

7<sup>th</sup> December 2005

Ref: 24839

Mr. B.J. Barry  
Company Secretary  
Bord Gáis Éireann  
Head Office  
P.O. Box 51  
Gasworks Road  
Cork

**Re: Gas Act, 1976, as amended, Section 39A consent and Section 32  
Acquisition Orders for South-North Gas Transmission Pipeline**

Dear Mr. Barry,

I refer to the Bord Gáis Eireann (BGE) (U.K.) Ltd. applications for consent to construct the South-North pipeline and related acquisition orders, dated the 31<sup>st</sup> March 2004 and 11<sup>th</sup> April 2005 respectively.

In considering these applications the Commission has taken account of the following:

- i. The provisions of Schedule 2 of the 1976 Gas Act (“the 1976 Act”), as amended, relating to applications for acquisition orders and the evidence that the applicant has complied with these provisions ;
- ii. The applicant has adhered to the Commission’s published ‘Guidelines for the Construction of Gas Pipelines in Ireland’ (CER/02/116);
- iii. The public consultation relating to (a) applications for consent to the construction of the pipeline, (b) applications for the relevant Acquisition Orders and (c) the associated Environmental Impact Statements;
- iv. In relation to the Environmental Impact Statement (EIS) the recommendations of the Commission’s independent study (“Assessment of the EIS for the proposed South-North Natural Gas Pipeline”, undertaken by D. Kelly & Associates, dated 15 June 2005), the Department of the Environment, Heritage and Local Government’s recommendations (dated 8 June 2005), along with the applicant’s undertakings in relation to these recommendations (letter dated 17 October 2005, copies attached);
- v. The subsequent public Oral Hearing held by the Commission and the Inspector’s report thereon which is available on the Commission’s website and which recommended that the Commission should grant the consent to construct (subject to compliance with the recommendations made in the reports referred to in iv above) and make the necessary acquisition orders.



Commission for Energy Regulation

An Coimisiún um Rialáil Fuinnimh

Arising from consideration of the above the Commission has determined pursuant to Section 39A of the 1976 Act, as inserted by Section 12 of the Gas (Interim) (Regulation) Act, 2002 ("the 2002 Act"), to grant consent for the construction of the South-North pipeline and, pursuant to Section 32 of the 1976 Act, to make the related acquisition orders. Certified true copies of the orders are enclosed.

Pursuant to the provisions of Section 9 of the 1976 Act, I am also to convey confirmation of the deviation limits as shown and separately distinguished and delineated and coloured green on said plans.

In addition, the Commission requires the pipeline to be designed and constructed in accordance with Irish Standard 328 (IS 328). Once constructed, the Commission will require confirmation from the applicant that construction meets IS 328.

Finally, I would advise you that the applicant should not bring the pipeline into operation until such time as the necessary authority to operate it has been granted by the Commission.

Yours sincerely,

A handwritten signature in black ink that reads 'Michael G. Tutty'. The signature is written in a cursive style and is positioned above a horizontal line.

Michael G. Tutty  
Commissioner for Energy Regulation