

# Decision

## Decision on statutory consultation on proposals to modify licence conditions as a result of Retail Code Consolidation

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This document sets out our decision to implement modified licence conditions, including Standard Licence Conditions and Standard Special Conditions, as a result of the Retail Code Consolidation Significant Code Review (SCR).

Retail Code Consolidation will rationalise retail energy codes through the closure of the gas Supply Point Administration Agreement (SPAA) and the electricity Master Registration Agreement (MRA) and the transfer of any provisions from those codes which need to be retained over to the Retail Energy Code (REC) or another industry code. The Smart Meter Installation Code of Practice (SMICoP) and Green Deal Arrangements Agreement (GDAA) will also be consolidated within the REC, as well as parts of the Balancing and Settlement Code (BSC) and a number of metering codes of practice. Retail Code Consolidation will be designated by the Gas and Electricity Markets Authority, and is planned to come into full effect on 1 September 2021.

Our consultation of 30 April 2021 was a statutory consultation in accordance with the Gas Act 1986 and Electricity Act 1989, concerning our proposals to modify the Smart Meter Communications Licence, Standard Conditions of Electricity Supply Licence, Standard Conditions of Gas Supply Licence, Standard Conditions and Standard Special Conditions parts A, B and D of Gas Transporter Licence, and Standard Conditions of Electricity Distribution Licence.

This document outlines our reasoning for this decision, feedback received from the statutory consultation and how this feedback has been taken into account in reaching a decision to implement these modifications to the licence conditions.

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## Executive summary

On 30 April 2021 we<sup>1</sup> launched a statutory consultation on modifications that we proposed to make to certain licence conditions, including Standard Licence Conditions (SLCs), to reflect Retail Code Consolidation and, with regard to the Smart Meter Communications licence, faster, more reliable switching.

Our licence modification proposals were consulted on in June 2019<sup>2</sup>, and then further reviewed with stakeholders, including at the Switching Programme Regulatory Design User Group. Updated proposals were consulted on in November 2020.<sup>3</sup> Our consultation of 30 April 2021<sup>4</sup> set out our updated thinking and statutory consultation on the changes to SLCs and other licence conditions for Retail Code Consolidation.

We launched the Retail Code Consolidation Significant Code Review (SCR) in November 2019.<sup>5</sup> The purpose of this SCR is to rationalise retail energy codes by closing down the electricity Master Registration Agreement (MRA) and the gas Supply Point Administration Agreement (SPAA). This SCR proposed to move the requirements from these codes that need to be retained into the Retail Energy Code (REC) or another industry code where this is more relevant. The SCR will also facilitate further consolidation by moving the Smart Meter Installation Code of Practice (SMICoP) and Green Deal Arrangements Agreement (GDAA) under the REC. Finally, the REC will also bring together gas and electricity metering arrangements, consolidating the Meter Operation Code of Practice Agreement (MOCOPA) and parts of the Balancing and Settlement Code (BSC), together with the metering provisions that sit under the SPAA (Metering Code of Practice, MCoP; formerly Meter Asset

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<sup>1</sup> References to the “Authority”, “Ofgem”, “we” and “our” are used interchangeably in this document. The Authority refers to GEMA, the Gas and Electricity Markets Authority. The Office of Gas and Electricity Markets (Ofgem) supports GEMA in its day to day work.

<sup>2</sup> ‘Switching Programme and Retail Code Consolidation: Proposed changes to licences and industry codes’ (17 June 2019), is available on our website, here:

<https://www.ofgem.gov.uk/publications/switching-programme-and-retail-code-consolidation-proposed-changes-licences-and-industry-codes>

<sup>3</sup> ‘Switching Programme and Retail Code Consolidation: Proposed licence modifications’ (12 November 2021), is available on our website, here:

<https://www.ofgem.gov.uk/publications/switching-programme-and-retail-code-consolidation-proposed-licence-modifications>

<sup>4</sup> <https://www.ofgem.gov.uk/publications/statutory-consultation-licence-changes-retail-code-consolidation>

<sup>5</sup> ‘Statutory consultation on licence changes for Retail Code Consolidation’ (30 April 2021), is available on our website, here: <https://www.ofgem.gov.uk/publications-and-updates/retail-code-consolidation-scr-launch-statement>

Manager Code of Practice, MAMCoP, and Approved Meter Installer Code of Practice, AMICoP). The focus of our changes to the licence conditions is therefore to reflect the new governance structure, for example by replacing references to the codes that will be shut down.

The REC v2.0, which will be the principal vehicle for implementing Retail Code Consolidation, will be introduced through Switching Programme governance in accordance with the REC v1.1. We launched this process on 22 June 2021.

Our statutory consultation on Retail Code Consolidation licence modifications closed on 1 June 2021 and we have carefully considered all responses. In light of our assessment of the responses to this consultation, our previous consultations and engagement with stakeholders, and for the reasons explained below, we have decided to implement the licence modifications almost completely as proposed in the statutory consultation document, with the only changes being to correct a small number of typographical errors and to clarify one definition in the Electricity Distribution Licence.

It is our decision that these licence modifications should be made, and shall take effect from Retail Code Consolidation, which shall be designated in due course by the Authority pursuant to the Retail Energy Code. The date of Retail Code Consolidation shall not be less than 56 days from the date of publication of this decision (noted at the top of this document<sup>6</sup>). The date of Retail Code Consolidation is planned to be, and will not be earlier than, 1 September 2021.

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<sup>6</sup> Although the 56 day standstill period ends on 27 August 2021, the date of Retail Code Consolidation will not be earlier than 1 September 2021.

## 1. Introduction

- 1.1. We launched the Retail Code Consolidation Significant Code Review (SCR) in November 2019<sup>7</sup>. The purpose of this SCR to rationalise retail energy codes by closing down the electricity Master Registration Agreement (MRA), gas Supply Point Administration Agreement (SPAA), the Smart Meter Installation Code of Practice (SMICoP), and Green Deal Arrangements Agreement (GDAA). The requirements from these codes will be consolidated into the Retail Energy Code (REC) or transferred to another industry code where this is more relevant.
- 1.2. The REC will also bring together gas and electricity metering arrangements, consolidating the Meter Operation Code of Practice Agreement (MOCO PA) and parts of the Balancing and Settlement Code (BSC), together with the metering provisions that sit under the SPAA (Metering Code of Practice, MCoP; formerly Meter Asset Manager Code of Practice, MAMCoP, and Approved Meter Installer Code of Practice, AMICoP).

## What did we consult on?

- 1.3. Our statutory consultation proposed to modify licence conditions, including Standard Licence Conditions and Standard Special Conditions, as a result of Retail Code Consolidation.
- 1.4. The reason why the Authority proposed to make these modifications was, in summary, to properly reflect the changes being brought about by Retail Code Consolidation in the licences. This will ensure, for example, that the licences correctly reference the REC and are aligned to the terminology within the REC when Retail Code Consolidation is due to take effect, which is scheduled to be 1 September 2021.

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<sup>7</sup> 'Retail Code Consolidation SCR launch statement' (29 November 2021) is available on our website, here: <https://www.ofgem.gov.uk/publications-and-updates/retail-code-consolidation-scr-launch-statement>

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- 1.5. The majority of the proposed modifications to these licence conditions were minor drafting changes, updating terms to reflect the changes in code governance and standardising terminology.
- 1.6. In the case of the Smart Meter Communication Licence, we proposed further changes to reflect developments in the design of the new switching arrangements, which are being introduced through Ofgem’s Switching Programme.
- 1.7. We anticipated that the impact of these proposed changes will be very minor on an operational level; primarily, these are about ensuring the licence conditions correctly reference other industry documents and arrangements which are due to be modified under the Retail Code Consolidation SCR.

## **Section 2: Electricity Supply and Gas Supply Standard Licence Conditions**

- 1.8. The consultation proposed a number of modifications to supply licence conditions that result from the close down of the MRA, SPAA, SMICoP and GDAA, and the transfer of provisions to the REC.
- 1.9. In most cases, this involved replacing references to the relevant code, or updating terminologies to reflect the new definitions used in the REC. These changes are relatively minor, and are required to ensure the licence conditions correctly reference other industry documents.
- 1.10. As explained below, we have decided to make the changes to these conditions as proposed in their entirety. Additionally, in the gas supply licence we have decided to amend the proposed term ‘Meter Equipment Manager’ to ‘Metering Equipment Manager’ to properly align the terminology with that used in the REC.

## **Section 3: Gas Transporter Licence**

- 1.11. The consultation proposed to make a number of modifications to definitions in the Standard Licence Conditions (SLCs) and Standard Special Conditions (SSCs) that result from the close down of the SPAA and the transfer of provisions to the REC.
- 1.12. In most cases, this involved replacing references to the SPAA or other relevant code, or updating terminologies to reflect the new definitions used in the REC. These changes are relatively minor. We also proposed to amend SLC 31 and SSC A31 to

give the Authority power to grant derogations from the requirements of these conditions.

1.13. As explained below, we have decided to make the changes to these conditions almost entirely as proposed. As with the Gas Supply Standard Licence Conditions, we have additionally decided to amend the proposed term 'Meter Equipment Manager' to 'Metering Equipment Manager', to align the terminology with that used in the REC.

#### **Section 4: Electricity Distribution Licence**

1.14. The consultation proposed to make a number of modifications to licence conditions that result from the close down of the MRA and the transfer of provisions to the REC.

1.15. In most cases, this involved replacing references to the MRA or updating terminologies to reflect the new definitions used in the REC. These changes are relatively minor.

1.16. As explained below, we have decided to make most of the changes to these conditions as proposed, but with the following exceptions or additions:

- SLC 1.3 – Definitions: We have decided to amend the definition of the term 'Data Specification', itself amended from 'Data Transfer Catalogue', to remove the word "catalogue" in its entirety.
- SLC 14.5: Stakeholder feedback to our consultation identified that the edits to this text were not resulting in any changes being made to this condition, so this proposed change was superfluous.
- SLC 14.16 and SLC14.21: Stakeholder feedback to our consultation suggested that these changes had already been incorporated into the latest versions of the licences and that the inclusion of these in the latest consultation were version control errors. We therefore no longer need to modify these SLC's as the proposed changes already exist within the licence.

#### **Section 5: Smart Meter Communication Licence**

1.17. The consultation proposed to make a number of modifications to definitions that result from the close down of the SPAA and MRA and the transfer of provisions to the

REC. In most cases, this involved replacing references to the MRA or SPAA, or updating terminologies to reflect the new definitions used in the REC. These changes are relatively minor.

1.18. We also proposed to amend the licence conditions that relate to the provision of the Centralised Registration Service (CRS), to more closely align the licence conditions with the latest design of the new switching arrangements being delivered by the Switching Programme and clarify that the DCC<sup>8</sup> should give equal priority to its obligations relating to smart metering and the CRS from the start of the Post Implementation Period, as defined in the licence.

1.19. As explained below, we have decided to make the changes to these conditions as proposed, with one amendment:

- SLC 15.8 (4): Stakeholder feedback to our consultation identified typographical errors in the spelling of the word 'functions', capitalisation of the word 'Licensee' and spelling of the word 'service'. We have corrected all of these typographical errors.

## Context and related publications

1.20. This decision is part of Ofgem's Switching Programme, details of which can be found on the Ofgem Website, here: <https://www.ofgem.gov.uk/gas/retail-market/market-review-and-reform/smarter-markets-programme/switching-programme>.

1.21. Prior to the statutory consultation, we consulted on licence changes that would be required to deliver the Switching Programme and facilitate Retail Code Consolidation in November 2020, as part of our consultation: *Switching Programme and Retail Code Consolidation: Proposed licence modifications*. This consultation, supporting documentation and stakeholder responses are available on our website, here: <https://www.ofgem.gov.uk/publications-and-updates/switching-programme-and-retail-code-consolidation-proposed-licence-modifications>

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<sup>8</sup> The Data Communications Company

- 1.22. On 30 April 2021 we published an *Open letter regarding the Significant Code Review modifications for Retail Code Consolidation*, summarising the process we have taken to progressing the Retail Code Consolidation Significant Code Review modifications to industry codes, which are planned to be implemented at the same time as these licence changes. This is available on our website, here: <https://www.ofgem.gov.uk/publications/open-letter-regarding-significant-code-review-modifications-retail-code-consolidation>.
- 1.23. On 30 April 2021 we also published our policy decision on the REC v2.0, *Decision on Retail Energy Code v2.0 and Retail Code Consolidation Consultation*, which is available on our website, here: <https://www.ofgem.gov.uk/publications/decision-retail-energy-code-v20-and-retail-code-consolidation-consultation>.
- 1.24. A Switching Programme Change request was raised on 22 June 2021 to implement the REC v2.0 main body and schedules. This Change Request is published on the Switching Programme portal and available on request from [Switching.Programme@ofgem.gov.uk](mailto:Switching.Programme@ofgem.gov.uk). The final approved REC v2.0 drafting will be available on the REC website in due course<sup>9</sup>.

## **Our decision making process**

- 1.25. We have consulted on these proposed licence changes in three stages, and discussed the proposals at the Regulatory Design User Group where appropriate.
- 1.26. A total of six responses were received to this statutory consultation. One of these responses consisted of a confirmation that the respondent had no comments to offer to this consultation. The other responses included comments relevant to one or more specific licences, as well as general comments relevant to the Retail Code Consolidation process as a whole.
- 1.27. We have carefully considered all responses before making our decision on the licence changes. The five substantive responses are published at:

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<sup>9</sup> The REC Development section of the Retail Energy Code can be found on the Retail Energy Code website, <https://www.retailenergycode.co.uk/our-programmes/rec-development/>

<https://www.ofgem.gov.uk/publications-and-updates/statutory-consultation-licence-changes-retail-code-consolidation>

## Your feedback

### General feedback

1.28. We believe that consultation is at the heart of good policy development. We are keen to receive your comments about this report. We'd also like to get your answers to these questions:

1. Do you have any comments about the overall quality of this document?
2. Do you have any comments about its tone and content?
3. Was it easy to read and understand? Or could it have been better written?
4. Are its conclusions balanced?
5. Did it make reasoned recommendations?
6. Any further comments?

Please send any general feedback comments to [switching.programme@ofgem.gov.uk](mailto:switching.programme@ofgem.gov.uk).

## 2. Electricity Supply and Gas Supply Standard Licence Conditions

### Section summary

This section summarises our decision to modify the Electricity Supply Standard Licence Conditions (SLCs) and the Gas Supply SLCs to reflect the wider changes being proposed under the Retail Code Consolidation Significant Code Review (SCR). In both cases, this has been informed by our initial consultation in June 2019, the subsequent consultation in November 2020 and our April 2021 statutory consultation, in addition to engagement with industry and other stakeholders.

### Summary of decisions

- 2.1. Our Statutory Consultation of 30 April 2021 proposed making a number of modifications to definitions that will be necessitated by the close down of the MRA and SPAA and the transfer of provisions to the REC. In the majority of cases, this resulted either in the replacement of references to the MRA and SPAA with the REC, or updating terminologies to reflect the new definitions used in the REC. We also proposed changes to the suite of licence conditions that relate to the Green Deal arrangements and SMICoP, both of which will be consolidated in the REC.
- 2.2. In summary, the changes to the Electricity Supply and Gas Supply Standard Licence Conditions (SLCs) that we have decided to make are as follows:
  - a) Standard conditions of electricity supply licence:
    - i. Removing references to 'Master Registration Agreement' and, where appropriate, replacing these with 'Retail Energy Code'.
    - ii. Amending the term 'Proposed Supply Transfer' to 'Proposed Supplier Transfer', and changing wording in Condition 14: Customer transfer blocking, to bring terminology into line with that of the REC.
    - iii. Deleting reference to changes in obligations at different dates that relate to the Green Deal Arrangements Agreement (GDAA), to remove dates

where the milestones have passed and have come into effect, and to reflect the fact that the GDAA is no longer a standalone document and will be consolidated into the REC.

- iv. Amending use of the term 'Data Transfer Catalogue' to 'Data Specification' to bring terminology into line with that of the Retail Energy Code. Provisions will be transferred into the REC.
- v. Amending Condition 41: Smart Metering Installation and Installation Code of Practice – Domestic Customers and Condition 42: Smart Metering Installation and Installation Code of Practice – Micro Business Consumers, to reflect the fact that these arrangements are now established and will be maintained in the REC.
- vi. Corrections of miscellaneous typographical errors and formatting errors.

b) Standard conditions of gas supply licence:

- i. Removing references to 'Supply Point Administration Agreement' and, where appropriate, replacing these with 'Retail Energy Code'.
- ii. Amending the term 'Meter Asset Manager' to 'Metering Equipment Manager', to bring terminology into line with that of the Retail Energy Code (note the consultation proposed to change this to 'Meter Equipment Manager, but following further review we have updated this to properly align with the REC).
- iii. Amending the term 'Meter Point' to 'Meter Point Reference Number', because the licence does not use the term 'Meter Point'.
- iv. Amending the term 'Customer Reference Point' to 'Supply Meter Point Reference Number', to bring terminology into line with that of the Uniform Network Code (UNC).
- v. Amending Condition 12A. Matters relating to Theft of Gas by removing references to 'Network Code' and, where appropriate, replacing these with 'Retail Energy Code'.

- vi. Amending the term 'Proposed Supply Transfer' to 'Proposed Supplier Transfer', to bring terminology into line with that of the REC.
  - vii. Removing Condition 30. Supply Point Administration Agreement as this has now been replaced with the governance arrangements of the REC.
  - viii. Amending Condition 35. Smart Metering Installation and Installation Code of Practice – Domestic Customers and Condition 36. Smart Metering Installation and Installation Code of Practice – Micro Business Consumers, to reflect the fact that these arrangements are now established and will be maintained in the REC.
  - ix. Corrections of miscellaneous typographical errors and formatting errors.
- 2.3. Appendix 1 sets out the changes against the up to date version of the consolidated licence conditions available on our website at the time of publishing, the definitive sources for which (not including the changes proposed in this consultation) are available on the Electronic Public Register.<sup>10</sup> The full texts in the appendices highlight the changes that we are making in redline version, with explanatory comments which can be cross referenced to the spreadsheet in Appendix 2, which aims to support understanding of the proposed changes. Amendments to the changes between statutory consultation and this decision are highlighted in Appendix 3.

## **Stakeholder feedback on statutory consultation**

- 2.4. We have carefully considered the responses that we received in relation to our April 2021 statutory consultation, which was itself informed by responses to our November 2020 consultation and prior engagement with industry.
- 2.5. Ofgem received one response that contained comments related to the proposed amendments to the Electricity Supply and Gas Supply Standard Licences.
- 2.6. This respondent expressed concerns regarding the use of the term 'Energy Theft' in both of the Electricity Supply and Gas Supply Standard Licences; they suggested

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<sup>10</sup> The Electronic Public Register (ePR) can be viewed here, <https://epr.ofgem.gov.uk/Document>

that this should be replaced with the term 'Unbilled Energy', to match the terminology used in the REC Unbilled Energy Code of Practice.

- 2.7. We have considered this proposal, and remain of our previous view that the licences should not be updated to refer to "unbilled" energy. The REC Unbilled Energy Code of Practice is titled as such because it combines the existing theft codes of practice and the unregistered sites code of practice. The title of "unbilled energy" code of practice reflects that investigations of this nature are by definition investigations into "unbilled" energy until such time as theft has been confirmed, and the code of practice covers multiple possible reasons for energy having been unbilled. By contrast, SLC 12A is clearly limited to circumstances where energy has not been billed because of theft, as indicated by the definition of "Theft of Electricity" within that licence condition. The REC does refer specifically to theft elsewhere, for example in the Energy Theft Reduction Schedule. Therefore we consider that this is not an area of terminology that needs further change in the licences at this time.
- 2.8. The respondent suggested there may be other areas where language could be further harmonised between the licences and the REC, but no further examples were given. However, we have identified that the proposed changes to the Gas Supply Licence (and the Gas Transporter Licences, discussed later in Chapter 3) would replace "Meter Asset Manager" with "Meter Equipment Manager", when the term used in the REC is in fact "Metering Equipment Manager". We have corrected this to fully align with the REC in our decision on the licence changes, as was originally intended.

## **Ofgem decision and next steps**

- 2.9. As outlined above, we do not agree that the term 'Energy Theft' should be replaced with 'Unbilled Energy'. We have amended the Gas Supply Licence to correctly align the new term 'Metering Equipment Manager' with the REC terminology.
- 2.10. Aside from the minor amendment noted above, we have decided to implement the changes to the Electricity Supply Standard Licence Conditions and the Gas Supply Standard Licence Conditions as proposed in our statutory consultation of April 2021 without making any additional changes. The changes from the statutory consultation to the decision are shown in Appendix 3.

### 3. Standard Licence Conditions and Standard Special Conditions: Gas Transporters

#### Section summary

This section summarises our decision to modify the Gas Transporters Standard Licence Conditions (SLCs), and Standard Special Conditions (SSCs) Parts A, B and D, to reflect the wider changes being proposed under the Retail Code Consolidation Significant Code Review (SCR). In all cases, this has been informed by our initial consultation in June 2019, the subsequent consultation in November 2020 and our April 2021 statutory consultation, in addition to engagement with industry and other stakeholders.

#### Summary of decisions

- 3.1. Our April 2021 statutory consultation proposed making a number of modifications to the licence conditions that apply to Gas Transporters as a result of the close down of the SPAA and the move of provisions to the REC. In the majority of cases, this has resulted either the replacement of references to the SPAA with the REC, or updating terms to reflect the new definitions used in the REC. We also proposed to amend SLC 31 and SSC A31 to give the Authority the ability to grant derogations in relation to requirements of these conditions.
- 3.2. In summary, the main changes to the Gas Transporters Licences that we have decided to make are as follows:
  - a) Gas Transporters Licence: Standard Conditions:
    - i. Removing references to 'Supply Point Administration Agreement' and, where appropriate, replacing these with 'Retail Energy Code'.
    - ii. Amending uses of the term 'Meter Asset Manager' to 'Metering Equipment Manager', to bring terminology into line with that of the REC.
    - iii. Amending Condition 31: Supply Point Information Service to authorise the Authority to give a direction ("a derogation") to relieve licensees of their obligations under this condition. This is to build in future flexibility to

review the applicability of the SLC once many of these functions are delivered through the REC.

iv. Corrections of miscellaneous typographical errors and formatting errors.

b) Standard Special Conditions Applicable To Both NTS<sup>11</sup> And DN<sup>12</sup> Licensees: Part A

i. Amending uses of the term 'Meter Asset Manager' to 'Metering Equipment Manager', to bring terminology into line with that of the REC.

ii. Amending Standard Special Condition A31: Supply Point Information Service to authorise the Authority to give a direction ("a derogation") to relieve licensees of their obligations under this condition. This is to build in future flexibility to review the applicability of the SSC once many of these functions are delivered through the REC.

c) Standard Special Conditions Applicable To All NTS Licensees: Part B

i. Amending uses of the term 'Meter Asset Manager' to 'Metering Equipment Manager', to bring terminology into line with that of the REC.

d) Standard Special Conditions Applicable To All DN Licensees: Part D

i. Removing references to 'Supply Point Administration Agreement' and replacing these with 'Retail Energy Code', and inserting a definition for REC.

ii. Amending uses of the term 'Meter Asset Manager' to 'Metering Equipment Manager', to bring terminology into line with that of the REC.

3.3. Appendix 1 sets out the changes against the up-to-date version of the consolidated licence conditions available on our website at the time of publishing, the definitive sources for which (not including the changes proposed in this consultation) are available on the Electronic Public Register.<sup>13</sup> The full texts in the appendices highlight

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<sup>11</sup> National Transmission System, ie National Grid Gas Plc

<sup>12</sup> Gas Distribution Network

<sup>13</sup> The Electronic Public Register (ePR) can be viewed here, <https://epr.ofgem.gov.uk/Document>

the changes that we are making in redline version, with explanatory comments which can be cross referenced to the spreadsheet in Appendix 2, which aims to support understanding of the proposed changes. Amendments to the changes between statutory consultation and this decision are highlighted in Appendix 3.

## **Stakeholder feedback on statutory consultation**

- 3.4. We have carefully considered the responses that we received in relation to our April 2021 statutory consultation, which was itself informed by responses to our November 2020 consultation and prior engagement with industry.
- 3.5. Ofgem received one response that contained comments related to the proposed amendments to the Gas Transporters Licence.
- 3.6. This respondent supported the changes to replace references to Meter Asset Managers and SPAA with the correct terminology under the REC. However, they expressed a number of concerns around the impact of changes to the Supply Point Information Service. These included the following observations:
- 3.6.1. That the services provided under SSC A31 are provided to shippers and consumers, in addition to suppliers; the respondent felt that the derogation arrangements contained within Standard Special Condition A31 as drafted would not provide a sufficient foundation for future service delivery after Retail Code Consolidation;
- 3.6.2. That the Gas Distribution Networks were currently considering the most appropriate mechanisms for delivering data services to the industry, following the introduction of the Central Switching Service (CSS) and associated governance changes, and requested that changes to these not be introduced until this review had had an opportunity to form some conclusions; and
- 3.6.3. That that it would be more efficient for the retail consumer service, “Who’s My Supplier”, to be taken over by the CSS, rather than be provided by Gas Distribution Networks; however, this respondent further opined that this issue did not need to be resolved before the intended go-live date for REC v2.0 of 1 September 2021, and so it might be more efficient for changes to this service to be postponed until a smoother transfer of these arrangements could take place.

- 3.7. We recognised in our statutory consultation that further analysis would be required on SSC A31 to ensure the service delivery landscape post-CSS go-live is consistent and compliant with the licence obligations, and remain of the view that further changes to SSC A31 may be proposed as part of the licence changes for the Switching Programme, due for statutory consultation in late 2021. We will engage with the relevant licensees and service providers ahead of that statutory consultation.
- 3.8. Following publication of the statutory consultation, we have identified that the proposed changes to the Gas Transporter SLCs and SSCs (and the Gas Supply Licence, discussed earlier in Chapter 2) would replace “Meter Asset Manager” with “Meter Equipment Manager”, when the term used in the REC is in fact “Metering Equipment Manager”. We have corrected this to fully align with the REC in our decision on the licence changes, as was originally intended.

## **Ofgem decision and next steps**

- 3.9. We have considered the representations received in response to our statutory consultation and remain of the view that further amendment to SSC A31 is not required at this time. We will engage with the relevant licensees to discuss this licence condition further before finalising our proposals for the statutory consultation on licence changes for the Switching Programme in late 2021.
- 3.10. As outlined above, we have amended the term ‘Meter Equipment Manager’ to correct this to ‘Metering Equipment Manager’, in order to properly reflect the REC language. Aside from this minor change, we have decided to implement the changes to the Gas Transporter SLCs and SSCs as set out in our statutory consultation. The changes from the statutory consultation to the decision are shown in Appendix 3.

## 4. Standard Licence Conditions: Electricity Distribution Licence

### Section summary

This section summarises our decision to modify the Electricity Distribution Standard Licence Conditions (SLCs) to reflect the wider changes being proposed under the Retail Code Consolidation Significant Code Review (SCR). This follows on from our initial consultation in June 2019, the subsequent consultation in November 2020 and our April 2021 statutory consultation, in addition to engagement with industry and other stakeholders.

### Summary of decisions

- 4.1. Our April 2021 statutory consultation proposed to make a number of modifications to the licence conditions that apply to Electricity Distribution licensees that will result from the close down of the MRA and the move of provisions to the REC. In the majority of cases, this has resulted either in the replacement of references to the MRA with the REC (or another relevant code), or updating terms to reflect the new definitions used in the REC.
- 4.2. In summary, the main changes to the Electricity Distribution Licence that we have decided to make are as follows:
  - i. Removing references to 'Master Registration Agreement' and, where appropriate, replacing these with 'Retail Energy Code'.
  - ii. Amending uses of the term 'Data Transfer Catalogue' to 'Data Specification'; and 'data flows' to 'market messages', to bring terminology into line with that of the Retail Energy Code. Further, we have amended the definition of 'Data Specification' to bring terminology into line with that of the Retail Energy Code, by removing the word 'catalogue' from the definition. This was an additional change from those consulted upon in our consultation of 30 April 2021, and was proposed by a stakeholder in their response to this consultation. We agree that this is a sensible additional amendment to make.

- iii. Removing Condition 23: Master Registration Agreement as this has now been replaced with the governance arrangements of the Retail Energy Code.
  - iv. Amending Condition 35: Requirement to offer terms for the provision of Data Services to remove the section 'Services that comprise Data Services', as this is duplicated in SLC 1. Note the definition in SLC 1 has been updated to refer to the REC and BSC because the services provided by DNOs are to be the SMRS<sup>14</sup> as defined under the BSC and the ERDS<sup>15</sup> as defined under the REC as well as the Data Transfer Service.
  - v. Corrections of miscellaneous typographical errors and formatting errors.
- 4.3. Appendix 1 sets out the changes against the up to date version of the consolidated licence conditions available on our website at the time of publishing, the definitive sources for which (not including the changes proposed in this consultation) are available on the Electronic Public Register.<sup>16</sup> The full texts in the appendices highlight the changes that we are making in redline version, with explanatory comments which can be cross referenced to the spreadsheet in Appendix 2, which aims to support understanding of the proposed changes. Amendments to the changes between statutory consultation and this decision are highlighted in Appendix 3.

## **Stakeholder feedback on statutory consultation**

- 4.4. We have carefully considered the responses that we received in relation to our April 2021 statutory consultation, which was itself informed by responses to our November 2020 consultation and prior engagement with industry.
- 4.5. Ofgem received two responses that contained comments relating to the proposed amendments to the Electricity Distribution Licence.
- 4.6. One of these responses was wholly supportive of the proposed changes; the other noted a few version control issues and raised queries relating to wording.

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<sup>14</sup> Supplier Meter Registration Service

<sup>15</sup> Electricity Retail Data Service

<sup>16</sup> The Electronic Public Register (ePR) can be viewed here, <https://epr.ofgem.gov.uk/Document>

- 4.7. We have corrected the version control errors identified, which results in changes no longer being proposed to SLCs 14.5, 14.16 and 14.21 as these changes already exist in the licence.
- 4.8. We have also amended the definition of 'Data Specification' (formerly 'Data Transfer Catalogue') to change the word "catalogue" to "specification" in the definition, to be consistent with the new defined term as used in the REC. This change was proposed by a stakeholder in response to our consultation of 30 April 2021 and we agree that this is a sensible amendment to make.
- 4.9. The respondent noted that the proposed definition of Metering Point refers to the a schedule to the REC which will be removed when REC v3.0 goes live, and so they suggested that the definition should instead generically refer to the REC, to avoid the need for future changes to the licence. We have considered this point. As noted in the statutory consultation, we consider that in this instance a specific reference is preferable, as this is a key definition that underpins core industry processes; we note that the existing definition refers specifically to "Schedule 8 to the MRA", which is wholly concerned with defining a meter point. We have therefore decided to retain the specific reference to the MRA Transition Schedule, and will progress a separate change to the licence to amend this when the relevant material in the schedule is moved to its enduring location.
- 4.10. Beyond the changes noted above, the changes to the Electricity Distribution licence remain in line with those proposed in the statutory consultation.

## **Ofgem decision and next steps**

- 4.11. We have carefully considered the representations received in response to our statutory consultation. As outlined above, we are no longer making changes to SLCs 14.5, 14.16 and 14.21, as these changes already exist in the licence. We have also made a minor amendment to the definition of the new term 'Data Specification', to remove the word "catalogue" entirely.
- 4.12. Aside from these minor changes, we have decided to implement the changes to the Electricity Distribution SLCs as set out in our statutory consultation. The changes from the statutory consultation to the decision are shown in Appendix 3.

## 5. Smart Meter Communication Licence

### Section summary

This section summarises our decision to modify the Smart Meter Communication Licence to reflect the wider changes being proposed under the Retail Code Consolidation Significant Code Review (SCR). These changes primarily concern removing references to the SPAA and MRA, and updating the licence to more closely reflect the latest Switching Programme design, while the Switching Programme is still being delivered.

This has been informed by our initial consultation in June 2019, the subsequent consultation in November 2020 and our April 2021 statutory consultation, in addition to engagement with industry and other stakeholders.

### Summary of decisions

- 5.1. Our April 2021 statutory consultation proposed to make a number of modifications to the licence conditions that apply to the DCC<sup>17</sup> that result from the close down of the MRA and SPAA and the move of provisions to the REC. In the majority of cases, this has resulted either in the replacement of references to the MRA and SPAA with the REC, or updating terms to reflect the new definitions used in the REC. We also proposed a number of changes to better align the DCC Licence to the up-to-date design of the new switching arrangements.
- 5.2. In summary, the main changes to the Smart Meter Communication Licence that we have decided to make as a result of this consultation are as follows:
  - i. Removing references to 'Master Registration Agreement' and 'Supply Point Administration Agreement', and, where appropriate, replacing these with 'Retail Energy Code'.
  - ii. Amending Condition 15: Incorporation, delivery and provision of the Centralised Registration Service (CRS) to more accurately reflect the

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<sup>17</sup> Data Communications Company

current design of the new switching arrangements under the Switching Programme. This is further explained below.

- iii. Amending uses of the term 'Supply Points' to 'Registrable Measurement Points', to bring terminology into line with that of the REC.
- iv. Amending Condition 44: Treatment of Intellectual Property Rights to authorise the Authority to give a direction ("a derogation") to relieve the licensee of its obligations under this condition. This is further explained in Appendix 2.
- v. Minor housekeeping changes and corrections of miscellaneous typographical errors and formatting errors.

5.3. Appendix 1 sets changes against the up to date version of the consolidated licence conditions available on our website at the time of publishing, the definitive sources for which (not including the changes proposed in this consultation) are available on the Electronic Public Register.<sup>18</sup> The full texts in the appendices highlight the changes that we are making in redline version, with explanatory comments which can be cross referenced to the spreadsheet in Appendix 2, which aims to support understanding of the proposed changes. Amendments to the changes between statutory consultation and this decision are highlighted in Appendix 3.

### **Changes to Licence Condition 15**

5.4. We have decided to amend Licence Condition 15 as proposed in the statutory consultation. Licence Condition 15 currently refers to the licence holder, DCC, maintaining agreements to secure a Switching Network. The agreed design for the CRS has now changed such that parties are required to use particular conventions, such as encryption measures, for exchanging messages with the Central Switching Service (CSS), for example over the internet. As such, a central Switching Network is not being procured by DCC at this time.

5.5. We have therefore decided to instead place an obligation on DCC to make sure that there are appropriate communication arrangements in place for parties to exchange messages with the CRS. We expect minimum standards to establish what 'appropriate communication arrangements' are to be set out under the REC. If those

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<sup>18</sup> The Electronic Public Register (ePR) can be viewed here, <https://epr.ofgem.gov.uk/Document>

standards could no longer be met, the licence would require DCC to seek to introduce improvements to existing and/or new arrangements that would ensure that the standards are capable of being met.

- 5.6. To improve readability and to reflect the new design context, we have decided to redraft the rules around DCC being able to enter into an agreement with a third party network. The intent behind the obligations remains the same. As proposed in the statutory consultation, we have replaced references to the Data Transfer Service and IX Network with generic reference to third party networks. We have retained the provision setting out that where DCC enters an agreement on standard user terms, the DCC's licence conditions relating to Relevant Service Capability and Fundamental Registration Service Capability do not apply.
- 5.7. We also consulted on changes to the definition of the Centralised Registration Service, to remove references to requirements on DNOs and GTs to prevent the meaning of the term being lost over time. While this had previously been part of the changes for the Switching Programme, in our statutory consultation we proposed that this change could usefully be brought forward to be made as part of the Retail Code Consolidation proposals. We have decided to implement this change as part of this package of changes.
- 5.8. Finally, regarding Licence Condition 15, we proposed that as soon as the new switching arrangements have gone live, they should have the same priority as DCC's other obligations in relation to smart metering. We have therefore decided to amend this paragraph to make clear that although 'live operation' will begin under the Interim Centralised Registration Service Objective (the Post Implementation Period), there should be parity between the smart metering and switching related obligations during the Post Implementation Period.

## **Stakeholder feedback on policy consultation**

- 5.9. We have carefully considered the responses that we received in relation to our April 2021 statutory consultation, which was itself informed by responses to our November 2020 consultation and prior engagement with industry.
- 5.10. We received one response that contained comments relating to the proposed amendments to the Smart Meter Communication Licence.

- 5.11. This respondent identified some typographical errors in the proposed wording of the amended Licence Condition 15.8, which we have corrected.
- 5.12. The respondent also suggested that additional clarification should be added to licence conditions 15.4 and 15.5, making it clear that the 'Interfaces' that must be provided with CSS are those that are defined in the REC. We have considered this suggestion, and remain of our previous view that this would add unnecessary repetition to the licence. The requirement is to provide 'Interfaces', which are defined in the licence with reference to the REC. We consider that it is therefore clear that the interfaces that must be provided are those that are described in the REC.
- 5.13. Therefore, beyond the typographical corrections, the changes to the Smart Meter Communication Licence remain as proposed in the statutory consultation.

## **Ofgem decision and next steps**

- 5.14. We have carefully considered the representations received in response to our statutory consultation. As outlined above, we have corrected some typographical errors, but do not consider that further amendment otherwise needed to Licence Condition 15. Aside from the minor corrections noted, we have decided to implement the changes to the Smart Meter Communication Licence as set out in our statutory consultation. The changes from the statutory consultation to the decision are shown in Appendix 3.

## 6. Conclusion and next steps

- 6.1. This document sets out our decision on the licence changes required to reflect Retail Code Consolidation. It is our decision that these licence modifications should be made, and shall take effect from Retail Code Consolidation, which shall be designated in due course by the Authority pursuant to the Retail Energy Code. The date of Retail Code Consolidation shall not be less than 56 days from the date of publication of this decision (noted at the top of this document). The date of Retail Code Consolidation is planned to be, and will not be before, 1 September 2021.
- 6.2. Retail Code Consolidation will be implemented through a range of instruments:
  - 6.2.1. These licence changes will ensure the closed codes are no longer referred to, and references are updated to the correct consolidated codes;
  - 6.2.2. REC v2.0, the primary vehicle for code consolidation, will be introduced via a Change Request under the Switching Programme in accordance with Clause 11 of REC v1.1 (the version currently in force).
  - 6.2.3. It is intended that the other codes impacted by Retail Code Consolidation (BSC, UNC, IGT UNC, SEC, MRA, SPAA, and DCUSA) will be updated via the Retail Code Consolidation Significant Code Review. Ofgem has raised the required Authority-led modifications to these codes and will issue decisions in due course.
- 6.3. Ofgem must designate the date for Retail Code Consolidation in accordance with the REC. We will issue this designation in due course. Retail Code Consolidation is planned to take effect on 1 September 2021.

## Appendices

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2	Explanatory spreadsheet	29
3	Complete record of amendments to the licence drafting proposed in the statutory consultation	30

## Appendix 1

The final licence modifications are available in redline version in the below subsidiary documents, available on the publication page for this document, with reference numbers that can be cross-referenced to the explanatory spreadsheet in Appendix 2.

Document title
Electricity Supply SLC changes
Gas Supply SLC changes
Gas Transporter SLC changes
Gas Transporter Standard Special Conditions Part A changes
Gas Transporter Standard Special Conditions Part B changes
Gas Transporter Standard Special Conditions Part D changes
Electricity Distribution SLC changes
Smart Meter Communications Licence changes

## Appendix 2

An explanatory spreadsheet of the changes for all licences is available on the publication page for this document.

## Appendix 3

This table shows all amendments to the licence modifications between the statutory consultation and this decision. Note: this table only shows the licence conditions that have changed from those proposed in the April 2021 statutory consultation. It is **not** a complete record of **all** of the licence modifications decided on here.

Licence Condition Reference	Statutory Consultation Proposal	Final Drafting in this Decision	Reason
<b>Gas Supply Licence</b>			
SLC 1.2	Meter <del>Asset</del> <u>Equipment</u> Manager	Metering <del>Asset</del> <u>Equipment</u> Manager	Further reviews identified that the REC uses the term Metering Equipment Manager, so this has been updated to align to the REC.
SLC 12.18 [Heading]	Use of approved Meter <del>Asset</del> <u>Equipment</u> Manager	Use of approved Metering <del>Asset</del> <u>Equipment</u> Manager	Further reviews identified that the REC uses the term Metering Equipment Manager, so this has been updated to align to the REC.
SLC 12.18	Where, in respect of any Domestic Premises at which it is the Relevant Gas Supplier, the licensee arranges for the provision of a Gas Meter, it must use an approved Meter <del>Asset</del> <u>Equipment</u> Manager	Where, in respect of any Domestic Premises at which it is the Relevant Gas Supplier, the licensee arranges for the provision of a Gas Meter, it must use an approved Metering <del>Asset</del> <u>Equipment</u> Manager	Further reviews identified that the REC uses the term Metering Equipment Manager, so this has been updated to align to the REC.
<b>Gas Transporter Standard Licence Conditions</b>			
SLC 8.1	Subject to paragraph 2, the licensee shall comply with any	Subject to paragraph 2, the licensee shall comply with any	Further reviews identified that the REC uses the term Metering Equipment

	reasonable request by a relevant shipper (or a gas shipper who is about to become such a shipper) to provide through a Meter <del>Asset</del> <u>Equipment</u> Manager and install at the premises of a domestic customer a gas meter owned by it and of a type specified by the shipper subject, however, to a meter of that type being reasonably available to the licensee and the shipper agreeing to pay its charges in respect of the meter.	reasonable request by a relevant shipper (or a gas shipper who is about to become such a shipper) to provide through a Metering <del>Asset</del> <u>Equipment</u> Manager and install at the premises of a domestic customer a gas meter owned by it and of a type specified by the shipper subject, however, to a meter of that type being reasonably available to the licensee and the shipper agreeing to pay its charges in respect of the meter.	Manager, so this has been updated to align to the REC.
SLC 8.1A	For the purpose of paragraph 1, “Meter <del>Asset</del> <u>Equipment</u> Manager” means:	For the purpose of paragraph 1, “Metering <del>Asset</del> <u>Equipment</u> Manager” means:	Further reviews identified that the REC uses the term Metering Equipment Manager, so this has been updated to align to the REC.
<b>Gas Transporter Standard Special Conditions: Part A</b>			
SSC A33: 2 (a)	is made available on an equal basis to any gas or electricity supplier or gas shipper, electricity generator, gas producer (within the meaning of section 7(10) of the Act) or	is made available on an equal basis to any gas or electricity supplier or gas shipper, electricity generator, gas producer (within the meaning of section 7(10) of the Act) or	Further reviews identified that the REC uses the term Metering Equipment Manager, so this has been updated to align to the REC.

	any meter <del>asset</del> <u>equipment</u> manager (bearing the meaning of that expression contained in Standard Special Condition D17 (Provision and Return of Meters)); or	any <u>metering</u> <del>asset</del> <u>equipment</u> manager (bearing the meaning of that expression contained in Standard Special Condition D17 (Provision and Return of Meters)); or	
<b>Gas Transporter Standard Special Conditions: Part B</b>			
SSC B7: 3	Except in so far as the Authority otherwise consents, the licensee shall comply with any reasonable request by a relevant gas transporter, pursuant to paragraph 2(b) of Standard Special Condition D17 (Provision and Return of Meters) of the DN operator gas transporter licence, to provide, through a meter <del>asset</del> <u>equipment</u> manager and install at the premises of a domestic customer, a gas meter owned by the licensee and of a type specified by the supplier subject, however, to a meter of that type being reasonably available	Except in so far as the Authority otherwise consents, the licensee shall comply with any reasonable request by a relevant gas transporter, pursuant to paragraph 2(b) of Standard Special Condition D17 (Provision and Return of Meters) of the DN operator gas transporter licence, to provide, through a <u>metering</u> <del>asset</del> <u>equipment</u> manager and install at the premises of a domestic customer, a gas meter owned by the licensee and of a type specified by the supplier subject, however, to a meter of that type being reasonably available	Further reviews identified that the REC uses the term <u>Metering</u> Equipment Manager, so this has been updated to align to the REC.

	to the licensee and the supplier agreeing to pay the licensee's charges in respect of that meter.	to the licensee and the supplier agreeing to pay the licensee's charges in respect of that meter.	
SSC B8: 15	<b>meter asset equipment manager</b> has the same meaning as that provided in paragraph 1A of Standard Special Condition D17 (Provision and Return of Meters) of the DN operator gas transporter licence.	<b>metering asset equipment manager</b> has the same meaning as that provided in paragraph 1A of Standard Special Condition D17 (Provision and Return of Meters) of the DN operator gas transporter licence.	Further reviews identified that the REC uses the term <u>Metering</u> Equipment Manager, so this has been updated to align to the REC.
<b>Gas Transporter Standard Special Conditions: Part D</b>			
SSC D17: 1	Subject to paragraph 2, the licensee shall comply with any reasonable request by a relevant supplier (or a gas supplier who is about to become such a relevant supplier) to provide through a <b>meter asset equipment manager</b> and install at the premises of a domestic customer a gas meter, other than:  (...)	Subject to paragraph 2, the licensee shall comply with any reasonable request by a relevant supplier (or a gas supplier who is about to become such a relevant supplier) to provide through a <b>metering asset equipment manager</b> and install at the premises of a domestic customer a gas meter, other than:  (...)	Further reviews identified that the REC uses the term <u>Metering</u> Equipment Manager, so this has been updated to align to the REC.

<p>SSC D17: 1A</p>	<p>For the purposes of paragraph 1, “<b>meter asset equipment manager</b>” means: (...)</p>	<p>For the purposes of paragraph 1, “<b>metering asset equipment manager</b>” means: (...)</p>	<p>Further reviews identified that the REC uses the term Metering Equipment Manager, so this has been updated to align to the REC.</p>
<p><b>Electricity Distribution Licence</b></p>			
<p>SLC 1.3 – Definitions</p>	<p><b>Data Transfer Catalogue Specification</b> means the catalogue of that name, containing data flows, market messages, data definitions, and data formats, that is established under and is one of the mandatory components of the Master Registration Agreement Retail Energy Code.</p>	<p><b>Data Transfer Catalogue Specification</b> means the catalogue specification of that name, containing data flows, market messages, data definitions, and data formats, that is established under and is one of the mandatory components of the Master Registration Agreement Retail Energy Code.</p>	<p>This additional amendment to remove the term ‘catalogue’ entirely from the definition was suggested by a stakeholder in response to our April 2021 consultation and we agree that it is a sensible additional amendment to make.</p>
<p>SLC 14.5</p>	<p>The licensee must give or send a copy of any <del>charging</del> charging statement available under paragraph 14.1 to any person who requests it.</p>	<p>The licensee must give or send a copy of any charging statement available under paragraph 14.1 to any person who requests it.</p>	<p>This change was identified by a respondent to our April 2021 consultation as a versioning error and no change was being effected in the tracked changes. We therefore no longer propose a change to this SLC.</p>
<p>SLC 14.16(b) and (c)</p>	<p>(b) where the licensee is a Distribution Services</p>	<p>(b) where the licensee is a Distribution Services Provider</p>	<p>This change was identified by a respondent to our April 2021 consultation as a versioning error and no</p>

	<p>Provider operating in its Distribution Services Area, such Margin as the licensee is allowed to charge under Charge Restriction Condition 2K (Margins on licensee’s Connection Activities) or-</p> <p>(c) where the licensee is not a Distribution Services Provider, or is a Distribution Services Provider operating outside its Distribution Services Area, an Unregulated Margin in the Connection Charges that it makes in relation to its Connection Activities.</p>	<p>operating in its Distribution Services Area, such Margin as the licensee is allowed to charge under Charge Restriction Condition 2K (Margins on licensee’s Connection Activities) or</p> <p>(c) where the licensee is not a Distribution Services Provider, or is a Distribution Services Provider operating outside its Distribution Services Area, an Unregulated Margin in the Connection Charges that it makes in relation to its Connection Activities.</p>	<p>change was being effected in the tracked changes. We therefore no longer propose a change to this SLC.</p>
14.21	<p>The licensee must, in accordance with the requirement of paragraph 14.23, give or send to any person on request a report (“the “capacity report”) that shows present and future circuit capacity, forecast power flows and loading on the part or parts of the</p>	<p>The licensee must, in accordance with the requirement of paragraph 14.23, give or send to any person on request a report (the “capacity report”) that shows present and future circuit capacity, forecast power flows and loading on the part or parts of the licensee’s</p>	<p>This change was identified by a respondent to our April 2021 consultation as a versioning error and no change was being effected in the tracked changes. We therefore no longer propose a change to this SLC.</p>

	licensee’s Distribution System specified in the request, and fault levels for each distribution node covered by the request.	Distribution System specified in the request, and fault levels for each distribution node covered by the request.	
<b>Smart Meter Communications Licence</b>			
15.8 (4)	<u>any other functions required of the licensee pursuant to the Retail Energy Code; and</u>	<u>any other functions required of the Licensee pursuant to the Retail Energy Code; and</u>	Correcting the spelling of the word ‘functions’ and capitalisation of the word ‘Licensee’.
15.8 (5)	CSS Systems Integrator and Core Systems Assurance functions ( <u>for the purpose of the Interim Centralised Registration Service Objective only</u> ) pursuant to the Retail Energy Code	CSS Systems Integrator and Core Systems Assurance functions ( <u>for the purpose of the Interim Centralised Registration Service Objective only</u> ) pursuant to the Retail Energy Code	Correcting the spelling of the word ‘Service’.