



15 October 2002

Mr Tadhg O' Donoghue
Chairman
ESB
27 Lower Fitzwilliam Street
Dublin 2

Our ref: 0210/9584

Dear Chairman,

The Commission notes that EirGrid and the ESB have reached agreement in respect of the principles of the Infrastructure Agreement the subject of Commission Direction CER/01/159.

I confirm that the Commission has received and reviewed the text of the agreement reached between EirGrid and the ESB material to the operation of the Infrastructure Agreement. The text is attached hereto.

I write to inform you that on the basis the Infrastructure Agreement conforms with the terms of the Direction whilst also affording the parties the rights and obligations provided for in the agreement, the Commission shall treat the parties as complying with the Direction. In particular, insofar as the Infrastructure Agreement affords the parties these latter rights and obligations, the Commission will raise no objection thereto by reference to the Direction.

As regards the proceedings, I confirm Commission agreement that the proceedings shall be struck out with no further order.

Yours sincerely,

Denis Cagney
Head of Networks