



The Commission for Regulation of Utilities,
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RE: Enduring Connection Policy Phase 1 Proposed Decision Consultation, CRU/17/309

Dear Sir/Madame,

BNRG Renewables welcomes the opportunity to respond to the CRU's consultation on the new connection offer process. Our Company has been developing, constructing and has been Owner/Operator of large scale solar PV plants for almost 11 years. We have developed over 180MW in Europe and the US and constructed/commissioned over 100MW. We are currently constructing a 14.2MW project in Northern Ireland and have over 300MW of projects under development in the Republic of Ireland in anticipation of the implementation of RESS.

We welcome the CRU's proposals to move to a planning led system for the allocation of grid capacity. We strongly support the detailed response provided by the Irish Solar Energy Association. Please see below some additional comments for your consideration.

1) Relocation of capacity for contracted generation.

It is understandable that grid capacity relocation will no longer be allowed for new capacity allocated under ECP-1. However, for the existing contracted generation, applications that are 'live' or 'process' it is unacceptable that capacity relocation was stopped on the 2nd of November. Developers executed connection agreements when the COPP policy, including relocation, was in force. Generators have a legitimate expectation that they would be able to relocate their grid capacity under this ruleset. Changes to connection policy have as a matter of practice, only happened following consultation with industry. There is also precedence of changes to connection policy only applying to newly contracted generators. Relocation of contracted, 'live' and applications 'in process' should be permitted to relocate. All new applications under ECP-1 should be restricted to relocation within the redline boundary of their planning permission or within a 1km radius. This would allow a certain design optimisation while preventing gaming of the system or trading of capacity.

2) Priority access for renewables.

The ECP-1 consultation does not acknowledge the requirements to comply with the EU RES Directives, and its updated transposition instrument (SI 2014/483). Included in Article 16.2(b) of the 2009 Renewables Directive is the requirement for states to provide for priority or guaranteed access for renewables:

"Member States shall also provide for either priority access or guaranteed access to the grid-system of electricity produced from renewable energy sources; "

We strongly request that ECP-1 and future batches in the Enduring Connection Policy should provide priority to applications from renewable technologies. This is in keeping with both national policy in the National Mitigation Plan and EU Policy under the RE Directive.

3) Need for regular batches.

An important principle of the new enduring connection policy is to have regular batches. This is something we strongly support. However, we have concerns that unless the policy for ECP is developed in parallel with the processing of batches there will be a substantial delay between batches. It is critical that the CRU, ESB Networks and EirGrid resource themselves to be able to develop connection policy and run batches in parallel. We believe that it should be achievable to run annual or 12 monthly batches of over 1,000 MW of renewable generation capacity. This would be well within existing practice in terms of volume of applications processed on an annual basis. Additional thermal generation and storage should also be processed in the same time frame.

4) Restrictions to optimising planning consents.

For ECP-1 it is proposed that if there are any material changes to your planning consent, including size changes, you will lose your grid capacity. This is contrary to the general principle that industry had supported up to this consultation. Industry supported planning consent being required as a demonstration of project commitment. Developers, having secured grid capacity, should be free to optimise the project. With a new auction approach to the renewable support scheme, this flexibility is critical for the best outcome from these auctions for the consumer.

5) Changes in ESB Networks application fees.

The proposed changes to the ESB Networks application fees are completely unacceptable. The current ESB Networks application fees are already some of the highest in Europe. In Britain, the

majority of DNOs have no application fees. The current ESB Network fees are in line with NIE's application fees. Any change to ESB Networks fees should only be undertaken following a detailed review by the CRU including international benchmarking. We fail to see any justification to the fee increase and will be calling for a fee reduction in due course. Ultimately the application and connection fees in a European context are extremely high and ultimately push up the cost to the consumer. We believe the existing fees more than compensate the SOs for the work.

6) Treatment of existing application fees.

The consultation document does not comment on how all the fees already received from applications on hold will be treated. These fees are approximately €3.25m in total. As there will be a fundamental change to the criteria to apply for a grid connection compared with Gates 1-3 and the non-GPA process, it is only reasonable and fair that developers can apply to have the fees returned or refunded in full.

BNRG welcome any opportunity to discuss these points and the overall consultation further. If you require any additional information on our projects or our submission, please do not hesitate to contact us.

Yours Sincerely,

A handwritten signature in black ink, appearing to be "GK" or similar initials.

P.P: GABRIELA KAVANAGH EXECUTIVE ASSISTANT OF DAVID MAGUIRE

David Maguire

Director, BNRG Renewables