

COMBINED NOTICE AND DECISION ON LICENCE MODIFICATION FOR PROVISION OF INFORMATION

**Combined decision paper including licence
modification decision notices**

23 September 2025

About the Utility Regulator

The Utility Regulator is the independent non-ministerial government department responsible for regulating Northern Ireland's electricity, gas, water and sewerage industries, to promote the short and long-term interests of consumers.

We are not a policy-making department of government, but we make sure that the energy and water utility industries in Northern Ireland are regulated and developed within ministerial policy as set out in our statutory duties.

We are governed by a Board of Directors and are accountable to the Northern Ireland Assembly through financial and annual reporting obligations.

We are based at Millennium House in the centre of Belfast. The Chief Executive and two Executive Directors lead teams in each of the main functional areas in the organisation: CEO Office; Price Controls; Networks and Energy Futures; and Markets and Consumer Protection and Enforcement. The staff team includes economists, engineers, accountants, utility specialists, legal advisors and administration professionals.

OUR MISSION

To protect the short and long-term interests of consumers of electricity, gas and water.

OUR VISION

To ensure value and sustainability in energy and water.

OUR VALUES

ACCOUNTABLE:

We take ownership of our actions.

TRANSPARENT:

Ensuring trust through openness and honesty.

COLLABORATIVE:

Connecting and working with others for a shared purpose.

DILIGENT:

Working with care and rigour.

RESPECTFUL:

Treating everyone with dignity and fairness.

ABSTRACT

In protecting the short and long-term interests of electricity and gas consumers in Northern Ireland this combined decision by the Utility Regulator (UR) allows for improved transparency with the removal of the restriction around publishing data that was contained in the provision of information (POI) conditions across all referenced licences.

AUDIENCE

This licence modification combined decision paper will be of interest to all electricity and gas licensees. Government departments, organisations representing consumer interests and other stakeholders will also be interested given the potential for greater transparency.

CONSUMER IMPACT

This licence modification combined decision will allow us greater freedom to responsibly publish data and information that we deem to be in the public interest.

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1. EXECUTIVE SUMMARY

- 1.1 The Utility Regulator (UR) is committed to protecting the short- and long-term interests of electricity, gas and water consumers in Northern Ireland. This decision reflects our desire to be a pro-active regulator, as referenced in our [Corporate Strategy 2024-2029](#). Being able to responsibly publish additional and relevant advice and information that promotes the interests of consumers improves transparency and reflects the expectations of consumers.
- 1.2 Consistent with the aims mentioned in the paragraph above we brought forward two consultations which sought to remove a constraint on publication of advice and information. The **first consultation** '[Notice and consultation on licence modification for 'Provision of Information'](#)', related to electricity and gas supply licences only and closed on 18 November 2024. The **second consultation** '[Additional Notice and Consultation on licence modification for Provision of Information \(excluding Supply Licences\)](#)' closed on 7 January 2025 and related to gas conveyance, electricity transmission, distribution, and interconnector licences together with the SEM Operator licence.
- 1.3 The 'Provision of Information to the Authority' (POI) licence condition, within the relevant named licences to these POI consultations, provided that we may not request information from the licence holder for the purposes of publishing the information. This publication exception referred to Article 7 of the Energy Order¹. Article 7 of the Energy Order provides that where it appears to us that the publication of any advice or information would promote the interests of consumers, we may publish that advice and information in such manner as we see fit within the provisions of Article 7(2)².
- 1.4 The licence modification consultations were to allow Article 7 to apply in full to the provision of information licence condition and thereby improve our ability to obtain information which could potentially promote the interests of consumers if we were to publish that information or advice. The licence modifications also sought to remove inconsistencies in this licence condition in an effort to standardise (as much as possible) this condition across the licences.
- 1.5 Having taken respondents' views into account from the first and second consultations we decided to have a further combined consultation which

¹ Energy (Northern Ireland) Order 2003

² Article 7(2) states "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."

sought to provide (where possible) more information to help alleviate respondents' concerns and expectations. This **combined consultation** [‘Combined consultation on licence modification for Provision of Information’](#) closed on 10 June 2025.

- 1.6 Six responses were received to the combined consultation. The Consumer Council fully supported the licence modifications given the aim of greater transparency in the public interest. A joint response from Budget Energy/Flogas/Flogas Enterprise Solutions did not support the proposals for a range of reasons. Phoenix Energy and Gas Network Ireland provided some suggested wording changes to the drafted licence modifications. Power NI welcomed the consistent approach and the adoption of their proposed wording to the definition of “Information” which they believe is an important addition but remain concerned about commercially sensitive information. SSE did not raise specific concerns with the proposed licence modifications but cautioned on a few practicalities, processes and uses of the data and information should the licence modifications be adopted and made effective.
- 1.7 This decision to make licence modifications is after consideration of respondents' views to the combined consultation. The removal of the publication restraint within these licences resolves the tension between the POI licence condition and Article 7 of the Energy Order, improves our potential for greater transparency and brings consistency across all our gas and electricity licences. This allows us the potential to obtain information, which could promote the interests of consumers if we were to publish information or advice obtained via provision of information requests after the effective date.
- 1.8 It is important to note that the removal of the referred constraint does not mean that we will be able to publish, under Article 7 of the Energy Order, all and any information we obtain pursuant to the POI licence condition. In this regard it is appropriate to note the following safeguards for licensees:
 - a) article 7(1) of the Energy Order requires that the publication of advice or information must be to promote the interests of consumers,
 - b) Article 7(2) places certain constraints on us 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 our opinion seriously and prejudicially affect the interests of that person, company or organisation, and
 - c) Article 7(3) requires us to consult with the relevant individual,

company or organisation before publishing any advice or information which relates to a particular individual, company or organisation.

- 1.9 This decision paper, including the legal notices, represent statutory licence modification decisions under Article 14(8) of the Electricity (Northern Ireland) Order 1992 and Article 14(8) of the Gas (Northern Ireland) Order 1996.
- 1.10 These licence modifications will take effect 56 days from the date of this decision paper. We will be updating each licence and will notify each licensee of their revised licence which will also be updated on our website.

2. BACKGROUND

- 2.1 In fulfilling our statutory duties, we are empowered to request information from licensees under the 'Provision of Information to the Authority' (POI) licence condition. Although this condition is included in all licences, we identified an inconsistency: some licences contain a restriction on the publication of information obtained through this POI licence condition.
- 2.2 We therefore proposed to modify those electricity and gas licences which contain the publication restriction of information obtained under the POI licence condition. These proposals were consulted upon during October 2024 to January 2025 (across two separate consultations).
- 2.3 In respect of the **first consultation** ['Notice and consultation on licence modification for 'Provision of Information'](#), seven responses were received. Two respondents offered full support while the others were more cautious in their response and covered issues such as the rationale for the changes, the potential impact on regulatory burden, the remaining protections under Article 7 of the Energy Order and how commercially sensitive information would be treated.
- 2.4 Seven responses were also received to the **second consultation** ['Additional Notice and Consultation on licence modification for Provision of Information \(excluding Supply Licences\)'](#). All respondents acknowledged the importance of providing transparency to promote consumer interests. Regulatory burden was a key concern raised across many responses followed by concerns associated with the remaining protections under Article 7 of the Energy Order. Respondents were keen for further consultation in advance of information being published.
- 2.5 Having taken respondents' views into account, we decided to have a further combined consultation which sought to provide (where possible) more information to help alleviate respondents' concerns and expectations. The responses to both the first and second consultation are detailed in the combined consultation together with our UR comments. This **combined consultation** ['Combined consultation on licence modification for Provision of Information'](#), included the legal notices representing a statutory consultation under Article 14(2) of the Electricity (Northern Ireland) Order 1992 and Article 14(2) of the Gas (Northern Ireland) Order 1996. The combined consultation closed on 10 June 2025.
- 2.6 The reasons for and effect of the licence modifications have remained consistent across the three consultations. The combined consultation included some additional minor licence modifications. All the proposed licence modifications associated with the 'Provision of Information to the

Authority' licence condition were shown in red text within the appended legal notices to the combined consultation.

- 2.7 The affected licences and summary of proposed licence modifications are summarised in Section 3 below.

Reasons for the modifications

- 2.8 Prior to this decision coming into effect the POI licence condition effectively provides that we cannot request information from the licence holder for the purposes of the exercise of our functions under Article 7 of the Energy (Northern Ireland) Order 2003.
- 2.9 Article 7 of the Energy Order provides that where it appears to us that the publication of any advice and information would promote the interests of consumers, we may publish that advice and information in such manner as we think fit.
- 2.10 The purpose of these proposed licence modifications is to resolve the tension between the POI licence condition and Article 7 of the Energy (Northern Ireland) Order 2003. The POI licence condition has to date undermined the Article 7 legislation. This licence change allows Article 7 to fully apply to the POI licence condition and will support the maintenance and ongoing development of key publications, such as the Retail Energy Market Monitoring Report (REMM), as well as other reports that provide valuable insights for consumers and stakeholders in the Northern Ireland energy market.
- 2.11 Nonetheless, Article 7 of the Energy (Northern Ireland) Order 2003 already provides appropriate assurances and safeguards to ensure that sensitive information is handled responsibly. Licensees will also be given sufficient opportunity for consultation before any publication.
- 2.12 We consider that this POI licence condition places unnecessary constraints on our ability to obtain information which could potentially promote the interest of consumers if we were to publish that information or advice. There is no good reason or need for having such a constraint on our regulatory role and our ability to publish advice and information which is based on, or is, information that we had obtained from licence holders under or pursuant to the POI licence condition.
- 2.13 Fundamentally, the reason for removing this constraint is that it better facilitates us in carrying out our function to publish advice and information which we consider would promote the interests of consumers in circumstances where we have obtained the relevant information pursuant to requests made under the POI licence condition.

- 2.14 Removal of the constraint is also consistent with our aim of being a pro-active regulator as set out in our Corporate Strategy 2024-2029. Allowing us to responsibly publish additional and relevant advice and information that promotes the interests of consumers improves transparency and reflects the expectations of stakeholders.
- 2.15 It is important to note that the removal of the referred constraint does not mean that we will be able to publish, under Article 7 of the Energy Order, all and any information we obtain pursuant to the POI licence condition. In this regard it is appropriate to note that:
- a) article 7(1) of the Energy Order requires that the publication of advice or information must be to promote the interests of consumers,
 - b) Article 7(2) places certain constraints on us 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 our opinion seriously and prejudicially affect the interests of that person, company or organisation, and
 - c) Article 7(3) requires us to consult with the relevant individual, company or organisation before publishing any advice or information which relates to a particular individual, company or organisation.
- 2.16 There are, therefore, certain statutory limitations and procedures to follow with regard to the publication of advice and information under Article 7 of the Energy Order.
- 2.17 There was also some unnecessary inconsistency in the provisions and drafting of the POI licence condition across the various energy licences. Accordingly, a further reason for the proposed modifications is to ensure, to the extent relevant and possible, consistency and clarity in the drafting of the condition across all energy licences.

Effect of the modifications

- 2.18 The effect of the proposed modifications:
- a) licensees would be obliged to provide information requested (and reasonably required) by us for the purpose of exercising our functions, including the functions conferred upon us under Article 7 of the Energy Order of publishing advice and information which would promote the interests of consumers,
 - b) we have an obligation to exclude certain information from publication,
 - c) we are required to consult before publishing information which

relates to particular individual, company or organisation, and

- d) there would be consistency in terms of licensees' obligations and our approach for all energy licensees.

3. SUMMARY OF PROPOSED LICENCE MODIFICATIONS

- 3.1 The proposed changes to the relevant electricity and gas licences, across all three consultations (first consultation, second consultation and combined consultation) are summarised below. Separate appendices provided with the combined consultation, included the legal notices to modify a licence and detailed all the licence modifications as shown in red text.

Electricity supply licence modifications

Proposed combined changes

- 3.2 We proposed to amend Condition 10 'Provision of Information to the Authority' of the electricity supply licences. The affected licences and summary of changes are outlined below.

Affected Licences	Condition 10
EP Ballylumford Limited	<ul style="list-style-type: none"> Remove paragraph 2 referencing Article 7 of Energy Order Update paragraphs 1 and 3 accordingly. This includes the removal of the provision only applying in relation to an enforcement matter from paragraph 3. Remove paragraph 5 and add definition of "Information" at the end of the Condition. Add following wording to definition "... (other than information subject to legal privilege)...." Old paragraph 5 renumbered 4 and text updated regarding reasoned comments on the accuracy and text of any Information. Minor revision to wording in new paragraph 3 to replace "call for" with "request". Remove definition of "enforcement matter" as reference removed from paragraph 3
Bord Gais Energy Limited	
Budget Energy Limited	
Project Plug Limited t/a Click Energy	
ESB Independent Energy (NI) Ltd t/a Electric Ireland	
Electricity Supply Board (ESB)	
ElectroRoute Energy Supply NI Limited	
Energia Customer Solutions NI Limited	
Firmus Energy (Supply) Limited	
Flogas Enterprise Solutions Limited	
Gaelectric Green Energy Limited	
LCC Power Limited t/a Go Power	
LCC Group Limited	
Orsted Onshore Green Energy NI Limited	
Power NI Energy Limited	
Share Energy Trading Limited	
SSE Airtricity Energy Supply (NI) Limited	
Statkraft Markets GmbH	
Erova Energy Ltd	
3T Power Limited	

- 3.3 The final summary of changes is provided in the decision section 5 with final licence modifications detailed in the appendices.

Gas supply licence modifications

Proposed combined changes

- 3.4 We proposed to amend Condition 1.2 or 1.3³ 'Provision of Information to the Authority' of the gas supply licences. The affected licences and summary of changes are outlined in the table below.

Affected Licences	Condition 1.2 or 1.3
SSE Airtricity Gas Supply (NI) Limited	<ul style="list-style-type: none"> Update paragraph 1.2.2 (or 1.3.2) to remove reference to Article 7 of Energy Order and Articles 14(1)(a) and Article 27 of the Gas Order. Update paragraph 1.2.1 (or 1.3.1) accordingly Minor revision to wording in new paragraph 1.2.3 (or 1.3.3) to replace "call for" with "request". Remove paragraph 1.2.4 (or 1.3.4) Update paragraph 1.2.5 (or 1.3.5) Add definition of "Information" at end of the Condition. Add following wording to definition "... (other than information subject to legal privilege)...."
Firmus Energy (Supply) Limited - Ten Towns	
Firmus Energy (Supply) Limited - Greater Belfast Area	
Flogas Enterprise Solutions (UK) Limited	
ESB Independent Energy (NI) Limited t/a Electric Ireland	
LCC Group Limited t/a Go Power	
Flogas Natural Gas Limited	
Energia Customer Solutions NI Limited	
Power NI Energy Limited	
SSE Airtricity Gas Supply (NI) Ltd	
SSE Energy Supply Limited	
Shell Energy Europe Limited	
Energia Customer Solutions Limited	
Bord Gais Energy Ltd	
EP Ballylumford Limited	
British Gas Trading Limited	
Coolkeeragh ESB Limited	
ElectroRoute Energy Trading Limited	
Electricity Supply Board (ESB)	
EP NI Energy Limited	
EP Commodities, a. s.	
Ceres Energy Limited	

- 3.5 The final summary of changes is provided in the decision section 5 with final licence modifications detailed in the appendices.

³ Appendix B details those licences which have the 'Provision of Information to the Authority' condition as number 1.2 and those licences which have the condition as 1.3.

Gas conveyance licence modifications

Proposed combined changes

- 3.6 We proposed to amend Condition 1.3 or 1.4⁴ ‘Provision of Information to the Authority’ of the gas conveyance licences. The affected licences and summary of the changes are outlined in the table below.

Affected Licences	Condition 1.3 or 1.4
Phoenix Energy Group Ltd	<ul style="list-style-type: none"> Update paragraph 1.3.2 (or 1.4.2) to remove reference to Article 7 of Energy Order and Articles 14(1)(a) and Article 27 of the Gas Order Update paragraph 1.3.1 (or 1.4.1) accordingly Remove paragraph 1.3.4 (or 1.4.4) Update paragraph 1.3.5 (or 1.4.5) Add definition of “Information” at end of the Condition. Add following wording to definition “...(other than information subject to legal privilege)....”
Firmus Energy (Distribution) Ltd	
SGN Evolve Network Ltd	
Belfast Gas Transmission Ltd	
GNI (UK) Ltd	
Premier Transmission Ltd	
West Transmission Ltd	

- 3.7 The final summary of changes is provided in the decision section 5 with final licence modifications detailed in the appendices.

⁴ Appendix C details those licences which have the ‘Provision of Information to the Authority’ condition as number 1.3 and those licences which have the condition as 1.4.

Electricity transmission licence modifications-NIE Networks

Proposed combined changes

- 3.8 We proposed to amend Condition 8 'Provision of Information to the Authority' of the referenced electricity transmission licence. The affected licence and summary of changes are outlined in the table below.

Affected Licence	Condition 8
NIE Networks Ltd Transmission Licence	<ul style="list-style-type: none"> • Remove paragraph 6 referencing Article 7 of Energy Order • Update paragraph 1 accordingly • Remove paragraph 5 • Reword old paragraph 7 and renumber as paragraph 5 • Add new paragraph 7 (updated numbering) consistent with other licences • Update definition of "Information". Add following wording to definition "... (other than information subject to legal privilege)...."

- 3.9 The final summary of changes is provided in the decision section 5 with final licence modifications detailed in the appendices.

Electricity distribution licence modifications-NIE Networks

Proposed combined changes

- 3.10 We proposed to amend Condition 8 'Provision of Information to the Authority' of the referenced electricity distribution licence. The affected licence and summary of the changes are outlined in the table below.

Affected Licence	Condition 8
NIE Networks Ltd Distribution Licence	<ul style="list-style-type: none"> • Remove paragraph 6 referencing Article 7 of Energy Order • Update paragraph 1 accordingly • Remove paragraph 5 • Reword old paragraph 7 and renumber as paragraph 5 • Add new paragraph 7 (updated numbering) consistent with other licences • Update definition of "Information". Add following wording to definition "... (other than information subject to legal privilege)...."

- 3.11 The final summary of changes is provided in the decision section 5 with final licence modifications detailed in the appendices.

Electricity transmission licence modifications-SONI TSO

Proposed combined changes

- 3.12 We proposed to amend Condition 7 'Provision of Information to the Authority' of the referenced electricity transmission licence. The affected licence and summary of the changes are outlined in the table below.

Affected Licence	Condition 7
SONI Ltd Transmission System Operator (TSO)	<ul style="list-style-type: none"> Remove paragraph 4 referencing Article 7 of Energy Order Update paragraph 1 accordingly Remove paragraph 2 Remove paragraph 5 and replace with new paragraph 2 Add new paragraph 4 (updated numbering) consistent with other licences Update definition of "Information". Add following wording to definition "... (other than information subject to legal privilege)...." Remove definition of "enforcement matter"

- 3.13 The final summary of changes is provided in the decision section 5 with final licence modifications detailed in the appendices.

Electricity SEM operator licence modifications-SONI SEMO

Proposed combined changes

- 3.14 We proposed to amend Condition 6 'Provision of Information to the Authority' of the referenced electricity SEM Operator licence. The affected licence and summary of the changes are outlined in the table below.

Affected Licence	Condition 6
SONI Ltd: Single Electricity Market (SEM) Operator Licence	<ul style="list-style-type: none"> • Remove paragraph 4 referencing Article 7 of Energy Order • Update paragraph 1 accordingly • Remove paragraph 2 • Remove paragraph 5 and replace with new paragraph 2 • Add new paragraph 4 (updated numbering) consistent with other licences • Update definition of "Information". Add following wording to definition "... (other than information subject to legal privilege)...." • Remove definition of "enforcement matter"

- 3.15 The final summary of changes is provided in the decision section 5 with final licence modifications detailed in the appendices.

Electricity transmission licence modifications-Moyle Interconnector

Proposed combined changes

- 3.16 We proposed to amend Condition 6 'Provision of Information to the Authority' of the referenced electricity transmission licence. The affected licence and summary of the changes are outlined in the table below.

Affected Licence	Condition 6
Moyle Interconnector Transmission Licence	<ul style="list-style-type: none"> Remove paragraph 4 referencing Article 7 of Energy Order Update paragraph 1 accordingly Remove paragraph 3 Remove paragraph 5 and replace with new paragraph 3 Add new paragraph 5 (updated numbering) consistent with other licences Update definition of "Information". Add following wording to definition "... (other than information subject to legal privilege)...."

- 3.17 The final summary of changes is provided in the decision section 5 with final licence modifications detailed in the appendices.

4. RESPONSES

- 4.1 The combined consultation was published on 13 May 2025 and closed on 10 June 2025.
- 4.2 Six responses were received. Below is the list of respondents:
- Budget Energy/Flogas/Flogas Enterprise Solutions (Flogas ES)
 - Consumer Council NI (CCNI)
 - Gas Network Ireland (GNI)
 - Phoenix Energy
 - Power NI
 - SSE Airtricity
- 4.3 We welcome all these responses and have taken them into consideration in making this decision.
- 4.4 Based on the responses received to this combined consultation it is clear that most stakeholders have appreciated the additional information provided in the combined consultation to help alleviate respondents' concerns and expectations previously raised.
- 4.5 In summary, the Consumer Council fully supported the licence modifications given the aim of greater transparency in the public interest. A joint response from Budget Energy/Flogas/Flogas Enterprise Solutions did not support the proposals for a range of reasons. Phoenix Energy and Gas Network Ireland provided some suggested wording changes to the drafted licence modifications. Power NI welcomed the consistent approach and the adoption of their proposed wording to the definition of "Information" which they believe is an important addition but remained concerned about commercially sensitive information. SSE did not raise specific concerns with the proposed licence modifications but cautioned on a number of practicalities, processes and uses of the data and information should the licence modifications be adopted and made effective.
- 4.6 The key themes within responses to this combined consultation are outlined in the paragraphs below.

Article 7 Energy Order (NI) 2003

- 4.7 Budget Energy/Flogas/Flogas ES welcomed that some of their feedback to the first POI consultation was taken on board but remain unconvinced

that the proposed modifications are fully justified or necessary and believe the existing framework (including Article 7 of the Energy Order) already enables effective information sharing in the public interest. They state they cannot support the proposal as currently drafted.

- 4.8 In Budget Energy/Flogas/Flogas ES's view the UR does not fully explain the specific regulatory or operational gap that this modification seeks to address. However, their response did recognise it is to allow the UR to publish information in the consumer interest and align discrepancies in some licences but view these as too broad a reason.
- 4.9 Budget Energy/Flogas/Flogas ES believe the proposals undermine the legal clarity by removing a specific and intentional safeguard of Article 7. They specifically referenced Article 7 of the Energy (Northern Ireland) Order 2003 stating that it already gives the UR powers to publish information in the public interest and requires the UR to consult the affected licensee before publishing company-specific information. In their view these existing provisions already establish a legal framework for both publication and consultation offering a valuable safeguard for sensitive information.
- 4.10 In Budget Energy/Flogas/Flogas ES's opinion the consultations to date have not identified specific examples where the current Article 7 powers have failed or where the licence wording has directly obstructed the UR's ability to act. In their view, without such evidence, the rationale for removing the Article 7 exclusion from supply licences remains unclear and unjustified.

Our Response

- 4.11 While Budget Energy/Flogas/Flogas ES continues to have concerns about the proposed licence modifications we welcome their opening statement that they 'are committed to advancing transparency and keeping consumers well informed in Northern Ireland' as this aligns with our aim in proposing these proposed licence modifications.
- 4.12 We agree that the original POI licence condition enables effective information sharing between licensees and ourselves. However, while Article 7 does give us power to publish advice and information, that power cannot currently be exercised in cases where it wishes to use information (for the purposes of publishing advice and information) which is obtained under the POI condition.
- 4.13 Article 7 of the Energy (Northern Ireland) Order 2003 is titled "Publication by Authority of advice and information about consumer matters". These licence modifications are an important step in resolving the tension between the POI licence condition and Article 7 of the Energy (Northern

Ireland) Order 2003 by allowing Article 7 to apply in full to the POI licence condition without any exclusions.

- 4.14 This licence change will support the maintenance and ongoing development of key publications, such as the compliance monitoring and reporting framework and Retail Energy Market Monitoring Report (REMM), as well as other reports that provide valuable insights for consumers and stakeholders in the Northern Ireland energy market.
- 4.15 As indicated in our Corporate Strategy 2024-2029, we have a desire to be more pro-active and transparent and therefore these POI licence modifications facilitate the potential for publishing more information in the future.

Regulatory burden concerns

- 4.16 Budget Energy/Flogas/Flogas ES are concerned that increasing the scope of reporting information has the potential to increase data requests, increasing the workload and costs on licensees, which impacts smaller suppliers disproportionately. With the challenges in the energy sector, including the smart meter rollout, Guarantee Standards of Service changes (GSS), SONI and EirGrid data reforms and new Code of Practice and supply licence requirements, most of which may require significant increased reporting they requested an impact assessment be carried out.
- 4.17 SSE also requested an impact assessment be carried out. Suggesting this be done before each new publication of information.

Our Response

- 4.18 Recognising regulatory burden concerns from the outset we sought to include in the licence modifications that the request must be reasonable which means we must consider the nature, proportionality, complexity and granularity of information along with the corresponding timelines of the request.
- 4.19 It is important to note that the modifications do not increase the scope of the information that can be requested. We can presently request any information we require for the purposes of performing our functions and that remains the same in the amended condition.
- 4.20 We have considered whether impact assessments are required for future POI requests. It is important to note that there is no legal or formal obligation on us to undertake regulatory impact assessments. Furthermore, the POI licence condition is not new and has always, and will continue to, allow us to request information from the licensee. For these reasons we do not consider impact assessments to be necessary for

POI requests going forward.

- 4.21 No specific examples of the type of information to be published were provided as the consultations extended to our organisation as a whole and not one or two specific areas. Whilst we don't have plans to publish additional information imminently, licensees will be aware that, the Markets (retail and wholesale), Consumer Protection and Enforcement teams, Network teams and Price Control teams are constantly reviewing their work areas and they may consider that publishing certain information would promote the interest of consumers and this modification is an important step in facilitating this.
- 4.22 Some broad examples of where we may seek to publish information in the future are:
- State of the market analysis;
 - Compliance monitoring and reporting framework;
 - Monitoring metrics e.g. Code of Practices;
 - Retail Energy Market Monitoring (REMM) indicators; and
 - Performance indicators.
- 4.23 We understand respondents concerns about possible increases in data requests and potential knock-on impact on workload and costs for the licensee. We currently receive a large volume of data on a regular basis and, as indicated in the combined consultation, are actively considering measures to streamline these.
- 4.24 At the beginning of the Section 5 (Decision section) below we set out good practice measures we will take in advance of issuing a provision of information request and to liaise with licensees so that a shared understanding exists in relation to the information request.

Commercially sensitive information

- 4.25 While Power NI remained unconvinced by the rationale for the overall change given the current breadth of the Regulator's powers in this area their main concern was in relation to commercially sensitive information.
- 4.26 Commercial risks were identified by Budget Energy/Flogas/Flogas ES should the UR have broad discretion to publish information, risking harm on licensee's commercial interests. They emphasised the need for appropriate safeguards to identify and protect commercially sensitive information from being published.
- 4.27 Both SSE's response and Budget Energy/Flogas/Flogas ES response

raised concerns with data submitted under the POI licence condition being shared with external consultants or third-party advisors engaged by the UR.

- 4.28 SSE also cautioned several practicalities and processes as well as the use of the data and information gathered, should the progressed licence modifications be adopted and made effective.

Our Response

- 4.29 Power NI, Budget Energy/Flogas/Flogas ES and SSE understandably remain concerned about the need to protect commercially sensitive information. Article 7 of the Energy (Northern Ireland) Order provides legislative safeguards which we outline below.
- 4.30 Article 7 supports the publication of advice and information by us to promote the interests of energy consumers. In doing so Article 7 recognises that we must have regard to the need for excluding any information associated with a company where, in our opinion, it would or has the potential to seriously and prejudicially affect the interests of that company. Accordingly, any information which would fall into this category (which could include commercially sensitive information) would not be published by us.
- 4.31 Should we wish to publish information relating to a particular company, Article 7 requires us to consult with the company in advance of deciding whether to publish the information or not. The Article 7 consultation process is an important step in advance of deciding whether to publish information. We want to reassure licensees that their views will be considered prior to publishing individual company information or data.
- 4.32 Article 7 clearly outlines the safeguards in setting the balance between publishing relevant consumer information and being responsible in considering that not all information is suitable for publication. We therefore intend to apply a balanced and informed approach. We are acutely aware that not all information is relevant or suitable for publication. We will only publish information which promotes the interests of consumers and which, if it relates to the affairs of any company, would not seriously or prejudicially affect the interests of that company.
- 4.33 In addition to Article 7 the established fora of ERIG⁵ and GMOG⁶ provide suitable platforms we can utilise for licensee engagement. This could include giving advanced notice of information requests and changes being considered and an opportunity to explain how certain information

⁵ Electricity Retail Industry Group

⁶ Gas Market Operating Group

may be presented and published in the future. We have previously mentioned the use of ERIG and GMOG for this purpose in the combined consultation and consider this an important measure from a practical and process perspective e.g. in assessing the impact of new information potentially being published in the future.

- 4.34 Furthermore, before the UR publishes information it is subject to various reviews and internal approvals which will include senior management approval and if appropriate Board approval.
- 4.35 In general, it is not envisaged that the data will be shared with external consultants or other third-party advisors. However, Budget Energy/Flogas/Flogas ES and SSE will both be aware that in 2020 we published the outcome of an audit into complaints handling by electricity and gas suppliers⁷ for which an external consultancy firm carried out this work on our behalf.
- 4.36 We cannot rule out the use of external expertise in the future but want to reassure licensees we do have strict confidentiality clauses, use of information and protection of information assurance clauses as standard within our procurement contracts with external experts. These include restrictions around the use of the data (e.g. confidential information can only be used for purposes of the contract with the UR) and requirements around security and storage of the data.
- 4.37 These licence modifications and practical measures will help set an appropriate balance between publishing relevant consumer information and being responsible in considering that not all information is suitable for publication.

Proposed licence modification drafting comments

- 4.38 Both GNI and Phoenix Energy responses focused on the specific drafting of the proposed licence modifications.
- 4.39 Phoenix Energy understands the Regulator's need for, and supports the Regulator in the provision of, information to allow it to fulfil its regulatory functions. Phoenix Energy considers the current drafting of the POI licence condition to be cumbersome and welcomed the transparency that the proposed amendments will bring. Two minor drafting changes were proposed by Phoenix Energy recommending that the drafting of paragraph 1.4.2 be updated to:
 - a) reference the non-defined term "information" (as recognised in Condition 1.4.2's title) rather than the defined term "Information".

⁷ [Annual Audit of Compliance for Suppliers' Complaints \(Final - Clean\).pdf](#)

- b) replace the reference to “paragraph 1” with “Condition 1.4.1” consistent with the licence structure.
- 4.40 GNI’s view is that the definition of “Information” needs to be amended to exclude the proposed addition of “other than information subject to legal privilege” on the grounds that this ‘legal privilege qualifier’ is not necessary as the proposed condition will already allow for a Licensee to refuse to provide the information if it is subject to legal privilege. The limitation on the obligation to provide information requested by the Regulator should be sufficient for a Licensee to refuse to provide Information without the necessity for the legal privilege qualifier in the definition of “Information”.
- 4.41 Power NI recognised the lengthy consultation process undertaken by the Regulator in relation to the ‘Provision of Information to the Authority’ licence condition. Power NI also welcomed the Regulator adopting their proposal to include the words ‘other than information subject to legal privilege’ within the definition of “Information”.

Our Response

- 4.42 To address the potential confusion raised by Phoenix Energy in relation to there being defined and non-defined terms for information in the same licence condition we have decided to ensure that all references to information in this licence condition are consistent with the defined term and therefore we will use “Information” throughout this licence condition. We will also ensure that this change is made, where appropriate, in other licences within this decision paper, ensuring the change is consistent and thereby remove the potential for any confusion.
- 4.43 We agree with Phoenix Energy that consistency with the licence structure is needed and will replace the reference to ‘paragraph 1’ to ‘paragraph 1.4.1’ consistent with the referencing style elsewhere in the licence. We will also ensure that this change is made, where appropriate, in other licences within this decision paper, ensuring the change is consistent with the licensing structure specific to each licence.
- 4.44 The additional wording “other than information subject to legal privilege” within the definition of proposed definition of “Information” was originally proposed by Power NI in their response to the first POI consultation. GNI, in response to the recent combined consultation, recommend it be removed. No other respondents commented on this specific wording. GNI is correct in stating that irrespective of whether the additional wording is included, the licensee is not required to disclose any advice which it has received which is legally privileged and the additional wording is essentially a ‘belt and braces’ response to previous concerns raised in the first POI consultation. We therefore do not have any

particular legal concerns either way but have decided to keep the wording on the basis it is consistent with the definition of “Information” within GB supply licences.

Other Responses

- 4.45 The CCNI's principal statutory duty is to promote and safeguard the interests of consumers in Northern Ireland. CCNI recognised that the proposed changes aimed to improve transparency, promote the interest of consumers and give the Regulator greater flexibility to responsibly publish data and information that it considers to be in the public interest. CCNI also hoped that the efforts made by the Regulator to address respondents concerns in the combined consultation offer sufficient reassurance to allay those concerns.
- 4.46 We welcome all these responses and have taken them into consideration in making this decision. Clearly most respondents to the earlier consultations have appreciated the reassurance and clarity provided in the combined consultation.
- 4.47 Responses to all three Provision of Information consultations⁸ are published alongside this decision paper for information.

⁸ As detailed in Section 2 of this decision paper in relation to the first consultation (supply licences only), second consultation (all other licences excluding supply licences) and combined consultation (additional consultation for all relevant licences).

5. LICENCE MODIFICATION DECISION

- 5.1 In deciding to remove the publication restriction (Article 7 exclusion) within the provision of information licence condition, which allows Article 7 to apply in full, some respondents did have concerns as to how this would be applied in practice, once the licence modifications become effective.
- 5.2 We consider it good practice and reasonable for us to take the following aspects into consideration in advance of issuing a provision of information request and to liaise with licensees so that a shared understanding exists in relation to the information request. This was outlined in the combined consultation and it is important it is reiterated in this decision paper. We will consider:
- Nature, complexity and level of detail of the request;
 - Timelines for response, including consideration of holiday periods;
 - Other regulatory requirements on licensee(s) at that time e.g. price control process;
 - Whether the information is intended for publication, at company level or be aggregated; and
 - Whether consultation is necessary with an individual licensee or a group of licensees.
- 5.3 We are seeking ways to manage POI data requests, including streamlining them together with limiting the risk of different teams applying different approaches with the same group of licensees e.g. suppliers. This would help provide consistency in approach and provide a clear point of contact for data requests.
- 5.4 Depending on the type of information requested within any future POI request, there may be a need for us to consult, as required under Article 7 of the Energy Order, before publishing information relating to a particular licensee. Such consultation may either be a formal consultation or take the form of a letter and meeting with an individual company. The type of consultation engagement will depend on the information being sought and the information to be published.
- 5.5 In addition, we plan to utilise the established fora of ERIG⁹ and GMOG¹⁰, for example, to give advance notice of information requests and changes being considered and an opportunity to explain and discuss how certain

⁹ Electricity Retail Industry Group

¹⁰ Gas Market Operating Group

information may be presented and published in the future.

Final changes across all relevant licences

- 5.6 The final licence modifications reflect those consulted upon within the combined consultation with the inclusion of the following two minor changes based on consultation responses.
- 5.7 As the POI licence condition will include a defined term for “Information” we will ensure all references to information in that condition are not presented in lower case but are consistent with the defined term “Information”.
- 5.8 The second minor change is to ensure that references within this POI licence condition reflect the licence structure of the specific licence. For example, within the Phoenix Energy licence the reference to ‘paragraph 1’ needs to be amended to ‘paragraph 1.4.1’. Other licences will require similar amendments.

Electricity supply licence modifications

Final changes

- 5.9 We have decided to amend Condition 10 ‘Provision of Information to the Authority’ of the electricity supply licences. The affected licences and summary of changes are outlined in the table below.
- 5.10 The detailed licence conditions and final modifications (shown in red text) are set out in Appendix A to this decision paper.

Affected Licences	Condition 10
EP Ballylumford Limited	<ul style="list-style-type: none"> Remove paragraph 2 referencing Article 7 of Energy Order Update paragraphs 1 and 3 accordingly. This includes the removal of the provision only applying in relation to an enforcement matter from paragraph 3. Remove paragraph 5 and add definition of "Information" at the end of the Condition. Add following wording to definition "... (other than information subject to legal privilege)...." Old paragraph 5 renumbered 4 and text updated regarding reasoned comments on the accuracy and text of any Information. Minor revision to wording in new paragraph 3 to replace "call for" with "request". Remove definition of "enforcement matter" as reference removed from paragraph 3 References to information to be consistent with definition
Bord Gais Energy Limited	
Budget Energy Limited	
Project Plug Limited t/a Click Energy	
ESB Independent Energy (NI) Ltd t/a Electric Ireland	
Electricity Supply Board (ESB)	
ElectroRoute Energy Supply NI Limited	
Energia Customer Solutions NI Limited	
Firmus Energy (Supply) Limited	
Flogas Enterprise Solutions Limited	
Gaelectric Green Energy Limited	
LCC Power Limited t/a Go Power	
LCC Group Limited	
Orsted Onshore Green Energy NI Limited	
Power NI Energy Limited	
Share Energy Trading Limited	
SSE Airtricity Energy Supply (NI) Limited	
Statkraft Markets GmbH	
Erova Energy Ltd	
3T Power Limited	

5.11 The reasons and effect of these modifications is set out in section 2 of this paper.

Gas supply licence modifications

Final changes

- 5.12 We have decided to amend Condition 1.2 or 1.3¹¹ ‘Provision of Information to the Authority’ of the gas supply licences. The affected licences and summary of changes are outlined in the table below.
- 5.13 The detailed licence conditions and final modifications (shown in red text) are set out in Appendix B to this decision paper.

Affected Licences	Condition 1.2 or 1.3
SSE Airtricity Gas Supply (NI) Limited	<ul style="list-style-type: none"> Update paragraph 1.2.2 (or 1.3.2) to remove reference to Article 7 of Energy Order and Articles 14(1)(a) and Article 27 of the Gas Order.
Firmus Energy (Supply) Limited - Ten Towns	
Firmus Energy (Supply) Limited - Greater Belfast Area	<ul style="list-style-type: none"> Update paragraph 1.2.1 (or 1.3.1) accordingly
Flogas Enterprise Solutions (UK) Limited	
ESB Independent Energy (NI) Limited t/a Electric Ireland	<ul style="list-style-type: none"> Minor revision to wording in new paragraph 1.2.3 (or 1.3.3) to replace “call for” with “request”.
LCC Group Limited t/a Go Power	
Flogas Natural Gas Limited	<ul style="list-style-type: none"> Remove paragraph 1.2.4 (or 1.3.4)
Energia Customer Solutions NI Limited	
Power NI Energy Limited	<ul style="list-style-type: none"> Update paragraph 1.2.5 (or 1.3.5)
SSE Airtricity Gas Supply (NI) Ltd	
SSE Energy Supply Limited	<ul style="list-style-type: none"> Add definition of “Information” at end of the Condition. Add following wording to definition “...(other than information subject to legal privilege)....”
Shell Energy Europe Limited	
Energia Customer Solutions Limited	<ul style="list-style-type: none"> References to information to be consistent with definition.
Bord Gais Energy Ltd	
EP Ballylumford Limited	<ul style="list-style-type: none"> Change reference to ‘paragraph 1’ to that consistent with licensing structure of each licence.
British Gas Trading Limited	
Coolkeeragh ESB Limited	
ElectroRoute Energy Trading Limited	
Electricity Supply Board (ESB)	
EP NI Energy Limited	
EP Commodities, a. s.	
Ceres Energy Limited	

- 5.14 The reasons and effect of these modifications is set out in section 2 of this paper.

¹¹ Appendix B details those licences which have the ‘Provision of Information to the Authority’ condition as number 1.2 and those licences which have the condition as 1.3.

Gas conveyance licence modifications

Final changes

- 5.15 We have decided to amend Condition 1.3 or 1.4¹² ‘Provision of Information to the Authority’ of the gas conveyance licences. The affected licences and summary of the changes are outlined in the table below.
- 5.16 The detailed licence conditions and final modifications (shown in red text) are set out in Appendix C to this decision paper.

Affected Licences	Condition 1.3 or 1.4
Phoenix Energy Group Ltd	<ul style="list-style-type: none"> Update paragraph 1.3.2 (or 1.4.2) to remove reference to Article 7 of Energy Order and Articles 14(1)(a) and Article 27 of the Gas Order Update paragraph 1.3.1 (or 1.4.1) accordingly Minor revision to wording in paragraph 1.3.3 (or 1.4.3) to replace “call for” with “request”. Remove paragraph 1.3.4 (or 1.4.4) Update paragraph 1.3.5 (or 1.4.5) Add definition of “Information” at end of the Condition. Add following wording to definition “...(other than information subject to legal privilege)....” References to information to be consistent with definition. Change reference to ‘paragraph 1’ to that consistent with licensing structure of each licence.
Firmus Energy (Distribution) Ltd	
SGN Evolve Network Ltd	
Belfast Gas Transmission Ltd	
GNI (UK) Ltd	
Premier Transmission Ltd	
West Transmission Ltd	

- 5.17 The reasons and effect of these modifications is set out in section 2 of this paper.

¹² Appendix C details those licences which have the ‘Provision of Information to the Authority’ condition as number 1.3 and those licences which have the condition as 1.4.

Electricity transmission licence modifications-NIE Networks

Final changes

- 5.18 We have decided to amend Condition 8 'Provision of Information to the Authority' of the referenced electricity transmission licence. The affected licence and summary of changes are outlined in the table below.
- 5.19 The detailed licence conditions and final modifications (shown in red text) are set out in Appendix D to this decision paper.

Affected Licence	Condition 8
NIE Networks Ltd Transmission Licence	<ul style="list-style-type: none"> Remove paragraph 6 referencing Article 7 of Energy Order Update paragraph 1 accordingly Remove paragraph 5 Minor revision to wording in paragraph 6 to replace "call for" with "request". Reword old paragraph 7 and renumber as paragraph 5 Add new paragraph 7 (updated numbering) consistent with other licences Update definition of "Information". Add following wording to definition "... (other than information subject to legal privilege)...." References to information to be consistent with definition.

- 5.20 The reasons and effect of these modifications is set out in section 2 of this paper.

Electricity distribution licence modifications-NIE Networks

Final changes

- 5.21 We have decided to amend Condition 8 'Provision of Information to the Authority' of the referenced electricity distribution licence. The affected licence and summary of the changes are outlined in the table below.
- 5.22 The detailed licence conditions and final modifications (shown in red text) are set out in Appendix E to this decision paper.

Affected Licence	Condition 8
NIE Networks Ltd Distribution Licence	<ul style="list-style-type: none"> Remove paragraph 6 referencing Article 7 of Energy Order Update paragraph 1 accordingly Remove paragraph 5 Minor revision to wording in paragraph 6 to replace "call for" with "request". Reword old paragraph 7 and renumber as paragraph 5 Add new paragraph 7 (updated numbering) consistent with other licences Update definition of "Information". Add following wording to definition "... (other than information subject to legal privilege)...." References to information to be consistent with definition.

- 5.23 The reasons and effect of these modifications is set out in section 2 of this paper.

Electricity transmission licence modifications-SONI TSO

Final changes

- 5.24 We have decided to amend Condition 7 ‘Provision of Information to the Authority’ of the referenced electricity transmission licence. The affected licence and summary of the changes are outlined in the table below.
- 5.25 The detailed licence conditions and final modifications (shown in red text) are set out in Appendix F to this decision paper.

Affected Licence	Condition 7
SONI Ltd Transmission System Operator (TSO)	<ul style="list-style-type: none"> Remove paragraph 4 referencing Article 7 of Energy Order Update paragraph 1 accordingly Remove paragraph 2 Remove paragraph 5 and replace with new paragraph 2 Add new paragraph 4 (updated numbering) consistent with other licences Update definition of “Information”. Add following wording to definition “...(other than information subject to legal privilege)....” Remove definition of “enforcement matter” References to information to be consistent with definition.

- 5.26 The reasons and effect of these modifications is set out in section 2 of this paper.

Electricity SEM operator licence modifications-SONI SEMO

Final changes

- 5.27 We have decided to amend Condition 6 'Provision of Information to the Authority' of the referenced electricity SEM Operator licence. The affected licence and summary of the changes are outlined in the table below.
- 5.28 The detailed licence conditions and final modifications (shown in red text) are set out in Appendix G to this decision paper.

Affected Licence	Condition 6
SONI Ltd: Single Electricity Market (SEM) Operator Licence	<ul style="list-style-type: none"> Remove paragraph 4 referencing Article 7 of Energy Order Update paragraph 1 accordingly Remove paragraph 2 Remove paragraph 5 and replace with new paragraph 2 Add new paragraph 4 (updated numbering) consistent with other licences Update definition of "Information". Add following wording to definition "... (other than information subject to legal privilege)...." Remove definition of "enforcement matter" References to information to be consistent with definition.

- 5.29 The reasons and effect of these modifications is set out in section 2 of this paper.

Electricity transmission licence modifications-Moyle Interconnector

Final changes

- 5.30 We have decided to amend Condition 6 ‘Provision of Information to the Authority’ of the referenced electricity transmission licence. The affected licence and summary of the changes are outlined in the table below.
- 5.31 The detailed licence conditions and final modifications (shown in red text) are set out in Appendix H to this decision paper.

Affected Licence	Condition 6
Moyle Interconnector Transmission Licence	<ul style="list-style-type: none"> Remove paragraph 4 referencing Article 7 of Energy Order Update paragraph 1 accordingly Remove paragraph 3 Remove paragraph 5 and replace with new paragraph 3 Add new paragraph 5 (updated numbering) consistent with other licences Update definition of “Information”. Add following wording to definition “...(other than information subject to legal privilege)....” References to information to be consistent with definition.

- 5.32 The reasons and effect of these modifications is set out in section 2 of this paper.

6. NEXT STEPS

- 6.1 This paper sets out our decision on modifications to the POI licence conditions contained within the referenced electricity and gas licences. These licence modifications will become effective on 18 November 2025, being 56 days after the decision is published.
- 6.2 Each licence will be updated in line with this licence modification decision. The appended legal decision notices detail the specific licence modifications. The updated licences will be notified to each licensee and published on our website.

7. APPENDICES

Appendix Reference	Description
Appendix A	Electricity Suppliers Licence Decision Notice
Appendix B	Gas Suppliers Licence Decision Notice
Appendix C	Gas Conveyance Licence Decision Notice
Appendix D	Electricity Transmission Licence Decision Notice – NIE Networks
Appendix E	Electricity Distribution Licence Decision Notice – NIE Networks
Appendix F	Electricity Transmission Licence Decision Notice – SONI TSO
Appendix G	Electricity Market Operator Licence Decision Notice – SONI MO (SEMO)
Appendix H	Moyle Interconnector Licence Decision Notice