

Connection Policy – Transitional Arrangements Application Form for Capacity Release

28/04/2017



Introduction

On the 12th October 2016, the Commission for Energy Regulation (CER) published a Decision Paper - Connection Policy Transitional Arrangements [CER/16/284 \(the “CER Decision Paper”\)](#), following a CER Consultation - Review of Connection and Grid Access Policy: Initial Thinking & Proposed Transitional Arrangements [CER/15/284](#). On the 19th April 2017 the Commission for Energy Regulation (CER) published an amendment to the CER Decision Paper known as Decision Paper - Connection Policy Transitional Arrangements [Partial Capacity Release CER/17/090](#) (the “CER Partial Capacity Release Decision”).

As directed by the CER, this standard application form has been published to facilitate the implementation of Section 3.4 of the CER Decision Paper as amended by the CER Partial Capacity Release Decision. This application form should not be used for any other purpose.

ESB Networks DAC (“**ESB Networks**”) is now accepting applications from eligible projects, in accordance with Section 3.4.1 of the CER Decision Paper as amended by the CER Partial Capacity Release Decision.

In line with Section 3.4 of the CER Decision Paper as amended by the CER Partial Capacity Release Decision, the deadline for applications received under Section 3.4 of the CER Decision Paper is **30th June 2017**. Any applications received after this date will not be processed unless otherwise directed by the CER.

On receipt of an application, ESB Networks will terminate all or part of an eligible Customer’s Distribution Connection Agreement as applicable, and the associated refunds and charges shall be applied according to the capacity being released (full or partial gate, as set out in the CER Decision Paper and the CER Partial Capacity Release Decision respectively).

For full detail please refer to CER/16/284 [the CER Decision Paper, and the CER Partial Capacity Release Decision](#).

The Application

References in this Application to the “DSO” mean ESB Networks DAC, being the holder of the distribution system operator license issued pursuant to Section 14(1)(g) of the Electricity Regulation Act 1999 as amended.

This application form specifies the information DSO requires to process an application for capacity release under the CER Decision Paper as amended by the CER Partial Capacity Release Decision.

Please note that this application form deals with Distribution Connection Agreements only. If you wish to avail of the capacity release measure under the CER Decision Paper as amended by the CER Partial Capacity Release Decision and have a Transmission Connection Agreement, please contact EirGrid at info@eirgrid.com.

The DSO reserves the right to request additional data as necessary, and the applicant should provide such information promptly. Failure to provide the requested information may result in your application being delayed or rejected.

Definitions of terms used in this form can be found in the glossary of the General Conditions for Connection of Industrial and Commercial Customers and Generators to the Distribution System (the “**General Conditions**”).

When the application form is completed, please send the form in hardcopy (with original signature) to the below address, and email an electronic version to

DSOGenerators@esb.ie

DSO Generators
ESB Networks
Phase 1 Building
Leopardstown Rd
Foxrock
D18XN80
Ireland

If any queries arise, please do not hesitate to contact us at DSOGenerators@esb.ie

A. Project Details

1. Full name of the applicant¹ (the Customer):

2. Address and Eircode of the applicant or, in the case of a corporate body, the registered address:

3. Company Registration No. (If applicable)

4. Contact Person(s)

5. Telephone Number

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¹ The customer details provided must be same as the contracted party as specified in the relevant Distribution Connection Agreement.

6. Email Address

7. Distribution Connection Agreement Reference Number (600XXXXXX)

8. Facility Name & DG Reference

9. Full/Partial Termination

Full Contracted Capacity to be released

Partial Contracted Capacity to be released

If applying for partial release of contracted capacity please fill in the following details:

Total Contracted MEC (in MW):

MEC (in MW) to be released:

Gate under which MEC (in MW) to be **released** was awarded:

MEC (in MW) to be retained: _____

Gate under which MEC (in MW) to be **retained** was awarded: _____

10. Print here the name of Authorised Signatory of the Customer who will sign Section C of this Application (Agreement to Terminate)

Additional Information Required as Proof of Authorised Signatory of the Customer:

If the Applicant is a corporate body, the Application should be signed by a director or company secretary of the Customer, or other authorised agent of the Customer (subject to the provision of evidence to the satisfaction of the DSO that the signature has the necessary authority to sign this Application). The DSO reserves the right to seek evidence of authority of any signatory to sign on behalf of the Customer.

B. Details Required for Refund Process

Irrespective of information provided in Section A above, please provide contact details for **refunding purposes** below. All refunds will only be made to the Customer (Contracted Legal Entity) via cheque issued from ESB Networks. Please note, refunds are only applicable to applications which fall under CER Decision Paper 16/284 (for the release of full gate capacity).

1. Contact Person for refunding purposes

2. Telephone Number

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3. Email Address

4. Contact Address and Eircode for refunding purposes (if different to Section A)

5. Bank Details

The customer must submit the bank details of the account to which the Customer's refund should be paid on company letterhead and include with this application form. Failure to provide the relevant details in the format requested may result in your application being rejected.

C. Agreement to Terminate

By submitting this application form, you confirm on behalf of the Customer that the Customer's project meets the eligibility criteria outlined in Section 3.4.1 of [the CER Decision Paper](#) or Section 2.1 of the CER Partial Capacity Release Decision and therefore can avail of the capacity release measure. The DSO reserves the right to reject applications where the project does not meet the criteria set out in [the CER Decision Paper](#) or the CER Partial Capacity Release Decision.

By signing this application form for release of all or part of the capacity reserved to the Customer under the Distribution Connection Agreement, as specified in Section A points 7 and 9 above, I acknowledge on behalf of the Customer that, in accordance with section 3.4.2 of the [CER Decision Paper](#) or Section 2.2 of the CER Partial Capacity Release Decision, such an application cannot be withdrawn as of the date written below.

I acknowledge and agree on behalf of the Customer that a Notice of Termination will issue from the DSO, and that the contracted capacity identified for release in Section A point 9 will be released from the effective date specified in such Notice of Termination, Annex 1. In circumstances where the release applies to all capacity under the Customer's Connection Agreement, I acknowledge and agree that the Connection Agreement will terminate as and from the effective date specified in such Notice of Termination, Annex 1.

For the avoidance of doubt, and in accordance with Section 3.4.2 of the CER Decision Paper or Section 2.2 of the CER Partial Release Decision, termination of the Connection Agreement will not release the Customer from any existing contractual obligations to the system operators or third parties resulting from stranded assets.

Signed: _____

Print Name: _____

Date: _____

Checklist

- Completed Application Form
- Proof of Authorised Signatory (if required)
- Refund Bank Details on Company Letterhead
- Authorised Signatory has signed Section C – Agreement to Terminate

DRAFT ⁱ Template DSO Notice of Termination

Dear [],

We refer to the distribution connection agreement between ESB Networks DAC (“**ESB Networks**”) and [] (the “**Customer**”) dated [] (the “**Connection Agreement**”). ESB Networks hereby acknowledges receipt of the Customer’s application for a [full termination/partial termination]² of the Connection Agreement as specified in Annex 1 hereto.

Terms and expressions used in this letter bear the same respective meanings as in the Connection Agreement (incorporating the General Conditions for Connection of Industrial and Commercial Customers and Generators to the Distribution System available at www.esbnetworks.ie) unless otherwise expressly defined herein.

The CER issued decision papers CER/16/284 (“the CER Decision Paper”) on 12th October 2016 and CER/17/090 on 19th April 2017 in respect of Connection Policy Transitional Arrangements, in which ESB Networks is directed [at section 3.4] to “*terminate by notice the connection agreement or that part of the connection agreement for capacity awarded under a given gate, as applicable, for eligible applicants.*” and [at section 2.2] to “*modify the eligible applicant’s connection agreement to account for the reduced MEC*”, respectively.

Pursuant to the CER Decision Paper and CER Partial Release Decision, ESB Networks hereby issues this Notice of Termination in respect of the Customer’s Connection Agreement on the following terms:

Full Termination

With effect from the Effective Date specified in Annex 1, the Connection Agreement shall be terminated. Termination of the Connection Agreement under this Notice of Termination shall not affect such provisions of the Connection Agreement which are specified, or which would reasonably be expected, to survive expiry or termination. For the avoidance of doubt, and in accordance with Section 3.4.2 of the CER Decision Paper, termination of the Connection Agreement will not release the Customer from any existing contractual obligations to the system operators or third parties resulting from stranded assets.

OR

² Delete as appropriate.

Partial Termination (full gate)

With effect from the Effective Date specified in Annex 1, the Customer's Connection Agreement shall be deemed to be amended so that the Maximum Export Capacity is reduced by an amount of capacity equal to that specified in Annex 1 as the "Capacity to be Released". The release of capacity under the Connection Agreement pursuant to this Notice of Termination shall not affect the provisions of the Customer's Connection Agreement save to the extent that such provisions are specific to the released capacity³. In the event of issuing a partial termination notice, a new revised Connection Agreement may be issued to reflect the new contracted capacity where applicable.

OR

Partial Termination (partial gate)

With effect from the Effective Date specified in Annex 1, the Customer's Connection Agreement shall be deemed to be amended so that the Maximum Export Capacity is reduced by an amount of capacity equal to that specified in Annex 1 as the "Capacity to be Released". The release of capacity under the Connection Agreement pursuant to this Notice of Termination shall not affect the provisions of the Customer's Connection Agreement save to the extent that such provisions are specific to the released capacity. In the event of issuing a partial termination notice, a new revised Connection Agreement may be issued to reflect the new contracted capacity where applicable.

³ For the avoidance of doubt, COPP Section 10 ruleset applies in the release of capacity scenario. Where re-optimisation is not possible and stranded assets in a sub-group are created due to a project terminating under the capacity release measure, the applicant releasing the capacity is not liable for the stranded asset cost in this case. Instead the Use of System customer will cover the outstanding balance created by the releasing party's termination.

As per Section 3.4.2 of the CER Decision, "termination of connection agreement does not release the applicant from any existing contractual obligations to the system operators or third parties resulting from stranded assets." This applies in scenarios including where the releasing party has already relocated and due to the relocation has a stranded asset or other liability.

Annex 1

Customer:	
Facility:	
Full / Partial Termination:	
Capacity to be released:	
Relevant Gate of Capacity to be released:	
Effective date of Termination:	

Annex 2

Application Form for Capacity Release to be Attached

ⁱ This is a draft template which may be subject to change. Each application will be treated individually on a case by case basis