

PROVISIONAL ENFORCEMENT ORDER UNDER ARTICLE 42(2) OF THE ENERGY (NORTHERN IRELAND) ORDER 2003

To: The Company Secretary
EP NI Energy Limited (NI667118)
Kilroot Power Station,
Larne Road, Carrickfergus,
Co. Antrim,
United Kingdom, BT38 7LX

Whereas:

- (A) EP NI Energy Limited (the **Licensee**) is the holder of an electricity generation licence (the **Licence**) granted under Article 10(1)(a) of the Electricity (Northern Ireland) Order 1992 and authorising it to generate electricity at Kilroot Power Station (the **Station**). Terms used in the Licence shall have the same meaning when used in this order.
- (B) In order to maintain secure electricity supplies to consumers in Northern Ireland, the Transmission System Operator is responsible for dispatching generation sets such as those at the Station on a continuous basis through processes governed by the Single Electricity Market Trading and Settlement Code (**TSC**) and the Grid Code. The effective and efficient operation of these processes is dependent upon the timely provision by generators such as the Licensee to the Transmission System Operator of accurate technical data and other information relating to the availability of such generation sets.
- (C) Condition 4(1) of the Licence requires the Licensee to comply with inter alia the provisions of the Grid Code insofar as applicable to it. Under paragraph SDC1.4.3.2 of the Grid Code (a) the Licensee is required (subject to the exceptions in SDC1.4.3.3 and SDC1.4.3.3A, none of which is applicable in the present circumstances) to use reasonable endeavours to ensure that it does not at any time declare, in the case of any Generation Unit (as defined in the Grid Code) at the Station, the Availability or Technical Parameters (as so defined) (such declarations being hereinafter referred to as **ATP Declarations**) at levels or values different from those that such Generation Unit(s) could achieve at the relevant time and (b) that the Transmission System Operator can reject declarations to the extent that they do not meet these requirements.
- (D) Condition 14(1) of the Licence requires the Licensee, in respect of any generation set which is owned or operated by it, inter alia to be a party to and, in so far as applicable to it in its capacity as the holder of the Licence, to comply with the TSC. Under paragraph D.5.1.2 of the TSC the Licensee is required to use reasonable endeavours in accordance with Prudent Electric Utility

Practice (as defined in the TSC) to ensure that all data items submitted as part of Technical Offer Data (as so defined) (**TOD Submissions**) in respect of each of its Generator Units (as so defined) at the Station are accurate and reflect the real capabilities of the relevant unit at the point where it is connected, net of unit load and with due regard for the impact of forecast ambient conditions on that unit.

- (E) The Licensee is required under the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013 (the **PPC Regulations**) to limit the number of hours (**PPC Hours**) on which the generation set(s) at the Station are operated in a particular year. In view of current demand from the Transmission System Operator for generation output from the Station to maintain secure electricity supplies in Northern Ireland, the Authority understands that this year's annual PPC Hours limit (the **2025 Limit**) is anticipated to be reached on or around Thursday 25 September 2025, at which point the Licensee will not be permitted to operate the relevant generation set(s). The Authority also understands that urgent consideration is being given to steps which may be taken under the PPC Regulations before that date in order to avoid this outcome and that a direction was given on 23 September 2025 by the Department of Agriculture, Environment and Rural Affairs directing an increase in the 2025 Limit.
- (F) Meantime, the Authority has been informed that the Licensee is seeking to update the TOD Submission in respect of generation set(s) at the Station to indicate that such set(s) are not available to be selected by the Transmission System Operator to provide output in the period prior the 2025 Limit being reached and that this is being done with the intention of conserving remaining PPC Hours by limiting the maximum on-time the set(s) can operate. In addition, the Authority has been informed that the Licensee has recently made, and plans to continue (prior to the 2025 Limit being reached) to make, ATP Declarations in respect of the generation set(s) at the Station with the same intention, i.e., to conserve remaining PPC Hours. The Authority understands that such ATP Declarations have been and will continue to be rejected by the Transmission System Operator.
- (G) It appears to the Authority that TOD Submissions and/or ATP Declarations of the sort mentioned above which are made for the purpose of conserving remaining PPC Hours at the Station prior to the 2025 Limit being reached would (in the case of TOD submissions) be inaccurate and would not reflect the real capabilities of the relevant generation set(s) and/or (in the case of Grid Code declarations) be at levels or values different from those that such set(s) could achieve at the relevant time. Further, it appears to the Authority that the making of such submissions and/or declarations for this purpose would not be consistent with the exercise of reasonable endeavours by the Licensee as required by the relevant provisions of the paragraph D.5.1.2 of the TSC and/or SDC1.4.3.2 of the Grid Code.
- (H) The Authority is concerned that, in view of the current demand from the Transmission System Operator for output from the Station over the coming days prior to the 2025 Limit being reached, the actions being taken by the Licensee in respect of its TOD Submissions and ATP Declarations

risk materially compromising the ability of the Transmission System Operator to maintain security of supply to the detriment of consumers.

- (I) On this basis, it appears to the Authority that the Licensee is contravening, or is likely to contravene, Condition 4(1) and/or Condition 14(1) of the Licence; that it is requisite that this order be made; and that the provisions set out below are requisite for the purpose of securing compliance with such Condition(s).
- (J) In determining that it is requisite that this order be made, the Authority has had regard in particular (a) to the extent to which any person is likely to sustain loss or damage in consequence of anything which, in contravention of the Condition(s), is likely to be done, or omitted to be done, before a final order may be made; and (b) to the fact that the effect of the provisions of Articles 42 and 44 of the Energy Order is to exclude the availability of any remedy (apart from under those provisions or for negligence) in respect of any contravention of the Condition(s).
- (K) The Authority is satisfied that none of the duties imposed on it by Article 12 or 14 of the Energy Order or Article 9 of the Electricity (Single Wholesale Market) (Northern Ireland) Order 2007 preclude the making of the order.
- (L) Before making this order the Authority has considered whether it would be more appropriate to proceed under the Competition Act 1998 and does not so consider.
- (M) The Authority is not satisfied (a) that the Licensee has agreed to take and is taking all such steps as it appears to the Authority for the time being to be appropriate for the Licensee to take for the purpose of securing or facilitating compliance with the Condition(s); or (b) that the apparent contraventions, or apprehended contraventions, by the Licensee are, of a trivial nature

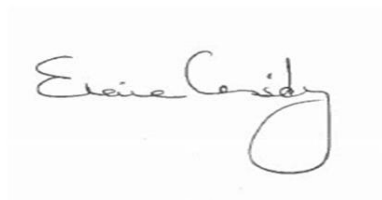
Now therefore:

1. The Authority, pursuant to Article 42(2) of the Energy Order and for the purposes of securing compliance with the Condition(s), makes a provisional order in terms of which:
 - a. the Licensee shall not make any TOD Submission and/or ATP Declaration in respect of any generation set(s) at the Station for the purpose of conserving remaining PPC Hours at the Station prior to the 2025 Limit (as in force or amended from time to time) being reached;
 - b. the Licensee shall take all steps available to it under the Licence, TSC and/or Grid Code to correct or revise or replace any TOD Submission and/or ATP Declaration previously made by it which would, had it been made after the coming into effect of this order, not have complied with the requirements of paragraph (a) above;

- c. the Licensee shall ensure that any such corrected, revised or replaced TOD Submission and/or ATP Declaration complies with the requirements of paragraph (a); and
 - d. the Licensee shall not take (or omit or delay to take) any action which has the effect of frustrating or delaying the prompt and effective implementation of this order
- 2. This order shall take effect from 18:00 hours on 24 September 2025 and lapses at 18:00 hours on 23 December 2025 unless confirmed by the Authority on or before that date.
 - 3. Pursuant to Article 44(7) of the Energy Order the Authority may seek to enforce compliance with this order by application to the court for injunction or other appropriate relief.
 - 4. The making of this order does not preclude the Authority from imposing a financial penalty for the same contravention(s) under Article 45(1) of the Energy Order within the time limit prescribed by Article 47(2) of the Energy Order.

Dated: 24 September 2025

Signed for and on behalf of the Authority:

A handwritten signature in black ink, appearing to read "Eileen Conboy", with a large, stylized loop at the end of the signature.