Consultation on the Publication of Utility Regulator Compliance and Enforcement Annual Report

Power NI Response

8 September 2026

Executive Summary

Power NI welcomes the opportunity to respond to the Utility Regulator's (UR's) consultation paper on The Publication of the Compliance and Enforcement Annual Report. Power NI recognises that the UR has a statutory duty to monitor the compliance of regulated companies to the licence obligations under which they operate.

Power NI fully supports the Utility Regulator's objective of providing greater insight into its compliance and enforcement activities and promoting a strong culture of compliance amongst regulated entities. It is Power NI's view that the proposed structure and content of the Compliance and Enforcement Annual Report is well considered, and the report will be beneficial in aiding consumer and other stakeholder understanding of the market and will help provide insight into the UR's C&E activities.

In responding to this consultation, we have considered the need to balance transparency and consumer protection with principles of materiality and fairness. Overall, Power NI is supportive of the format and content proposed for the Compliance and Enforcement Annual Report.

Specific Questions

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

Power NI Response

Power NI agrees with the proposed compliance data providing detail on both the UR's routine and annual compliance monitoring.

Providing information on both routine compliance monitoring and the annual Statement of Licence Compliance (SoLC) process offers a more complete picture of compliance activity across the sectors regulated by the Utility Regulator. Presenting data from both sources should improve transparency of the C&E monitoring process.

Power NI's view is that the materiality of any potential compliance issue should be considered before it is included in the report. Publishing issues with no or only minor impact may distort stakeholder perceptions of overall compliance performance and reduce the report's effectiveness by obscuring genuinely significant compliance concerns. Furthermore, issues that do not directly impact consumers, are not related to consumer protection, and are purely technical in nature are unlikely to be of significant interest to stakeholders. If such issues are included, they should be reported separately from those that have a material impact on consumers.

Power NI therefore supports the publication of: -

- The number of potential compliance issues, with a material impact, identified.
- High-level summaries of common compliance themes.

If all potential compliance issues are to be included, then they should also be broken down by a level of materiality.

Providing this data in the annual report will provide valuable insights to stakeholders and aid them in gauging changes across the sectors' compliance performance year on year.

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

Power NI Response

Power NI's view is that a balanced and proportionate approach should be adopted when publishing compliance and enforcement data.

Information relating to potential compliance issues, where there has been no formal investigation outcome or determination, should be published in an anonymised or pseudonymised format. Publishing identifiable information before a formal determination has been reached could result in unwarranted reputational damage to a licensee. Presenting information in an anonymised or pseudonymised form would not detract from the stated objective of improving transparency and providing stakeholders with insight into the Compliance and Enforcement (C&E) process.

Where information has already been published through formal enforcement processes in accordance with the Utility Regulator's Enforcement Procedure, the relevant licensee should continue to be identified. Transparency in relation to confirmed enforcement outcomes serves the consumer interest, supports regulatory accountability, and promotes confidence in the regulatory framework.

The published data should also be presented in a manner that is most useful to stakeholders. In particular, issues should be categorised according to their materiality, enabling stakeholders to distinguish more easily between matters with significant consumer impact and those of a more minor nature.

Power NI therefore considers that:

- Routine monitoring data should generally be anonymised or pseudonymised.
- SoLC findings should generally be anonymised or pseudonymised unless they have been the subject of a formal enforcement determination.
- All published data should be categorised according to materiality.
- Confirmed enforcement decisions and previously published investigation outcomes should remain identifiable.

This approach would provide stakeholders with meaningful insight into, and confidence in, the Utility Regulator's compliance and enforcement processes while avoiding unnecessary reputational harm to licensees in circumstances where no formal breach has been established.

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.

Power NI Response

Power NI agrees that reporting by licence type would significantly enhance the value of the report. Categorising information by licence type enables stakeholders to better understand the nature of compliance issues within different sectors and provides greater context for any trends identified.

However, licence type alone may not provide sufficient insight into the significance of the issues being reported. It is therefore Power NI's view that the data should also be categorised by impact and materiality. For example, issues could be classified as procedural, administrative, customer-impacting, or otherwise, with an indication of the level of consumer detriment or regulatory significance associated with each category.

This is particularly important where compliance issues relate to technical or procedural requirements that have little or no impact on consumers. Reporting such issues without appropriate context could lead stakeholders to draw incorrect conclusions regarding the overall compliance performance of a sector or licensee.

Providing information at both licence-type and impact level would:

- Improve understanding of sector-specific compliance issues.
- Enable more meaningful trend analysis within sectors.
- Allow stakeholders to distinguish between issues of varying materiality and consumer impact.
- Provide consumers with more relevant and informative insights.

Where anonymisation is applied, reporting by licence type can continue to provide useful information while protecting the identity of individual organisations.

Overall, Power NI considers that reporting by licence type is a positive and necessary element of the proposed reporting framework. However, its value would be significantly enhanced by the inclusion of impact and materiality classifications, ensuring that the published information is transparent, meaningful, and proportionate.

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?

Power NI Response

It is Power NI's view that the reporting of these cases should be consistent and as the information relating to alternative resolutions is already reported in the Utility Regulator's Annual Report their inclusion within the Compliance and Enforcement Annual Report is appropriate.

Publication would: -

- Improve transparency regarding regulatory activity.
- Demonstrate how issues are resolved without requiring formal enforcement action.
- Aid consumers in understanding the C&E process.

The information presented should clearly distinguish alternative resolutions from formal findings of breach to avoid potential misunderstanding. It should be clear that the matter was resolved at an early stage and did not proceed to formal enforcement determination and why an alternative resolution was appropriate.

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?

Power NI Response

Power NI views that the proposed annual report will be beneficial for consumers by increasing transparency regarding how regulated companies are monitored and held accountable. Greater visibility of compliance and enforcement activity should strengthen public confidence in the effectiveness and independence of regulatory oversight.

To maximise value for consumers, consideration could be given to including: -

- Providing year-on-year trend data.
- Summaries of key consumer impacts arising from compliance issues.
- Examples of regulatory interventions that led to improved outcomes for consumers.
- Clear explanations of technical terminology and compliance processes.

Presenting information in plain language and accessible formats will help ensure that the report is useful not only to industry stakeholders but also to consumers.

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?

Power NI Response

Power NI views that this proposed format and the data to be included will be beneficial to all consumers and not impact any particular group or type of consumer.