

# Additional Notice and Consultation on Licence Modification for Provision of Information (excluding Supply Licences)

Consultation Paper  
03 December 2024



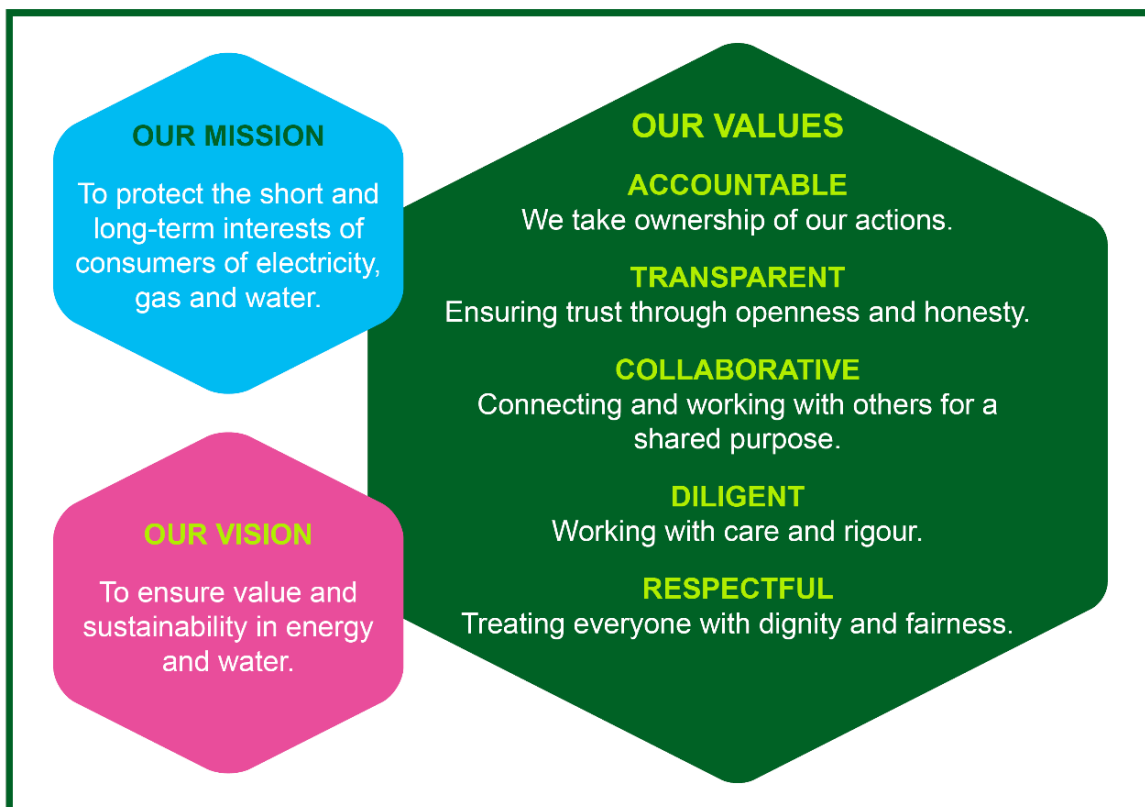
## About the Utility Regulator

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 is contained in the provision of information conditions across all referenced electricity and gas 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.

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# 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 During October/November 2024 the UR consulted on licence modifications focused on amending the 'Provision of Information to the Authority' licence conditions contained within the electricity and gas supply licences<sup>1</sup>.
- 1.4 The UR therefore proposes to modify those remaining electricity and gas licences (excluding supply licences) which contain the publication restriction of information obtained under the 'Provision of Information to the Authority' licence condition.
- 1.5 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

- 1.6 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.
- 1.7 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.
- 1.8 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

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<sup>1</sup> [Notice and consultation on licence modification for 'Provision of Information \(Supply Licences only\)' | Utility Regulator](#)

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.

1.9 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.

1.10 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.

1.11 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.

1.12 There is also some unnecessary inconsistency in the provisions and drafting of the 'Provision of Information' condition between electricity and gas licences. 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 licences.

## **Effect of the proposed modifications**

- 1.13 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.
- 1.14 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 below.

## 2. Proposed Licence Modifications

- 2.1 The proposed changes to referenced electricity and gas 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.

### Gas Conveyance Licence Modifications

#### Proposed changes

- 2.2 We propose to amend Condition 1.3 or 1.4<sup>2</sup> ‘Provision of Information to the Authority’ of the referenced gas conveyance licences. The affected licences and summary of changes are outlined below:

Affected Licences	Condition 1.3 or 1.4
Phoenix Energy Group Ltd	<ul style="list-style-type: none"> <li>Update paragraph 1.3.2 (or 1.4.2) 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 1.3.1 (or 1.4.1) accordingly</li> <li>Remove paragraph 1.3.4 (or 1.4.4)</li> <li>Update paragraph 1.3.5 (or 1.4.5)</li> <li>Add definition of “Information” at end of the Condition</li> </ul>
Firmus Energy (Distribution) Ltd	
SGN Evolve Network Ltd	
Belfast Gas Transmission Ltd	
GNI (UK) Ltd	
Premier Transmission Ltd	
West Transmission Ltd	

<sup>2</sup> Appendix 1 details those licences which have the ‘Provision of Information to the Authority’ condition as number 1.3 and those licences which have the condition as 1.4.



## Electricity Transmission Licence Modifications-NIE Networks

### Proposed changes

- 2.3 We propose to amend Condition 8 ‘Provision of Information to the Authority’ of the referenced electricity transmission licence. The affected licence and summary of changes are outlined below:

Affected Licence	Condition 8
NIE Networks Ltd Transmission Licence	<ul style="list-style-type: none"> <li>Remove paragraph 6 referencing Article 7 of Energy Order</li> <li>Update paragraph 1 accordingly</li> <li>Remove paragraph 5</li> <li>Reword paragraph 7</li> <li>Add new paragraph 7 (updated numbering) consistent with other licences</li> <li>Update definition of “Information”</li> </ul>

## Electricity Distribution Licence Modifications-NIE Networks

### Proposed changes

- 2.4 We propose to amend Condition 8 ‘Provision of Information to the Authority’ of the referenced electricity distribution licence. The affected licence and summary of changes are outlined below:

Affected Licence	Condition 8
NIE Networks Ltd Distribution Licence	<ul style="list-style-type: none"> <li>Remove paragraph 6 referencing Article 7 of Energy Order</li> <li>Update paragraph 1 accordingly</li> <li>Remove paragraph 5</li> <li>Reword paragraph 7</li> <li>Add new paragraph 7 (updated numbering) consistent with other licences</li> <li>Update definition of “Information”</li> </ul>

## Electricity Transmission Licence Modifications – SONI TSO

### Proposed changes

- 2.5 We propose to amend Condition 8 ‘Provision of Information to the Authority’ of the referenced electricity transmission licence. The affected licence and summary of changes are outlined below:

Affected Licence	Condition 7
SONI Ltd Transmission System Operator (TSO)	<ul style="list-style-type: none"> <li>• Remove paragraph 4 referencing Article 7 of Energy Order</li> <li>• Update paragraph 1 accordingly</li> <li>• Remove paragraph 2</li> <li>• Remove paragraph 5 and replace with new paragraph 2</li> <li>• Add new paragraph 4 (updated numbering) consistent with other licences</li> <li>• Update definition of “Information”</li> <li>• Remove definition of “enforcement matter”</li> </ul>

## Electricity SEM Operator Licence Modifications – SONI SEMO

### Proposed changes

- 2.6 We propose to amend Condition 6 ‘Provision of Information to the Authority’ of the referenced electricity SEM Operator licence. The affected licence and summary of changes are outlined below:

Affected Licence	Condition 6
SONI Ltd: Single Electricity Market (SEM) Operator Licence	<ul style="list-style-type: none"> <li>• Remove paragraph 4 referencing Article 7 of Energy Order</li> <li>• Update paragraph 1 accordingly</li> <li>• Remove paragraph 2</li> <li>• Remove paragraph 5 and replace with new paragraph 2</li> <li>• Add new paragraph 4 (updated numbering) consistent with other licences</li> <li>• Update definition of “Information”</li> <li>• Remove definition of “enforcement matter”</li> </ul>

## Electricity Transmission Licence Modifications – Moyle Interconnector

### Proposed changes

- 2.7 We propose to amend Condition 6 ‘Provision of Information to the Authority’ of the referenced electricity transmission licence. The affected licence and summary of changes are outlined below:

Affected Licence	Condition 6
Moyle Interconnector Transmission Licence	<ul style="list-style-type: none"> <li>• Remove paragraph 4 referencing Article 7 of Energy Order</li> <li>• Update paragraph 1 accordingly</li> <li>• Remove paragraph 3</li> <li>• Remove paragraph 5 and replace with new paragraph 3</li> <li>• Add new paragraph 5 (updated numbering) consistent with other licences</li> <li>• Update definition of “Information”</li> </ul>

## 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 **7 January 2025**. Responses should be sent to:

Karen Shiels and Liz Wilkin  
Utility Regulator  
Queens House  
14 Queen Street  
Belfast BT1 6ED  
[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 1	Gas Conveyance Licence Modification Notice
Appendix 2	NIE Networks Electricity Transmission Licence Modification Notice
Appendix 3	NIE Networks Electricity Distribution Licence Modification Notice
Appendix 4	SONI (TSO) Transmission Licence Modification Notice
Appendix 5	SONI (SEM) Market Operator Licence Modification Notice
Appendix 6	Moyle Interconnector Transmission Licence Modification Notice