



INTRADAY CAPACITY ALLOCATION RULES

for the

AUSTRIAN – SWISS BIDDING ZONE BORDER

VERSION 1.1



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|--|-----------|
| Section I. Introduction | 4 |
| Article 1.01 General context..... | 4 |
| Article 1.02 Capacity Allocation Procedures..... | 4 |
| Article 1.03 Legal qualification of Capacity awarding pursuant to an Intraday Allocation | 4 |
| Section II. General | 4 |
| Article 2.01 Definitions | 4 |
| Article 2.02 Intraday Allocations..... | 6 |
| Article 2.03 Initial quantities available for Intraday Allocation | 6 |
| Article 2.04 Valuation of allocated Capacities on an Intraday basis..... | 6 |
| Article 2.05 Basis on which Intraday Capacity is offered | 7 |
| Article 2.06 Firmness of PTROs and Guarantee of Nominations..... | 7 |
| Article 2.07 Transparency | 7 |
| Section III. Participation requirements | 8 |
| Article 3.01 Requirements for participating in the Intraday Capacity Allocation | 8 |
| Article 3.02 Technical registration process..... | 8 |
| Article 3.03 Suspension, withdrawal and termination of the Market Participant’s participation by the TSOs..... | 8 |
| Article 3.04 Suspension, withdrawal and termination of Market Participant’s participation by the Market Participant..... | 9 |
| Section IV. Intraday Allocation process | 10 |
| Article 4.01 Capacity calculation | 10 |
| Article 4.02 Capacity Request and Capacity Allocation | 10 |
| Article 4.03 Case of daylight saving time..... | 10 |
| Article 4.04 Unavailability / cancellation of Intraday Allocation | 10 |
| Section V. Capacity Usage Rules | 12 |
| Article 5.01 Usage of Intraday PTROs | 12 |
| Section VI. Miscellaneous | 13 |
| Article 6.01 Information / notices..... | 13 |
| Article 6.02 Limitation of Liability | 13 |
| Article 6.03 Confidentiality..... | 13 |
| Article 6.04 Severability | 13 |
| Article 6.05 Applicable law, disputes and language..... | 13 |
| Article 6.06 Force majeure | 14 |
| Article 6.07 Amendment of Rules..... | 14 |
| Appendix 1 | 15 |
| Appendix 2 | 17 |



Section I. Introduction

Article 1.01 General context

These Rules contain the terms and conditions for the allocation of Intraday Capacity between the bidding zones of Austria and Switzerland which is jointly offered for both directions in form of Physical Transmission Rights Obligations (PTROs) by the Austrian and Swiss Transmission System Operators (TSOs), respectively Austrian Power Grid AG (APG) and Swissgrid AG (Swissgrid). APG and Swissgrid act as Allocation Operators, in this context.

These Rules describe (among other aspects) the requirements that Market Participants must fulfil in order to be able to participate in Intraday Allocations, the awarding of PTROs as a result of Intraday Allocation, and the utilization of allocated Capacity.

The present Rules enter into force on 23. September 2020 and are valid for an unlimited period unless amended by the TSOs.

Article 1.02 Capacity Allocation Procedures

The Intraday Capacity is allocated in the form of PTROs. PTROs Holders are obliged to use their PTROs to the full amount.

The Intraday Allocation is conducted through a Capacity Allocation Platform (CAP) according to the First Come – First Served Principle in accordance with Section IV. Moreover, this Capacity Allocation Platform enables non-discriminatory connection of Market Participants intending to allocate Intraday Capacity between Austria and Switzerland. The Market Participant obtains PTROs which are subject to mandatory Nomination.

All relevant information is made available on the websites of the Allocation Operators according to Article 2.07.

Article 1.03 Legal qualification of Capacity awarding pursuant to an Intraday Allocation

The PTRO Allocation concerns only Capacity between the bidding-zone borders. The Intraday Allocation and awarding of PTROs oblige the Market Participant to use Intraday Capacity. PTRO Holders can invoke vis-à-vis the TSOs no other right than that the Allocated Capacity is made available to them subject to the provisions in these Rules. At the same time the Rules set forth the terms and conditions for Market Participants to acquire PTROs.

Section II. General

Article 2.01 Definitions

In these Rules (including any Annexes, Appendices, Attachments and Forms) the terms beginning with a capital letter and defined below (where appropriate in plural) shall have the meanings specified in this Article 2.01 (unless the context requires otherwise).



Allocation Operator: both APG and Swissgrid are referred to as Allocation Operators. APG and Swissgrid operate the Intraday Allocation, respectively for the direction Austria to Switzerland and Switzerland to Austria.

APG (“Austrian Power Grid AG”) with registered office at Wagramer Straße 19, IZD Tower, 1220 Wien, Austria, the Austrian Transmission System Operator and Allocation Operator according to these Rules.

Balance Group Contract:

- a. the agreement between a Market Participant on the one hand and Swissgrid on the other hand and which any participant who has signed a participation agreement has to comply with. The relevant documents are available on www.swissgrid.ch/en/home/customers/topics/legal-system.html#balance-groups.
- b. the Market Participant has to be recognized by the Austrian regulatory authority as representative of a balance group

Bidding Zone Border Capacity or Capacity: cross-border electricity transfer capacity on the Bidding Zone Border between Austria and Switzerland.

Capacity Allocation Platform (CAP): means an internet-based platform to perform the Intraday Allocation functionally operated by the Allocation Operators. It can be accessed on the following website: <https://www.intraday-capacity.com>.

Day of Delivery: the day for which the PTRO is obtained in an Allocation.

Emergency Situation: a situation where the Transmission System Operator must act in an expeditious manner and redispatching or countertrading is not possible.

Explicit Allocation or Allocate Explicitly: refers to the Allocation process to allocate Capacity only, without the energy transfer.

First Come – First Served Principle: Allocation method whereby the Requests of Market Participants, until Gate Closure Time, are served exclusively according to the time of the Request reception.

GUI: Graphical User Interface of the CAP.

Intraday Allocation: the process by which PTROs are attributed to Market Participants via the CAP in response to a Request sent by a Market Participant on an Intraday basis.

Market Participant: a legal person, which participates, intends to participate or has participated in a PTRO Allocation by submitting one or more Requests and which has been registered for that purpose in accordance with the procedures and requirements set forth in Article 3.01 of these Rules.

Market Time Unit (MTU) (or 15 Minutes): The smallest unit of time for which an Allocation of Capacity can be made.



Nomination: the submission of external commercial trade schedule to Swissgrid and APG by a Market Participant according to the Rules set out by the respective TSO. The values of the schedule shall be equal to the PTROs awarded to him.

Party: designated TSO, Allocation Operator or Market Participant.

Physical Transmission Right (PTR): Standard PTRs are the right to use Capacity allocated to a Market Participant expressed in MW.

PTR Obligations (PTROs): refer to the obligation to use Capacity allocated to a Market Participant, in its full amount expressed in MW. Intraday Capacity is only allocated in the form of PTROs.

PTRO Holder: the legal entity (Market Participant), which has obtained PTROs in the Allocation.

Request (or Capacity Request): the request sent by a Market Participant to acquire PTROs through Intraday Allocation.

Rules: these Intraday Capacity Allocation Rules for the Austrian – Swiss Bidding Zone Border.

Statement of Acceptance (SOA): the declaration by which a legal entity undertakes to comply with the terms and conditions contained in the Rules. The standard declaration form can be found in Appendix 1.

Swissgrid (Swissgrid AG): Swissgrid with registered office at Bleichemattstr 31, 5001 Aarau, Switzerland and commercial register number CH-400.3.026.187-4 – the Swiss Transmission System Operator and Allocation Operator according to these Rules.

Transmission System Operators (TSOs): the Transmission System Operators Swissgrid AG (“Swissgrid”) and Austrian Power Grid AG (“APG”).

Article 2.02 Intraday Allocations

Intraday Allocations are implemented for both directions of the Austrian-Swiss bidding zone border, in accordance with Section IV.

Article 2.03 Initial quantities available for Intraday Allocation

Intraday Capacity between the bidding zones of Austria and Switzerland is made available to Market Participants in Intraday Allocations if this is consistent with a safe operation of the power system. The Capacity made available for the Intraday Allocation takes into account the netted values of the nominated yearly, monthly and daily PTRs.

The conditions under which the available Intraday Capacity is published and updated during the Intraday Allocation are further detailed in Article 4.01.

Article 2.04 Valuation of allocated Capacities on an Intraday basis

There is no price set for the Intraday Capacity.



Article 2.05 Basis on which Intraday Capacity is offered

- (1) Intraday Capacity is offered in units of 0.001 MW.
- (2) Intraday Capacity is offered with a time resolution of 15 (fifteen) minutes (= MTU).
- (3) PTRO holders are obliged to use the PTROs obtained in their totality as further described under Section V.

Article 2.06 Firmness of PTROs and Guarantee of Nominations

PTROs and the resulting Nominations as defined in Article 5.01 are firm except in case of Emergency Situation or for circumstances that constitute force majeure as defined under Article 6.06.

Article 2.07 Transparency

The following information regarding the Intraday Allocations is made available on each Allocation Operator website directly or by reference:

- a. these Rules, and any alterations thereof;
- b. announcements pursuant to these Rules;
- c. information on the Intraday Allocation process;
- d. names, telephone number(s) e-mail address(es) of contact persons of the Allocation Operators;
- e. initial Intraday Capacity available before the opening of the Intraday Allocation process;
- f. allocation results;
- g. other relevant information.



Section III. Participation requirements

Article 3.01 Requirements for participating in the Intraday Capacity Allocation

In order to participate in the Intraday Allocation a Market Participant:

- a. must have entered into a balancing agreement (Balance Group Contract) in Switzerland with Swissgrid and
- b. must have a valid Balance Group Contract in Austria.
- c. must register at Swissgrid via mail submitting a completed Statement Of Acceptance (SOA) form (Appendix 1) confirming the compliance with the above mentioned requirements and the acceptance of these Rules. This SOA is specific to these Rules and applies only to the participation in the Intraday Allocation on Austrian-Swiss border.

Once the Market Participant has been successfully registered, the Market Participants is obliged to inform as soon as reasonably possible the Allocation Operators of any changes that could affect the proper execution of the present Rules.

Article 3.02 Technical registration process

The Market Participant has to tick the corresponding checkbox in the Swissgrid customer portal for participating at the Intraday Allocation on Austrian – Swiss border. Afterwards the Market Participant automatically receives these Intraday Capacity Allocation rules including the SOA via e-mail.

Once Swissgrid receives the SOA from a Market Participant as mentioned in Article 3.01 it will coordinate and verify the corresponding information with APG. If the verification is successful, Swissgrid will authorize the Market Participant to participate in the Intraday Allocation on the Austrian-Swiss bidding zone border. Usually the Market Participant can receive access on the CAP for the Austrian-Swiss border within 15 working days after Swissgrid receives the SOA. Swissgrid will send the Market Participant an e-mail with the exact activation date.

In case of problems with the CAP (for instance the loss of login/password or blocking of the account), the Market Participant shall contact the hotline hosted by Swissgrid (contact details available in Appendix 2).

Article 3.03 Suspension, withdrawal and termination of the Market Participant's participation by the TSOs

(1) At all times, Market Participants must refrain from any action or behavior which adversely affects or threatens to adversely affect competition in the Request proceedings or which aims at gaming or which in any other way disrupts or threatens to disrupt the Intraday Allocation proceedings, or the transparency, cost-effectiveness or fairness thereof.

This includes every type of behavior that leads to a systematic blocking of Capacity for other Market Participants. Blocking can mean, for example, but not limited to, the repeated Requests by the same Market Participant in one direction followed by the corresponding allocation of Capacity but without effectively using the allocated Capacity, and instead performing a Request of Capacity followed by the corresponding allocation for the same delivery time in the other direction. For further details Market Participants can refer to the GUIDANCE NOTE (1/2018) ON THE APPLICATION OF ARTICLE 5 OF REMIT ON THE PROHIBITION OF MARKET MANIPULATION TRANSMISSION CAPACITY HOARDING (1st Edition, 22 March 2018).



(2) TSOs will regularly monitor the behavior of Market Participants with regard to acquisition and usage of PTROs. Market Participants who act (or on which behalf it is acted) in violation of the first paragraph will be informed by the TSOs and asked to adapt their behavior. In case Market Participants persist to act (or on which behalf it is acted) in violation of the first paragraph, TSOs will report them to the National Regulatory Authorities for further investigation of potential market abuse.

(3) At all times, Market Participants must refrain from any action or behavior, which could negatively impact the Intraday Capacity allocation by misusing the Capacity Allocation Platform in a way that causes damage to the system or decreases the performance of the system. Market Participants whose actions negatively affect the operation of the platform due to their behavior can be suspended following the procedure described in the following paragraph.

(4) Should the Market Participant in any manner, not fulfil any material obligations of the Rules, then each of the TSOs individually may suspend the Market Participant's participation in the Intraday Allocation, as long as the Market Participant does not prove that he complies with the Rules.

To this end, the TSO(s) should first notify the violation to the Market Participants and give him a reasonable time to remedy this violation. If after this time for remedy the Market Participant still does not comply with the Rules, then the TSO(s) is (are) entitled to suspend the participation of the Market Participant.

The TSO(s) shall then notify in writing to the Market Participant the suspension of its participation.

This notification of suspension indicates:

- the reasons for the suspension of the Market Participant's participation; and
- the date and time of the suspension of the Market Participant's participation.

The TSO(s) shall notify to the Market Participant the end of the suspension and the date of the Intraday Allocation he is going to be allowed to participate to.

The TSO(s) shall also notify the competent regulatory authority(ies) the reason and the date and time of the suspension as well as the date of the Intraday Allocation the Market Participant will be allowed to participate to.

(5) The Market Participant's participation may be definitively withdrawn by any TSO in case:

- the Market Participant (a) declares bankruptcy or (b) is declared bankrupt by a court ruling,
- reception by the TSOs of a decision by a competition or regulatory authority stating that the Market Participant has committed a misusing or fraudulent act with regard to the Allocation of Capacities and request its withdrawal.

Consequently, the SOA is no longer valid.

(6) The SOA of the Market Participant is automatically no longer valid in case of:

- a. The balancing agreement (Balance Group Contract) in Switzerland is suspended and/or terminated; or
- b. The Balance Group Contract in Austria is suspended or terminated.

Article 3.04 Suspension, withdrawal and termination of Market Participant's participation by the Market Participant

A Market Participant may ask to suspend, withdraw or terminate its participation to these Rules by sending to the Allocation Operators a request by written notice. This does not exonerate the Allocation Operators and the Market Participant from their respective financial and other obligations in application of these Rules.



Section IV. Intraday Allocation process

The available Capacity for Intraday Allocation is jointly determined by the TSOs according to this Section.

Article 4.01 Capacity calculation

The available Intraday Capacity in each direction for each MTU for the relevant Day of Delivery is computed on the preceding day (D-1) according to Article 2.03 and published on the CAP no later than 22.00 CE(S)T.

The available Intraday Capacity for a certain MTU is adjusted by the CAP, following each Intraday Allocation for that MTU. The available Intraday Capacity is updated on the CAP after each allocation.

The TSOs may reassess the available Intraday Capacity for each MTU for the Day of Delivery, based on grid security and are entitled to modify the available Intraday Capacity within the day on the CAP if necessary.

Article 4.02 Capacity Request and Capacity Allocation

Intraday Capacity is exclusively allocated through the CAP for both directions of the bidding zone border.

The Market Participant, after gaining access to the CAP, can request Capacity for the MTU of its choice. The Available Intraday Capacity is allocated to Market Participants in accordance with an automatic First Come - First Served Principle. This means that available Intraday Capacity is exclusively allocated according to the reception time of Requests: each Capacity Request receives a timestamp upon receipt by the application server. Two requests cannot receive identical timestamps.

The Market Participant will receive information regarding the Capacity Request from the CAP as soon as the Capacity Allocation has been performed. If the Market Participant's request leads to a successful Allocation on the CAP, it is the Market Participants responsibility to provide their Nomination towards the TSOs in line with the Allocation. See Section V for more information on Nomination.

The CAP will be opened for the submission of Capacity Requests from 22.00 CE(S)T on the day preceding the Day of Delivery (D-1). Capacity Request and Capacity Allocation are possible until one hour before the start of the Delivery of the MTU. The CAP will automatically decline to process Capacity Requests by the Market Participant, which are not submitted in accordance with these Rules.

Article 4.03 Case of daylight saving time

The day on which the time changes from winter time to summer time has 23 hours. As a result, clocks advance from 02:00 CET to 03:00 CEST. On the CAP, this jump is displayed with the hour 01:00-03:00.

The day on which the time changes from summer time to winter time has 25 hours. As a result, the hour 02:00 CEST to 03:00 CET takes place twice for that day and is denoted with an "A" for summer time and with a "B" for winter time, e.g. 02:00A-03:00A or 02:00B-03:00B.

Article 4.04 Unavailability / cancellation of Intraday Allocation

This Article 4.04 only concerns Capacity that has not already been allocated.



Without prejudice to Article 2.06, Allocation Operators may be forced to cancel or interrupt an Intraday Allocation in the event described under Article 4.04 (1) and/or Article 4.04 (2);

(1) Programmed unavailability

Necessary maintenance operations may cause temporary unavailability of the information system or of the Nomination systems of the Allocation Operators or of the CAP. In such cases, the Intraday Allocation may be cancelled for one or more hours.

(2) Not-programmed unavailability

In case of not-programmed unavailability or of technical difficulties in the functioning of the information system or of the Nomination systems of the Allocation Operators or of the CAP, the Intraday Allocation may be cancelled for one or more hours.

(3) Consequences

In case of an unavailability of Intraday Allocation as mentioned under this Article 4.04, the following principles shall apply:

- The Allocation Operators use their best effort to minimize the disturbance caused to Market Participants.
- If the programmed unavailability involves the cancellation of the Intraday Allocation for one or more hours of delivery, Allocation Operators will inform Market Participants with a reasonable period of notice.
- In any such event mentioned under Article 4.04 (1) and (2), the Market Participant has no right to claim compensation for any kind of damage arising out of the aforementioned unavailability.



Section V. Capacity Usage Rules

Article 5.01 Usage of Intraday PTROs

It is the Market Participants responsibility to retrieve the required information from the CAP for the Nomination towards the TSOs. The PTROs received from the Allocation on the CAP as described in Section IV must be used to their full amount (obligation). The Nomination to the TSOs shall be performed as soon as possible after the successful Allocation.

Following Intraday Allocations, Market Participants must send their Nomination to:

- Swissgrid in accordance with the Nomination processes of Swissgrid. The Intraday Nomination instructions of Swissgrid can be found in the Balance Group Contract published on www.swissgrid.ch.
- APG, in accordance with the Nomination rules set out in "Sonstige Marktregeln Strom: Fahrpläne (former Kapitel 3)" (<https://www.e-control.at/bereich-recht/soma-strom>)



Section VI. Miscellaneous

Article 6.01 Information / notices

Any notice given under these Rules is to be in writing and must be addressed to all TSOs at the address as regulated by local market rules. Any question or requests specifically regarding the CAP shall be addressed to Swissgrid at the address mentioned in Appendix 2.

Any notice addressed by any TSO to any Market Participant must be addressed at the Market Participant's address mentioned in Appendix 1.

Article 6.02 Limitation of Liability

The TSOs shall make available Capacity to be allocated through the Intraday Capacity Allocation subject to the technical feasibility to offer the Intraday Allocation and a safe operation of the power system can be secured.

The TSOs are not liable for any possible damage which may occur to the Market Participants within the scope of their participation in the Intraday Capacity Allocation.

Article 6.03 Confidentiality

(1) The TSOs shall treat all information disclosed to each other pursuant to these Rules as confidential and they will refrain from disclosing such information to any third party without the prior consent of the Market Participant concerned.

(2) Paragraph (1) shall not apply to:

- enquiries of regulators, governments and/or other administrative authorities,
- enquiries of courts of law and arbitrators for technical or security reasons,
- information exchanged between Allocation Operators and/or between Allocation Operators and the provider of the CAP,
- circulation to consultants to the ones assigned by TSOs, Allocation Operator or one of the above institutions who are subject to confidentiality undertakings or professional confidentiality obligations.

Article 6.04 Severability

If any part of these Rules is by a public authority or court found to be invalid, illegal or unenforceable, the remaining part shall continue to be valid and enforceable to the extent permitted by law.

Article 6.05 Applicable law, disputes and language

(1) In the event of disputes over the rights and obligations resulting from these Rules for the Allocation Operator and the Market Participants, an ordinary court shall pass judgement. Place of jurisdiction is Aarau. All disputes shall be governed under Swiss law.

(3) The application of the UN Convention on Contracts for the International Sale of Goods (CISG) shall be excluded.

(4) Notwithstanding any translations that may be made, whether signed or not, the only legal binding version is this English language version.



Article 6.06 Force majeure

Force majeure means any unforeseeable or unusual event or situation beyond the reasonable control of a Party, and not due to a fault of the Party. It cannot be avoided or overcome with reasonable foresight and diligence, which cannot be solved by measures which are from a technical, financial or economic point of view reasonably possible for the Party, which has actually happened and is objectively verifiable. For that reason it makes it impossible for the Party to fulfil, temporarily or permanently, its obligations.

The Party, which invokes force majeure, shall send the other Party/Parties notice describing the nature of the force majeure and its probable duration.

The obligations of a Party subject to force majeure, with the exception of confidentiality obligations defined in Article 6.03, shall be suspended from the date of beginning of force majeure.

The Party can in no circumstances be held responsible or held liable to pay any compensation for damage suffered, due to the non-performance or faulty performance of all or part of its obligations, when such non-performance or faulty performance is due to force majeure.

The Party, which invokes force majeure, shall make every possible effort to limit the consequences and duration of force majeure.

If force majeure lasts for more than thirty (30) days, either Party may suspend or terminate its participation to these Rules by sending a registered mail with acknowledgement of receipt with due explanation, if the event adversely affects the essential obligations of the Parties under the present Rules. The withdrawal or suspension of SOA will take effect on the date of receipt of the said notice.

Article 6.07 Amendment of Rules

These Rules are of indefinite duration but may be modified jointly by the TSOs with the aim of clarifying them or supplementing them.

Moreover, these Rules are subject to legal and technical conditions at the time of their creation. In the event of a material change in these conditions, particularly following legal requirements, government action or rules imposed by regulatory authorities, or if improvements are made to the Intraday Allocation process, the Rules will be modified as appropriate.

The modified Rules will take effect at the date mentioned in the modified Rules after advice and/or approval from EICOM and E-Control, and if required by law, the formal consultation of all interested stakeholders. They will be published on the websites of the TSOs where applicable. Market Participants shall be informed in accordance with Article 6.01 at least 30 days before new rules enter into effect.

Amendments to the Rules have no impact on the validity of the SOA signed by the Participant. This SOA continues to be in force and includes acceptance of the modifications made to the Rules, without prejudice to the Market Participant's right to request withdrawal of its entitlement in accordance with Article 3.03.

Market Participants shall be informed in due time before new Rules enter into effect.



Appendix 1

Statement Of Acceptance

Market Participant:

Company name: _____

Address: _____

Place: _____

EIC Code: _____

DB User Account:

First/surname: _____

Fixed line number: _____

Mobile telephone: _____

E-Mail: _____

DB Account already exists: YES NO

If existing, please state in the line below the 8 characters user account starting with CX...

We hereby declare our intention to participate in the Intraday Allocation of available Bidding Zone Border Capacity for electricity transfers between Switzerland and Austria. We fulfil all participation requirements of the Intraday Capacity Allocation Rules for the Austrian – Swiss Bidding Zone Border in the valid version, which is in force at the time of relevant transactions by us. Moreover, we have read and fully accept to abide and to be bound by all rules and regulations and data exchange requirements of the Intraday Capacity Allocation Rules for the Austrian – Swiss Bidding Zone Border which have been published on the Web-sites of APG and Swissgrid.

We acknowledge that our admission to participate in the Allocation may be withdrawn in case regulations of the Intraday Capacity Allocation Rules for the Austrian – Swiss Bidding Zone Border are breached.

Date



Name and Position

Signature

Signature



Appendix 2

Contacts

APG

Questions regarding scheduling:

APG Grid Economics - Intraday Hotline

Phone: +43 (0) 50320 – 53230

E-mail: ubhprogr@apg.at

Austrian Power Grid AG

Wagramer Straße 19 (IZD-Tower)

1220 Wien

Swissgrid AG

Contractual Questions / Registration

Swissgrid is the single point of contact for contractual and registration issues

Swissgrid – Hotline

Phone: +41 58 580 30 77

E-Mail: balancegroup@swissgrid.ch

Operational Questions

Swissgrid is the single point of contact for operational issues regarding the CAP.

Swissgrid – Hotline

Phone: +41 58 580 29 11

E-Mail: scheduling.intraday@swissgrid.ch

Bleichemattstrasse 31

5001 Aarau

Switzerland

E-Mail: info@swissgrid.ch

Phone: 0041 848 014 014