

Annex E – Proposed Modifications to firmus energy Licence

This Annex sets out the proposed modifications to the firmus energy Licence.

The first part covers proposed modifications to the licence Condition 'Connection Charges and Obligation to Connect'. The second part covers proposed modifications to other licence conditions.

- Proposed deletions are indicated by red text which has been struck through.
- Proposed additions are indicated by red text which is underlined.
- Yellow highlights indicates wording within the licence Condition 'Connection Charges and Obligation to Connect' which is proposed to be specific to low pressure licences.

We note that as standardisation between low pressure and high pressure licences of licence conditions other than 'Connection Charges and Obligation to Connect' has not been the focus of the current licence modification proposals, the use of yellow highlights has been limited to that condition.

LICENCE CONDITION – CONNECTION CHARGES AND OBLIGATION TO CONNECT

Condition 2.3: Connection Charges and Obligation to ~~permit a Connection~~ Connect

2.3.1 Statement of connection charges and terms for connection ~~and meter connections and disconnections~~ to the Network

~~Subject to Conditions 2.3.2 and 2.3.3, the~~

The Licensee shall, ~~at no later than 3~~three months after ~~the coming into force of (i) this licence or (ii) any modification of this condition 2.3 (as the case may be) give Condition takes effect, prepare and submit to the Authority ~~a statement, for the approval of the Authority~~ as to form and content, a statement showing the methods by ~~which~~2 and the principles on 2 which charges are to be determined by the Licensee, for:~~

(a) ~~—, connecting any premises to the Network, maintaining, repairing and renewing the connection, and disconnecting the premises and removing gas fittings owned by it and comprised in the connection; from, the Network:~~

(a) ~~—~~ (b) ~~—~~ connecting any premises; and ~~disconnecting~~

any non standard gas ~~meters~~meter and any gas ~~meters~~meter that is not owned by the Licensee

~~in~~(or any ~~premises; and~~

~~(e) connecting to the Network any pipe-line system to or from which gas will be conveyed by means of the Network and maintaining, repairing and renewing the connection;~~

~~(b) and in any such case the Licensee shall when giving such a) and is located in any premises,~~

~~and in each case the statement shall include in that statement:~~

- ~~(i) the methods by, and principles on, which charges are to be determined by the Licensee for maintaining, repairing or modifying any connection between the Network and any premises, including removing any gas fittings that are owned by the Licensee and comprised in the connection; and~~
- ~~(ii) the Licensee's other terms for such a connection, and an explanation of those terms together with the Licensee's technical design and operational requirements which shall apply to the making of any particular, or particular type of, connection.~~

2.3.2 Connections by any pipe-line system to the Network

Where a connection to its Network, the Network is requested for any pipe-line system to or from which gas will be conveyed by means of the Network, the terms of such connection shall be agreed between the Licensee and the person requesting such a connection to the Network, on a case-by-case basis. This principle shall be included in the statement referred to in Condition 2.3.1.

2.3.3 ~~2.3.2~~ The statement and cases and classes of cases

The Explanation of connection charging methodology for introducing gas to the Network

The Licensee shall comply with any direction given by the Authority to submit a statement to the Authority for approval showing, so far as reasonably practicable, the methods by which and the principles on which charges are to be made by the Licensee for making a connection for the purposes of introducing gas into the Network and, in the context of making such a connection, for:

(a) modifying apparatus and works associated with a pipe-line so as to increase the capacity of a pipe-line; or

(b) supplying and installing any pipe-line or works,

including where practicable an indication of likely costs and other terms for the making of such a connection.

2.3.4 Other requirements to be included in the statement given

A statement submitted to the Authority by the Licensee under Condition 2.3.1 shall:

- (a) subject to Condition ~~2.3.5(b)~~, 3.15, clearly distinguish between cases and classes of cases of person for whom the Licensee proposes different methods by, or principles on which charges are to be determined for connection; ~~and~~
- (b) in respect of any such case, or class of cases, show that element of connection costs the Licensee proposes to recover by way of conveyance charges to gas suppliers, including any Separate Business engaged in the supply of gas;

~~(c) 2.3.3~~ identify the types of connection where:

- (i) a standard quotation will be provided on a request for a quotation in accordance with Condition 2.3.12(a); and
- (ii) a non standard quotation will be provided on a request for a quotation in accordance with Condition 2.3.12(b).

2.3.5 ~~The statement to give likely indication of costs and additional duty to provide information~~
The

A statement given submitted to the Authority by the Licensee under Condition ~~2.3.12.3.12.3.1~~ shall ~~also~~:

- (a) where practicable, indicate for the Authority's information ~~where practicable indicate~~ the costs likely to arise in respect of work done and materials used in connecting any premises, ~~non standard~~ or gas ~~meters, meter (including a non standard gas meters, meter, or a gas meter~~ not owned by the Licensee ~~or pipe line system and the Licensee shall~~);
- (b) ~~(a)~~ prepare the statement include such ~~a manner~~ information as will reasonably enable ~~any~~ person to estimate the Licensee's connection charges in ~~those circumstances; connecting any premises or gas meter (including a non standard gas meter, or a gas meter not owned by the Licensee); and~~
- (c) ~~(b)~~ include such information as will reasonably enable a person any Relevant Person requesting a connection ~~in those circumstances to the Network~~ to determine ~~what the~~ works and/or other actions he would need to undertake, including, without limitation, any work or action required to comply with the Licensee's technical design and operational requirements, in order for the ~~Licensee to provide the connection to be made.~~

~~2.3.4 Authority's approval required to stated connection charges and publication of statement~~
Subject to the Authority's prior approval to the form and contents of the

2.3.6 Standards of Performance Regulations

The Licensee shall ensure that each statement submitted by it to the Authority under Condition 0

Subject to the Authority's prior approval to the form and contents of the includes, for the purposes of the Standards of Performance Regulations:

(a) a description of a connection that is classed by the Licensee as an excluded connection; and

(b) a description of a connection that is classed by the Licensee as a complex connection.

each description as approved by the Authority after such consultation as the Authority directs.

2.3.7 Authority's approval

~~The Authority shall, in approving the Licensee's basis for charging for connection as set out in the statement given submitted to it by the Licensee under Condition 2.3.1 as they relate to charges for connection, the Licensee shall:~~

~~(a) — publish that statement in such manner as will secure adequate publicity for it; and~~

~~(b) — send a copy of any such statement to any person who asks for one;~~

~~and in approving the basis for charging for connection the Authority shall~~ 34.1, have regard to the need of the Licensee to be able to finance the carrying on of its activities and obtain a return equal to that which is, in the reasonable opinion of the Authority ~~is~~, appropriate.

2.3.8 2.3.5—Connection charges—Publication of and terms for connection and prohibition on undue discrimination and connection of pipe line systems compliance with statement

The Licensee shall:

~~(a) — not charge for a connection of premises, of any non standard gas meter, gas meter not owned by it or any pipe line system to the Network on any basis or establish other terms for the connection on any basis other than that contained in the statement published under Condition 2.3.4;~~

~~(b) — not show any undue preference towards or undue discrimination against any person or case or classes of cases of person (including any Other Business) seeking a connection of premises to the Network, or of any non standard gas meter, or gas meter not owned by the Licensee (or any affiliate or related undertaking of the Licensee) or any person who operates or proposes to operate a pipe line system (including any Other Business), in relation to the connection of that system to the Network, and the Licensee shall not refuse a request for connection where the person seeking the connection is willing to pay the Licensee's charges for connection and~~

~~comply with the Licensee's other terms for connection, including any terms as to technical and safety matters; and~~

~~(c) within 28 days of receiving a request for the quotation of connection charges covered by the published statement, provide the person requesting the quotation with a specific statement of the connection charges and other terms of connection applicable to the request for a quotation;~~

~~and for the purposes of Condition 2.3.5(c) and the Licensee's obligation to provide a specific statement of connection charges, a request for the quotation of connection charges shall be treated as such if it is in such form as the Licensee can reasonably be expected to provide a specific statement of connection charges in return.~~

~~(a) 2.3.6 put in place and comply with the statement, as approved by the Authority under Condition 2.3.7;~~

~~(b) publish each approved statement in such manner as will secure adequate publicity for it; and~~

~~(c) send a copy of any such statement to any person who requests one.~~

2.3.9 Direction by the Authority

~~(a) Where the Authority determines that it is necessary for the Licensee to revise:~~

~~(a) (i) the methods and principles on which it has determined the charges and other terms for connection in the latest published statement; and/or~~

~~(b) (ii) the charges and other terms for connection it has determined and included in the latest published statement,~~

in order to ensure that they are (or continue to be) proportionate and applied in a non-discriminatory manner, the Authority may direct the Licensee to revise its methods, principles, charges or terms (as the case may be) in accordance with the provisions of the direction.

2.3.10 (b) The Revising connection charges

~~Without prejudice to Condition 2.3.9 the Licensee shall comply:~~

~~(a) periodically, and on each occasion Condition 2.3 is modified, review its published statement for compliance with the requirements of any direction issued by the Licensee's obligations under the Licence and propose, and submit to the Authority under this Condition 2.3.6 and shall publish revised statements as soon as~~

reasonably practicable in accordance with Condition 2.3.4. for approval, any changes necessary in light of the review;

- (b) not revise the basis of its charges for a connection of any premises, gas meter (including a non standard gas meter, or a gas meter not owned by the Licensee), or the other terms for connection, without first giving the Authority a revised statement in the same terms as Condition 2.3.1 and, where such revision is other than any increase in the Retail Prices Index, obtaining Authority's approval to such a revision.

2.3.11 Compliance with a Direction

The Licensee shall comply with the requirements of any direction issued by the Authority under ~~this~~ Condition 2.3.9 and shall publish any revised statement as soon as reasonably practical in accordance with Condition 2.3.82.3.83.

2.3.12 Quotation Requests

The Licensee shall, in accordance with Condition 2.3.6 and the Standards of Performance Regulations:

- (a) within 10 working days of receiving a request from any Relevant Person for a standard quotation in respect of a connection to the Network provide that Relevant Person with a specific statement of the connection charges and other terms of connection, applicable to the request; and
- (b) within 28 days of receiving a request from any Relevant Person for a non standard quotation in respect of a connection to the Network provide that Relevant Person with a specific statement of the connection charges, and other terms of connection, applicable to the request.

2.3.13 Treatment of Request for Quotation

For the purposes of Conditions 2.3.12(a) and (b) shall and the Licensee's obligation to provide a specific statement of connection charges, a request for a quotation of the applicable connection charges shall be treated as such if it is in such form that it can be reasonably expected of the Licensee to provide a specific statement of connection charges in response to it.

2.3.14 Accuracy of Quotations

The Licensee shall:

- (a) from time to time submit to the Authority for its approval an accuracy review scheme through which any Relevant Person can require the Licensee to review the accuracy of a quotation provided to that Relevant Person for a new connection or altering an existing connection; and
- (b) publish revised statements the approved accuracy review scheme in such manner as will secure adequate publicity for it.

2.3.7 Revising connection charges The agreed accuracy review scheme shall be

~~Without prejudice to Condition 2.3.6, the published accuracy scheme for the purposes of the Standards of Performance Regulations.~~

2.3.15 Prohibition on undue discrimination

~~The Licensee shall not revise the basis of its charges for a connection of show any premises, undue preference towards or undue discrimination against any person or cases or classes of cases of person (including any other business of the Licensee):~~

- ~~(a) seeking, and entitled pursuant to the provisions of Condition 2.3.16, a connection to be made between their premises and the Network;~~
- ~~(b) seeking a connection to be made between a non standard gas meter, any or a gas meter not owned by it the Licensee (or any affiliate or related undertaking of the Licensee), and the Network;~~
- ~~(c) that own or operate (or proposes to own or operate) a pipe-line system to the Network, or the other terms for the and seek a connection, without first giving the Authority a revised statement in the same terms as in Condition 2.3.1 and obtaining the consent of the Authority to such a revision in of that system to the same terms as Network;~~
- ~~(d) seeking a connection for the purposes of introducing gas to the Network.~~

2.3.16 Obligation to Connect

~~Upon acceptance by the Relevant Person of the quotation made pursuant to Condition 2.3.12, any conditions pursuant to 2.3.17 and subject to Condition 2.3.434.18, the Licensee shall make a connection to the Network on the basis of such quotation.~~

2.3.17 Connection Requirements

~~The Licensee may require that, prior to making any connection:~~

- ~~(i) the owner of the premises in respect of which the connection is to be made accepts the Licensee's terms and conditions (including as set out in the statement submitted to the Authority by the Licensee under Condition 2.3.1) for making the connection, including terms in respect of:~~

~~(a) the design and operational requirements which apply; and~~

~~(b) the recovery by the Licensee of its charges for making the connection;~~

~~and~~

- ~~(ii) A gas supplier confirms to the Licensee its willingness to supply gas (or continue to supply gas) to the occupier of the premises following the making of the connection.~~

2.3.18 No obligation to connect premises

~~Nothing in Condition 2.3.162.3.16 shall require the Licensee to make or maintain the connection:~~

- (a) if the making or maintaining of the connection involves danger to the public and / or a risk to the safety of the Network, provided that the Licensee has taken all such reasonable steps to prevent such danger from occurring;
- (b) ~~if 2.3.8~~ there is insufficient capacity in the Network; **or**
- (c) if the Licensee has reasonable grounds to believe the making of the connection would be in conflict with:
 - (i) the relevant objectives set out in Condition 2.4.1; **or**
 - (ii) any public service obligation (where applicable)

and in any such case the Licensee shall give duly substantiated reasons for believing such circumstances apply.

2.3.19 Resolution of disputes by the Authority

The Authority may, ~~on the~~ Where:

- (a) there is a dispute between the Licensee and any person entitled or claiming to be entitled to a connection to the Network in respect of the terms of an agreement for the connection to be made ('connection agreement'), any party to the dispute may make an application to the Authority for determination of any person entitled (or claiming to be entitled) to require at the terms of the connection to agreement.
- (b) ~~the Network will refer the~~ Authority receives an application ~~in~~ pursuant to sub-paragraph (a) and the ~~first instance~~ dispute:
 - (i) ~~has not previously been referred by either party to the~~ ~~General~~ Consumer Council ~~who will try to resolve~~ for Northern Ireland for investigation; ~~or~~
 - (ii) ~~has previously been referred by one of the dispute, provided parties to the~~ ~~General~~ Consumer Council ~~shall give the Licensee~~ for Northern Ireland but the Consumer Council for Northern Ireland has advised the Authority that it has not concluded its investigation of the dispute,

the Authority may refer the dispute to the Consumer Council for Northern Ireland for the purposes of enabling the Consumer Council for Northern Ireland to assist the parties in the resolution of the dispute;
- (c) the Authority refers the dispute to the Consumer Council for Northern Ireland under paragraph (b) it will at the same time inform the parties of that referral;
- (d) the Consumer Council for Northern Ireland has not been able to assist the parties in the resolution of the dispute within 3 months of the Authority's referral under paragraph (b) (the 'applicable timescale'), either party to the dispute may refer the matter back to the Authority for determination;
- (e) a dispute referred to the Authority under paragraph (a):
 - (i) is not referred by the Authority to the Consumer Council for Northern Ireland under paragraph (c); ~~or~~

~~(ii) is referred by the Authority to the Consumer Council for Northern Ireland under paragraph (c) but is referred back to the Authority under paragraph (d),~~

~~the Authority may, having given both parties not less than one month in which to make any further representations regarding such application:~~

~~(a) — the General Consumer Council will, settle any dispute between the applicant and terms of the Licensee in so far as it relates to the provision or making of a connection by the Licensee; and~~

~~(b) — in particular, determine the charges and other terms on which the Licensee shall (notwithstanding Condition 2.3.5) provide or make the connection in question (where the applicant is willing to accept the same), agreement in such manner as appears to the Authority considers appropriate to be reasonable having regard to (in so far (insofar as is relevant and appropriate) to the obligations that would otherwise have applied to the Licensee under Condition 2.3.5 and the relevant objective as defined in Condition 2.4.1. If the General Consumer Council is unable to resolve the dispute the application will be referred back to the Authority. The Authority will try to resolve the dispute with reference to conditions 2.3.8 (a) and 2.3.8 (where the applicant is willing to accept the same), in such manner as the Authority considers appropriate having regard to (in so far as is appropriate) the obligations that would otherwise have applied to the Licensee under Condition this Condition 2.3; and~~

~~(f) 2.3.9 Explanation of the person entitled or claiming to be entitled to a connection charging methodology for introducing gas to the Network~~

~~The Licensee shall comply with any direction given wishes to proceed on the basis of the terms the connection agreement as settled by the Authority to furnish it with a statement showing, so far as reasonably practicable, the methods by which and the principles on which charges are to be made by the Licensee for making a connection for the purposes of introducing gas, the Licensee shall forthwith enter into the Network and, in the context of making and implement such a connection, for:~~

~~(a) — modifying apparatus and works associated with a pipe line so as to increase the capacity of the pipe line; or~~

~~(b) — supplying and installing any pipe line or works;~~

~~including where practicable an indication of likely costs and the other terms for doing so.~~

~~2.3.10 — Authority's consent required for charges and other agreement in accordance with its terms for introducing gas to the Network and prohibition on undue discrimination and connections for introducing gas to the Network.~~

~~2.3.20 The Licensee shall not:~~

- ~~(a) — charge for a connection to introduce gas to the Network on any basis or on any other terms without the consent of the Authority; and~~
- ~~(b) — show any undue preference towards or undue discrimination against any person (including any Other Business) seeking a connection to introduce gas to the Network and, in the case of a connection to introduce gas to the Network, the Licensee shall not refuse a request for connection where the person seeking the connection is willing to pay the Licensee's charges for connection and comply with the Licensee's other terms for connection, including any terms as to technical and safety matters.~~

~~2.3.11 Publication of connection charge statements~~

~~The Licensee shall:~~

- ~~(a) — publish a statement of the basis of its connection charges for introducing gas to the Network and its other terms for connection as the Authority has consented to under Condition 2.3.8 in such manner as will secure adequate publicity for it; and~~
- ~~(b) — send a copy of any such statement to any person who asks for one.~~

~~2.3.12 Interpretation and construction~~

References in this Condition 2.3 to:

- (a) “ **charges**” shall include references to means whereby such charges may be ascertained.

~~2.3.1. (where the applicant is willing to accept the same), in such manner as the Authority considers appropriate having regard to (in so far as is appropriate) the obligations that would otherwise have applied to the Licensee under Condition —~~

~~Obligation to permit a connection~~

~~Subject to a person who has a licence or exemption to convey gas within the Licensed Area~~

- ~~(a) — satisfying any technical and safety criteria contained in the Network Code;~~
- ~~(b) — satisfying the Licensee’s technical design and operational requirements; and~~
- ~~(c) — paying to the Licensee a connection fee (determined by the Licensee except insofar as the Authority otherwise directs or determined under Condition 2.3.8(b)), to connect a pipe line between the Network and the premises;~~

~~The Licensee shall permit a connection to the Network by that person.~~

~~2.3.14 Relief where Start Date not yet occurred~~

~~Notwithstanding the other provisions of this Condition 2.3, the Licensee shall be entitled to refuse a request for a connection to the Network of:~~

~~(a) — any premises;~~

~~(b) — any non standard gas meter; or~~

~~(b) (c) any gas meter not owned by the Licensee; In this Condition:~~

~~(i) **“Standards of Performance Regulations”** means The Gas (Individual Standards of Performance) Regulations (Northern Ireland) 2014.~~

~~(ii) **“Relevant Person”** is a person who is the:~~

~~(a) owner of the premises; or~~

~~(b) occupier of the premises~~

~~in respect of which the request for connection is made.~~

~~if the Start Date (as defined in Condition 3.1) for the Development Area (as defined in Condition 3.1) in which the premises or gas meter in question is located has not, at the time such request is made, occurred.~~

2.3.15 General relief from obligation to offer a connection

~~Notwithstanding the other provisions of this Condition 2.3, the Licensee shall be entitled to refuse a request for a connection to the Network of:~~

~~(a) — any premises;~~

~~(b) — any non standard gas meter;~~

~~(c) — any gas meter not owned by the Licensee, or~~

~~(d) any pipe line system;~~

~~if making such a connection would be likely to cause the Licensee to be in breach of: (i) the relevant objective as defined in Condition 2.4.1; (ii) any regulations relating to safety or standards made under the Order or any other enactment, which are applicable to the Licensed Business; or (iii) any Conditions or the Network Code.~~

OTHER LICNECE CONDITIONS

Condition 1.4: Consultation with the ~~General~~ Consumer Council for Northern Ireland

1.4.1 Policy statements for ~~General~~ Consumer Council for Northern Ireland

The Licensee shall in due time consult with the ~~General~~ Consumer Council for Northern Ireland in the formulation of:

- (a) its policies for the conduct of its business activities relating to the conveyance of gas insofar as they may affect consumers; and
- (b) the general arrangements for their implementation;

and shall:

- (c) give the ~~General~~ Consumer Council for Northern Ireland reasonable notice of the publication, announcement or implementation (if no publication or announcement is made) of details of any significant change in any such policies and general arrangements; and
- (d) give to the ~~General~~ Consumer Council for Northern Ireland as the ~~General~~ Consumer Council for Northern Ireland may reasonably request an explanation of any such significant change and of the implementation of those policies.

Condition 1.13: Payment of Fees to the Authority

1.13.1 In respect of each year, beginning on 1 April, during which the Licence is in force, the Licensee shall pay to the Authority a fee of the amount determined in accordance with this Condition (the licence fee).

1.13.2 The Licensee shall pay to the Authority the licence fee for each year (the relevant year) within 30 days of the Authority giving notice to the Licensee of the amount due from the Licensee for the relevant year.

1.13.3 For each relevant year, the licence fee shall be the total of:

- (a) an amount that is the Relevant Contribution to the Estimated Costs of the Authority for the relevant year;
- (b) an amount that is the Relevant Contribution to the Estimated Costs of the ~~Consumer Council~~Consumer Council for Northern Ireland with regard to the exercise of its functions relating to gas consumers for the relevant year; and
- (c) an amount which is the difference (which may be a positive or negative amount), if any, between:
 - (i) the licence fee that would have been due from the Licensee for the year immediately preceding the relevant year (the **previous year**) had such fee been calculated in relation to the actual costs of:
 - (A) the Authority for the previous year; and
 - (B) the ~~Consumer Council~~Consumer Council for Northern Ireland with regard to the exercise of its functions relating to gas consumers for the previous year; and
 - (ii) the licence fee paid by the Licensee for the previous year,

provided that where the Licence is in force for only a part of the relevant year, the amount payable in respect of that year shall be a proportionate part of the licence fee due for the full year.

1.13.4 Where:

- (a) the Estimated Costs of the Authority or of the ~~Consumer Council~~Consumer Council for Northern Ireland are revised during the course of the relevant year (Revised Costs);
- (b) the Licensee has paid the licence fee for the relevant year; and

- (c) the Revised Costs would, had they applied to the calculation of the licence fee paid by the Licensee, have resulted in the calculation of a lower licence fee than that paid by the Licensee,

the Authority may, where it is reasonable for it to do so taking into consideration the timing of the Revised Costs and the provisions of paragraph 1.13.3(c), refund to the Licensee the difference between the amount of the licence fee paid by the Licensee and the amount of the lower licence fee referred to in paragraph 1.13.4(c) above.

1.13.5 Where the Licensee fails to pay the amount of the licence fee as notified to it under paragraph 1.13.2 above within the 30 day period specified, it shall with effect from the end of that 30 day period pay simple interest on the amount at the rate which is from time to time equivalent to the base lending rate of an institution designated by the Authority for this purpose.

1.13.6 In this Condition:

“Estimated Costs”

- (i) in relation to the costs of the Authority, means the costs estimated by the Authority as likely to be its costs for the relevant year as calculated in accordance with the Principles; and
- (ii) in relation to the costs of the ~~Consumer Council~~Consumer Council for Northern Ireland, means either:
- (A) the costs notified to the Authority by the ~~Consumer Council~~Consumer Council for Northern Ireland as its estimated costs for the relevant year as approved by the Department; or
- (B) in the event that the Authority does not receive such notification by 31 July in the relevant year, the costs estimated by the Authority

(having regard to any estimate of such costs in any forward work programme published by the ~~Consumer Council~~Consumer Council for Northern Ireland in respect of the relevant year) as likely to be the costs of the ~~Consumer Council~~Consumer Council for Northern Ireland for the relevant year.

“Principles” means the principles determined by the Authority for the purposes of this Condition generally, following consultation with the Licensee and with others likely to be affected by the application of such principles and as notified to the Licensee in writing.

“Relevant Contribution” means, in respect of the Estimated Costs, the level of contribution to those costs applicable, whether by way of a specified amount or a stated proportion, to the Licensee as determined under or in accordance with the Principles.

Condition 2.2: Conveyance Charges, Other Terms for the Conveyance of Gas and the provision of Conveyance services

2.2.6 Resolution of Disputes ~~disputes~~

Where

~~(a) This condition 2.2.6 applies where~~ there is a dispute, between the Licensee and any person entitled, or claiming to be entitled, to be provided with conveyance services by the Licensee pursuant to this Condition 2.2, in respect of the terms of the agreement offered by the Licensee to such person pursuant to this Condition 2.2,

~~(b)(a) Where this condition 2.2.6 applies,~~ any party to the dispute may make an application to the Authority to determine the terms of the agreement in dispute.

~~(e)(b) Paragraph (d) applies where~~ the Authority receives an application pursuant to sub-paragraph ~~(a)(b) above~~ and the dispute:

- (i) has not previously been referred by either party to the ~~General~~ Consumer Council for Northern Ireland for investigation; or
- (ii) has previously been referred by one of the parties to the ~~General~~ Consumer Council for Northern Ireland but the ~~General~~ Consumer Council for Northern Ireland has advised the Authority that it has not concluded its investigation of the dispute.:-

~~(d) Where this paragraph applies~~ the Authority may refer the dispute to the ~~General~~ Consumer Council for Northern Ireland for the purposes of enabling the ~~General~~ Consumer Council for Northern Ireland to assist the parties in the resolution of the dispute.:-

~~(e)(c) Where~~ the Authority refers the dispute to the ~~General~~ Consumer Council for Northern Ireland under paragraph (b) it will at the same time inform the parties of that referral.:-

~~(f)(d) Where~~ the ~~General~~ Consumer Council for Northern Ireland has not been able to assist the parties in the resolution of the dispute within 3 months of the Authority's referral under paragraph (b) (the 'applicable timescale'), either party to the ~~matter~~dispute may refer the matter back to the Authority for determination.:-

~~(g)(e) Paragraph (h) applies in respect of~~ a dispute referred to the Authority under paragraph (a).:-

~~(i) which~~ is not referred by the Authority to the ~~General~~ Consumer Council ~~under paragraph (d)~~; or

~~(ii)(i) which has been referred back to the Authority for~~ Northern Ireland~~determination~~ under paragraph ~~(c)~~; or ~~(f)~~.

~~(ii) is referred by the Authority to the Consumer Council for Northern Ireland under paragraph (c) but is referred back to the Authority under paragraph (d).~~

~~(h) Where this paragraph applies~~ the Authority may, having given both parties not less than one month in which to make any further representations, settle the terms of the

agreement dispute in such manner as appears to the Authority to be reasonable having (insofar as is relevant) regard in particular to the following considerations:

(+) (iii) _____ the efficient and safe operation of the Network by the Licensee;

(+) (iv) _____ the conveyance by the Network of:

(A) the quantities of gas which the Licensee requires or may reasonably be expected to require to be conveyed by the Network to enable the Licensee to comply with the conditions of the licence; and

(B) the quantities of gas of any person who has a right to have gas conveyed by the Network is entitled to require to be so conveyed in exercise of that right.

~~(+)(f) Where~~ the person entitled or claiming to be entitled to conveyance services from the Licensee wishes to proceed on the basis of the terms ~~of~~ the agreement as settled by the Authority, the Licensee shall forthwith enter into and implement such agreement in accordance with its terms.

Condition 2.2A: Terms and Conditions of Gas Contracts with Domestic Consumers

2.2A.2 Before entering into, or concluding, a Gas Contract with any domestic consumer, the Licensee shall give the domestic consumer:

- (a) a written copy of the full terms and conditions of the Gas Contract, including without limitation all the information referred to in paragraph 2.2A.3; and
- (b) details of how the domestic consumer can contact, and the relevant address and telephone number of, the ~~General Consumer Council~~Consumer Council for Northern Ireland for further help and advice, including in particular with regard to their rights in relation to the supply of gas services provided by the Licensee.

Condition 2.8: Standards of Performance

2.8.3 Report to Authority and ~~General Consumer Council~~ Consumer Council for Northern Ireland

As soon as is reasonably practicable after the end of each year ending on 31 December, the Licensee shall submit to the Authority and ~~General Consumer Council~~ Consumer Council for Northern Ireland a report dealing with the matters mentioned in Conditions 2.8.1 and 2.8.2 which shall include a comparison of the Licensee's performance against the established standards in relation to that year and shall:

- (a) make public the report so submitted in such manner as will in the reasonable opinion of the Licensee secure adequate publicity for it; and
- (b) send a copy of it free of charge to any person requesting one

except that, in performing the obligations under Conditions 2.8.3(a) and (b), the Licensee shall ensure that individual consumers cannot readily be identified except where they have consented.

Condition 2.9B: Preparation, Revision Of and Compliance with Codes of Practice

2.9B.1 This Condition applies to any Code of Practice (**Code**) which the Licensee is, pursuant to Conditions 2.7A, 2.8A and 2.9A of this Licence, required to prepare, submit to and have approved by the Authority.

2.9B.2 The Licensee shall, before submitting any Code to the Authority for its approval, consult the ~~General Consumer Council~~ Consumer Council for Northern Ireland and shall consider any representations made by it about the Code or the manner in which it is likely to be operated.

2.9B.3 The Licensee shall:

- (a) whenever requested to do so by the Authority; and

- (b) where the request relates to the Distribution Marketing Code, in conjunction with all other distribution system operators,

review the relevant Code to which the request relates and the manner in which it has been operated, with a view to determining whether any modification should be made to that Code or to the manner of its operation.

2.9B.4 In carrying out any review under paragraph 2.9B.3 the Licensee shall consult the ~~General Consumer Council~~Consumer Council for Northern Ireland and shall consider any representations made by it about the Code or the manner in which it is likely to be or has been operated.

2.9B.5 The Authority, following consultation with the Licensee, the ~~General Consumer Council~~Consumer Council for Northern Ireland, any other person who in the opinion of the Authority is likely to be interested or affected, may

- (a) direct the Licensee to make such modifications to any Code as the Authority considers are necessary or expedient to meet the relevant objectives of that Code;
- (b) from time to time make such modifications to Conditions 2.7A, 2.8A and 2.9A, as the Authority considers are necessary or expedient.

2.9B.6 Where the Authority modifies a Condition in accordance with paragraph 2.9B.5(b):

- (a) it shall:
 - (i) send a copy of the modification to the Licensee and the Department;
 - (ii) publish a copy of the modification in such manner as it considers appropriate for the purpose of bringing it to the attention of persons likely to be affected by the making of the modification; and
- (b) the Licensee shall revise the Code to which the modification relates in such manner and to such extent as is required to ensure that the Code reflects and complies with the modified Condition.

2.9B.7 Where the Licensee revises a Code:

- (a) in accordance with paragraph 2.9B.6(b) above;
- (b) following a review undertaken in accordance with paragraphs 2.9B.3 and 2.9B.4; or
- (c) following a direction from the Authority under paragraph 2.9B.5(a),

it shall submit the revised Code to, and have it approved by, the Authority.

2.9B.8 The Licensee shall as:

- (a) soon as practicable following the Authority's approval of a Code (including following a revision):
 - (i) send a copy of the Code to the Authority and the ~~General Consumer Council~~Consumer Council for Northern Ireland; and
 - (ii) draw the attention of its consumers to the Code and of how they may inspect or obtain a copy of it;
- (b) publish on and make readily accessible from its website a copy of the Code;
- (c) give or send free of charge a copy of the Code (as from time to time revised) to any person who requests it; and
- (d) make available to members of the public, in such form and in such manner as the Authority considers appropriate, information published by the Authority pursuant to Article 7 of the Energy Order.

2.9B.9 Subject to paragraph 2.9B.11, the Licensee shall comply with each Code to which this Condition applies and which has been approved by the Authority.

2.9B.10 The Licensee shall provide the Authority with all assistance reasonably necessary to enable the Authority to monitor the implementation and operation of any Code and this assistance shall include providing statistical data at such times and in such a format as the Authority reasonably requires and permitting the Authority access to relevant documentation held by the Licensee.

2.9B.11 The Authority may (following consultation with the Licensee, and in the case of the Distribution Marketing Code, other distribution system operators) issue directions relieving the Licensee of any of its obligations under Conditions 2.7A, 2.8A and 2.9A and this Condition to such extent as may be specified in those directions and subject to such terms and conditions as the Authority thinks fit.