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Our Ref: NET/E/JF/295

Dear Daniel

Application under Condition 30(7)(a) of NIE Networks' Distribution Licence ("the Licence") that the Utility Regulator ("the UR") consent to an extension of the period under Condition 30(6)(b) of the Licence, regarding an offer of terms of connection in respect of the connection application for Pigeon Top Wind Farm: NIE Networks' reference: 10/14886 ("the Application")

Thank you for your letter dated 25 November 2020 (**Letter**) setting out the Application.

The Application

In the Letter you set out some of the relevant background to the Application.

The LCTA connection node for the connection of Pigeon Top Wind Farm would be Drumquin Cluster (formerly known as Curraghmulkin Cluster). On 6th April 2020, NIE Networks applied to the UR for its consent to an extension of time (under Condition 30(7)(a) of the Licence) in respect of the connection application for Pigeon Top Wind Farm. The UR granted that application on 13 May 2020¹. The relevant extension of time then granted expires on 14th December 2020.

Pigeon Top Wind Farm is currently second in the "queue" for the current available capacity at the Drumquin Cluster. The other applicant for connection before Pigeon Top Wind Farm (Altgolan Wind Farm Limited) referred a dispute to the UR with regard to the

¹ https://www.uregni.gov.uk/sites/uregni/files/media-files/2020_05_13-%20Letter%20to%20NIEN%20-%20Pigeon%20Top-%20Request%20for%20further%20extension%20.pdf

From the office of the Chief Executive

terms of the connection offer made to it by NIE Networks on 23 October 2018. The UR issued a determination in respect of the main issues in that dispute on 7 September 2020 (the **First Determination**).

However, there is a supplemental issue between the parties that remains to be determined before the dispute can be finally settled. It is only after the final disposal of that dispute, and any action by Altgolan Wind Farm in relation to any offer which remains capable of acceptance following that resolution, that NIE Networks will know whether or not there remains capacity at the Drumquin Cluster to offer Pigeon Top Wind Farm.

The Application makes the case that it is unlikely that NIE Networks will know, on or before 14th December 2020, whether or not the capacity previously offered to Altgolan Wind Farm will be available to be offered to Pigeon Top Wind Farm. Accordingly, it is represented that NIE Networks shall require a further extension of the time for making any offer for the connection of Pigeon Top Wind Farm.

The Application requests that the UR consent (pursuant to Condition 30(7)(a) of the Licence) to the period under Condition 30(6)(b) of the Licence (in respect of the Pigeon Top Wind Farm connection application) being extended until **1 June 2021**. This “end date” of 1 June 2021 is put forward on the basis that the final resolution of the dispute referred by Altgolan Wind Farm, is outside the control of NIE Networks, leaving it with no firm time-line within which clarity will be achieved around the status of the remaining capacity at the Drumquin Cluster.

The Application contends that;

- (i) It may be at least 3 months before NIE Networks can be certain that capacity will be available for Pigeon Top Wind Farm
- (ii) NIE Networks will require a Design and Quotation period of 90 days from the date on which capacity becomes available (if at all).

Consultation associated with the Application

Condition 30(7)(a) of the Licence provides that there must be consultation with the applicant for connection in respect of which the application under Condition 30(7)(a) is made: namely the applicant for connection of Pigeon Top Wind Farm. The Application

From the office of the Chief Executive

provides evidence of the requisite consultation. Documentary evidence has been provided confirming that the applicant for connection of Pigeon Top Wind Farm is supportive of the Application.

Condition 30(7)(a) of the Licence also provides that NIE Networks should consult with “*such other persons as [NIE Networks] considers may be affected or interested*” in the Application. The UR notes the confirmation of NIE Networks’ engagement with SONI. SONI makes no comment on the matter.

Decision on the Application

Consenting to the Application would:-

- (a) allow the applicant for connection of Pigeon Top Wind Farm to remain in the connection queue at Drumquin Cluster in circumstances where there is an opportunity for network capacity to become available that would facilitate the connection of this proposed project, and

facilitate a fair and transparent network capacity allocation and queuing process for the capacity available at Drumquin Cluster.

Moreover, enabling the Pigeon Top Wind Farm application to remain in the queue presents a potential benefit, by providing a greater opportunity for the remaining capacity at Drumquin Cluster to be fully committed/utilised.

The UR notes that it has granted a previous extension to NIE Networks in relation to the application for connection by Pigeon Top Wind Farm in order to allow the Altgolan Wind Farm dispute to be resolved.

The UR confirms its present intention to issue a further determination in the Altgolan Wind Farm by 14 December 2020. It follows that NIE Networks should have the required clarity as to available capacity in short course.

However, the UR recognises that no matter what the eventual resolution of the dispute brought by Altgolan Wind Farm, NIE Networks is very unlikely be in a position by 14 December 2014 to either make a connection offer to Pigeon Top Wind Farm, or refuse

From the office of the Chief Executive

its application for connection. This is because, if the resolution of the dispute results in an offer which is capable of acceptance by Altgolan Wind Farm, then there will be a period during which the latter may accept or reject it and, if no such offer is made, or if it is made and rejected, it will take 90 days for NIE Networks to issue an offer to Pigeon Top Wind Farm.

Having considered the matter fully², the UR hereby confirms that it consents to the Application. Accordingly, the period under Condition 30(6)(b) of the Licence (in respect of the application for connection of Pigeon Top Wind Farm) is now extended until 1 June 2021.

We would take this opportunity to confirm and clarify that the period ending 1 June 2021 is a “long stop” date. The obligation under Condition 30 of the Licence is (now) – subject to normal capacity constraints - to offer terms of connection for Pigeon Top Wind Farm “as soon as practicable” and “in any event no later than” 1 June 2021. The Licence obligation is **not** (now) simply to offer connection terms by 1 June 2021. No doubt NIE Networks will be mindful of this obligation.

Yours sincerely



John French
Chief Executive

² To include clarifications offered by NIE Networks in response to requests from the UR.