

**AN APPEAL UNDER ARTICLE 14B OF THE ELECTRICITY
(NORTHERN IRELAND) ORDER 1992**

SONI LIMITED

Appellant

-and-

THE NORTHERN IRELAND AUTHORITY FOR UTILITY REGULATION

Respondent

ORDER

UPON SONI Limited (SONI) making an application dated 12 April 2017 under [Article 14B\(1\)](#) of the Electricity (Northern Ireland) Order 1992 (the Electricity Order) to the Competition and Markets Authority (CMA) for permission to appeal against the price control decision published on 24 February 2016 (the Final Determination) and 14 March 2017 (the Decision) taken by the Northern Ireland Authority for Utility Regulation ('UR')

AND UPON the CMA granting permission to appeal on 11 May 2017

AND UPON considering the submissions made, and hearing the appeal, in the above proceedings, the CMA having made a determination and Order on 10 November 2017 in accordance with [Article 14D](#) of the Electricity Order, that:

- Ground 1, claimed errors 2 and 6 of Ground 2, and claimed errors 10 and 11(b) of Ground 3 are allowed, and the decision of the UR to apply to the price control decision a cut-off date of 31 March 2015 for pension deficit contributions is quashed;

- the appeal is not allowed, and the Decision is confirmed, as regards claimed errors 3, 4, 5, 7 and 8 of Ground 2, and claimed errors 9 and 11(a) of Ground 3

AND UPON considering the submissions made on the matter of costs incurred in connection with the appeal, including submissions on the CMA's provisional determination on costs, including *inter partes* costs, and the CMA having made a final determination on costs on 30 January 2018 ('Costs Determination')

IT IS HEREBY ORDERED THAT

1. The proportion of the costs incurred by the CMA in connection with the appeal which SONI must pay is £235,804.53.
2. The proportion of the costs incurred by the CMA in connection with the appeal which the UR must pay is £353,706.80.
3. The UR shall pay £325,000.00 in respect of costs reasonably incurred by SONI in connection with the appeal.
4. A person required by this Order to make a payment of costs must do so before the end of the period of 28 days beginning with the day after this Order is made.
5. Sums required to be paid by this Order but not paid within the period mentioned in paragraph 4 shall bear interest at the rate of 1 per cent above the Bank of England base rate until payment.

Martin Cave
CMA Group Chairman
Made: 30 January 2018