
Retail Market Procedure
MP NI 505
Disputes and Appeals

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1. Introduction

1.1 Overview

This procedure defines the stages and processes governing:

- 1.1.1 disputes between Applicants and the Market Entry Process Coordination Team (“MEPCT”) or NIE, relating to Market Entry Process, Removal of Certification Process, Recertification Process or Dispensation Process; and
- 1.1.2 appeals by an Applicant or Supplier against a Certification, Removal of Certification, Recertification or Dispensation Decision against that Applicant or Supplier.
- 1.1.3 appeals by a Supplier against a Dispensation Decision for another Supplier.

1.2 In Scope

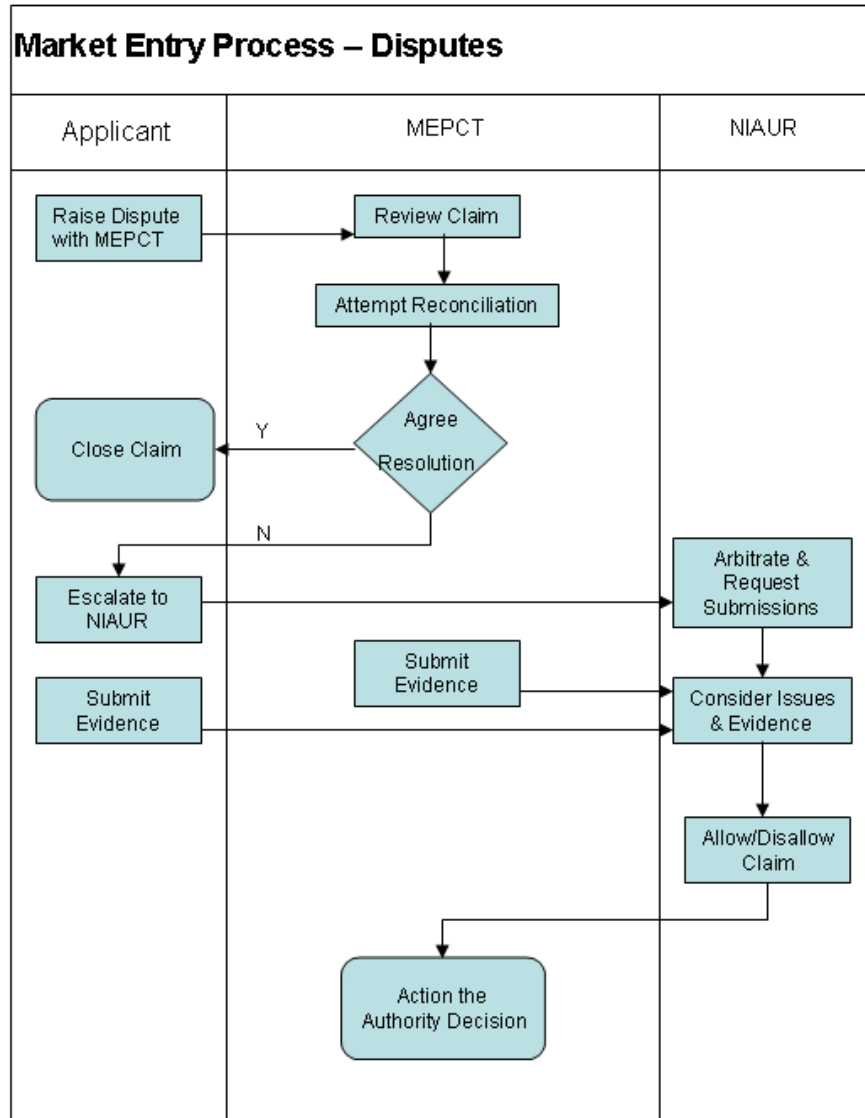
The following are within the scope of these procedures:

- disputes as defined in section 2.1.2 of this procedure;
- appeals against decisions as described in section 2.2.2 of this procedure; and
- appeals regarding the granting of a requested Dispensation as described in section 2.3.2 of this procedure.

2. **MEP Application Disputes and Appeals**

2.1 **Disputes**

2.1.1 Procedural Flow



2.1.2 Definition

A dispute arises from the point of receipt by MEPCT of notification where an Applicant or Supplier (as applicable) and either the MEPCT or NIE (as applicable) are unable, having made reasonable efforts to reach agreement over a period of 5 Business Days, to agree on a matter relating to Market Entry Process, Recertification Process, Removal of Certification Process or Dispensations Process concerning the Applicant or Supplier (as applicable). Once the Certification Decision, Recertification Decision, Removal of Certification or refusal to grant a Dispensation has been made in respect of any certification category any disagreement is to be dealt with as an appeal.

The following table outlines the only parties that could be involved in the possible dispute scenarios:

Raised By	Against	Respondent	Referee
Applicant	MEPCT	MEPCT	NIAUR
Applicant	NIE	MEPCT	NIAUR

2.1.3 Activity

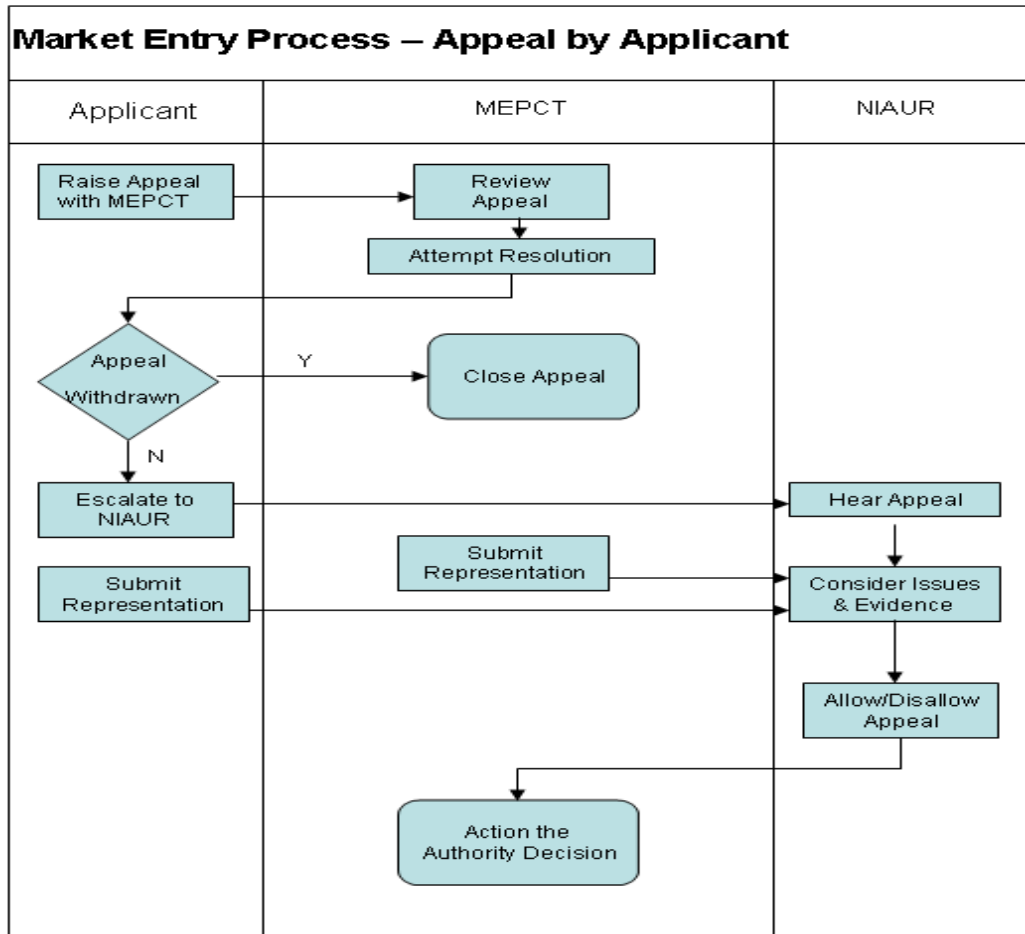
In the first instance the Applicant shall refer the dispute to the MEPCT for resolution through mutual discussions. Should resolution not be reached within ten Business Days after receipt of the referral by the MEPCT, the Applicant may escalate the dispute to NIAUR.

2.1.4 Timescales

Action	Responsible Party	Duration	Notes
Response to Applicant	MEPCT	1 Business Day	The response is only an acknowledgment of receipt of a formal referral which must be made within 1 Business Day after the date of receipt by MEPCT of the referral
Attempted reconciliation	Applicant & MEPCT	1 – 20+ Business Days	
Escalation to NIAUR	Applicant	10 - 50 Business Days	During the first 10 Business Days of the reconciliation period the Appellant may not escalate the appeal to NIAUR.
Response to NIAUR	MEPCT	Within 5 Business Days of receipt of the request from NIAUR.	The MEPCT will provide to NIAUR the documents requested by NIAUR.

2.2 **Appeal by Applicant/Supplier against Certification, Recertification or Dispensation Decisions**

2.2.1 Procedural Flow



2.2.2 Definition

There are only three potential appeal scenarios of an appeal by an Applicant or Supplier, as the case may be, namely:

2.2.2.1 An Applicant can bring an appeal against a refusal of the MEPCT to grant a Certification in respect of a Certification Category.

2.2.2.2 An Applicant can bring an appeal against a rejection of a Dispensation Application in respect of a certification Category or, where granted with restrictions, any of the dependent restrictions.

2.2.2.3 A Supplier can bring an appeal against a Removal of Certification in respect of a Certification Category.

2.2.3 Activity

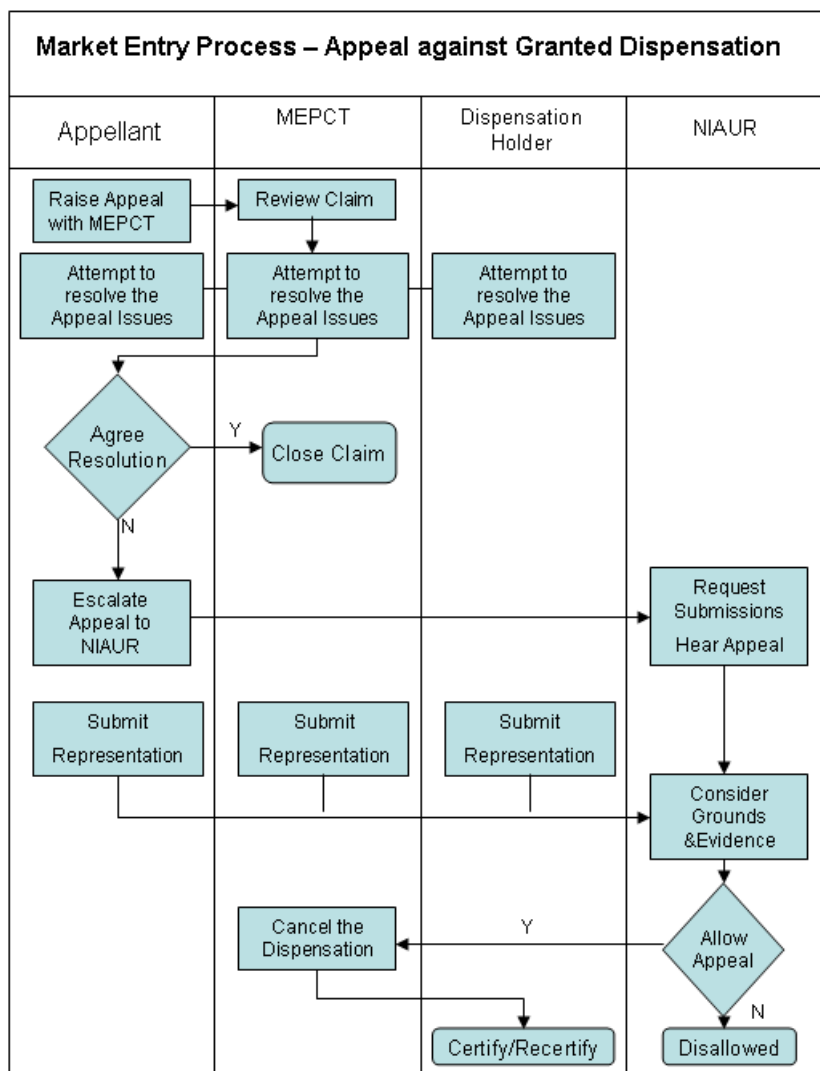
In the first instance the Appellant shall refer the appeal to MEPCT for resolution through mutual discussion. Should no resolution be reached within 10 Business Days, the Appellant may escalate the matter to NIAUR.

2.2.4 Timescales

Action	Responsible Party	Duration	Notes
Response to Appellant	MEPCT	1 Business Day	The response is only an acknowledgment of receipt of a formal referral which must be made within 1 Business Day after the date of receipt by MEPCT of the referral
Attempt to resolve the grounds for appeal.	Appellant & MEPCT	1 – 20 Business Days	
Escalation to NIAUR	Appellant	10 - 50 Business Days	During the first 10 Business Days of the reconciliation period the Appellant may not escalate the appeal to NIAUR.
Response to NIAUR	MEPCT	Within 5 Business Days of receipt of the request from NIAUR.	The MEPCT will provide to NIAUR the documents requested by NIAUR.

2.3 Appeal against a granted Dispensation

2.3.1 Procedural Flow



2.3.2 Definition

Any Supplier that is a party to the Market Registration Code can bring an appeal against any granted Dispensation on any of the following grounds:

- The Supplier or Applicant granted the Dispensation, as the case may be, has gained an unfair competitive advantage over other Suppliers in the retail electricity supply market in Northern Ireland by holding the Dispensation;
- Additional cost or burden has been put on the Appellant;

- The Appellant is unfairly disadvantaged by the Dispensation; or
- The duration of the Dispensation is for an unreasonable period.

2.3.3 Activity

In the first instance the Appellant must refer the appeal to the MEPCT so that the MEPCT can request the Dispensation holder to respond to the appeal, relinquish the Dispensation or agree to a modification of it. Should the MEPCT be unable to resolve the appeal within ten Business Days of receipt of the appeal, the Appellant may escalate the appeal to NIAUR. If NIAUR allows the appeal, the MEPCT must remove the Dispensation and require the former holder of the Dispensation to seek Re- certification.

2.3.4 Timescales

Action	Responsible Party	Duration	Notes
Response to Appellant	MEPCT	1 Business Day	The response is only an acknowledgment of receipt of a formal referral which must be made within 1 Business Day after the date of receipt by MEPCT of the referral
Attempt to resolve the grounds for appeal.	Appellant & MEPCT	1 – 20 Business Days	
Escalation to NIAUR	Appellant	10 - 50 Business Days	During the first 10 Business Days of the reconciliation period the Appellant may not escalate the appeal to NIAUR.
Response to NIAUR	MEPCT, Appellant & Current Dispensation Holder	Within 5 Business Days of receipt of the request from NIAUR.	The MEPCT, the Appellant and the current holder of the Dispensation will provide to NIAUR the documents requested by NIAUR.

2.4 NIAUR Disputes Procedure

NIAUR will hear disputes and appeals in accordance with NIAUR's procedures. As part of those procedures, NIAUR may request such representations as it considers appropriate and may give directions as to the payment of costs. NIAUR's decisions shall be final and binding subject to any rights at law to seek review of the decision by a court on the parties to the dispute or appeal and the MEPCT.

3. Document Layouts

3.1 Referral of Dispute or Appeal

Type	Letter	Format	MS Word
Sent From	Supplier	Sent To	MEPCT
Copied To	Dispensation holder: if appeal against granted Dispensation		
Notes	<p>A statement of issues, outcomes and actions in dispute. The application will be in the form of a letter clearly stating the following:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The parties involved <input type="checkbox"/> The type of dispute or appeal <input type="checkbox"/> The grounds for the dispute or appeal <input type="checkbox"/> Supporting arguments and evidence. 		

4. Procedural Steps

4.1 Dispute

No	Applicant	MEPCT	NIAUR
1.	Formally refer the dispute to the MEPCT.	Receive dispute and acknowledge receipt to Applicant	
2.	Attempt to reach amicable agreement	Attempt to reach amicable agreement	
3.	Agreement reached End of procedure	Agreement failed Refer the dispute and supporting documentation to NIAUR for resolution	Agreement reached End of procedure
4.			Receive dispute application and request submissions from all relevant parties
5.	Provide submissions to NIAUR	Provide submissions to NIAUR	Receive submissions
6.			Consider the dispute application in conjunction with the submissions, requesting further information as it sees fit.
7.			Publish the findings.

4.2 Appeal against Certification Decision

No	Appellant	MEPCT	NIAUR
1.	Raise an appeal, providing a statement of the grounds that the appeal is based upon.	Receive the appeal and acknowledge receipt to Appellant	
2.		Review the appeal grounds and reconsider Certification Decision.	
3.	If Certification disallowed and the Appellant wishes to pursue the appeal: Escalate appeal to NIAUR	If Certification allowed: Notify revised decision, End of procedure	
4.			Receive appeal application and request submissions from all relevant parties
5.	Provide submissions to NIAUR	Provide submissions to NIAUR	Receive submissions
6.			Consider the dispute application in conjunction with the submissions, requesting further information as it sees fit.
7.		If Certification allowed: Notify revised Certification Decision.	Publish the findings.
8.		End of procedure	

4.3 Appeal against Dispensation rejection

No	Appellant	MEPCT	NIAUR
1.	Raise an appeal, providing a statement of the grounds that the appeal is based upon.	Receive the appeal and acknowledge receipt to Appellant	

No	Appellant	MEPCT	NIAUR
2.	If Dispensation disallowed and the Appellant wishes to pursue the appeal: Escalate appeal to NIAUR	Review the appeal grounds and reconsider decision whether to grant Dispensation or, if Dispensation Report has not yet been produced, to allow Dispensation Application to proceed.	
3.		If Dispensation allowed Notify revised Dispensation decision. End of procedure.	
4.			Receive appeal and request submissions from all relevant parties
5.	Provide submissions to NIAUR	Provide submissions to NIAUR	Receive submissions
6.			Consider the dispute application in conjunction with the submissions, requesting further information as they see fit.
7.		If Dispensation allowed: Notify revised Dispensation decision.	Publish the findings.
8.		End of procedure	

4.4 Appeal against a granted Dispensation

No	Appellant	Dispensation holder	MEPCT	NIAUR
1.	Refer the appeal against a specific Dispensation granted to another Applicant to the Dispensation holder and the MEPCT	Receive the appeal application	Receive the appeal and acknowledge receipt to Appellant	
2.			Review the appeal grounds for fitness and reconsider the original Dispensation recommendation. If appropriate, request that the holder respond to the appeal or agree to modify or to relinquish the Dispensation	
3.		If holder agrees to the request to modify or relinquish the Dispensation proceed to step 9	If holder agrees to the request to modify or relinquish the Dispensation proceed to step 8	
4.	If holder rejects request to modify or relinquish the Dispensation and Appellant wishes to pursue the appeal: Escalate appeal to NIAUR			Receive application and request submissions from all relevant parties
5.	Provide submissions to NIAUR	Provide submissions to NIAUR	Provide submissions to NIAUR	Receive submissions
6.				Consider the appeal application in conjunction with the submissions, requesting further information as they see fit.
7.				Publish the findings.

No	Appellant	Dispensation holder	MEPCT	NIAUR
8.			If Dispensation disallowed or relinquished: Rescind the Dispensation and request (if an Applicant is not holding a Certification) continuation of Certification process or (if a Supplier) an immediate Recertification	End of Procedure
9.		If Dispensation disallowed or relinquished: (if an Applicant is not holding a Certification continue Certification process or (if a Supplier) commence an immediate Recertification		
10.		End of procedure		