



An Coimisiún
um Rialáil Fóntas
**Commission for
Regulation of Utilities**



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Commission for Regulation of Utilities

Compliance Investigation

Electric Ireland

Information Note

Reference: CRU/20129

Date Published: 23/10/2020

Closing Date: N/A

Commission decision to close the investigation into Electric Ireland's compliance with the requirements of Condition 18 of the Electricity Supply Licence.

1. Electric Ireland currently holds an electricity supply licence granted by the Commission for Regulation of Utilities ('the Commission') under section 14(1)(b) of the Electricity Regulation Act 1999.
2. On 09 July 2020 the Commission issued a notification to Electric Ireland under Section 24(2) of the Electricity Regulation Act (1999) stating that it was of the opinion that Electric Ireland was in breach of certain elements of its licence.
3. Under Section 24(2), the Commission may issue a notification to a licence holder where it is of the opinion that a licence holder has contravened, is contravening, or may be likely to contravene a condition or requirement of the licence.
4. Based on the findings of its investigation the Commission was of the opinion that Electric Ireland had contravened Condition 18 of its electricity supply licence by its failure to protect consumers and bill the affected DG5 and DG6 customers the SEM Supplier System Charge as a 'pass through' charge from the market operator as per their stated terms and conditions.
5. Electric Ireland was given 28 days in which to make comment and/or representation.
6. The Commission has now considered Electric Ireland's response and has concluded that Electric Ireland was in breach of Condition 18(3)(a) of its electricity supply licence during the period 01 October 2018 – 01 May 2020.
7. Condition 18(3)(a) requires that EI provide all customers with a copy of the terms and conditions which are applicable to their contract. While Electric Ireland provided a copy of the terms and conditions to the affected customers, the customers were not charged in line with those terms and conditions in relation to the SEM Supplier System Charge during the period 01 October 2018 – 01 May 2020.
8. The Commission has reviewed the issue considering the scale of the impact and behaviour of the regulated entity as outlined in the CRU-Compliance-and-Enforcement-Policy-Statement¹ also notes the following

¹ CRU19134 CRU Compliance and Enforcement Policy Statement¹

- Electric Ireland brought this issue to the Commission’s attention at the outset, cooperating fully and promptly providing all material requested as part of the investigation.
 - The Commission is satisfied that this was an error and there is no evidence to suggest that Electric Ireland intentionally overcharged the affected customers.
 - The Commission is satisfied that the issue has been fully resolved by Electric Ireland and that all affected customers have been refunded the overcharged amounts.
 - The Commission also notes that Electric Ireland has implemented compensation arrangements for all affected customers.
9. Noting that the breach was limited to the stated time period, and the actions taken by Electric Ireland as outlined above, the Commission will not take any further compliance actions in this matter.