

GAS NOTICE

Notice under Article 14 (3) of the Gas (Northern Ireland) Order 1996

The Northern Ireland Authority for Energy Regulation (hereinafter referred to as the “Authority”) pursuant to Article 14 (3) of the Gas (Northern Ireland) Order 1996, as amended (the “Order”) hereby gives notice as follows:

The Authority proposes to modify Schedule 3 of Bord Gais Eireann’s (now known as firmus energy) Licence for the Supply of Gas in Northern Ireland.

The reasons for, and the effects of, the proposed modification are as follows:

Effect

To change the existing staggered timetable for the relinquishing of gas supply exclusivity across the ten towns to two dates:

- 1 October 2012 for the large industrial and commercial sector
- 1 April 2015 for the domestic and small industrial and commercial sector.

Any additional market development in the small areas adjacent to the current designation of ten towns area, and considered for inclusion in the ten towns area, will also relinquish gas supply exclusivity according to this timetable for that market sector. Small areas adjacent to the current designation of the ten towns area developed after these dates, and considered for inclusion in the ten towns area, will not be granted a period of gas supply exclusivity in that market sector.

Reason

To simplify and better coordinate market opening across the ten towns area.

A copy of the proposed modification can be obtained from Neil Bingham at Ofreg, Queens House, 14 Queens Street, Belfast, BT1 6ED. Email: Neil.Bingham@uregni.gov.uk. The new proposal for Schedule 3 of the licence follows this notice.

Representations or objections with respect to the proposed modification may be made on or before 31 January 2011.

SCHEDULE 3

PREMISES TO WHICH GAS MAY BE SUPPLIED EXCLUSIVELY

1 Definitions

- 1.1 Except where expressly stated to the contrary, and unless the context otherwise requires, the expressions used in this Schedule 3 shall have the meanings ascribed to them in the Conditions at the date of the Grant, and shall be construed in accordance with the rules of construction and interpretation set out in the Conditions at the date of the Grant.
- 1.2 Except where expressly stated to the contrary and unless the context otherwise requires, the expressions “Development Area” and “Start Date” shall, when used in this Schedule 3, have the meanings given thereto in Condition 3.1 of the Associated Conveyance Licence as at the date of the grant thereof.

2 Exclusivity

- 2.1 The Licensee shall be entitled exclusively to supply gas to those premises in any Development Area connected by means of a service pipe to the Network operated in accordance with the Associated Conveyance Licence for the periods set out in Paragraph 3. Such supply to such premises shall be a “designated activity” for the purposes of Article 9 of the Order.
- 2.2 Loss of exclusivity

For the purposes of Article 9(6) of the Order, the “relevant conditions” shall be those conditions of this Licence which are identified as such in the Licence from time to time.

3 Period of Exclusivity

- 3.1 Subject to Paragraph 3.3, the period of exclusivity conferred under Paragraph 2.1 shall, in respect of premises within any Development Area and where consumption of gas at those premises is reasonably expected not to exceed 732,500 kilowatt hours in any period of 12 months, commence on the date of 1 April next following the Start Date for that Development Area, which shall not exceed March 2015, and expire on the date of 1 April 2015.

3.2 Subject to Paragraph 3.3, the period of exclusivity conferred under Paragraph 2.1 shall, in respect of premises within any Development Area and where consumption of gas at those premises is reasonably expected to exceed 732,500 kilowatt hours in any period of 12 months, commence on the date of 1 April next following the Start Date for that Development Area, which shall not exceed September 2012, and expire on the date of 1 October 2012.

3.3 Any period of exclusivity conferred under Paragraph 2.1 shall, if it has not ceased before then, cease, in respect of any premises in any Development Area, where the person authorised to participate in the conveyance of gas under the Associated Conveyance Licence ceases to be entitled to do so exclusively in that Development Area.

4 Determination of Likely Gas Consumption

4.1 Where a determination is required as to the expected consumption of gas at premises and/or what constitutes premises for the purposes of this Schedule 3, the Licensee, any gas supplier, or the owner or occupier of the premises in question may apply to the Authority for such determination. Where the requested determination relates to the expected consumption of gas at premises, any determination shall take into account all the relevant circumstances including the historic energy requirements at the premises, the energy requirements at the premises further to the application and the capacity of gas consuming equipment installed or intended to be installed at the premises to consume gas.

4.2 In respect of any premises where the consumption of gas at those premises is reasonably expected to exceed 732,500 kilowatt hours in any period of 12 months, and where:

- (a) the actual consumption of gas at that premises is less than that expected; and

- (b) the Licensee had no exclusive entitlement to supply those premises by reason of that expectation but would have done on the actual consumption; and
- (c) an alternative arrangement for the supply of gas to those premises by another gas supplier is in place; then

the Licensee's exclusive entitlement shall nevertheless cease, in respect of those premises only, whilst the alternative arrangement is in place.

- 4.3 Notwithstanding the Licensee's entitlement to exclusivity set out in this Schedule 3, and without prejudice to the generality of any other provision of this Licence, the Licensee may (in its absolute discretion) during any period of exclusivity in respect of any premises in the Licensed Area consent to a supply of gas to those premises by another gas supplier.
- 4.4 In any period in which the Licensee has no entitlement to exclusivity as set out in this Schedule 3 in respect of any premises, then any other gas supplier may supply those premises.
- 4.5 Nothing in this Schedule 3 shall limit the right of the Licensee to supply gas under this Licence on a non-exclusive basis.