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SONI Response to: **CONSULTATION ON THE PUBLICATION OF UTILITY REGULATOR COMPLIANCE AND ENFORCEMENT ANNUAL REPORT**

Introduction

SONI Ltd. (hereafter "SONI") is the electricity TSO for Northern Ireland, and jointly with the Irish TSO (EirGrid), operates the all-island market via contractual joint ventures SEMO and SEMOpx. SONI holds two licences which cover the TSO and market operator obligations placed upon it:

- a licence to participate in the transmission of electricity issued under Article 10(1)(b) of the Electricity (Northern Ireland) Order 1992, and
- a licence to act as SEM Operator issued under Article 10(1)(d) of the Electricity (Northern Ireland) Order 1992.

While other transmission licences under Article 10(1)(b) are issued to NIE Networks as the electricity transmission network owner, and Moyle Interconnector and TI LirIC as electricity interconnectors, these licences are different from the transmission licence issued to SONI and are all bespoke to the specific licensees. SONI is the only holder of a SEM Operator licence in Northern Ireland.

Key points:

- Reporting on licence compliance is best achieved when the licences themselves are consistent with the statutory framework that sits above them. Resources should be allocated to ensure that outstanding modifications are progressed in parallel with developing the reporting framework.
- While we note the UR's intention to anonymise or pseudonymise data, the paper does not explain how this will be done where there is only one holder of a specific type of licence. As the holder of two unique licence types, we are unable to provide meaningful comment on this proposal and would welcome engagement with UR on this matter.
- We note that there is no specific question around the proposed audits. Our concerns apply equally to the reporting of these data.

Question 1 - Do you agree with our proposed compliance data providing detail of both our routine and annual compliance monitoring?

The focus on compliance with licence conditions relies on those conditions being up to date and aligned with other obligations placed on licence holders that sit above their licence in the statutory hierarchy, for example obligations set out in European legislation that applies under the Windsor Framework. Where licence conditions have not kept pace with these developments, reporting of compliance becomes complicated and summarised results may distort the licence holder's actual legal compliance status.

Therefore, to derive value from the proposed compliance framework, the UR needs to ensure that licences are updated to ensure that each condition reflects the wider framework that we operate in and current ways of doing business. SONI has separately highlighted, via letters to the UR's Director of Consumer Protection and Enforcement and Chief Executive, the areas where our licences are out of date, and we look forward to working with the UR to ensure that these discrepancies are resolved.

Question 2 - To what extent would it be necessary or desirable to have the published data anonymised / pseudonymised?

While we note the UR's intention to anonymise or pseudonymise information, this will only be effective where an obligation is placed on multiple parties. The examples quoted in the paper are based on these types of licence and information is not included for the holders of other types of licence.

We would be interested to understand how this policy will be applied in practice where an obligation is placed on only one party. SONI is not the only licence holder with unique obligations, and we would welcome further information to allow us to assess the implications of the proposed approach for our business.

Question 3 - To what extent do you agree with our proposal to include relevant detail by licence type to ensure the data remains of value to the reader.

Some licence conditions are included across multiple licence types. There may be value in providing data aggregated by condition type across all licence holders. Where there is only one holder of a specific licence type, there is potential for detrimental treatment because their performance will be unduly highlighted. In SONI's case, this situation would be exacerbated by the number of updates required to our licences to bring them in line with the statutory frameworks that apply to them.

This concern also applies to the reporting of audit data, noting that there is not a specific question seeking views on this.

Question 4 - Should information about cases closed at the Initial Enquiry Stage through and alternative resolution also be published in our Compliance and Enforcement Annual Report?

The UR's enforcement procedure identifies which information is placed in the public domain at each stage of that process. An annual compliance report must only include information that has already been shared under the UR's formal guidance document otherwise this could lead to an undermining of the enforcement procedure.

We note that that Annexes 1 & 2 are currently proposed to be limited to information already published on the UR website. If additional information is required, due process should be followed to update the enforcement guidance first. Only after that step has been completed should it be considered for inclusion in the Annual Report.

Question 5 - Do you have any additional comments on the proposed annual report in relation to how the publication of the proposed information is in the interests of consumers?

SONI has no comment on this question.

Question 6 - Do you agree that where this document has an impact on the groups listed, those impacts are likely to be positive in relation to equality of opportunity for consumers?

SONI has no comment on this question.