

Connection Policy – Transitional Arrangements

Application Form for Capacity Release

Published 10th July 2020



Introduction

On the 10th June 2020, the Commission for Regulation of Utilities (CRU) published a Decision Paper - Enduring Connection Policy Stage 2 (ECP-2) [CRU/20/060](https://www.cru.ie/wp-content/uploads/2020/06/CRU20060-ECP-2-Decision.pdf)¹ (the “CRU Decision Paper”), following a CRU Consultation - Enduring Connection Policy Stage 2 (ECP-2) - Proposed Decision [CRU/19/143](https://www.cru.ie/wp-content/uploads/2019/11/CRU19143-ECP-2-Proposed-Decision-002-1.pdf)².

As directed by the CRU, this standard application form has been published to facilitate the implementation of Section 2.9 of the CRU Decision Paper. This application form should not be used for any other purpose.

EirGrid plc is now accepting applications from eligible projects, on the same terms & conditions for capacity release outlined in Connection Policy Transitional Arrangements [CER/16/284](https://www.cru.ie/wp-content/uploads/2016/07/CER16284-Transitional-Arrangements-Decision.pdf)³ (see Section 3.4.1).

In line with Section 2.9 of the CRU Decision Paper, the window for application will be open from 10th July 2020 for one month. The deadline for applications received under Section 2.9 of the CRU Decision Paper is **10th August 2020**. Any applications received after this date will not be processed unless otherwise directed by the CRU.

On receipt of an application, EirGrid plc will terminate all of an eligible Customer’s Transmission Connection Agreement as applicable, and the associated refunds and charges shall be applied according to the capacity being released.

For full detail please refer to CRU/20/060 the CRU Decision Paper and the terms & conditions set out in section 3.4.1 of [CER/16/284](https://www.cru.ie/wp-content/uploads/2016/07/CER16284-Transitional-Arrangements-Decision.pdf).

¹ <https://www.cru.ie/wp-content/uploads/2020/06/CRU20060-ECP-2-Decision.pdf>

² <https://www.cru.ie/wp-content/uploads/2019/11/CRU19143-ECP-2-Proposed-Decision-002-1.pdf>

³ <https://www.cru.ie/wp-content/uploads/2016/07/CER16284-Transitional-Arrangements-Decision.pdf>

The Application

References in this Application to the “TSO” should be interpreted as EirGrid plc, being the holder of the transmission system operator license in Ireland issued pursuant to Section 14(e) of the Electricity Regulation Act 1999⁴ as amended.

This application form specifies the information the TSO requires to process an application for capacity release in accordance with the CER Capacity Release Decision.

Please note that this application form is for Transmission Connection Agreements only. If you wish to avail of the capacity release measure under the CRU Capacity Release Decision and have a Distribution Connection Agreement, please contact ESB Networks: DSOgenerators@esb.ie

EirGrid 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 General Conditions of Connection and Transmission Use of System (the “General Conditions”).

When the application form is completed, please email an electronic version to OPMO@eirgrid.com

EirGrid
Customer Relations
The Oval
160 Shelbourne Road
Ballsbridge
D04 FW28
Ireland

Tel: +353 1 702 6642
Fax: +353 1 661 5375
Email: info@eirgrid.com

If any queries arise, please do not hesitate to contact our Customer Relations Team at info@eirgrid.com.

⁴ <https://www.dccae.gov.ie/en-ie/energy/legislation/Documents/119/ERA%201999%20%20Jan%202018%20Revision.pdf>

A. Project Details

1. Full name of the applicant⁵ (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. Transmission Connection Agreement Reference Number (PXX)

5. Facility Name

⁵ The customer details provided must be same as the contracted party as specified in the relevant Transmission Connection Agreement.

6. Termination

Please fill in the following details:

Total Contracted MEC which will be released (in MW): _____

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

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

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

The following documents are required to accompany this application as proof that the signatory in Section D of this Application Form (Agreement to Terminate) is an authorised signatory of the Customer:

- (i) a certified copy of the current Articles of Association of the Customer's company demonstrating that the signatory has the necessary authority to enter into contracts as well as the terminating or altering of existing contracts for and on behalf of the Customer; [and]
- (ii) a certified copy of the relevant board minute or written resolution demonstrating that the signatory has the necessary authority to enter into the Transmission Connection Agreement and Interface

Undertakings and/or the termination or modification of the Transmission Connection Agreement for and on behalf of the Customer.

B. Applicant Details (if different to Section A)

1. Contact Person(s)

2. Telephone Number

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3. Email Address

4. Contact Address and Eircode (if different to section A)

C. Bank Details Required for Refund Process

Irrespective of information provided in Section A and Section B above, please provide contact details for ***invoicing purposes*** below. Please note, refunds will only be made to the Customer (i.e. the contracted legal entity). For clarity, the First Stage Payment refund under CRU Decision Paper CER/16/284 applies to the release of full gate capacity only.

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 and B)

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.

D. Agreement to Terminate

By submitting this application form, I confirm on behalf of the Customer that the Customer's project meets the eligibility criteria outlined in Section 3.4.1 of CER/16/284 and the CRU Decision Paper, and therefore can avail of the capacity release measure. EirGrid reserves the right to reject applications where the project does not meet this criteria.

By signing this application form for release of all of the capacity reserved to the Customer under the Transmission Connection Agreement, as specified in section A points 4 and 6 above, I acknowledge on behalf of the Customer that, in accordance with section 3.4.2 of CER/16/284 and the CRU Decision Paper, 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 EirGrid and that the contracted capacity identified for release in section A point 6 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 CER/16/284 and the CRU 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.

Signed: _____

Print Name: _____

Date: _____

Checklist

- ☐ Completed Application Form
- ☐ Proof of Authorised Signatory
- ☐ Refund Bank Details on Company Letterhead
- ☐ Authorised Signatory has signed Section D – Agreement to Terminate

DRAFT* Template TSO Notice of Termination

Dear [],

We refer to the Transmission Connection Agreement between EirGrid plc (“**EirGrid**”) and [] (the “**Customer**”) dated [] (the “**Connection Agreement**”). EirGrid hereby acknowledges receipt of the Customer’s application for a [full termination]⁶ 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 of Connection and Transmission Use of System](#) available at www.eirgrid.com) unless otherwise expressly defined herein.

The Commission of Regulation for Utilities (the “CRU”) issued decision paper CRU/20/060 (“the CRU Decision Paper”) on 10th June 2020 in respect of Enduring Connection Policy Stage 2 (ECP-2) Decision, in which EirGrid is directed [at section 2.9] that “*All projects contracted pre ECP-1 (but not those that folded into ECP-1) will have a final opportunity for capacity release as per CER/16/284 (e.g. with 80% refund of first stage payment)*”.

Pursuant to the CRU Decision Paper EirGrid hereby issues this Notice of Termination in respect of the Customer’s Connection Agreement on the following terms:

- 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 does 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 CER/16/284, 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.
- A First Stage Payment of € [amount] excl. VAT was made by the Customer on acceptance of the Connection Agreement on [date] (the “Payment”). EirGrid agrees to refund 80% of the Payment in line Section 2.9 of the CRU

⁶ Delete as appropriate.

Decision Paper and in line with clause 3.4.2 of the Connection Policy Transitional Arrangements (CER/16/284) *“Where an applicant requests a termination of capacity in line with the criteria set out in this decision, the system operators shall refund the applicant 80% of its first stage payment in a timely manner after the completion of the termination process.”*

This Termination Notice shall be governed by and construed in accordance with the laws of the Republic of Ireland and both Parties hereby submit to the exclusive jurisdiction of the Irish Courts.

Annex 1

Customer:	
Facility:	
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

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