



Steven Preece,
Competition and Markets Authority,
Victoria House,
Southampton Row,
London WC1B 4AD

7 May 2015

Re: Extending energy licence modification appeals rules to Northern Ireland appeals

Dear Steven,

SSE Airtricity welcomes the opportunity to respond to the CMA's consultation on extending the existing CMA energy licence modification appeals rules to Northern Ireland. Having reviewed the rules, SSE Airtricity considers these to be suitable for use in Northern Ireland.

SSE Airtricity believes it is important to note that in relation to multifaceted licence modifications or packages of changes it is not appropriate to review/ appeal any single aspect of those decisions separately to the overall decision. A licensee typically views these "in the round" - i.e. There might be parts of the package that when considered on an individual basis would be rejected, but taken together, on balance they are accepted. When considering appeal of any aspect of a decision, this must consider the full decision.

While not the subject of direct consultation, SSE Airtricity would like to highlight some concern with respect to the timeframes associated with conducting and completing licence modification appeals and the lack of discretion afforded to the CMA with respect to this type of activity. The current appeal in GB of the electricity distribution price control has attracted a significant number of 'interested third parties' which makes it difficult, in the timeframes given, to allow sufficient time for consideration and hearing of information. This means that there is a risk that licensees are not guaranteed a right to be properly heard by the CMA. As licencing regimes become tighter and the issues of appeal more complex, this issue will be compounded as there is a level of industry learning required in advance of considering the issues of appeal. SSE Airtricity believes it may be appropriate to seek further discretion where needed to extend the timelines for appeals.

Kind regards

Fiona Hannon
Head of Regulation Ireland