

**Decision of the Utility Regulator to close its investigation into ESB
Independent Energy (NI) Limited T/A Electric Ireland compliance with its
electricity supply licence**

The Utility Regulator (UR) has completed a compliance investigation into ESB Independent Energy (NI) Limited T/A Electric Ireland ('The Company').

This investigation was conducted in accordance with the provisions of the UR's Enforcement Policy Approach and Procedure ("the Enforcement Policy") and considered evidence that suggested that the Company had failed to comply with the obligations within its Electricity Supply licence. The licence conditions that were subject to investigation are summarised below:

Licence Condition number	Licence Condition title	Summary of Condition
27	Terms and Conditions of Electricity Supply Contracts	This condition relates to requirements of electricity supply contracts.
28	Deemed Contracts	This condition relates to a supplier's scheme for determining the terms and conditions of its Deemed Contracts.
33	Code of Practice on Complaints Handling Procedure	This condition relates to a supplier's code of practice on its Complaints Handling Procedure, which contains information for customers on its process for handling complaints.
35	Preparation, Revision Of and Compliance with Codes of Practice	This condition relates to the minimum requirements for all suppliers' Codes of Practice and the requirement for a supplier to comply with its Codes of Practice approved by the Utility Regulator.
36	Report on Performance	This condition relates to a supplier's reporting of information to the UR on the arrangements of its Codes of Practice.
38	Provision of Information to Customers	This condition relates to a supplier's obligations for communicating with customers.
40	Marketing of Electricity	This condition relates to a supplier's marketing of electricity to customers.

To address the matters under investigation, the Company took the following remedial actions:

- a) Adopted new systems and processes for managing licence obligations;
- b) Established, where necessary, internal review points and strengthened existing review points to monitor compliance with licence requirements; and
- c) Improved processes and quality assurance controls to mitigate against potential future issues.

The applicable Enforcement Policy provides that a compliance investigation may be closed by way of an alternative resolution offered by the Company. The Company proposed an alternative resolution that involved the following commitments:

- a) Payments totalling £750,000.00 to the following local charities (in the sum of £150,000.00 each):
 - Bryson Energy
 - National Energy Action
 - Samaritans
 - Age NI
 - NSPCC
- b) A set of undertakings that offered compliance commitments, providing for:
 - Maintenance of effective governance processes and reporting structures to ensure information submitted to the UR is of sufficient quality.
 - Allocation of appropriate resources to support the effective implementation of processes for delivering domestic and small business customer-related obligations under the Company's Supply Licence.
 - Prioritisation of processes to ensure regulatory compliance is embedded across all business functions, with regular internal reviews of their operation; and
 - Maintenance of corporate governance frameworks which enable the management of business operations in a compliant manner.
 - A suite of reports to be provided to the Utility Regulator, demonstrating how the Company has complied with the undertakings.

Having considered the case in detail, the Utility Regulator has decided to accept the terms of the alternative resolution offered by Company. The compliance investigation is hereby closed. Acceptance of this alternative resolution was considered appropriate due to our assessment that it:

- i. sufficiently addresses the issues under investigation and holds ongoing relevance despite the Company's exit from the domestic market;
- ii. provides assurance that lessons learned from the investigation will be reflected in the Company's continuing business operations;
- iii. deters future contraventions by the Company and other licensed entities;

- iv. serves as a proportionate response to the matters under investigation; and
- v. evidences a commitment on the part of the Company to address the issues identified during the investigation and reduce the risk of similar compliance failures recurring in the future.

The Company will be subject to careful monitoring going forward. Should the Company fail in the fulfilment of its commitments, as set out in the accepted alternative resolution, the Utility Regulator may take separate enforcement action, as appropriate.

Prior to making the decision to accept the alternative resolution (and close the investigation), we had due regard to our:

- a) powers under competition law,¹ and
- b) our general statutory duties and principal objective set in Article 12 of The Energy (Northern Ireland) Order 2003.

Having considered these matters we did not consider that (i) it would be more appropriate to proceed under the Competition Act 1998 or (ii) there was any obstacle to accepting the alternative resolution and closing the investigation presented by our obligations set out in Article 12 of the 2003 Order.²

Northern Ireland Authority for Utility Regulation 10 September 2026.

¹ The Utility Regulator is a sectoral regulator which may, in certain circumstances, exercise powers to enforce compliance with competition law: see the Competition Act 1998. For further explanation please see the following [guidance note](#). We had regard to this guidance prior to making our decision to accept the alternative resolution and close the investigation.

² The acceptance of the alternative resolution was considered consistent with these obligations to include our obligation to protect the interests of consumers of electricity supplied by authorised suppliers.