

CE Electric UK – comments on drafting of standard licence condition 4F as presented in the schedule to Ofgem’s statutory notice dated 13 July 2007

1. Heading – in the rest of the standard conditions of the electricity distribution licence, the style adopted by Ofgem has been to make extensive use of initial capitals in the headings of licence conditions: hence, for consistency, each of “provision”, “non-contestable”, “connections” and “services” should have an initial capital.
2. Second line of paragraph 4(a) – “are” should be changed to “is”: the noun associated with this verb is “information” (ie singular rather than plural).
3. Paragraph 8(b) – it would be helpful if Ofgem were to clarify whether the Authority should be informed either before or after the event of the nature and scope of the audit.
4. Paragraph 8(c) appears inconsistent with paragraph 8(a). Paragraph 8(a) requires an audit to be carried out by 30 June. Paragraph 8(c) requires that audit to be reviewed by 30 June (if the Authority so requests in writing). Running up to the deadline on paragraph 8(a) would appear to rule out any possibility of a review under paragraph 8(c) being imposed.
5. Paragraphs 9(a) to 9(c) – it is not clear whether information specified here should include or exclude cases exempted under paragraph 7.
6. Paragraph 9(e) is inconsistent with paragraph 8(a). If Ofgem is prepared to allow up to 30 June for an audit to be carried out, it should be prepared to allow time beyond 30 June for the results of that audit to be communicated to it: if not, the paragraph 8(a) deadline is not meaningful.
7. Paragraph 12(b) – the comma after “provided” should be deleted: the accepted way of punctuating within enumerations is not to include a comma before the final item, where “and” or “or” appears instead (the earlier commas in the enumeration, as after “collected” in this case, having effectively taken the place of “and” or “or” as appropriate).
8. Paragraph 16, definition of “diversionary works” – it is not appropriate to describe the moving of electricity meters as a service to be carried out by a distributor: the responsibility for location and relocation of meters falls to suppliers and a distributor has no right to access a meter unless given such right by the relevant supplier under a commercial arrangement. This problem would be avoided if the definition in SLC4F were made consistent with the definition of the same term in Ofgem’s SLC4F guidance document.
9. Paragraph 16, definition of “diversionary works” – the comma after “redesign” in the third line should be deleted: same point as in item 7 above.
10. Paragraph 16, definition of “phased energisation” – it seems abstruse for what is clearly an action or process (ie phased energisation) to be defined as an ability: it could be the achievement of an ability, but not an ability itself.
11. Paragraph 16, definition of “quotation” – comma should be deleted after “Methodology)” in last line: same point as in item 7 above.