

AN APPEAL UNDER SECTION 173 OF THE ENERGY ACT 2004

(1) EDF ENERGY (THERMAL GENERATION) LIMITED

(2) SSE GENERATION LIMITED

(3) THE ENTITIES IN SCHEDULE 1 TO THE GROUNDS OF APPEAL

Appellant

-and-

THE GAS AND ELECTRICITY MARKETS AUTHORITY

Respondent

-and-

NATIONAL GRID ELECTRICITY TRANSMISSION PLC

Intervener

ORDER

Upon the Appellants applying for permission on 6 December 2017 to appeal the decision dated 16 November 2017 of the Gas and Electricity Markets Authority refusing the Connection and Use of System Code Modification Proposal (CMP) 261: *Ensuring the TNUoS paid by Generators in GB in Charging Year 2015/16 is in compliance with the €2.5/MWh annual average limit set in EU Regulation 838/2010 Part B (3)*.

And upon granting the Appellants on 19 December 2017 permission to appeal

And upon the CMA granting National Grid Electricity Transmission plc permission to be an intervener in the appeal

And upon deciding to extend the period for determination of the appeal by ten working days, pursuant to paragraph 6(2) of Schedule 22 to the Energy Act 2004

And upon considering the grounds of appeal and the representations and submissions of the parties

IT IS ORDERED THAT

(1) The appeal be dismissed and GEMA's Decision dated 16 November 2017 rejecting proposal Connection and Use of System Code CMP261 be confirmed with effect from the date of this Order

(2) Costs are reserved

John Wotton (Chair)

Anne Fletcher

Jon Stern

26 February 2018