



Commission for Energy Regulation
An Coimisiún um Rialáil Fuinnimh

CER Decision on Within-Day Gas Capacity Bookings

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On Friday last, 20th December 2013, the High Court heard submissions and legal argument from Viridian Power Limited and Huntstown Power Company Limited (“the Applicants”), and from the Commission for Energy Regulation (“the CER”), on the Applicants’ request to the Court to grant a stay on the implementation of the CER’s Decision CER/13/191 (“the Decision”) insofar as it directed the removal by Gaslink Independent System Operator Limited (“Gaslink”) of within-day gas capacity “products” by means of amending the Gas Code of Operations to provide that the latest time for purchase of primary capacity at the exit be changed to 9.00 on D-1 (“the Within-Day Capacity Direction”), pending the determination of the Court of their substantive judicial review proceedings, which challenge the Within-Day Capacity Direction, and the Decision generally. The Decision also contains a direction on secondary capacity transfers at the exit, which is already being implemented. The Within-Day Capacity Direction and, therefore, the Decision as a whole (including both directions), was due to come into effect on Monday 6th January 2014.

At the conclusion of the hearing on Friday last, the Court stated that it would give its ruling on the stay application on Friday 10th January 2014. In those circumstances, the CER proposed that it would not require Gaslink to implement the Within-Day Capacity Direction (and thereby, fully implement the Decision as a whole) until Wednesday 15th January 2014, should the Court decide not to grant the stay requested by the Applicants, and the parties agreed to this.

The CER has now decided to direct Gaslink to defer implementation of the Within-Day Capacity Direction (and therefore the full implementation of the Decision) until **Monday 3rd February 2014**, should the Court not grant the stay requested by the Applicants. This later deferred-implementation date of 3rd February was decided upon by the CER for logistical reasons and to avoid uncertainty in the shipping community.
