

ENERGY & UTILITIES

Regulatory considerations



A DEDICATED ENERGY AND UTILITIES PRACTICE

Our dedicated Energy & Utilities team is made up of a large multi-discipline group of experienced professionals located across all Addleshaw Goddard offices with a proven track record of working with a blend of utilities regulators, Government, large energy companies and a myriad of developers and funders who are active in the sector.

Our work with the Regulators and Government on the development and interpretation of regulation ensures we understand the regulatory background. We are used to advising on the legal challenges faced by public bodies making decisions and exercising discretion against the background of complex and often ambiguous legislation. In addition, we understand the commercial challenges faced by those operating in the energy sphere, and have the know-how to deliver expert and pragmatic advice.

We understand the industry from all angles which we see as key to providing you the support that you need.

The practice comprises of a core team of partners dedicated to Energy and Utilities work, who have a deep insight of the industry and the people working in it. This team is closely supported by lawyers from across our full service disciplines who are used to applying their knowledge against the background of the energy and utilities sector.

Regulatory considerations in the energy and utilities sector

We are proud to have a strong and growing track record of advising Regulators, Government bodies and the private sector on both (i) the development and implementation of new regulation; and (ii) the application of existing regulation, within the energy and utilities sector. Our work in this area regularly incorporates bespoke advice on sectoral regulation as well as regulatory guidance given in a transactional context, with examples including advice to:

- ▶ National utilities sector regulators on the design and implementation of new regulation and the application of existing regulation;
- ▶ Government bodies on the design, implementation and application of renewables incentive mechanisms;
- ▶ National licensed energy suppliers, distributors and transmitters on compliance with GB and EU regulation;
- ▶ large scale commercial and industrial energy users (and in many cases self-generators) on regulation, licence/licence exemption regimes, and subsidy mechanisms and opportunities;
- ▶ investors, debt funders and developers on
 - ▶ renewable subsidy threats and opportunities and the other regulation to which small, medium and large scale renewable projects are subject (including in respect of connection, generation licensing/licence exemptions, planning, and environmental requirements); and
 - ▶ non-renewable subsidy mechanisms (for example the Capacity Market and balancing services to National Grid) and the other regulation to which small, medium, and large scale generation is subject.

Our regulatory team brings together specialists with backgrounds in energy/utilities specific legislation, regulation, and contracts; Competition and EU law; public law and judicial review; financial/transparency regulation; planning law, and environmental regulation. Our focus on energy and utilities sector regulation combined with our breadth and depth of resource means we are trusted by the highest profile names in the sector to provide practical and plain English advice.

Whether you are an established existing stakeholder in the sector or are looking for advice on an area which is new to you, our team would be delighted to explore with you the pragmatic and collaborative support which we can provide.

Experience

Our experience includes advising:

- ▶ **Ofwat, Ofgem** and the **Northern Ireland Utility Regulator** on regulation in the electricity, gas and water sector.
- ▶ **SSE** and **National Grid** as current panel advisors
- ▶ **Department of Energy & Climate Change** on the design and implementation of the Contract for Difference regime and on legislation to introduce community ownership for renewable generation, and advising the CfD Counterparty company (**Low Carbon Contracts Company**).
- ▶ International solar developer **Trina Solar** in respect of the GB renewables subsidy regime in respect of a number of solar projects purchased and developed by Trina in Great Britain.
- ▶ **Peel Group** on numerous projects including:
 - ▶ wind farm projects at Scout Moor, Port of Liverpool, Frodsham and Bilsthorpe, including in respect of generation licensing, connection and RO accreditation arrangements; and
 - ▶ on the operational and regulatory elements of the tri-generation energy centre and utility networks at its <£500m mediacity:uk development with the BBC as anchor tenant.
- ▶ **Energy Works** in relation to its CfD supported 30MW merchant waste wood ACT project.
- ▶ **Essent NV** on an investment in a 150MW offshore wind farm including advice on planning, regulation connection agreements, equipment supply agreements, power purchase agreements and off shore regulatory requirements.
- ▶ **Government of the Baltic States** on the drafting of relevant laws to reform the electricity and gas industries in each of the Baltic States under an EU funded programme
- ▶ **HM Government of Northern Ireland** on the implementation of the Internal Market in Electricity Directive over a period of years. This involved opening up the market to competition for the first time and drafting primary legislation; secondary legislation and drafting new licenses for all industry players.

Who to contact

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