Harmonised

Other System Charges

2012-2013

Recommendations Paper

20th June 2012

EIRGRID

SONI
System Operator for Northern Ireland

EXECUTIVE SUMMARY

For the upcoming tariff period running from the 1st October 2012 to the 30th September 2013, the Transmission System Operators (TSOs) published a consultation paper on 18th April 2011 outlining a number of proposals. Comments were received from ten (10) respondents on this consultation paper and having reviewed the responses the TSOs are now making a number of recommendations to the Regulatory Authorities (RAs) based on these comments.

1. The Short Notice Re-Declaration (SND) charges are proposed to remain the same for the 2012/ 2013 tariff year.
2. The TSOs would like to discourage generators which cause a secondary trip, by applying a double trip charge for a unit which drops output during a trip event window for trips of 100 MW and greater. Given the significant feedback from generators, the TSOs are proposing not to impose the double charge at this time but instead to publish details of all trip events including those where a secondary trip has occurred and publish the outcome of any Grid Code[1] investigation. The TSOs will continue to monitor these events over the coming year.
3. A number of comments have been received from Service Providers over the last year whereby it has been argued that the use of the *Minimum Generation or Minimum Load* clause from the Grid Code is too onerous for generating units which have a lower generation/minimum load than the Grid Code requirement. The TSOs therefore propose to include a new parameter in the Generator Performance Incentive (GPI) calculation that uses a 'Contracted Minimum Load/Generation' and reflects the capability of the unit as declared in Electronic Dispatch Instruction Logger (EDIL). This is the value that will be used in the calculation of the Required Loading Rate.
4. The GPI charge for Secondary Fuel declarations is proposed to be delayed for a further year pending completion of the necessary legislative changes in Northern Ireland in respect of the Fuel Security Code. The design of this GPI will be proposed in the consultation paper for next tariff year.
5. As part of DS3[2], OSC for wind farms and other Users as defined in the Grid Code are being investigated and a future OSC consultation may propose implementation of OSC charges to these Users.
6. OSC monies, as of July 2011, have been transferred to the Imperfections account being administered by the Single Electricity Market Operator (SEMO). OSC monies are published on the TSOs websites and total tariff year monies are published in addition. The SEM Imperfections Consultation paper for 2012-2013 will contain a forecast of OSC monies received from SNDs, Trips and GPIs for the year 2011-2012 which will be used to offset Dispatch Balancing Costs during this tariff year.

There are no changes to the OSC Rates and Constants for tariff period 2012/2013 other than those previously identified. The decision to change the methodology to calculate the exchange rate, to align with the SEM methodology, was approved in 2011-2012 RAs decision. The same methodology will be used this year, the final exchange rate used for the HAS will be based on the 5-day average

[1] OC10 of the Grid Code in Ireland and OC11 in Grid Code for Northern Ireland
[2] DS3 is a programme

rate for the period 27 August 2012 to 31 August 2012 i.e. one month before the start of the 2012/2013 tariff year. Note that for SEM the rate is calculated for the period 26 November 2012 to 30 November 2012 for the 2013 calendar year, therefore the HAS exchange rate and the SEM rate will differ.

The TSOs welcome the high number of responses to the consultation and will be in discussions with each of the respondents over the coming months.

Abbreviations

AS	Ancillary Services
DBC	Dispatch Balancing Costs
DETI	Department of Enterprise, Trade & Investment
GPI	Generator Performance Incentive
HAS	Harmonised Ancillary Services
NI	Northern Ireland
NI FSC	Northern Ireland Fuel Security Code
OSC	Other System Charges
RA	Regulatory Authorities
SCADA	Supervisory Control and Data Acquisition
SEM	Single Electricity Market
SEMO	Single Electricity Market Operator
TSC	Trading and Settlement Code
TSO	Transmission System Operator

1. INTRODUCTION

The purpose of this paper is to make recommendations to the Regulatory Authorities (RAs) in Ireland and Northern Ireland, based on responses received by the Transmission System Operators (TSOs) on the Harmonised Other System Charges Consultation paper[3] for the RAs approval. The TSOs consult on an annual basis regarding changes to the OSC rates and the introduction of any new OSC. On the 3rd April 2012 the TSOs in Ireland and Northern Ireland published the annual consultation paper for the tariff year 1st October 2012 to 30th September 2013.

The OSC consultation paper proposed to keep the current OSC rates for Trips, and GPIs. The TSOs received responses from the following parties:

Party	Abbreviation
AES Kilroot Power Ltd & AES Ballylumford Ltd	AES
Bord Gáis Energy	BGE
Bord na Mona	BNM
Endesa Ireland	Endesa
Energia	Energia
ESB Power Generation	ESB PG
National Electricity Association of Ireland	NEAI
NIE Energy Limited Power Procurement Business	PPB
Synergen	Synergen
Tynagh	Tynagh

One confidential response was also received to this consultation paper. The responses which were not marked confidential can be found attached to this recommendations paper. The TSOs welcome the high number of responses to the consultation and will be in discussions with each of the respondents over the coming months.

3 "Harmonised Other System Charges; Consultation" 3rd April 2012, available at www.soni.ltd.uk and www.EirGrid.com

2. OTHER SYSTEM CHARGES CONSULTATION

2.1. PROPOSED OSC DEVELOPMENTS

2.1.1. SHORT NOTICE RE-DECLARATIONS

2.1.1.1. Introduction

Short Notice Declarations (SND's) are made by generators to reflect the change in availability of committed plant or unscheduled outage of dispatched plant. The SND charges are intended to incentivise behaviour that enhances system security and reduces dispatch balancing costs by providing the TSOs with notice to re-dispatch plant at least cost. There were significant SND charges levied on generating units during the 2010-2011 tariff year which were more pronounced during the very cold snap in the winter of 2010. In October 2011, the SND charge was increased from €40/MWh to €70/MWh during 2011-2012 tariff year as approved in the 2010 RA decision. The TSOs believe that the charge is appropriate and would not propose to change the tariff for this upcoming tariff year.

2.1.1.2. Respondents' Comments

Five comments were received (BNM, Endesa, ESB PG, Synergen and One confidential) in relation to Short Notice Re-declarations.

One respondent (BNM) noted the TSO's preference to not adjust the charge for the 2012/13 Tariff Year.

One respondent (Endesa) believe an SND penalty of €70/MWh is excessive and request publication of an analysis of the formula and empirical basis for the charge.

One respondent (ESB PG) believes the charge should be reduced to €40/MW as it was previously and believe the previous increase did not improve performance and served instead as a means of revenue generation.

One respondent (Synergen) agrees that there is no requirement to increase the SND penalty for the 2012/13 Tariff Year.

One confidential respondent believes the current SND charging regime is overly punitive on two-shifting plant.

2.1.1.3. TSOs' Response

The TSOs regards the SND charge as appropriate in respect of the impact a unit that is suddenly unavailable has on the power system and constraints costs.

2.1.1.4. TSOs' Recommendations

The TSOs do not recommend changes to the SND charge.

2.1.2. TRIP CHARGE

2.1.2.1. Introduction

Trip charges are where plant unexpectedly drops load off the system and the TSOs have to dispatch on plant to deal with the loss of generation. There were six events during the tariff year 2010-2011 where, following a large drop in load, another unit dropped significant load, causing a further reduction in frequency. These events, which were avoidable, are of serious concern and thus the TSOs would like to incentivise generators to prevent such an event or trend to continue by increasing the trip penalty for the unit which causes a secondary trip. Table 2.1 below shows the units and the amount tripped.

Event	Date	Initial Trip - MWs Lost	Secondary Trip - MWs Lost
1	27/11/2010	404	307
2	26/12/2010	107	137
3	02/01/2011	134	303
4	13/01/2011	241	243
5	05/09/2011	363	100
6	09/10/2011[4]	341	136

Table 2.1: Secondary Trip Events during Tariff Year 2010-2011

The TSOs would like to discourage generators which trip following an initial trip by applying a double trip charge for a unit which drops output during a trip event window i.e. from the initial trip to 20mins to when the power system would return to a full reserve position. For example the trip charge rate would increase from €4000/MW to €8000/MW for a direct trip event of a unit which fails to maintain its output. This secondary trip charge would be considered applicable in the case of events where failure to provide contracted reserve failure is liable. Participants are thus requested to provide their views on the proposal as set out in the Table 2.2 below.

[4] This event is marginally outside of the 2010-2011 tariff year.

Charge Rate	Initial Trip Charge €/MW	Secondary Trip Charge €/MW
Direct Trip Charge Rate	4,000	8,000
Fast Wind Down Charge Rate	3,000	6,000
Slow Wind Down Charge Rate	2,000	4,000

Table 2.2: Proposed Trip Charges for Initial Trip and Secondary Trip

2.1.2.2. Respondents' Comments

Ten comments were received (AES, BGE, BNM, Endesa, ESB PG, NEAI, PPB, Synergen, Tynagh and One confidential) in relation to Trip Charge.

Ten respondents (AES, BGE, BNM, Endesa, ESB PG, NEAI, PPB, Synergen, Tynagh and one confidential) contend the proposed Secondary Trip Charge believing it is unnecessary and inappropriate.

Seven respondents (AES, BGE, Endesa, ESB PG, NEAI, PPB, Tynagh) believe it is difficult to determine the causality of a secondary trip and note that a secondary trip could be completely unrelated to the original fault.

Two respondents (AES, PPB) are concerned that units with common mode failures have not been taken into account.

One respondent (AES) have provided an option that the TSOs publish an event list and instigate an appropriate investigation under Grid Code, making available a summary of their findings.

Three respondents (BGE, Endesa, PPB) believe the need for this penalty has not been adequately demonstrated and is not supported by adequate analysis in relation to the actual costs incurred by a SO's.

One respondent (BNM) notes a 'typo' as the trip charges units of €/MWhr.

Three respondents (BNM, Endesa, Synergen) have concerns that the choice of 20 minutes as a trip event window has not been explained.

One respondent (BNM) have requested clarification that should a secondary trip charge be introduced, the existing 'trip threshold' of 100 MW remains for all 'classifications' of trips.

One respondent (Endesa) requests clarification as to the treatment of a partial trip of under 100MW.

One respondent (PPB) believe that any changes to the commercial arrangements should be by bi-lateral agreements.

2.1.2.3. TSOs' Response

The TSOs welcome the number of comments received in respect of this proposal and is not surprised with the negative response to the proposal from generators. There were a number of comments in

respect of whether the secondary tripping events listed could be clearly attributed to the original tripping event. Also the doubling of the trip charge is proposed to be applied to the secondary tripping only. The TSOs can clearly state that all cases the generator which caused the secondary tripping provided an explanation which linked directly to the rise or fall in frequency caused by the original trip. The TSOs can also clarify that the 100 MW trip threshold is unchanged by the proposal to increase the trip penalty for secondary tripping.

The TSOs were particularly interested in alternative options to the proposal to increase the charge. One respondent did provide an option to publish the tripping event details. The TSOs consider that there is merit in this proposal and believe that should the charge for secondary tripping remain unchanged then the TSOs would seek to publish details of all tripping events and the response (as a % of their expected response) provided by all units on load at the time of the trip.

2.1.2.4. TSOs' Recommendations

The TSOs recognise the significant charge that already exists for tripping however the TSOs are concerned that preventative steps are not being taken by stations which cause the secondary trip. The TSO is thus recommending that all tripping events be published on an all-island basis showing the response of the units which are on load at the time of the trip. The TSOs are not proposing to increase the trip charge for secondary tripping at this time and will continue to monitor tripping instances over the coming year.

2.1.3. LATE SYNCHRONISATION CHARGE

2.1.3.1. Introduction

Modifications to the joint sections of the Northern Ireland and Ireland Grid Codes in respect of late synchronisation windows were discussed at the February 2012 meeting of the Joint Grid Code Panel[5]. At this meeting it was agreed that the modification should be consulted upon and the consultation paper would set out the modification proposal to change the late synchronisation window from 55mins to 15mins. Following the completion of this consultation process, it is proposed that the tariff year consultation for 2013-2014 would reflect the RAs decision in respect of this consultation.

2.1.3.2. Respondents' Comments

Five comments were received (BNM, Endesa, ESB PG and Synergen and one confidential) in relation to Late Synchronisation charge.

Three respondents (BNM, Endesa, Synergen) note that the consultation on reducing the Late Synchronisation Window from 55 minutes to 15 minutes will be the subject of an upcoming consultation and that no changes are proposed to the 2012-13 tariff year.

[5] www.eirgrid.com and www.soni.ltd.uk

One respondent (ESB PG) strongly oppose proposal to change the late synchronisation window from 55 minutes to 15 minutes.

One confidential respondent strongly support a proposed modification for tariff year 2013-2014.

2.1.3.3. TSOs' Response

The TSOs acknowledge the responses received however as there is a Grid Code consultation in progress in respect of the failure to synchronise window, no change to the late synchronisation design can be recommended at present. The TSOs will await the outcome of this consultation and will reflect the outcome in the 2013-2014 OSC consultation paper.

2.1.3.4. TSOs' Recommendations

The TSOs do not recommend any changes to the late synchronisation charge.

2.1.4. GPI LOADING RATE

2.1.4.1. Introduction

A number of comments have been received from service providers in Ireland over the last year whereby it has been argued that the use of the *Minimum Load* clause from the Grid Code is too onerous for generating units which have a lower minimum load than the Irish Grid Code requirement. The TSOs therefore propose to use the parameter called 'Contracted *Minimum Generation or Minimum Load'* in the Schedule to the Ancillary Services Agreement in the GPI Loading Rate Calculation. This is the value that will be used in the calculation of the Required Loading Rate for those units in Ireland which have a Minimum Load which is less than the Irish Grid Code Requirement. In Northern Ireland, the Grid Code Minimum Load values are unit specific and thus is unaffected by this change.

For example a CCGT has a registered capacity of 250MW, has a minimum load of 125MW however it declares a lower minimum generation of 100MW. Currently the required loading rate, when hot, is calculated as 125MW/40mins = 3MW/min. The proposed refined loading rate would now be 100MW/40mins = 2.5MW/min.

It is proposed that the de-loading rate will also be calculated using this methodology.

2.1.4.2. Respondents' Comments

Four comments were received (BNM, Endesa, Synergen and one confidential) in relation to GPI Loading Rate.

Two respondents (BNM, Synergen) note the proposed GPI loading rate calculation.

One respondent (Endesa) supports the principle and propose that the lower of either the Minimum Stable Generation declared in EDIL or the Grid Code level be used for this purpose and also do not agree that the AS agreements should be modified with a new Minimum Generation figure.

One confidential respondent strongly supports the proposed revisions to the Loading Rate GPI calculation.

2.1.4.3. TSOs' Response

The TSOs would like to clarify that the Contracted Minimum Load reflects what the unit is declaring in EDIL. The TSOs welcome participant's response to use a contracted Minimum Generation where there is an improvement over the Grid Code minimum standard.

2.1.4.4. TSOs' Recommendations

The TSOs recommend that where an AS provider has a Minimum Generation which is less than Grid Code, then this figure is contracted for and used in the Loading Rate GPI and the Minimum Generation GPI calculation.

2.2. NEW OTHER SYSTEM CHARGES(OSC)

2.2.1. SECONDARY FUEL GPI

2.2.1.1. Introduction

In the 2010/2011 OSC consultation paper[6] the TSOs proposed that future potential GPIs may be introduced to address gaps in the performance of generating units. In the 2011/2012 tariff year, the TSOs proposed a new GPI relating to a generating unit's declared secondary fuel capability. The TSOs understand that the Fuel Security Code in Northern Ireland has advanced but is not at the stage yet where a GPI can be applied to all units on the island. Should this GPI be introduced, the TSOs are proposing a rate for the Secondary Fuel GPI of €0.12 / MWh which is consistent with the declared reserve GPIs.

The TSOs still believe there is merit in proposing that a declaration based GPI should be introduced to quantify the availability of a generating unit to operate on its secondary fuel as the TSOs have observed a gap in the level of compliance of some generating units. This is essential to ensure the continued security of supply on an all-island basis and that generating units are in compliance with the Grid Code in Ireland and Fuel Security Code in Northern Ireland.

It is therefore proposed that the GPI for Secondary Fuel will not be introduced in this Tariff Year 2012-2013.

2.2.1.2. Respondents' Comments

Three comments were received (BNM, Endesa and ESB PG) in relation to Secondary Fuel GPI.

One respondent (BNM) notes that the GPI for Secondary fuel will not be introduced in tariff year 2012 – 2013.

One respondent (Endesa) state that there is no mechanism for generators to recover costs for holding secondary fuel or regulatory minimum levels of primary fuel and it is not appropriate that penalties are imposed on generators for not holding the required minimum stocks.

(Endesa) encourage the RA's to transfer the responsibility of fuel holdings from generators to The National Oil Reserves Agency (NORA) and requests that a mechanism is developed to allow generators to recover the associated costs until this is possible.

One respondent (ESB PG) states that if the design of the proposed secondary fuel GPI is as described in the previous OSC paper (2011) then they do not support its inclusion.

(ESB PG) notes that further information had been anticipated and has not been provided in this paper. They feel it is important that the design of the penalty is revisited and consulted on.

6 Harmonised Other System Charges 2010/2011; Consultation Paper; 9th July 2010

2.2.1.3. TSOs' Response

The TSOs can clarify that the design of this GPI will be consulted upon again once the legislative arrangements have been addressed.

2.2.1.4. TSOs' Recommendations

The TSOs do not recommend this GPI for this tariff year.

2.2.2. FUTURE DEVELOPMENTS FOR OSC

2.2.2.1. Introduction

Under the Performance Monitoring work stream for DS3, future developments for OSC are being considered. There are two key areas for consideration:

1. Where non-compliance trend is found and a GPI is considered worthwhile;
2. Implementation of OSC for Wind Farms and other Users as defined under the Grid Codes

The TSOs will consider the merits of these areas and expect to propose changes as part of the future annual consultations on OSC.

2.2.2.2. Respondents' Comments

Three comments were received (BNM, ESB PG and one confidential) in relation to Future Developments for OSC.

One respondent (BNM) agrees with the fundamental principle that future developments for OSCs should be kept under review.

One respondent (ESB PG) believe that the calculation of the minimum generation GPI should be revisited to account for the effect of ambient conditions on plant.

2.2.2.3. TSOs' Response

The TSOs are constantly reviewing the effectiveness of the GPIs, Trips and SND charges and expect to bring forward changes to OSC in future years. The accounting for ambient conditions will be considered as part of this analysis.

2.2.2.4. TSOs' Recommendations

There are no recommendations proposed.

PROPOSED RATES

2.2.3. TRIP CHARGES

2.2.3.1. Introduction

The following tables propose the Trip Charges and Constants for the 2012/2013 tariff year. As seen in Table 4.1 and Table 4.2 there is no change to the proposed charges compared with the previous tariff year.

	2009-2010	2010-2011	2011-2012	2012-2013
Direct Trip Rate of MW Loss	15 MW/s	15 MW/s	15 MW/s	15 MW/s
Fast Wind Down Rate of MW Loss	3 MW/s	3 MW/s	3 MW/s	3 MW/s
Slow Wind Down Rate of MW Loss	1 MW/s	1 MW/s	1 MW/s	1 MW/s
Direct Trip Constant	0.01	0.01	0.01	0.01
Fast Wind Down Constant	0.009	0.009	0.009	0.009
Slow Wind Down Constant	0.008	0.008	0.008	0.008
Trip MW Loss Threshold	100 MW	100 MW	100 MW	100 MW

Table 4.1: Proposed Trip Constants 2012-2013

Charge	2009-2010	2010-2011	2011-2012	2012-2013
Direct Trip Charge Rate	€4,000	€4,000	€4,000	€4,000
Fast Wind Down Charge Rate	€3,000	€3,000	€3,000	€3,000
Slow Wind Down Charge Rate	€2,000	€2,000	€2,000	€2,000

Table 4.2: Proposed Trip Rates 2012-2013

2.2.3.2. Respondents' Comments

One comment was received on this section (Synergen).

One respondent (Synergen) agrees with the proposed rates set out in Section 4.1 of the consultation paper, with the exception of the Secondary Trip charge.

2.2.3.3. TSOs' Response

The TSOs note the respondent's views on the secondary trip charge.

2.2.3.4. TSOs' Recommendations

The TSOs are recommending the rates as shown above in tables 4.1 and 4.2.

3.3.2. PROPOSED SHORT NOTICE DECLARATION (SND) CHARGES

3.3.2.1. Introduction

The following tables propose the SND Charges and Constants for the 2012/2013 tariff year. As seen in Table 4.3 and 4.4 there is no change to the proposed constants and charges compared with the 2010/2011 and 2011-2012 tariff years. .

SND Constants	2009-2010	2010-2011	2011-2012	2012-2013
SND Time Minimum	5 min	5 min	5 min	5 min
SND Time Medium	20 min	20 min	20 min	20 min
SND Time Zero	480 min	480 min	480 min	480 min
SND Powering Factor (Notice time weighting curve)	-0.3	-0.3	-0.3	-0.3
SND Threshold	15 MW	15 MW	15 MW	15 MW
Time Window for Chargeable SNDs	60 min	60 min	60 min	60 min

Table 4.3: Proposed SND Constants

SND Charge Rate	2009-2010	2010-2011	2011-2012	2012-2013
SND Charge Rate	€ 20 / MW	€ 40 / MW	€70/MW	€70/MW

Table 4.4 Proposed SND Charge Rate

3.3.2.2. Respondents' Comments

One comment was received on this section (Synergen).

One respondent (Synergen) Agrees with the proposed rates set out in the consultation paper.

3.3.2.3. **TSOs Response**

The TSOs note the respondent's views.

3.3.2.4. TSOs' Recommendations

The TSOs are recommending the rates as shown above in Tables 4.3 and 4.4

3.3.3. PROPOSED GPI CHARGES

3.3.3.1. Introduction

The proposed GPI Constants, GPI Declaration Based Charges and GPI Event Based Charges for the 2012/2013 tariff year are outlined in Table 4.5, Table 4.6 and Table 4.7 respectively. The TSOs are proposing to make no change to the rates for 2012-2013.

GPI Constants	2009-2010	2010-2011	2011-2012	2012-2013
Late Declaration Notice Time	480 min	480 min	480 min	480 min
Loading Rate Factor 1	60 min	60 min	60 min	60 min
Loading Rate Factor 2	24	24	24	24
Loading Rate Tolerance	110%	110%	110%	110%
De-Loading Rate Factor 1	60 min	60 min	60 min	60 min
De-Loading Rate Factor 2	24	24	24	24
De-Loading Rate Tolerance	110%	110%	110%	110%
Early Synchronous Tolerance	15 min	15 min	15 min	15 min
Early Synchronous Factor	60 min	60 min	60 min	60 min
Late Synchronous Tolerance	5 min	5 min	5 min	5 min
Late Synchronous Factor	55 min	55 min	55 min	55 min

Table 4.5: Proposed GPI Constants

	2009-2010	2010-2011	2011-2012	2012-2013
GPI Declaration Based Rates	€/MWh	€/MWh	€/MWh	€/MWh
Minimum Generation	1.18	1.18	1.18	1.18
Max Starts in 24 hour period	0.29	0.6	1.00	1.00
Minimum On time	0.29	0.6	1.00	1.00
Reactive Power Leading	0.29	0.29	0.29	0.29
Reactive Power Lagging	0.29	0.29	0.29	0.29
Governor Droop	0.29	0.29	0.29	0.29
Primary Operating Reserve	0.12	0.12	0.12	0.12
Secondary Operating Reserve	0.12	0.12	0.12	0.12
Tertiary Operating Reserve 1	0.12	0.12	0.12	0.12
Tertiary Operating Reserve 2	0.12	0.12	0.12	0.12
Secondary Fuel	NA	NA	0.12	0.12

Table 4.6: Proposed GPI Declaration Based Charge Rates

	2009-2010	2010-2011	2011-2012	2012-2013
GPI Event Based Rates	€/MWh	€/MWh	€/MWh	€/MWh
Loading Rate	0.59	0.59	0.59	0.59
De-Loading Rate	0.59	0.59	0.59	0.59
Early Synchronisation	2.65	2.65	2.65	2.65
Late Synchronisation	26.47	26.47	26.47	26.47

Table 4.7: Proposed GPI Event Based Charge Rates

3.3.3.2. Respondents' Comments

No direct comments from any of the respondents were provided in relation to the proposed GPI charges other than specific comments which were discussed previously in this paper.

3.3.3.3. TSOs Response

3.3.3.4. The TSOs note the respondent's views.

3.3.3.5. TSOs' Recommendations

The TSOs are recommending the rates as shown above in Tables 4.5, 4.6 and 4.7

5. NEXT STEPS

The RAs will advise the TSOs whether they accept the TSOs recommendations outlined in this paper. The TSOs will then update the Statement of Payments and Charges to reflect the rates and constants for the 2012-2013 tariff year. The TSOs will also be in discussions with each of the respondents in due course.