Codes/ and the Amendment Proposal form. This document invites views upon CAP159 and the closing date is ### for responses including any Consultation Alternatives.
- 2.6 CUSC Parties are reminded that any Consultation Alternatives must be submitted by the above closing date and must use the Consultation Alternative form available on the National Grid Website at http://www.nationalgrid.com/NR/rdonlyres/AAC680AE-D270-4F69-A1E2-33378890FDA0/19993/ConsultationAlternativeAmendmentForm31Aug07.doc

3.0 PROPOSED AMENDMENT

- 3.1 The objective of this amendment is to allow for a mid-term election of Panel Member and Alternates should a Panel Member resign or be unable to undertake their Panel duties and there are no elected Alternates to replace them.
- 3.2 The current CUSC Panel does not have any alternate members and the resignation of one of the existing Panel has left a vacancy. It is inefficient to continue for the remainder of the term with the vacancy as there is the risk of not meeting quorum increases.
- 3.3 It is proposed to introduce a mid term election process. The process would be as the main elections which are held in accordance with CUSC Section 8A. CAP159 proposes in summary the following process:
 - Notification would be issued stating an election with be held and the process including the timescales
 - A nomination period for CUSC signatories to nominate a new representative
 - Should more than one person be nominated then a voting process would take place as per the main CUSC Panel elections
 - A voting period for all CUSC Signatories
 - The nominee receiving the highest number of votes would become a Panel Member and the remaining nominee(s) would become alternate members for the remaining Panel term in accordance with CUSC 8A.3.7.1
- 3.4 It should be noted that this facility would only be used if there was a 6 months term or more remaining of the Panel and all current Panel Members appointments would continue until the next main election.

4.0 ASSESSMENT AGAINST APPLICABLE CUSC OBJECTIVES

Proposed Amendment

- 4.1 CAP159 would better facilitate the CUSC Objective(s);
 - (a) the efficient discharge by the Licensee of the obligations imposed upon it by the act and the Transmission Licence; and

by ensuring that the CUSC Panel has adequate membership to ensure quorum.

5.0 PROPOSED IMPLEMENTATION

5.1 The Working Group and National Grid propose CAP149 should be implemented immediately after an Authority decision. As there is currently a vacancy on the existing CUSC Panel this would allow for an election to take place as soon as practicable after the decision. In accordance with 8.19.3(b) views are invited on this proposed implementation date.

6.0 IMPACT ON THE CUSC

- 6.1 CAP159 requires amendments to Section 8A of the CUSC.
- 6.2 The text required to give effect to the Original Proposal is contained as Annex 1 of this document.

7.0 IMPACT ON INDUSTRY DOCUMENTS

Impact on Core Industry Documents

7.1 CAP159 has no impact upon Core Industry Documents.

Impact on other Industry Documents

7.2 CAP159 has no impact upon other Industry Documents.

8.0 INITIAL VIEW OF THE AMENDMENTS PANEL

8.1 The Amendments Panel agreed that CAP159 should proceed to wider consultation by National Grid for a period of 4 weeks.

9.0 INITIAL VIEW OF NATIONAL GRID

9.1 National Grid, as the proposer of CAP159 is supportive of the Amendment Proposal, believing that it would better facilitate achievement of the Applicable CUSC Objective (a).

10.0 VIEWS INVITED

- 10.1 National Grid is seeking the views of interested parties in relation to the issues raised by Amendment Proposal CAP159 and issues arising from the proposed timescale for implementation of CAP159.
- 10.2 Please send your responses to this consultation to National Grid by no later than close of business on 14th January 2008
- 10.3 Please address all comments to the following e-mail address:

Beverley.Viney@uk.ngrid.com

Or alternatively, comments may be addressed to:

Beverley Viney Amendments Panel Secretary Electricity Codes National Grid National Grid House Warwick Technology Park Gallows Hill Warwick CV34 6DA

ANNEX 1 - PROPOSED LEGAL TEXT TO MODIFY THE CUSC

Text to give effect to the Original Proposed Amendment (Insert grey text)

ANNEX 8A ELECTION OF USERS' PANEL MEMBERS

- 8A.1 GENERAL
- 8A.1.1 Introduction
- **8A.1.1.1** This Annex 8A sets out the basis for election of **Users' Panel Members** and **Alternate Members** for the purpose of Paragraphs 8.3.2. and 8.6.2
- 8A.1.1.2 This Annex 8A shall apply:
 - (a) in relation to each year (the "Election Year") in which the term of office of Users' Panel Members and Alternate Members expires, for the purposes of electing Users' Panel Members and Alternate Members to hold office with effect from 1st October in that year;
 - (b) subject to and in accordance with Paragraph 8A.4, upon a **Users' Panel Member** and/<u>or</u> **Alternate Members** ceasing to hold office before the expiry of his term of office.
- **8A.1.1.3** For the purposes of an election under Paragraph 8A.1.1.2(a) references to **Users** are to persons who are **Users** as at 20th June in the election year.
- **8A.1.1.4** The Company shall administer each election of Users' Panel Members and Alternate Members pursuant to this Annex 8A.
- 8A.1.2 Election timetable
- **8A.1.2.1** The Company shall not later than 1st July in the election year prepare and circulate to all **Users** (by publication on **The Company Website** and, where relevant details are supplied, by electronic mail), with a copy to the **Authority**, an invitation to nominate candidates who must be willing to be either a **User Panel Member** or an **Alternate Member** and a timetable for the election (the "**Election Timetable**"), setting out:
 - (a) the date by which nominations of candidates are to be received, which shall not be less than three (3) weeks after the timetable is circulated;
 - (b) the date by which **The Company** shall circulate a list of candidates and voting papers;
 - (c) the date by which voting papers are to be submitted, which shall not be less than three (3) weeks after the date for circulating voting papers;
 - (d) the date by which the results of the election will be made known, which shall not be later than 15th September in the **Election Year**.

- 8A.1.2.2 If for any reason it is not practicable to establish an election timetable in accordance with Paragraph 8A.2.1.1 or to proceed on the basis of an election timetable which has been established, The Company may establish a different timetable, or revise the election timetable, by notice to all Users, the Amendments Panel and the Authority, provided that such timetable or revised timetable shall provide for the election to be completed before 1st October in the Election Year.
- **8A.1.2.3** A nomination or voting paper received by **The Company** later than the respective required date under the election timetable (subject to any revision under Paragraph 8A.1.2.2) shall be disregarded in the election.
- 8A.2. CANDIDATES
- 8A.2.1 Nominations
- **8A.2.1.1** Nominations for candidates shall be made in accordance with the **Election Timetable**.
- **8A.2.1.2** Subject to Paragraph 8A.1.1.3, each **User** may nominate one candidate for election by giving notice to **The Company**.
- 8A.2.2 List of candidates
- **8A.2.2.1** The Company shall draw up a list of the nominated candidates and circulate the list to all **Users** by the date specified in the **Election Timetable**.
- **8A.2.2.2** The list shall specify the **User** by whom each candidate was nominated and any affiliations which the candidate may wish to have drawn to the attention of **Users**.
- **8A.2.2.3** Except where Paragraphs <u>8A.4.3 or 8A.4.4 apply</u> if seven (7) or fewer candidates are nominated no further steps in the election shall take place and such candidate(s) shall be treated as elected as **Users' Panel Members** and Paragraph 8A.3.2.4 shall apply in relation to such candidate(s).
- 8A2.2.4 Where Paragraph 8A.4.3 applies, if only one (1) candidate is nominated, no further steps in the election shall take place and such candidate shall be treated as elected as a **Panel Member** and Paragraph 8A.3.2.4 shall apply in relation to such candidate.
- **8A.2.2.5.** Where Paragraph 8A.4.4 applies, if five (5) or fewer candidates are nominated, no further steps in the election shall take place and such candidate(s) shall be treated as elected as **Alternate Members** and Paragraph 8A.3.2.4 shall apply in relation to such candidate(s).
- 8A.3. VOTING
- 8A.3.1 Voting papers
- **8A.3.1.1** Voting papers shall be submitted in accordance with the election timetable.
- **8A.3.1.2** Each **User** may submit one voting paper.
- 8A.3.2 Preference votes and voting rounds
- **8A.3.2.1** Each **User** submitting a voting paper shall vote by indicating on the voting paper a first, second and third preference ("**Preference Votes**") among the candidates.
- **8A.3.2.2** A voting paper need not indicate a second, or a third, preference, but the same candidate may not receive more than one **Preference Vote** in a voting paper.

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- **8A.3.2.3** Candidates shall be elected in three voting rounds (together where necessary with a further round under Paragraph 8A.3.6) in accordance with the further provisions of this Paragraph 8A.3.
- **8A.3.2.4** The Company shall determine which candidates are elected and announce (to the **Authority** and all **Users**) the results of the election in accordance with the election timetable.
- 8A.3.2.5 The Company shall not disclose the Preference Votes cast by Users or received by candidates; but a User may by notice to the Authority require that the Authority scrutinise the conduct of the election, provided that such User shall bear the costs incurred by the Authority in doing so unless the Authority recommends that the election results should be annulled.
- **8A.3.2.6** Further references to voting papers in this Paragraph 8A.3 do not include voting papers which are invalid or are to be disregarded (i.e. voting papers not made or submitted in accordance with the **CUSC**.)
- 8A.3.3 First voting round
- **8A.3.3.1** In the first voting round:
 - (a) the number of first **Preference Votes** allocated under all voting papers to each candidate shall be determined.
 - (b) the first round qualifying total shall be:

(T/N) + 1

where

T is the total number of first **Preference Votes** in all voting papers;

N is the number of **Users' Panel Members** and/or **Alternate Members** to be elected.

- **8A.3.3.2** If the number of first **Preference Votes** allocated to any candidate is equal to or greater than the first round qualifying total, that candidate shall be elected.
- 8A.3.4 Second voting round
- **8A.3.4.1** In the second voting round:
 - (a) the remaining candidates are those which were not elected in the first voting round;
 - (b) the remaining voting papers are voting papers other than those under which the first **Preference Votes** were for candidates elected in the first voting round;
 - (c) the number of first and second **Preference Votes** allocated under all remaining voting papers to each remaining candidate shall be determined;
 - (d) the second round qualifying total shall be (T'/N') + 1
 - where T' is the total number of first **Preference Votes** and second **Preference Votes** allocated under all remaining voting papers; N' is the number of **Panel Members** and/or **Alternate Members** remaining to be elected after the first voting round.
- **8A.3.4.2** If the number of first and second **Preference Votes** allocated to any remaining candidate is equal to or greater than the second round qualifying total, that candidate shall be elected.
- 8A.3.5 Third voting round

8A.3.5.1 In the third voting round:

- (a) the remaining candidates are those which were not elected in the first or second voting rounds;
- (b) the remaining voting papers are voting papers other than those under which the first or second **Preference Votes** were for candidates elected in the first or second voting rounds:
- (c) the number of first, second and third **Preference Votes** allocated under all remaining voting papers to each remaining candidate shall be determined;
- (d) the third round qualifying total shall be (T'' / N'') + 1

where T" is the total number of first **Preference Votes**, second **Preference Votes** and third **Preference Votes** allocated under all remaining voting papers;

N" is the number of **Panel Members** remaining to be elected after the first and second voting rounds.

8A.3.5.2 If the number of first, second and third **Preference Votes** allocated to any remaining candidate is equal to or greater than the third round qualifying total, that candidate shall be elected.

8A.3.6 Further provisions

- 8A.3.6.1 If after any voting round the number of candidates achieving the required **Preference Votes** threshold exceeds the number of persons remaining to be elected, the following tie-break provisions shall apply between the tied candidates. In addition, if after the third voting round any **Panel Member(s)** or **Alternate Member(s)** remain to be elected the following tie-break provisions shall apply between the remaining candidates:
 - (a) the tied or remaining candidates (as applicable) shall be ranked in order of the number of first **Preference Votes** allocated to them, and the candidate(s) with the greatest number of such votes shall be elected;
 - (b) in the event of a tie between two or more candidates within Paragraph (a), the candidate(s) (among those tied) with the greatest number of second **Preference Votes** shall be elected;
 - in the event of a tie between two or more candidates within Paragraph (b), **The Company** shall select the candidate(s) (among those tied) to be elected by drawing lots.

8A.3.7 Alternate Members and Panel Members

8A.3.7.1 Except where Paragraphs <u>8A.4.3 or 8A.4.4 apply</u> the seven (7) candidates receiving the greatest number of votes shall be elected as **Users' Panel Members** and the next five (5) shall be elected as **Alternate Members**.

8A.3.7.2 Where Paragraph 8A.4.3 applies the number of candidate(s) up to and including the number of Panel Member Interim Vacancies receiving the greatest number of votes pursuant to the Interim Panel and Alternate Election Process shall be elected as Users' Panel Member(s) and the remaining candidates up to and including the number of Alternate Member Interim Vacancies

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receiving the greatest number of votes shall be elected as Alternate Member(s).

8A.3.7.3 Where Paragraph 8A.4.4 applies the five (5) candidates receiving the greatest number of votes pursuant to the **Alternate Election Process** shall be elected as **Alternate Members**.

- 8A.4. VACANCIES
- 8A.4.1 General
- **8A.4.1.1** If a **Panel Member** ceases to hold office pursuant to Paragraph 8.5.1 (b) (i) then Paragraph 8A.4.2 shall apply.
- **8A.4.1.2** If a **Panel Member** ceases to hold office pursuant to Paragraph 8.5.1 (a), 8.5.1 (b) (ii) to (vi) (inclusive) or 8.5.1 (c) to (e) (inclusive) then Paragraph 8A.4.3 shall apply.
- **8A.4.1.3** If an **Alternate Member** ceases to hold office pursuant to Paragraph 8.5 (the "**Resigning**" **Alternate Member**) then Paragraph 8A.4.4 shall apply.
- **8A.4.1.4** The provisions of Paragraph 8A.2.1.2 shall apply, mutatis mutandis, to any replacement **Panel Member** or any replacement **Alternate Member** under this Paragraph 8A.4.
- 8A.4.2 Replacement of a Panel Member who ceases to hold office pursuant to Paragraph 8.5.1 (b) (i)
- Where this Paragraph 8A.4.2 applies, and in accordance with the duties set out in Paragraph 8.2.4.1, such Panel Member may appoint a replacement Panel Member (subject to Paragraph 8A.4.2.2) for the remainder of the term of office of such Panel Member and shall notify the Panel Secretary of a replacement Panel Member at the same time as they resign. If such Panel Member does not appoint a replacement at the time of notifying the Panel Secretary of their resignation then such Panel Member will be replaced in accordance with Paragraph 8A.4.3 and this Paragraph 8A.4.2.1 shall no longer apply.
- 8A.4.2.2 A Panel Member shall only appoint an Alternate Member to be his replacement pursuant to Paragraph 8A.4.2.1 and such Alternate Member chosen to be a Panel Member shall then become a Resigning Alternate Member and be replaced in accordance with Paragraph 8A.4.4.
- 8A.4.3 Replacement of a Panel Member who ceases to hold office pursuant to Paragraph 8.5.1 (a), 8.5.1 (b) (ii) to (vi) (inclusive) or 8.5.1 (c) to (e) inclusive)
- Subject to Paragraph 8A.4.3.2, such Panel Member shall, where one or more Alternate Member(s) hold office, be replaced by the Alternate Member who previously received the highest number of cumulative Preference Votes but if there were a tie-break in relation to such Preference Votes then the tie-break provisions set out in Paragraph 8A.3.6.1 shall apply, in either circumstance such Alternate Member selected to be a Panel Member shall then become a Resigning Alternate Member and be replaced in accordance with Paragraph 8A.4.4.
- 8A.4.3.2 If there are no Alternate Members in office upon a Panel Member ceasing to hold office then:
 - Where there are not less than six (6) months remaining until the next full election further **Panel Members** shall be

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Paragraph 8A.4.3.1 applies

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elected in accordance with Paragraphs 8A.2, 8A.3 and subject to the following Paragraphs 8A.4.3.3 to 8A.4.3.5 (inclusive) (the "Interim Panel and Alternate Election Process").

Where there are less than six (6) months remaining until the next full election no further **Panel Members** or **Alternate Members** shall be elected pursuant to this Paragraph 8A.4.3 and the positions shall remain vacant until the next full election.

Mhere this Paragraph 8A.4.3.3 applies The Company shall indicate in the invitation referred to at Paragraph 8A.1.2.1 the number of vacancies for both Panel Member(s) ("Panel Member Interim Vacancies") and Alternate Member(s) ("Alternate Member Interim Vacancies") for which the Interim Panel and Alternate Election Process is being held.

8A.4.3.4 Any Panel Member(s) or Alternate Member(s) elected pursuant to the Interim Panel and Alternate Election Process shall cease to hold office at the next full election.

8A.4.3.5 The timetable for the Interim Panel and Alternate Election
Process shall be expedited and The Company shall prepare a timetable accordingly.

8A.4.4 Replacement of a Resigning Alternate Member

8A.4.4.1 Subject to Paragraph 8A.4.4.2 a **Resigning Alternate Member** shall not be replaced.

8A.4.4.2 If there are no **Alternate Members** remaining in office following the resignation of an **Alternate Member** or their appointment **as Panel Member** in accordance with 8A.4.2 or 8A.4.3 then

- (a) Where there are not less than six (6) months remaining until the next full election further **Alternate Members** shall be elected in accordance with Paragraphs 8A.2, 8A.3 and subject to the following paragraphs 8A.4.4.3 to 8A.4.4.5 (inclusive) (the "**Alternate Election Process**").
- (b) Where there are less than six (6) months remaining until the next full election no further **Alternate Members** shall be elected and the positions shall remain vacant until the next full election
- **8A.4.4.3** Where this paragraph 8A.4.4.3 applies, a reference in Paragraphs 8A.2 and 8A.3 to a **Users' Panel Member** or **Panel Member** shall not apply except in the case of Paragraph 8A.3.5.1 (d) where the reference to "**Panel Members**" shall be read and construed as a reference to "**Alternate Members**".
- **8A.4.4.4** Any **Alternate Member(s)** elected pursuant to the **Alternate Election Process** shall cease to hold office at the next full election.
- **8A.4.4.5** The timetable for the **Alternate Election Process** shall be expedited and **The Company** shall prepare a timetable accordingly.

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New definitions in Section 11

"Interim Panel and Alternate Election Process" as defined in Paragraph 8A.4.3.2

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"Panel Member Interim Vacancies" as defined in Paragraph 8A.4.3.3

"Alternate Member Interim Vacancies" as defined in Paragraph 8A.4.3.3

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ANNEX 2 – AMENDMENT PROPOSAL FORM

CUSC Amendment Proposal Form CAP:159

Title of Amendment Proposal:

Arrangements for CUSC Mid- Term elections

Description of the Proposed Amendment (mandatory by proposer):

The objective of this amendment is to allow for a mid-term election of Panel Member and Alternates should a Panel Member resign or be unable to undertake their Panel duties and there are no elected Alternates to replace them.

It is proposed to introduce a mid term election process.

The process would be as the main elections which are held every 2 years CUSC 8A; in summary:

- Notification would be issued stating an election with be held and the process including the timescales
- A nomination period for CUSC signatories to nominate a new representative
- Should more than one person be nominated then a voting process would take place as per the main CUSC Panel elections
- An voting period for all CUSC Signatories
- The nominee receiving the highest number of votes would become a Panel Member and the remaining nominee(s) would become alternate members for the remaining Panel term in accordance with CUSC 8A.3.7.1

It should be noted that this facility would only be used if there was a 6 months term or more remaining of the Panel and all current Panel Members appointments would continue until the next main election.

Description of Issue or Defect that Proposed Amendment seeks to Address (mandatory by proposer):

Currently there is no mechanism to allow for a mid-term election when a Panel Member resigns or is unable to continue with their Panel duties and there are no alternative Panel Members to replace them If a Panel Member leaves and is not replace for the duration of the Panel term then it increases the risk of Panel Meetings being unable to meet quorum.

It is proposed that the facility of mid-term elections should be allowed when a Full Panel Member leaves the Panel and there are no elected Alternates to replace them.

Impact on the CUSC	(this should be given	where possible):

Amendment to Section 8A.

Impact on Core Industry Documentation (this should be given where possible):

None

Impact on Computer Systems and given where possible):	Processes used by CUSC Parties (this should be	
None		
Details of any Related Modifications	to Other Industry Codes (where known):	
Details of any frelated Modifications	to other madsity codes (where known).	
None		
Justification for Proposed Amendment wit by proposer):	h Reference to Applicable CUSC Objectives** (mandatory	
National Grid believes that this proposal will better facilitate CUSC Applicable Objective (a) (The efficient discharge by the licensee of the obligations imposed upon it under the Act and by the Transmission Licence) by ensuring that the CUSC Panel has adequate membership to ensure quorum.		
Details of Proposer:	National Grid	
Organisation's Name:		
Capacity in which the Amendment is being proposed: (i.e. CUSC Party, BSC Party or "energywatch")	CUSC Party	
Details of Proposer's		
Representative: Name: Organisation: Telephone Number: Email Address:	Beverley Viney National Grid 01926 653547 Beverley.viney@uk.ngrid.com	
Details of Representative's		
Alternate:		
Name:	Emma Carr	
Organisation: Telephone Number:	National Grid 01926 655843	
Email Address:	Emma,j.carr@uk.ngrid.com	
Attachments (Yes/No):		
If Yes, Title and No. of pages of each	h Attachment:	