
STATUTORY INSTRUMENTS

2014 No. 2043

The Electricity Capacity Regulations 2014

PART 14

Transitory provisions and repeal

Transitory provisions: the first T-4 auction

87.—(1) If the Secretary of State determines under regulation 10(1)(a) that a capacity auction is to be held for the delivery year starting on 1st October 2018—

- (a) the Secretary of State must at the same time determine the auction window for that capacity auction, which must end not later than 31st July 2015;
- (b) in relation to the determination of auction parameters for that capacity auction, paragraphs (5)(a) and (6) of regulation 12 do not apply; and
- (c) references in these Regulations to a T-4 auction are to be treated as including that capacity auction.

(2) In paragraphs (3), (5) and (7), “the first T-4 auction” means the capacity auction referred to in paragraph (1).

(3) In relation to the first T-4 auction, the Secretary of State may direct the Delivery Body for the purposes of capacity market rules about prequalification—

- (a) to treat a person who applies to prequalify for that capacity auction, and who is not a permitted person within the meaning given in the Rules, as if that person were a permitted person;
- (b) to treat a CMU in respect of which a prequalification application is made, and which is not within a generating technology class specified in capacity market rules, as if that CMU were within such generating technology class as the Secretary of State directs for the purpose of determining its de-rated capacity.

(4) The Delivery Body must comply with a direction under paragraph (3).

(5) This paragraph applies in relation to an existing generating CMU which is awarded a capacity obligation in the first T-4 auction, if the capacity provider—

- (a) is required under capacity market rules to provide TEC confirmation in respect of the CMU; and
- (b) did not provide such confirmation with its prequalification application.

(6) Where paragraph (5) applies—

- (a) regulation 60 has effect as if paragraph (1) of that regulation included the following additional sub-paragraph—

“(i) where CMU i is a CMU to which regulation 87(5) applies, A has provided TEC confirmation, within the meaning given in regulation 87(8), in respect of CMU i.”; and

- (b) regulation 61 has effect as if—

- (i) paragraph (1) of that regulation included the following additional sub-paragraph—
 - “(d) where CMU i is a CMU to which regulation 87(5) applies, the credit obligation period has not ended by the date 18 months before the date on which the delivery period of A’s capacity agreement in respect of CMU i commences.”; and
- (ii) in paragraph (2), for “under sub-paragraph (a) or (b)” there were substituted “under sub-paragraph (a), (b) or (d)”.

(7) Regulation 69(5) does not apply in relation to the reconsideration of a prequalification decision for the first T-4 auction.

(8) In this regulation, “TEC confirmation”, in relation to a CMU, means confirmation in accordance with capacity market rules that a grid connection agreement has been entered into which secures transmission entry capacity, within the meaning given in the Grid Code as it was in force on 1st April 2014, for all relevant delivery years for the generating units comprised in that CMU.

Repeal

88. Section 47ZA of EA 1989(1) is repealed.