

Dynamic Moderation

Consultation changes summary

We have included a summary of changes made to the DM EBR Article 18 consultation documents below. The draft version refers to the tracked changes made following the EBR consultation period with industry and the initial version submitted to Ofgem. The final version refers to the tracked changes made in the consultation documents following feedback and comments from Ofgem.

DM Service Terms

Version	Paragraph	Subject Matter	Change
DRAFT	6.19	Disarming	Provided further clarity around the Contracted Quantity being set to 0.
	7.3	Availability Payments	Amended to refer to paragraph 15
	12.5 & 12.6	Stacking	Clause clarified/simplified including with respect to BM stacking.
	12.8	Provision of Other Services	Amended to refer to paragraph 15
	13.3	Communications	Amended to refer to paragraph 15
	14.2i	Termination	Amended to limit to material breaches.
	14.2ii	Termination	Redundant text removed.
	15.4iii	Performance Data	Redundant text removed.
	17.1	Force Majeure	Carved out clauses 10.2.2 and 10.4 of the Common Flexibility Services Terms and Conditions as not applicable to short duration DM Response Contracts.
	22.1	Confidentiality	Amended to refer to paragraph 12
	26.2	Notices	Amended to refer to paragraph 26.1
	27.1	Dispute Resolution	Incorrect reference to auction rules corrected. Also inserted a new paragraph 27.1ii giving the parties the option not to arbitrate disputes
	28.2	Governing Law & Jurisdiction	Inserted a new paragraph 28.2 giving exclusive jurisdiction to the courts of England and Wales.
	Schedule 1		Energy Limited parameters updated (Delivery Duration)
FINAL	2.2	Changes	"Electricity Balancing Guidelines" amended to "Electricity Balancing Regulation" to align with terminology as used in CUSC
	3.3	Defined Terms	Removed reference to "sub" paragraph
	4.1	DM Procurement Documents	Formatting correction
	5.8 (and 5.5)	Service Availability	New clause inserted to provide clarity around implication of notifying inability to respond to Disarming/Rearming instructions

Version	Paragraph	Subject Matter	Change
	6.6 – 6.7	Service Availability	Frequency deviation amended to be a non-defined term
	6.10	Service Availability	Typo – inserted “the”
	6.15 – 6.19	Disarming (and Re-Arming) Instructions	Inserted new wording to provide clarity and 6.19 deleted as covered by 6.18
	7.1	Availability Payments	Removed superfluous wording
	12.8	Provision of Other Services	“Relevant Data” removed as not defined, and replaced by defined terms
	13.3	Communications	Removed typo “made by” and removed incorrect clause reference
	14.1, 14.3	Termination of DM Response Contracts	Removed reference to “sub” paragraph
	15.1	Monitoring and Metering Data	Typo – lower case “d”
	15.2	Monitoring and Metering Data	Typo – “form” to “from”
	15.4	Monitoring and Metering Data	Typo – lower case “d”
	15.5	Monitoring and Metering Data	Amended incorrect clause reference
	15.6	Monitoring and Metering Data	Removed unused defined term “Relevant Data”
	17.1	Force Majeure	Removed reference to “sub” paragraph
	21.3 iv	Transfer of DM Response Contracts	Removed reference to “sub” paragraph
	21.9	Transfer of DM Response Contracts	Amended reference from “System Operator Guidelines” to “Electricity Transmission System Operation Regulation” to align with terminology used in CUSC
	25.2	Modern Slavery, Anti-bribery and Living Wage	Amended incorrect clause reference to 25
	Schedule 1	Service Parameters	Removed duplicated “Maximum ramp rate for Baselines” parameter reference
	Schedule 1	Service Parameters	Inserted “Document” to the DM Participation Guidance Document reference in the Maximum ramp rate for Baselines parameter
	Schedule 2	Availability Payments	Clarification given to reflect that Pije is a Settlement Period value
	Schedule 2	Availability Payments	Amended clause reference to paragraph 15
	Schedule 2	Availability Payments	Amended time calculation to 10 seconds from 1 second
	Schedule 3	Payment Provisions	Corrected references to DM and HM Revenue & Customs Removed reference to “sub” paragraph and inserted reference to Schedule 3

DM Auction Rules

Version	Paragraph	Subject Matter	Change
DRAFT	7.13	DM Sell Orders	Clarification that validation of sell orders is by reference to paragraph 7.
	8.2.1	Market Clearing Rules	Clarification that sell orders may be accepted outside of price order as provided in paragraph 8 and for overall welfare maximisation.
	9.1 – 9.2	Warranties & Undertakings	Incorporation of the limitations of liability contained in clauses 11.1 and 11.3 of the Common Flexibility Services Terms and Conditions.
	9.3	Warranties & Undertakings	Limit the indemnity to a breach of paragraph 9.1.2 only.
	12.1.3	Exceptional Circumstances	Amended broken link to refer to paragraph 7.
	17.2	Viruses	Amended to provide for reasonable co-operation/assistance.
	21	Dispute Resolution	Inserted a new paragraph 21.1.2 giving the parties the option not to arbitrate.
	22.2	Governing Law & Jurisdiction	Cross reference to new paragraph 21.1.2.
FINAL	2.2	Changes	“Electricity Balancing Guidelines” amended as per above Service Terms change above
	5.2	Registration	Inserted “Document” to the DM Participation Guidance Document reference
	5.2	Registration	Typo – inserted “a”
	6.1	DM Buy Orders	Amended typo to refer to “paragraph”
	7.3	DM Sell Orders	Removed reference to “EFA Block” and corrected to align with paragraph 7.4.4
	7.3.1	DM Sell Orders	Extra wording added to clarify operation of stacking rules (consistent with stacking rules in Service Terms) and also recognising ability of platform to accept block codes
	7.4.4 – 7.7.3	DM Sell Orders	Updated to reflect post-consultation DC changes in respect of Loop Blocks
	7.5	DM Sell Orders	Extra wording added to clarify operation of stacking rules (consistent with stacking rules in Service Terms) and also recognising ability of platform to accept block codes
	7.12	DM Sell Orders	Amended clause reference
	7.14.1	DM Sell Orders	Removed typo

Version	Paragraph	Subject Matter	Change
	8.2.4	Market Clearing Rules	Amended to include Loop Block example which is the same as the DC example
	8.2.6 (e)	Market Clearing Rules	Removed reference to “Child or Parent”
	8.2.6 (f)	Market Clearing Rules	Typos – “of “and “the”
	8.2.6 (g)	Market Clearing Rules	Inserted new statement for completeness
	9.2	Warranties	Typo – “DM”
	21.1.1	Dispute Resolution	Typo - “referable” corrected

DM Service Glossary

Version	Section	Definition	Change
DRAFT	Part 3	“Energy Limited”	Removed “or” between (a) and (b) and inserted “and”.
FINAL	Part 1	Paragraph 2 and 3	Typo – amended references to paragraph 3 and removed the superfluous wording at the end of paragraph 3
	Part 1	Paragraph 5	“Electricity Balancing Guidelines” amended as per above Service Terms change above
	Part 2	Paragraph 6	Typo – “provides”
	Part 3	Paragraph 7	Typo – changed to “Relevant”, removed superfluous wording and reference to Part 4
	Part 3	“Availability Payment”	Amended to Schedule 2
	Part 3	“Buy Order Price Limit”	Inserted new definition
	Part 3	“Child Block”	Amended definition
	Part 3	“Contracted EFA Block”	Inserted new definition
	Part 3	“Dis-Arming Instruction”	Amended definition
	Part 3	“DM-high” and “DM-low”	Corrected capitalised “M”
	Part 3	“DM Participation Guidance Document”	Updated for consistency with Testing Documents
	Part 3	“Independent Technical Expert”	Inserted new definition
	Part 3	“Loop Block”	Inserted new definition as per DC
	Part 3	“Market Clearing Rules”	Inserted new definition
	Part 3	“Minimum Acceptance Ratio”	Inserted new definition as per DC
	Part 3	“Monthly Statement”	Inserted new definition

	Part 3	"Parent Block"	Updated definition to be consistent with updates to Auction Rules
	Part 3	"Re-Arming Instruction"	Amended definition
	Part 3	"Stacking Guidance"	Amended definition

Balancing Services Glossary of General Terms and Rules of Interpretation (same changes as referred to in the DR consultation changes summary document)

Version	Section	Definition	Change
DRAFT	Part 4	"Balancing Mechanism"	Inserted new definition.
FINAL	Part 1	Paragraph 4	"Electricity Balancing Guidelines" amended as per above Service Terms change above
	Part 2	Paragraph 5	Corrected capitalised "S"
	Part 3	12.1	Typo – inserted (")
	Part 3	12.2	Deleted superfluous text
	Part 3	12.6	Emboldened "Provider"
	Part 3	12.7	Amended reference to "Relevant"
	Part 3	12.13	Emboldened "Company" "Provider" and "Flexibility Services"
	Part 3	12.23	Updated definition to "Industry Code"
	Part 3	12.26	Typo - amended reference to "Relevant Balancing Services Document"
	Part 3	12.28	Emboldened "Service Terms"
	Part 3	12.30	Amended typo
	Part 3	12.34	Updated definition for "Transmission Code"
	Part 4	"Bid-Offer Data"	Inserted a dash "-"
	Part 4	"BM Participating"	Inserted new definition
	Part 4	"Capacity Market Rules"	Deleted superfluous word
	Part 4	"Common Flexibility Service Terms and Conditions"	Inserted link to document
	Part 4	"Connection and Use of System Code (CUSC)"	Removed a space/updated formatting
	Part 4	"Dynamic Parameters"	Inserted missing definition
	Part 4	"Electricity Balancing Regulation"	Updated definition as per comments above
	Part 4	"Electricity Transmission System Operation Regulation"	Updated definition as per comments above
	Part 4	"Frequency"	Inserted new definition
	Part 4	"Gate Closure"	Deleted superfluous word
	Part 4	"Generating Unit"	Corrected definition typo reference to "STOR"

Part 4	"Grid Code"	Removed bold on "Grid Code"
Part 4	"Lead Party"	Inserted missing definition
Part 4	"Minimum Non-Zero Time" or "MNZT"	Corrected definition typo reference to "STOR"
Part 4	"Minimum Zero Time" or "MZT"	Corrected definition typo reference to "STOR"
Part 4	"Modern Slavery Practice"	Deleted superfluous word
Part 4	"Monthly Statement"	Inserted missing definition
Part 4	"Non-Working Day"	Deleted superfluous word
Part 4	"Performance Monitoring"	Inserted missing definition
Part 4	"Proceedings"	Inserted missing definition
Part 4	"Retained EU Law"	Inserted missing definition for EBGL and Electricity Transmission System Operation Regulation
Part 4	"STC" or "System Operator – Transmission Owner Code"	Inserted definition needed for earlier insertion
Part 4	"System Frequency"	Inserted new definition

DM Participation Guidance

Version	Paragraph	Section	Change
DRAFT	7	Performance Monitoring	Insert paragraph confirming commitment to refining performance monitoring rules to support removing barriers to entry.
FINAL		Intro	Inserted a paragraph referencing the ENA Common Flexibility Terms with link, EPEX Trade User Guidance and Stacking Guidance
	1	Service Overview	Inserted references to Transitional Arrangements Provided clarity around what is subject to transitional arrangements
	2	Service Delivery	Aligned Hz references to those in DC
	4	Daily Auctions	Inserted clarification on inserted Loop Blocks Removed superfluous wording "registered quantity" Inserted link to website to access documents Typo - amended 'at' to 'and'
	5	Testing	Inserted missing words and corrected reference to Testing Guidelines
	9	Energy Requirement	Removed "or" to be consistent with Service Glossary
	10	State of Energy Management	Reinstated clarification on SoE in multiple events with LF and HF

	16	Transitional Arrangements	Inserted new section 16
		Annex	Removed “1” from Annex Example changed to 50MW - 2.5 MW /minute
		Annex	Resolution of graphs improved

DM Testing Guidelines

Version	Section	Change
DRAFT	Dynamic Moderation Test Requirements	Included a line to state that the diagrams are for illustrative purposes only.
	Aggregation/Test Approach	Added the Aggregation/Test Approach section to mirror the DR version
FINAL	Assessment Criteria for Test 1	Inserted additional note regarding providers reusing existing duration tests for an asset