

**BEFORE THE COMPETITION AND MARKETS AUTHORITY**

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**AN APPEAL UNDER SECTION 173 ENERGY ACT 2004**

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**(1) EDF ENERGY (WEST BURTON POWER) LIMITED**

**(2) SSE GENERATION LIMITED**

**(3) THE ENTITIES IN SCHEDULE 1 TO THE NOTICE OF APPEAL**

**Appellants**

**and**

**THE GAS AND ELECTRICITY MARKETS AUTHORITY**

**Respondent**

**NATIONAL GRID ELECTRICITY TRANSMISSION PLC**

**Intervening**

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**SUMMARY OF INTERVENTION NOTICE BY  
NATIONAL GRID ELECTRICITY TRANSMISSION PLC  
DATED 8 JANUARY 2018**

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1. The proposed intervener (the “**Intervener**”) is National Grid Electricity Transmission plc, the GB transmission system operator. The interests of the Intervener are materially affected by the Decision under appeal in that the Decision concerns the charges which the Intervener as GB Transmission system operator was entitled to levy on generators in the charging year 2015/16.
2. This document sets out a summary of the Intervener’s position on the appeal in question. The Intervener’s intervention notice sets out its position in more detail.
3. On the substance of the appeal, the Intervener agrees with the reasons given by the Respondent in its Reply to the application.
4. On remedy, the Intervener accepts that if the appeal were to succeed on either or both of the first two grounds, the Decision would have to be quashed. Beyond that, the Intervener would, in company with the Respondent, wish to make more detailed submissions (including possible evidence) were the appeal to succeed on that footing. Specifically, the Intervener (again in company with the Respondent) does not accept that the CMA has power to make

any Order that would have the effect of compelling the Intervener to make a payment of money.

**Richard Gordon QC and Gerard Rothschild, Brick Court Chambers**

**8 January 2018**