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Catherine McArthur
Ofgem
9 Millbank
London
SW1P 3GE

21 February 2014

Dear Catherine,

Generator Commissioning Clause

Thank you for giving us an opportunity to comment on the implementation of the Generator Commissioning Clause in the 2013 Energy Act.

As the manager of multiple OFTOs, Transmission Investment is strongly supportive of the overall concept of setting an 18 month deadline by which asset transfer should occur. We recognise that this is a pragmatic way of reconciling the legal requirement to unbundle transmission with the practical need for due diligence and commercial negotiation prior to the transfer of assets built under a generator-build regime.

Our experience of the OFTO sector is that it should always be feasible for asset transfer to take place within 18 months of commissioning¹, and setting a firm 18 month deadline will help to focus all parties on achieving this in a timely manner.

We are aware of concerns among generators that circumstances could arise where they might consider it infeasible to transfer the asset before the deadline. We agree with your position (paragraph 2.52) that such situations need to be dealt with on a case-by-case basis.

Yours sincerely

A handwritten signature in blue ink that reads "Sean Kelly".

Sean Kelly
Partner

¹ As defined by the ION Part B notice.