



S.I. No. 217 of 2002

ELECTRICITY REGULATION ACT 1999 (PUBLIC SERVICE OBLIGATIONS) ORDER 2002

REVISED

Updated to 1 August 2025

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SCHEDULE 1

- Part 1. Edenderry Power Ltd. peat powered generating station referred to in Article 5
- Part 2. ESB's peat powered generating stations referred to in Article 5
- Part 3. Renewable, Sustainable or Alternative Energy contracts referred to in Article 6

SCHEDULE 1A (Deleted)

SCHEDULE 1B

SCHEDULE 1C

SCHEDULE 2

PSO Levy: invoicing and collection terms

Renewable, Sustainable or Alternative Energy

SCHEDULE 3

SCHEDULE 4

SCHEDULE 5

SCHEDULE 6



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I, Mary O'Rourke, Minister for Public Enterprise, in exercise of the powers conferred on me by section 39 of the Electricity Regulation Act 1999 (No. 23 of 1999) (as amended by the European Communities (Internal Market in Electricity) Regulations 2000 (S.I. No. 445 of 2000) and the Sustainable Energy Act 2002 (No. 2 of 2002)), in consideration of general social, economic and environmental factors and following consultation with the Minister for the Environment and Local Government, and having, in accordance with section 39(10) of the Electricity Regulation Act 1999, given a draft of this Order to the Electricity Supply Board, being the person upon whom the obligations are to be imposed, hereby order as follows:

Citation 1. This Order may be cited as the Electricity Regulation Act 1999 (Public Service Obligations) Order 2002.

Interpretation 2. (1) In this Order-

"Act" means the Electricity Regulation Act 1999, as amended;

F1["AER V Notification" means the correspondence referred to in paragraph 1 of EU Commission document C(2002) 3 fin dated 15 January 2002 relating to a notification to the EU Commission (Reference No. N553/2001 – Ireland) pursuant to Article 88 of the Treaty, as modified by the letter from the Department to the EU Commission dated 20 July 2018 and the letter from the EU Commission to the Department dated 30 August 2018 relating to a notification to the EU Commission (Reference No. SA.50385 (2018/PN));]

F1["AER VI Notification" means the correspondence referred to in paragraph 1 of EU Commission document C(2002) 3 fin dated 15 January 2002 relating to a notification to the EU Commission (Reference No. N553/2001 – Ireland) pursuant to Article 88 of the Treaty and the correspondence referred to in paragraph 1 of EU Commission document C(2004) 3284 dated 19 August 2004 relating to a notification to the EU Commission (Reference No. N447/2003 – Ireland) pursuant to Article 88 of the Treaty, as modified by the letter from the Department to the EU Commission dated 20 July 2018 and the letter from the EU Commission to the Department dated 30 August 2018 relating to a notification to the EU Commission (Reference No. SA.50385 (2018/PN));]

F2["bioliquids" means liquid fuel for energy purposes other than for transport, including electricity and heating and cooling, produced from biomass;]

F3["biomass fuels" means gaseous and solid fuels produced from biomass;]

F4["CADA" means a capacity and differences agreement between the Board and a third party power producer and includes alternative arrangements prepared pursuant to that agreement and in accordance with its terms;]

"category" means a category of electricity account holders referred to in section 39(5A) and specified in Schedule 2 of the Act;

F5["CER" means the Commission for Energy Regulation;]

F6["commercial operation date" means, in respect of a particular PPA, the commercial operation date specified in the PPA concerned;]

"Commission" means the Commission for Energy Regulation (CER) established by the Act;

F7["Department" means the Department of Communications, Climate Action and Environment;]

"distribution system operator" means the holder of a licence granted under Section 14(1)(g) of the Act to discharge the functions of the distribution system operator;

"EU Commission" means the Commission of the European Communities;

F4["Generation Contracts Notification" means the correspondence referred to in paragraph 1 of EU Commission C(2003) 4488 fin dated 16 December 2003 relating to a notification to the EU Commission (Reference No. N475/2003-Ireland) pursuant to Article 87 of the Treaty and subsequent correspondence between the Irish authorities and the EU Commission in relation to that EU Commission document;]

F8["generator" means a person who is the holder of a licence to generate electricity under section 14(1)(a) of the Act;]

F9["levy period" means such period as the Commission may from time to time designate following public consultation;]

F1["Notification" means the correspondence referred to at paragraphs 1 to 4 of EU Commission document C(2001) 3265 fin dated 30 October 2001 and at paragraphs 1 and 2 of EU Commission document C(2002) 5 fin dated 15 January 2002 relating to a notification to the EU Commission (Reference Nos. N6/A/2001 and N826/2001 – Ireland) pursuant to Articles 16 and 86 of the Treaty, as modified by the letter from the Department to the EU Commission dated 20 July 2018 and the letter from the EU Commission to the Department dated 30 August 2018 relating to a notification to the EU Commission (Reference No. SA.50385 (2018/PN));]

F10["payment period" means one particular public service obligations payment period;]

"PPA" means a power purchase agreement between the Board and a third party power producer;

"public service obligations levy" means the levy referred to in Article 7 of this Order;

F10["public service obligations payment" means the payment referred to in Article 7A;]

F5["REFIT 1" means the 2006 Renewable Energy Feed in Tariff (electricity generation from biomass, hydro and wind) scheme, as referred to in State Aid Decision C (2007) 4317 final reference N571/2006 Ireland;]

F5["REFIT 2" means the 2012 Renewable Energy Feed in Tariff (electricity generation from onshore wind, hydro and biomass landfill gas technologies) scheme, as referred to in State Aid Decision C(2012) 8 final reference SA. 31236 (2011/N) Ireland;]

F1["REFIT 3" means the 2012 Renewable Energy Feed in Tariff (electricity generation from biomass technologies) scheme, as referred to in State Aid Decision C(2011) 7593 final reference SA. 31861 (2011/N) Ireland;]

F1["REFIT Contracts Notification" means the correspondence referred to in paragraph 1 of EU Commission document C(2007) 4317 dated 25 September 2007 relating to a notification to the EU Commission (Reference No. N571/2006 – Ireland) pursuant to Article 88 of the Treaty, the correspondence referred to in paragraph 1 of EU Commission document C(2012) 8 final dated 12 January 2011 (sic) relating to a notification to the EU Commission (Reference No. SA.31236 (2011/N) – Ireland) pursuant to Article 108 of the Treaty, or the correspondence referred to in paragraph 1 of EU Commission document C(2011) 7593 final dated 18 October 2011 relating to a notification to the EU Commission (Reference No. SA. 31861 (2011/N) Ireland) pursuant to Article 108 of the Treaty, as each modified by the letter from the Department to the EU Commission dated 20 July 2018 and the letter from the EU Commission to the Department dated 30 August 2018 relating to a notification to the EU Commission (Reference No. SA.50385 (2018/PN));]

F11["REFIT power purchase agreement" means a power purchase agreement (entered into as a consequence of REFIT 1, REFIT 2 or REFIT 3) between a generator that has been accepted into REFIT 1, REFIT 2 or REFIT 3 and a supplier;]

F12["relevant supplier" means a supplier who has entered into a REFIT power purchase agreement or a RESS power purchase agreement, and references to a relevant supplier, where the context so requires, include a generator that is jointly or severally liable for a PSO Payment as a result of additional benefits under the terms and conditions of the relevant RESS competition;]

F13["RESS" means the Renewable Electricity Support Scheme, as referred to in State Aid Decision SA.54683 (2020/N) – Ireland, as modified by State Aid Decision SA. 105135;]

F13["RESS Contracts Notification" means the correspondence referred to in paragraph (1) of the European Commission document entitled 'C(2020) 4795 final' dated 20 July 2020 and at paragraph (1) of the European Commission entitled C(2023) 3963 final dated 12 June 2023 relating to a notification to that Commission (Reference no. SA.54683 (2020/N) – Ireland) pursuant to Article 108(3) of the Treaty on the Functioning of the European Union as modified by the letter from the Department of the 27 April 2023 and the letter of the Commission of the 13 June 2023 (Reference No SA.105135 – Ireland TCTF Amendment to SA.54683);]

F14["Short-Term Peaking Generation Notification" means the correspondence referred to in paragraph 1 of EU Commission Decision Reference C(2004) 2632 fin dated 14 July 2004 relating to a notification to the EU Commission (Reference No. N143/2004-Ireland) pursuant to Articles 86 and 87 of the Treaty;]

F5["single levy period" means one particular levy period;]

"supplier" means the holder of a licence granted under Section 14, subsection (1)(a) (b), (c) and (d), and subsection (2) of the Act and the Board, and the holder of a permit under Section 37 of the Principal Act, in respect of the supply of electricity to final customers;

"transmission system operator" means the holder of a licence under Section 14(1)(e) of the Act of 1999 to discharge the functions of the transmission system operator or the Board in its capacity as ESB National Grid, as appropriate.

(2) In this Order-

(a) a reference to an Article or Schedule is to an Article of, or Schedule to this Order, unless it is indicated that reference to some other Order is intended, and

(b) a reference to a paragraph or subparagraph is a reference to a paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended.

(3) (a) For the purposes of *Article 8(1)(a)* and *Article 10(1)(a)* "additional costs" includes costs incurred by the Board in complying with its obligations under *Article 5(1)(a)* and (b) incurred by it either before or after the making of this Order and which are not otherwise recovered.

(b) Nothing in F15[*subparagraph (a)*] shall entitle the Board to recover additional costs unless those costs are in accordance with the method for determination of costs provided for in the Notification and this Order.

F14[(3A) (a) For the purposes of *Article 8(1)(bb)* and *(bc)* and *Article 10(1)(a)* "additional costs" includes costs incurred by the Board in complying with its obligations under *Article 6A* or *6B* incurred by it either before or after the coming into operation of this paragraph and which are not otherwise recovered.

(b) Nothing in *subparagraph (a)* shall entitle the Board to recover additional costs unless those costs are in accordance with the method for determination of costs provided for in the Short-Term Peaking Generation Notification and this Order.]

F4[(3B) (a) For the purposes of *Article 8(1) (bd)* and *Article 10(1)(a)* "additional costs" includes costs incurred by the Board in complying with its obligations under *Article 6C* either before or after the coming into operation of this paragraph and which are not otherwise recovered.

(b) nothing in *subparagraph (a)* shall entitle the Board to recover additional costs unless those costs are in accordance with the method for determination of costs provided for in the Generation Contracts Notification and this Order.]

F11[(3C) (a) For the purposes of *Article 8(1)(be)* and *Article 10(1)(a)* "additional costs" includes costs incurred by a supplier in complying with its obligations under *Article 6D* either before or after the coming into operation of this paragraph and which are not otherwise recovered.

(b) Nothing in *subparagraph (a)* shall entitle a supplier to recover additional costs unless those costs are in accordance with the method for determination of costs provided for in the REFIT Contracts Notification, as applied by CER in any relevant decision on the calculation of REFIT costs and this Order.]

F16[(3D) (a) For the purposes of *Articles 8(1)(bf)* and *10(1)(a)*, "additional costs" includes costs incurred by a supplier in complying with its obligations under *Article 6E* either before or after the coming into operation of this paragraph and which are not otherwise recovered.

(b) Nothing in *subparagraph (a)* shall entitle a supplier to recover additional costs unless those costs are in accordance with the method for determination of costs provided for in the RESS Contracts Notification, as applied by the Commission in any relevant decision on the calculation of RESS costs, and this Order.]

(4) In respect of the first levy period, a reference in *Article 8(1)* to administrative expenses of suppliers, the distribution system operator or the transmission system operator in the period concerned shall be construed as including administrative expenses which were incurred prior to the first levy period which relate to the introduction and implementation of the PSO Levy.

F6[(5) In respect of the first levy period, the estimation of the PSO Levy shall include an amount in respect of the additional costs of the Board in complying with the obligation to be imposed by *Article 6(1A)* prior to the first levy period.]

Annotations**Amendments:**

F1 Substituted (27.09.2018) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2018* (S.I. No. 403 of 2018), art. 3(b).

F2 Inserted (23.10.2014) by *European Union (Renewable Energy) Regulations 2014* (S.I. No. 483 of 2014), art. 24(1)(a).

F3 Inserted (15.07.2022) by *European Union (Renewable Energy) Regulations (2) 2022* (S.I. No. 350 of 2022), art. 16(a), in effect as per art. 1(2).

F4 Inserted (30.07.2007) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) (No. 2) Order 2007* (S.I. No. 583 of 2007), art. 3(1)(a), (b), (2).

F5 Inserted (31.10.2012) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2012* (S.I. No. 438 of 2012), art. 2(a)(i).

F6 Inserted (19.12.2002) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2002* (S.I. No. 614 of 2002), art. 3(a)(ii), (b).

F7 Inserted (27.09.2018) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2018* (S.I. No. 403 of 2018), art. 3(a).

F8 Inserted (18.07.2008) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2008* (S.I. No. 284 of 2008), art. 3(1)(a).

F9 Substituted (14.07.2007) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2007* (S.I. No. 582 of 2007), art. 2(a).

F10 Inserted (20.02.2023) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2023* (S.I. No. 119 of 2023), art. 3(b).

F11 Substituted (31.10.2012) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2012* (S.I. No. 438 of 2012), art. 2(a)(ii), (b).

F12 Substituted (20.02.2023) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2023* (S.I. No. 119 of 2023), art. 3(a).

F13 Substituted (19.12.2024) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) (No. 2) Order 2024* (S.I. No. 756 of 2024), art. 3.

F14 Inserted (5.08.2005) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) (No. 2) Order 2005* (S.I. No. 511 of 2004), art. 3(1)(a), (2).

F15 Substituted (19.12.2002) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2002* (S.I. No. 614 of 2002), art. 10(a).

F16 Inserted (16.10.2021) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2021* (S.I. No. 532 of 2021), art. 3(e).

Editorial Notes:

E1 Previous affecting provision: definitions of "RESS" and "RESS Contracts Notification" inserted (16.10.2021) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2021* (S.I. No. 532 of 2021), art. 3(d); substituted (19.12.2024) as per F-note above.

E2 Previous affecting provision: definition of "REFIT 3" inserted (31.10.2012) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2012* (S.I. No. 438 of 2012), art. 2(a)(i); substituted (27.09.2018) as per F-note above.

E3 Previous affecting provision: definition of "REFIT Contracts Notification" substituted (31.10.2012) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2012* (S.I. No. 438 of 2012), art. 2(a)(ii); substituted (27.09.2018) as per F-note above.

E4 Previous affecting provision: definition of "relevant supplier" inserted (31.10.2012) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2012* (S.I. No. 438 of 2012), art. 2(a)(i); substituted (20.02.2023) as per F-note above.

E5 Previous affecting provision: definitions of "REFIT Contracts Notification" and "REFIT power purchase agreement" and sub-art. (3C) inserted (18.07.2008) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2008* (S.I. No. 284 of 2008), arts. 3(1)(b), 4; substituted (31.10.2012) as per E-note above.

E6 Previous affecting provision: definition of "AER VI Notification" substituted (20.07.2005) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2005* (S.I. No. 380 of 2005), art. 3; substituted (27.09.2018) as per F-note above.

E7 Previous affecting provision: definition of "AER VI Notification" inserted (21.04.2004) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2004* (S.I. No. 174 of 2004), art. 3; substituted (20.07.2005) as per E-note above.

E8 Previous affecting provision: definition of "AER V Notification" inserted (19.12.2002) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2002* (S.I. No. 614 of 2002), art. 3(a)(i); substituted (27.09.2018) as per F-note above.

Direction to the Commission for Energy Regulation F17[3. The Commission for Energy Regulation is directed to impose public service obligations—
(a) on the Board, to the extent that by virtue of this Order the obligations are to be imposed on the Board, and
(b) on suppliers, to the extent that by virtue of this Order the obligations are to be imposed on such suppliers,
in the terms set out in this Order.]

Annotations**Amendments:**

F17 Substituted (18.07.2008) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2008* (S.I. No. 284 of 2008), art. 5.

Period of public service obligations 4. (1) The period of the public service obligations shall -
(a) as respects the obligations to be imposed pursuant to Article 5(1)(a) and (b), commence on the making of this Order,
F18[(b) as respects the obligations to be imposed pursuant to Article 5(1)(c) and (d) and Article 6(1), commence on 1 January 2003,]
F19[(bb) as respects the obligations to be imposed pursuant to Article 6(1A) commence as respects each PPA specified in Schedule 1A on the commercial operation date applicable to the F20[the PPA concerned,]]
F21[(bbb) as respects the obligations to be imposed pursuant to Article 6(1B), commence as respects each PPA specified in Schedule 1B on the commercial operation date applicable to the PPA concerned, and]
(c) as respects the obligation to be imposed pursuant to Article 5(1)(e) commence on such date or dates as will enable the Board to bring the generating stations into operation not later than the respective dates referred to in Article 5(1)(a) and (b),

and subject to the provisions of *paragraph (2)* and *Articles 5 and 6*, shall continue until 31 December 2019.

F22[(1A) The period of the public service obligation to be imposed pursuant to Article 6A commences on the date referred to at paragraph 2.5 of EU Commission Decision Reference C(2004) 2632 fin dated 14 July 2004 and, subject to *paragraph (1C)*, continues until 1 May 2006.]

F22[(1B) The period of the public service obligation to be imposed pursuant to Article 6B commences on the date referred to at paragraph 2.5 of EU Commission Decision Reference C(2004) 2632 fin dated 14 July 2004 and, subject to *paragraph (1D)* and the terms of the contract specified in *paragraph 2 of Part 1 of Schedule 1C*, continues until 1 May 2006.]

F22[(1C) Notwithstanding *paragraph (1A)* the public service obligation imposed pursuant to Article 6A shall not continue beyond the date certified by the Commission to be the date on which both of the generating stations specified in *Part 2 of Schedule 1C* (and referred to at paragraph 2.5 of EU Commission Decision Reference C(2004) 2632 fin dated 14 July 2004) have commenced commercial operation.]

F22[(1D) Notwithstanding *paragraph (1B)* the public service obligation imposed pursuant to Article 6B shall not continue beyond the date certified by the Commission to be the date on which both of the generating stations specified in *Part 2 of Schedule 1C* (and referred to at paragraph 2.5 of EU Commission Decision Reference C(2004) 2632 fin dated 14 July 2004) have commenced commercial operation.]

F23[(1E) The period of the public service obligations to be imposed pursuant to Article 6C commences, as respects a particular CADA, on the date specified in *column (3)* of *Part 3 of Schedule 1C* which relates to such CADA, and, subject to *paragraph (1F)*, continues until the date specified in *column (4)* of *Part 3 of Schedule 1C*.]

F23[(1F) (a) Subject to subparagraphs (b) and (c), and notwithstanding *paragraph (1E)* the public service obligations imposed pursuant to Article 6C shall not continue for a period in excess of 10 years as respects any particular CADA.

(b) The period of 10 years referred to in *subparagraph (a)* need not be a continuous or uninterrupted period where, by reason of force majeure as described in the CADA concerned, the period is interrupted.

(c) Notwithstanding *subparagraphs (a)* and *(b)*, the obligations imposed pursuant to Article 6C shall not as respects any particular CADA continue beyond the date specified in *column (5)* of *Part 3 of Schedule 1C* which relates to such CADA.]

F24[(1G) The period of the public service obligations to be imposed pursuant to Article 6D shall commence in respect of a REFIT power purchase agreement listed in *column 2 of Schedule 3, 4 or 5*—

(a) in the case of a generator not registered in the Single Electricity Market pursuant to Regulation 5 of the Single Electricity Market Regulations, on the date on which the supplier purchases output which is exported for the purposes of distribution or transmission from the plant of the generator,

(b) in the case of a generator registered in the Single Electricity Market pursuant to Regulation 5 of the Single Electricity Market Regulations and a supplier registered as the intermediary for that generator, on the date on which the supplier purchases output which is exported for the purposes of transmission or distribution from the plant of the generator,

(c) in the case of REFIT 1 not later than 30 September 2015,

and

F25[(d) in the case of REFIT 2, not later than 31 March 2020.]]

F26[(1H) The period of the public service obligations to be imposed pursuant to Article 6E shall commence in respect of a RESS generator listed in column 2 of Schedule 6 -

- (a) in the case of a generator not registered in the Single Electricity Market pursuant to Regulation 5 of the Single Electricity Market Regulations, on the date on which the supplier purchases output which is exported for the purposes of distribution or transmission from the plant of the generator, and
- (b) in the case of a generator registered in the Single Electricity Market pursuant to Regulation 5 of the Single Electricity Market Regulations and a supplier registered as the intermediary for that generator, on the date on which the supplier purchases output which is exported for the purposes of transmission or distribution from the plant of the generator.]

F18[(2) Notwithstanding paragraph (1) the public service obligations shall not continue in respect of a particular PPA beyond -

- (a) the date specified in column (3) of Part 1 of Schedule 1,
- (b) the date specified in column (4) of Part 3 of F20[Schedule 1,]
- (c) whichever of the dates referred to in Article 6(3) first occurs, F21[or]

F21[(d) whichever of the dates referred to in Article 6(5) first occurs,]

as it applies to the PPA concerned.]

Annotations

Amendments:

F18 Substituted (19.12.2002) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2002* (S.I. No. 614 of 2002), arts. 4, 5.

F19 Inserted (19.12.2002) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2002* (S.I. No. 614 of 2002), art. 4.

F20 Substituted (21.04.2004) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2004* (S.I. No. 174 of 2004), arts. 4(a), 5(a).

F21 Inserted (21.04.2004) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2004* (S.I. No. 174 of 2004), arts. 4(b), 5(b), (c).

F22 Inserted (5.08.2005) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) (No. 2) Order 2005* (S.I. No. 511 of 2004), art. 4.

F23 Inserted (30.07.2007) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) (No. 2) Order 2007* (S.I. No. 583 of 2007), art. 4.

F24 Substituted (19.12.2014) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2014* (S.I. No. 603 of 2014), art. 2(a).

F25 Substituted (27.09.2018) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2018* (S.I. No. 403 of 2018), art. 3(c).

F26 Inserted (16.10.2021) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2021* (S.I. No. 532 of 2021), art. 4.

Editorial Notes:

E9 Previous affecting provision: sub-art. (1G)(d) substituted (25.10.2013) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2013* (S.I. No. 421 of 2013), art. 3(a); substituted (19.12.2014) as per F-note above.

E10	Previous affecting provision: sub-art. (1G) substituted (31.10.2012) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2012</i> (S.I. No. 438 of 2012), art. 2(c); substituted (19.12.2014) as per F-note above.
E11	Previous affecting provision: sub-art. (1G) substituted (3.11.2010) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2010</i> (S.I. No. 532 of 2010), art. 3(a); substituted (31.10.2012) as per E-note above.
E12	Previous affecting provision: sub-art. (1G) substituted (3.11.2009) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2009</i> (S.I. No. 444 of 2009), art. 3(a); substituted (3.11.2010) as per E-note above.
E13	Previous affecting provision: sub-art. (1G) inserted (18.07.2008) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2008</i> (S.I. No. 284 of 2008), art. 6; substituted (3.11.2009) as per E-note above.

Public service obligation for Peat

5. (1) There shall be imposed by the Commission on the Board a requirement to take such steps and make such arrangements as are necessary-

- (a) construct and commission the peat generating station specified at *paragraph 2 of Part 2 of Schedule 1* in such manner as to ensure that such station is in operation not later than 28 February 2005, which station shall when constructed use indigenous peat as its primary energy fuel source and to ensure that, when constructed, and subject to the provisions of this Order, throughout the period referred to in *Article 4*, which relates to that generating station, the Board has available to it the amount of electricity generated by that generating station; and
- (b) to construct and commission the peat generating station specified at *paragraph 3 of Part 2 of Schedule 1* in such manner as to ensure that such station is in operation not later than 1 January 2005, which station shall when constructed use indigenous peat as its primary energy fuel source and to ensure that, when constructed, and subject to the provisions of this Order, throughout the period referred to in *Article 4*, which relates to that generating station, the Board has available to it the amount of electricity generated by that generating station; and
- (c) to secure that, with effect from 1 January 2003, the Board has available to it and purchases the amount of electricity generated by the generating station the subject matter of the PPA referred to in *Part 1 of Schedule 1* being a generating station which uses indigenous peat as its primary energy fuel source, and to ensure that, subject to the provisions of this Order, throughout the period referred to in *Article 4* the Board has available to it the amount of electricity generated by that generating station; and
- (d) to secure that, with effect from 1 January 2003, subject to *paragraph (2)* the Board has available to it and purchases the amount of electricity generated by the generating stations referred to in *paragraph 1 of Part 2 of Schedule 1* being generating stations which use indigenous peat as their primary energy fuel source, and to ensure that, subject to the provisions of this Order, throughout the period referred to in *Article 4* the Board has available to it the amount of electricity generated by those generating stations, and
- (e) to purchase such amount of peat harvested within the State as is required to generate the electricity to be produced by the generating stations referred to in F27[*subparagraphs (a) and (b)*] on terms having equivalent economic effect (as determined by the Commission) as the terms of the fuel supply agreement made between Bord na Mona and Edenderry Power Limited which agreement relates to the generating station referred to at *paragraph 1 of Part 1 of Schedule 1*,

provided that the amount of peat used in any calendar year to generate that electricity shall not exceed 15 per cent of the overall primary energy necessary to produce the electricity consumed in the State in that year.

(2) The obligation to have available to it, and purchase, as appropriate, the electricity generated by the stations referred to at *paragraph 1* of *Part 2* of *Schedule 1* shall not require the Board to have available to it, and purchase, as appropriate, such electricity from any of the individual stations for a period beyond the date specified in paragraph 4.16 of the Notification as the projected closure date in respect of each station concerned.

(3) The obligation to have available to it, and purchase, as appropriate, the electricity generated by the stations referred to at *paragraphs 2* and *3* of *Part 2* of *Schedule 1* shall not require the Board to have available to it, and purchase, as appropriate, such electricity for a period in excess of 15 years and in any event not beyond 31 December 2019.

(4) The obligation to have available to it, and purchase, as appropriate, the electricity generated by the stations referred to at *paragraph 1* of *Part 2* of *Schedule 1* shall not require the Board to have available to it, and purchase, as appropriate, such electricity from the Rhode U3 generating unit, the Board, having determined that the generating unit concerned is beyond economic repair.

Annotations

Amendments:

F27 Substituted (19.12.2002) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2002* (S.I. No. 614 of 2002), art. 10(b).

Public service obligation for Renewable, Sustainable or Alternative forms of energy

6. (1) There shall be imposed by the Commission on the Board a requirement that the Board take such steps and make such arrangements as may be necessary to have available to it and purchase electricity generated pursuant to the contracts listed in *Part 3* of *Schedule 1* for the respective terms of those contracts.

F28[(1A) There shall be imposed by the Commission on the Board a requirement that the Board take such steps and make such arrangements as may be necessary to have available to it and purchase electricity generated pursuant to the PPAs listed in *Schedule 1A* for the respective terms of those contracts.]

F29[(1B) There shall be imposed by the Commission on the Board a requirement that the Board take such steps and make such arrangements as may be necessary to have available to it and purchase electricity generated pursuant to the PPAs listed in *Schedule 1B* for the respective terms of those contracts.]

(2) The obligation referred to in *paragraph (1)* shall not in any event continue beyond 31 December 2014.

F28[(3) The period of the obligation referred to in *paragraph (1A)* as respects an individual generating station shall determine:

(a) on 31 December 2018,

(b) on the date nominated by a third party producer to the Board as the date upon which the generating station concerned specified in *Schedule 1A* will cease to supply electricity to the Board in accordance with the terms of the PPA concerned, or

(c) on the date which is 15 years from the date of commercial operation of the generating station concerned,

whichever first occurs.]

F28[(4) The obligation on the Board to have available to it and purchase, as appropriate, the electricity generated by the stations specified in *Schedule 1A* shall not require the Board to have available to it, or purchase, as appropriate, such electricity from any individual station -

- (a) where the station is not generating electricity for supply to the Board, or
- (b) after the date nominated by a third party producer to the Board as the date upon which a station specified in Schedule 1A will cease to supply electricity to the Board in accordance with the terms of the PPA.]

F30[(5) The period of the obligation referred to in *paragraph (1B)* shall—

- (a) as respects an individual generating station specified in *Part 1 of Schedule 1B* determine—
 - (i) on 31 December 2019, or
 - (ii) on the date which is 15 years from the date of commercial operation of the generating station concerned,
whichever first occurs,
- (b) as respects an individual generating station specified in *Part 2 of Schedule 1B*, determine—
 - (i) on 31 December 2021, or
 - (ii) on the date which is 15 years from the date of commercial operation of the generating station concerned,
whichever first occurs,
- and
- (c) as respects an individual generating station specified in *Part 3 of Schedule 1B* determine—
 - (i) on 31 December 2016, or
 - (ii) on the date which is 10 years from the date of commercial operation of the generating station concerned,
whichever first occurs.]

F29[(6) The obligation on the Board to have available to it, and purchase, as appropriate, the electricity generated by the stations specified in *Schedule 1B* shall not require the Board to have available to it, or purchase, as appropriate, such electricity from any individual station where the station is not generating electricity for supply to the Board.]

F29[(7) Notwithstanding *Article 6(5)*, where a contract is specified in *Schedule 1A* and *Schedule 1B* which relates to the same generating station, the obligation of the Board shall determine on the date which is 15 years from the date of first commercial operation of the generating station concerned.]

Annotations

Amendments:

F28 Inserted (19.12.2002) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2002* (S.I. No. 614 of 2002), art. 6(a), (b).

F29 Inserted (21.04.2004) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2004* (S.I. No. 174 of 2004), art. 6(a), (b).

F30 Substituted (20.07.2005) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2005* (S.I. No. 380 of 2005), art. 4.

Editorial Notes:

E14 Previous affecting provision: sub-art. (5) inserted (21.04.2004) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2004* (S.I. No. 174 of 2004), art. 6(b); substituted (20.07.2005) as per F-note above.

F31 [Public service obligation for short-term peaking capacity]

6A. (1) There shall be imposed by the Commission on the Board a requirement that the Board take such steps and make such arrangements as may be necessary to have available to it short-term peaking capacity and purchase electricity so generated by the peaking generation units listed in *paragraph 1 of Part 1 of Schedule 1C*.

(2) The obligation to have available to it, and purchase as appropriate, the electricity generated by the generating stations referred to at *paragraph 1 of Part 1 of Schedule 1C* shall not require the Board to have available to it, and purchase, as appropriate, such electricity beyond the date certified by the Commission to be the date on which both of the generating stations specified in *Part 2 of Schedule 1C* (and referred to at paragraph 2.5 of EU Commission Decision Reference C(2004) 2632 fin dated 14 July 2004) have commenced commercial operation.]

Annotations

Amendments:

F31 Inserted (5.08.2005) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) (No. 2) Order 2005* (S.I. No. 511 of 2005), art. 5.

F32 [Public service obligation for short-term capacity]

6B. (1) There shall be imposed by the Commission on the Board a requirement that the Board take such steps and make such arrangements as may be necessary to have available to it and purchase as appropriate capacity and electricity pursuant to the VIPP Capacity and Energy Agreement dated 17 July 2003 specified in *paragraph 2 of Part 1 of Schedule 1C*.

(2) The obligation to have available to it, and purchase as appropriate, the electricity generated pursuant to the contract referred to at *paragraph 2 of Part 1 of Schedule 1C* shall not require the Board to have available to it, and purchase, as appropriate, such electricity beyond the date—

(a) which is certified by the Commission to be the date on which both of the generating stations specified in *Part 2 of Schedule 1C* (and referred to at paragraph 2.5 of EU Commission Decision Reference C(2004) 2632 fin dated 14 July 2004) have commenced commercial operation, or

(b) on which the contract specified in *paragraph 2 of Part 1 of Schedule 1C* is determined pursuant to the terms of that contract.]

Annotations

Amendments:

F32 Inserted (5.08.2005) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) (No. 2) Order 2005* (S.I. No. 511 of 2005), art. 5.

F33[*Public service obligation for generation contracts*

6C. (1) There shall be imposed by the Commission on the Board a requirement that the Board, subject to the provisions of this Article, make payments in accordance with the CADAs referred to at *Part 3 of Schedule 1C*, for the respective terms of those contracts.

(2) Subject to *paragraphs (3) and (4)*, the obligation to make payments in accordance with the CADAs referred to at *Part 3 of Schedule 1C*, shall not, as respects the counterparty to a particular CADA, require the Board to make such payments for a period in excess of 10 years.

(3) The period of 10 years referred to in *paragraph (2)* need not be a continuous or uninterrupted period where, by reason of force majeure as described in the CADA concerned, the period is interrupted.

(4) Notwithstanding *paragraphs (2) and (3)* the obligation referred to in *paragraph (1)* shall not as respects a particular CADA continue beyond the date specified in *column (5) of Part 3 of Schedule 1C* which relates to such CADA.

(5) Notwithstanding *paragraphs (1) to (4)* the obligation of the Board to make payments in accordance with the CADAs shall, as respects a particular CADA, stand amended, if at any time prior to the termination date specified at *column (4) or (5) of Part 3 of Schedule 1C*, the counterparty specified in *column (1) of Part 3 of Schedule 1C* exercises its right to reduce the quantity of electricity in respect of which it is obliged to declare availability under the CADA so that the obligation of the Board in respect of such CADA shall thereafter be limited to making payments in respect of such reduced quantity of electricity.]

Annotations

Amendments:

F33 Inserted (30.07.2007) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) (No. 2) Order 2007* (S.I. No. 583 of 2007), art. 5.

F34[*Public service obligation for REFIT contracts*

F35 6D. (1) There shall be imposed by the Commission on each supplier specified in *column (3)* a requirement that pursuant to the REFIT power purchase agreement specified at that reference number, such supplier have available to it and purchase the electricity generated by the generation plant specified at that reference number in *column (5)*, by the generator specified at that reference number in *column (4)*, which electricity shall be generated from the energy source specified at that reference number in *column (6)* and which electricity is the subject of the REFIT power purchase agreement concerned.

F36 [(2) The obligation imposed pursuant to *paragraph (1)* shall not, as respects a supplier referred to in *column (3)*, require that supplier to have available to it and purchase the electricity concerned—

(a) for a period in excess of F37[15 years,]

(b) in the case of—

(i) REFIT 1, after 31 December 2027,

(ii) REFIT 2, after F37[31 December 2030,]

(iii) REFIT 3, after 31 December 2030.]

(c) F38[...]

F39 [(d) where a generator has generated electricity from bioliquids and where the generator has not satisfied the Commission that the bioliquids have fulfilled the sustainability and greenhouse gas emissions saving criteria

referred to in Regulation 6 of the European Union (Renewable Energy) Regulations (2) 2022 (S.I. No. 350 of 2022).]

F40[(e) where a generator has generated electricity from biomass fuels and where the generator has not satisfied the Commission that the biomass fuels have fulfilled the sustainability and greenhouse gas emissions saving criteria referred to in Regulation 6 of the European Union (Renewable Energy) Regulations (2) 2022 (S.I. No. 350 of 2022).]

(3) A reference in this Article to a column is a reference to a column of the Table in Schedule 3, 4 or 5.]

Annotations

Amendments:

F34 Inserted (18.07.2008) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2008* (S.I. No. 284 of 2008), art. 7.

F35 Substituted (31.10.2012) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2012* (S.I. No. 438 of 2012), art. 2(d).

F36 Substituted (25.10.2013) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2013* (S.I. No. 421 of 2013), art. 3(b).

F37 Substituted (23.10.2014) by *European Union (Renewable Energy) Regulations 2014* (S.I. No. 483 of 2014), art. 24(1)(b)(i), (ii). Note that the amendment substitutes "31 December 2030, or" whereas the previous text was "31 December 2032, and".

F38 Deleted (25.10.2013) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2013* (S.I. No. 421 of 2013), art. 3(b).

F39 Substituted (15.07.2022) by *European Union (Renewable Energy) Regulations (2) 2022* (S.I. No. 350 of 2022), reg. 16(1)(b)(i), in effect as per reg. 1(2).

F40 Inserted (15.07.2022) by *European Union (Renewable Energy) Regulations (2) 2022* (S.I. No. 350 of 2022), reg. 16(1)(b)(ii), in effect as per reg. 1(2).

Editorial Notes:

E15 Para. (2)(c) purported to be amended (23.10.2014) by *European Union (Renewable Energy) Regulations 2014* (S.I. No. 483 of 2014), reg. 24(1)(b)(iii); para. (2)(c) impliedly deleted by substitution of para. (2) (25.10.2013) as per F-note above.

E16 Previous affecting provision: sub-art. (2)(d) inserted (23.10.2014) by *European Union (Renewable Energy) Regulations 2014* (S.I. No. 483 of 2014), art. 24(1)(b)(iv); substituted (15.07.2022) as per F-note above.

F41[*Public service obligation for RESS contracts*

6E. (1) There shall be imposed by the Commission on each supplier specified in column (3) of Schedule 6 a requirement that, pursuant to the RESS PPA for the project specified in column (2) at that reference number, such supplier have available to it and purchase the electricity generated by the generator specified at that reference number in column (4), which electricity shall be generated from the energy source specified at that reference number in column (5) and which electricity is the subject of the RESS PPA concerned.

(2) The obligation imposed pursuant to paragraph (1) shall not, as respects a supplier specified in column (3), require that supplier to have available to it and purchase the electricity concerned after the termination of the RESS PPA concerned by the generator specified in column (4) at that reference number in accordance with the terms of that agreement which shall be in conformity with the RESS Contracts Notification.

(3) A reference in this Article to a column is a reference to a column of the Table in Schedule 6.]

Annotations

Amendments:

F41 Inserted (16.10.2021) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2021* (S.I. No. 532 of 2021), art. 5.

Public service obligations Levy

7. F42[(1) Following a calculation by the Commission under Article 8 that results in an additional cost, there shall be a levy in respect of the matters provided for in this Order, which shall be known as the public service obligations levy, and is in this Order referred to as the PSO Levy, which levy shall be estimated, calculated, adjusted, collected, monitored, certified, accounted for and paid in accordance with the provisions of this Order.]

(2) The PSO Levy shall commence on 1 January 2003.

(3) F43[Subject to F44[paragraphs (4) and (5)], F42[the PSO Levy or PSO Payment, as the case may be, imposed by this Article and Article 7A respectively]] shall terminate no later than 31 December 2021.

F45[(4) In respect of the obligation imposed by Article 6D F42[the PSO Levy or PSO Payment, as the case may be, imposed] shall terminate—

- (a) in the case of REFIT 1, no later than 31 December 2029,
- (b) in the case of REFIT 2, no later than 31 December 2034, and
- (c) in the case of REFIT 3, no later than 31 December 2032.]

F46[(5) In respect of the obligation imposed by Article 6E, F42[the PSO Levy or PSO Payment, as the case may be, imposed] shall terminate not later than the end of the period specified in the terms and conditions of the relevant RESS competition.]

Annotations

Amendments:

F42 Substituted (20.02.2023) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2023* (S.I. No. 119 of 2023), art. 4(a), (b), (c), (d).

F43 Substituted (18.07.2008) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2008* (S.I. No. 284 of 2008), art. 8(a).

F44 Substituted (16.10.2021) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2021* (S.I. No. 532 of 2021), art. 6(a).

F45 Substituted (25.10.2013) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2013* (S.I. No. 421 of 2013), art. 3(c).

F46 Inserted (16.10.2021) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2021* (S.I. No. 532 of 2021), art. 6(b).

Editorial Notes:

E17 Previous affecting provision: sub-art. (4) substituted (31.10.2012) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2012* (S.I. No. 438 of 2012), art. 2(e); substituted (25.10.2013) as per F-note above.

E18 Previous affecting provision: sub-art. (4) inserted (18.07.2008) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2008* (S.I. No. 284 of 2008), art. 8(b); substituted (31.10.2012) as per E-note above.

F47 [Public service obligations payment

7A. Following a calculation by the Commission under *Article 8* that results in an additional benefit, a payment shall be made in respect of the matters provided for in this Order, which shall be known as the public service obligations payment, in this Order referred to as the PSO Payment, which shall be estimated, calculated, adjusted, collected, monitored, certified, accounted for and paid in accordance with the provisions of this Order.]

Annotations

Amendments:

F47 Inserted (20.02.2023) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2023* (S.I. No. 119 of 2023), art. 5.

Calculation of PSO Levy amount - constituent elements

8. (1) F48[The amount of the PSO Levy or PSO Payment in respect of a particular levy, or payment, period, as the case may be, shall] be the aggregate of

(a) F48[the additional costs of, or additional benefits to,] the Board in the period concerned in complying with the obligation imposed on it by *Article 5*, as determined by the Commission pursuant to *Article 9*;

(b) F48[the additional costs of, or additional benefits to,] the Board in the period concerned in complying with the obligation imposed on it by *Article 6*, as determined by the Commission pursuant to *Article 9*;

F49[(bb)] F48[the additional costs of, or additional benefits to,] the Board in the period concerned in complying with the obligation imposed on it by *Article 6A*, as determined by the Commission pursuant to *Article 9*;]

F49[(bc)] F48[the additional costs of, or additional benefits to,] the Board in the period concerned in complying with the obligation imposed on it by *Article 6B*, as determined by the Commission pursuant to *Article 9*;]

F50[(bd)] F48[the additional costs of, or additional benefits to,] the Board in the period concerned in complying with the obligation imposed on it by *Article 6C*, as determined by the Commission pursuant to *Article 9*;]

F51[(be)] F48[the additional costs of, or additional benefits to,] suppliers in the period concerned in complying with the obligation imposed on it by *Article 6D*, as determined by the Commission pursuant to *Article 9*;]

F52[(bf)] F48[the additional costs of, or additional benefits to,] suppliers in the period concerned in complying with the obligation imposed on it by *Article 6E*, as determined by the Commission pursuant to *Article 9*;]

(c) the administrative expenses incurred by suppliers and the distribution system operator in the period concerned in F48[collecting payment of the PSO Levy, or making the PSO Payment,] as determined by the Commission pursuant to *Article 9*;

(d) the administrative expenses incurred by the transmission system operator in the period concerned in F48[collecting payment of the PSO Levy, or making the PSO Payment,] as determined by the Commission pursuant to F48[*Article 9*;]

F53[(e) the over, or under, recovery of additional costs or of additional benefits, arising in a previous payment period or levy period.]

(2) Additional costs of the Board shall not be included in the determination of additional costs by the Commission-

(a) unless those costs are in accordance with the method for determination of costs provided for in the Notification F54[or the AER V Notification] F55[or the AER VI Notification] F49[or the Short-Term Peaking Generation Notification] F50[or the Generation Contracts Notification] F51[or the F56[the REFIT Contracts Notification or the RESS Contracts Notification]], and

(b) where the costs arise as a result of the operation of a power station specified in *paragraph 1 of Part 2 of Schedule 1* beyond the date projected for closure of that station and which date is specified at *paragraph 4.16* of the Notification.

(3) The closure costs relating to the Rhode U3 generating unit provided for in the Notification shall be treated as additional costs for the purposes of *paragraph 1(a)* in such earlier levy period or periods as they are actually incurred.

(4) Where costs have been incurred by the Board in complying with the obligations imposed on it by *Article 5(1)(a)* and *(b)* and due to reasons outside the control of the Board (to the satisfaction of the Commission) compliance with the terms of those obligations is prevented, such costs shall be treated by the Commission as additional costs of the Board in complying with its obligations under *Article 5(1)(a)* and *(b)* subject to any obligation on the Minister to notify the EU Commission of the circumstances and subject to a favourable decision being obtained in respect of such notification.

Annotations

Amendments:

F48 Substituted (20.02.2023) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2023* (S.I. No. 119 of 2023), art. 6(a)-(d).

F49 Inserted (5.08.2005) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) (No. 2) Order 2005* (S.I. No. 511 of 2005), arts. 6, 7.

F50 Inserted (30.07.2007) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) (No. 2) Order 2007* (S.I. No. 583 of 2007), arts. 6, 7.

F51 Inserted (18.07.2008) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2008* (S.I. No. 284 of 2008), art. 9(a), (c).

F52 Inserted (16.10.2021) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2021* (S.I. No. 532 of 2021), art. 7(a).

F53 Inserted (20.02.2023) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2023* (S.I. No. 119 of 2023), art. 6(e).

F54 Inserted (19.12.2002) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2002* (S.I. No. 614 of 2002), art. 7.

F55 Inserted (21.04.2004) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2004* (S.I. No. 174 of 2004), art. 7.

F56 Substituted (16.10.2021) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2021* (S.I. No. 532 of 2021), art. 7(b).

each category of electricity accounts in the State in accordance with the terms of section 39 and Schedule 2 of the Act, and

(b) the Commission shall compute the basis of the amount of PSO Levy payable in each levy period in respect of each electricity account in the State in accordance with the terms of section 39 and Schedule 2 of the Act.

F58[(1A) (a) The Commission shall apportion the amount of PSO Payment to be credited in each payment period, if any, following the calculation in Article 8, in respect of each category of electricity accounts in the State in accordance with the terms of section 39 and Schedule 2 of the Act.

(b) The Commission shall compute the basis of the amount of PSO Payment to be credited, if any, in each payment period in respect of each electricity account in the State in accordance with the terms of section 39 and Schedule 2 of the Act.]

(2) The PSO Levy in the first levy period to 31 December 2003 shall be determined by the Commission on the basis of the estimates made by it of the amounts required to meet the costs and expenses specified at F59[*subparagraphs (a) to (d)*] of Article 8(1) and any over recovery or under recovery of those amounts in the period ending on 31 December 2003 shall be taken into account in setting the amount of PSO Levy in respect of the levy period commencing on 1 January 2005.

F60[(2A) The PSO Levy in respect of the requirement imposed pursuant to Article 6A in the levy period to 31 December 2005 shall be determined by the Commission on the basis of the estimates made by it of the amounts required to meet the costs and expenses specified at *subparagraph (bb)* of Article 8(1) and any over recovery or under recovery of those amounts in the period ending on 31 December 2005 shall be taken into account in setting the amount of PSO Levy in respect of the levy period commencing on 1 January 2007.]

F60[(2B) The PSO Levy in respect of the requirement imposed pursuant to Article 6B in the levy period to 31 December 2005 shall be determined by the Commission on the basis of the estimates made by it of the amounts required to meet the costs and expenses specified at *subparagraph (bc)* of Article 8(1) and any over recovery or under recovery of those amounts in the period ending on 31 December 2005 shall be taken into account in setting the amount of PSO Levy in respect of the levy period commencing on 1 January 2007.]

F60[(2C) The PSO Levy in respect of the requirement imposed pursuant to Article 6A in the levy period to 31 December 2006 shall be determined by the Commission on the basis of the estimates made by it of the amounts required to meet the costs and expenses specified at *subparagraph (bb)* of Article 8(1) and any over recovery or under recovery of those amounts in the period ending on 31 December 2006 shall be taken into account in setting the amount of PSO Levy in respect of the levy period commencing on 1 January 2008.]

F60[(2D) The PSO Levy in respect of the requirement imposed pursuant to Article 6B in the levy period to 31 December 2006 shall be determined by the Commission on the basis of the estimates made by it of the amounts required to meet the costs and expenses specified at *subparagraph (bc)* of Article 8(1) and any over recovery or under recovery of those amounts in the period ending on 31 December 2006 shall be taken into account in setting the amount of PSO Levy in respect of the levy period commencing on 1 January 2008.]

F61[(2E) The PSO Levy in respect of the requirement imposed pursuant to Article 6C in the levy period to 31 December 2006 shall be determined by the Commission on the basis of the estimates made by it of the amounts required to meet the costs and expenses specified at *subparagraph (bd)* of Article 8(1) and any over recovery or under recovery of those amounts in the period ending on 31 December 2006 shall be taken into account in setting the amount of PSO Levy in respect of the levy period commencing on 1 January 2008.]

F61[(2F) The PSO Levy in respect of the requirement imposed pursuant to Article 6C in the levy period to 31 December 2007 shall be determined by the Commission on the basis of the estimates made by it of the amounts required to meet the costs and expenses specified at subparagraph (bd) of Article 8(1) and any over recovery or under recovery of those amounts in the period ending on 31 December 2007 shall be taken into account in setting the amount of PSO Levy in respect of the levy period commencing on 1 October 2008.]

F62[(2G) The PSO levy in respect of the requirement imposed pursuant to Article 6D in the levy period to 30 September 2008 shall be determined by the Commission on the basis of the estimates made by it of the amounts required to meet the costs and expenses specified at paragraph (be) of Article 8(1) and any over recovery or under recovery of those amounts in the period ending on 30 September 2008 shall be taken into account in setting the amount of PSO Levy in respect of the levy period commencing on 1 October 2010.]

F62[(2H) The PSO levy in respect of the requirement imposed pursuant to Article 6D in the levy period to 30 September 2009 shall be determined by the Commission on the basis of the estimates made by it of the amounts required to meet the costs and expenses specified at paragraph (be) of Article 8(1) and any over recovery or under recovery of those amounts in the period ending on 30 September 2009 shall be taken into account in setting the amount of PSO Levy in respect of the levy period commencing on 1 October 2011.]

F57[(2I) In respect of the obligation imposed by Article 6D in any single levy, or payment, period, the PSO Levy or PSO Payment, as the case may be, shall be determined by the Commission on the basis of the estimates made by it of the amounts required to meet the costs and expenses specified in Article 8(1)(be) and any over recovery, or under recovery, of those amounts in that levy, or payment, period shall be taken into account in setting the amount of the PSO Levy or PSO Payment in respect of the levy, or payment in a future levy, or payment, period.]

F57[(2J) In respect of the obligation imposed by Article 6E in any single levy, or payment, period, the PSO Levy or PSO Payment, as the case may be, shall be determined by the Commission on the basis of the estimates made by it of the amounts required to meet the additional costs, or benefits, and expenses specified in Article 8(1)(bf) and any over recovery, or under-recovery, of those amounts in that levy, or payment, period shall be taken into account in setting the amount of the PSO Levy or PSO Payment in respect of the levy, or payment, in a future levy, or payment, period.]

(3) F57[The following arrangements shall apply in relation to the PSO Levy or PSO Payment, as the case may be, in respect of each subsequent levy, or payment, period:]

(a) F63[At least 5 months prior to the commencement of] a levy period, the Board shall provide the Commission with an estimate of the total amount of the additional costs, calculated in accordance with the method specified for determination of such costs in the Notification F64[or the AER V Notification] F65[or the AER VI Notification] F60[or the Short-Term Peaking Generation Notification] F61[or the Generation Contracts Notification], that the Board estimates it will incur in the forthcoming levy period in complying with its obligations under this Order and the Board shall separately identify within its aggregate estimates, separate estimates for:

- (i) the additional costs, which will be incurred by the Board in the levy period concerned in complying with the obligation imposed on it by Article 5,
- (ii) the additional costs, which will be incurred by the Board in the levy period concerned in complying with the obligation imposed on it by Article 6,

F60[(iii) the additional costs, which will be incurred by the Board in the levy period concerned in complying with the obligation imposed on it by Article 6A,]

F60[(iv) the additional costs, which will be incurred by the Board in the levy period concerned in complying with the obligation imposed on it by Article 6B,]

F61[(v) the additional costs, which will be incurred by the Board in the levy period concerned in complying with the obligation imposed on it by Article 6C.]

F66[(ab)(i) At least 5 months prior to the commencement of a F57[levy, or payment, period] each relevant supplier shall provide the CER with an estimate of the F57[additional costs and benefits], calculated in accordance with the method specified for determination of such costs in the REFIT Contracts Notification as applied by CER in any relevant decision on the calculation of REFIT costs that such supplier estimates it will incur in the next F57[levy, or payment, period] in complying with its obligations under this Order in respect of each REFIT power purchase agreement to which it is a party.

(ii) A relevant supplier may only receive payment from the F57[PSO Levy or PSO Payment fund, as the case may be] in respect of each REFIT PPA to which it is a party in any given F57[levy, or payment, period] when the specific REFIT PPA is specified in *column 2* of the *Schedule 3, 4 or 5* and when the relevant supplier—

(I) has been included in both the F57[PSO levy and payment decision] taken by the CER for the specific F57[levy, or payment, period], and

(II) is included in *column 3* of *Schedule 3, 4 or 5.*]

F57[(ac) (i) At least 5 months prior to the commencement of a levy, or payment, period each relevant supplier shall provide the Commission with an estimate of the additional costs or benefits, calculated in accordance with the method specified for determination of such costs, or benefits, in the RESS Contracts Notification, or as applied by the Commission in any relevant decision on the calculation of RESS costs or benefits that such supplier estimates it will incur, or receive, in the next levy, or payment, period, as the case may be, in complying with its obligations under this Order in respect of each RESS PPA to which it is a party.

(ii) A relevant supplier may only receive payment from the PSO Levy or PSO Payment fund, as the case may be, in respect of each RESS PPA to which it is a party in any given levy, or payment, period when the specific RESS project is specified in Schedule 6 and when the relevant supplier—

(I) has been included in both the PSO levy and payment decision taken by the Commission for the specific levy period, and

(II) has commenced generation or, as determined by the Commission, is in a position to commence generating.]

(b) F63[At least 5 months prior to the commencement of] a F57[levy, or payment, period] -

(i) all suppliers,

(ii) the distribution system operator, and

(iii) the transmission system operator

shall provide the Commission with an estimate of the amount of the administrative expenses that each such person estimates it will incur in the forthcoming F57[levy, or payment, period] in complying with its duties under this Order together with such further information as the Commission may specify.

(c) F63[At least 3 months prior to the commencement of a F57[levy, or payment, period]] the Commission shall notify all suppliers, the Board, the distribution system operator and the transmission system operator of-

F57[(i) its estimate in respect of the forthcoming levy or payment period of the total amount of the PSO Levy or PSO Payment, as the case may be, and of each component making up—

(I) that levy, or

(II) that payment,

as specified in Article 8(1),]

(ii) its estimate in respect of any over recovery or under recovery of the amounts required to meet the costs and expenses specified at F59[subparagraphs (a) to (d)] of Article 8(1) in any earlier F57[levy, or payment, period],

(iii) the proportion of the maximum demand attributed to each category of electricity accounts pursuant to section 39 of the Act,

(iv) the basis of the calculation of the amount to be F57[paid by, or credited, to, final customers] in each category in respect of the forthcoming F57[levy, or payment, period], and

F57[(v) its estimate of the PSO Levy or PSO Payment amount per electricity account for Domestic Accounts and Small Accounts and the PSO Levy or PSO Payment per kVA of maximum import capacity for Medium-Large Accounts.]

(d) Each notified person may make representations to the Commission within 15 days of receiving the notice referred to in paragraph (3)(c) and the Commission shall have due regard to any representations made.

(e) The Commission shall make a final determination of-

F57[(i) its estimate in respect of the forthcoming levy, or payment, period of the total amount of the PSO Levy or PSO Payment, as the case may be, and of each component making up—

(I) that levy, or

(II) that payment,

as specified in Article 8(1),]

(ii) its estimate in respect of any over recovery or under recovery of the amounts required to meet the costs and expenses specified at F59[subparagraphs (a) to (d)] of Article 8(1) in any earlier F57[levy, or payment, period],

(iii) the proportion of the maximum demand attributed to each category of electricity accounts pursuant to section 39 of the Act,

(iv) the basis of the calculation of the amount to be F57[paid by, or credited, to, final customers] in each category in respect of the forthcoming F57[levy, or payment, period],

F57[(v) its estimate of the PSO Levy or PSO Payment, as the case may be, per electricity for Domestic Accounts and Small Accounts and the PSO Levy or PSO Payment per kVA of maximum import capacity for Medium-Large Accounts,]

F57[(*f*) The PSO Levy or PSO Payment, as the case may be, shall be allocated among final customers pursuant to paragraph (1) of this Article, collected pursuant to Article 11, accounted for pursuant to Articles 12 and 13 and paid by, or credited to, final customers pursuant to Article 16 on the basis of the determination of the Commission notified in accordance with paragraph (3)(e).]

F67[(*g*) The Commission shall notify all suppliers, the Board, the distribution system operator and the transmission system operator of any change to the commencement F57[date of a levy period, or payment period, at least] 6 months in advance of that date.]

F58[(4) Where, during a levy period or payment period, the Commission estimates the amounts required to meet the PSO Levy or PSO Payment as previously calculated in accordance with Article 8(1) are likely to differ significantly from—

- (a) the estimates provided to it in accordance with Article 9(3), or
- (b) the amounts in respect of the PSO Levy or PSO payment actually received, or likely to be received, into the levy, or payment, fund,

the Commission may—

- (i) revise their determination of the levy or payment amount for the remainder of the levy period or payment period concerned in accordance with paragraph (3)(e), and
- (ii) notify all suppliers, the Board, the distribution system operator and the transmission system operator accordingly,

and Articles 11 to 13, and 16, shall apply on the basis of the Commission's redetermination.]

F58[(5) Where, during a levy period or payment period, the Commission becomes aware of significant inaccuracies in the estimates previously provided to it in accordance with paragraph (3), the Commission may request a supplier to provide a new estimate for that levy period or payment period in regard to a specified project.]

Annotations	
Amendments:	
F57	Substituted (20.02.2023) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2023</i> (S.I. No. 119 of 2023), art. 7(a), (c), (d), (e)(i)-(viii).
F58	Inserted (20.02.2023) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2023</i> (S.I. No. 119 of 2023), art. 7(b), (f).
F59	Substituted (19.12.2002) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2002</i> (S.I. No. 614 of 2002), art. 10(c), (d), (e).
F60	Inserted (5.08.2005) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) (No. 2) Order 2005</i> (S.I. No. 511 of 2005), arts. 8, 9(a), (b).
F61	Inserted (30.07.2007) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) (No. 2) Order 2007</i> (S.I. No. 583 of 2007), arts. 8, 9(a), (b).
F62	Inserted (18.07.2008) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2008</i> (S.I. No. 284 of 2008), art. 10(a).
F63	Substituted (14.07.2007) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2007</i> (S.I. No. 582 of 2007), art. 2(b), (c), (d).

F64	Inserted (19.12.2002) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2002</i> (S.I. No. 614 of 2002), art. 8.
F65	Inserted (21.04.2004) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2004</i> (S.I. No. 174 of 2002), art. 8.
F66	Substituted (31.10.2012) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2012</i> (S.I. No. 438 of 2012), art. 2(f)(ii).
F67	Inserted (14.07.2007) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2007</i> (S.I. No. 582 of 2007), art. 2(g).
Editorial Notes:	
E19	Previous affecting provision: sub-art. (3)(f) amended (14.07.2007) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2007</i> (S.I. No. 582 of 2007), art. 2(f); substituted (20.02.2023) as per F-note above.
E20	Previous affecting provision: sub-art. (3)(e)(v) amended (14.07.2007) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2007</i> (S.I. No. 582 of 2007), art. 2(e); substituted (20.02.2023) as per F-note above.
E21	Previous affecting provision: sub-art. (3)(ac) inserted (16.10.2021) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2021</i> (S.I. No. 532 of 2021), art. 8(b); substituted (20.02.2023) as per F-note above.
E22	Previous affecting provision: sub-art. (2l) inserted (16.10.2021) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2021</i> (S.I. No. 532 of 2021), art. 8(a); substituted (20.02.2023) as per F-note above.
E23	Previous affecting provision: sub-art. (2l) inserted (31.10.2012) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2012</i> (S.I. No. 438 of 2012), art. 2(f)(i); substituted (20.02.2023) as per F-note above.
E24	Previous affecting provision: sub-art. (3)(ab) inserted (18.07.2008) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2008</i> (S.I. No. 284 of 2008), art. 10(b); substituted (31.10.2012) as per F-note above.

Certification of PSO Levy

10. (1) F68[No later than 7 months after the end of each F69[levy, or payment, period]-]

(a) the Board shall provide to the Commission details of the actual additional costs incurred by it in complying with the obligation imposed on it by F70[*Articles 5, 6, 6A, 6B and 6C*], and

F71[(ab) each supplier on whom an obligation is imposed by *Article 6D* shall provide the Commission details of the actual F69[additional benefits or costs] incurred by that supplier in complying with the obligation imposed on it by that Article, and]

F72[(ac) each supplier on whom an obligation is imposed by *Article 6E* shall provide details to the Commission of the actual F69[additional benefits or costs] incurred by that supplier in complying with the obligation imposed on it by that Article, and]

(b) suppliers, the distribution system operator and the transmission system operator shall provide details to the Commission of the actual administrative expenses incurred by them and referred to in *Article 8(1)(c)* and (d),

together in each case with a separate auditors' certificate, F73[detailing the actual amounts of the costs and expenses referred to in subparagraphs (a), (ab) and (b)], as appropriate, and certifying that the costs and expenses in question have been

incurred and the amounts recorded have been properly extracted from the books and records of the company.

F69[(2) Within 60 days of the receipt of all the information referred to in paragraph (1), the Commission shall certify the total amount of the PSO Levy or PSO Payment, as the case may be, in respect of the period concerned and shall separately certify the amount of each constituent element of—

(a) that levy, or

(b) that payment,

as specified in Article 8(1).]

F69[(3) If the amount of any of the constituent elements mentioned in paragraph (2), in respect of a levy, or payment, period as certified by the Commission pursuant to paragraph (2) differs from the amount determined by the Commission pursuant to Article 7, 7A or Article 9(3)(e) as forming part of the PSO Levy or PSO Payment, as the case may be, in respect of the period concerned, the determination of the amount due in respect of the levy for the levy period, or payment for the payment period, next commencing shall be adjusted to provide for the over recovery or under recovery of the PSO Levy or PSO Payment in the earlier levy period, or payment period, concerned.]

Annotations

Amendments:

F68 Substituted (14.07.2007) by Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2007 (S.I. No. 582 of 2007), art. 2(h).

F69 Substituted (20.02.2023) by Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2023 (S.I. No. 119 of 2023), art. 8(a)(i)-(iii), (b).

F70 Substituted (30.07.2007) by Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) (No. 2) Order 2007 (S.I. No. 583 of 2007), art. 10.

F71 Inserted (18.07.2008) by Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2008 (S.I. No. 284 of 2008), art. 11(a).

F72 Inserted (16.10.2021) by Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2021 (S.I. No. 532 of 2021), art. 9.

F73 Substituted (18.07.2008) by Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2008 (S.I. No. 284 of 2008), art. 11(b).

Editorial Notes:

E25 Previous affecting provision: sub-art. (2) amended (14.07.2007) by Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2007 (S.I. No. 582 of 2007), art. 2(i); substituted (20.02.2023) as per F-note above.

E26 Previous affecting provision: sub-art. (1)(a) amended (5.08.2005) by Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) (No. 2) Order 2005 (S.I. No. 511 of 2005), art. 10; substituted (30.07.2007) as per F-note above.

F74[Duty of suppliers with regard to PSO Levy and PSO Payment

11. It shall be the duty of each supplier to—

(a) account to the Commission, the transmission system operator or distribution system operator, as appropriate, for all transactions relating to the PSO Levy or PSO Payment,

- (b) pay any additional benefits due under Article 8(1) to the transmission system operator,
- (c) invoice final customers for the PSO Levy or credit final customers for the PSO Payment on the basis notified to them by the Commission,
- (d) collect from final customers the amount of the PSO Levy or credit to final customers the amount of the PSO Payment payable in respect of each such final customer account in accordance with the provisions of Schedule 2, and
- (e) pay to the transmission system operator or distribution system operator, as appropriate, all amounts invoiced by such supplier in respect of the PSO Levy.]

Annotations**Amendments:**

F74 Substituted (20.02.2023) by Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2023 (S.I. No. 119 of 2023), art. 9.

F75 [Duty of distribution system operator with regard to PSO Levy and PSO Payment

12. It shall be the duty of the distribution system operator, in accordance with Schedule 2, to—

- (a) account to the Commission or transmission system operator, as appropriate, for all transactions relating to the PSO Levy or PSO Payment,
- (b) collect from suppliers payments of the PSO Levy paid by final customers,
- (c) pay to the transmission system operator all appropriate amounts received by it in respect of the PSO Levy from suppliers, collected from final customers connected to the distribution system,
- (d) receive from the transmission system operator amounts received in respect of the PSO Payment, and
- (e) pay to suppliers the amount of the PSO Payment to be credited to connected final customers connected to the distribution system, in respect of each supplier supplier's distribution, as appropriate in each case.]

Annotations**Amendments:**

F75 Substituted (20.02.2023) by Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2023 (S.I. No. 119 of 2023), art. 9.

F76 [Duty of transmission system operator with regard to PSO Levy or PSO Payment

13. It shall be the duty of the transmission system operator, in accordance with Schedule 2, to—

- (a) account to the Commission for all transactions relating to the PSO Levy or PSO Payment,
- (b) collect any additional benefits due, under Article 8(1) from the Board or relevant suppliers connected to the transmission system, as applicable,
- (c) collect from suppliers payments of the PSO Levy paid by final customers connected to the transmission system,

- (d) pay to suppliers the amount in respect of the PSO Payment to be credited to final customers connected to the transmission system, as appropriate,
- (e) receive from the distribution system operator amounts received in respect of the PSO Levy, and
- (f) pay to the distribution system operator the amounts in respect of the PSO Payment to be paid to suppliers.]

Annotations**Amendments:**

F76 Substituted (20.02.2023) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2023* (S.I. No. 119 of 2023), art. 9.

Duty of distribution system operator to account to transmission system operator for PSO Levy

14. F77[...]

Annotations**Amendments:**

F77 Deleted (20.02.2023) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2023* (S.I. No. 119 of 2023), art. 9.

Duty of transmission system operator to account to the Board for PSO Levy

15. F78[...]

Annotations**Amendments:**

F78 Deleted (20.02.2023) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2023* (S.I. No. 119 of 2023), art. 9.

Editorial Notes:

E27 Previous affecting provision: sub-para. (c) substituted (18.07.2008) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2008* (S.I. No. 284 of 2008), art. 12; article deleted (20.02.2023) as per F-note above.

Duty of final customers to pay PSO Levy

16. It shall be the duty of each final customer, which duty is owed to the electricity supplier which invoices such customer, to pay to that supplier the amount of the PSO Levy properly invoiced to such customer in accordance with this Order.

F79[Duty of distribution system operator and transmission system operator to inform Commission as to level of PSO Levy amounts received or PSO Payment amounts made

17. It shall be the duty of the distribution system operator and transmission system operator to inform the Commission if the level of payments received by them in respect of the PSO Levy or PSO Payment is materially different from that anticipated by the Commission as being payable in respect of a particular levy period or payment period, as the case may be, and advised by the Commission to them and of the measures being taken to recover amounts due.]

Annotations

Amendments:

F79 Substituted (20.02.2023) by Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2023 (S.I. No. 119 of 2023), art. 10.

F80[Recovery of PSO Levy amounts due or PSO Payment amounts made

18. A supplier, the distribution system operator and the transmission system operator may recover as a simple contract debt in any court of competent jurisdiction, any amount due and owing in respect of the PSO Levy or PSO Payment, from each person who has, by virtue of this Order, a duty to pay the PSO Levy or PSO Payment to such supplier, the distribution system operator, the transmission system operator or the final customer, as the case may be.]

Annotations

Amendments:

F80 Substituted (20.02.2023) by Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2023 (S.I. No. 119 of 2023), art. 10.

CER supervision

19. (1) Each person, other than a final customer, who has any duties imposed on him or her pursuant to this Order shall submit a document to the Commission for approval in such form as may be required by the Commission from time to time specifying the procedures which he or she will adopt in order to comply with those duties and, when approved by the Commission, shall comply with those procedures.

F81[(2) The document mentioned in paragraph (1) shall specify such procedures as may be necessary or expedient in order to secure the proper performance by each such person of his or her duties pursuant to this Order, including the following:

(a) in the case of the Board or suppliers, as the case may be, in respect of the following:

(i) the procedures according to which each constituent element of the PSO Levy or PSO Payment specified in Article 8(1) of this Order will be estimated;

(ii) the dates by which those persons will provide the information required by this Order to the Commission and the format in which such information shall be supplied;

(b) in the case of suppliers, the procedures suppliers propose to adopt in respect of the following:

(i) for the invoicing of the PSO Levy or crediting of the PSO Payment to final customers, including the format of invoices;

- (ii) for ensuring the collection of the PSO Levy from, or crediting of the PSO Payment to, final customers;
- (iii) for calculating their administrative expenses involved in the collection of the PSO Levy or crediting of the PSO Payment;
- (iv) for making or collecting payments of amounts in respect of the PSO Levy collected from, or PSO Payments to be credited to, the distribution system operator and transmission system operator, as appropriate;

(c) in the case of the distribution system operator, the procedures which the distribution system operator proposes to adopt in respect of the following:

- (i) for the collection and recovery of amounts in respect of the PSO Levy from suppliers who collect it from final customers connected to the distribution system payments of amounts in respect of the PSO Payment, in accordance with *Schedule 2*, to suppliers who credit the PSO Payment to final customers connected to the distribution system;
- (ii) for the calculation of its administrative expenses involved in the collection of the PSO Levy or payment of the PSO Payment;
- (iii) for the onward payment of amounts received in respect of the PSO Levy to the transmission system operator;

(d) in the case of the transmission system operator, the procedures which the transmission system operator proposes to adopt in respect of the following:

- (i) for the collection and recovery of amounts in respect of the PSO Levy from suppliers who collect it from final customers connected to the transmission system, or for the collection and recovery of amounts in respect of the PSO Payment from relevant suppliers, and from the distribution system operator;
- (ii) for the calculation of its administrative expenses involved in the collection of the PSO Levy or payment of the PSO Payment;
- (iii) for the payment of amounts in respect of the PSO Levy or collection of amounts in respect of the PSO Payment from the Board or supplier.]

(3) A document referred to in *paragraphs (1) and (2)* which has been approved by the Commission in accordance with *paragraph (1)* may, with the consent of the Commission, be modified from time to time.

(4) A document referred to in *paragraphs (1) and (2)* which has been approved by the Commission in accordance with *paragraph (1)* shall, at the request of the Commission, made in compliance with the Notification and the provisions of this Order, be modified from time to time in accordance with the request of the Commission.

Annotations**Amendments:**

F81 Substituted (20.02.2023) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2023* (S.I. No. 119 of 2023), art. 11.

Editorial Notes:

E28 Previous affecting provision: sub-art. (2)(d)(iii) substituted (31.10.2012) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2012* (S.I. No. 438 of 2012), art. 2(g); sub-article substituted (20.02.2023) as per F-note above.

E29 Previous affecting provision: sub-art. (2)(a), (d)(iii) substituted (18.07.2008) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2008* (S.I. No. 284 of 2008), art. 13(a), (b); sub-article substituted (20.02.2023) as per F-note above.

Provision of information

20. It shall be the duty of each person who has duties pursuant to this Order to provide such information and documents to the Commission as it may require from time to time for the purpose of ensuring that each such person complies with his or her duties under this Order, including without limitation, information and evidence regarding amounts invoiced, received, accounted for and paid by him or her pursuant to his or her duties under this Order and the administrative expenses incurred by him or her, as appropriate in relation to the performance of his or her duties under this Order.

Transmission system operator duty of priority dispatch of generating stations

21. The Commission shall direct that the transmission system operator, where applicable give priority of dispatch to generating stations, the output of which is the subject of this Order.

F82[Public service obligation on the transmission system operator

22. There shall be imposed by the Commission on the transmission system operator a requirement to make such arrangements as are necessary to administer a competitive process, established by the Minister, to ensure that, in any specified period, there shall be available to a supplier electricity from generating stations which use as their primary fuel source renewable, sustainable or alternative forms of energy.]

Annotations

Amendments:

F82 Inserted (27.02.2020) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2020* (S.I. No. 56 of 2020), art. 2.

SCHEDULE 1**PART 1****Peat**

(1)	(2)	(3)	(4)
Name of Generator	PPA Signing Date	PPA Termination Date	Project Size (kW)
Edenderry Power Limited	19/03/98	21/12/15	117,570

PART 2**Peat**

1. Peat powered generating stations as specified at paragraph 4.16 of the Notification to the EU Commission:

Unit in Power Plant	Projected Closure Date
Ferbane	2000
Shannonbridge U1	F83[2004]
Shannonbridge U2	2004
Shannonbridge U3	2004
Rhode U3	2003
Cahirciveen	2003
Lanesboro U2	2004
Lanesboro U3	2004
Bellacorick U1	F84[2005]
Bellacorick U2	F84[2005]

2. New 150MW peat power generating station to be constructed at Shannonbridge County Offaly.

3. New 100MW peat power generating station to be constructed at Lanesboro, County Longford.

Annotations

Amendments:

F83 Substituted (21.04.2004) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2004* (S.I. No. 174 of 2004), art. 11.

F84 Substituted (5.08.2005) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) (No. 2) Order 2005* (S.I. No. 511 of 2005), art. 11.

Editorial Notes:

E30 Previous affecting provision: part 1 para. 1 amended (5.08.2005) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) (No. 2) Order 2005* (S.I. No. 511 of 2005), art. 11; substituted (16.10.2021) as per F-note above.

Previous affecting provision: part 1 para. 1 amended (21.04.2004) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2004* (S.I. No. 174 of 2004), art. 11; substituted (5.08.2005) as per E-note above.

F85[PART 3

Renewable, Sustainable or Alternative Energy

(1)	(2)	(3)	(4)	(5)
PPA No.	Type	PPA Signing Date	PPA Termination Date	Name
	WIND			
	No Projects remaining in this category.			
	HYDRO			
	No Projects remaining in this category.			
	CHP			
	No Projects remaining in this category.]			

Annotations**Amendments:**

F85 Substituted (11.12.2015) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2015* (S.I. No. 556 of 2015), art. 3(a).

Editorial Notes:

E31 Previous affecting provision: part 3 substituted (19.12.2014) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2014* (S.I. No. 603 of 2014), art. 2(b); substituted (11.12.2015) as per F-note above.

E32 Previous affecting provision: part 3 substituted (25.10.2013) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2013* (S.I. No. 421 of 2013), art. 3(d); substituted (19.12.2014) as per E-note above.

E33 Previous affecting provision: part 3 substituted (31.10.2012) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2012* (S.I. No. 438 of 2012), art. 2(h); substituted (25.10.2013) as per E-note above.

E34 Previous affecting provision: part 3 substituted (28.09.2011) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2011* (S.I. No. 513 of 2011), art. 2(a); substituted (31.10.2012) as per E-note above.

F86[SCHEDULE 1A]

F87[...]]

Annotations**Amendments:**

F86 Substituted (8.12.2016) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2016* (S.I. No. 600 of 2016), art. 3(a).

F87 Schedule deleted (27.09.2018) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2018* (S.I. No. 403 of 2018), art. 3(d).

Editorial Notes:

E35 Previous affecting provision: schedule substituted (11.12.2015) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2015* (S.I. No. 556 of 2015), art. 3(b); substituted (8.12.2016) as per F-note above.

E36 Previous affecting provision: schedule substituted (19.12.2014) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2014* (S.I. No. 603 of 2014), art. 2(c); substituted (11.12.2015) as per E-note above.

E37 Previous affecting provision: schedule substituted (25.10.2013) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2013* (S.I. No. 421 of 2013), art. 3(e); substituted (19.12.2014) as per E-note above.

E38 Previous affecting provision: schedule substituted (31.10.2012) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2012* (S.I. No. 438 of 2012), art. 2(i); substituted (25.10.2013) as per E-note above.

E39 Previous affecting provision: schedule substituted (28.09.2011) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2011* (S.I. No. 513 of 2011), art. 2(b); substituted (31.10.2012) as per E-note above.

E40 Previous affecting provision: ref. nos. 34, 35 inserted (21.04.2004) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2004* (S.I. No. 174 of 2004), art. 9; substituted (28.09.2011) as per E-note above.

E41 Previous affecting provision: schedule inserted (19.12.2002) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2002* (S.I. No. 614 of 2002), art. 9 and sch.; substituted (28.09.2011) as per E-note above.

F88[SCHEDULE 1B]

RENEWABLE, SUSTAINABLE OR ALTERNATIVE ENERGY

AER VI NOTIFICATION

(1)	(2)	(3)	(4)	(5)
Ref	PPA No.	Type	PPA Signing Date	Name
63	AER6/SW36	Wind Power	17/02/05	Cronelea Windfarm Ltd., Cronelea House, Cronelea Shillelagh, Co. Wicklow
1	AER61/7/122	Offshore Wind Power	ESB Customer Supply	Arklow Energy Ltd/o 2 The Arena Downshire Way Berkshire RG12 1PU United Kingdom]

Annotations**Amendments:**

F88 Substituted (8.12.2016) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2016* (S.I. No. 600 of 2016), art. 3(b).

Editorial Notes:

E42 Previous affecting provision: schedule substituted (11.12.2015) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2015* (S.I. No. 556 of 2015), art. 3(c); substituted (8.12.2016) as per F-note above.

E43 Previous affecting provision: schedule substituted (19.12.2014) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2014* (S.I. No. 603 of 2014), art. 2(d); substituted (11.12.2015) as per E-note above.

E44 Previous affecting provision: schedule substituted (25.10.2013) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2013* (S.I. No. 421 of 2013), art. 3(f); substituted (19.12.2014) as per E-note above.

E45 Previous affecting provision: schedule substituted (31.10.2012) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2012* (S.I. No. 438 of 2012), art. 2(j); substituted (25.10.2013) as per E-note above.

E46 Previous affecting provision: schedule substituted (28.09.2011) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2011* (S.I. No. 513 of 2011), art. 2(c); substituted (31.10.2012) as per E-note above.

E47 Previous affecting provision: part 2 substituted (3.11.2009) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2009* (S.I. No. 444 of 2009), art. 3(b); schedule substituted (28.09.2011) as per E-note above.

E48 Previous affecting provision: schedule substituted (20.07.2005) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2005* (S.I. No. 380 of 2005), art. 5; substituted (28.09.2011) as per E-note above.

E49 Previous affecting provision: schedule inserted (21.04.2004) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2004* (S.I. No. 174 of 2004), art. 10 and sch.; substituted (20.07.2005) as per E-note above.

F89[SCHEDULE 1C

PART 1**Short-term Peaking Generation**

1. Temporary generating units

(1) Location	(2) Capacity (MW)
Aghada, Co. Cork	52
Tawnaghmore, Co. Mayo	52
Rhode, Co. Offaly	104

2. Contract for capacity and energy over the interconnector with Northern Ireland Electricity.

(1) Contract	(2) Name of Legal Counter Party	(3) Capacity (MW)
VIPP Capacity and Energy Agreement dated 17 July 2003	Northern Ireland Electricity Plc (NIE)	167

PART 2

1. New generating station at Aughinish Alumina Limited, County Limerick.
2. New generating station at Tynagh Energy Limited, County Galway.]

F90[PART 3

New Generating Capacity

(1) Name of Legal Counterparty	(2) CADA Signing Date	(3) Commercial Operation Date	(4) Scheduled CADA Date	(5) CADA Termination Date	Latest (5) Termination Date	(5) Capacity (MW)
Aughinish Alumina Ltd. Co. Limerick	24 December 2003	31 March 2006	31 March 2016	31 March 2017	As detailed in the CADA	
Tynagh Energy Ltd., Co. Galway	24 Decembe 2003	31 March 2006	31 March 2016	31 March 2017	As detailed in the CADA]	

Annotations

Amendments:

F89 Inserted (5.08.2005) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) (No. 2) Order 2005* (S.I. No. 511 of 2005), art. 12 and sch.

F90 Inserted (30.07.2007) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) (No. 2) Order 2007* (S.I. No. 583 of 2007), art. 11 and sch.

F91[SCHEDULE 2

PSO LEVY OR PAYMENT: INVOICING AND COLLECTION, OR PAYMENT, TERMS

1. Each supplier shall invoice the PSO Levy, or credit the PSO Payment, to each final customer to whom they make a supply of electricity in respect of each electricity account held by such final customer with that supplier on the basis of the determination made by the Commission and notified to the supplier pursuant to Article 9(3)(e).

2. Each supplier shall ensure that the PSO Levy is invoiced, or the PSO Payment is credited, to every final customer—

- (a) as frequently,
- (b) at the same time, and
- (c) as part of the same invoice,

as charges for electricity supply are invoiced, with due regard to a supplier's billing cycles, but in any event no less frequently than once every three months, unless otherwise directed by the Commission.

3. The amount of the PSO Levy or PSO Payment in respect of an electricity account by a final customer in a levy period or payment period, as appropriate, shall be apportioned as directed by the Commission, as far as is practicable, between the invoices to be issued by the supplier in the course of a levy period or payment period, as appropriate, but in any event so as to ensure that the full amount of the PSO Levy or PSO Payment payable by, or to, such final customer in respect of a levy period or payment period shall be so invoiced, or credited, as the case may be, within 3 months of the end of that levy period or payment period.

4. Where a final customer changes its supplier, the full monthly PSO Levy, or PSO Payment, amount for such final customer shall be invoiced, or credited, by the supplier with which that final customer is registered as the holder of an electricity account at the end of the month for which the monthly PSO Levy, or PSO Payment, is due, whether or not the final customer concerned was a customer of the said supplier for a full calendar month and each such invoice shall charge, or credit, the relevant final customer for the PSO Levy, or PSO Payment, amount due in respect of such final customer since its last PSO Levy, or PSO Payment, invoice.

5. Every invoice in respect of the PSO Levy or PSO Payment shall identify the amount of the PSO Levy, or PSO Payment, being invoiced, or credited, separately from every other item being invoiced, and shall refer to the amount as "Public Service Obligations Levy" or "Public Service Obligations Payment".

6. Every final customer invoice in respect of the PSO Levy, or PSO Payment, shall include the following description of the PSO Levy or PSO Payment:

"PUBLIC SERVICE OBLIGATIONS LEVY or PUBLIC SERVICE OBLIGATIONS PAYMENT

This public service obligations levy, and public services obligation payment, relate to the additional costs or benefits that result from the output of certain generating stations using renewable, sustainable or alternative forms of energy. These purchases are made in the interests of environmental protection, in accordance with Public Service Obligations Orders made pursuant to the Electricity Regulation Act 1999 .".

7. Each supplier shall account for, and pay to, the distribution system operator all amounts invoiced in respect of the PSO Levy from final customers connected to the distribution system, but after having deducted the expenses referred to at paragraph 15, and the amount collected from final customers shall be paid to the distribution system operator as, and on dates, determined by the Commission.

8. Each supplier shall receive from the distribution system operator amounts in respect of the PSO Payment after having added the expenses referred to at paragraph 15, under Article 12(c), such amounts and the dates of payment by the distribution system operator of such amounts, to be determined by the Commission from time to time under paragraph 7A.

9. For the purposes of Article 12(c), the distribution system operator shall make payments to suppliers, after deducting the expenses referred to at paragraph 16, of such amounts and on such dates as shall be determined by the Commission. In determining amounts payable by the distribution system operator in respect of the PSO Payment to final customers, the CRU shall have due regard to the following:

- (a) the costs and expenses to be deducted under paragraph 16;
- (b) the need to ensure that the distribution system operator is in funds to make such payments.

10. Each supplier shall account for, and pay to or collect from, the transmission system operator all amounts invoiced or to be credited in respect of the PSO Levy or PSO Payment from, or to, final customers connected to the transmission system but after having deducted or added, as appropriate, the expenses referred to at paragraph 15, and the amount collected from final customers shall be paid to, or the amount to be credited to final customers received from, the transmission system operator on dates to be determined by the Commission.

11. The Commission shall determine, for the purposes of this Order, whether any category of final customer is considered to be connected to the distribution system or the transmission system.

12. The distribution system operator shall account for, and pay to, the transmission system operator all amounts received by it from suppliers pursuant to paragraph 7, but after having deducted the expenses referred to at paragraph 16, and the amount collected shall be paid to the transmission system operator as, and on dates, determined by the Commission.

13. The distribution system operator shall receive from the transmission system operator all amounts in respect of the PSO Payment to be credited by suppliers to final customers connected to the distribution system, pursuant to paragraph 12, after having added the expenses referred to at paragraph 16, as, and on dates, to be determined by the Commission.

14. The transmission system operator shall account for, and pay to or collect from, the Board and relevant suppliers all amounts received by it from, suppliers and the distribution system operator pursuant to paragraphs 10 and 12 but after having deducted or added, as appropriate, the expenses referred to at paragraph 17, and the amount collected or to be paid shall be paid to the Board on dates determined by the Commission.

15. Each supplier shall be entitled to deduct from, or add to, as appropriate, the amounts to be paid to, or received from, the distribution system operator and the transmission system operator, as the case may be, pursuant to paragraph 7, 8 or 10, an amount equal to the administrative expenses estimated or determined by the Commission as incurred in complying with its duties as—

- (a) a collector of the PSO levy, and
- (b) a creditor of the PSO Payment,

under this Order, and the amounts so deducted, or added, shall form part of the calculation of the PSO Levy, or PSO Payment, specified in Article 8(1).

16. The distribution system operator shall be entitled to deduct from, or add to, as appropriate, the amount to be paid to, or received from, the transmission system operator pursuant to paragraph 12 or 13, an amount equal to the administrative expenses estimated or determined by the Commission as incurred in complying with its duties as—

- (a) a collector of the PSO Levy, and
- (b) a creditor of the PSO Payment,

under this Order, and the amounts so deducted, or added, shall form part of the calculation of the PSO Levy, or PSO Payment, specified in Article 8(1).

17. The transmission system operator shall be entitled to deduct from, or add to, as appropriate, the amounts to be paid to, or collected from, the Board and relevant suppliers, as the case may be, pursuant to paragraph 10 or 14, an amount equal to its administrative expenses estimated or determined by the Commission as incurred in complying with its duties as—

- (a) a collector of the PSO Levy, and
- (b) a creditor of the PSO Payment,

under this Order, and the amounts so deducted, or added, shall form part of the calculation of the PSO Levy, or PSO Payment, specified in Article 8(1).

18. Where a supplier has paid to the distribution system operator or the transmission system operator, as the case may be, an amount in respect of the PSO Levy invoiced to a final customer and the supplier has not received payment of that amount or a part of that amount from the final customer, if the supplier satisfies the Commission that all necessary steps have been taken to recover such amount and that the amount is nonetheless irrecoverable or unlikely to ever be recovered by the supplier, the Commission shall issue a certificate to that effect and the supplier shall thereupon be entitled to treat the amount concerned as an administrative expense referred to in Article 9.

19. Where a supplier, the distribution system operator or the transmission system operator has instituted legal proceedings to recover monies which it is entitled to recover and which include the PSO Levy, or PSO Payment, and

- (a) those monies are recovered, wholly or partly, or
- (b) the monies, or a part of them, are adjudged by a court of competent jurisdiction to be due and owing to the person who instituted the proceedings,

then the legal costs (assessed on a solicitor and client basis) incurred by the person instituting those proceedings shall be treated as an administrative expense of that person in the same proportion that the PSO Levy, or PSO Payment, bears to the sum recovered or adjudged to be due to the extent that the legal costs are not otherwise recovered.

20. Where the amount of an invoice relating to the supply of electricity is partly paid by a final customer, the PSO Levy or PSO Payment, as the case may be, shall be treated as partly paid in the same proportion as the payment bears to the total amount of the invoice (excluding Value-Added Tax).]

Annotations	
Amendments:	
F91	Substituted (20.02.2023) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2023</i> (S.I. No. 119 of 2023), art. 12 and sch. 1.
Editorial Notes:	
E50	Previous affecting provision: schedule purported to be substituted (16.10.2021) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2021</i> (S.I. No. 532 of 2021), art. 3(c); substituted (20.02.2023) as per F-note above. Note apparent typo in art. 3(c) substituting sch. 2, not sch. 5. Note also reference to previous amendment by Order of 2020, art. 3(b), which appears to refer to S.I. No. 500 of 2020, art. 3(b). See at Sch. 5 below.
E51	Previous affecting provision: para. 6-8 substituted (19.12.2002) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2002</i> (S.I. No. 614 of 2002), art. 11(a), (b), (c); substituted (20.02.2023) as per F-note above.

F92 [SCHEDULE 3

Article 3

In this Schedule—

"biomass" means the biodegradable fraction of products, waste and residues from biological origin from agriculture (including vegetal and animal substances), forestry and related industries including fisheries and aquaculture, as well as the biodegradable fraction of industrial and municipal waste;

"CHP" means combined heat and power;

"hydro project" means any hydro-powered electricity generating plant with a maximum export capacity of or less than 5 MW which is connected directly to the electricity network and metered independently of any other electricity generating plant;

"LFG" means landfill gas;

"large scale wind project" means an onshore wind project with a maximum export capacity greater than 5 MW which is connected directly to the electricity network and metered independently of any other electricity generating plant;

"small scale wind project" means any wind-powered electricity generating plant with a maximum export capacity of or less which is connected directly to the electricity network and metered independently of any other electricity generating plant.

(1)	(2)	(3)	(4)	(5)	(6)	(7)
Ref. No.	REFIT Power Purchase Agreement Reference	Supplier	Electricity generator	Generation plant Description	Energy source of electricity	Capacity Accepted into REFIT (MW)
1	1/5/2	Energia Customer Solutions Ltd.	Reirk Energy Ltd.	DromdeeveenBallagh Co. Limerick	Large Scale Wind Project	10.500

(1)	(2)	(3)	(4)	(5)	(6)	(7)	
Ref. No.	REFIT Power Purchase Agreement Reference	Supplier	Electricity generator	Generation plant Description	Energy source of electricity	Capacity Accepted into REFIT (MW)	
2	1/5/4	Bord Gáis Energy Ltd.	Adeery Hydro	Killybegs Co. Donegal	Hydro Project	0.400	
3	1/5/5	Energia Customer Solutions Ltd.	Bawnmore Windfarm Ltd.	CarriganimaMacroom Co. Cork	Large Scale Wind Project	14.990	
4	1/5/6	Energia Customer Solutions Ltd.	Muingnaminnane Windfarms Ltd.	Muingnaminnane Kielduff Tralee Co. Kerry	Large Scale Wind Project	15.300	
5	1/5/9	Energia Customer Solutions Ltd.	Tra Investments Ltd.	Ballincollig Hill Maghanknockane Tralee Co. Kerry	Large Scale Wind Project	13.300	
6	1/5/26	Energia Customer Solutions Ltd.	Corkermore Windfarm Ltd.	Corkermore Windfarm Corkermore Killybegs Co. Donegal	Large Scale Wind Project	9.990	
7	1/5/30	Energia Customer Solutions Ltd.	KnocknalourWind Farm Ltd.	Knocknalour Bunclody Enniscorthy Co. Wexford	Small Scale Wind Project	4.600	
8	1/5/32	Gael Force Power Ltd.	Gairdini	Lacka Ballydesmond	Cross Co. Cork	Biomass CHP	2.900
9	1/5/38	Energia Customer Solutions Ltd.	Carrigcannon Wind Farm Ltd.	Carragraigue Rathcoole Mallow Co. Cork	Large Scale Wind Project	20.000	
10	1/5/54	SSE Airtricity Ltd.	Limerick West Windfarm Ltd.	Rathcahill Tournafulla Limerick	West Co.	Large Scale Wind Project	12.500
11	1/5/57	SSE Airtricity Ltd.	Green Energy Company Ltd.	Meentycat Donegal	Cark Co.	Large Scale Wind Project	14.000
12	1/5/69	Energia Customer Solutions Ltd.	Holyford Windfarm Ltd.	Hollyford Glenough Hollyford Tipperary	Windfarm Upper Co.	Large Scale Wind Project	9.000
13	1/5/70	SSE Airtricity Ltd.	Redwind Energy Phase 3 Ltd.	Meenagrauv Ballybofey Stranorlar	Co. Donegal	Small Scale Wind Project	3.600

(1)	(2)	(3)	(4)	(5)	(6)	(7)
Ref. No.	REFIT Power Purchase Agreement Reference	Supplier	Electricity generator	Generation plant Description	Energy source of electricity	Capacity Accepted into REFIT (MW)
14	1/5/78	Bord Gáis Energy Ltd.	Derrynadivva Windfarm Ltd.	Derrynadivva Doogry & Lenanavea Castlebar Co. Mayo	Large Scale Wind Project	8.500
15	1/5/79	Bord Gáis Energy Ltd.	Templederry Windfarm Knockmeale Boherlody & Lisgarriff Dolla Nenagh Co. Tipperary	Templederry Windfarm Knockmeale Boherlody & Lisgarriff Dolla Nenagh Co. Tipperary	Small Scale Wind Project	4.600
16	1/5/82	Slievereagh (CS) Ltd.	Slievereagh Power Ltd.	Slievereagh Windfarm Kilfinane Co. Limerick	Small Scale Wind Project	3.100
17	1/5/86	Energia Customer Solutions Ltd.	Gortahile Windfarm Ltd.	Gortahile Windfarm Ardough Co. Laois	Large Scale Wind Project	21.000
18	1/5/87	Energia Customer Solutions Ltd.	Glenough Windfarm Ltd.	Glenough Windfarm Co. Tipperary	Large Scale Wind Project	33.000
19	1/5/91	ESB	Hibernian Windpower Ltd.	Tullynahaw Windfarm Arigna Roscommon	Large Scale Wind Project	26.675
20	1/5/93	Energia Customer Solutions Ltd.	Powercon Energy Ltd.	Carrowleagh Windfarm Carrowleagh Bonniconlon Mayo	Large Scale Wind Project	34.150
21	1/5/94	Energia Customer Solutions Ltd.	West Windfarm (Services) Ltd.	Clare Seltannaveeny Windfarm Seltannaveeny Arigna Co. Roscommon	Small Scale Wind Project	4.600
22	1/5/96	Bord Gáis Energy Ltd.	Sunflower Design Ltd.	Mace Windfarm Claremorris Co. Mayo	Upper Small Scale Wind Project	2.400
23	1/5/98	SWS Green Energy Ltd.	Garracummer Windfarm Ltd.	Garracummer Moanavaun Reisk Tooren & Falleenafinnooga Hollyford Co. Tipperary	Large Scale & Wind Project	36.900

(1)	(2)	(3)	(4)	(5)	(6)	(7)
Ref. No.	REFIT Power Purchase Agreement Reference	Supplier	Electricity generator	Generation plant Description	Energy source of electricity	Capacity Accepted into REFIT (MW)
24	1/5/99	SSE Airtricity Ltd.	Western Power Ltd.	Lenanavea Co. Mayo	Small Scale Wind Project	4.500
25	1/5/100	SWS Green Energy Ltd.	Ballymartin Windfarm Ltd.	Ballymartin Windfarm Ballymartin Brabstown Co. Kilkenny	Large Scale Wind Project	6.000
26	1/5/103	Indaver Energy Ltd.	Indaver Ltd.	Ireland Carranstown Co. Meath	Duleek Biomass	15.180*
27	1/5/105	ESB	Hibernian Windpower Ltd.	Grouselodge Windfarm Ardagh Co. Limerick	Large Scale Wind Project	15.000
28	1/5/106	Energia Customer Solutions Ltd.	Caherciveen Wind Ltd.	Caherciveen Windfarm Knockaneden Caherciveen Co. Kerry	Large Scale Wind Project	9.000
29	1/5/113	Energia Customer Solutions Ltd.	Bawnmore Windfarm Ltd.	Cahernafulla Coachford Co. Cork	Large Scale Wind Project	9.000
30	1/5/119	Energia Customer Solutions Ltd.	Ballynancoran Wind Farm Ltd.	Ballynancoran Windfarm Ballynancoran Donishal Ferns Co. Project Wexford	Small Scale Wind	4.000
31	1/5/121	SSE Airtricity Ltd.	Carrons Windfarm Ltd.	Carrons Windfarm Dunmoylan Shanagolden Co. Limerick	Small Scale Wind Project	5.000
32	1/5/122	Gael Force Power Ltd.	W.E.D. Energy Ltd.	Cross Lacka Ballydesmond Cork	WED Cross Windfarm Cross Co. Wind Project	4.000
33	1/5/128	Energia Customer Solutions Ltd.	Shannagh Farm Ltd.	Wind Kilcar Shannagh Donegal	Windfarm Kilcar Co. Wind Project	2.550
34	1/5/129	Bord Gáis Energy Ltd.	Menard Ltd.	Skrine Athleague Roscommon	Windfarm Co. Wind Project	4.600
35	1/5/130	Bord Gáis Energy Ltd.	Fairbourne Commercial Ltd.	Leabeg Ferbane Co. Offaly	Windfarm Small Scale Wind Project	4.250

(1)	(2)	(3)	(4)	(5)	(6)	(7)	
Ref. No.	REFIT Power Purchase Agreement Reference	Supplier	Electricity generator	Generation plant Description	Energy source of electricity	Capacity Accepted into REFIT (MW)	
36	1/5/133	Energia Customer Solutions Ltd.	I.Q.Wind Ltd.	Crocane Crocane Midleton Co. Cork	Windfarm Cloyne	Small Scale Wind Project	1.700
37	1/5/134	Energia Customer Solutions Ltd.	Pluckanes Windfarm Ltd.	Pluckanes Donoughmore Cork	Co.	Small Scale Wind Project	0.850
38	1/5/137	Energia Customer Solutions Ltd.	Caher Downey Wind Farm Ltd.	Caherdowney Windfarm Caherdowney Carriganima Macroom Co. Cork		Large Scale Wind Project	10.000
39	1/5/139	Energia Customer Solutions Ltd.	Venti Windfarm Energy Ltd.	Curraghgraigue Windfarm CurraghgraigueUpper Templederry Nenagh Co. Tipperary	2	Small Scale Wind Project	2.440
40	1/5/146	Energia Customer Solutions Ltd.	Reirk Energy Ltd.	Dromdeeveen Windfarm Ballagh Co. Limerick		Large Scale Wind Project	16.500
41	1/5/147	Energia Customer Solutions Ltd.	Clydaghroe Windfarm Ltd.	Clydaghroe Windfarm Cummeenabuddoge Clonkeen Co. Kerry		Small Scale Wind Project	5.000
42	1/5/150	SSE Airtricity Ltd.	Brickmount Ltd.	Dunneill Windfarm Ballyglass Co. Sligo		Large Scale Wind Project	11.050
43	1/5/153	SSE Airtricity Ltd.	Dromada Windfarm Ltd. (ROI)	Dromada Clash South Windfarm Athea Co. Limerick		Large Scale Wind Project	28.500
44	1/5/154	Energia Customer Solutions Ltd.	Tullynamoyle Windfarm Ltd.	Tullynamoyle Windfarm Tullynamoyle Killarga Co. Leitrim		Large Scale Wind Project	9.000
45	1/5/155	Energia Customer Solutions Ltd.	Ballaman Windfarm Ltd.	Ballaman Moneydurtlow & Tombrack Ferns Co. Wexford		Small Scale Wind Project	3.600
46	1/5/163	Bord Gáis Sigatoka Ltd. Energy Ltd.		Garranereagh Windfarm Lissarda Co. Cork		Large Scale Wind Project	8.750

(1)	(2)	(3)	(4)	(5)	(6)	(7)
Ref. No.	REFIT Power Purchase Agreement Reference	Supplier	Electricity generator	Generation plant Description	Energy source of electricity	Capacity Accepted into REFIT (MW)
47	1/5/166	Bord Gáis Energy Ltd.	Cuillalea Windfarm Ltd.	Cuillalea Extension Treannaglearagh Kiltimagh Co. Mayo	Windfarm Small Scale Wind Project	1.700
48	1/5/167	Statkraft Markets GmbH	Castledockrell Windgroup Ltd.	Castledockrell Windfarm Ballenahillan Ballycarney Enniscorthy Co. Wexford	Large Scale Wind Project	41.400
49	1/5/173	SSE Airtricity Ltd.	Starrus LFG Ltd. Greenstar Energy (Meath) Ltd.	Knockharley Gas Site Meath	Landfill Co. LFG	1.500
50	1/5/174	ESB	Garvagh Power Ltd.	Glebe Garvagh Windfarm	Leitrim	Large Scale Wind Project
51	1/5/177	SWS Green Energy Ltd.	BW2 Ltd.	Farm Bootiagh Extension	Windfarm Bootiagh	Large Scale Wind Project
52	1/5/179	Energia Customer Solutions Ltd.	Windfarm Management Ltd.	Drumlough Windfarm	Hill Extension	Large Scale Wind Project
53	1/5/182	Energia Customer Solutions Ltd.	Arthur Davidson	Aghadullagh Lismenan Co. Donegal	Mill Ballintra	Hydro Project
54	1/5/183	Flogas Enterprise Solutions Ltd.	Starrus LFG Ltd.	Ballynagran Landfill (Phase 1)	Residual LFG	Biomass
55	1/5/184	Flogas Enterprise Solutions Ltd.	Starrus LFG Ltd.	Ballynagran Co. Wicklow	Residual Landfill	Biomass
56	1/5/185	SWS Green Energy Ltd.	Lisheen Farm II Ltd.	Wind Lisheen Mine	Regional Killoran	Biomass
57	1/5/186	Energia Customer Solutions Ltd.	Ballycadden Windfarm Ltd.	Windfarm II	Large Scale	Wind Project
				Lisheen Moyne Thurles Co. Tipperary	Wind	
				Ballycadden Bolinrush Lackendarragh Bunclody Co. Wexford	Project	
						14.450

(1)	(2)	(3)	(4)	(5)	(6)	(7)
Ref. No.	REFIT Power Purchase Agreement Reference	Supplier	Electricity generator	Generation plant Description	Energy source of electricity	Capacity Accepted into REFIT (MW)
58	1/5/187	SSE Airtricity Ltd.	March Winds Ltd.	Athea Co. Limerick	Large Scale Wind Project	38.200
59	1/5/189	Burren Energy Supply Ltd.	Knocknagoum Windfarm Ltd.	Knocknagoum Windfarm Lyrecrompane Listowel Co. Kerry	Large Scale Wind Project	41.300
60	1/5/190	SWS Green Energy Ltd.	Knockacummer Wind Farm Ltd.	Knockacummer Co. Cork	Large Scale Wind Project	100.000

*Note that this plant will have a variable biodegradable fuel content, affecting the proportion of its exported electricity eligible for REFIT. This will be estimated ex-ante and will be certified for the purposes of REFIT calculations on an ex-post basis]

Annotations

Amendments:

F92 Substituted (19.12.2024) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) (No. 2) Order 2024* (S.I. No. 756 of 2024), art. 3 and sch. 1.

Editorial Notes:

E52 Previous affecting provision: schedule substituted (25.07.2024) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) (No. 1) Order 2024* (S.I. No. 377 of 2024), art. 3 and sch. 1; substituted (19.12.2024) as per F-note above.

E53 Previous affecting provision: schedule substituted (20.02.2023) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2023* (S.I. No. 119 of 2023), art. 13 and sch. 2; substituted (25.07.2024) as per E-note above.

E54 Previous affecting provision: schedule substituted (16.10.2021) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2021* (S.I. No. 532 of 2021), art. 3(a); substituted (20.02.2023) as per E-note above. Note apparent typo in art. 3(a) substituting sch. 1, not sch. 3. Note also reference to previous amendment by Order of 2019, art. 3(b), which appears to refer to S.I. No. 497 of 2019, art. 3(a).

E55 Previous affecting provision: schedule substituted (29.09.2019) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2019* (S.I. No. 497 of 2019), art. 3(a) and sch. 1; substituted (16.10.2021) as per E-note above.

E56 Previous affecting provision: schedule substituted (27.09.2018) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2018* (S.I. No. 403 of 2018), art. 3(e) and sch. 1; substituted (29.09.2019) as per E-note above.

E57 Previous affecting provision: schedule substituted (8.12.2016) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2016* (S.I. No. 600 of 2016), art. 3(c) and sch.; substituted (27.09.2018) as per E-note above.

E58	Previous affecting provision: schedule substituted (11.12.2015) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2015</i> (S.I. No. 556 of 2015), art. 3(d); substituted (8.12.2016) as per E-note above.
E59	Previous affecting provision: schedule substituted (19.12.2014) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2014</i> (S.I. No. 603 of 2014), art. 2(e); substituted (11.12.2015) as per E-note above.
E60	Previous affecting provision: schedule substituted (25.10.2013) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2013</i> (S.I. No. 421 of 2013), art. 3(g); substituted (19.12.2014) as per E-note above.
E61	Previous affecting provision: schedule substituted (31.10.2012) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2012</i> (S.I. No. 438 of 2012), art. 2(k); substituted (25.10.2013) as per E-note above.
E62	Previous affecting provision: schedule substituted (28.09.2011) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2011</i> (S.I. No. 513 of 2011), art. 2(d); substituted (31.10.2012) as per E-note above.
E63	Previous affecting provision: schedule substituted (3.11.2010) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2010</i> (S.I. No. 532 of 2010), art. 3b and sch.; substituted (28.09.2011) as per E-note above.
E64	Previous affecting provision: schedule substituted (3.11.2009) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2009</i> (S.I. No. 444 of 2009), art. 3(c); substituted (3.11.2010) as per E-note above.
E65	Previous affecting provision: schedule inserted (18.07.2008) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2008</i> (S.I. No. 284 of 2008), art. 14 and sch.; substituted (3.11.2009) as per E-note above.

F93 [SCHEDULE 4

In this Schedule—

"biomass" means the biodegradable fraction of products, waste and residues from biological origin from agriculture (including vegetal and animal substances), forestry and related industries including fisheries and aquaculture, as well as the biodegradable fraction of industrial and municipal waste;

"hydro project" means any hydro-powered electricity generating plant with a maximum export capacity of or less than 5 MW which is connected directly to the electricity network and metered independently of any other electricity generating plant;

"LFG" means landfill gas;

"large scale wind project" means an onshore wind-powered electricity generating plant with a maximum export capacity greater than 5 MW which is connected directly to the electricity network and metered independently of any other electricity generating plant;

"small scale wind project" means an onshore wind-powered electricity generating plant with a maximum export capacity of 5 MW or less which is connected directly to the electricity network and metered independently of any other electricity generating plant.

(1)	(2)	(3)	(4)	(5)	(6)	(7)
Ref. No.	REFIT Power Purchase Agreement Reference	Supplier	Electricity generator	Generation plant Description	Energy source of electricity	Capacity Accepted into REFIT (MW)
1	1/2/1	Meenacloghspar (Wind) Supply (Wind) Ltd.	Meenacloghspar	Ballyduff Windfarm Kilcomb Camolin Co. Wexford	Small Scale Wind Project	4.600
2	1/2/3	Slievereagh Power (CS) Ltd.	Slievereagh Power Ltd.	Slievereagh Windfarm Phase 2 Glenaree Kilfinane Co. Limerick	Small Scale Wind Project	2.300
3	1/2/4	Glanaruddery Energy Supply Ltd.	Glanaruddery Windfarms Ltd.	Dromadda Windfarm 2 Dromadda More Wind Knocknagoshel Co. Kerry	Large Scale Wind Project	12.000
4	1/2/5	Oak Energy Supply Ltd.	Cordal Ltd.	Windfarms Cordal Windfarm Cordal Co. Kerry	Large Scale Wind Project	35.200
5	1/2/6	Glanaruddery Energy Supply Ltd.	Glanaruddery Windfarms Ltd.	Dromadda Windfarm 2 Dromadda More Wind Knocknagoshel Co. Kerry	Large Scale Wind Project	20.000
6	1/2/7	Oak Energy Supply Ltd.	Cordal Ltd.	Windfarms Cordal 2 Windfarm Cordal Co. Kerry	Large Scale Wind Project	54.000
7	1/2/9	Energia Customer Solutions Ltd.	Ballycadden Windfarm Ltd.	Ballycadden Windfarm Phase 2 Bunclody Wexford	Large Scale Wind Project	9.200
8	1/2/10	Energia Customer Solutions Ltd.	Wexwind Ltd.	Gibbet Windfarm Graigueomore, Bolinahaney & Kiltilly Kilrush Bunclody Co. Wexford	Hill Large Scale Wind Project	14.800
9	1/2/11	SWS Green Energy Ltd.	Smithstown Windfarm Ltd.	Smithstown Windfarm Smithstown Mullinavat Kilkenny	Large Scale Wind Project	8.200
10	1/2/12	Flogas Enterprise Solutions Ltd.	Starrus LFG Ltd.	Knockharley Landfill (Phase 2) Knockharley Kentstown Meath	Biomass LFG Co.	2.700

(1)	(2)	(3)	(4)	(5)	(6)	(7)
Ref. No.	REFIT Power Purchase Agreement Reference	Supplier	Electricity generator	Generation plant Description	Energy source of electricity	Capacity Accepted into REFIT (MW)
11	1/2/13	FlogasEnterprise Solutions Ltd.	Starrus LFG Ltd.	Ballynagran Residual Landfill (Phase 2) Ballynagran Co. Wicklow	Biomass LFG	3.450
12	1/2/14	FlogasEnterprise Solutions Ltd.	Emgen Power Ltd.	Corranure Landfill Co. Cavan	Biomass LFG	0.735
13	1/2/17	Bord Gáis Energy Ltd.	Acres Energy Ltd.	Acres Windfarm Spaddan Ballyshannon Co. Donegal	Large Scale Wind Project	17.500
14	1/2/19	Templederry Renewable Energy Supply Ltd.	Stradbally Promotions Ltd.	Hall Stradbally Stradbally Hall	Hydro Project	0.028
15	1/2/20	FlogasEnterprise Solutions Ltd.	Gas Ruddy – ALT Turbines Co. Ltd.	Bunnahowen Ballina Road Mayo	Small Scale Wind Project	2.550
16	1/2/21	SWS Green Energy Ltd.	Kill Hills Windfarm	Kill Hills Windfarm Duala Cashel Co. Tipperary	Large Scale Wind Project	36.800
17	1/2/22	Bord Gáis Energy Ltd.	Monaincha Farm Ltd.	Wind Monaincha Roscrea Co. Tipperary	Large Scale Wind Project	36.000
18	1/2/23	FlogasEnterprise Solutions Ltd.	Carrownawelaun Energy Ltd.	Carrownawelaun Windfarm Kilkee Co. Clare	Small Scale Wind Project	4.600
19	1/2/24	Energia Customer Solutions Ltd.	Rathnameneenagh Energy Ltd.	Ballycurren Windfarm Rathnameneenagh Ballycurren Ring Co. Waterford	Small Scale Wind Project	4.990
20	1/2/25	Burren Energy Supply Ltd.	Knocknagoum Windfarm Ltd.	Knocknagoum Windfarm Lyrecrompane Listowel Co. Kerry	Small Scale Wind Project	1.800
21	1/2/27	FlogasEnterprise Solutions Ltd.	Knocknalour Farm Ltd.	Wind Knocknalour Windfarm Phase 2 Knocknalour Bunclody Co. Wexford	Small Scale Wind Project	4.350

(1)	(2)	(3)	(4)	(5)	(6)	(7)
Ref. No.	REFIT Power Purchase Agreement Reference	Supplier	Electricity generator	Generation plant Description	Energy source of electricity	Capacity Accepted into REFIT (MW)
22	1/2/30	FlogasEnterprise Solutions Ltd.	Louth Council	County Whiteriver Landfill Site Dunleer Louth	Biomass LGF	1.274
23	1/2/31	Templederry Renewable Energy Supply Ltd.	Athgarvan Company Ltd.	Grain Athgarvan Newbridge Kildare	Mill Hydro Co. Project	0.040
24	1/2/35	Energia Customer Solutions Ltd.	Faughary Farm Ltd.	Wind Faughary Manorhamilton Co. Leitrim	Large Scale Wind Project	6.000
25	1/2/36	ESB	Woodhouse Windfarm Ltd.	Woodhouse Windfarm Dungarvan Co. Waterford	Large Scale Wind Project	23.280
26	1/2/37	Templederry Renewable Energy Supply Ltd.	Salvaged Ltd. T/A Maharaj	Energy Alan The Old Woollen Mill Bleach Road Kilkenny	Hydro Project	0.150
27	1/2/38	FlogasEnterprise Solutions Ltd.	Carrickeeny Ltd.	Wind Carrickeeny Windfarm Manorhamilton Co. Leitrim	Large Scale Wind Project	7.650
28	1/2/39	Meitheal Gaoithe na Gaoithe Energy Supply Ltd.	Gortnahalla Farm Ltd.	Wind Gortnahalla Windfarm Upperchurch Co. Tipperary	Small Scale Wind Project	0.499
29	1/2/40	Templederry Renewable Energy Supply Ltd.	South Tipperary County Council	M8 Junction Cloghabreedy Co. Tipperary	10 Cahir Small Scale Wind Project	0.006
30	1/2/41	LGLP Energy Supply Ltd.	Coir na Teoranta	Wind Lettergunnet Spiddal Co. Galway	Large Scale Wind Project	40.900
31	1/2/42	Mount Lucas Supply Company Ltd.	Mount Lucas Farm Ltd.	Wind Mount Daingean Offaly	Lucas Co. Large Scale Wind Project	79.200
32	1/2/43	Bruckana Supply Company Ltd.	Bruckana Farm Ltd.	Wind Bruckana Windfarm Bruckana Templetuohy Co. Tipperary	Large Scale Wind Project	39.600
33	1/2/44	FlogasEnterprise Solutions Ltd.	Bord na Móna Environmental Ltd.	Wind Killinagh Carbury Co. Kildare	Biomass LGF	5.000

(1)	(2)	(3)	(4)	(5)	(6)	(7)
Ref. No.	REFIT Power Purchase Agreement Reference	Supplier	Electricity generator	Generation plant Description	Energy source of electricity	Capacity Accepted into REFIT (MW)
34	1/2/46	Bord Gáis Energy Ltd.	Barranafaddock Sustainable Electricity Ltd.	Barranafaddock Windfarm Barranafaddock Ballyduff Waterford Co.	Large Scale Wind Project	32.400
35	1/2/47	Energia Customer Solutions Ltd.	Windgeneration Ireland Ltd.	Meenadreen Windfarm Meenadreen Donegal Co.	Large Scale Wind Project	89.850
36	1/2/49	ElectroRoute Energy Supply Ltd.	Knocknagashel Wind Farm Ltd.	Cloghboola Windfarm Knocknagashel Co. Kerry	Large Scale Wind Project	46.000
37	1/2/50	ElectroRoute Energy Supply Ltd.	Ballybay Farm Ltd.	Wind Ballybeagh Windfarm Ballybeagh Tullaroan Kilkenny Co.	Large Scale Wind Project	13.800
38	1/2/51	Beal na mBlath Power Trading Ltd.	Foyle Windfarm	Holmes Windfarm Foylatalure Tullaroan Kilkenny	Hill Large Scale Wind Project	9.600
39	1/2/52	FlogasEnterprise Solutions Ltd.	Devine Associates Derrinumera Ltd.	& Derrinumera Landfill Newport Co. Mayo	Biomass LFG	0.380
40	1/2/53	Cnoc Energy Supply Ltd.	Cnoc Ltd.	Windfarms Bawnlea Grange Barna Thurles Co. Tipperary	Large Scale Wind Project	11.500
41	1/2/56	Energia Customer Solutions Ltd.	Ballybane Windfarms Ltd.	Glanta Commons Windfarm Extension Phase 2A Lognagappul Barryroe & Dromdourneen Bantry Co. Cork	Large Scale Wind Project	13.050
42	1/2/58	Bord Gáis Energy Ltd.	Ballagh Windfarm Ltd.	Windfarm Ballagh Ashford Co. Wicklow	Small Scale Wind Project	4.600
43	1/2/59	Lantanier Ltd.	Janssen Biologics (Ireland)	Janssen Biologics (Ireland) Barnahely Ringaskiddy Co. Cork	Small Scale Wind Project	2.000

(1)	(2)	(3)	(4)	(5)	(6)	(7)	
Ref. No.	REFIT Power Purchase Agreement Reference	Supplier	Electricity generator	Generation plant Description	Energy source of electricity	Capacity Accepted into REFIT (MW)	
44	1/2/60	Lantanier Ltd.	DePuy (Ireland)	Loughbeg Industrial Ringaskiddy Cork	Small Scale Wind Project	2.500	
45	1/2/61	FlogasEnterprise Solutions Ltd.	Connaught Ltd.	Cloonlusk Co. Galway	Tuam	Small Scale Wind Project	4.250
46	1/2/62	FlogasEnterprise Solutions Ltd.	Kilmeedy Windfarm Ltd.	Kilmeedy Windfarm Ballinruan Kilmeedy Limerick	Small Scale Wind Project	4.999	
47	1/2/63	Dunmore Power Supply Ltd.	Collon Wind Power Ltd.	Collon Windfarm Leaby Cross Collon Co. Louth	Small Scale Wind Project	3.000	
48	1/2/65	FlogasEnterprise Solutions Ltd.	Cork City Council T/A KRLF Power	Kinsale Landfill Tramore	Road Site LFG Valley	Biomass	0.500
49	1/2/66	FlogasEnterprise Solutions Ltd.	Regan Wind Ltd.	Crockbrack Farm Moville Donegal	Wind Co.	Small Scale Wind Project	4.000
50	1/2/68	FlogasEnterprise Solutions Ltd.	Kilbranish Farm Ltd.	Wind Kilbranish Windfarm Bunclody Carlow	Small Scale Co.	Wind Project	2.500
51	1/2/69	FlogasEnterprise Solutions Ltd.	Portfinch Ltd.	Beale Hill 3	Small Scale	Wind Project	1.300
52	1/2/70	Bord Gáis Energy Ltd.	Gallia Commercial Ltd.	Windfarm Roosky Ballaghaderreen Roscommon	Small Scale Co.	Wind Project	3.600
53	1/2/73	Energia Customer Solutions Ltd.	Windgeneration Ireland Ltd.	Windfarm Meenadreen Meenadreen Laghey Co. Donegal	Large Scale Wind Project	5.400	
54	1/2/74	Bord Gáis Energy Ltd.	Scart Energy Ltd.	Windfarm Scartaglen Barna Scartaglen Co. Kerry	Large Scale Wind Project	39.250	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	
Ref. No.	REFIT Power Purchase Agreement Reference	Supplier	Electricity generator	Generation plant Description	Energy source of electricity	Capacity Accepted into REFIT (MW)	
55	1/2/76	DWL Energy Supply Ltd.	Green Supply Ltd.	Energy Boggeragh Windfarm Boggeragh Mountains Cork	(2) Large Scale Wind Co. Project	65.000	
56	1/2/78	ElectroRoute Energy Supply Ltd.	Killala Wind Farm DAC	Community Killala Co. Mayo	Large Scale Wind Project	19.200	
57	1/2/79	SSE Ltd.	Airtricity Teoranta	Comhlacht Gaoithe Cloosh Roscahill Valley Co. Galway (Uggool & Lettercraffroe Windfarms)	Large Scale Wind Project	64.000	
58	1/2/80	SSE Ltd.	Airtricity Cloosh Valley Farm DAC	Wind Cloosh Roscahill Valley Co. Galway	Large Scale Wind Project	105.000	
59	1/2/81	SWS Energy Ltd.	Green Ballyhoura Ltd.	Wind Buttevant Farm Streamhill East & West Doneraile Co. Cork	Wind Large Scale Wind Project	18.300	
60	1/2/82	ESB		Raheenleagh Power Ltd.	Raheenleagh Windfarm Raheenleagh Croghan Mountain Co. Wicklow	Large Scale Wind Project	35.200
61	1/2/83	Flogas Enterprise Solutions Ltd.	Lisdowney Farm Ltd.	Wind Lisdowney Ballyragget Kilkenny	Co. Large Scale Wind Project	9.200	
62	1/2/84	SSE Ltd.	Airtricity Gweedore Farm Ltd.	Wind Cronalacht Mountain Gweedore Donegal	Co. Large Scale Wind Project	16.960	
63	1/2/87	Flogas Enterprise Solutions Ltd.	Raragh Developments Ltd.	Raragh Windfarm Raragh Kingscourt Co. Cavan	Large Scale Wind Project	11.500	
64	1/2/88	Flogas Enterprise Solutions Ltd.	Tullabrack Ltd.	Energy Tullabrack Windfarm Tullabrack Co. Clare	Kilkee Large Scale Wind Project	13.800	
65	1/2/89	ElectroRoute Energy Supply Ltd.	Glencarbray Windfarm Ltd.	Glencarbray Windfarm Glencarbray Hollyford Tipperary	Co. Large Scale Wind Project	33.000	

(1)	(2)	(3)	(4)	(5)	(6)	(7)
Ref. No.	REFIT Power Purchase Agreement Reference	Supplier	Electricity generator	Generation plant Description	Energy source of electricity	Capacity Accepted into REFIT (MW)
66	1/2/90	Energia Customer Solutions Ltd.	Killin Hill Windfarm Ltd.	Killin Donegal Hill	Co. Large Scale Wind Project	6.000
67	1/2/93	Bord Gás Energy Ltd.	Oldmill Wind Ltd.	Carrickatee Monaghan	Co. Large Scale Wind Project	16.100
68	1/2/94	Pallas Energy Supply Ltd.	Pallas Wind Farm Ltd.	Pallas Windfarm Extension Banemore Listowel Co. Kerry	Large Scale Wind Project	13.800
69	1/2/96	Statkraft Markets GmbH	Wind Consultants Ltd.	Carhooearagh Moyvane Co. Kerry	Small Scale Wind Project	0.499
70	1/2/97	Microsoft Ireland Energy Ltd.	Ronaver Energy	Tullahennel / Larha Ballylongford Co. Kerry	Large Scale Wind Project	37.000
71	1/2/98	Flogas Enterprise Solutions Ltd.	Gortnacloghy Wind Farm Ltd.	Gortnacloghy Windfarm Newcastle West Co. Limerick	Small Scale Wind Project	4.400
72	1/2/100	Flogas Enterprise Solutions Ltd.	Liffey Energy Ltd.	Ballyjamesduff Co. Cavan	Small Scale Wind Project	3.017
73	1/2/102	Derrysallagh Supply Energia Customer Solutions Ltd.	Derrysallagh Windfarm Ltd.	Derrysallagh Sligo	Co. Large Scale Wind Project	34.000
74	1/2/105	ElectroRoute Energy Supply Ltd.	Coolegream Windfarm Ltd.	Coolegream Brosna Co. Kerry	Large Scale Wind Project	18.500
75	1/2/106	ElectroRoute Energy Supply Ltd.	Cumhacht an Tigh Sholais Teoranta	Rossaveel Windfarm Rossaveel Connemara Co. Galway	Small Scale Wind Project	3.000
76	1/2/107	SSE Ltd.	Airtricity Seahound Developments Ltd.	Letteragh Co. Clare	Large Scale Wind Project	13.400

(1)	(2)	(3)	(4)	(5)	(6)	(7)	
Ref. No.	REFIT Power Purchase Agreement Reference	Supplier	Electricity generator	Generation plant Description	Energy source of electricity	Capacity Accepted into REFIT (MW)	
77	1/2/108	Green Grid Ltd.	REI Developments Ltd.	Wind Turraheen Hollyford Tipperary	Upper Co. Small Scale Wind Project	0.494	
78	1/2/109	ESBIE Electric Ireland Ltd.	T/A ESB	Moneypoint Power Station Killimer Co. Clare	Large Scale Wind Project	18.000	
79	1/2/112	ElectroRoute Energy Supply Ltd.	Aeolus Windfarms	Bunnyconnellan Windfarm Bunnyconnellan East & Drumsheen Ballina Co. Mayo	Large Scale Wind Project	27.600	
80	1/2/113	Flogas Enterprise Solutions Ltd.	Clophaneleskirt Wind Farm Ltd.	Clophaneleskirt Lyrecrumpane Tralee Co. Kerry	Large Scale Wind Project	11.500	
81	1/2/114	Dunman Energy Supply Ltd.	Killaveenoge Windfarm Ltd.	Killaveenoge West Derreenaspeeg Killaveenoge East Curranashingane & Garranes Drinagh Co. Cork	Large Scale Wind Project	24.800	
82	1/2/115	Templederry Renewable Energy Supply Ltd.	Kilaclug Scheme Ltd.	Hydro Kilaclug Co. Cork	Macroom Hydro Project	0.300	
83	1/2/118	SSE Ltd.	Airtricity	Derrynadivva Windfarm Ltd.	Raheen Castlebar Co. Mayo	Barr Large Scale Wind Project	6.800
84	1/2/119	Shamrock Energy Supply Ltd.	Meenwaun	Windfarm Ltd.	Meenwaun Banagher Offaly	Co. Large Scale Wind Project	9.999
85	1/2/125	ESB	Kerry Wind Power Ltd.	Grousemount Windfarm Kilgarvan Co. Kerry	Kilgarvan Co. Large Scale Wind Project	114.200	
86	1/2/126	SSE Ltd.	Airtricity	Mid Renewable Energy DAC	Clare Cahermurphy Kilmihil Kilrush Co. Clare	Large Scale Wind Project	6.000

(1)	(2)	(3)	(4)	(5)	(6)	(7)
Ref. No.	REFIT Power Purchase Agreement Reference	Supplier	Electricity generator	Generation plant Description	Energy source of electricity	Capacity Accepted into REFIT (MW)
87	1/2/127	SSE Ltd.	Airtricity Mauricetown Wind Farm Ltd.	Mauricetown Windfarm Glenduff Darrery & Coolnanoglash Ballagh Co. Limerick	Large Scale & Wind Project	13.800
88	1/2/128	Flogas Enterprise Solutions Ltd.	Meenaward Farm Ltd.	Sladran Shandrim Buncrana Lifford Co. Donegal	Large Scale Wind Project	6.900
89	1/2/130	ESB	Oweninny Power Ltd.	Oweninny Power Windfarm (Phase 1) Oweninny Bellacorrick Crossmolina Co. Mayo	Large Scale Wind Project	89.000
90	1/2/132	Flogas Enterprise Solutions Ltd.	Louis A. McAuley (1976) Ltd.	Burtonstown Balthar Navan Co. Meath	Small Scale Wind Project	0.300
91	1/2/133	Captured Carbon Ltd.	Ballon Meats	Raheenkillane Ballon Co. Carlow	Small Scale Wind Project	0.499
92	1/2/134	ESB	Cappawhite Ltd.	Cappawhite Windfarm Cappawhite Tipperary	Large Scale Wind Project	52.000
93	1/2/135	Energia Customer Solutions Ltd.	Tullynamoyle Windfarm 3 Ltd.	Tullynamoyle Windfarm 3 Killarga Co. Leitrim	Large Scale Wind Project	13.578
94	1/2/139	SSE Ltd.	Airtricity Leanamore Farm Ltd.	Leanamore Lislaughtin Ballylongford Kerry	Large Scale Wind Project	18.000
95	1/2/144	Statkraft Markets GmbH	Tierney Farms	Caherbrack Ballinamult Waterford	Small Scale Wind Project	0.150
96	1/2/145	Bord Gáis Energy Ltd.	Tullynamoyle Wind Farm 2 Ltd.	Tullynamoyle Windfarm Tullynamoyle Killarga Co. Leitrim	Large Scale Wind Project	10.225
97	1/2/146	Snowgold Ltd.	Booly Ltd.	Windfarm Booleynagearagh Lissycasey Clare	Large Scale Wind Project	36.980

(1)	(2)	(3)	(4)	(5)	(6)	(7)
Ref. No.	REFIT Power Purchase Agreement Reference	Supplier	Electricity generator	Generation plant Description	Energy source of electricity	Capacity Accepted into REFIT (MW)
98	1/2/149	Cloghaneleskirt Energy Supply Ltd.	Dromadda Wind Farm Ltd.	Beg Dromadda Glantaunyalkeen Cloghboola Lyrecrumpane Listowel Co. Kerry	Beg Large Scale Wind Project	9.999
99	1/2/150	ESB	Castlepook Ltd.	Castlepook Windfarm Ballyhoura Cork	Co. Large Scale Wind Project	33.100
100	1/2/152	SSE Ltd.	Airtricity Grady Joinery Ltd.	Brackloonagh South Charlestown Co. Mayo	Small Scale Wind Project	2.350
101	1/2/160	Abo Wind Supply Ltd. Clogheravaddy Supply Ltd.	Clogheravaddy Wind Farm Ltd.	Meenagranoge Meenacahan Inver Co. Donegal	Large Scale Wind Project	9.200
102	1/2/161	Bally Wind Supply Ltd.	Milestone Windfarm Ltd.	Knockcurraghbola Commons Knockcurraghbola Crownlands Granaira, Shevry, Milestone & Inchivara Co. Tipperary	Large Scale Wind Project	13.180
103	1/2/162	Tramlock Ltd.	PWWP Developments Ltd.	Magheramore Regganbrack Bekan Cloontoa Caraun, Carrowreagh Ballykinava Cullmore Claremorris Mayo	Large Scale Wind Project	40.799
104	1/2/167	SWS Energy Ltd.	Green Knockawarriga Windfarm Ltd.	2 Knockwarriga Limerick	Co. Large Scale Wind Project	6.600
105	1/2/168	SWS Energy Ltd.	Green CCWFL Ltd.	Slievecallan Clare	Co. Large Scale Wind Project	26.875
106	1/2/169	SSE Ltd.	Airtricity Kiltumper Farm Ltd.	Wind Kiltumper Co. Clare	Kilmihil Small Scale Wind Project	4.600

(1)	(2)	(3)	(4)	(5)	(6)	(7)	
Ref. No.	REFIT Power Purchase Agreement Reference	Supplier	Electricity generator	Generation plant Description	Energy source of electricity	Capacity Accepted into REFIT (MW)	
107	1/2/170	Energia Customer Solutions Ltd.	Ballybane Windfarms Ltd.	Glanta Commons Windfarm Extension (Phase 3) Dromourneen, Bantry Co. Cork	Small Scale Wind Project	4.450	
108	1/2/180	ElectroRoute Energy Supply Ltd.	Teevurcher Ltd.	Teevurcher Agheragh Tierworker Co. Meath	& Large Scale Wind Project	9.000	
109	1/2/185	ElectroRoute Energy Supply Ltd.	B&R Wind Ltd.	Boolard Dromina Charleville Co. Cork	Small Scale Wind Project	4.449	
110	1/2/186	ElectroRoute Energy Supply Ltd.	B&R Wind Ltd.	Rathnacally Charleville Cork	Small Co. Scale Wind Project	4.449	
111	1/2/187	FlogasEnterprise Solutions Ltd.	Tesco Ireland	Turvey Avenue Donabate Dublin	Small Co. Scale Wind Project	0.499	
112	1/2/188	Statkraft Markets GmbH	Winter Winds Ltd.	Toberatoreen Beenanaspuck Windfarm Gortdromasillahy Kilbaha North Co. Kerry	& Large Scale Wind Project	24.500	
113	1/2/192	SSE Ltd.	Airtricity Ltd.	Carrickallen Wind	Carrickallen Mountainlodge Cootehill Co. Cavan	Large Scale Wind Project	20.500
114	1/2/196	Warmhill Ltd.	Knockalough Farm Ltd.	Knockalough Wind Farm	Finisklin & Laughill Co. Galway	Large Scale Wind Project	33.600
115	1/2/197	Plum Energy Supply Ltd.	WCRE Ltd.	Windfarm	Slieve Callan Co. Clare	Large Scale Wind Project	44.515
116	1/2/198	Rio Energy Supply Ltd.	Clare Winds Ltd.		Glenmore Boolnamweel Boolynakockaun Furoor Kilmihil Co. Clare	Large Scale Wind Project	23.999

(1)	(2)	(3)	(4)	(5)	(6)	(7)
Ref. No.	REFIT Power Purchase Agreement Reference	Supplier	Electricity generator	Generation plant Description	Energy source of electricity	Capacity Accepted into REFIT (MW)
117	1/2/199	Stacks Energy Supply Ltd.	Barna Wind Energy (B.W.E.) Ltd.	Lackareagh Garanereagh Lissarda Barnadivane others Co. Cork	Large Scale Wind & Project	57.600
118	1/2/200	FlogasEnterprise Solutions Ltd.	Corvin Wind Ltd.	Mossegde Bauville, Keelogs Clonglash DruminderryUpper & Lower Buncrana Co. Donegal	Small Scale & Wind Project	0.499
119	1/2/202	FlogasEnterprise Solutions Ltd.	Corvin Wind Ltd.	Corvin Windfarm Bauville, Keelogs & Clonglash Buncrana Co. Project Donegal	Small Scale Wind Project	2.100
120	1/2/203	FlogasEnterprise Solutions Ltd.	Curraghderrig Wind Ltd.	Curraghderrig Asdee Co. Kerry	Small Scale Wind Project	4.500
121	1/2/204	Statkraft Markets GmbH	Kilpatrick Ltd.	Kilpatrick Co. Cork	Small Scale Wind Project	0.499
122	1/2/212	Fallback Ltd.	Inchee Supply Ltd.	Energy Derrineanig Derragh Macroom Co. Cork	Large Scale Wind Project	42.640
123	1/2/213	ElectroRoute Energy Supply Ltd.	Ballycumber Farm Ltd.	Wind Ballycumber Tinahely Wicklow	Co. Large Scale Wind Project	17.999
124	1/2/216	ElectroRoute Energy Supply Ltd.	Blacklough Windfarm Ltd.	Wind Blacklough Windfarm Tawnamore Culleens Dromore West Co. Sligo	Large Scale Wind Project	12.500
125	1/2/217	Captured Carbon Ltd.	Ballynultagh Farm Ltd.	Wind Ballynultagh Shillelagh Wicklow	Co. Small Scale Wind Project	0.498
126	1/2/220	FlogasEnterprise Solutions Ltd.	Metro Energy Ltd.	Wind Kilberehert Windfarm Freemount Charleville Cork	Co. Small Scale Wind Project	4.799

(1)	(2)	(3)	(4)	(5)	(6)	(7)
Ref. No.	REFIT Power Purchase Agreement Reference	Supplier	Electricity generator	Generation plant Description	Energy source of electricity	Capacity Accepted into REFIT (MW)
127	1/2/222	SSE Ltd.	Airtricity WED Castle Ltd.	Tullynamalra Castleblaney Monaghan	Co. Small Scale Wind Project	2.350
128	1/2/239	ElectroRoute Energy Supply Ltd.	Enros Wind Farm	Aught Donegal	Co. Small Scale Wind Project	2.300
129	1/2/240	ElectroRoute Energy Supply	Three Trees Project Ltd.	Wind Three Trees Co. Donegal	Muff	Small Scale Wind Project
130	1/2/241	ElectroRoute Energy Supply	Powercon Energy Ltd.	Wind Cloonkeelaun Sligo	Co.	Small Scale Wind Project
						2.650]

Annotations**Amendments:**

F93 Substituted (19.12.2024) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) (No. 2) Order 2024* (S.I. No. 756 of 2024), art. 5 and sch. 2.

Editorial Notes:

E66 Previous affecting provision: schedule substituted (25.07.2024) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) (No. 1) Order 2024* (S.I. No. 377 of 2024), art. 4 and sch. 2; substituted (19.12.2024) as per F-note above.

E67 Previous affecting provision: schedule substituted (20.02.2023) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2023* (S.I. No. 119 of 2023), art. 14 and sch. 3; substituted (25.07.2024) as per E-note above.

E68 Previous affecting provision: schedule substituted (16.10.2021) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2021* (S.I. No. 532 of 2021), art. 3(b) and sch. 2; substituted (20.02.2023) as per E-note above. Note apparent typo in art. 3(b) substituting sch. 1, not sch. 4. Note also reference to previous amendment by Order of 2020, art. 3(c) which appears to refer to S.I. No. 500 of 2020, art. 3(a).

E69 Previous affecting provision: schedule substituted (2.11.2020) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) (No. 2) Order 2020* (S.I. No. 500 of 2020), art. 3(a) and sch. 1; substituted (16.10.2021) as per F-note above.

E70 Previous affecting provision: schedule substituted (29.09.2019) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2019* (S.I. No. 497 of 2019), art. 3(b), sch. 2; substituted (2.11.2020) as per E-note above.

E71	Previous affecting provision: schedule substituted (27.09.2018) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2018</i> (S.I. No. 403 of 2018), art. 3(f) and sch. 2; substituted (29.09.2019) as per E-note above.
E72	Previous affecting provision: schedule substituted (13.10.2017) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2017</i> (S.I. No. 459 of 2017), art. 3(a); substituted (27.09.2018) as per E-note above.
E73	Previous affecting provision: schedule substituted (8.12.2016) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2016</i> (S.I. No. 600 of 2016), art. 3(d); substituted (13.10.2017) as per E-note above.
E74	Previous affecting provision: schedule substituted (11.12.2015) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2015</i> (S.I. No. 556 of 2015), art. 3(e); substituted (8.12.2016) as per E-note above.
E75	Previous affecting provision: schedule substituted (19.12.2014) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2014</i> (S.I. No. 603 of 2014), art. 2(f); substituted (11.12.2015) as per E-note above.
E76	Previous affecting provision: schedule substituted (25.10.2013) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2013</i> (S.I. No. 421 of 2013), art. 3(g); substituted (19.12.2014) as per E-note above.
E77	Previous affecting provision: schedule inserted (31.10.2012) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2012</i> (S.I. No. 438 of 2012), art. 2(k); superseded (25.10.2013) as per E-note above.

F94 [SCHEDULE 5

In this Schedule—

"AD" means anaerobic digestion;

"anaerobic digestion" means the process by which biomass material is broken down by micro-organisms under anaerobic conditions, and where the resulting biogas is used to generate electricity;

"biomass" means the biodegradable fraction of products, waste and residues from biological origin from agriculture (including vegetal and animal substances), forestry and related industries including fisheries and aquaculture, as well as the biodegradable fraction of industrial and municipal waste;

"co-firing" means the combustion of biomass, up to 30% of the stated electricity generation capacity of the plant in any single year, in one of the existing three peat fired power stations operational under state aid clearance;

"cogeneration" means the simultaneous generation in one process of thermal energy and electrical or mechanical energy, or electrical and mechanical energy;

"HECHP" means high efficiency cogeneration which complies with criteria specified in Annex II to Directive 2012/27/EC of the European Parliament and of the Council of 25 October 2012¹.

¹ OJ No. L 315, 14.11.2012, p. 1.

(1)	(2)	(3)	(4)	(5)	(6)	(7)
Ref No.	REFIT Power Purchase Agreement Reference	Supplier	Electricity generator	Generation plant Description	Energy source of electricity	Capacity Accepted into REFIT (MW)
1	1/3/1	Flogas Enterprise Solutions Ltd.	Green Generation Ltd.	Gorteen Lower Gas Generator	AD HECHP	1.060
2	1/3/2	Flogas Enterprise Solutions Ltd.	BioCore Environmental AD1 Ltd.	BioCore Environmental AD1 Ltd.	AD HECHP	0.499
3	1/3/4	Flogas Enterprise Solutions Ltd.	Rockbrook A.D.	Rockbrook Ballyroan	AD HECHP	0.499
4	1/3/5	Bord Gáis Energy Ltd.	McDonnell Farms Biogas Ltd.	GreenGas Plant	AD AD HECHP	0.499
5	1/3/10	Killowen Biogas Ltd.	Ormonde Organics AD	Killowen Portlaw Co.	AD HECHP	0.500
6	1/3/11	Flogas Enterprise Solutions Ltd.	Ballyshannon Recycling Ltd.	Adamstown Co. Wexford	AD HECHP	0.100
7	1/3/17	Killowen Biogas Ltd.	Ormonde Organics AD	Killowen Portlaw Co.	AD HECHP	0.499
8	1/3/21	SSE Airtricity Ltd.	Cork Energy Ltd.	Gortnalicka Clondrohid	Biomass HECHP	1.200
9	1/3/23	Edenderry Supply Company Ltd.	Edenderry Power Ltd.	Macroom Co. Cork	Biomass co-firing	38.400**
10	1/3/27	Flogas Enterprise Solutions Ltd.	Carrons Wind Farm Ltd.	Dunmoylan Shanagolden Co. Limerick	AD HECHP	0.500
11	1/3/34	Killowen Biogas Ltd.	Eras Eco Ltd.	Foxhole Youghal Co.	AD HECHP	0.498

(1)	(2)	(3)	(4)	(5)	(6)	(7)
Ref No.	REFIT Power Purchase Agreement Reference	Supplier	Electricity generator	Generation plant Description	Energy source of electricity	Capacity Accepted into REFIT (MW)
12	1/3/45	Flogas Enterprise Solutions Ltd.	Timoleague AgriGen Ltd.	Barrys Hall Timoleague Co. Cork	AD HECHP	0.500

** Note exact MWh to receive REFIT in respect of this plant will only be known ex-post.]

Annotations

Amendments:

F94 Substituted (19.12.2024) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) (No. 2) Order 2024* (S.I. No. 756 of 2024), art. 6 and sch. 3.

Editorial Notes:

E78 Previous affecting provision: schedule substituted (25.07.2024) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) (No. 1) Order 2024* (S.I. No. 377 of 2024), art. 5 and sch. 3; substituted (19.12.2024) as per F-note above.

E79 Previous affecting provision: schedule substituted (20.02.2023) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2023* (S.I. No. 119 of 2023), art. 14 and sch. 4; substituted (25.07.2024) as per E-note above.

E80 Previous affecting provision: schedule substituted (16.10.2021) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2021* (S.I. No. 532 of 2021), art. 3(c) and sch. 3; substituted (20.2.2023) as per E-note above. Note apparent typo in art. 3(c) substituting sch. 2, not sch. 5. Note also reference to previous amendment by Order of 2020, art. 3(c) which appears to refer to S.I. No. 500 of 2020, art. 3(b).

E81 Previous affecting provision: schedule substituted (2.11.2020) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) (No. 2) Order 2020* (S.I. No. 500 of 2020), art. 3(b) and sch. 2; substituted (16.10.2021) as per E-note above.

E82 Previous affecting provision: schedule substituted (29.09.2019) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2019* (S.I. No. 497 of 2019), art. 3(c) and sch. 3; substituted (2.11.2020) as per E-note above.

E83 Previous affecting provision: schedule substituted (27.09.2018) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2018* (S.I. No. 403 of 2018), art. 3(e) and sch. 3; substituted (29.09.2019) as per E-note above.

E84 Previous affecting provision: schedule substituted (13.10.2017) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2017* (S.I. No. 459 of 2017), art. 3(b); substituted (27.09.2018) as per E-note above.

E85 Previous affecting provision: schedule substituted (8.12.2016) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2016* (S.I. No. 600 of 2016), art. 3(e); substituted (13.10.2017) as per E-note above.

E86	Previous affecting provision: schedule substituted (11.12.2015) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2015</i> (S.I. No. 556 of 2015), art. 3(f); substituted (8.12.2016) as per E-note above.
E87	Previous affecting provision: schedule substituted (19.12.2014) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2014</i> (S.I. No. 603 of 2014), art. 2(g); substituted (11.12.2015) as per E-note above.
E88	Previous affecting provision: schedule substituted (25.10.2013) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2013</i> (S.I. No. 421 of 2013), art. 3(g); substituted (19.12.2014) as per E-note above.
E89	Previous affecting provision: schedule inserted (31.10.2012) by <i>Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2012</i> (S.I. No. 438 of 2012), art. 2(k); superseded (25.10.2013) as per E-note above.

F95 [SCHEDULE 6]

In this Schedule—

"biogas" has the meaning given to it in Article 2 of the Renewable Energy Directive;

"biomass" has the meaning given to it in Article 2 of the Renewable Energy Directive;

"high efficiency chp" or "HECHP" means high efficiency cogeneration which complies with criteria specified in Annex II to Directive 2012/27/EC of the European Parliament and of the Council of 25 October 2012²;

"hydro" means hydroelectric generation which uses hydraulic turbines but excludes pumped-storage hydro;

"onshore wind project" means an onshore energy project using wind turbine generation which is connected directly to the electricity network and metered independently of any other electricity generating plant at a single metering point;

"solar project" means an onshore energy project using solar thermal or solar photovoltaic which is connected directly to the electricity network and metered independently of any other electricity generating plant at a single metering point.

(1)	(2)	(3)	(4)	(5)	(6)
Ref. No.	RESS Reference	Supplier	Electricity generator	Energy source of electricity	Capacity Accepted into RESS (MW)
1	1-0066	Statkraft GmbH	Markets Galetech Developments	Energy Developments Cloghan Ltd.	34.00
2	1-0067	Cloncreen Wind Farm Supply DAC	Cloncreen Farm DAC	Wind Wind	75.00
3	1-0140	Bord Gáis Energy Ltd.	Neoen (formerly BNRGN)	Solar Hilltown Ltd.	10.00

² OJ No. L 315, 14.11.2012, p. 1.

(1) Ref. No.	(2) RESS Reference	(3) Supplier	(4) Electricity generator	(5) Energy source of electricity	(6) Capacity Accepted into RESS (MW)
4	1-0142	Bord Gáis Energy Ltd.	Neoen (formerly BNGRN) Hortland Ltd.	Solar	14.00
5	1-0155	Tippo Ltd.	Bawnmore Windfarm Ltd.	Solar	4.00
6	1-0186	Bord Gáis Energy Ltd.	Neoen (formerly BNRGN) Millvale Ltd.	Solar	8.00
7	1-0205	Bord Gáis Energy Ltd.	Bord Na Móna	Solar	83.00
8	1-0226	Bord Gáis Energy Ltd.	Encavis	Wind	16.80
9	1-0228	Rio Energy Supply Ltd.	Clare Winds Ltd.	Wind	8.00
10	1-0234	Statkraft Markets GmbH	Cregg Wind Ltd.	Farm	Wind 23.06
11	1-0254	Erova Energy Supply Ltd.	Clogheravaddy Wind Ltd.	Wind Farm	Wind 10.80
12	1-0260	Erova Energy Supply Ltd.	Wind Consultants Ltd.	Power	Wind 0.50
13	2-0023	Flogas Enterprise Solutions Ltd.	Blue Pine Solar Ltd.	03	Solar 4.00
14	2-0024	Flogas Enterprise Solutions Ltd.	Blue Pine Solar Ltd.	06	Solar 6.00
15	2-0031	Bord Gáis Energy Ltd.	BNRG	Kerdifftown	Solar 4.00
16	2-0032	Bord Gáis Energy Ltd.	BNRG	Dunmurry	Solar 12.00
17	2-0075	Flogas Enterprise Solutions Ltd.	EEPV4 Ltd.		Solar 35.00
18	2-0076	Flogas Enterprise Solutions Ltd.	EEPV5 Ltd.		Solar 25.00
19	2-0078	Flogas Enterprise Solutions Ltd.	EEPV3 Ltd.		Solar 4.00
20	2-0080	Flogas Enterprise Solutions Ltd.	Blue Pine Solar Ltd.	01	Solar 4.00
21	2-0082	Flogas Enterprise Solutions Ltd.	EEPV10 Ltd.		Solar 5.80
22	2-0083	Flogas Enterprise Solutions Ltd.	EEPV2 Ltd.		Solar 4.00
23	2-0088	Flogas Enterprise Solutions Ltd.	Blue Pine Solar Ltd.	08	Solar 4.00
24	2-0109	ESB	Harmony Longford Ltd.	Solar	Solar 56.60
25	2-0111	Bord Gáis Energy Ltd.	Joriclo Ltd.		Solar 80.00

(1)	(2)	(3)	(4)	(5)	(6)
Ref. No.	RESS Reference	Supplier	Electricity generator	Energy source of electricity	Capacity Accepted into RESS (MW)
26	2-0156	Bord Gáis Energy Ltd.	Natkhas Ltd.	Solar	95.00
27	2-0214	ESB	Tullamore Farm Ltd.	Solar	50.00
28	2-0231	Bord Gáis Energy Ltd.	Clogheravaddy Wind Farm Ltd.	Wind	3.60
29	2-0246	Bord Gáis Energy Ltd.	BNRG Finnis Ltd.	Solar	9.40
30	2-0249	Bord Gáis Energy Ltd.	Tullynamoyle	Wind	16.35
			Farm 5 Ltd.	Wind	
31	2-0266	Flogas Enterprise Solutions Ltd.	EEPV6 Ltd.	Solar	4.00
32	2-0267	Flogas Enterprise Solutions Ltd.	EEPV11 Ltd	Solar	4.00
33	2-0268	Flogas Enterprise Solutions Ltd.	EEPV12 Ltd.	Solar	4.00
34	2-0269	Flogas Enterprise Solutions Ltd.	EEPV15 Ltd.	Solar	4.00
35	2-0270	Flogas Enterprise Solutions Ltd.	Blue Pine Solar 02	Solar	5.35
36	2-0277	ESB	Bullstown Solar Ltd.	Solar	8.42
37	2-0285	Timahoe Supply DAC	North Sundew Solar DAC	Solar	70.00
38	2-0287	Templederry Renewable Supply Ltd.	Templederry Energy	Solar	4.00
			Supply Ltd.	Renewable Energy	
				Supply Ltd.	
39	2-0289	Bord Gáis Energy Ltd.	Soleire Renewables	Solar	70.00
			SPV Alpha 2 Ltd.		
40	2-0290	Bord Gáis Energy Ltd.	Soleire Renewables	Solar	66.56
			SPV Alpha 2 Ltd.		
41	3-0086	Flogas Enterprise Solutions Ltd.	EEPV13 Ltd.	Solar	4.00
42	3-0100	Flogas Enterprise Solutions Ltd.	Friarspark Solar Ltd.	Solar	2.10
43	3-0104	SSE Airtricity Ltd.	Green Wind Energy	Wind	101.00
			(Wexford) Ltd.		
44	3-0273	Flogas Enterprise Solutions Ltd.	EEPV8 Ltd.	Solar	4.00]

Annotations**Amendments:**

F95 Substituted (19.12.2024) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) (No. 2) Order 2024* (S.I. No. 756 of 2024), art. 7 and sch. 4.

Editorial Notes:

E90 Previous affecting provision: schedule substituted (25.07.2024) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) (No. 1) Order 2024* (S.I. No. 377 of 2024), art. 6 and sch. 4; substituted (19.12.2024) as per F-note above.

E91 Previous affecting provision: schedule substituted (20.02.2023) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2023* (S.I. No. 119 of 2023), art. 16 and sch. 5; substituted (25.07.2024) as per E-note above.

E92 Previous affecting provision: schedule inserted (16.10.2021) by *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2021* (S.I. No. 532 of 2021), art. 10 and sch. 4; substituted (20.02.2023) as per E-note above.



S.I. No. 217 of 2002

**ELECTRICITY REGULATION ACT 1999 (PUBLIC SERVICE OBLIGATIONS) ORDER
2002**

REVISED

Updated to 1 August 2025

About this Revised Statutory Instrument

This Revised Statutory Instrument presents the text of the instrument as it has been amended, and preserves the format in which it was made.

Annotations

This Revised Statutory Instrument is annotated and includes textual and non-textual amendments and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this instrument, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

None

All Acts up to and including *Statute Law Revision Act 2025* (10/2025), enacted 23 July 2025, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) (No. 2) Order 2024* (S.I. No. 756 of 2024)

- *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) (No. 1) Order 2024* (S.I. No. 377 of 2024)
- *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2023* (S.I. No. 119 of 2023)
- *European Union (Renewable Energy) Regulations (2) 2022* (S.I. No. 350 of 2022)
- *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2021* (S.I. No. 532 of 2021)
- *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) (No. 2) Order 2020* (S.I. No. 500 of 2020)
- *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2020* (S.I. No. 56 of 2020)
- *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2019* (S.I. No. 497 of 2019)
- *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2018* (S.I. No. 403 of 2018)
- *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2017* (S.I. No. 459 of 2017)
- *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2016* (S.I. No. 600 of 2016)
- *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2015* (S.I. No. 556 of 2015)
- *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2014* (S.I. No. 603 of 2014)
- *European Union (Renewable Energy) Regulations 2014* (S.I. No. 483 of 2014)
- *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2013* (S.I. No. 421 of 2013)
- *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2012* (S.I. No. 438 of 2012)
- *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2011* (S.I. No. 513 of 2011)
- *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2010* (S.I. No. 532 of 2010)
- *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2009* (S.I. No. 444 of 2009)
- *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2008* (S.I. No. 284 of 2008)
- *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) (No. 2) Order 2007* (S.I. No. 583 of 2007)
- *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2007* (S.I. No. 582 of 2007)
- *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) (No. 2) Order 2005* (S.I. No. 511 of 2005)
- *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2005* (S.I. No. 380 of 2005)
- *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2004* (S.I. No. 174 of 2004)
- *Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2002* (S.I. No. 614 of 2002)

All statutory instruments up to and including *Air Pollution Act 1987 (Solid Fuels, Moisture Content) (Amendment) Regulations 2025* (S.I. No. 389 of 2025), made 1 August 2025, were considered in the preparation of this revision.