

**Schedule 1 – Proposed modifications to the electricity interconnector licence standard conditions**

**Proposal to insert the following new standard condition into Section G: Cap and Floor Conditions**

**Condition 26A. Delay to Regime Start Date caused by Pre-Operational Force Majeure**

1. The purpose of this condition is to set out the provisions that may apply in circumstances where the licensee considers that the Regime Start Date has been delayed due to Pre-operational Force Majeure.
2. If the licensee considers that an event or circumstance of Pre-operational Force Majeure has occurred and caused a delay to the Regime Start Date, the licensee may, within a reasonable timeframe of that event or circumstance occurring, submit a written request to the Authority for the Regime Start Date to be adjusted to reflect the delay caused by that event or circumstance of Pre-operational Force Majeure.
3. Any request made by the licensee under paragraph 2 of this condition shall include:
  - (a) the particulars of the event or circumstance to which the request relates and the reason(s) why the licensee considers it to be an event or circumstance of Pre-Operational Force Majeure;
  - (b) the length of any resulting delay that the licensee considers to have been caused as a consequence of that event or circumstance;
  - (c) how this resulting delay has been calculated; and
  - (d) any analysis or information, which the licensee considers sufficient to enable the Authority to fully assess the event or circumstance to which the request relates.
4. For the purposes of paragraph 3(c) of this condition, where any additional analysis or information is not available to the licensee at the time of the request, the licensee shall:
  - (a) specify any such additional analysis or information items in its request together with an indication of when the licensee expects the specified items to become available; and
  - (b) provide these items as soon as reasonably practicable after they become available.
5. The licensee must provide the Authority, within a reasonable timeframe, as specified by the Authority, with any additional information that the Authority may reasonably require for the purposes of the Authority's consideration under this condition.
6. If, in the Authority's opinion, the Regime Start Date:
  - (a) has been delayed by an event or circumstance of Pre-operational Force Majeure, the Regime Start Date shall fall on such later date as the Authority may specify in a direction; or

- (b) has not been delayed by an event or circumstance of Pre-operational Force Majeure, the Authority shall confirm by a direction that the Regime Start Date shall continue to fall on the earlier of the dates specified in the Special Conditions of this Licence.
7. Before issuing a direction under paragraph 6 of this condition, the Authority shall give notice to the licensee that it proposes to issue a direction, specifying:
    - (a) where paragraph 6(a) applies:
      - (i) the length of any delay that, in the Authority’s opinion, was caused by an event or circumstance of Pre-Operational Force Majeure; and
      - (ii) a revised Regime Start Date that takes any such delay into account; or
    - (b) where paragraph 6(b) applies, that the Regime Start Date shall continue to fall on the earlier of the dates specified in the Special Conditions of this Licence;
    - (c) the Authority’s reasons for proposing to issue the direction under paragraph 6(a) or 6(b);
    - (d) specifying the period (not being less than 14 days from the date of the notice, or such other period as may be agreed in writing between the licensee and the Authority) within which the licensee may make representations or objections.
  8. Before issuing a direction under paragraph 6(a) or (b) the Authority shall consider representations or objections raised by the licensee.
  9. The direction issued under paragraph 6(a) or (b) shall state the reasons for the Authority’s decision.
  10. For the purposes of this condition:

Pre-operational Force Majeure	<p>means</p> <ul style="list-style-type: none"> <li>(a) an event or circumstance which is beyond the reasonable control of the licensee, including act of God, act of the public enemy, strike, lockout and other industrial disturbance, war declared or undeclared, threat of war, terrorist act (or threat of), blockade, revolution, riot, insurrection, civil commotion, public demonstration, sabotage, act of vandalism, governmental restraint, provided that lack of funds of the licensee or performance or non-performance by an electricity transmission licensee or equivalent entity shall not be interpreted as a cause beyond the reasonable control of the licensee and provided that weather and ground conditions which are reasonably to be expected at the location of the event or circumstance are also excluded as not being beyond the reasonable control of the licensee; and</li> </ul>
-------------------------------	--

	<p>(b) where such event or circumstance has occurred or commenced between:</p> <p>(i) the date of the Authority's Initial Project Assessment Decision with respect to the licensee's Interconnector; and</p> <p>(ii) the successful completion of such procedures and tests in relation to the licensee's Interconnector that are in accordance with, at the time they are undertaken, Good Industry Practice for commissioning that type of interconnector in order to demonstrate that the licensee's Interconnector is available for the use of conveyance of electricity at the Rated Capacity</p>
Regime Start Date	<p>means</p> <p>(a) the Regime Start Date as defined in the Special Conditions of this Licence; or</p> <p>(b) such later date as may be specified by the Authority in a direction issued under paragraph 6 of this condition.</p>
Initial Project Assessment (IPA) Decision	<p>means the Authority's decision, published on its website, on its initial assessment of the needs case for the licensee's interconnector project</p>
Good Industry Practice	<p>has the meaning given to that term in the Special Conditions of this Licence</p>
Rated Capacity	<p>has the meaning given to that term in the Special Conditions of this Licence</p>