



**Single Electricity Market  
(SEM)**

**Capacity Market Code Working Group 23  
Modifications Consultation Paper**

**SEM-22-007**

**11 March 2022**

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# 1. OVERVIEW

## 1.1 ABSTRACT

- 1.1.1 The purpose of this consultation paper is to invite industry participants to provide feedback and comments in regards to the proposed modification to the Capacity Market Code (CMC) discussed at Working Group 23 held on 26 January 2022.
- 1.1.2 During this Working Group, three modifications were presented. This consultation paper relates to:
- **CMC\_01\_22: New Interdependent Combined Units**  
This Modification proposes to allow participants to combine multiple interdependent generating units, located on the same site and above the de-minimis threshold, as a single capacity market unit, subject to approval by the Regulatory Authorities (RAs).
  - **CMC\_02\_22: Timely publication of FAIP**  
This modification proposes that, in the event that the publication of a Final Auction Information Pack (FAIP) associated with a given Capacity Auction is delayed, the associated Capacity Auction will subsequently be delayed by an equivalent time period to that of the delay in the FAIP.
  - **CMC\_03\_22: Transparency on Publication of Qualification Results**  
This modification proposes that, in the event of any delay to the publication of the Qualification Results associated with a given Capacity Auction, this will automatically result in a delay to the associated Capacity Auction, by an equivalent time period to that of the delay in the Qualification Results.

## 1.2 BACKGROUND

- 1.2.1 The SEM CRM detailed design and auction process has been developed through a series of consultation and decision papers, these are all available on the SEM Committee's (SEMC) website. These decisions were translated into legal drafting of the market rules via an extensive consultative process leading to the publication of the Trading and Settlement Code (TSC) and the Capacity Market Code (CMC). An updated version of the CMC (5.0)<sup>1</sup> was published on 24 May 2021 and the most recent version of the TSC<sup>2</sup> was published on 9 November 2021.

### **Process for modification of the CMC**

- 1.2.2 Section B.12 of the CMC outlines the process used to modify the CMC. In particular, it sets out processes for proposing modifications, as well as the consideration, consultation and implementation or rejection of modifications.

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<sup>1</sup> <https://www.sem-o.com/rules-and-modifications/capacity-market-modifications/market-rules/>

<sup>2</sup> <https://www.sem-o.com/rules-and-modifications/balancing-market-modifications/market-rules/>

- 1.2.3 The purpose of the Modifications process is to allow for modifications to the CMC to be proposed, considered and, if appropriate, implemented with a view to better facilitating code objectives as set out in Section A.1.2 of the CMC. (B.12.1.2).
- 1.2.4 Modifications to the CMC can be proposed and submitted by any person (B.12.4.1), at any time. Unless the modification is urgent modifications are subsequently discussed at a Working Group held on a bi-monthly basis. Each Working Group represents an opportunity for a modification proposer to present their proposal(s) and for this to be discussed by the workshop attendees.
- 1.2.5 For discussion at a Working Group, Modification proposals must be submitted to the System Operators at least 10 working days before a Working Group meeting is due to take place. If a proposal is received less than 10 working days before a Working Group and is not marked as urgent it is deferred for discussion to the next Working Group.
- 1.2.6 Following each Working Group, and as per section B.12.5.6 of the CMC, the RAs are required to publish a timetable for the consideration, consultation and decision relating to the Modification(s) proposed during a Working Group.
- 1.2.7 If a proposal is received and deemed to be contrary to the Capacity Market Code Objectives or does not further any of those objectives, the Regulatory Authorities (RAs) will reject the proposal on the grounds of being spurious, as set out in section B.12.6 of the CMC.

#### **Urgent Modifications**

- 1.2.8 A proposer may choose to mark a Modification proposal as “Urgent” (B.12.9.1). In this case, the RAs, as per section B.12.9.3 of the CMC, will assess whether or not the proposal should be treated as urgent. If the RAs deem a proposal to be urgent they have the power to fast-track the proposal.
- 1.2.9 In this regard B.12.9.5 provides:

*“If the Regulatory Authorities determine that a Modification Proposal is Urgent, then:*

- a) the Regulatory Authorities shall determine the procedure and timetable to be followed in assessing the Modification Proposal which may vary the normal processes provided for in this Code so as to fast-track the Modification Proposal; and*
- b) subject to sub-paragraph (a), the System Operators shall convene a Workshop.”*

- 1.2.10 The RAs may request the SOs to convene a Working Group to discuss the proposed Modification.

#### **Process for these Modifications**

- 1.2.11 On 12 January 2022 the SOs notified the RAs of the three proposed modifications submitted for discussion at WG23 held on 26 January 2022.
- 1.2.12 CMC\_01\_22 was submitted by Bord na Móna (BnM) and both CMC\_02\_22 and CMC\_03\_22 were submitted by Energia.

1.2.13 The CMC stipulates that, in the event that the matter raised in a proposal is required before the next Capacity Auction, it can be market as urgent and therefore follow a fast tracked process.

However, in the event that CMC\_01\_22 were to be approved and implemented ahead of the upcoming T-4 CY2025/26, implementation would not allow for New Interdependent Combined Units to be qualified to take part in the Capacity Auction, as the qualification process has closed.

Therefore this proposal, whilst marked as urgent, will follow the standard modification timelines. Despite following the standard timelines, this would still allow for implementation, if the proposal is approved, ahead of the qualification process for the next T-4 Capacity Auction for CY2026/27.

1.2.14 Modifications CMC\_02\_22 and CMC\_03\_22 were marked as Standard and will therefore be processed through the normal Modification process.

1.2.15 Following a review of the proposals, the Regulatory Authorities determined that none of the proposals are spurious.

1.2.16 On the 9 February 2022 the RAs determined the procedure to apply to the Modification Proposals. The procedure is shown in detail in Appendix A. An overview of the timetable is as follows:

- i. The System Operators convened Working Group 23 where the Modification Proposals were considered on 26 January 2022.
- ii. The System Operators, as set out in B.12.7.1 (j) of the CMC, are to prepare a report of the discussions which took place at the workshop, provide the report to the RAs and publish it on the Modifications website promptly after the workshop.
- iii. The RAs will then consult on the Proposed Modification, with a response time of 20 Working Days (as defined in the CMC), from the date of publication of the Consultation.
- iv. As contemplated by B.12.11 the RAs will make their decision as soon as reasonably practicable following conclusion of the consultation and will publish a report in respect of their decision.

## 1.3 PURPOSE OF THIS CONSULTATION PAPER

1.3.1 The purpose of this paper is to consult on the following proposed modifications:

- CMC\_01\_22: New Interdependent Combined Units;
- CMC\_02\_22: Timely publication of FAIP;
- CMC\_03\_22: Transparency on Publication of Qualification Results.

1.3.2 Further detail on each of the modifications is set out in the appended modification proposals (Appendix B 1, 2 and 3).

- 1.3.3 The Regulatory Authorities hereby give notice to all Parties and the Market Operator of a consultation on the proposed Modifications.
- 1.3.4 Interested Parties and the Market Operator are invited to make written submissions concerning the proposed Modification **by no later than 17:00 on Tuesday, 12 April 2022. Please note that late submissions will not be accepted.**
- 1.3.5 Upon closure of the consultation process, the Regulatory Authorities intend to assess all valid submissions received and form a decision to either implement or reject a modification or undertake further consideration as regards to matters raised through the consultation process in regards to the proposed modification.

## 2. MODIFICATION PROPOSALS

### 2.1 CMC\_01\_22 – NEW INTERDEPENDENT COMBINED UNITS

#### Proposer: Bord na Móna

#### Proposal Overview

- 2.1.1 This proposal aims to allow participants to combine multiple interdependent generating units, located on the same site and above the de-minimis threshold, as a single capacity market unit, subject to approval by the Regulatory Authorities (RAs).
- 2.1.2 Within their proposal, BnM set out that Section E.7.6 of the Capacity Market Code (CMC) prevents Candidate Units combining into a single Capacity Market Unit unless each unit is below the De Minimis Threshold or is Variable. BnM stated this is restrictive for New Capacity and potentially prevents participants with interdependent units from participating in a Capacity Auction.
- 2.1.3 Under their proposal, BnM intend to modify E.7.6 of the CMC as stated below and add the definition of a **New Interdependent Combined Unit** to the glossary.

*E.7.6.1 Subject to paragraph E.7.6.3, the System Operators shall reject an Application for Qualification for a Capacity Year for a proposed Capacity Market Unit comprising a combination of individual Candidate Units unless:*

*i) each of the Candidate Units is either:*

*(i) a unit with a Registered Capacity (or in the case of a Demand Side Unit, a DSU MW Capacity), whether based on Existing Capacity or a combined Existing and New Capacity, below the De Minimis Threshold; or*

*(ii) a Variable Generator Unit;*

*or*

*iii) A New Interdependent Combined Unit*

***A New Interdependent Combined Unit*** means a combination of one or more Capacity Market Units or Candidate Units which share new infrastructure and new infrastructure investment costs within a New Capacity Application, which units are above De Minimis and are located on the same site.

- 2.1.4 BnM are of the view that treating such Capacity Market Units as a combined unit or as one unit, would reduce the financial risk which would likely otherwise prevent participation of any and all such units in the Capacity Market auction.
- 2.1.5 The rationale behind the proposal is therefore to rectify the current situation which, BnM believe, could lead to under recovery of investment costs for shared interdependent infrastructure where units cannot be combined and therefore resulting in each unit being exposed to the risk of failure to clear at auction.
- 2.1.6 During WG23 BnM advised that, following the discussions that had taken place, they would submit an updated v2 of the proposal which would take on board some of the feedback provided.
- 2.1.7 An updated version of the Modification Proposal is set out in the appended Modification Proposal Appendix B (1).

### **Working Group Feedback**

- 2.1.8 The RAs were of the view that it can be argued that it could be problematic, when seeking board approval on a decision to participate in a granular form with several smaller units, when a participant has a complicated investment proposition that is sharing substantial infrastructure and connection.
- 2.1.9 The SOs recognised the rationale behind the proposal and that the proposal is similar to two other modifications that had been previously raised in this area. The SOs advised that there is a policy element to this section of the code and that it would most likely be for the RAs to decide if it is appropriate to allow units to combine whilst also looking into issues with regards to market power.
- 2.1.10 From an operation point of view, the SOs advised that in its current form, the proposal is drafted as such that it relates to a new interdependent unit that has a shared infrastructure and costs as part of a new capacity application on the same site. The SOs queried how they would be able to determine whether or not these conditions would be applicable.

The SOs provided an example, whereby they receive two applications that relate to a shared new infrastructure, however one is eligible and another that is not. They queried what level of evidence would be required from each units to determine whether they met have met the required criteria.

2.1.11 BnM commented that it is reasonable for the SOs to request that a set of criteria / objectives are made available that would allow for the determination as to whether the requirements have been met in a given application. With regards to this, BnM stated that they have a set of slides they would be willing to provide to the SOs and RAs, on a confidential basis that would relate to this.

They elaborated that these slides relate to an existing BnM project that has a shared infrastructure and could prove to be useful with regards to determining what further detail could be needed when assessing criteria.

2.1.12 The SOs queried the general definition behind the term 'shared Infrastructure' as at most sites there are elements of shared infrastructure, be that something as simple as a fence or roadway.

The SOs suggested that it would be good to make this definition clear and thus removing any generality to it. BnM highlighted that in this instance this term relates to a more significant infrastructure, such as a generating asset itself.

2.1.13 The SOs stated that as defined within the proposal it would be difficult to apply, given it is written quite broadly.

2.1.14 The SOs queried whether it could be an option to allow for this proposal to be implemented and operated in a similar way to the RAs Exceptions Applications process. Further to this, the SOs suggested that, given this would relate to investments, costs and thresholds this could be an avenue for exploration.

However, the SOs were cognisant that this would be an operation carried out by the RAs and would therefore be a question for the RAs and they may have concerns with regards to this being enveloped within the Exceptions Process.

2.1.15 The RAs commented that whilst a test of some sort around shared infrastructure could be applied, with regards to the exceptions process, this only relates to new capacity and existing capacity which may then cut off moving forward with this suggestion. In the event that a participant wishes to expand on an existing site utilising existing infrastructure it would be difficult to include this within the existing processes.

2.1.16 The RAs queried whether there would be an appetite for amending the de-minimus threshold for aggregation. They suggested increasing this value to above the current limit of 10MW.

2.1.17 The RAs questioned whether this would provide the flexibility that the proposal is aiming at, whilst also mitigating the need for additional processes to be implemented when preparing for each Capacity Auction.

2.1.18 The SOs highlighted that, on the condition that amending the de-minimus threshold for aggregation wouldn't cause an adverse impact on market power or lumpiness, this would be relatively simple to implement from a process point of view and is something worth considering.



- 2.1.19 Energia queried whether this proposal was being dealt with as urgent and was this proposal aimed at being implemented for utilisation ahead of the upcoming T-4 CY2025/26 Capacity Auction.
- 2.1.20 They highlighted that, whilst the proposal could technically be implemented ahead of the Capacity Auction Run Start date, it would not be able to be utilised as part of the not qualification process as this process has now closed.
- 2.1.21 The RAs recognised that, whilst the proposal being made effective ahead of the T-4 CY2025/26 Capacity Auction wouldn't impact the Auction, based on the discussions that took place during WG23, there would be a significant body of work around this proposal that would need to be explored and that making a start on this now would then allow for implementation, if approved, for the next T-4 Capacity auction, subsequent to that due to run in March 2022.
- 2.1.22 BnM advised that the comments made by Energia are valid, however advised that given the time required to discuss and reflect upon proposals does take time and that it would be beneficial to press ahead with the proposal at this stage, especially given that modifications in this vein have been presented before, but have not resolved the issue.
- 2.1.23 Energia highlighted that there a number of important issues raised during WG23, and also as part of previous proposals in this area, that would need to be considered and that expediting this proposal to allow it to be effective ahead of the March T-4 Auction is not in the interests of participants.
- 2.1.24 These comments were generally mirrored by a number of other Participants. BGE reiterated the comments made by Energia in that there is a level of complexity that would need to be taken on board and therefore as opposed to being rushed through.
- 2.1.25 A number of participants queried whether there would be scope for another Working Group to be convened ahead of consultation to allow for further discussions to take place, however, following comments provided by SEMO, it was confirmed that this would not be possible.
- 2.1.26 BnM queried if the options discussed during WG23 could be explored within the consultation process for this proposal.
- 2.1.27 The RAs stated that, given a further Working Group was not able to be convened, it is possible for an updated version of CMC\_01\_22 to be provided to the RAs ahead of consultation. This would therefore allow for the commentary provided during the Working Group to be reflected within the proposal and thus giving industry the opportunity to provide feedback on the options set out, without the need for a further working group.
- 2.1.28 Tynagh Energy Limited (TEL) raised a concern that what was discussed during WG23 represents a change from what the original drafting of the proposal is / was, in that the proposal is now to move towards a de-minimus value of greater than 10MW.
- 2.1.29 BnM commented that following the discussions there would be three options available:

- Improving the legal drafting to specify categories or criteria to set out what shared infrastructure should look like;
  - Including this proposal as part of the RAs Exceptions process;
  - Following further analysis, whether a change to the de-minimus threshold could be changed.
- 2.1.30 Further to this, BnM have advised that from their side they can look into the legal drafting and reflect on the changes that could be made following the discussions during the Working Group.
- 2.1.31 BnM however advised that it would be a policy decision that would need to be taken with regards to the additional two options.
- 2.1.32 The SOs took the opportunity to highlight that a change to the de-minimus threshold is not being proposed, instead it is that the possibility that the eligibility criteria for combining capacity units that is being increased.

### **Minded to Position**

- 2.1.33 The SEM Committee welcome feedback and comments with regards the options suggested during the Working Group and welcome alternative modification drafting from interested Parties that would give effect to these options
- 2.1.34 Of the three options set out, SEM Committee consider reviewing the application of the de-minimus threshold to aggregations of this type may be the most preferable of these.
- 2.1.35 Notwithstanding the above, the SEM Committee are minded to reject the proposal, as it is currently drafted.

## **2.2 CMC\_02\_22 – TIMELY PUBLICATION OF FAIP AND CMC\_03\_22 – TRANSPARENCY ON PUBLICATION OF QUALIFICATION RESULTS**

### **Proposer: Energia**

#### **Proposal Overview – CMC 02 22: Timely publication of FAIP**

- 2.2.1 This modification proposes that, in the event that the publication of a Final Auction Information Pack (FAIP) associated with a given Capacity Auction is delayed, the associated Capacity Auction will subsequently be delayed by an equivalent time period to that of the delay in the FAIP.
- 2.2.2 In their submission, Energia state that the FAIP represents a key piece of information that is required by Auction Participants in order to adequately analyse and assess relevant material that will be used in formulating commercial bidding strategies.
- 2.2.3 With this being the case, they elaborate that given the importance of the FAIP it is critical that this is published on time to allow sufficient time for appropriate analysis.

Energia have raised concerns that the CMC does not currently impose any consequences if there is a delay in the publication in the FAIP and the impact of any delay is a reduced timeframe for Participants to consider and analyse the required information.

- 2.2.4 To mitigate this concern, Energia state that it is critical that there is certainty as to when an FAIP would be published and if there is a delay in the publication process, this will result in a delay to the Capacity Auction taking place which would be representative of the equivalent time period to that of the delay in the FAIP.
- 2.2.5 Further detail on the Modification Proposal as well as the amendments to the text within the CMC is set out in the appended Modification Proposal (Appendix B (2)).

### **Proposal Overview – CMC 03 22: Transparency on Publication of Qualification Results**

- 2.2.6 This modification proposes that, in the event of any delay to the publication of the Qualification Results associated with a given Capacity Auction, this will automatically result in a delay to the associated Capacity Auction, by an equivalent time period to that of the delay in the Qualification Results.
- 2.2.7 In their submission, Energia stated that the CMC specifies that Qualification Results for each of the Capacity Market auctions should be published by the System Operators at a date specified within the Capacity Auction Timetable.
- 2.2.8 Energia refer to the rationale for this being set out in SEM-16-039: Capacity Remuneration Mechanism Detailed Design: Third Decision Paper, where the initial intention was to “enhance competition level the playing field between large portfolio generators, who will have knowledge of their own retirements and new build, and small non-portfolio bidders”.
- 2.2.9 Energia state the catalyst for this proposal relates to the decision taken on 22 December 2021, whereby SEMO issued an email in respect of the T-3 CY2024/25 Capacity Auction which set out that the SEM Committee had issued a direction not to publish the Qualification Results Report for this auction “in order to maximise competition”.
- 2.2.10 It is the view of Energia that this contradicted what was set out in SEM-16-039 and this decision provided an unfair competitive advantage to large portfolio generators.
- 2.2.11 Energia state that this represents a lack of transparency and therefore propose to modify the CMC to mitigate the impact of either a delay, or failure to publish the Qualification Results Report for a Capacity Auction.
- 2.2.12 Energia have therefore proposed that any future delay to publishing the Qualification Results Report will automatically result in a delay to the Capacity Auction taking place being triggered by an equivalent time period to that of the delay in the Qualification Results.

Further detail on the Modification Proposal as well as the amendments to the text within the CMC is set out in the appended Modification Proposal (Appendix B (3)).

## Working Group Feedback

2.2.13 During the Working Group, given that both CMC\_02\_22 and CMC\_03\_22 are in the same vein, these proposals were discussed in tandem.

2.2.14 The SOs welcomed the submission of these proposals and are open to suggestions / proposals as to how to address errors by way of code amendments. The SOs took this opportunity to make it clear that they take the accuracy and adherence to a given Capacity Auction timetable seriously.

Further to this, the SOs advised that in the event that an issue is identified, they try to ensure that the cause of any such issue is corrected. By way of an example, the SOs stated that they have introduced version controls for their documentation which makes it clear, if and when an updated version of a document is published.

2.2.15 The SOs also addressed the concerns raised relating to delays to the publication of documents associated with the last number of Capacity Auctions. They have elaborated that delays were the result of the number of processes running in parallel and pointed to the considerable level of processing needed.

2.2.16 Energia highlighted that whilst they understand the intention is to adhere to the timelines set out in the timetables, the reality is that there have been a number of delays and issues associated with auction preparation and that the impact of these issues falls directly on market Participants where they have reduced timeframes to perform analysis and reflect upon the information as part of the bids submission process.

Energia reiterated that the intent of the proposal is to ensure that in the event of delays / issues in the future, the impact of this should not fall on Participants and instead it should impact a Capacity Auction Run Start date, which should be delayed by a timeframe that is equivalent to the delay in data provision, or the time required to correct an errors or issues.

2.2.17 They continued that implementation of these proposals would bring balance to the code.

2.2.18 ESB stated they understand the reasoning behind the proposal and asked the question of the SOs as to why the deadlines have been missed. They have asked if there is something fundamental that is at the root of the issue and whether this can be corrected with the implementation of a modification.

2.2.19 ESB queried if it is simply the case that there isn't enough time being set aside for the processes required between formulating the final qualification decisions and the publication of FAIP. To mitigate this, ESB have asked if there would be merit in expanding timeframes associated with auction processes, possibly by starting the processes earlier.

2.2.20 The SOs responded to ESB and advised that where issues have occurred that have impacted on timelines, there wouldn't be one single cause and impacts can be caused by varying factors.

The SOs also advised that, when forming the timetables for future Capacity Auctions the issues that have occurred to date would be reflected upon to mitigate against a reoccurrence.

2.2.21 However, the SOs also raised the point that when forming a Capacity Auction Timetable, it is useful to allow additional time for processes to be completed, but that there must also be a balance struck between this aspect and allowing time for the development of capacity and the timing of an auction.

2.2.22 The SOs however highlighted that, even without modifications to the code, there are ways in which the processes around auction preparation can be streamlined.

2.2.23 The RAs referred to the SOs comments around streamlining auction processes and confirmed that this is something they are keen to work on in the coming months.

The RAs highlighted that this would involve looking at the auction processes individually and assessing which aspects can be simplified and whether any steps can be eliminated entirely or amalgamated together, with the overall aim being to reduce the risks of delays or inaccuracies.

2.2.24 One participant advised that when working through these proposals, we must be cognisant that by changing timings associated with one part of the process, another stage is inadvertently impacted.

### **Minded to Position**

2.2.25 The SEM Committee recognise the importance of the information contained within the FAIP and that a delay to the publication of the FAIP can impact Market Participants.

2.2.26 The SEM Committee are also cognisant of the delays that have occurred in recent months, however recognise that a higher number of Capacity Auctions have taken place in a relatively short period of time than would normally be the case.

2.2.27 Whilst the SEM Committee agree that delays to the publication of Auction related material are not ideal, they are of the view that the process of rectifying these issues can be completed outside of the Modifications forum and without a change to the CMC.

2.2.28 As highlighted by the RAs during the working group, a review of the auction processes is to be initiated which will assess all aspects of the process to determine how these can be simplified and streamlined.

2.2.29 Ahead of the T-3 CY2024/25 Capacity Auction, the SEM Committee instructed the SOs not to publish the T-3 CY2024/25 Final Qualifications Results Report. The SEM Committee stated this was in order to maximise the competitive pressures in the auction.

The SEM Committee made this instruction cognisant of the hierarchy of obligations as set out in B.4.1.1 of the Capacity Market Code.

2.2.30 The SEM Committee are therefore minded-to reject both CMC\_02\_22 and CMC\_03\_23.

### 3. CONSULTATION QUESTIONS

- 3.1.1 The SEM Committee welcomes views and responses on the proposed modifications raised within this consultation paper.
- 3.1.2 Respondents are invited to provide comments and feedback for each of the proposed Modifications in respect of:
- the proposed modification and its consistency with the Code Objectives;
  - any impacts not identified in the Modification Proposal Form, e.g. to the Agreed Procedures, the Trading and Settlement Code, IT systems etc.; and
  - the detailed CMC drafting proposed to deliver the Modification.
- 3.1.3 A template has been provided in Appendix C for the provision of responses.

### 4. NEXT STEPS

- 4.1.1 The SEM Committee intends to make a decision in October 2021 on the implementation of the Modifications outlined within this consultation paper.
- 4.1.2 Responses to the consultation paper **must** be sent to Kevin Lenaghan ([Kevin.Lenaghan@uregni.gov.uk](mailto:Kevin.Lenaghan@uregni.gov.uk)) and Donna Maye ([Donna.Maye@uregni.gov.uk](mailto:Donna.Maye@uregni.gov.uk)) **by no later than 17:00 on Tuesday, 12 April 2022. Please note that late submissions will not be accepted.**
- 4.1.3 Please note that we intend to publish all responses unless marked confidential. While respondents may wish to identify some aspects of their responses as confidential, we request that non-confidential versions are also provided, or that the confidential information is provided in a separate annex. Please note that both Regulatory Authorities are subject to Freedom of Information legislation.