

Panel Recommendations on Modification Proposals arising from Licence Conditions

Additional Notes

For avoidance of doubt:

The paper does not

- (i) suggest a particular objective should be disregarded,
- (ii) advocate that no credence should be given to objective (a),
- (iii) suggest the Panel should consider certain licence conditions under objective (a) rather than the entirety of the licence. The paper refers to certain licence conditions by way of illustration only.

The paper does

- (iv) describe how the Panel having due regard to all the applicable objectives might want to consider how it reaches its recommendations in respect to modification proposals arising from licence conditions.
- (v) invites the Panel to consider only a proposals intrinsic benefits or dis-benefits under objective (a).
- (vi) observe that if the Panel were to make a recommendation that gives weight to matters of no intrinsic benefit under the applicable objectives, potential rights of appeal for materially affected parties under the statutory energy code modification appeals process may be put at risk.
- (vii) note that statutory matters take precedence over transmission licence changes.

Other points

- (viii) for a Panel member to assign no weight to a relevant objective is entirely appropriate. It is simply a matter of choosing a point on a continuum between negative benefits and positive benefits. It demonstrates the Panel member has actively considered the objective and concluded that no weight should be assigned to that objective. It is not the same of giving “no consideration” or “no credence” to a particular relevant objective.