



Energy for
generations

ESB GT response to URegNI Consultation on Licence Modification for Provision of Information

18/11/2024



1. CONSULTATION RESPONSE

ESB Generation and Trading (ESB GT) welcomes the opportunity to respond to the URegNI Consultation on Licence Modification for Provision of Information. ESB GT supports the ambition set out within the URegNI Corporate Strategy 2024 - 2029. ESB GT appreciates the vital role that URegNI are required to play in order to chart a successful course to the delivery of a Net Zero energy system in the timescales set out by policy makers. We welcome this consultation as demonstrating the determination on behalf of URegNI to fulfil that role. ESB GT looks forward to continued engagement with URegNI.

Transparency plays a fundamental role in establishing and maintaining investor confidence in the market. It is understood the proposed license modification will enhance URegNI's ability to fulfil its mandate under Section 7 of Energy (NI) Order of 2003 to publish advice and information that in URegNI's view would promote the interests of consumers in relation to gas or electricity supplied by authorised suppliers. ESB GT's comments in relation to the proposed license modifications centre on the practical aspects of the provision of information license condition rather than to the principle of enhanced transparency.

Impact on Licensees

For the perspective of a licensee that may be subject to a request to provide information under the provision of information license condition, ESB GT notes that the current license wording includes the phrasing that the "the Licensee shall furnish to the Authority, in such manner and at such times as the Authority may reasonably require" whereas the proposed modified wording does not apply a test of reasonableness to the manner and timing of provision of requested information. This raises concerns in relation to the nature of the information that may be requested, for example the level of granularity, or the timeline against which a licensee may be expected to provide such information. This could result in a disproportionate burden being placed on licensees. ESB GT proposes that the wording in the proposed modification be changed to reapply the test of reasonableness to the manner and time for provision of requested information. This would provide significant reassurance to licensee without limiting the ability of URegNI to fulfil its mandate under Section 7 of Energy (NI) Order of 2003.

Commercial Sensitive Information

It is noted in the consultation that Article 7(2) of the Energy Order sets out certain constraints on the URegNI in terms of excluding publication of any matter which relates to a particular individual, a

company or organisation where publication of that matter would in the URegNI's opinion seriously and prejudicially affect the interests of that person, company, or organisation.

ESB GT asks for assurance that in forming a view in relation to the impact on the interests of a person, company, or organisation URegNI will be conscience of the potentially negative impacts that could arise where commercial sensitive information such hedging, trading or investment strategies of a company were to be published either directly or in a manner a competitor could reasonably be expected to infer.

Additionally, as it is noted under the next steps section of the consultation as a public body and non-ministerial government department the URegNI is required to comply with the Freedom of Information Act (FOIA). The effect of FOIA may be that certain recorded information could be put into the public domain. ESB GT is concerned that in responding to a request for information even where URegNI is conscience of the need to protect commercial sensitive information that it may be compelled to release such information as a result of a FOIA request from a competitor. Reassurance on the scope for URegNI's to protect any commercially sensitive information provided under the provision of information license condition would be welcome.