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#### Regulation and Policy

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### Offshore Electricity Transmission: Consultation on implementation of the Generator Commissioning Clause in the Energy Act 2013

Dear Catherine,

Thank you for the opportunity to comment on your consultation on implementation of the Generator Commissioning Clause in the Energy Act 2013. This response is provided on behalf of RWE Innogy UK Limited, a fully owned subsidiary of RWE Innogy GmbH.

We welcome Ofgem's resolve to implement a workable solution for generator-build of offshore assets and welcome the proposed splitting of ION into parts A and B. We also recognise that ION B for the final stage of a wind farm development as the most compatible option with the intent of the generator commissioning clause.

We remain concerned about the assumed certainty of being able to achieve handover of OFTO assets within an 18 month period from ION B. There are a range of reasonably foreseeable issues that could occur outside of the control of the developing generator that could prevent handover within this period. Ofgem's current guidance that enforcement action will be treated on a case by case basis does not offer reassurance of resolution of this issue. Both developing generators and finance providers see this lack of clarity as a significant hurdle to acceptability of the generator-build option. Furthermore, given that generator-build is the only current viable regime for offshore wind development it could effectively undermine the entire OFTO regime and viability of offshore development.

We request that Ofgem provides further clarity on the process to be undertaken in the event of delay of transfer to the OFTO (for at least reasonably foreseeable events). These should include, but not necessarily limited to:

- Transmission cable fault prior to transfer
- Force majeure events/failures
- Weather-related delays to completion of works
- Cost assessment process delays or withdrawal of the preferred bidder
- Commercial disagreement between the OFTO and generator
- How the generator/OFTO should engage with Ofgem/the Secretary of State

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- The scale/range of enforcement action to be taken in each case
- The timeline of events for resolution in each case

We also request clarity whether the transmission assets will need to be fully de-energised, or just limited from export in the event of failing to achieve transfer within 18 months of completion notice – the impacts of the former being a significantly more onerous risk.

Please do not hesitate to contact me if you require any further information in relation to our response.

Yours sincerely,

Jeremy Gummow  
Grid Regulation Manager  
RWE Innogy UK