

# Consultation

## Statutory consultation on proposals to modify licence conditions related to the Switching Programme

|                           |                 |                 |  |
|---------------------------|-----------------|-----------------|--|
| <b>Publication date:</b>  | 17th Feb 2022   | <b>Contact:</b> | Nicola Garland,<br>Head of Delivery, Switching Programme                             |
|                           |                 | <b>Team:</b>    | Switching Programme  |
| <b>Response deadline:</b> | 21st March 2022 | <b>Tel:</b>     | 020 3263 2798  |
|                           |                 | <b>Email:</b>   | <a href="mailto:Switchingprogramme@ofgem.gov.uk">Switchingprogramme@ofgem.gov.uk</a> |

We are consulting on proposals to modify standard licence conditions required for the Faster and More Reliable Switching Programme (the Switching Programme). The Switching Programme will transform current gas and electricity switching arrangements, resulting in faster, more reliable switching for consumers.

This is a statutory consultation in accordance with the Gas Act 1986 and Electricity Act 1989, concerning our proposals to modify the following licences:

- Standard conditions of Electricity Distribution Licence
- Standard conditions of Gas Shipper Licence
- Standard Special Conditions (SSCs) applicable to both National Transmission System and Distribution Network Licensees – Part A

These proposals have been through consultation with industry in the lead up to this statutory consultation, including through the Switching Programme governance, in particular the Regulatory Design User Group (RDUG).

We would like views from holders of these licences. We would also welcome responses from any other interested stakeholders and the public, although areas of this consultation are technical in nature and might require a degree of specialist knowledge around the detail of energy licence conditions and retail codes framework in order to fully engage. We would also welcome responses from other stakeholders and the public.

This document outlines the scope, purpose and questions of the consultation and how you can get involved. Once the consultation is closed, we will consider all responses.

We want to be transparent in our consultations. We will publish the non-confidential responses we receive alongside a decision on next steps on our website at [Ofgem.gov.uk/consultations](https://www.ofgem.gov.uk/consultations). If you want your response – in whole or in part – to be considered confidential, please tell us in your response and explain why. Please clearly mark the parts of your response that you consider to be confidential, and if possible, put the confidential material in separate appendices to your response.

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## Executive summary

This consultation requests views on the modifications that we propose to make to the Gas Shipper and Electricity Distribution Standard Licence Conditions (SLCs) and the Standard Special Conditions (SSCs) applicable to both National Transmission System and Distribution Network Licensees – Part A, required for the implementation of the business rules proposed by the Faster and More Reliable Switching Programme (Switching Programme).<sup>1</sup> The Switching Programme will transform current gas and electricity switching arrangements, resulting in faster, more reliable switching for consumers.

Our licence modification proposals were consulted on in June 2019<sup>2</sup> and updated proposals were then consulted on in November 2020.<sup>3</sup> These proposals were then further reviewed with stakeholders, including at the Switching Programme Regulatory Design User Group (RDUG) and Regulatory Group through 2020 and 2021. This document sets out our further updated thinking and represents our statutory consultation on the changes to these conditions required for the Switching Programme.

Please note, we recently consulted separately on changes required to the Gas and Electricity Supply Standard Licence Conditions for the Switching Programme. That consultation closed on Monday 24<sup>th</sup> January 2022.<sup>4</sup> We will issue our decision letter in response to that consultation in due course.

The objective of the Switching Programme is to improve consumers' experiences of switching, leading to greater engagement in the retail energy market, by designing and implementing a new switching process that is reliable, fast and cost-effective.

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<sup>1</sup> Link to the [Switching Programme homepage](#) on the Ofgem website

<sup>2</sup> Link to the [2019 consultation](#) on the Ofgem website here

<sup>3</sup> Link to the [2020 consultation](#) on the Ofgem website here

<sup>4</sup> Link to the recent [gas and electricity supply statutory consultation](#) on the Ofgem website here

This will build consumer confidence and facilitate competition, delivering better outcomes for consumers.

We would like to use this opportunity to thank the industry for the constructive engagement in the consultation process over the duration of the Switching Programme.

## 1. Introduction

### Background

1.1. We consulted on the licence changes required for the Switching Programme in November 2020, as part of our joint consultation with required licence changes for Retail Code Consolidation (RCC).<sup>5</sup> The November 2020 consultation proposed changes to a total of six licences:

- Standard conditions of Electricity Supply licence
- Standard conditions of Gas Supply licence
- Standard conditions of Gas Shipper licence
- Standard conditions of Gas Transporter licence
- Standard conditions of Electricity Distribution licence
- Smart Meter Communication licence

1.2. We then published a statutory consultation to introduce the licence changes required for RCC in April 2021.<sup>6</sup> Following our decision on 2 July 2021, those licence changes entered into force in September 2021, in order to reflect the changes brought about by RCC and the coming into effect of version 2.0 of the Retail Energy Code (REC v2.0).<sup>7</sup>

1.3. **This statutory consultation only relates to licence changes required for the Switching Programme, and impacts only on three licences:**

- Standard conditions of Gas Shipper Licence
- Standard Special Conditions (SSCs) applicable to both National Transmission System and Distribution Network Licensees – Part A
- Standard conditions of Electricity Distribution licence

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<sup>5</sup> Link [here](#) to the Ofgem website

<sup>6</sup> Link [here](#) to the Ofgem website

<sup>7</sup> Link [here](#) to the Ofgem website

1.4. We issued a separate statutory consultation to introduce the licence changes required for the Switching Programme in the Gas Supply and Electricity Supply SLCs in December 2021.<sup>8</sup> We felt it was more efficient and clearer for stakeholders to separate the consultations on the five licences across two different documents in this way. The Supply SLC consultation closed on Monday 24<sup>th</sup> January 2022.

1.5. We had first consulted on all the proposed licence modifications for the Switching Programme in June 2019.<sup>9</sup> Following analysis of responses received and through subsequent review with stakeholders, in particular through the Switching Programme Regulatory Design User Group (RDUG), we further refined our thinking for our November 2020 consultation.<sup>10</sup> With that in mind, at that point we asked stakeholders three key questions relevant to the three licences on which we are now undertaking this statutory consultation:

*Q) 2.1. Do you agree with the proposed standard licence condition modifications as drafted in Appendix 4 for the Gas Shipper Licence?*

*Q) 3.1: Do you agree with the proposed standard licence condition modifications as drafted in Appendix 5 for the Electricity Distribution Licence?*

*Q) 3.2: Do you agree with the proposed standard licence condition modifications as drafted in Appendix 6 (a-d) for the Gas Transporter Licence?*

1.6. We have published the non-confidential responses on our website alongside the original consultation document and supporting documents.<sup>11</sup> We received four representations in response to question 2.1, eight representations in response to 3.1 and eight representations in response to 3.2. Following review of the responses, and for the reasons outlined in the 2020 consultation and below, we intend to progress with the changes to the licence text as proposed in the 2020 consultation for the Gas Shipper SLCs. As a result of the feedback from previous consultations, we are proposing new material changes for the Gas Transporter SSCs (Part A) and Electricity Distribution SLCs. Further details are provided below in this document.

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<sup>8</sup> Link to the recent [gas and electricity supply statutory consultation](#) on the Ofgem website here

<sup>9</sup> Link [here](#) to the Ofgem website

<sup>10</sup> Link [here](#) to the Ofgem website

<sup>11</sup> Link [here](#) to the Ofgem website

## What are we consulting on?

1.7. We are setting out our final proposed licence changes to the Gas shipper and Electricity Distribution standard licence conditions, and Gas Transporter Standard Special Conditions (Part A), which we consider are required for the successful “Go Live” of the Switching Programme. Subject to stakeholder feedback and the consultation responses we receive, we expect these changes to enter into force at the “Go-Live” date for the new Central Switching Service (CSS). The “CSS Go-Live Date”, as defined in the REC, is the date and time to be designated by the Authority and is currently anticipated to be 18<sup>th</sup> July 2022.

## Context and related publications

1.8. This consultation is part of Ofgem’s Switching Programme, details of which can be found on the Ofgem website.<sup>12</sup>

1.9. We first consulted on proposed licence modifications for the Switching Programme in June 2019 as part of our consultation ‘*Switching Programme and Retail Code Consolidation: Proposed changes to licences and industry codes*’. The consultation document, supporting documentation and stakeholder responses are available on our website.<sup>13</sup>

1.10. We then further consulted on licence changes in November 2020 as part of our consultation ‘*Switching Programme and Retail Code Consolidation: Proposed licence modifications*’. The consultation document and supporting documentation are available on our website.<sup>14</sup>

1.11. We also consulted on the code drafting that we propose to implement through the Retail Code Consolidation SCR in December 2020, in our publication ‘*Retail Energy Code v2.0 and Retail Code Consolidation*’. The consultation document, supporting documentation and stakeholder responses are available on our website.<sup>15</sup>

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<sup>12</sup> Link [here](#) to the Ofgem website

<sup>13</sup> Link [here](#) to the Ofgem website

<sup>14</sup> Link [here](#) to the Ofgem website

<sup>15</sup> Link [here](#) to the Ofgem website



1.12. We issued a statutory consultation to implement the required licence changes for Retail Code Consolidation in April 2021. The consultation document, supporting documentation and stakeholder responses are available on our website.<sup>16</sup> We published our decision letter and supporting documentation in July 2021.<sup>17</sup>

1.13. Finally, we issued a statutory consultation on the required licence changes in the Gas Supply and Electricity Supply SLCs for the Switching Programme in December 2021. The consultation document and supporting documentation are available on our website.<sup>18</sup> That consultation closed on 24<sup>th</sup> January 2022. We will issue a response to that consultation in due course.

## Consultation stages

1.14. This is a statutory consultation. We invite stakeholders to submit representations by no later than 5pm on Monday 21<sup>st</sup> March 2022.

1.15. We expect to publish a decision on these proposals sometime in Spring 2022, with the finalised licence modifications taking effect, if made, from the Go-Live date for the CSS (and following the mandatory 56 day minimum standstill period). The CSS Go-Live Date, as defined in the REC, is the date and time to be designated by the Authority, and which is currently anticipated to be 18<sup>th</sup> July 2022.

## How to respond

1.16. We want to hear from anyone interested in this consultation. Please send your response to [switching.programme@ofgem.gov.uk](mailto:switching.programme@ofgem.gov.uk) by **no later than 5pm on Monday 21<sup>st</sup> March 2022**.

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<sup>16</sup> Link [here](#) to the Ofgem website

<sup>17</sup> Link [here](#) to the Ofgem website

<sup>18</sup> Link [here](#) to the Ofgem website

1.17. We've asked for your feedback in each of the questions throughout. Please respond to each one as fully as you can.

1.18. We will publish non-confidential responses on our website at [www.ofgem.gov.uk/consultations](http://www.ofgem.gov.uk/consultations).

## **Your response, data and confidentiality**

1.19. You can ask us to keep your response, or parts of your response, confidential. We'll respect this, subject to obligations to disclose information, for example, under the Freedom of Information Act 2000, the Environmental Information Regulations 2004, statutory directions, court orders, government regulations or where you give us explicit permission to disclose. If you do want us to keep your response confidential, please clearly mark this on your response and explain why.

1.20. If you wish us to keep part of your response confidential, please clearly mark those parts of your response that you *do* wish to be kept confidential and those that you *do not* wish to be kept confidential. Please put the confidential material in a separate appendix to your response. If necessary, we'll get in touch with you to discuss which parts of the information in your response should be kept confidential, and which can be published. We might ask for reasons why.

1.21. If the information you give in your response contains personal data under the General Data Protection Regulation (Regulation (EU) 2016/679) as retained in domestic law following the UK's withdrawal from the European Union ("UK GDPR"), the Gas and Electricity Markets Authority will be the data controller for the purposes of UK GDPR. Ofgem uses the information in responses in performing its statutory functions and in accordance with section 105 of the Utilities Act 2000. Please refer to our Privacy Notice on consultations, see Appendix 2.

1.22. If you wish to respond confidentially, we'll keep your response itself confidential, but we will publish the number (but not the names) of confidential responses we receive. We won't link responses to respondents if we publish a summary of responses, and we will evaluate each response on its own merits without undermining your right to confidentiality.

## General feedback

1.23. We believe that consultation is at the heart of good policy development. We welcome any comments about how we have run this consultation. We would also like to get your answers to these questions:

1. Do you have any comments about the overall process of this consultation?
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. Were its conclusions balanced?
5. Did it make reasoned recommendations for improvement?
6. Any further comments?

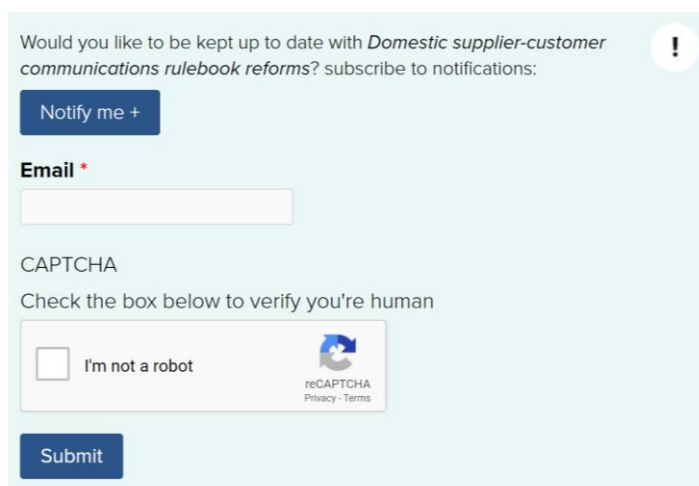
Please send any general feedback comments to [stakeholders@ofgem.gov.uk](mailto:stakeholders@ofgem.gov.uk)


## How to track the progress of the consultation

You can track the progress of a consultation from upcoming to decision status using the 'notify me' function on a consultation page when published on our website.

[Ofgem.gov.uk/consultations](https://www.ofgem.gov.uk/consultations).

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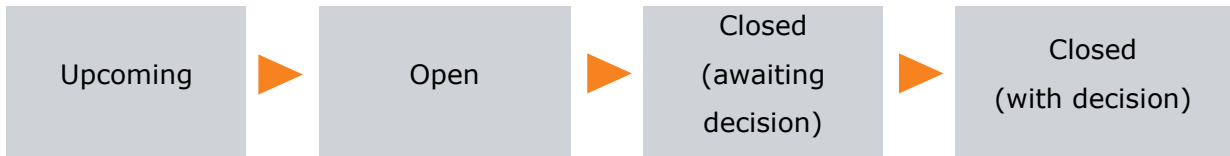
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## 2. Stakeholder feedback on November 2020 policy consultation and Ofgem response

### Section summary

This section sets out details of the responses we received to our November 2020 policy consultation “Switching Programme and Retail Code Consolidation: Proposed licence modifications” that are relevant to the Switching Programme.<sup>19</sup> We provide justification for why we are, or are not, proposing changes to the licence text as a result of representations received in response to that consultation.

2.1. As noted in Chapter 1, we received four representations in response to question 2.1, eight representations in response to 3.1 and eight representations in response to 3.2. We have published the responses on our website.<sup>20</sup> We have carefully considered these responses. Our view is that we have addressed all substantive comments received to all questions over the course of the chapter.

### ***Q) 2.1 - Do you agree with the proposed standard licence condition modifications as drafted in Appendix 4 for the Gas Shipper Licence?***

2.2. The consultation proposed six modifications to the Gas Shipper SLCs for the Switching Programme, three of which were proposed as necessary to reflect the new switching arrangements, and three of which were housekeeping changes.

2.3. All four respondents agreed with the proposals presented.

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<sup>19</sup> Link [here](#) to the Ofgem website

<sup>20</sup> Link [here](#) to the Ofgem website

**Ofgem response / next steps:**

2.4. As all responses were in agreement, we are proposing to amend the licence conditions as proposed in the November 2020 consultation, with no further changes.

***Q) 3.1 - Do you agree with the proposed standard licence condition modifications as drafted in Appendix 5 for the Electricity Distribution Licence?***

2.5. The consultation did not propose any changes to the Electricity Distribution SLCs for the Switching Programme. The eight representations we received in response to question 3.1 were all related to proposed changes for Retail Code Consolidation, which were then subject to separate statutory consultation in April 2021<sup>21</sup> and implemented on 01 September 2021.

**Ofgem response / next steps:**

2.6. As a result of amendments to the codes being progressed as part of the Switching Significant Code Review (SCR),<sup>22</sup> it has become apparent since the November 2020 consultation that an amendment to the definition of Metering Point Administration Services (MPAS) in the Electricity Distribution Licence is required. We are therefore proposing a modification, as explained below.

2.7. We are aware that the term MPAS is not used in the industry codes to refer to the type of service intended by the definition in the SLCs. The proposed amended definition is therefore intended to make clear that a Metering Point Administration Service may be referred to using different names in different codes. This includes the Supplier Meter Registration Service (SMRS) as described in the Balancing and Settlement Code (BSC), and the Electricity Retail Data Service (ERDS) as described in the Retail Energy Code (REC).

2.8. The proposed text has been discussed with stakeholders.

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<sup>21</sup> Link [here](#) to the April 2021 statutory consultation on licence changes for RCC

<sup>22</sup> Link [here](#) to the SCR launch statement on the Ofgem website

**Q) 3.2 - Do you agree with the proposed standard licence condition modifications as drafted in Appendix 6 (a-d) for the Gas Transporter Licence?**

2.9. We received eight representations in response to question 3.2, some of which were relevant to the Switching Programme.

2.10. The consultation did not actually propose any changes to the Gas Transporter Licence for the Switching Programme. However, we did set out in paragraphs 3.11 and 3.12 of the consultation document our view that we were cautious about removing the requirement on licensees in the Gas Transporter licence to provide any of the Supply Point Information Services (SPIS) as set out in Standard Special Condition (SSC) A31.2. This followed on from our consultation in 2019 which had sought views about removing those licence obligations where they were adequately provided for under industry codes, including through the Gas Retail Data Agent (GRDA) under the REC as part of the Switching Programme reforms. Instead, we proposed in the November 2020 consultation to include a provision for licensees to apply for a derogation against these requirements where a licensee felt there was a material conflict of obligations that was likely to cause an issue for consumers and / or market participants. This provision was implemented into the licence in September 2021 as condition SSC A31.4A as part of the Retail Code Consolidation changes.

2.11. Some respondents disagreed with our view not to remove these requirements from the licence. SSC A31 of the Gas Transporter Licence requires conformity with SSC A15, which in turn sets out that the services listed in SSC A31.2 must be provided by licensees through the Central Data Service Provider (CDSP).<sup>23</sup> It was stated that any such services to be delivered through the REC as part of the Switching Programme would therefore not allow a licensee to discharge their obligations in their entirety under SSCs A15 and A31. Respondents instead proposed that any specific SPIS services to be delivered under the REC going forward, ie those SPIS services/functions related to switching activity, should be removed from SSC A31.2, noting that those services that will still be required to be delivered through the CDSP on an enduring basis should remain.

2.12. In terms of the derogation provision, some respondents did not regard this as appropriate as they felt it would introduce a compliance risk if the derogation was

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<sup>23</sup> The role of CDSP is performed by Xoserve

subsequently removed or amended, as well as representing an ongoing resourcing burden to both licensees and Ofgem in managing the derogation application and approval process.

**Ofgem response / next steps:**

2.13. We have again carefully considered the potential to remove the requirement to provide the specific services that are moving to the REC from SSC A31.2 of the Gas Transporter Licence. However, for this to happen we need to be confident that there are appropriate arrangements in place to maintain provision of all of the required services. Having further analysed the condition, we would reiterate our position as set out in our November 2021 policy consultation: we are cautious about removing requirements that users and providers of these services may continue to rely on, in case we unintentionally give rise to a risk of the licence condition being interpreted as to suggest, wrongly, that the provision of certain vital services that consumers and the market rely on was no longer a legal requirement under the licence.

2.14. Instead we are now proposing to add a condition 2A to the licence which acknowledges the possibility that some of these services may be delivered through a body other than the CDSP from "CSS Go-Live Date" onwards. The intent here is to acknowledge that some of the services listed may be delivered under a code that the licensee is a party to, such as through the REC via the Gas Enquiry Service, as Gas Transporters are party to the REC.

2.15. In order to give effect to the new proposed provision from the point that the relevant services will be provided under the REC rather than by the CDSP, we are also proposing to introduce an SSC definition of "CSS Go-Live Date".

2.16. We recognise that there may be some concerns around duplication of regulation and conflicts with the new arrangements; however, until the new arrangements have bedded in, we think that this is a responsible approach that allows flexibility for Gas Transporters whilst ensuring that the services set out in the licence continue to be delivered.

2.17. In addition we think that this serves to futureproof the licence text, as further changes will not be required in future if the provision of one or more of the services listed under A31.2 moves to a different delivery mechanism.



### **3. Electricity Distribution and Gas Shipper Standard Licence Conditions and Gas Transporter Standard Special Conditions (Part A) – Ofgem decision on proposed amendments**

#### **Section summary**

This section consults on our proposals to modify the Electricity Distribution and Gas Shipper Standard Licence Conditions (SLCs) and Gas Transporter Standard Special Conditions (Part A) in order to introduce the requirements for the Switching Programme. This follows on from our initial consultation in June 2019 and subsequent consultation in November 2020.

#### **Questions:**

**Question 1: Do you agree that the proposed changes to the Electricity Distribution Standard Licence Conditions will ensure the licence reflects the necessary conditions for implementation of the Switching Programme?**

**Question 2: Do you agree that the proposed changes to the Gas Shipper Standard Licence Conditions will ensure the licence reflects the necessary conditions for implementation of the Switching Programme?**

**Question 3: Do you agree that the proposed changes to the Gas Transporter Standard Special Conditions (Part A) will ensure the licence reflects the necessary conditions for implementation of the Switching Programme?**

3.1. This consultation proposes amendments to the Electricity Distribution and Gas Shipper SLCs and Gas Transporter SSCs (Part A) required for the Switching Programme.

3.2. As described in chapter 2, Ofgem's analysis of responses to our November 2020 consultation is that stakeholders were broadly supportive of our proposed changes to these three licences. Following review and taking account of the representations received and explored in chapter 2, we are now progressing with consulting on the text as set out in the 2020 consultation, with the exception of some new proposals for the Gas Transporter and Electricity Distribution licences.

3.3. Redlined versions of the licences, incorporating these proposed changes, are provided on our website alongside this consultation document.<sup>24</sup> More detail is provided in Appendix One.

3.4. The below sections summarise the changes being proposed for each of the three licences. For ease of reading, each of the three licences are set out on a different page.

## Summary of proposals - Electricity Distribution SLCs

3.5. We are proposing amendments the Electricity Distribution SLCs as follows:

### **Condition 1 – Definitions for the standard conditions**

- Amended the definition of “Meter Point Administration Services”

This change is designed to clarify and acknowledge that an MPAS service as provided by a licensee may be used to provide services required by the codes, services which are referred to using different names in the text of the individual codes. This is to account for the fact that the term MPAS is not used in the industry codes to refer to the type of service intended by the definition in the SLCs.

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<sup>24</sup> Link [here](#) to the Ofgem website

## Summary of proposals - Gas Shipper SLCs

3.6. We are proposing amendments to the Gas Shipper SLCs as follows:

### **Condition 8 - Information as Respects Premises Served**

- Condition 8.2(a) - Removal of the requirement for the licensee to notify the relevant gas transporter as to the name of the supplier supplying gas to a particular site.

This condition is no longer required. Under the new arrangements, the Central Switching Service (CSS) will provide this information to Xoserve (as the Central Data Service Provider for gas transporters) for CSS sites, whilst the Uniform Network Code (UNC) and the Independent Gas Transporters Uniform Network Code (IGT UNC) will provide for any such necessary requirements for non-CSS sites.

- Condition 8.2 (b) - Housekeeping change related to above.

Because we have removed condition 8.2(a), a housekeeping change is required to condition 8.2 (b) to clarify that "such supplier" (previous wording) means "gas supplier supplying gas to the premises in question".

- Condition 8.4 - Removal of requirement for the licensee to notify the relevant supplier of the relevant transporter's Meter Point Reference Number or code.

This condition is no longer required. Under the new arrangements, suppliers will have access to this information through the CSS.

- Condition 8.5 - Removal of requirement for Shipper to notify the relevant transporter if it intends to become the relevant Shipper at a particular premises, no less than 14 days in advance.

This condition is no longer required. Under the new arrangements, the CSS will provide this information to Xoserve (as the Central Data Service Provider for gas transporters) as part of the switching process for CSS sites. The UNC and IGT UNC will provide for any such necessary requirements for non-CSS sites.

### **Condition 13 - Meter Point Information Furnished by a GT**

- Condition 13.1 - Removal of requirement for a licensee, when provided information by a Transporter contained within the SPIS register (condition 31 of Gas Shipper licence), to restrict the use or disclosure of the data to others.

This is a housekeeping change. We are unaware of any designation having been provided under SLC 13. We consider that such restrictions on licensees, if considered necessary, should be set out under the REC or UNC/IGT UNC as appropriate.

### **Condition 14 - Provisions Relating to Transfer of Customers**

- Condition 14.1 (a) - Removal of the requirement for the shipper to pass on a supplier's request to object to a switch.

Under the new arrangements, shippers will no longer have a role in managing the switching process for sites recorded on the CSS.

For non-CSS sites, relevant provisions will be made in the UNC and IGT UNC.

In instances where there is a switch undertaken by a shipper on behalf of a licenced supplier, outside of the CSS, we think that the provisions in the Gas Supply Licence are sufficient to ensure that the objections process is only used in the correct circumstances. However, to cover instances where there is not a licensed supplier, for example if the supplier is exempt, we have retained provisions in SLC 14 that ensure that objections are correctly used.

## Summary of proposals - Gas Transporter Standard Special Conditions (Part A)

3.7. We are proposing amendments to the Standard Special Conditions (SSCs) applicable to both National Transmission System and Distribution Network Licensees – Part A as follows:

### Standard Special Condition A31: Supply Point Information Service

- Condition SSC A31.2A - Introduction of a new condition setting out that some of the services listed in SSC A31.2, which the licensee must provide through the CDSP, may instead be delivered by party other than the CDSP under a code that the licensee is party to.

Standard Special Condition A15 (Central Data Service Provider) sets out that the licensees must provide for the appointment of a Central Data Service Provider (CDSP) in order to deliver a series of services collectively known as the CDSP Services, which include the "Supply Point Information Service" (SPIS). The list of services that must be provided through the SPIS are set out in SSC A31.2 (Standard Special Condition A31: Supply Point Information Service).

This proposed new condition is to allow for some of these services to be delivered through a body other than the CDSP from the "CSS Go-Live Date" onwards. The intent here is to clarify that some of the services listed may instead be delivered under a code that the licensee is a party to, such as through the REC via the Gas Enquiry Service, as Gas Transporters are parties to the REC.

- Condition SSC A31.8 - Introduction of a new definition of "CSS Go-Live Date".

We are proposing to introduce an SSC definition of "CSS Go-Live Date" which mirrors that in the REC. The event is referenced in the proposed condition A31.2A (see above), as this is the point at which the new requirements around provision of SPIS services would enter into force.

## Appendices

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## Appendix 1 – Draft licence changes

The licence documents published alongside this consultation on our website set out the draft changes to the licences proposed in this consultation. These documents show the proposed 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>25</sup> They can be cross referenced against explanatory comments in chapters 2 and 3 of this document to support understanding of the proposed changes.

Subsidiary documents available on our website alongside this consultation:

- Gas Shipper Standard Licence Conditions
- Standard Special Conditions (SSCs) applicable to both National Transmission System and Distribution Network Licensees – Part A
- Electricity Distribution Standard Licence Conditions

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<sup>25</sup> Link to the [Electronic Public Register](#) here

## Appendix 2 – Privacy notice on consultations

### Personal data

The following explains your rights and gives you the information you are entitled to under the UK General Data Protection Regulation (UK GDPR).<sup>26</sup>

Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the consultation.

#### 1. The identity of the controller and contact details of our Data Protection Officer

The Gas and Electricity Markets Authority is the controller, (for ease of reference, “Ofgem”). The Data Protection Officer can be contacted at [dpo@ofgem.gov.uk](mailto:dpo@ofgem.gov.uk)

#### 2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

#### 3. Our legal basis for processing your personal data

As a public authority, the UK GDPR makes provision for Ofgem to process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation.

#### 4. With whom we will be sharing your personal data

Unless you indicate otherwise, we will make your response, as provided, available online. We are working with RECCo to develop the Retail Energy Code. As the changes to the licences are a reflection of what will be in the Retail Energy Code, we may require to share nonconfidential responses with RECCo and the REC Code Manager to enable us to develop the licence changes further in response to consultation responses, but will redact your personal data before doing so.

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<sup>26</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (GDPR), as retained in domestic law following the UK’s withdrawal from the European Union (UK GDPR)



**5. For how long we will keep your personal data, or criteria used to determine the retention period.**

Your personal data will be held for as long as an audit trail on decision-making relating to the questions discussed in this document should reasonably be available.

**6. Your rights**

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right to:

- know how we use your personal data
- access your personal data
- have personal data corrected if it is inaccurate or incomplete
- ask us to delete personal data when we no longer need it
- ask us to restrict how we process your data
- get your data from us and re-use it across other services
- object to certain ways we use your data
- be safeguarded against risks where decisions based on your data are taken entirely automatically
- tell us if we can share your information with 3<sup>rd</sup> parties
- tell us your preferred frequency, content and format of our communications with you
- to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.

**7. Your personal data will not be sent overseas**

**8. Your personal data will not be used for any automated decision making.**

**9. Your personal data will be stored in a secure government IT system.**

**10. More information** For more information on how Ofgem processes your data, click on the link to our "[Ofgem privacy promise](#)".