

# Appendix 2

## Power NI – PPB Licence (extracts)

### 6. Duration of PPB Amount restriction conditions

6.1 This Annex ~~other than this paragraph 6~~ shall apply so long as this Licence continues in force but shall cease to have effect (in whole or in part, as the case may be) if the Licensee delivers to the Authority a ~~disapplication request~~ request (a "Disapplication Request") made in accordance with paragraph 6.23 and:

- (a) the Authority agrees in writing to the ~~disapplication~~ request; or
- (b) the application ~~(in whole or in part)~~ of this Annex (~~other than this paragraph 6 or any other part of it~~) is terminated by notice given by the Licensee in accordance with ~~either~~ paragraph 6.4 and not withdrawn or paragraph 6.5.

~~6.2 — A disapplication request pursuant to this paragraph 6 shall (a) be in writing addressed to the Authority, (b) specify this Annex (or any part or parts thereof) to which the request relates and (c) state the date from which the Licensee wishes the Authority to agree that the specified paragraphs of this Annex shall cease to have effect.~~

6.23 Save where the Authority ~~agrees~~ otherwise agrees, no disapplication following delivery of a ~~d~~isapplication ~~R~~request pursuant to this paragraph 6 shall have effect earlier than the date (the "Disapplication Date") which is the later of:

- (a) the date occurring 18 months after delivery of the ~~d~~isapplication ~~r~~Request; and
- (b) 31 March 2015.

~~6.43 If the Authority has not made a reference to the Competition Commission under Article 15 of the Order relating to the modification of the relevant paragraphs of this Annex before the beginning of 12 months which will end with the Disapplication Date, the Licensee may deliver written notice to the Authority terminating the application of this Annex (or any part or parts thereof other than this paragraph 6) as are specified in the disapplication request with effect from the Disapplication Date or a later date. Disapplication Request pursuant to this paragraph 6.3 shall:~~

- ~~(a) be in writing addressed to the Authority;~~
- ~~(b) specify this Annex or any part of it to which the request relates, (excluding in either case this paragraph 6); and~~

(c) state the date from which the Licensee wishes the Authority to agree that this Annex or the specified part of it shall cease to have effect.

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6.45 A Disapplication Notice pursuant to this paragraph 6.4:

(a) may be given in the circumstances described in either paragraph 6.5 or paragraph 6.6;

(b) may be withdrawn by the Licensee at any time prior to the Disapplication Date; and

(c) where it is given, shall:

(i) be in writing addressed to the Authority;

(ii) specify this Annex, or any part of it (which shall comprise only such part as was specified in the Disapplication Request) to which the notice relates; and

(iii) state the date from which the Licensee wishes the notice to take effect, which shall not be earlier than the Disapplication Date.

~~If the Competition Commission makes a report on a reference made by the Authority relating to the modification of this Annex (or any part or parts thereof) specified in the disapplication request and such report does not include a conclusion that the cessation of this Annex, in whole or in part, operates or may be expected to operate against the public interest, the Licensee may within 30 days after the publication of the report by the Authority in accordance with Article 16 of the Order deliver to it written notice terminating the application of this Annex (or any part or parts thereof other than this paragraph 6) with effect from the Disapplication Date or a later date.~~

6.5 The circumstances described in this paragraph are that, by the beginning of the period of six months which will end with the Disapplication Date, the Authority has not in response to the Disapplication Request published a decision under Article 14(8) of the Order to modify:

(a) this Annex, or any part of it to which the Disapplication Request relates; or

(b) this paragraph 6, so as to remove the right of the Licensee to give to the Authority a Disapplication Notice in respect of the relevant Disapplication Request.

6.6 The circumstances described in this paragraph are that:

(a) by no later than the beginning of the period of six months which will end with the Disapplication Date, the Authority has in response to the Disapplication Request

published a decision of a type referred to in paragraph 6.5 above:

(b) the Licensee has exercised its right to appeal to the CMA against that decision in accordance with Article 14B of the Order;

(c) the CMA has, in respect of the provisions to which the Disapplication Request relates:

(i) quashed the decision of the Authority under Article 14E(2)(a) of the Order; and

(ii) neither remitted the matter back to the Authority under Article 14E(2)(b) of the Order nor substituted its own decision for that of the Authority under Article 14E(2)(c) of the Order; and

(d) no more than 30 days has elapsed since the date on which the CMA quashed the decision of the Authority.

6.67 A ~~disapplication~~Disapplication request~~Request~~ or Disapplication ~~Notice~~ served under this paragraph 6 may be served in respect of a specified geographic area.