ESB GT Response to Consultation on the Publication of Utility Regulator Compliance and Enforcement Annual Report

10/09/2026

1. EXECUTIVE SUMMARY

ESB GT welcomes the opportunity to respond to Utility Regulator's consultation on the proposed Compliance and Enforcement Annual Report. We support the objective of improving transparency regarding Utility Regulator's compliance and enforcement activities and recognise the potential benefits that clear and meaningful reporting can provide to consumers and other stakeholders.

In implementing the proposed framework, ESB GT considers it important that published information is accompanied by appropriate context and presented in a proportionate manner. Care should be taken to distinguish between potential compliance issues and confirmed breaches of licence obligations, ensuring that stakeholders are able to interpret the reported information accurately.

While ESB GT generally supports the proposed reporting framework, we encourage Utility Regulator to ensure that reporting remains focused on delivering meaningful insights rather than increasing the volume of information published. The value of the report will ultimately depend on the clarity, relevance and proportionality of the information provided.

ESB GT also considers that there is merit in reviewing the proportionality of the broader annual assurance and Statement of Licence Compliance process. In particular, consideration should be given to the administrative burden associated with the process. Specifically, the requirement for Executive Director or CEO-level sign-off and the limited flexibility for delegated authority arrangements. It is our belief that enabling a designated signatory would be a reasonable adjustment to this requirement.

Finally, ESB GT continues to believe that transparency, governance and accountability arrangements associated with the Market Monitoring Unit (MMU) remain important issues for market participants and consumers. While these matters fall outside the specific scope of this consultation, ESB GT considers that further engagement on these issues would support confidence in the overall compliance and enforcement framework.

2. ANSWERS TO CONSULTATION QUESTIONS

2.1. Do you agree with our proposed compliance data providing detail of both our routine and annual compliance monitoring? Please provide clear reasoning and examples where possible evidencing the impact of your views.

ESB GT supports the publication of compliance data covering both routine compliance monitoring and the annual Statement of Licence Compliance process. This information has the potential to improve transparency and provide stakeholders with greater insight into Utility Regulator's compliance monitoring activities.

However, ESB GT considers that the information presented should be accompanied by appropriate context to ensure that it is interpreted correctly. In particular, care should be taken to distinguish between potential compliance issues and confirmed breaches of licence obligations. As recognised within the consultation paper, a determination that a licence breach has occurred can only be made through the relevant enforcement process.

ESB GT therefore considers that any published compliance data should clearly explain the status of reported issues and avoid creating unintended impressions regarding the compliance performance of individual licensees or licence classes. This will help ensure that the information remains transparent, meaningful and proportionate while supporting stakeholder understanding of Utility Regulator's compliance activities.

2.2. To what extent would it be necessary or desirable to have the published data anonymised / pseudonymised? Stakeholders should outline and explain (where applicable) their rationale for the views expressed and include examples where appropriate.

ESB GT supports the use of anonymised or pseudonymised reporting for the compliance monitoring and annual Statement of Licence Compliance findings included within the proposed report.

ESB GT considers that anonymisation strikes an appropriate balance between transparency and fairness. The primary purpose of the report should be to improve stakeholder understanding of compliance trends, common issues and regulatory activities across the sectors regulated by Utility Regulator, rather than to identify individual licensees.

This is particularly important given that the proposed reporting relates to potential compliance issues rather than confirmed breaches of licence obligations. As recognised within the consultation paper, a finding that a breach has occurred can only be determined through the relevant enforcement process. Publication of non-anonymised information relating to potential compliance issues could therefore create reputational impacts that may not be proportionate to the status of the matter under consideration.

ESB GT also notes that Utility Regulator's existing Enforcement Policy Approach and Procedure already provides for the publication of enforcement-related information where appropriate. ESB GT

therefore considers that anonymised reporting of compliance monitoring findings can provide meaningful transparency and consumer value while avoiding unnecessary risks associated with identifying licensees in circumstances where no formal enforcement outcome has been reached.

2.3. 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. Stakeholders should outline and explain (where applicable) their rationale for the views expressed and include examples where appropriate.

ESB GT has reservations regarding the proposal to publish compliance data by licence type.

While ESB GT recognises the objective of ensuring that published information remains useful to readers, reporting at licence-type level may, in some cases, undermine the benefits of anonymisation. In licence categories with a relatively small number of participants, there is a risk that stakeholders could infer the identity of individual licensees from the information presented.

ESB GT also notes that direct comparisons between licence types may not always be meaningful. Different licence classes are subject to different obligations, reporting requirements and operational activities. As a result, variations in the number or nature of potential compliance issues may not necessarily indicate differences in compliance performance.

ESB GT therefore considers that Utility Regulator should exercise caution when determining the level of granularity included within the report. The benefits of providing additional detail should be balanced against the risk of indirect identification and the potential for readers to draw misleading conclusions from comparisons across different licence types.

2.4. Should information about cases closed at the Initial Enquiry Stage through and alternative resolution also be published in our Compliance and Enforcement Annual Report? Please provide the rationale for your position including how it represents the consumer interest.

ESB GT broadly supports the inclusion of information relating to cases closed at the Initial Enquiry Stage through an agreed alternative resolution, provided that the status of such cases is clearly explained.

ESB GT considers that transparency regarding Utility Regulator's compliance and enforcement activities can provide value to stakeholders and contribute to understanding of how compliance issues are addressed in practice. However, it is important that any published information clearly

distinguishes alternative resolutions from formal enforcement findings and does not imply that a breach of licence obligations has been established where this has not occurred.

Care should also be taken to ensure that the information presented cannot reasonably be interpreted as a finding of non-compliance where the matter has been resolved at an earlier stage of the process. Appropriate context should therefore accompany any published descriptions so that consumers and other stakeholders can understand the nature of the case and the basis on which it was concluded.

2.5. 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? If you have any additional comments, please provide clear rationale.

ESB GT agrees with Utility Regulator's assessment that the proposals are likely to have a positive impact on equality of opportunity for consumers.

ESB GT considers that increased transparency regarding compliance and enforcement activities has the potential to benefit consumers by improving understanding of regulatory oversight, compliance arrangements and regulatory outcomes across the sectors regulated by Utility Regulator.

ESB GT also considers that it will be important that the information contained within the report remains accessible and easy to understand for a broad audience. The use of clear explanations, appropriate context and accessible presentation formats should help maximise the value of the report for consumers and other stakeholders.

ESB GT supports Utility Regulator's commitment to transparency and considers that the report has the potential to improve understanding of both compliance outcomes and regulatory performance over time.

ESB GT also supports the continued review and refinement of the reporting framework as experience is gained from future reporting cycles. This will help ensure that the report remains relevant, proportionate and focused on the information most valuable to consumers and stakeholders.

2.6. 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? If you do not agree, please provide your rationale and examples where possible.

ESB GT has no specific comments on the equality assessment set out in the consultation paper. Based on the information presented, ESB GT has not identified any issues requiring further comment in relation to the proposed Compliance and Enforcement Annual Report.