

SEM Committee,  
c/o Commission for Energy Regulation,  
The Exchange,  
Belgard Square North,  
Tallaght,  
Dublin 24.

25th May 2012

By email to: [jburke@cer.ie](mailto:jburke@cer.ie)

**Re: Response to the "Treatment of Curtailment in Tie-Break situations ",  
SEM-12-028**

Dear SEM Committee members,

McDowell Purcell is a full service commercial law firm. One of our specialist areas is in advising clients in the renewable energy industry. We act for a large number of developers, consultants, civil engineering companies and lenders in the windfarm sector. We advise independent windfarm developers on project finance and construction of windfarms across the island of Ireland.

We welcome the opportunity to respond to the SEM Committee consultation on the Treatment of Curtailment in Tie-Break situations.

We support the IWEA response to this consultation and would like to reiterate that curtailment is a critical matter to be addressed to provide a stable policy framework to allow the industry on the island to move forward. We do believe linking curtailment to firm access will result in the required level of new renewable energy not materialising, which will negatively impact the consumer and prevent Ireland and Northern Ireland from reaching their 2020 renewable targets.

We support the position taken by IWEA on the options put forward and also support the IWEA proposal to vary Option 3 ("Option 3b"). We believe this is a solution that represents an industry compromise position which importantly meets all of what we understand as the SEM Committee key objectives and strikes the right balance between addressing the curtailment issue and enabling the renewables industry advance in line with Government and EU policy and targets. We believe "Option 3b" as set out can be supported by the SEM Committee and the industry as well as importantly providing the least impact on the consumer.

In conclusion we would like to thank the SEM Committee for the opportunity to engage on this issue and to highlight the particular importance of this consultation given the significant implications it has for the viability of the wind sector.

Yours sincerely,

**MCDOWELL PURCELL**

*Sent by email and accordingly bears no signature*

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