



6<sup>th</sup> May 2011

Mr Kevin O'Neill,  
Electricity Directorate,  
Utility Regulator,  
Queens House,  
14 Queen Street,  
Belfast,  
BT1 6ER.

Via email

**Re: SEM-11-011**

Dear Kevin,

Endesa Ireland welcomes the opportunity to respond to the consultation paper on the Aquisition of NIE plc, NIE Powerteam and allied businesses by ESBNI Ltd.

Endesa Ireland considers that the proposal to require the Licensee to provide an annex detailing information used in coming to the conclusion that it has the financial facilities and resources to carry on business over the next 12 months (paragraph 3.a of consultation paper) is not appropriate. Similarly the proposed requirement to address in the Compliance Plan how the Licensee fulfils its requirement to act in a manner calculated to ensure it has sufficient resources to enable it to comply with its obligations and to carry on as a standalone entity (paragraph 3.b of the consultation paper) is unnecessary. The Licensee is currently required to provide its accounts to the Utility Regulator each year and this should be sufficient for the Regulator to evaluate the business, requirements for further information constitute over-regulation. Of course, if the UR has cause for concern it can request further information under Condition 8.

Please don't hesitate to contact me should you wish to discuss any aspects of this response.

Regards,

A handwritten signature in blue ink that reads 'Deirdre Powers'.

Deirdre Powers  
Director, Energy Management