

**ESB Independent Energy's response to the
NIAUR Supplier of Last Resort (SoLR)
Consultation**

12th June 2009

Response to specific Questions of Consultation

1. Will any Last Resort Supply Direction apply to all customer classes, or just Domestic and small enterprises as stated in the Directive?

ESB Independent Energy believes there should be a distinction between the treatment of domestic and non-domestic customers with non-domestic i.e. large I&C customers being given a clear and viable option to register with another supplier with the onus on the defaulting supplier to provide all relevant information necessary (through the Regulator) in relation to such customers such as load factor, consumption profile, billing information e.g. for credit review purposes in order to ensure a speedy and smooth transfer of supply to another supplier.

2. Should the SoLR direction be used in all instances, or if only a small number of customers are involved should these customers be given an opportunity to find another supplier and transferred manually?

ESB Independent Energy believes that If there is only a small number of customers involved then discretion should intervene and these customers should be given the opportunity and all the support necessary to secure another supplier and if successful they should be transferred as quickly and as smoothly as possible, and manually if necessary. Referring to point 1 above, we believe this would be particularly relevant and important in the case of large I&C customers.

3. Are the duties of the SoLR relevant and are there any other duties the SoLR should perform?

ESB Independent Energy believes the SoLR duties as documented are reasonable enough.

4. Is the five day window for notifying customers sufficient and is it reasonable to try and secure a meter reading within 14 days?

ESB Independent Energy believes the 5 day period for the initial customer notification of the particular SoLR event itself is probably reasonable enough but we would have some reservations in relation to the 14 days to obtain a meter reading as we believe this would really be dependent on the volume of customers involved in any particular SoLR event.

5. Should there be a customer opt-out period? How long should it last?

ESB Independent Energy believes a customer opt-out period is appropriate. In terms of its length of time, 14 days may be somewhat tight in terms of a customer securing a contract with an alternative supplier.

6. Should there be a lock-in period? How long should it last?

ESB Independent Energy believes a lock-in period is a reasonable proposal in the event that customers and other suppliers are given sufficient opportunity to contract. However, in terms of the length of any lock-in period, we believe it should be as short possible.

7. Should the same SoLR be used for all customer classes, or would it be more appropriate to have different customers transfer to different SoLRs?

In terms of efficiency of operation, ESB Independent Energy believes a single SoLR is probably more appropriate but this would be dependent on customers being empowered and enabled to actively seek alternative suppliers, particularly for large I&C customers (cf. point 1 & 2 above).

8. Is there any further information that the Customer Notice should contain?

As well as the information already proposed ESB Independent Energy also believes details of other relevant suppliers should also be provided.

9. How should the SoLR be appointed (Obligation, Auction or case-by-case basis)? Is there any way these options can be improved? Are there any other available options?

Of the three options ESB Independent Energy believes a case-by-case basis is probably the most appropriate as it provides for flexibility depending on the specific circumstances at the time of and in relation to the specific SoLR event particularly e.g. in relation to large I&C customers specifically (cf. point 1 & 2 above).

10. How should SoLR costs be recovered? How should SoLR tariffs be set?

ESB Independent Energy believes the key point in relation to the whole issue of cost recovery is that it is an open and transparent process for all potential SoLR suppliers.

11. What information will be required from the defaulting supplier/NIE in respect of the customer base? What information will be required from potential SoLRs? Is the list of information in the Appendices relevant?

As well as all the information detailed in the Appendices, ESB Independent Energy would also add such information as load factor, consumption profile, billing information details etc.