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Karen Shiels & Liz Wilkin
Utility Regulator
Queens House
14 Queen Street
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11 November 2024

Dear Karen, Liz,

Re: Notice and Consultation on Licence Modification for Provision of Information

Power NI welcomes the opportunity to respond to the proposed modifications to Power NI's licence described as being in order to facilitate access to a wider set of information for electricity consumers and remove existing constraints with regards to Article 7 of the Energy Order 2003.

Whilst Power NI recognises the importance of the URs statutory duties and the ambitious Corporate Strategy 2024-2029, which places a focus on the need to be open and transparent in terms of information provided to consumers, on review of the proposed modifications Power NI have noted some areas of concern:

- Reason for proposed modifications

Clause 14 (2) c (of the Electricity Order 1992) states that the UR must give notice in advance of any licence modifications 'stating the reasons why it proposes to make the modification'. The paper the UR have presented outlines the UR belief that 'there is no good reason or need for having such a constraint on the UR's regulatory role' and that a key reason for this proposed modification would be allowing the UR the ability to obtain information which could 'potentially promote the interest of consumers'.

Whilst Power NI acknowledges that the implementation of these modifications would be consistent with the aims of the UR's Corporate Strategy and the need for the UR to be a proactive regulator, it does not however explain why the UR believe there is a discrepancy between the current licence condition and Article 7 or what has changed given both have been in place for a considerable period of time.

- **Types of information**

The paper does not outline the type of information that the UR could potentially look for that they consider would promote the interests of consumers. With no specific examples of what the UR would intend to publish it makes it difficult to consider the amendments and the full implications if this modification was to proceed.

- **Supplier Protection**

Whilst the paper acknowledges that the removal of this constraint on the UR does not mean that the UR will be able to publish any information that it receives, it still offers limited protection to the Supplier, with Power NI noting that under Article 7 it states that:

*“(2) In publishing advice or information under this Article the Authority shall have regard to the need for excluding, **so far as that is practicable**, any matter which relates to the affairs of a particular individual or body of persons (corporate or unincorporate), where publication of that **matter would or might, in the opinion of the Authority, seriously and prejudicially affect the interests of that individual or body.**”*

This only gives potentially limited protection to Suppliers, noting the ‘so far as practicable’ and that the deciding view is that of the UR. Whilst it is noted that the UR is required to consult with the company before publishing any information, it provides little comfort to Power NI as the decision will ultimately be up to the UR and what they see fit. The UR must be cognisant of Power NI’s position in the market and the commercial impact that the publication of certain information may have.

- **Definition of Information**

For clarity Power NI would suggest that the definition of information be amended, as in line with the obligation imposed on GB Suppliers, to include the following:

***Information** means information (other than information subject to legal privilege) in any form or medium and of any description specified by the Authority and includes any documents, accounts, estimates, returns, records or reports and data of any kind (whether or not prepared specifically at the request of the Authority).”*

Power NI remain committed to working with the UR, ensuring compliance with licence conditions but would urge the UR to consider Power NI’s position and would be happy to engage with the UR further on this matter.

Yours sincerely,

[Redacted Signature]

[Redacted Name]

Power NI