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Greg Irwin
The Utility Regulator
Queen House
14 Queen Street
Belfast
BT1 6ED

Our Ref: EN01-003618

27 February 2013

Dear Greg Irwin,

Re: Consultation Response on Consultation on Consultation Guidance

RES has been developing wind projects on the island of Ireland since the early 1990s, having developed 14 operating wind farms in Northern Ireland and 4 operating wind farms in the Republic of Ireland, totalling over 241MW. RES currently owns or operates over 134MW of wind capacity across the island. In addition, RES has 90MW of wind capacity in development with planning consent in Northern Ireland and a further 65MW of new wind generation currently in the planning system. RES has been an established presence at the forefront of the wind energy industry for over three decades. Our core activity is the development, design, construction, financing and operation of wind farm projects worldwide. With a portfolio of more than 6.5GW constructed and several gigawatts under construction and in development, RES continues to play a leading role in what is now the world's fastest growing energy sector. RES is also involved other energy sectors including offshore wind, wave, tidal, biomass and photovoltaic power.

RES welcomes the opportunity to respond to the UREGNI "Reviewing our consultation guidance" discussion paper of 5 December 2012 ("the consultation discussion paper"). The consultation discussion paper seeks to develop a revised guidance document for the Utility Regulator which is aligned to the latest Cabinet Office and Council of European Energy Regulator codes of practice on consultations.

We are in broad agreement with the thoughts reflected in the consultation discussion paper section 4 "Issues for discussion". Our main concern is on the limited scope of the consultation guidance document and would like to make additional proposals as set out below.

We note that the scope of the consultation discussion paper is limited to the code of practice for the Utility Regulator staff and applies only to consultations run by the Utility Regulator. We are of the view that the Utility Regulator is indirectly responsible for conduct and successful conclusion of consultations conducted by bodies it regulates. We therefore think that it would be incomplete for the Utility Regulator to be concerned only about the consultations that he conducts without due regard to the consultations that are conducted by parties that fall under his regulatory umbrella, and whose outcome he ultimately approves. There are a number of cases of consultations run by regulated parties have appeared to produce an impasse when it came to obtaining the policy approval from the Utility Regulator. An example is the NIE cluster charging methodology which has stalled for nearly two years now, much to the dismay of the wind industry. Despite the NIE consultation in March 2010 and the Utility Regulator consultation in November 2010 followed by the Utility Regulator's decision document in April 2011, the NIE cluster charging policy has still not been finalised, and it is understood that this is due to differences between NIE and the Utility Regulator on some aspects of detail. We therefore propose that the scope of the consultation guidance document under discussion include a section on how the Utility Regulator handles consultations conducted by regulated bodies. We also propose that, if possible, the Utility Regulator require the regulated bodies to

publish their own consultation guidelines which should broadly follow the example of best practice set by the Utility Regulator.

RES seeks to be clear and constructive in all consultation responses and I hope you find the above consistent with these objectives. If you wish to discuss this response or any other relevant matter, please do not hesitate to contact me.

Yours sincerely,

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