

To whom it may concern,

Manufacturing NI directly represent some 550 manufacturing firms ranging from the largest employers and exporters to SMEs. We have a particular interest in energy issues as these firms are the largest consumers and endure (in both electricity and gas) some of the most expensive prices in Europe which undermines their ability to be competitive at markets in the UK and abroad. 1 in 4 jobs in Northern Ireland depend on a successful manufacturing sector.

MNI submitted evidence to the consultation by the NI Utility Regulator on the Price Control for Firmus Energy. This included economic evidence of gas prices and its impact on our companies.

Whilst we would have had some issues with individual elements of the Determination of the Regulator, we accepted its view as being a balanced conclusion which was fair to present and future consumers and to Firmus in enabling them to run an efficient network and provide investment to extend the opportunity for future consumers to consumer gas.

We are concerned that this Appeal has been taken to the CMA. We believe that this, given the new arrangements for CMA Appeals, is merely a 'free shot' at increasing their income (and as a result their market value) at the expense of consumers. Whilst we understand that we, a representative body or indeed an individual customer, could have similar rights this fails to understand the scale, capacity and financial and people resources available to consumer (and their representatives) to launch or challenge a similar appeal in our economy. There is an asymmetry of resources, knowledge and access to information and as a result this has the potential to leave the consumer underrepresented and at risk. We therefore rely on the resources, access and experience of both the Utility Regulator and now the CMA to ensure we, customers and consumers, are fully protected from vexatious claims and economic harm.

Our view remains that the Determination of the Utility Regulator, when seen in its whole, was a balanced conclusion. We would encourage the CMA to consider our submission in the original consultation, our reaching out to you now and any future opportunities to contribute to your process. It is critical to the future of manufacturing that the CMA ensure we have efficient utilities as part of a competitive economy.

Note, it is regrettable that we have not been contacted by the CMA nor Firmus Energy to make a Third Party representation despite our interest and participation in the original process that led to the UR's decision. With that in mind, we ask that we are kept informed about the progress of this Appeal.

I have copied the MEUC in NI who have similar members and similar concerns and participated in the original consultation.

Your faithfully

Stephen Kelly
Chief Executive
Manufacturing NI
www.manufacturingni.org
T. 07768480737
E. stephenkelly@manufacturingni.org
@ManufacturingNI