

# Notice and Consultation on Licence Modification for Provision of Information

Consultation Paper  
21 October 2024



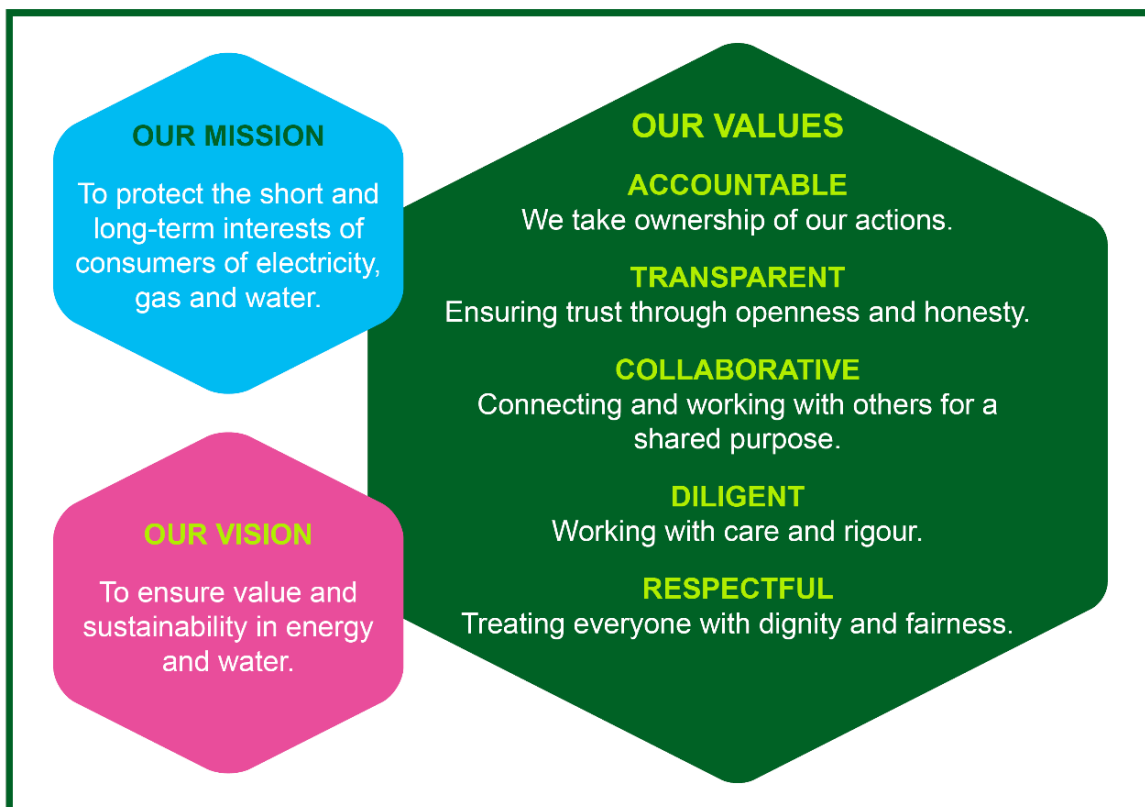
## About the Utility Regulator

The Utility Regulator is the independent non-ministerial government department responsible for regulating Northern Ireland's electricity, gas, water and sewerage industries, to promote the short and long-term interests of consumers.

We are not a policy-making department of government, but we make sure that the energy and water utility industries in Northern Ireland are regulated and developed within ministerial policy as set out in our statutory duties.

We are governed by a Board of Directors and are accountable to the Northern Ireland Assembly through financial and annual reporting obligations.

We are based at Queens House in the centre of Belfast. The Chief Executive and two Executive Directors lead teams in each of the main functional areas in the organisation: CEO Office; Price Controls; Networks and Energy Futures; and Markets and Consumer Protection. The staff team includes economists, engineers, accountants, utility specialists, legal advisors and administration professionals.



## Abstract

In protecting the short- and long-term interests of electricity and gas consumers in Northern Ireland the UR seeks to allow for improved transparency by removing the restriction around publishing data that are contained in the provision of information conditions across all referenced supply licences.

## Audience

This licence modification consultation paper will be of interest to all electricity and gas licensees. Government departments, organisations representing consumer interests and other stakeholders will also be interested given the potential for improved transparency.

## Consumer impact

The licence modifications proposed will allow the UR greater freedom to responsibly publish data and information that it deems to be in the public interest to do so.

## Contents page

<b>1.</b>	<b>Purpose, Reason for and Effect of Proposed Licence Modifications</b> .....	<b>5</b>
	Reasons for the proposed modifications .....	5
	Effect of the proposed modifications.....	6
<b>2.</b>	<b>Proposed Licence Modifications</b> .....	<b>8</b>
	Electricity Supply Licence Modifications .....	8
	Gas Supply Licence Modifications.....	9
<b>3.</b>	<b>Next Steps</b> .....	<b>10</b>
	Consultation responses .....	10
<b>4.</b>	<b>Appendices</b> .....	<b>11</b>

# 1. Purpose, Reason for and Effect of Proposed Licence Modifications

- 1.1 The Utility Regulator (UR) is committed to protecting the short- and long-term interests of electricity, gas and water consumers in Northern Ireland. This consultation is particularly focused on the electricity and gas industries and their consumers.
- 1.2 In carrying out the Utility Regulator's (UR's) statutory duties the UR has the ability to request information from licensees under the 'Provision of Information to the Authority' licence condition. While this licence condition is present in each licence we have identified an inconsistency, with some licences containing a restriction on publication of information obtained under this licence condition.
- 1.3 The UR therefore proposes to modify those electricity and gas supply licences which contain the publication restriction of information obtained under the 'Provision of Information to the Authority' licence condition.
- 1.4 The affected licences and summary of proposed licence modifications are in Section 2 below. The detailed licence conditions and proposed licence modifications (shown in red text) are within the appendices.

## Reasons for the proposed modifications

- 1.5 The current 'Provision of Information to the Authority' licence condition effectively provides that the UR may not request information from the licence holder for the purposes of the exercise of its functions under Article 7 of the Energy (Northern Ireland) Order 2003.
- 1.6 Article 7 of the Energy Order provides that where it appears to the UR that the publication of any advice and information would promote the interests of consumers it may publish that advice and information in such manner as it thinks fit.
- 1.7 The UR considers that the current licence condition places unnecessary constraints on the UR's ability to obtain information which could potentially promote the interest of consumers if the UR were to publish that information or advice based on the information. There is no good reason or need for having such a constraint on the UR's regulatory role and its ability to publish advice and information which is based on, or is, information that it has obtained from licence holders under or pursuant to the 'Provision of Information' condition.
- 1.8 The reason for removing this constraint therefore is that it better facilitates

the UR in carrying out its function to publish advice and information which it considers would promote the interests of consumers in circumstances where it has obtained the relevant information pursuant to requests made under the 'Provision of Information' condition.

- 1.9 Removal of the constraint is also consistent with the aims in the UR's Corporate Strategy 2024-2029 (see [here](#)) for the UR to be a pro-active Regulator. Being able to responsibly publish additional and relevant advice and information that promotes the interests of consumers improves transparency and also reflects the expectations of stakeholders.
- 1.10 It is relevant to note here that removal of the constraint does not mean that the UR will be able to publish, under Article 7 of the Energy Order, all and any information it obtains pursuant to the 'Provision of Information' condition. In this regard it is appropriate to note that:

(a) Article 7(2) of the Energy Order sets out certain constraints on the UR in terms of excluding publication of any matter which relates to a particular individual, a company or organisation where publication of that matter would in the UR's opinion seriously and prejudicially affect the interests of that person, company or organisation, and

(b) Article 7(3) requires the UR to consult with the relevant individual, company or organisation before publishing any advice or information which relates to a particular individual, company or organisation.

There are therefore certain statutory limitations and procedures to follow with regard to the publication of advice and information under Article 7 of the Energy Order.

- 1.11 There is also some unnecessary inconsistency in the provisions and drafting of the 'Provision of Information' condition between electricity and gas supply licences (and also other categories of licence). Accordingly, a further reason for the proposed modifications is to ensure, to the extent relevant and possible, consistency and clarity in the drafting of the condition across all energy supply licences.

### **Effect of the proposed modifications**

- 1.12 The effect of the proposed modifications is that:
- (a) licensees would be obliged to provide information requested by the UR for the purpose of enabling the UR to exercise the functions conferred upon it under Article 7 of the Energy Order, and
- (b) there will be consistency in terms of licensees' obligations and the UR's

approach for all energy supply licensees.

- 1.13 The UR proposes to consult for a minimum period of 28 days from the publication date of this document. Any responses, representations or objections to this consultation will be considered prior to any decision. For details on how to respond to this consultation please see section 3 Next Steps.

## 2. Proposed Licence Modifications

- 2.1 The proposed changes to the electricity and gas supply licences are summarised below. The separate appendices include the legal notice to modify a licence and detail the licence condition(s) for each type of licence with the proposed modifications shown in red text.

### Electricity Supply Licence Modifications

#### Proposed changes

We propose to amend Condition 10 ‘Provision of Information to the Authority’ of the electricity supply licences. The affected licences and summary of changes are outlined below:

Affected Licences	Condition 10
EP Ballylumford Limited	<ul style="list-style-type: none"> <li>Remove paragraph 2 referencing Article 7 of Energy Order</li> <li>Update paragraphs 1 and 3 accordingly. This includes the removal of the provision only applying in relation to an enforcement matter from paragraph 3.</li> <li>Remove paragraph 5 and add definition of “Information” at the end of the Condition</li> <li>Remove definition of “enforcement matter” as reference removed from paragraph 3</li> </ul>
Bord Gais Energy Limited	
Budget Energy Limited	
Project Plug Limited t/a Click Energy	
ESB Independent Energy (NI) Ltd t/a Electric Ireland	
Electricity Supply Board (ESB)	
ElectroRoute Energy Supply NI Limited	
Energia Customer Solutions NI Limited	
Firmus Energy (Supply) Limited	
Flogas Enterprise Solutions Limited	
Gaelectric Green Energy Limited	
LCC Power Limited t/a Go Power	
LCC Group Limited	
Orsted Onshore Green Energy NI Limited	
Power NI Energy Limited	
Share Energy Trading Limited	
SSE Airtricity Energy Supply (NI) Limited	
Statkraft Markets GmbH	
3T Power Limited	



## Gas Supply Licence Modifications

### Proposed changes

- 2.2 We propose to amend Condition 1.2 or 1.3<sup>1</sup> ‘Provision of Information to the Authority’ of the gas supply licences. The affected licences and summary of changes are outlined below:

Affected Licences	Condition 1.2 or 1.3
SSE Airtricity Gas Supply (NI) Limited	<ul style="list-style-type: none"> <li>Update paragraph 1.2.2 (or 1.3.2) to remove reference to Article 7 of Energy Order and Articles 14(1)(a) and Article 27 of the Gas Order</li> <li>Update paragraph 1.2.1 (or 1.3.1) accordingly</li> <li>Remove paragraph 1.2.4 (or 1.3.4)</li> <li>Update paragraph 1.2.5 (or 1.3.5)</li> <li>Add definition of “Information” at end of the Condition</li> </ul>
Firmus Energy (Supply) Limited - Ten Towns	
Firmus Energy (Supply) Limited - Greater Belfast Area	
Flogas Enterprise Solutions (UK) Limited	
ESB Independent Energy (NI) Limited t/a Electric Ireland	
LCC Group Limited t/a Go Power	
Flogas Natural Gas Limited	
Energia Customer Solutions NI Limited	
Power NI Energy Limited	
SSE Airtricity Gas Supply (NI) Ltd	
SSE Energy Supply Limited	
Shell Energy Europe Limited	
Energia Customer Solutions Limited	
Bord Gais Energy Ltd	
EP Ballylumford Limited	
British Gas Trading Limited	
Coolkeeragh ESB Limited	
ElectroRoute Energy Trading Limited	
Electricity Supply Board (ESB)	
EP NI Energy Limited	
EP Commodities, a. s.	
Ceres Energy Limited	

<sup>1</sup> Appendix 4 details those licences which have the ‘Provision of Information to the Authority’ condition as number 1.2 and those licences which have the condition as 1.3.

## 3. Next Steps

### Consultation responses

- 3.1 This consultation seeks to gather stakeholder views on the licence modifications, specified in the appendices.
- 3.2 Responses to this consultation paper should be submitted by **18 November 2024**. Responses should be sent to:

Karen Shiels and Liz Wilkin  
Utility Regulator  
Queens House  
14 Queen Street  
Belfast BT1 6ED EU  
[karen.shiels@uregni.gov.uk](mailto:karen.shiels@uregni.gov.uk)  
[liz.wilkin@uregni.gov.uk](mailto:liz.wilkin@uregni.gov.uk)

- 3.3 The UR's preference would be for responses to be submitted by e-mail.
- 3.4 Individual respondents may ask for their responses (in whole or in part) not to be published or that their identity should be withheld from public disclosure. Where either of these is the case the UR will also ask respondents to supply the redacted version of the response that can be published.
- 3.5 As a public body and non-ministerial government department the Utility Regulator is required to comply with the Freedom of Information Act (FOIA). The effect of FOIA may be that certain recorded information contained in consultation responses is required to be put into the public domain.
- 3.6 Note it is now possible that all responses made to consultations will be discoverable under FOIA even if respondents ask us to treat responses as confidential.
- 3.7 It is therefore important that respondents take account of this and, in particular, if asking the Utility Regulator to treat responses as confidential, respondents should specify why they consider the information in question should be treated as such.
- 3.8 This paper is available in alternative formats such as audio, Braille etc. If an alternative format is required please contact the office of the Utility Regulator which will be happy to assist.

### Timelines

- 3.9 Following review and consideration of the responses the UR will publish its decision as soon as possible. Licence modifications become effective 56 days after the decision is published.

## 4. Appendices

Appendix Reference	Description
Appendix A	Electricity Suppliers Licence Modification Notice
Appendix B	Gas Suppliers Licence Modification Notice