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value for all customers*

Our Ref: RBA/DPCR4/QOS/SI
Direct Dial: 020 7901 7333
Email: chris.watts@ofgem.gov.uk

1 April 2005

Dear Colleague,

Re: The Electricity (Standards of Performance) Regulations 2005

In January Ofgem consulted on the draft Regulations to introduce revised standards of performance arrangements for electricity distributors and a detailed practice and procedure for determining standards of performance disputes. I am writing to inform you that the Electricity (Standards of Performance) Regulations 2005 have now been made and come into force today. The Regulations will be published shortly on the HMSO website. The Annex to this letter sets out the amendments that were made to the Regulations following the consultation and acts as guidance prior to the actual Regulations being available from the HMSO.

Please do not hesitate to contact myself on 020-7901-7333 or James Hope on 020-7901-7029 if you have any further queries.

Yours sincerely,

Chris Watts
Head of the Quality of Service Team

Annex 1 - Amendments to the Electricity (Standards of Performance) Regulations 2005

This table shows the amendments that were made to the Electricity (Standards of Performance) Regulations 2005 following the consultation that ended on 7 February 2005. Words that have been struck through were contained in the draft consultation Regulations. Words that are underlined were added after the consultation and now appear in the Regulations that were made on 10th March 2005. These will soon be available on the HMSO website.

This note should only be used by way of guidance prior to the actual Regulations being available from the HMSO.

Location	Amendment/Insertion
Regulation 3, page 3, definition of "prescribed period" amended	"prescribed period" in relation to any paragraph or sub-paragraph of these <u>regulations</u> means the period in column 2 of Part I of Schedule 1 opposite the reference to that paragraph or sub-paragraph of the regulation in column 1 of Part I <u>of that Schedule Part</u> ;
Regulation 4(1)(iii), page 6, definition of "relevant period" amended	(iii) where the interruption of supply to a customer's premises arises from a failure of, fault in, or damage to an underground electric line of a nominal voltage of 20 kilovolts operated by an electricity distributor; <u>the prescribed period shall commence at the time which is 12 hours after the time at which paragraph (i) or (ii) applies; and</u>
Regulation 4(1)(k), page 6, definition of "total number of customers interrupted" inserted	<u>"total number of customers interrupted" means, for each designated electricity distributor for the purposes of regulation 6(6) and 6(8) the total number of customers whose supplies are interrupted by the category 3 weather conditions in that distributor's distribution services area; and</u>
Regulation 4(2) page 6, amendment	(2) For the purposes of calculating and making compensation payments under regulations 5 and 6, where supply is interrupted to a customer's premises that is <u>are</u> directly connected to the distribution system of an <u>a relevant</u> electricity distributor who is not a designated electricity distributor; (a) that interruption shall be deemed to be caused by category 1, category 2, or category 3 severe weather conditions (as the case may be) if it arises from the same weather conditions that satisfied the particular requirement for <u>have been caused by the same category of event applicable to the designated electricity distributor in whose distribution services area that other relevant electricity distributor operates; and</u> (b) <u>the application of the formula in regulation 6(6)(a) shall be based on the total number of customers interrupted in the designated distributor's distribution service area in which that relevant electricity distributor operates.</u>
Regulation 6(6)(a), Page 7, amendment	In top half of the fraction (the numerator) in the formula the words "total number of interrupted customers" have been deleted and the words "total number of customers interrupted" inserted.
Regulation 6(8), page 7, amendment	(8) Paragraph (6) of this regulation does not apply <u>for any relevant electricity distributor where</u> for any designated electricity distributor experiencing <u>experiences</u> category 3 severe weather conditions in relation to the same weather

	<p>event, those weather conditions interrupt a <u>which the total</u> number of customers, whose premises are directly connected to the distributor's distribution system, which interrupted is equal to or greater than the upper threshold number of customers for that distributor <u>due to the same weather event.</u></p>
Regulation 7(2), page 7, amendment	<p>(2) Where paragraph (1) applies and the interruption of supply relates to only one distributor, that distributor shall, except in any of the circumstances described in paragraph (3), pay the prescribed sum to the customer—</p> <p>(a) where the supply is not restored to the customer's premises within the relevant period; and</p> <p>(b) in respect of each succeeding period of 12 hours upon the expiry of which the supply is not restored.</p>
Regulation 8(4), page 8, amendment	<p>(4) The relevant electricity distributor to whose network the customer is connected has not received a claim for compensation from the customer in respect of the circumstance referred to in regulation 5(1), 6(1), 6(2), 6(3) or 7(1) within a period of one month <u>three months</u> from the date upon which the supply was restored to those premises.</p>
Regulation 14(3), page 14, amendment	<p>(3) The circumstances described in this paragraph are—</p> <p>(a) each of the circumstances described in regulation 20; and</p> <p>(b) in respect of a query under sub-paragraph (1)(b)(ii), that the relevant supplier has previously dispatched a notice <u>made a payment to the customer</u> under paragraph (4) <u>(6)</u> of regulation 19 relating to the matter.</p>
Regulation 17(2), page 15, amendment	<p>(2) Where this regulation applies and the relevant operator fails within a reasonable period from the applicable date to keep a timed appointment, the relevant operator shall, except in <u>any of</u> the circumstances described in paragraph (5), pay to the customer the prescribed sum.</p>
Regulation 19(4), page 16, amendment	<p>(4) Where this paragraph applies and the distributor fails to dispatch a notice to the customer or other distributor advising that a payment is due to the customer whose premises are directly connected to that distributor's distribution system or to make such <u>make the payment to the customer (or to that the other distributor for onward transmission to the customer)</u> of the sum to which he is entitled, in either case as soon as is reasonably practicable in relation to regulation 6 and within the prescribed period from the applicable date in relation to any other regulations, the distributor shall, except in any of the circumstances described in paragraph (7), pay the prescribed sum to the customer or that other distributor for onward transmission to the customer.</p>
Regulation 19(5), page 16, amendment	<p>(5) Where this paragraph applies and the distributor fails to dispatch a notice to the customer or the customer's electricity supplier or to make such <u>make the payment to the customer or the customer's electricity supplier for onward transmission to the customer</u> of the sum to which he is entitled, in either case as soon as is reasonably practicable in relation to regulation 6 and within the prescribed period from the applicable date in relation to any other regulation, the distributor shall, except in any of the circumstances described in paragraph (7), pay the prescribed sum to the customer.</p>
Regulation 19(6), page 16, amendment	<p>(6) Where this paragraph applies and the supplier fails within the prescribed period from the applicable date to dispatch a notice to the customer advising that the payment is due to the customer and to make the <u>payment to the customer and to make the</u> payment to the customer of the sum to which he is entitled, the supplier shall, except in any of the circumstances</p>

	described in paragraph (7), pay the prescribed sum to the customer.
Regulation 19(8)(a), page 16, amendment	(8) Where a relevant operator is required to make a payment under these Regulations– (a) in relation to any premises of which more than one person is a customer, a payment to any one or more of the customers at <u>in respect of</u> those premises shall be a complete discharge of the obligation of the relevant operator to make the payment to all the customers of those premises;
Schedule 2, paragraph 3(2)(b), page 23, amendment	(b) provide a list of any documentation or other evidence that the Authority has received in connection with the dispute and inform the parties that such documentation or other evidence may be disclosed to other parties to the dispute unless it is specifically classed as confidential by the party to whom it belongs <u>before the date expressly stated in the notice;</u>
Schedule 2, paragraph 3(9), page 23, amendment	(9) The Authority shall, upon receipt of any notification under sub-paragraph (8), make the necessary adjustments to the final determination statement and then publish that statement on its website <u>in accordance with sub-paragraph (2)(d).</u>
Schedule 2, paragraph 6(2)(b), page 24, amendment	(b) provide a list of any documentation or other evidence that the Authority has received in connection with the dispute and inform the parties that such documentation or other evidence may be disclosed to other parties to the dispute unless it is specifically classed as confidential by the party to whom it belongs <u>before the date expressly stated in the notice;</u>
Schedule 2, paragraph 6(14), page 25, amendment	(14) The Authority shall, upon receipt of any notification under sub-paragraph (13), make the necessary adjustments to the final determination statement and then publish that statement on its website <u>in accordance with sub-paragraph (2)(d).</u>