

Connection Policy – ECP-2

Application Form for Capacity Release

10th July 2020
DOC-080720-FUY



Introduction

On the 10th June 2020, the Commission for Regulation of Utilities(CRU) published a Decision Paper - Enduring Connection Policy Stage 2 (ECP-2) [CRU/20/060](#) (the “[CRU Decision Paper](#)”), following a CRU Consultation - Enduring Connection Policy Stage 2 (ECP-2) - Proposed Decision [CRU/19/143](#).

As directed by the CRU, this standard application form has been published to facilitate the implementation of Section 2.9 of the CRU Decision Paper. This application form should not be used for any other purpose.

ESB Networks DAC (“**ESB Networks**”) is now accepting applications from eligible projects, on the same terms & conditions for capacity release outlined in Connection Policy Transitional Arrangements [CER/16/284](#) (see Section 3.4.1).

In line with Section 2.9 of the CRU Decision Paper, the window for application will be open from 10th July 2020 for one month. The deadline for applications received under Section 2.9 of the CRU Decision Paper is **10th August 2020**. Any applications received after this date will not be processed unless otherwise directed by the CRU.

On receipt of an application, ESB Networks will terminate all of an eligible Customer’s Distribution Connection Agreement as applicable, and the associated refunds and charges shall be applied according to the capacity being released.

For full detail please refer to CRU/20/060 the CRU Decision Paper and the terms & conditions set out in section 3.4.1 of [CER/16/284](#).

The Application

References in this Application to the “DSO” mean ESB Networks DAC, being the holder of the distribution system operator license issued pursuant to Section 14(1)(g) of the Electricity Regulation Act 1999 as amended.

This application form specifies the information DSO requires to process an application for capacity release under the CRU Decision Paper.

Please note that this application form deals with Distribution Connection Agreements only. If you wish to avail of the capacity release measure under the CRU Decision Paper and have a Transmission Connection Agreement, please contact EirGrid at info@eirgrid.com.

The DSO reserves the right to request additional data as necessary, and the applicant should provide such information promptly. Failure to provide the requested information may result in your application being delayed or rejected.

Definitions of terms used in this form can be found in the glossary of the General Conditions for Connection of Industrial and Commercial Customers and Generators to the Distribution System (the “**General Conditions**”).

When the application form is completed, please send the form in hardcopy (with original signature) to the below address, and email an electronic version to

DSOGenerators@esb.ie

DSO Generators
ESB Networks
Phase 1 Building
Leopardstown Rd
Foxrock
D18XN80
Ireland

If any queries arise, please do not hesitate to contact us at DSOGenerators@esb.ie

A. Project Details

1. Full name of the applicant¹ (the Customer):

2. Address and Eircode of the applicant or, in the case of a corporate body, the registered address:

3. Company Registration No. (If applicable)

4. Contact Person(s)

5. Telephone Number

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¹ The customer details provided must be same as the contracted party as specified in the relevant Distribution Connection Agreement.

6. Email Address

7. Distribution Connection Agreement Reference Number (600XXXXXX)

8. Facility Name, DG Reference & Maximum Export Capacity (MEC)

9. Print here the name of Authorised Signatory of the Customer who will sign Section C of this Application (Agreement to Terminate)

Additional Information Required as Proof of Authorised Signatory of the Customer:

If the Applicant is a corporate body, the Application should be signed by a director or company secretary of the Customer, or other authorised agent of the Customer (subject to the provision of evidence to the satisfaction of the DSO that the signature has the necessary authority to sign this Application). The DSO reserves the right to seek evidence of authority of any signatory to sign on behalf of the Customer.

B. Details Required for Refund Process

Irrespective of information provided in Section A above, please provide contact details for **refunding purposes** below. All refunds will only be made to the Customer (Contracted Legal Entity) via cheque issued from ESB Networks. Please note, refunds are only applicable to applications which fall under CRU Decision Paper CRU/20/060 and the terms & conditions set out in CER/16/284.

1. Contact Person for refunding purposes

2. Telephone Number

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3. Email Address

4. Contact Address and Eircode for refunding purposes (if different to Section A)

C. Agreement to Terminate

By submitting this application form, you confirm on behalf of the Customer that the Customer's project meets the eligibility criteria outlined in Section 3.4.1 of CER/16/284 and the CRU Decision Paper and therefore can avail of the capacity release measure. The DSO reserves the right to reject applications where the project does not meet the criteria set out in Section 3.4.1 of CER/16/284 and the CRU Decision Paper.

By signing this application form for release of all of the capacity reserved to the Customer under the Distribution Connection Agreement, as specified in Section A point 7 above, I acknowledge on behalf of the Customer that, in accordance with section 3.4.2 of CER/16/284 and the CRU Decision Paper such an application cannot be withdrawn as of the date written below.

I acknowledge and agree on behalf of the Customer that a Notice of Termination will issue from the DSO, and that the contracted capacity identified for release in Section A point 8 will be released from the effective date specified in such Notice of Termination, Annex 1. I acknowledge and agree that the Connection Agreement will terminate as and from the effective date specified in such Notice of Termination, Annex 1.

For the avoidance of doubt, and in accordance with Section 3.4.2 of CER/16/284 and the CRU Decision Paper, termination of the Connection Agreement will not release the Customer from any existing contractual obligations to the system operators or third parties resulting from stranded assets.

Signed: _____

Print Name: _____

Date: _____

Checklist

- Completed Application Form
- Proof of Authorised Signatory (if required)
- Authorised Signatory has signed Section C – Agreement to Terminate

DRAFT ² Template DSO Notice of Termination

Dear [],

We refer to the distribution connection agreement between ESB Networks DAC (“**ESB Networks**”) and [] (the “**Customer**”) dated [] (the “**Connection Agreement**”). ESB Networks hereby acknowledges receipt of the Customer’s application for a **full termination** of the Connection Agreement as specified in Annex 1 hereto.

Terms and expressions used in this letter bear the same respective meanings as in the Connection Agreement (incorporating the General Conditions for Connection of Industrial and Commercial Customers and Generators to the Distribution System available at www.esbnetworks.ie) unless otherwise expressly defined herein.

The Commission of Regulation for Utilities (the “CRU”) issued decision paper CRU/20/060 (“the CRU Decision Paper”) on 10th June 2020 in respect of Enduring Connection Policy Stage 2 (ECP-2) Decision, in which ESB Networks is directed [at section 2.9] that “*All projects contracted pre ECP-1 (but not those that folded into ECP-1) will have a final opportunity for capacity release as per CER/16/28452 (e.g. with 80% refund of first stage payment)*”.

Pursuant to the CRU Decision Paper ESB Networks hereby issues this Notice of Termination in respect of the Customer’s Connection Agreement on the following terms:

- With effect from the Effective Date specified in Annex 1, the Connection Agreement shall be terminated. Termination of the Connection Agreement under this Notice of Termination shall not affect such provisions of the Connection Agreement which are specified, or which would reasonably be expected, to survive expiry or termination. For the avoidance of doubt, and in accordance with Section 3.4.2 of CER/16/284, termination of the Connection Agreement will not release the Customer from any existing contractual obligations to the system operators or third parties resulting from stranded assets.
- A First Stage Payment of € [amount] excl. VAT was made by the Customer on acceptance of the Connection Agreement on [date] (the “Payment”). The

² This is a draft template which may be subject to change. Each application will be treated individually on a case by case basis

Company agrees to refund 80% of the Payment in line Section 2.9 of the CRU Decision Paper and in line with clause 3.4.2 of the Connection Policy Transitional Arrangements (CER/16/284) *“Where an applicant requests a termination of capacity in line with the criteria set out in this decision, the system operators shall refund the applicant 80% of its first stage payment in a timely manner after the completion of the termination process.”*

This Termination Notice shall be governed by and construed in accordance with the laws of the Republic of Ireland and both Parties hereby submit to the exclusive jurisdiction of the Irish Courts.

Annex 1

Customer:	
Facility:	
Capacity to be released:	
Relevant Gate of Capacity to be released:	
Effective date of Termination:	

Annex 2

Application Form for Capacity Release to be Attached