

**IN THE MATTER OF APPEALS UNDER SECTION 11C ELECTRICITY ACT 1989**

**BETWEEN**

**NORTHERN POWERGRID (NORTHEAST) PLC (“NPgN”)**

**NORTHERN POWERGRID (YORKSHIRE) PLC (“NPgY”)**

**(collectively “NPg”)**

**Appellants**

**-and-**

**GAS AND ELECTRICITY MARKETS AUTHORITY (“GEMA”)**

**Respondent**

**-and-**

**CITIZENS ADVICE**

**Intervener**

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**COSTS ORDER**

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UPON the application brought by the appellants on 2 March 2023 for permission to appeal GEMA’s decision of 3 February 2023 to modify NPg’s distribution licences based on GEMA’s RIIO-ED2 price control decisions of 30 November 2022 (the ‘Decision’) being granted

AND UPON the grant of permission to appeal on 30 March 2023

AND UPON permission to intervene on Ground 1 being granted to Citizens Advice on 26 April 2023

AND UPON the CMA considering the appeal and the representations and submissions made by the Parties and the Intervener

AND UPON the CMA having issued its final determination on 21 September 2023 pursuant to section 11G of the Electricity Act 1989 (Final Determination), including that:

- The appeal in Ground 1 was allowed; and
- The appeal in Ground 2 was dismissed, and the Decision was confirmed to that extent.

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 (Costs Determination) on 12 March 2024

IT IS HEREBY ORDERED THAT

### **Commencement and interpretation**

1. This Order shall take effect on the date it is made.
2. Terms and expressions used in this Order have the same meaning as in the Final Determination and the Costs Determination except where otherwise indicated.

### **Costs incurred by the CMA**

3. The CMA's costs incurred in connection with the appeal being £459,100 shall be paid by those mentioned and in the amounts set out below:
  - a) NPg: a total of £203,200 comprising £47,400 in respect of costs attributable to Ground 2 and £155,800 towards non-attributable costs of the appeal;
  - b) GEMA: a total of £255,900 comprising £100,100 in respect of costs attributable to Ground 1 and £155,800 towards non-attributable costs of the appeal.

### **Inter partes costs**

4. A proportion of NPg's costs incurred in connection with the appeal being £[~~30~~] shall be paid by GEMA.

### **Time for payment of costs**

5. 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.
6. In default of payment within the period prescribed in paragraph 5 of this Order, interest shall be payable on the sums unpaid at one percentage point above the Bank of England's base rate from time to time in force.

Kip Meek  
CMA Appeal Chair  
12 March 2024