

**SEM Committee Extra Ordinary Meeting**  
Agreed Minutes Meeting No: 39

**Location:** Conference Call

**Date:** 10<sup>th</sup> May 2011

**Time:** 3.30 – 4.30pm

**Attendees:** Dermot Nolan (“DN”) (CER) (SEMC Chairman), Garrett Blaney (CER), Michael Tutty (“MT”) (CER), Shane Lynch (Utility Regulator) (“UR) Alan Rainey (UR), Ignacio Perez-Arriaga (Independent Member), Jose Sierra Lopez (Deputy Independent Member).

**In attendance:**

For all items: Tanya Wishart (“TW”) (UR); Eugene Coughlan (EC) (CER); Cathy Mannion (CM) (CER); Juliet Corbett (“JC”) (UR), Paul Brandon (“PB”) (CER), Laura Steerman (“LS”) (CER)

**Minute Taker:** Mignonne Smith (UR / SEMC Secretariat)

**1. Approval and Adoption of the agenda**

The agenda was approved and adopted.

**2. Ratification of Short Notice for Extra Ordinary meeting (per Rule 3)**

The SEM Committee agreed to ratification of the short notice for the Extra Ordinary meeting.

**3. TSO Certification**

The SEM Committee considered whether the issue of Transmission System Operator (TSO) Certification was a SEM matter or not. The Committee discussed the matter, noting the requirement for a decision in respect of TSO certification for Northern Ireland given that the Directive has now been transposed into law in Northern Ireland.

The SEM Committee decided by a majority decision that the issue of TSO certification for Northern Ireland was a SEM matter. The CER voted against the decision. It was of the view that the certification process allowed relatively little policy discretion to the regulator, and that the decision related to the transmission

network was outside the scope of the wholesale market. It thus felt that the matter of certification was unlikely to have a material impact on the operation of the SEM and thus should not be a SEM matter.

Following full consideration the Committee concluded that, under the legislation in Northern Ireland, the discretion given to the Utility Regulator in respect of TSO certification would constitute exercise of a relevant function as defined in the SEM legislation. It further concluded that, in view of the roles of the TSO and transmission system owner in planning and providing access to the transmission system (and therefore access to the market), the outcome of the decision in respect of ownership and operation proposals which may be presented for certification was likely materially to affect the SEM.

**Action:** Draft proposals for certification should be considered by the SEM Committee at its meeting on the 31<sup>st</sup> of May.

#### **4. AOB**

The SEM Committee discussed the issue of SEMO intraday trading costs and asked for material to be sent to the Committee by the end of the week.

**Date of Next Meeting: Tuesday 31<sup>st</sup> May, CER Offices, Dublin**