

Jody O'Boyle
Utility Regulator
Queens House
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30 August 2018

Dear Jody

PROPOSED MODIFICATIONS TO LICENCE CONDITION 17

We refer to your consultation of 26 July 2018 which sets out proposed modifications to Condition 17 in our and Condition 18 in SONI's respective Participate in Transmission Licences. Thank you for the opportunity to comment on your proposals. Our comments are as follows.

1. We agree with the rationale for the proposed modifications at paragraphs 5(a) and 8(c). However we consider it may improve drafting consistency both within the Licence and between it and the TIA, to make one further modification to paragraph 8(c) being to change the text at the end from "paragraph 5(a)" to "paragraph 5(b)".
2. The proposed modifications at paragraph 10 will grant the UR powers to direct revisions to the TIA at any time following consultation with NIE Networks and SONI. If or when the UR is ever to avail of this new power, we would ask the UR to consider carefully the process it would follow to modify the TIA without the consent of either licensee. Further to this, we would request the UR considers adopting a similar process to that already codified in the TIA at Section P. This should include a right of appeal (see next comment).
3. In the circumstances where NIE Networks and SONI disagree on TIA amendments proposed by the other party, the matter may be referred to the UR for determination in accordance with Section P of the TIA. The UR's proposed new paragraph 11 in the Licence introduces an obligation to accept the UR's determination on same. We have some concern that this obligation may prevent NIE Networks from appealing a determination. Accordingly we suggest the UR introduces the obligation into Section P of the TIA itself, using similar wording to that already in the TIA at paragraph 4.7 of Section Q. This paragraph obliges the parties to accept the UR's determination if/when it determines on a dispute referred to it under Section Q. Importantly this paragraph also makes clear that the parties have a right to appeal the determination by judicial review.

Please note that all of the above comments are applicable to the changes proposed in the SONI Licence and these would need to be mirrored appropriately if/when the UR is implementing these Licence modifications.

We trust you will give our comments proper consideration.

Yours sincerely



CARL HASHIM
Compliance Manager