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## Code Administrator Consultation Response Proforma

### CMP445: Pro-rating first year TNUoS for Generators

Industry parties are invited to respond to this consultation expressing their views and supplying the rationale for those views, particularly in respect of any specific questions detailed below.

Please send your responses to [cusc.team@neso.energy](mailto:cusc.team@neso.energy) by **5pm** on **29 April 2026**.

Please note that any responses received after the deadline or sent to a different email address may not receive due consideration.

If you have any queries on the content of this consultation, please contact [cusc.team@neso.energy](mailto:cusc.team@neso.energy)

Respondent details	Please enter your details	
<b>Respondent name:</b>	Tony Diccico	
<b>Company name:</b>	ESB Generation & Trading	
<b>Email address:</b>	Anthony.diccico@esb.ie	
<b>Phone number:</b>	Click or tap here to enter text.	
<b>Which best describes your organisation?</b>	<input type="checkbox"/> Consumer body <input type="checkbox"/> Demand <input type="checkbox"/> Distribution Network Operator <input checked="" type="checkbox"/> Generator <input type="checkbox"/> Industry body <input type="checkbox"/> Interconnector	<input checked="" type="checkbox"/> Storage <input type="checkbox"/> Supplier <input type="checkbox"/> System Operator <input type="checkbox"/> Transmission Owner <input type="checkbox"/> Virtual Lead Party <input type="checkbox"/> Other

**I wish my response to be:**

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(Please mark the relevant box)	<input checked="" type="checkbox"/> <b>Non-Confidential</b> (this will be shared with industry and the Panel for further consideration)
	<input type="checkbox"/> <b>Confidential</b> (this will be disclosed to the Authority in full but, unless specified, will not be shared with the Panel or the industry for further consideration)

**For reference the Applicable CUSC (charging) Objectives are:**

- d. That compliance with the use of system charging methodology facilitates effective competition in the generation and supply of electricity and (so far as is consistent therewith) facilitates competition in the sale, distribution and purchase of electricity;
- e. That compliance with the use of system charging methodology results in charges which reflect, as far as is reasonably practicable, the costs (excluding any payments between transmission licensees which are made under and accordance with the STC) incurred by transmission licensees in their transmission businesses and which are compatible with standard licence condition C11 requirements of a connect and manage connection);
- f. That, so far as is consistent with sub-paragraphs (a) and (b), the use of system charging methodology, as far as is reasonably practicable, properly takes account of the developments in transmission licensees’ transmission businesses and the ISOP business\*;
- g. Compliance with the Electricity Regulation and any relevant legally binding decision of the European Commission and/or the Agency \*\*; and
- h. Promoting efficiency in the implementation and administration of the system charging methodology.

\* See Electricity System Operator Licence

\*\*The Electricity Regulation referred to in objective g) is Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (recast) as it has effect immediately before IP completion day as read with the modifications set out in the SI

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2020/1006.

**For reference, (for consultation questions 5) the Electricity Balancing Regulation (EBR) Article 3 Objectives and regulatory aspects are:**

- a) *fostering effective competition, non-discrimination and transparency in balancing markets;*
- b) *enhancing efficiency of balancing as well as efficiency of national balancing markets;*
- c) *integrating balancing markets and promoting the possibilities for exchanges of balancing services while contributing to operational security;*
- d) *contributing to the efficient long-term operation and development of the electricity transmission system and electricity sector while facilitating the efficient and consistent functioning of day-ahead, intraday and balancing markets;*
- e) *ensuring that the procurement of balancing services is fair, objective, transparent and market-based, avoids undue barriers to entry for new entrants, fosters the liquidity of balancing markets while preventing undue market distortions;*
- f) *facilitating the participation of demand response including aggregation facilities and energy storage while ensuring they compete with other balancing services at a level playing field and, where necessary, act independently when serving a single demand facility;*
- g) *facilitating the participation of renewable energy sources and supporting the achievement of any target specified in an enactment for the share of energy from renewable sources.*

**What is the EBR?**

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The Electricity Balancing Regulation (EBR) is a European Network Code introduced by the Third Energy Package European legislation in late 2017.

The EBR regulation lays down the rules for the integration of balancing markets in Europe, with the objectives of enhancing Europe's security of supply. The EBR aims to do this through harmonisation of electricity balancing rules and facilitating the exchange of balancing resources between European Transmission System Operators (TSOs). Article 18 of the EBR states that TSOs such as the NESO should have terms and conditions developed for balancing services, which are submitted and approved by Ofgem.

**Please express your views in the right-hand side of the table below, including your rationale.**

Standard Code Administrator Consultation questions		
1	Please provide your assessment for the proposed solution(s) against the Applicable Objectives against the current baseline.	Mark the Objectives which you believe the proposed solution(s) better facilitates than the current baseline:
		Original <input checked="" type="checkbox"/> d <input checked="" type="checkbox"/> e <input checked="" type="checkbox"/> f <input type="checkbox"/> g <input checked="" type="checkbox"/> h <input type="checkbox"/> None
		WACM1 <input checked="" type="checkbox"/> d <input checked="" type="checkbox"/> e <input checked="" type="checkbox"/> f <input type="checkbox"/> g <input checked="" type="checkbox"/> h <input type="checkbox"/> None
		WACM2 <input checked="" type="checkbox"/> d <input checked="" type="checkbox"/> e <input checked="" type="checkbox"/> f <input type="checkbox"/> g <input checked="" type="checkbox"/> h <input type="checkbox"/> None
		The commercial impact of being liable for TNUoS charges for periods prior to grid connection can be very severe, particularly on larger Generators and those in areas of high TNUoS tariffs, whereas those Generators in negative TNUoS zones will receive an

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		<p>uplift payment reflecting periods prior to their Charging Date. The current position incentivises Generators to request connection dates near the start of the charging year. This places undue pressure on the TOs and makes it increasingly difficult to deliver on-time connections. This means that connections <b>are being delivered inefficiently and unreliably for system needs</b> due to disproportionate TNUoS charges altering Generator behaviour.</p> <p>The current practice also risks Generators in positive TNUoS zones pricing additional TNUoS costs into their business cases when it should not be required. <b>This could ultimately result in competition distortion and inflated Contract for Difference (Cfd) bids</b> in future Allocation Rounds. <b>Given the above, the Original, WACM1 and WACM2 all provide better outcomes than the current baseline.</b></p>
2	Do you have a preferred proposed solution?	<p> <input type="checkbox"/>Original  <input checked="" type="checkbox"/>WACM1  <input type="checkbox"/>WACM2  <input type="checkbox"/>Baseline  <input type="checkbox"/>No preference         </p> <p>We support WACM1 as the preferred proposal as it:</p> <ul style="list-style-type: none"> <li>Builds on the original CMP445 proposal by clarifying that generators should pay TNUoS <b>only for the capacity available to them</b>, and only for the period that capacity is available.</li> </ul>

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		<ul style="list-style-type: none"> <li>• Explicitly applies the same pro-rating principles <b>at both the start and end of a site's lifecycle</b>, including scenarios such as decommissioning or reductions in capacity.</li> <li>• Applies to <b>new and existing sites</b>, reducing the likelihood that further modifications will be needed in future.</li> <li>• And importantly, remains <b>prospective only</b>, avoiding retrospective changes to settled charging years.</li> </ul>
3	Do you support the proposed implementation approach?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  Click or tap here to enter text.
4	Do you have any other comments?	None
5	Do you agree with the Workgroup's assessment that the modification does not impact the Electricity Balancing Regulation (EBR) Article 18 terms and conditions held within the Code?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  Click or tap here to enter text.