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07 January 2025

RE: Additional Notice and Consultation on Licence Modification for Provision of Information (excluding Supply Licences)

Dear Karen, Liz,

EirGrid welcomes the opportunity to respond on the Utility Regulator's (UR) consultation on Licence Modification for Provision of Information. This letter is in respect of the proposed amendments to:

- i. Condition 7 (Provision of Information to the Authority) of SONI's Licence to participate in the transmission of electricity (SONI TSO Licence); and
- ii. Condition 6 (Provision of Information to the Authority) of SONI's Licence to act as SEM Operator (SONI MO Licence).

We note that the proposed amendments to each of Condition 6 and 7 above are substantially the same therefore our responses below apply to each. EirGrid has two particular areas of concern regarding the proposed modifications.

1. General Duty

EirGrid recognises the need for consistency across the different licensees under the remit of the UR in respect of the 'Provision of Information to the Authority' condition contained in the various licences for the purpose of assisting the UR in fulfilling its statutory duties. EirGrid also acknowledges the role of the UR in promoting the interests of consumers and the need for increased transparency to the benefit of consumers.

As such, EirGrid assumes we understand the intent of the UR in the proposed modifications suggested under the 'General Duty' section. However, as currently written, the proposed modifications broaden the UR's rights under the Provision of Information Condition significantly, so much so that information that may be requested by the UR would no longer be tied to its functions as the regulator. As such, EirGrid proposes the below minor (but necessary) edits to provide clarity (changes suggested in **red**):

The Licensee shall, after receiving a request from the Authority for Information that the Authority may (i) reasonably require, or (ii) that it considers may be necessary, in either case to enable it to perform any of its functions relating to electricity as conferred,

assigned, or transferred to it by or under any legislation, give that Information to the Authority when and in the form requested.

2. EirGrid plc Undertaking

There are currently no proposed modifications to this requirement. However, if the intent of the UR is to broaden its rights under the General Duty section to the extent that all information which the UR “may reasonably” require can be sought, then the EirGrid plc Undertaking Condition will need to change.

The proposed modifications to the General Duty as currently drafted (which, as mentioned in Section 1 above, EirGrid understands may not be the intent of the UR), fail to consider the unique elements of the SONI TSO Licence and SONI MO Licence. This leads to not only uncertainty as to the bounds of the information provision but also leads to the potential for a significant over-reach of information, particularly into the EirGrid plc business and including into the subsidiaries of EirGrid plc (as the EirGrid undertaking is also required to cover “every subsidiary of EirGrid plc”). This would be unacceptable given the overly broad proposed General Duty section of the Condition to the effect that EirGrid plc will give to SONI and will procure that every subsidiary of EirGrid plc will give to SONI, all information as may be necessary to enable SONI to comply with Licence Condition 7 of SONI’s TSO Licence and Licence Condition 6 of SONI’s MO Licence (which as currently drafted is overly broad and no longer bounded to the purpose of performance by UR of its legislative functions).

As such, if the UR does not make changes to the General Duty Condition (as suggested in Section 1 above), the EirGrid plc Undertaking will need to be amended to reduce the scope of the information that the Undertaking applies to, to ensure that it applies only to information that UR may require for the purpose of performing its legislative functions and to exempt any information associated with EirGrid plc and its subsidiaries / businesses other than that under the SONI TSO Licence and SONI MO Licence.

Finally, as a separate matter, EirGrid would note that the EirGrid Undertaking and requirement for same under Licence Condition 7 of the SONI TSO Licence and Licence Condition 6 of the SONI MO Licence needs to be considered in light of Condition 42 of the SONI TSO Licence which has significantly restricted the ability of EirGrid plc to control its subsidiary, SONI. Consideration needs to be given to whether the EirGrid Undertaking is necessary and / or appropriate given the new governance arrangements mandated under Licence Condition 42.

Yours Sincerely,

[sent by email and accordingly bears no signature]
