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Dear Roger

Standard Licence Condition 4F

I write in response to your letter of 13 July, which both drew our attention to the statutory notice proposing the introduction of the new Condition 4F and invited comments on the proposed guidance document referred to in that proposed licence condition.

The development of the new condition has been a tortuous process and this is reflected in the various strands within your letter. It is surprising that the drafting included with the statutory notice includes changes both to the scope of the condition and in the detailed drafting that had been the subject of previous consultations. We would have expected advance notice of these changes and are disappointed that new proposals are effectively presented on a 'take it or leave it' basis.

From your conversations with Brian Hoy over the last few days you will be aware of one issue where we feel it is necessary to make specific representations. This concerns the inconsistency in the drafting of the licence condition and associated guidance in respect of reporting requirements. I understand that you accept that the wording in the guidance is what was intended, and we therefore feel unable to accept a licence condition that at clause 9(a) is at odds with your intentions.

We also have a number of comments on the guidance document which is the subject of a parallel consultation. As well as confusion over reporting (the first bullet in 1.8 again refers to number of requests the licensee "has received"), the following issues need to be addressed:

We believe Ofgem's approach to numbering is confusing. We would normally refer to the day of receipt as "day zero" with subsequent days counted from then. Table 2.3 is shown as an example with revised counts for elapsed days. This principle should be extended to the other tables in this section.

Ofgem existing				Proposed	
Action	Clock	Date	Timescale for reporting	Revised timescale	Elapsed time
Licensee receives request for quotation	Started	Monday	Day 1	Day 0	0 days
Licensee identifies that some minimum information is missing	Continues	Wednesday	Day 3	Day 2	2 days
Licensee tells applicant what minimum information is needed	Stopped	Thursday	Day 4	Day 3	3 days

We note that section 2.51 still refers to 15 days for design approval for extra high voltage rather than the 20 days proposed in the licence.

We believe it would be helpful if Ofgem confirmed explicitly that exemptions would be reported only in the specific table for exemptions and not included in any of the other tables. This would ensure that performance percentages are accurately calculated rather than being impacted by for example any extensions to timescales requested by customers.

Please feel free to speak to either Brian or myself if you require any clarification of the points we have raised.

Yours sincerely

Mike Boxall
Regulation Director