



***Notice to airtricity Ltd. issued by the Commission for Energy Regulation under Section 24 (2) of the Electricity Regulation Act 1999***

The Commission for Energy Regulation ('the Commission') is of the opinion that airtricity Ltd., holder of a 'green' supply licence issued on the 18<sup>th</sup> February 2000 under Section 14 (c) of the Electricity Regulation Act 2002 ('the Act') may be contravening Condition 20 of their supply licence.

Condition 20 requires that the holder of a 'green' supply licence complies with the 'balancing criteria' as laid down in the Trading and Settlement Code ('the Code'). A decision of the Commission (reference: 29<sup>th</sup> August 2001) outlines the applicable 'balancing criteria'. In summary, a 'green' supplier operating during the first year of market opening (2000/2001) should not have supplied more energy to their final customers than that which was available to them from 'green' sources. A 5 per cent margin of error is permitted.

Airtricity have failed to provide the Commission with evidence that they have met this Condition of their licence.

The Commission now invites representations or objections on this notice by latest 13<sup>th</sup> August prior to considering whether to issue a Direction to airtricity Ltd. under section 24(4) of the Act or a Direction under Section 23(2) of the Act.

Dated this 12th of July, 2002

Tom Reeves

Member of the Commission