

Before the Competition and Markets Authority

5 December 2023

Appeal under Section 173 of the Energy Act 2004

(1) SSE Generation Limited

(2) The entities listed at Schedule 1 to the Notice of Appeal

-and-

Appellants

The Gas and Electricity Markets Authority

-and-

Respondent

National Grid Electricity System Operator Limited

-and-

Centrica plc/British Gas Trading Limited

Interveners

COSTS ORDER

UPON the Appellants applying for permission on 12 January 2021 to appeal under section 173(4) of the Energy Act 2004 (the Act) the decision of the Respondent to accept joint proposal CUSC CMP 317/327 and proposal CMP339 by National Grid Electricity System Operator Limited (NGESO) to modify an industry code for the charging for transmission of electricity

AND UPON the CMA granting permission to appeal on 21 January 2021

AND UPON considering the submissions made, and hearing the appeal, in the above proceedings, and the CMA having made a determination of the appeal on 30 March 2021 in accordance with section 175 of the Act

AND UPON the CMA making a further determination of the appeal in accordance with section 175 of the Act on 12 December 2022, the 30 March 2021 determination having been the subject of proceedings before the High Court and then the Court of Appeal, determining that the appeal is allowed on Ground 3(i) (as defined in paragraphs 1.5 and 4.94(c) of the 30 March 2021 determination)

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 5 December 2023

IT IS HEREBY ORDERED THAT

1. The Respondent pay £428,200 to the CMA in respect of costs incurred by the CMA in connection with the appeal.
2. There be no order for the payment of *inter partes* costs.
3. The Respondent being 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.
4. In default of payment within the period prescribed in paragraph 3 of this Order, interest shall be payable on the sums unpaid at one percentage point above the Bank of England' base rate from time to time in force.

Kirstin Baker
CMA Appeal Chair
5 December 2023