



Commission for Energy Regulation

An Coimisiún um Rialáil Fuinnimh

**REVIEW OF CER PUBLIC CONSULTATION PROCESS  
– A Response and Decision Paper**

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## CER – Information Page

### Abstract:

On 1 February 2008, the Commission published a consultation paper on its Review of the CER Consultation Process. This paper outlined a number of proposals to make improvements to the public consultation process. On 15 May 2008, the Commission published a summary of the responses received as well as each of the individual responses.

The Commission is now publishing its decision on these proposals.

### Target Audience:

Electricity and Gas Customers, Electricity and Gas Industry, Customer representative groups.

### Related Documents:

- [Review of CER Public Consultation Process – CER/07/140](#): Published 7 September 2007
- [Summary of Responses Received – CER/07/211](#): Published 29 November 2007
- [Proposals for the Improvement of CER Public Consultation Process – CER/08/021](#): Published 1 February 2008
- [Summary of responses to review of CER Public Consultation Process – CER/08/082](#): Published 15 May 2008

For further information on this decision paper, please contact **Tara Scully, Business Information Centre Officer** ([tscully@cer.ie](mailto:tscully@cer.ie)) at the Commission.

## Executive Summary

The Commission for Energy Regulation is required under statute to engage in a full public consultation prior to making and publishing its regulatory decisions. Public consultation has generally taken the form of the publication of consultation papers on the CER's website, followed by a review of comments received and the publication of the Commission's final decision. The CER also listens to the views of its stakeholders through more informal methods of consultation such as industry meetings and direct contact with stakeholders through emails, phone calls etc. All of these mechanisms ensure the Commission is fully informed when making its regulatory decisions.

The public consultation process is an important aspect of the regulatory environment as it affords the energy industry and the public an opportunity to take part in the regulatory decision making process. The Commission commenced a review of its Public Consultation Process in September 2007. The aim of this review was to identify and address areas of the Commission's Public Consultation Process in need of improvement and to ensure the overall process is effective in providing a mechanism where the views of all stakeholders can be heard.

Respondents to the consultation paper were asked to provide their comments on how well the process works at present and what steps the Commission might take to improve the process. Following a review of the comments received the Commission published a number of proposals designed to address the areas identified as in need of improvement. Following further consultation the Commission is now publishing its final decision on these proposals.

In summary, the Commission has decided to implement 15 out of its original 19 proposals. Two proposals will be implemented in a slightly modified fashion while a further two have been rejected, primarily based on the substance of comments received. The table below outlines at a high-level the Commission's decision on each of the proposals. Further details are provided in Section 2 – Commission's Decision.

<b>Proposal</b>	<b>Yes</b>	<b>No</b>
1. Industry & Public Meetings <ul style="list-style-type: none"> <li>a. Regular Consultation Discussion Group</li> <li>b. Publish List of upcoming CER consultations</li> <li>c. Individual Consultation Discussion Meetings</li> <li>d. Open Forum</li> </ul>	√ √ √	√
2. Public Energy Information Events	√	
3. Publication of Regulated Company Proposals	√ Modified*	
4. Standard consultation paper template	√	
5. Standard Information page to be included at beginning of all consultations	√	
6. Summary of key questions posed to be included in each consultation	√	
7. 'Jargon Free' consultation papers	√	
8. Brief Regulatory Impact Assessment	√	
9. Minimum of 28 days consultation period	√	
10. Equal weighting for all options (exclusion of Commission's preferred option)		√
11. Standard decision paper template	√	
12. Inclusion of standard heading 'Reason for Decision' in all decision papers.	√	
13. Publication of all responses received.	√ Modified*	
14. Standard response to key questions section.	√	
15. Standard 'Next Steps' section to be included in all decision papers.	√	
16. Further development of CER website <ul style="list-style-type: none"> <li>- Improved Search Function</li> <li>- Developments of 'Documents by Year' section</li> <li>- Development of the 'Consultation' section</li> <li>- Development of Decision Documents Storage section</li> </ul>	√	

\* - Approved proposal is slightly modified from the original proposal outlined in CER/08/021.

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## 1.0 Introduction

### 1.1 *The Commission for Energy Regulation*

The Commission for Energy Regulation ('the Commission') is the independent body responsible for overseeing the regulation of Ireland's electricity and gas sector's. The Commission was initially established and granted regulatory powers over the electricity market under the Electricity Regulation Act, 1999. The enactment of the Gas (Interim) (Regulation) Act, 2002 expanded the Commission's jurisdiction to include regulation of the natural gas market, while the Energy (Miscellaneous Provisions) Act 2006 granted the Commission additional powers in relation to gas and electricity safety. The Commission is working to ensure that consumers benefit from regulation and the introduction of competition in the energy sector.

### 1.2 *Purpose of this paper*

The purpose of this paper is to outline and describe the Commission's decision with regard to its "**Proposals for the Improvement of CER Public Consultation Process**". The Commission has carried out a full public consultation on this topic (1 February – 14 March 2008) and has considered fully the comments and submissions received. Issues raised throughout the consultation process will be addressed in this paper, as well as outlining the Commission's final decision on this topic.

### 1.3 *Comments Received*

The Commission received 11 submissions to its consultation paper (cer/08/021) from the following organisations or individuals:

1. Airtricity
2. Bord Gáis Energy Supply (BGS)
3. Bord Gáis Networks (BGN)
4. Consumers Association of Ireland
5. Enterprise Development Agencies Joint Submission
6. ESB Customer Supply (ESB CS)
7. ESB Networks (ESBN)
8. IBEC
9. Philip Lee Solicitors on behalf of Meitheal na Gaoithe
10. Synergen

## 11. Viridian Power and Energy

On 15 May 2008, the Commission published a summary of responses received (CER/08/082) as well as publishing each of the actual responses.

### **1.4 Background Information**

On 1 February 2008, the Commission for Energy Regulation (“the Commission”) published its consultation paper, entitled “Proposals for improvement of CER Public Consultation Process” - reference: CER/08/019. This followed a consultation and questionnaire process carried out in late 2007 “Review of CER Public Consultation Process” – reference: CER/07/140. The Commission also published the responses received and a summary of the responses to the proposal consultation – reference: CER/08/082.

The proposal paper outlined the Commission’s proposals for the improvement of the CER’s public consultation process. Proposals were grouped into four key areas:

1. Involvement of industry participants and the public in the consultation process;
2. Consultation paper structure and content;
3. Decision paper structure and content;
4. CER website.

Interested parties were invited to comment on a number of proposals in the above areas. Each proposal was developed with the intention of improving user friendliness and increasing participation from both industry and the public.

In addition, respondents were invited to submit further comments or suggestions on any aspect of the CER’s consultation process or customer service

Further to the conclusion of the consultation process, the Commission has considered the responses received and is now publishing the following documents:

1. Response and Decision Paper – reference: CER/08/089
2. Standard consultation paper template - reference: CER/08/089a
3. Standard decision paper template - reference: CER/08/089b and
4. Timeline for implementation of each approved proposal - reference: CER/08/089c

## ***1.5 Structure of this paper***

This paper is published in the CER's new standard format for decision papers (see section 2.4.1) and is structured in the following manner:

- **Sections 2.0** outlines the Commission's decision on the proposals which it sought views. The proposal on which the decision is being made is introduced briefly in each section followed by details of the decision and the Commission's reason for the decision;
- **Section 3.0** contains the Commission's conclusions and outlines the Commission's next steps with regard to this topic. A timetable for implementation of each proposal is also included;
- **Appendix A** lists each decision outlined in this paper.

## ***1.6 Other Relevant Information***

All queries on the decisions outlined in this paper should be directed to

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## **2.0 Commission's Decision on Proposals for the Improvement of the CER Public Consultation Process**

### **2.1 Introduction**

This section of the paper will detail the Commission's decision with regard to each of the proposals outlined in the consultation paper. The Commission's decisions are presented in the same order as in the proposals consultation paper i.e. under the following main headings:

1. Involvement of industry participants and the public in the consultation process;
2. Consultation paper structure and content;
3. Decision paper structure and content;
4. CER website.

### **2.2 Involvement of Industry Participants and the Public in the Consultation Process**

Responses to the Commission's initial consultation indicated a need for greater participation of industry participants and the public at the early stages of the consultation process.

The Commission outlined a number of proposals for improvement in this area.

#### **2.2.1 Industry and Public Meetings**

##### **Proposal (A) Regular Consultation Discussion Group/ Individual Consultation Discussion Group**

The Commission proposed the development of a regular consultation group formed by representatives from industry participants, consumer groups and different members of CER's core policy teams. The Commission also proposed holding consultation discussion meetings on an ad-hoc basis. i.e. when the industry/ public felt such a meeting would be useful on a particular topic.

##### **Commission's Response to Comments**

The Commission received a range of comments on this proposal, many of them questioning the usefulness of such a forum. While the Commission feels regular consultation meetings would be beneficial their resource intensive nature may impact negatively on the capabilities of certain organisations and in particular, the

public participating. This is of particular relevance to the Commission where the suggestion was made that separate forums be set up for Industry Participants and the Public.

### **Commission's Decision**

The Commission has decided not to develop a regular consultation group.

However, the facility to hold a consultation forum on an ad-hoc basis will be put in place. This will take place around consultations of significant importance.

- e.g.
- Upcoming Common Arrangements for Gas (CAG) Workshop – 6 June 2008 – further information is available on [www.cer.ie](http://www.cer.ie)
  - Gate 3 Workshop - January 2008

Interested parties, including customers and their representatives, are encouraged to propose a meeting when it is felt that the consultation or the topic in question would benefit from such a meeting.

#### **Reason for Decision**

The Commission believes the consultation process can be sufficiently strengthened through the other channels outlined in this paper.

The Commission notes in particular the point made that while implementation of a regular consultation group would serve industry participants well its benefits would not equally translate to consumers.

Some respondents also believe that a regular consultation group might weaken the written consultation process, thereby leading to a less transparent process. This is not the Commission's intention and in the interest of maintaining the integrity of written consultation the proposal for a regular consultation discussion group will not be implemented.

### **Proposal (B) Publish List of upcoming CER consultations**

The Commission proposed to publish a calendar of forthcoming consultations in its bi-monthly newsletter.

### **Commission's Response to Comments**

The Commission welcomed the suggestions made by respondents regarding this proposal, in particular the request to make the calendar available online and to extend it to a 12 month period.

### **Commission's Decision**

The Commission's decision is to publish a list of upcoming consultation, decision and discussion papers in its bi-monthly newsletter. This list will cover the coming two month period.

In addition, the Commission will work with its website providers to develop a calendar facility on the CER's website. It is the Commission's intention for this to be a 12 month rolling calendar. Following completion of the Commission's business planning for the coming year, the online calendar will be populated with provisional dates for all upcoming consultations and decisions. These dates will be updated throughout the year, as necessary. Direct links from the calendar to each paper and relating papers will also be made available, as relevant. It is intended that this online calendar will 'go-live' in early 2009.

#### **Reason for Decision**

The Commission believes this will allow for improved planning amongst interested parties, in particular those with resource constraints, affording respondents the opportunity to develop more informed responses. Respondents comments were also very much in favour of this proposal.

### **Proposal (C)      Open Forum**

The Commission proposed an "Open forum" be held for major consultations or decisions. Regulated companies would be required to present their submissions in an open forum format and answer questions from the CER and market stakeholders. The five year revenue review process was provided as an example.

A further suggestion was that this type of method could be used in some cases to replace a full "paper" consultation.

### **Commission's Response to Comments**

Responses indicate respondents are in favour of an Open Forum in principle. Open forums can promote discussion and could allow for earlier contribution of views from both industry and the public. It is felt that the written consultation

process favours industry participants over those with limited resources available. An open forum could provide smaller organisations, consumer representatives and the public a stronger voice in the consultation process.

Some respondents are of the view that an open forum would not be an appropriate format for price reviews due to the large volume of complex and commercially sensitive documentation involved. The Commission is not of the opinion that preparation for an open forum will create significantly greater workloads for the relevant bodies.

It is the Commission's position that the Open forum process is suited to consultations where a greater sense of awareness amongst stakeholders, representative bodies and the public is necessary and can be provided through a Q&A forum.

It is accepted that respondents do not want an 'Open Forum' procedure to replace the written consultation process.

### **Commission's Decision**

The Commission is in favour of implementing this proposal for significant consultations and will put in place the facility for open forums as part of the overall consultation process.

The Commission's decision is to hold an Open Forum on electricity and gas tariffs 2008 – 2009. Issues such as price reviews are significantly important events for industry and the public. It is important that they have an opportunity to obtain details and facts of forthcoming prices directly from the relevant companies, in a structured forum.

As part of the overall tariff setting process for 2008/09 an open forum will be held where the relevant entities will present details of their proposed tariffs for the upcoming year. The forum will be open to all interested parties (including customers and network users) and will provide attendees with an opportunity to participate in a questions and answers session. Following the open forum, interested parties can make their submissions to the Commission. Opinions expressed at the forum and those submitted to the Commission in writing will be considered fully in the decision making process. Further details will be published on the Commission's website in advance of this event.

The format of the open forum will be flexible and will differ depending on the issue up for consultation.

The Open Forum process will not replace the written consultation process and will be designed to enhance the current process.

**Reason for Decision**

The Commission commenced a review of its public consultation process in order to ensure industry participants and the public are provided with as strong a voice as possible in the regulatory process. An open forum will provide those with minimal resources the opportunity to input into the early stages of the consultation process. This will lead to a more informed decision making process.

**Proposal (D) Energy Information Events**

The Commission held its first Public Seminar in January 2008 and proposed to hold an annual Public Seminar and occasional Energy Information Evenings throughout Ireland (as required), aimed at the general public.

**Commission's Response to Comments**

The Commission agrees with respondents that this will encourage better communication and discussion with a wider range of stakeholders.

**Commission's Decision**

The Commission is committed to holding an Annual Public Seminar and further information evenings on key topics, as necessary.

The Commission welcomes proposals from industry participants, consumer bodies and the public if they feel an information event should be held regarding a particular issue under the remit of the Commission's responsibilities.

**Reason for Decision**

The Commission's is making this decision to encourage improved communication with all of its stakeholders and to ensure the public and industry participants are fully aware of the work of the CER and regulatory developments.

**2.2.2 Publication of Regulated Company Proposals**

The Commission proposed that where it is appropriate, proposals from regulated companies should be published for approx two weeks before a consultation paper on the issue.

## **Commission's Response to Comments**

The Commission acknowledges that not all consultations emanate from regulated proposals. The Commission does not feel it is necessary to publish all correspondence regarding a proposal, however, any information exchanged that is capable of influencing the Commission's decision will be outlined in the consultation paper.

Publishing company proposals for comment for two weeks would add a minimum of 4 weeks onto the consultation period.

## **Commission's Decision**

The Commission's decision is to publish all formal written proposals received by regulated companies and other industry participants relevant to an upcoming CER consultation. When a company makes an informal proposal the Commission will assess if the proposal is relevant to an upcoming CER consultation or decision. Where this is the case the relevant body will be requested to put their proposal into writing which will then be published

The Commission will publish these proposals at the same time as the Commission's consultation paper on the matter. This will ensure interested parties are aware of the Commission's position on the matter.

### **Reason for Decision**

The Commission's decision is based on the need for greater transparency and will allow interested parties time to consider the issue and submit comment during the initial stages of the preparation period of the consultation paper.

Respondents indicated a preference to know the Commission position rather than responding to a proposal which the Commission might have no intention of implementing. Publishing proposals alongside the Commission's consultation will contribute to more informed and directed responses.

## **2.3 Consultation Paper and Content**

The Commission consulted on a range of proposals in this area. The Commission's decision and reasoning on each of these proposals are outlined in this section.

### **2.3.1 Standard Template for all CER Consultation Papers including a standard information page and standard summary of key questions section.**

The Commission proposed to introduce a standard template for all CER consultation papers. It was proposed the template would include the following headings at a minimum:

- Information Page
- Executive Summary
- Introduction
- Purpose of document
- Responding to this consultation
- Background
- Legislative Background
- Detail
- Conclusion
- Overall Summary of Key Questions
- Next steps.

### **Commission's Response to Comments**

The comments received to this proposal were very positive and the Commission welcomes the further suggestions made.

It was suggested that the Commission look to the format of the EU Commission in finalising its template. This template includes a summary document of key issues in a question and answer format.

### **Commission's Decision**

The Commission has decided to implement a standard consultation template. A copy of this template has been published on the Commission's website alongside this decision paper – reference: cer/08/089a.

This template will be used for all CER consultations except where legislation provides for a different format.

Where appropriate consultations will be accompanied by a summary questionnaire which respondents can use to respond to the key issues raised.

Where relevant, the summary questionnaire will also be published as a separate Word document accompanying the main consultation document on the CER's website. This is to facilitate the use of the questionnaire as a form of "short-response" document. This will allow respondents to simply indicate their position in favour or opposed to each proposal (Yes or No) and their reason for that position, in a short and clear document.

### **Reason for Decision**

The Commission has taken this decision in order to create greater consistency across CER papers. Strengthening the links between papers will allow interested parties navigate CER documents with ease. The information page will allow interested parties establish the relevance of a consultation paper to their area.

The standard template will also ensure respondents they are addressing all issues raised.

Responses to this proposal were in favour of its implementation.

### **2.3.2 'Jargon Free' Consultation Papers**

A number of respondents to the initial consultation paper indicated that CER's consultation papers were often unduly lengthy. The Commission proposed the length of consultation papers be kept to a minimum and 'jargon free', where possible. It was also proposed that the length of consultation papers be tailored to the impact of the issue being consulted.

### **Commission's Response to Comments**

Concerns were expressed that necessary attention to detail would be sacrificed if this proposal was implemented. The Commission acknowledges this concern and would like to assure that technical information will not be compromised.

### **Commission's Decision**

The Commission is committed to working internally to ensure all of its publications are clearly and concisely written, while also ensuring technical information is not compromised. While many of the issues the Commission consults on are of a complex technical nature, the Commission will strive to

ensure a balance is maintained between necessary detail and the length of consultation papers.

The Commission will include a comprehensive glossary of terms in its standard consultation and decision paper templates. This will provide the necessary information for those not familiar with regulatory terms.

#### **Reason for Decision**

The Commission has taken this decision as improved clarity will aid understanding and encourage a greater level of response from a wider range of stakeholders.

### **2.3.3 Introduction of short Regulatory Impact Assessment (RIA) for major CER Consultations**

The Commission proposed to develop a method, in line with Government Better Regulation Guidelines; *“RIA Guidelines, How to conduct a Regulatory Impact Assessment”* to allow the impact of a possible/ proposed decision be weighted. Major CER consultations would include a regulatory impact assessment. This will enable interested parties to prioritise consultations internally.

#### **Commission’s Response to Comments**

While this proposal was welcomed by many respondents concerns were expressed that a ‘short’ RIA would not sufficiently address issues. The Commission acknowledges that certain consultations will require a more detailed impact assessment than others.

#### **Commission’s Decision**

The Commission will work over Quarter 3 2008 to develop a simple, clear and user friendly RIA process. This will be based on the Government’s Guidelines in this area. Revised government guidelines are expected to be published in late Summer 2008; the Commission’s processes will be developed following this.

A full RIA will be carried out for all major CER consultations with a less formal process applying to all other issues. This will ensure a balance is found between analysing the impact of regulatory decisions and available resources.

#### **Reason for Decision**

The introduction of a standard RIA will lead to a more transparent, and consistent approach to regulation.

To date a general assessment has been carried out for all CER consultations however this has been on an informal and less explicit basis. The Commission would like to assure all interested parties that full consideration is given to the impact of its decisions. While the Commission is committed to carrying out an RIA this does not prevent any interested party expressing a concern or potential impact to the Commission.

### ***2.3.3 Standard of 28 days consultation period***

The Commission proposed that a minimum of 28 calendar day's consultation period apply to all consultations. In addition, an extended period would apply to consultations addressing more complex issues or when a number of relating consultations are published in tandem. e.g. 5 year Revenue Reviews.

#### **Commission's Response to Comments**

Responses to this proposal were generally favourable provided the 28 day period was only cut short in justified circumstances.

#### **Commission's Decision**

The Commission has decided to introduce a standard 28 day consultation period. In certain instances the legislative requirements may over rule this. e.g. PSO Levy.

In addition the Commission will reserve the right to apply a shorter consultation period where it is seen to be a matter of urgency. A full explanation will be provided where this is the case. Efforts will be made within the Commission to ensure this only happens in exceptional cases.<sup>1</sup>

#### **Reason for Decision**

The Commission believes 28 days in conjunction with a regular consultation/ decision paper calendar will allow stakeholders the opportunity to plan appropriately and provides sufficient time to develop comprehensive responses.

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<sup>1</sup> A standard consultation period of 5 working days will apply to all CER Proposed Decisions provided a full consultation period has been or will be carried out on the matter.

### **2.3.4 *Equal weighting for all options***

The Commission proposed that unless a consultation is developed around a particular proposal then the Commission's preferred approach is not indicated in consultation papers and all options receive an equal weighting.

#### **Commission's Response to Comments**

The majority of responses received to this proposal were in favour of the Commission outlining its preferred option where relevant.

In response to a request that, each consultation paper details the likely impact of each option on issues such as security of supply, prices, etc, this will be addressed through the use of RIA's.

#### **Commission's Decision**

The Commission's decision is to not implement this proposal but to continue highlighting its preferred option where applicable and to ensure full details are provided of all other options. Where the Commission does not have a preferred option, all options will be outlined in full.

#### **Reason for Decision**

The Commission has taken this decision primarily as a result of respondent's comments. Interested parties should note that in no way does this prevent respondents from presenting a case for a different option.

## **2.4 Decision Paper and Content**

The Commission consulted on a range of proposals in this area. The Commission's decision and reasoning on each of these proposals are outlined in this section.

### **2.4.1 Standard CER Decision Paper Template to include a standard 'Reason for Decision' section, Response to Key Questions section and 'Next Steps' section.**

The Commission proposed to develop a standard template for all CER decision papers. It was proposed that this template would include the following sections:

1. Reason for Decision
2. Response to Key Questions
3. Next Steps Section

### **Commission's Response to Comments**

The Commission agrees with respondents that a standard template with 'Next Steps' section will promote consistency and transparency

While the CER welcomes questions from respondents it does not intend to formally request them. This could lead to a very slow exchange of questions and answers between the CER and respondents. The Commission will address any points raised by respondents during its consultations.

### **Commission's Decision**

The Commission has decided to implement a standard decision paper template. The inclusion of a standard reason for decision section will ensure interested parties are provided with full details of the Commission's rationale for implementing a particular decision over different options.

This decision paper is in the format of the new standard template. In addition, a copy of the standard template has been published on the Commission's website – reference: CER/08/089b, and will be used for all CER decisions except where legislation provides for a different format.

#### **Reason for Decision**

The Commission has taken this decision for the following reasons:

- Responses indicated in favour of it;
- It will create greater consistency across CER papers;
- It will strengthen the links between relating papers allowing for easier navigation;
- It will ensure that all issues raised are addressed and stakeholders are aware of the Commission's rational.

#### **2.4.2 Publication of all responses**

The Commission proposed to publish all consultation responses in full. Should a respondent wish for their response to remain confidential they would need to present a case to the Commission, detailing their reasoning.

#### **Commission's Response to Comments**

Respondents were in favour of this proposal provided an allowance is made for commercially sensitive information. The Commission recognises the need for privacy where commercially sensitive information is involved. However, a balance needs to be found between transparency and privacy.

It is not feasible from a timeframe point of view for the Commission to publish responses within 5 days of receipt. The Commission needs sufficient time to review each response in detail and it would not be appropriate to rush this procedure.

#### **Commission's Decision**

The Commission has decided that the default situation will see the publication of all responses in full.

The Commission will implement the use of 'Confidential Appendices'. Respondents who do not wish part of their submission to be published should enclose this detail in a separate appendix, clearly stating the rationale for not publishing this section. Following a review of submissions received, the Commission will contact relevant parties for discussion, should they feel the response should be published in full. The Commission can not guarantee that responses marked confidential that do not contain commercially sensitive information (in the Commission's view) will be taken into consideration during the decision making process.

Where possible, responses will be published 2 weeks prior to the publication of a decision document.

**Reason for Decision**

The Commission's decision has been made in the interest of transparency in the decision making process.

## **2.5 CER Website**

The Commission proposed improvements to the website in the following four areas:

1. Development of an improved search function
2. Further development of the documents by year section
3. Further development of the Consultation Section
4. Development of a Decision documents storage section

### **Commission’s Response to Comments**

The Commission welcomed the comments and ideas made by respondents regarding this proposal and will take these suggestions on board when undertaking work to develop the website.

### **Commission’s Decision**

The Commission has decided to develop a project to further design and develop its website. The focus of this development will be on the areas outlined above and will also include an online CER consultation calendar. This project will commence in quarter 3/ 4 of 2008.

#### **Reason for Decision**

The Commission’s website is a key communication tool. Improved user-friendliness and functionality will enable and encourage interested parties to access CER documents with greater ease.

In addition, when publishing a consultation paper, the Commission will also publish the “short-format” consultation – i.e. list of questions asked. Respondents can choose to respond in this manner. However while all responses will be taken into account, respondents are encouraged to explain and back-up their positions as much as possible.

## **2.6 Other Comments**

The Commission received a variety of comments that weren’t directly linked to a particular proposal. The Commission’s response to each of these is listed below:

### **2.6.1 Comment**

One party suggests a standard approach for consultation should be progressed across both regulators in the all island market.

#### **Commission's response**

While the Commission recognises the benefits this could bring, the two Regulatory Authorities (RA's) remain independent and accountable to different sets of legislation. Where possible both RA's will continue to try to streamline their processes. The current SEM consultation process is working well and will continue to evolve.

### **2.6.2 Comment**

Clarification is requested that the CER's proposals are based upon "Reaching Out, Guidelines for Consultation for Public Sector Bodies."

#### **Commission's response**

The Commission confirms these proposals are in line with the principles outlined in "Reaching Out, Guidelines for Consultation for Public Sector Bodies."

### **2.6.3 Comment**

The suggestion was made that CER needs to be more imaginative in how it gets feedback from consumers/ public.

#### **Commission's response**

The CER welcomes any suggestions that parties may have in order to facilitate increased feedback from consumers/ public. We will continue to keep our consultation process under review and should useful suggestions be made, the Commission will examine these and implement as appropriate.

### **2.6.4 Comment**

A party suggested that different weightings should be applied to industry and public submissions as industry has greater resources to put its case across.

#### **Commission's response**

This will be addressed through the RIA and the CER's judgement. The Commission always endeavours to make the correct decision, taking into account the impacts on consumers, security of supply, competition and industry participants.

It would not be in the broader interest to apply specific weightings to different responses – decision making involves finding the appropriate balance between competing interests.

### **2.6.5 Comment**

Not all consultations will require the full suite of proposals. In order to prevent “over-zealous” application of these measures, the Commission should issue guidance to its employees on consultation management and engagement

### **Commission’s response**

A guidance handbook is currently being developed and will be issued to all CER employees.

### **2.6.6 Comment**

One respondent suggests that responses to queries made during a consultation process are published on the CER’s website for all interested parties to view.

### **Commission’s response**

The Commission will publish any substantive queries made that may be capable of influencing respondents thinking on the matter.

### **2.6.7 Comment**

One party stresses the importance of the CER seeking independent advice regarding the technical aspects of regulated companies’ proposals.

### **Commission’s response**

The Commission seeks the advice of independent qualified specialists as necessary. In addition, the Commission has developed a large amount of in-house knowledge and expertise.

## **2.7 Summary**

In Summary the Commission has decided to implement the majority of its proposals. Each approved proposal will contribute to a more user-friendly public consultation process. Improved communication between CER and its stakeholders will aid greater understanding, increase transparency and allow for easier planning amongst respondents.

## 3.0 Conclusions and Next Steps

### 3.1 Summary

The Commission would like to take this opportunity to thank all respondents for their valuable input to this consultation. As outlined in this paper, public consultation is a critical aspect of the regulatory decision making process.

Each respondent's comments have contributed towards developing an improved consultation and decision making process to the benefit of all stakeholders.

For further information, please contact Tara Scully ([tscully@cer.ie](mailto:tscully@cer.ie)) at the Commission.

### 3.2 Next Steps

#### 3.2.1 Timetable of Implementation

The Commission has developed a comprehensive timetable for implementation of each of the approved proposals.

Approved Proposal	Implementation Date	Explanation
1. Industry & Public Meetings		
a. Publish list of upcoming CER Consultations	With immediate effect	The Commission has included a calendar of upcoming consultations in its bi-monthly newsletter since February 2008 on a trial basis. This will be a standard feature of the newsletter from now on. The Commission will also develop an online consultation calendar with an estimated 'go-live' date of early 2009.
b. Individual Consultation Discussion Meetings	As relevant	The individual consultation discussion group will not apply to all consultations; as such it will be implemented as necessary.
c. Open Forum	As necessary, with initial Open Forum to be held for Electricity	

	Tariffs 2008/09	
2. Public Energy Information Events	With immediate effect	The CER will hold an annual Open Day for industry and the public. In addition, information events will be held as relevant issues arise.
3. Publication of Regulated/ Other Company Proposals	As relevant – With immediate effect	
4. Standard consultation paper template incl. standard information page and Summary of key questions section	1 July 2008	Documents which are in preparation at present would need to be amended and this would delay their development.
5. 'Jargon Free' consultation papers (including the use of a Glossary of standard terms)	1 July 2008	A comprehensive Glossary of Terms will take some time to develop and approve. This will be introduced in line with the standard consultation and decision paper templates.
6. Regulatory Impact Assessments	Further information on implementation when formats for RIA's have been developed. This process will commence in Q3 2008.	The Department of An Taoiseach are currently undergoing a review of its Guidelines on how to conduct a Regulatory Impact Assessment. The results of this review are due for publication in July 2008. The Commission will require a number of weeks to develop and implement a standard RIA process across the CER.
7. Standard 28days consultation period where possible	With immediate effect.	
8. Standard decision paper template incl. standard 'Reason for Decision, response to key questions and 'Next Steps' sections.	1 July 2008	Documents which are in preparation at present would need to be amended and this would delay their development.
9. Publication of all responses received (introduction of confidential appendices)	With immediate effect	
10. Further development of CER website - Improved Search Function - Development of 'Documents by Year' section - Development of the 'Consultation' section - Development of Decision Documents Storage section	Project commencing Q3 2008.  Launch Early 2009.	

## Appendix A – List of Decisions outlined in this paper

<b>Approved Proposal</b>
1. Industry & Public Meetings <ul style="list-style-type: none"> <li>a. Publish List of upcoming CER consultations</li> <li>b. Individual Consultation Discussion Meetings</li> <li>c. Open Forum</li> </ul>
2. Public Energy Information Events
3. Publication of Regulated/ Other Company Proposals alongside Commission consultation paper on the issue
4. Standard consultation paper template incl. standard information page and Summary of key questions section
5. 'Jargon Free' consultation papers
6. Regulatory Impact Assessments
7. Standard 28day consultation period where possible
8. Standard decision paper template incl. standard 'Reason for Decision, response to key questions and 'Next Steps' sections.
9. Publication of all responses received.
10. Further development of CER website <ul style="list-style-type: none"> <li>- Improved Search Function</li> <li>- Developments of 'Documents by Year' section</li> <li>- Development of the 'Consultation' section</li> <li>- Development of Decision Documents Storage section</li> </ul>