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Wales & West Utilities (WWU) response to consultation on Data Best Practice as a Code Obligation

Dear Charles,

Thank you for the opportunity to respond to this consultation. WWU is a gas transporter and a regional gas distribution network ("GDN"), serving 2.6 million supply points in Wales and south-west England. This response is not confidential and may be published.

The consultation states in paragraph 2.20 that this is a statutory consultation; however, this is the first time that Ofgem has consulted on this particular issue. A statutory consultation under Gas Act section 23 has to satisfy the requirements of that section. The consultation does not refer to the correct licence condition for GDNs, an error that not infrequently occurs. See our response to question 10.

We have answered the three general questions and those that relate to the GDN licence.

Q1. Do you agree with our intent to expand DBP Guidance into the codes?

We think that digitalisation provisions should be introduced into both code and central systems but disagree with how Ofgem are proceeding. We make the following points:

- a) no digitalisation provisions were included in the Code Manager licence conditions consulted on in May 2025. This is required if the requirement is to endure once code manager licences come into effect particularly if the obligation is to extend to all of the code manager's activities. We encourage early engagement between Ofgem departments to ensure that activities are coordinated;

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- b) introducing digitalisation into code management will have limited impact as most of the data is held by central systems bodies and Ofgem has decided that these are not to have their own licence.

We think that introducing digitalisation obligations into Supplier and network licenses when they will have a very short life is not proportionate and this requirement should be included in Code Manager's licences. As the current gas code administrators are not resourced to do this additional work, further unfunded obligations should not be imposed on them by introducing these changes before the gas code manager is appointed.

Q2. Do you agree with the proposed deadline six months after the licence condition is applied for consequential code modifications? If not, please state your reasons specific to the relevant code and modification process.

As explained above we think that this obligation should be put in Code Manager licences not into Supplier and network licences. You may take this response as supporting an additional obligation in the Code Manager licence; however, putting the obligation into codes may take longer than six months.

Q3. Do you agree with the minded-to position that an obligation to produce DSAPs is suitable and proportionate for code bodies? If not, what alternative would you propose to achieve the same or greater benefits?

We do not think that Code Administrators should have to produce a Data Strategy Action Plan. It is reasonable the Code Managers should produce a Data Strategy Action Plan. We realise that arrangements differ between sectors and codes; however, for the proposed gas code the Code Manager will not manage significant amounts of data, so the effect of putting a new obligation in the gas code manager licence is likely to be limited. Central system bodies are the organisations that hold significant amounts of data, they would only be impacted by an obligation in code if they were party to that code. In the gas industry Xoserve is not party to any of the Uniform Network Code, the IGT Uniform Network Code or the Retail Energy Code. We do support the intention that Xoserve should produce a Data Strategy Action Plan although we note that most of the data they process is owned by other parties. One option would be to put a new clause into the Data Services Contract (the contract between Xoserve, Gas Transporters and Gas Shippers) to require Xoserve to implement a Data Strategy Action Plan; however, their adherence to this would not be directly enforceable by Ofgem.

Q10. Do you have any concerns, or can you see any risks or issues, with the proposed change to the Gas Transporter Licence amending the UNC and IGTUNC?

The text quoted is Standard Condition 9, this condition is turned off in the GDN licence and the correct condition is Standard Special Condition A11. We therefore cannot comment specifically on the drafting for GDNs; however, we make the following comments:

- a) The UNC modification panel only has jurisdiction over modifications; the overall governance of the Uniform Network Code is done by the UNC Committee.
- b) The use of best endeavours to act in accordance with Data Best Practice Guidance is disproportionate and unnecessary. Ofgem seems to be introducing a best endeavours obligation into every new licence condition, we do not understand the reason for this. If Ofgem wants a party to act in accordance with a document, it should make it an absolute obligation in the licence. The endeavours clause describes how much effort the party is required to put in to avoid a breach of the obligation. No party deliberately sets out to breach their licence. As drafted the clause requires the panel to act in accordance with the DSAP and to use its best endeavours to ensure that it does. A best endeavours obligation requires the party to do everything it can, without regard to cost, to do what it is required to do. It is not proportionate to require a code body to use best endeavours to act in accordance with DSAP when there is no endeavours obligation to administer the code and conduct meetings and consultations efficiently which is its core activity¹ and which the Joint Office has successfully discharged for many years without the need for an endeavours obligation.

Q11. Do you think this proposed principle merits discussion at the CACoP forum for inclusion in CACoP v7.0?

We think that the same questions asked about changes to licences should have been asked in relation to the proposed change to CACoP. Our comments on “best endeavours” also applies to the CACoP drafting.

Yours sincerely



Richard Pomroy
Regulation Manager
Wales & West Utilities

¹ There are no references to “best endeavours” and only one to “reasonable endeavours” (in 8.3.2) in the UNC modification rules [UNC code modification rules](#)