

NOTICE UNDER SECTION 11 OF THE ELECTRICITY ACT 1989

The Gas and Electricity Markets Authority ('the Authority') hereby gives notice pursuant to section 11(2) of the Electricity Act 1989 ('the Act') as follows:

1. The Authority granted a site specific electricity supply licence ('the Licence') to Immingham CHP LLP under section 6(1)(d) of the Act on the 26 April 2006.
2. On 10 July 2006, Immingham CHP LLP submitted a request that the following conditions be switched off in the licence:
 - Standard licence condition 20 ('The Master Registration Agreement')
 - Standard licence condition 21 ('Publication of Information to Customers')
 - Standard licence condition 26 ('Record of and Report on Performance')
 - Standard licence condition 27 ('Preparation, Review of and Compliance with Customer Service codes').Those standard licence conditions are set out in appendix A.
3. Immingham CHP LLP is licensed to supply electricity only to Humber Oil Refinery, South Killingholme.
4. Immingham CHP LLP has made the request for conditions 20 and 21 to be switched off because it is a site specific, non-domestic, electricity supplier to a supply point not within the Supplier Volume Allocation (SVA) governed by the Master Registration Agreement ('MRA'). The supply point will be registered in Central Meter Registration Services (CMRS) and, as a result, it will not require (or be entitled to) Meter Point Administration Services (MPAS). Therefore, the provisions set out in the MRA will not apply. Immingham CHP LLP believes therefore that standard conditions 20 and 21 are not relevant in its case.
5. Immingham CHP LLP has made the request for conditions 26 and 27 to be switched off because it is a site specific, non-domestic electricity supplier. Immingham CHP LLP feel that this makes standard conditions 26 and 27 unnecessary as it only supplies to one customer.
6. The modification requested would have the following effect:
 - a. It would remove the requirement for Immingham CHP LLP to become a party to and comply with the MRA;
 - b. The requirement for Immingham CHP LLP to provide it's customers with the "Supply Number(s)" relevant to the registration of that customer, under the MRA, would be removed;
 - c. The requirement for Immingham CHP LLP to keep a record of it's general operation of the arrangements mentioned in standard conditions 24 (Codes of Practice on Procedures with Respect to Site Access) and 25 (Efficient Use of Electricity) would be removed; and
 - d. It would remove the requirement for Immingham CHP LLP to prepare codes of practice pursuant to standard conditions 24 and 25.
7. The Authority:
 - a. agrees that those standard licence conditions are unnecessary in this situation as the supply point Immingham CHP LLP is licensed to supply is not within the area that the MRA governs and is only supplying to one customer;
 - b. is of the opinion that switching off those standard licence conditions is requisite to meet the circumstances of this case;

- c. is of the opinion that this modification is such that Immingham CHP LLP would not be unduly disadvantaged in competing with other holders of licences of that type and no other holder of a licence of the same type would be unduly disadvantaged in competing with other holders of such licences (including Immingham CHP LLP); and
- d. accordingly, proposes to make the modification requested.

Ofgem would welcome the view of interested parties on the above modification proposal. Interested parties are requested to submit any representations or objections to the proposal by **21 September 2006**. Responses should be addressed to:

Catherine Wheeler
Licensing
Office of Gas and Electricity Markets
9 Millbank
London
SW1P 3GE

Electronic responses may be sent to licensing@ofgem.gov.uk

Signed:



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Nick Simpson
Duly authorised on behalf of the Authority

23 August 2006

Appendix A

Condition 20. The Master Registration Agreement

1. The licensee shall become a party to and thereafter comply with the provisions of the Master Registration Agreement.

Condition 21. Publication of Information to Customers

1. Subject to paragraph 3, the licensee shall inform each of its customers of a number or numbers (the "Supply Number(s)") relevant to the registration of that customer, under the Master Registration Agreement, with the licensee to the premises owned or occupied by such customer:
 - (a) in a form in accordance with the terms of a direction issued by the Authority, on each bill or statement given to the customer in relation to the supply of electricity; and
 - (b) annually where the customer does not receive such a bill or statement.
2. The Supply Number shall consist of a number of data items, each of which shall be represented by a numerical identifier which shall:
 - (a) have the number of digits specified in a direction issued by the Authority;
 - (b) be approved by the Authority; and
 - (c) be used by the licensee in common with all electricity suppliers.
3. The Authority may issue a direction relieving the licensee of its obligations under paragraph 1 to such extent and subject to such terms and conditions as it may specify in that direction.

Condition 26. Record of and Report on Performance

1. The licensee shall keep a record of its general operation of the arrangements mentioned in standard conditions 24 (Code of Practice on Procedures with Respect to Site Access) and 25 (Efficient Use of Electricity) and (where a Domestic Supply Direction has been issued to the licensee) in standard conditions 35 (Code of Practice on Payment of Bills and Guidance for Dealing with Customers in Difficulty), 36 (Code of Practice on the Use of Prepayment Meters), 37 (Provision of Services for Persons who are of Pensionable Age or Disabled or Chronically Sick), 38 (Provision of Services for Persons who are Blind or Deaf) and 39 (Complaint Handling Procedure) and if the Authority so directs in writing, of its operation of any particular cases specified, or of a description specified, by the Authority.
2. The licensee shall, where a Domestic Supply Direction has been issued to the licensee, keep a statistical record of its performance in relation to the provision of electricity supply services to its domestic customers.
3. The licensee shall, from time to time as required by the Authority, provide to the Authority and to the Consumer Council such of the information contained in the records prepared in accordance with paragraphs 1 and 2 as the Authority may request in writing.
4. As soon as is reasonably practicable after the end of each calendar year, the licensee shall submit to the Authority and the Consumer Council a report dealing with the matters mentioned in paragraphs 1 and 2 in relation to that year and shall:
 - (a) publish the report so submitted in such manner as will in the reasonable opinion of the licensee secure adequate publicity for it; and
 - (b) send a copy of it free of charge to any person requesting one,except that, in performing its obligations under sub-paragraphs (a) and (b), the licensee shall exclude from the report such information as appears to it to be necessary or expedient to ensure that, save where they

consent, individual customers referred to therein cannot readily be identified.

5. The report shall be presented, so far as is reasonably practicable, in a standard form designated by the Authority for the purposes of this condition generally.

Condition 27. Preparation, Review of and Compliance with Customer Service Codes

1. This condition applies to any code of practice required to be prepared by the licensee pursuant to standard conditions 24 (Code of Practice on Procedures with Respect to Site Access) and 25 (Efficient Use of Electricity) and (where a Domestic Supply Direction has been issued to the licensee) pursuant to standard conditions 35 (Code of Practice on Payment of Bills and Guidance for Dealing with Customers in Difficulty), 36 (Code of Practice on the Use of Prepayment Meters), 37 (Provision of Services for Persons who are of Pensionable Age or Disabled or Chronically Sick), 38 (Provision of Services for Persons who are Blind or Deaf) and 39 (Complaint Handling Procedure) of this licence.
2. In first preparing such a code the licensee shall, prior to submitting that code to the Authority, consult the Consumer Council and shall have regard to any representations made by the Consumer Council about such code or the manner in which it is likely to be operated.
3. Where before the expiry of 30 days of the licensee first submitting such code to the Authority for its approval the Authority notifies the licensee that the Authority considers the code is not sufficient for the purposes of meeting the requirements of this licence, the licensee shall forthwith make such changes as the Authority may require.
4. The licensee shall, whenever requested to do so by the Authority, review such code and the manner in which it has been operated, with a view to determining whether any modification should be made to it or to the manner of its operation.
5. In carrying out any such review the licensee shall consult the Consumer Council and shall have regard to any representations made by the Consumer Council about such code or the manner in which it is likely to be or (as the case may be) has been operated.
6. The licensee shall submit any revision of such code which, after consulting the Consumer Council in accordance with paragraph 5, it wishes to make, to the Authority for its approval and following its approval in writing shall then revise the code.

7. The licensee shall:
 - (a) as soon as practicable following the preparation of any code or any revision made to it, send to the Authority and the Consumer Council a copy of such code or such revision (in each case in the form approved by the Authority);
 - (b) at least once in each year, draw the attention of those of its customers to whom such code applies to the existence of the code and of each substantive revision of it and to the means by which they may inspect a copy of such code in its latest form; and
 - (c) give or send free of charge a copy of such code (as from time to time revised) to any person who requests it.
8. No changes may be made to any code otherwise than in accordance with the above procedures.
9. The licensee shall ensure, so far as reasonably practicable, that it complies with such arrangements or procedures (as the case may be) as are contained in or described by any code to which this condition applies and approved by the Authority or any revision to such code approved by the Authority.