

Annexe B

Firmus energy (Distribution) Limited

Proposed Modifications



This Annex sets out the proposed modifications to the Firmus Energy (Distribution) Limited conveyance licence.

Proposed deletions are indicated by ~~red text~~ which has been struck through.

Proposed additions are indicated by red text which has been underlined.

This Annex only includes those provisions/conditions (in whole or in part) to which modifications have been proposed.

1.1.6 Definitions

Except where expressly stated to the contrary and unless the context otherwise requires, the following terms shall have the meanings ascribed to them below:

- “affiliate” means, in relation to any person, any company which is a subsidiary of such person or a company of which such person is a subsidiary or a company which is another subsidiary of a company of which such person is a subsidiary;
- “amount” means, in relation to gas, the energy content thereof expressed in therms or kilowatt hours; except with effect from 1st January 2000, it means the said content expressed in kilowatt hours;
- “auditors” means the Licensee's auditors for the time being holding office in accordance with the requirements of the Companies Act 1985;
- “authorisation of persons” means the power of the Licensee to authorise persons, pursuant to Schedule 5 of the Order;
- “Authority” means the Northern Ireland Authority for Energy Utility Regulation;
- “balancing” means (in relation to the Network and any relevant period for balancing under the Network Code) taking such measures as may be available to the Licensee, in particular, measures:
- (i) for managing the relationship between deliveries of gas to and offtakes of gas from the Network during that period; and
 - (ii) to maintain pressures in the Network at levels;

which will, in the reasonable opinion of the Licensee, ensure the safety and efficiency of the Network in that or any subsequent relevant period;

- “company” means a company within the meaning of Article 3 of the Companies (Northern Ireland) Order 1986 or any other body corporate;
- “Competition and Markets Authority (CMA)” means the body of that name established by section 25 of the Enterprise and Regulatory Reform Act 2013;
- “consumer” means any person supplied with gas to premises;
- “conveyance charges” means the charges made by the Licensee for the conveyance of gas;
- “conveyance services” means all services provided by the Licensee of conveying gas to, through and within the Licensed Area;
- “Department” means the Department ~~of Enterprise, Trade and Investment~~ for the Economy;
- “distribution pipe-line” means any pipe-line which is not a transmission pipe-line;
- “distribution system operator” means any person authorised to convey gas through distribution pipelines by virtue of holding a licence granted under Article 8(1)(a) of the Order;
- “domestic consumer” means a consumer supplied, or requiring to be supplied, with gas at Domestic Premises;
- “domestic premises” means premises where the supply of gas is taken wholly or mainly for domestic purposes;
- “Energy Order” means the Energy (Northern Ireland) Order 2003;

“exemption holder”	means the holder of an exemption under Article 7 of the Order;
“exercise of powers of entry”	means the Licensee entering any premises, in accordance with the powers conferred by Schedule 5 of the Order;
“gas supplier”	means any person authorised by licence under Article 8 of the Order or by exemption under Article 7 of the Order to supply gas including the Licensee as so authorised or exempted;
“Grant”	means the commencing section of this licence by which the Authority grants the Licensee the licence;
“high pressure pipe-line”	means any pipe-line having a design operating pressure exceeding 7 bar gauge;
“information”	includes documents, accounts, estimates, returns, reports or other information;
“licence”	means the Grant, together with those Conditions and Schedules referred to in paragraphs 1 and 2 thereof (as modified from time to time);
“Licensed Area”	means the area in which the Licensee is authorised to convey gas pursuant to Schedule 1 of this Licence.
“Licensed Business”	means the activities connected with the conveyance of gas pursuant to the licence, including (without limitation) the development, construction, operation and maintenance of the Network, the connection of premises to the Network, and the provision and maintenance of gas meters (but not meter reading);
“Licensee”	means the person referred to as such in the Grant, and/or any person to whom the Licence is subsequently

	assigned in accordance with the Order, the Energy Order or the Licence;
“low pressure pipe-line”	means any pipe-line which is not a high pressure pipe-line;
“Network”	“means all the pipe-lines (as defined by the Gas (Northern Ireland) Order 1996, and shall also include any plant, equipment or apparatus used for, or for any purposes connected with, the conveyance of gas) within the Licensed Area that are owned and/or operated by any licensee, which pipe-lines shall, in the case of conveyance to consumer’s premises and for the purposes of this definition, be deemed to terminate immediately prior to the inlet of the first gas meter at such premises:”
“Network Code”	means the document prepared by the Licensee under Condition 2.4.2;
“non-domestic consumer”	means a consumer who is not a domestic consumer;
“non-domestic premises”	means premises which are not domestic premises;
“non standard gas credit meter”	means a gas credit meter owned by the Licensee which is not a standard gas credit meter;
“non standard gas meter”	means either a non standard gas credit or pre-payment meter;
“non standard gas pre-payment meter”	means a gas pre-payment meter owned by the Licensee which is not a standard gas pre-payment meter;
“Order”	means the Gas (Northern Ireland) Order 1996;
“Other Business”	means any business of the Licensee other than the Licensed Business;

“owned”	means in relation to any gas meter title in or control over a meter and includes meters leased to a person;
“person”	means any company, firm, partnership, association, body corporate or individual;
“related undertaking”	means any undertaking in which any person has a participating interest within the meaning of section 421A of the Financial Services and Markets Act 2000;
“separate accounts”	means the accounts which are to be prepared for each Separate Business;
“Separate Business”	means each of the activities of the Licensee connected with: <ul style="list-style-type: none">(a) the conveyance of gas by means of a transmission pipe-line pursuant to a licence granted in accordance with Article 8(1)(a) of the Order;(b) the conveyance of gas by means of a distribution pipe-line pursuant to a licence granted in accordance with Article 8(1)(a) of the Order;(c) the storage of gas pursuant to a licence granted in accordance with Article 8(1)(b) of the Order; and(d) the supply of gas pursuant to a licence granted in accordance with Article 8(1)(c) of the Order; each taken separately from one another and from any other business of the Licensee or any affiliate or related undertaking of the Licensee, but so that where all or any part of such business is carried on by an affiliate or related undertaking of the Licensee (save in respect of an affiliate or related undertaking which has a separate licence or exemption), such part of the business as is

carried on by that affiliate or related undertaking shall be consolidated with any other such business of the Licensee (and of any other affiliate or related undertaking of the Licensee) so as to form a single Separate Business;

- “standard gas credit meter” means a gas credit meter of a type so specified and owned by the Licensee;
- “standard gas meter” means either a standard gas credit or pre-payment meter;
- “standard gas pre-payment meter” means a gas pre-payment meter of a type so specified and owned by the Licensee;
- “subsidiary” has the same meaning as given to it in Article 4 of the Companies (Northern Ireland) Order 1986;
- “Supply Licensee” means the person from time to time authorised to supply gas under a licence originally granted, on the same date as the date of the Grant, to Bord Gais Eireann;
- “transmission pipe-line” means any pipe-line having a design operating pressure exceeding 7 bar gauge;
- “transportation arrangements” means the arrangements which licence holders or exemption holders may have with the Licensee to have gas introduced into, conveyed by means of and taken out of the Network; and
- “working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971.

Condition 1.14: Notices

1.14.1 Notices

All notices to be given under any Condition shall be given in Writing ~~and shall be deemed to have been properly given if delivered in person or sent by registered mail or transmitted by facsimile~~ to the relevant party at the address set out below or at such other address as that party may from time to time specify in writing to the others:

Licensee: Firmus Energy (Distribution) Limited,
A4-A5 Fergusons Way,
Kilbegs Road,
Antrim, BT41 4LZ
~~Bord Gais Eireann~~
PO Box 51,
~~Gasworks Road,~~
~~Cork,~~
Ireland
~~Facsimile Telephone Number (021) 453 4297~~

Authority: Northern Ireland Authority for ~~Energy Utility~~ Regulation,
Queens House,
14 Queen Street,
Belfast, BT1 6ED
~~Brookmount Buildings,~~
~~42 Fountain Street,~~
~~Belfast, BT1 5EE~~
~~Facsimile Telephone Number (02890) 311740~~

Department: Department ~~of Enterprise, Trade and Investment for the Economy,~~
Energy ~~Division~~Group,
Adelaide House,
39/49 Adelaide Street,
Belfast BT2 8FD

~~Netherleigh House,
Massey Avenue,
Belfast, BT4 2JP
Facsimile Telephone Number (02890) 529549~~

Writing includes writing sent or received by Electronic Communication

Electronic Communication means a message comprising text that:

- (a) is sent over a Public Electronic Communications Network;
- (b) can be stored in that network or in the recipient's terminal equipment until it is collected by the recipient; and
- (c) is in a particular form and is used for a particular purpose and the recipient of it has expressed a willingness, to the sender, to receive it in that form and for that purpose.

Public Electronic Communications Network has the meaning given in section 151 of the Communications Act 2003.

1.14.2 Receipt

Any notice given under the provisions of Condition 1.14.1 shall be deemed to have been duly delivered and received:

- (i) at the actual time of delivery, if delivered personally;
- (ii) three (3) working days subsequent to the date of posting, if sent by registered mail; and
- (iii) at the time of receipt, if ~~sent by Electronic Communication~~transmitted by facsimile where there is confirmation of uninterrupted transmission by a transmission report and provided that the original of the notice is then delivered personally or sent by registered mail as soon as reasonably practicable.