

Consultation on Licence Modification for Provision of Information

Dear Utility Regulator,

Thank you for the opportunity to comment on the proposed licence modifications in relation to the provision of information.

This response is on behalf of Mutual Energy Limited (MEL). MEL owns and operates three of the four licenced gas transmission networks in Northern Ireland via subsidiary companies which are licenced gas TSOs. MEL also owns and operates the Moyle Interconnector, a 500MW HVDC link between the NI and Scottish electricity transmission networks, operating under an electricity transmission licence held by Moyle Interconnector Limited.

Views on the proposed licence modification

MEL understand the rationale for the licence modifications to allow the Utility Regulator (UR) to fulfil their obligations under Article 7 of the Energy Order and to increase transparency in line with their strategic objectives.

MEL agree with the principle of publishing information that would promote the interest of consumers and having consistent information provision requirements across all licences.

However, we would request that UR are mindful of the time and resource required to provide information when assessing whether the provision and publication of such information is in the best interest of consumers.

We note that Article 7(2) of the Energy Order places constraints on UR 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 Utility Regulator's opinion seriously and prejudicially affect the interests of that person, company or organisation. Furthermore Article 7(3) requires UR to consult with the relevant body before publishing material that relates to them.

We welcome the fact that the licensees would be consulted on the publication of the material but we are concerned that Article 7(2) provides very little protection to the licensee as UR has the ultimate discretion as to whether the material is published, regardless of any licensee concerns. Licensees have a more detailed understanding of their own interests and their commercial arrangements with third parties so their concerns should not be easily disregarded. This could result in a reluctance to provide information as the licensee loses control in relation to publication. A stronger protection for licensees may prevent challenges on the provision of information. We would suggest that UR should not publish material where the licensee considers it would seriously and prejudicially affect their interests and has provided reasonable information to support this position.

MEL look forward to continuing a transparent relationship with UR and trust that information requests will remain at a reasonable and proportionate level so as to ultimately benefit consumers.