

Siobhán O'Shea
SONI Ltd
Castlereagh House,
12 Manse Road,
Belfast,
BT6 9RT

27 May 2020

Ref: NET/E/TH/215

Dear Siobhán

Request that the Authority¹ consent to extend the Condition 25(7) date for the making of an offer of terms to connect, in respect of the application for connection for EP Kilroot OCGT GT7 ("the Application")

Thank you for your letter of 14 May 2020 ("the **Letter**").

We treat the Letter as a request (under Condition 25(5) of SONI's TSO Licence ("the **Licence**")) seeking the Authority's consent to extend the period otherwise specified by Condition 25(7) - in respect of an offer of terms in relation to the Application - from 28 May 2020 to 26 August 2020.

Condition 25(5) of the licence obliges SONI to offer terms to connect in respect of the Application *as soon as practicable* and in any event within the period designated in Condition 25(7), save where the Authority consents to a longer period. Condition 25(7) provides that the designated period is 3 months from receipt of the Application.

SONI has treated the Application as being properly received on 28 January 2020. Accordingly, absent the Authority consenting to a longer period (in accordance with Condition 25(5) of the Licence), SONI is obliged to offer terms of connection in respect of the Application *as soon as practicable* and in any event prior to 28 May 2020.

SONI requests that the UR consent to that period being extended to the longer period of 26 August 2020.

*Our consideration of the SONI request for a consent to a longer period ("the **Request**")*

In the Letter SONI confirms that its submission of the Construction Application (in respect of the Application) to NIE Networks (in NIE Network's role as the Transmission Owner ("**TO**")) has been delayed due to certain factors/developments. These factors/developments have caused SONI to require more time to assess relevant

¹ In this letter "we", "the UR", and "the Authority" are used interchangeably to refer to the Northern Ireland Authority for Utility Regulation.

connection options and complexities. Factors/development relied on in making the Request (and set out in the Letter) are set out as follows:

- (i) The withdrawal by SONI of a number of other significant accepted connection offers has resulted in a material change to the previous assumptions made in SONI's *studies* related to its Construction Application to the TO. In particular, further fault level studies are required to be conducted, along with a further assessment of the impact of the material changes on the connection arrangements;
- (ii) There is a probability that the cited assumptions will further materially change in the short term; and
- (iii) Unknown and unforeseen impacts of the ongoing COVID-19 pandemic in relation to the connection offer process (including, but not limited to, availability of key staff both within SONI and the TO).

In the Letter, SONI proposes (as already indicated) that the UR consent to the Condition 25(7) period being extended in the circumstances to 26 August 2020. The Letter confirms that SONI will endeavour to make an offer of terms to connect for the Application sooner than this "*if possible*".

In considering the Request we have had due regard to further clarification offered by SONI in respect of the matters set out in the Letter. The UR has also had regard to the input of relevant stakeholders. This input has taken the form of engagement between SONI, NIE Networks and EP KL (the applicant for the Application) in relation to the Request. This engagement is set out in Annexes to the Letter. We recognise that NIE Networks has raised no objection to the Request. EP KL (at present) neither consents nor objects to the Request.

Decision on the Request

Having considered the matter fully, and taken all relevant matters into account, the UR hereby confirms that it consents to the Request. Accordingly, the period provided by virtue of Condition 25(7) – in respect of the Application - is hereby extended to the longer period of **26 August 2020**.

We would take this opportunity to remind SONI that the (substituted Condition 25(7)) date of 26 August 2020 is a "*long stop*" date. The obligation under Condition 25 of the Licence is (now) to offer terms of connection for the Application "as soon as practicable" and "in any event no later than" 26 August 2020. SONI's connection obligation (under the Licence) is not (now) simply to offer connection terms by 26 August 2020.

We see some recognition of that in the SONI statement that it shall endeavour to make an offer of terms to connect before the new (extended) date "*if possible*". No doubt SONI will be mindful of its actual Licence obligation in this regard.

Yours sincerely,



Tanya Hedley
Director of Networks