



**Endesa Ireland response to (CER/09/178a)  
Consultation on the draft Interconnector Operator Licence**

Endesa Ireland welcomes the opportunity to respond to the consultation paper on the Interconnector Operator Licence and is broadly in agreement with the conditions set forth in the draft licence

However, Endesa Ireland considers that several additional conditions should be included to ensure consistency for Interconnector Operators within the SEM, to safeguard the confidentiality of information and to ensure that the interconnector operator or its affiliates are not able to gain an unfair competitive advantage from access to confidential information. The additional conditions that Endesa Ireland proposes are outlined below:

- **Maintenance Requirements**                      Endesa Ireland considers that the legal responsibilities of the interconnector operator need to be clearly defined, specifying the parties responsible for maintenance and the operator's requirement to minimise outages. The licence should require an agreement to be put in place with the interconnector owner for maintenance along with a requirement for the interconnector operator to minimise disruptions to trading.
  
- **Prohibited Activities**                      Endesa Ireland considers that a condition similar to Condition 14 of the Moyle Interconnector licence should be included in the interconnector operator licence, It would be inappropriate for an interconnector operator to hold or acquire any interest in any generation sets. This is necessary to prevent an interconnector operator from gaining an unfair competitive advantage by also owning generation.
  
- **Restriction on use of certain information**                      The Interconnector Operator licence should include a condition restricting the Interconnector operator's use of certain information in order to protect the privacy of market participants, to prevent the interconnector operator from benefitting from confidential information or from disclosing information that may give other market participants an unfair advantage. Such a condition would be consistent with Condition 20 of the Moyle Interconnector Licence,
  
- **Compliance with the laws, Directions and Codes of the terminal jurisdiction**                      Endesa Ireland recognises that the Interconnector Operator will also be licensed in the terminal jurisdiction. However, the licence issued in Ireland should be stand alone and include requirements for full compliance. Endesa Ireland recommends that Conditions 4 and 6 of CER/09/178a are amended to require the Interconnector Operator to be compliant with laws, Directions and Codes in the terminal jurisdiction as well as the laws, Directions and Codes in Ireland. Such a requirement will allow CER to revoke the licence in the event that the operator is not compliant with the legal or regulatory requirements in the terminal jurisdiction.