

18th September 2009

Ms. Brid O'Donovan,
Commission for Energy Regulation,
The Exchange,
Belgard Square North,
Dublin 24.

Re: Contestability for Distribution & Transmission Level Connections to the Electricity System

Dear Ms. O'Donovan,

Further to the publication of the consultation paper titled '*Contestability for Distribution & Transmission Level Connections to the Electricity System*', we would like to take this opportunity to forward our comments in relation to same for your consideration.

Shared Assets:

From direct experience DW Consultancy Ltd (DWC) has experienced firsthand the difficulties with agreeing contestability for shared assets in subgroups, primarily due to requirements of bonds. Invariably each member of the sub-group will require a bond to cover their contribution to the cost of the contestable assets. Agreeing to these bonds, and initiating same, can prove very difficult prior to the financial close of the individual projects, and can delay the agreement of contestability by a considerable time. This time delay can of course reduce or eliminate the anticipated benefit of time associated with contestable builds.

DWC welcome the proposals being put forward by CER and ESB Networks in addressing this issue, however we would like to stress the importance of addressing all legal and commercial concerns in order to eliminate the current requirement for 'cross-bonding' between developers.

Duration of Contestability:

In order to make the contestability of transmission and distribution connections more favourable to developers, DWC would suggest that more flexibility should be given to the relevant sub-groups/developers to allow them step-in rights on grid connection programmes. For example, in many instances timing and financial reasons will not allow a sub-group to agree on contestability in time to prepare a planning application for a grid connection, however agreement to contestability could be reached in time to take on the construction of the project following the grant of planning permission and other consents.

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DW CONSULTANCY LTD

We trust that the above suggestions are understandable, however should you have any queries, or should you wish to discuss this matter further, then please do not hesitate in contacting me on the details provided below (Co. Sligo details).

Yours Sincerely,

**Barry O'Kane, B.Eng, C.Eng, MIEI,
Chartered Engineer
On Behalf of: DW Consultancy Ltd.**

cc Ms. Doreen Walker DW Consultancy Ltd.