

CASTLE WATER LIMITED

Appellant

– and –

THE WATER SERVICES REGULATION AUTHORITY ('OFWAT')

Respondent

**NOTICE OF EXTENSION OF TIME LIMIT FOR DETERMINATION OF APPEAL
UNDER REGULATION 11(2) OF THE WATER INDUSTRY DESIGNATED CODES
(APPEALS TO THE COMPETITION AND MARKETS AUTHORITY)
REGULATIONS 2017**

1. On 12 March 2025, the CMA granted permission to the Appellant to appeal, pursuant to section 207A of the Water Industry Act 1991 (the “Act”) and Regulation 4 of the Water Industry Designated Codes (Appeals to the Competition and Markets Authority) Regulations 2017 (the “Regulations”) against the decision of the Respondent dated 5 February 2025 to reject the Appellant’s proposed modification CPW132 to the Wholesale-Retail Code (as defined in the Regulations) (the “Decision”). On 13 March 2025, the CMA appointed a Group of decision-makers to determine this appeal (the “Group”).
2. Regulation 11(1) provides that the CMA must determine an appeal under the Regulations within 30 working days following the last day for the making of representations or observations by the Respondent in accordance with Regulation 9. The last day for making representations or observations by the Respondent was 19 March 2025; therefore the period within which the CMA was required to have determined the appeal pursuant to Regulation 11(1) was due to expire on 2 May 2025.
3. Regulation 11(2) provides that the CMA may, on one occasion only, extend the period within which the appeal must be determined by not more than ten working days, if the CMA is satisfied that there are good reasons for doing so.
4. In considering whether there are good reasons to extend the deadline in this appeal, the Group has noted the following:

- a. **The complexity of the issues.** The appeal involves not only an allegation of the Respondent failing to have proper regard to and/or failing to give the appropriate weight to the objective to protect the interests of consumers, wherever appropriate by promoting effective competition, but also a number of detailed disputes of fact.
 - b. **The scale of the material submitted in the appeal.** The Appellant exhibited to its Notice of Appeal 986 pages of exhibits. It further submitted witness evidence totalling 1,423 pages (including exhibits). Further, the Respondent submitted 318 pages of witness evidence (including exhibits). Following the hearing that the CMA conducted on 15 April 2025, the parties filed additional documents (as requested by the CMA) on 16 and 17 April 2025. In light of the importance of the issues involved in the case noted above, it is necessary to allow sufficient time to take full and proper account of the evidence received from the Appellant and Respondent.
5. In light of the above, the Group is satisfied that there are good reasons for extending the period of time within which the CMA must determine the appeal and has therefore decided that the period should be extended by ten working days. The revised deadline for the CMA's determination of the appeal will therefore expire on 19 May 2025.

Richard Feasey
Appeal Group Chair
1 May 2025