

## Electricity Distribution Price Control Customer Service Reporting - Regulatory Instructions and Guidance: Version 1

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**Target audience:** Electricity Distribution Network Operators, Independent Distribution Network Operators, Electricity Suppliers, consumers and consumer representatives.

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### **Overview:**

This document provides instructions and guidance to Electricity Distribution Network Operators (DNOs) to enable them to complete the reporting requirements associated with the new price control arrangements (DPCR5), which run from 1 April 2010 to 31 March 2015. This document and the associated reporting template are also to be used by DNOs when providing their annual returns on standards of performance.

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## Context

This document contains the Electricity Distribution Price Control Customer Service Reporting Regulatory Instructions and Guidance (RIGs). The document provides instructions for reporting on the broad measure of community satisfaction and telephony reporting and includes guidance on best practice for reporting on the non-connections standards of service following the introduction of revised guaranteed standards of performance on 1 April 2010.

The purpose of this document is to provide a framework to allow Ofgem to collect accurate and consistent customer service performance data from the Electricity Distribution Network Operators (DNOs) and to provide guidance to the DNOs on how to report on their standards of performance. DNOs are required to provide Ofgem with information on complaints handling in accordance with the Consumers, Estate Agents and Redress (CEAR) Act 2007, and information on telephony service in accordance with standard licence condition 45 (Incentive scheme for quality of service). DNOs are required to meet the guaranteed standards of performance under the Electricity (Standards of Performance) Regulations 2010 (S.I. No: 698) and are required to report to Ofgem on their performance against these standards in accordance with standard licence condition 11 (Reporting on performance). The connections standards of performance are due to take effect on 1 October 2010. We are currently developing guidance on these connections standards and once finalised it will take the form of a standalone document until it is incorporated into this document in 2011.

This version of the guidance will apply for reporting for the year ending 31 March 2011. Revised versions of the guidance may apply for subsequent years.

This document is one of four which together form the entire RIGs associated with DPCR5. The three further documents cover:

- Electricity Distribution Price Control Cost and Revenue Reporting RIGs,
- Electricity Distribution Price Control Network Asset Data and Performance Reporting RIGs, and
- Glossary of terms.

## Associated Documents

- Electricity Distribution Price Control Review Final Proposals (144/09)
- Statutory Instrument 2010 No. 698 The Electricity (Standards of Performance) Regulations 2010  
[http://www.opsi.gov.uk/si/si2010/uksi\\_20100698\\_en.pdf](http://www.opsi.gov.uk/si/si2010/uksi_20100698_en.pdf).

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## Summary

The Electricity Distribution Price Control Review<sup>1</sup> (DPCR5) sets the maximum amount of revenue that Distribution Network Operators (DNOs) can recover from customers over a five-year period from 1 April 2010 and places a number of incentives and obligations on the DNOs. We collect data annually to allow us to monitor DNO performance against their incentives, monitor compliance with their price control obligations and to allow analysis between price controls and at the subsequent price control review. Annual data collection also allows Ofgem to identify issues of performance ahead of the next price control review and provide us with a more robust understanding of the DNO business.

The Regulatory Instructions and Guidance (RIGs) provide a framework that enables Ofgem to collect data from DNOs in a consistent format. The RIGs inform DNOs about the information we plan to collect, guide them on how to provide this information and enable the DNOs to put the systems in place to collect the data to the detail we require.

Since we introduced the annual regulatory reporting arrangements in 2005 there have been significant improvements in the quality of data DNOs have provided to us annually and as part of their Forecast Business Plan Questionnaire (FBPQ) submissions. These improvements allowed us to carry out more robust cost comparisons and cost assessments at DPCR5. However, there are still inconsistencies in the data provided to us by DNOs and we will be looking for further improvements in the lead up to the next price control review.

As part of DPCR5 we introduced a number of new incentives and obligations, many of which require us to collect new data from the DNOs. In designing the RIGs associated with DPCR5 we have looked to streamline the approach to collecting the data to avoid duplication and overlaps between data requests.

Rather than establish new RIGs for each of the new price control mechanisms, which would lead to a proliferation of RIGs and a risk of duplication of data requests, we have grouped the data collection according to whether it relates to financial data (i.e. cost or revenue data), data on network assets and outputs and activity volumes, such as connection, quality of service and environmental volumes, or data related to quality of service including the guaranteed standards of service reporting.

For each of these three areas we have established separate RIGs documents. This means we will collect data on areas such as connections through returns relating to all three RIGs documents depending on whether it is cost, volume or service related.

In our annual reports on DNO performance, we will bring together data from across all three areas to provide stakeholders with a complete view of performance against each of the DPCR5 mechanisms. We intend to widen the scope of our annual reports

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<sup>1</sup> Electricity Distribution Price Control Review Final Proposals, December 2009. Ref: 114/09

to include information on DNOs' costs and revenues, an overview of financial issues, an update on delivery against agreed network outputs and performance against environmental targets, connections and quality of service standards.

There are a number of conditions in the electricity distribution licences that require the DNOs to provide the information set out in the RIGs. These licence conditions also provide a procedure by which we can amend the RIGs. We intend to keep the RIGs reporting obligations under review and may seek to change them in light of the recommendations arising from the RPI-X@20 review, experience of reporting and analysing data from the new RIGs and where we identify duplication or gaps in the RIGs data.

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## 1. Introduction

### Background

1.1. As part of DPCR5 we introduced a number of incentives and obligations on the DNOs. These include a requirement on the DNOs to commit to deliver a predetermined set of network investment outputs, new standards of performance in providing connections, a requirement to report on the company's business carbon footprint and new incentives related to customer satisfaction with the DNOs' performance.

1.2. We need to collect data to allow us to monitor DNO performance against these additional incentives and obligations and to ensure compliance against the overall price control. The Regulatory Instructions and Guidance (RIGs) provide a framework that enables Ofgem to collect data from DNOs in a consistent format. The RIGs inform DNOs about the information we plan to collect, guide them on how to provide this information and enable the DNOs to put the systems in place to collect the data to the detail we require.

1.3. Towards the end of 2009 we commenced a review of our information reporting arrangements to ensure we could collect the information we need without placing an undue burden on the DNOs or introducing duplication in the data we request. We also considered that there was merit in bringing all the information that we collect from the DNOs into the RIGs framework such as the data requirements for conducting the annual Connections Industry Review.

1.4. Instead of creating a separate RIGs document for each price control mechanism we have grouped the reporting obligations depending on whether the data is financially related, volume related or performance related. We have decided to create RIGs for each of the following areas:

- Cost and revenue reporting - this includes all data of a financial nature including: DNO performance against the cost baselines we have set as part of the price control review process (looking separately at costs associated with network investment, other direct and indirect expenditure and spending on connections, quality of service and environmental obligations); DNO performance against the revenue allowance we have set as part of DPCR5; and DNO costs associated with pensions, tax and other financial commitments,
- Network asset data and performance reporting - this includes data associated with the type, scale and performance of the physical network. It covers reporting on the new network investment output measures that we have introduced as part of DPCR5 and also covers data on asset volumes, activity volumes and the number and types of connections, environmental and quality of service outputs, and
- Customer service reporting - this includes performance against the new broad measure of community satisfaction that we have introduced as part of DPCR5 and

against the telephony standards. We have also included guidance for the guaranteed standards of service to ensure that all DNO reporting obligations are in one place. Currently this guidance does not extend to standards related to connection services. We will include this guidance in the customer service reporting RIGs in 2011.

1.5. Structuring the RIGs in this way means that data relating to a number of different areas (such as connections) appears in all three RIGs. For example, connection costs will be reported under the cost and revenue reporting RIGs, connection volumes under the network asset data and performance reporting RIGs and connection performance reporting will be in the customer service reporting RIGs. While this approach means that the scope for duplication is minimised, we recognise that the full picture on any aspect of DPCR5 will involve bringing data together from across the three areas. We will address this in the way that we report on DNO performance.

## **Legal framework**

1.6. There are a number of different obligations that require the DNOs to provide Ofgem with information. For the customer service reporting RIGs the following legal framework applies:

- Section 42AB of the Electricity Act 1989 (inserted by paragraph 2(3) of Schedule 5 of the Consumers, Estate Agents and Redress (CEAR) Act 2007) places obligations for reporting information relating to complaints handling standards prescribed by regulations made under section 43 of the CEAR Act (namely the Gas and Electricity (Consumer Complaints Handling Standards) Regulations 2008). The information required, as set out in chapter 2, relates to the complaints metric component of the broad measure of community satisfaction referenced in charge restriction condition (CRC) 8 (Adjustment of Licensee's revenues to reflect quality of service performance) of the Electricity Distribution licence,
- Standard licence condition (SLC) 45 (Incentive scheme for quality of service) places obligations for telephony reporting as set out in chapter 3,
- The Electricity (Standards of Performance) Regulations 2010 (S.I. No: 698) place obligations in relation to the guaranteed standards of performance as set out in chapter 4, and
- SLC 11 (Reporting on performance) requires the DNOs to report their performance on the guaranteed standards of performance to Ofgem as set out in chapter 4.

1.7. The RIGs include definitions and related instructions and guidance for preparing the annual information submissions. For the avoidance of doubt, these RIGs are subordinate to the licence conditions. Consequently, the RIGs will not change any definitions or obligations contained within the electricity distribution licences applicable to the DNOs and, in the event of any dispute, the licence conditions will always take precedence.

## Timescales for reporting under the RIGs

### Reporting year

1.8. The relevant reporting year for the provision of information runs from 1 April to 31 March of the following calendar year.

### Submission date

#### *Broad measure of community satisfaction*

1.9. For data associated with the broad measure of community satisfaction DNOs must provide the information as soon as reasonably practicable and, in any event, not later than 31 July following the end of the relevant reporting year to which such information relates. This is the latest date that DNOs can submit the information unless the Authority has previously consented otherwise in writing.

#### *Speed of telephone response reporting*

1.10. DNOs are required to report the information set out in table 3.2 of chapter 3 to Ofgem on a monthly basis, fourteen days after the end of each calendar month.

1.11. In addition, DNOs must also report on the configuration of their telephony systems annually at the end of each reporting year by no later than 30 April. DNOs must describe the number and configuration of incoming lines in the narrative and include a schematic diagram to explain how the telephony system is set up. DNOs must indicate on this diagram where each of the Key Measures is generated.

1.12. Where DNOs are unable to provide information on the Key Measures referred to above, they must use the accompanying narrative to explain why this is the case and when they will be able to provide the relevant information.

#### *Quality of telephone response reporting*

1.13. DNOs are required to provide information weekly, within four days of the end of the week, to facilitate Ofgem's monitoring of the quality of telephone response in accordance with table 3.3 in chapter 3.

#### *Guaranteed standards of service*

1.14. DNOs are required to report performance against the guaranteed standards to Ofgem within 6 weeks of the end of the relevant reporting year.

### **Resubmissions**

1.15. Ofgem's agreement is required before any resubmission of information set out in a report produced in accordance with these RIGs can be made and in any such instance the report concerned must be resubmitted in full.

1.16. In addition for each resubmission a separate explanation must be provided listing each and every cell that has been amended and sufficient commentary to explain the reasons.

### **Appointing an examiner**

1.17. In accordance with SLC 45.8 the licensee must permit a person nominated by the Authority to examine the systems, processes and procedures for measuring the specified information, the specified information collected by the licensee and the extent to which the systems, process and procedures and the specified information complies with the RIGs.

### **Auditing the guaranteed standards of performance**

1.18. Chapter 4 sets out the audit requirements for the guaranteed standards of performance.

### **The RIGs workbooks**

1.19. There are three workbooks for the customer service reporting RIGs, as summarised below:

- Complaints handling workbook – for reporting the broad measure of community satisfaction information as specified in chapter 2,
- Telephony reporting workbook – for telephony reporting as specified in chapter 3, and
- Guaranteed Standards of Performance workbook – for reporting on the guaranteed standards of performance as specified in chapter 4.

### **Completing the RIGs workbooks**

#### **Accuracy of reporting**

1.20. In the RIGs workbooks numbers are displayed to two decimal places. However, DNOs are required to provide the data to the highest level of accuracy unless otherwise indicated in the workbooks or in the guidance.

1.21. Where a reportable value is zero or not applicable to the licensee, a zero must be input rather than a cell being left blank.

## Glossary

1.22. The glossary of terms is the fourth document in the RIGs pack and provides a definitive list of definitions for all three RIGs documents but excludes terms defined in the licence conditions. Where a term is defined in a RIGs document, it can also be found in the glossary of terms.

1.23. For the avoidance of doubt the glossary of terms is subordinate to the licence conditions. Therefore, if a term is defined in both the licence and the glossary, the licence takes precedence.

## Document Structure

1.24. This document contains the following chapters:

- Chapter 2 – sets out the instructions for completing the broad measure of community satisfaction reporting,
- Chapter 3 – sets out the instructions for completing telephony reporting, and
- Chapter 4 – sets out the guidance on revised existing standards of service.

1.25. The appendices consist of the following:

- Appendix 1 – sets out the severe weather category boundaries,
- Appendix 2 – sets out the Authority's powers and duties, and
- Appendix 3 – sets out the feedback questionnaire.

## 2. Instructions for completing the broad measure of community satisfaction reporting

### Introduction

2.1. The purpose of the instructions and guidance in this chapter is to provide a framework for the collection and provision of accurate and consistent complaints data by DNOs to Ofgem.

2.2. This chapter deals with the complaints information that will be used to monitor performance during the DPCR5 period and that will form part of the broad measure of community satisfaction incentive in the DPCR5 period. We may use information on a DNO's performance in complaints handling to inform forthcoming price control reviews.

### Complaints handling workbook

2.3. The tables in this worksheet allow Ofgem to monitor DNO complaints handling.

2.4. In DPCR5 the broad measure of community satisfaction is intended to capture the views of all types of customers across a broad range of contact experiences. The incentive comes in to force in the third year of DPCR5 (2012-13). This version of the RIGs only contains definitions, instructions and guidance for reporting on complaints handling. As the community satisfaction survey element of the incentive is developed and piloted in DPCR5 it is anticipated that this RIGs document will evolve to include any additional necessary definitions, instructions and guidance.

### Definitions, instructions and guidance for reporting on complaints handling

2.5. This section sets out definitions and related instructions and guidance for the reporting of:

- the number of complaints,
- the number of resolved complaints,
- the number of repeated complaints,
- the number of deadlock letters,
- the number of Energy Ombudsman referrals,
- the number of Energy Ombudsman decisions in favour of the complainant, and
- the number of Ofgem determinations.

## Complaints

2.6. DNOs must report all complaints falling within the scope of the definition of complaint and consumer complaint specified in the Gas and Electricity (Consumer Complaints Handling Standards) Regulations 2008 ("the Standards") subject to the definitions and guidance contained in these RIGs. For the reporting requirement contained in these RIGs, the definition of Relevant Consumer in the Standards has been expanded<sup>2</sup> to enable reporting across all types of consumer.

## Definitions

2.7. Complaint means any expression of dissatisfaction made to an organisation, related to any one or more of its products, its services or the manner in which it has dealt with any such expression of dissatisfaction, where a response is either provided by or on behalf of that organisation at the point at which contact is made or a response is explicitly or implicitly required or expected to be provided thereafter.

2.8. Complaint means a complaint, other than a network outage report, which is made against a regulated provider either (a) by a person in that person's capacity as a relevant consumer in relation to that regulated provider; or (b) by a person acting on behalf of such a relevant consumer.

2.9. Relevant consumer in the context of these RIGs means any one or more of the following:

- (a) a person who is a consumer in relation to electricity supplied by a regulated provider, or
- (b) a person who is a consumer in relation to services provided by a regulated provider.

## Instructions

2.10. We require DNOs to record and report complaints which:

- relate to the regulated products and services of the DNO, and
- may be substantially covered by other, established, forms of redress, and which must be passed on to the relevant party for resolution by the redress scheme.

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<sup>2</sup> The Consumer Complaints Handling Standards only cover domestic consumers and micro business consumers. For the broad measure we have extended the coverage to include other types of consumers, such as large business consumers.

2.11. We require DNOs to report information on the number of complaints according to the following categories:

- the number of complaints concerning connection quotations or pre-quotations enquiries (including supply upgrades and service alterations),
- the number of complaints concerning the delivery of connections services (including supply upgrades and service alterations),
- the number of complaints concerning loss of supply (planned and unplanned) and emergency situations, and
- the number of complaints concerning other issues including (but not limited to) reinstatement and excavation, communication, engineering work, substation maintenance and vegetation management.

2.12. DNOs' systems do not need to be able to extract complaints from separate categories of relevant consumers (i.e. from domestic and micro business consumers).

### **Guidance**

2.13. DNOs must record and report the following scenarios as complaints:

- where a customer reports a loss of supply and expressly complains about there being an ongoing problem with the quality of their supply, the ongoing issue must be recorded as a complaint,
- during a planned interruption a customer complains that the interruption started earlier than had been notified,
- a customer complains about equipment damage as a result of a power surge and intends to pursue the matter in the small claims court,
- a customer's equipment has been damaged because of a power surge and the customer complains and seeks compensation from the company,
- complaints from MPs, Independent Connections Providers (ICPs), IDNOs (Independent Distribution Network Operators) and other customer representatives,
- complaints from landowners concerning the DNO's product and/or service.

2.14. The following scenarios must not be recorded as a complaint:

- where a customer calls to report an unplanned loss of supply,

- where, during a planned interruption, the customer calls to report a loss of supply,
- where the matter arises as the result of a road traffic accident,
- where the matter concerns a utility, telecommunications company or local authority in respect of damage caused to the assets of that utility, telecommunications company or local authority,
- where the matter relates to contractual disputes with commercial/industrial customers,
- where the customer makes contact to pursue a claim under the Guaranteed Standards of Performance (unless expressly complaining at the same time), and
- wayleave disputes and landowner negotiations<sup>3</sup>.

## Resolved complaints

### Definitions

2.15. A resolved complaint is a consumer complaint in respect of which there remains no outstanding action to be taken by the regulated provider. In this case, the complaint has either (i) been resolved to the satisfaction of the relevant consumer who made that consumer complaint or on whose behalf that consumer complaint was made, or (ii) although the consumer is not openly satisfied with the outcome, the consumer has agreed that the regulated provider has taken all action reasonably expected.

### Instructions

2.16. A complaint must not be treated as resolved until the customer is satisfied, or is reasonably believed to be satisfied, with the outcome of any actions taken by the DNO. This will include awaiting the results of any monitoring process undertaken and subsequent actions (such as system reinforcement) before closing the complaint concerned.

### Guidance

2.17. DNOs must not record and report the following scenarios as resolved complaints:

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<sup>3</sup> Complaints about the DNO's service during landowner negotiations must be captured as a complaint:

- where a course of action has been agreed with the customer but not yet completed, or
- where further information or contact from the customer is pending.

2.18. Where a DNO carries out the action(s) that it had stated it would do in order to resolve a complaint, then the time at which all of those actions had been completed must be taken as the time that the complaint is resolved. DNOs must keep records of their activities to enable verification.

## Repeated complaints

### Definitions

2.19. A repeated complaint is where the customer makes contact to express dissatisfaction with the same or substantially the same matter that was the subject of a previously resolved complaint.

### Guidance

2.20. The following must be recorded as repeated complaints:

- a customer complains regarding the unacceptable quality of reinstatement carried out in his drive. The DNO carries out further works to the satisfaction of the customer and resolves the complaint. The reinstatement fails, within 12 months of the resolution date, and the customer complains,
- an MP complains about the number of interruptions a certain constituent has received and the DNO duly informs the MP that it has identified the issue and rectified the fault, thus resolving the complaint. The MP contacts the company, within 12 months, to raise the same issue and it is the repaired, or replaced, piece of equipment that is faulty.

2.21. The following are not to be recorded as repeated complaints:

- where the previously resolved complaint was resolved more than 12 months before the DNO receives a similar or substantially the same complaint from the customer, or
- where the DNO receives a similar or substantially the same complaint from the customer relating to a matter that has been the subject of an Energy Ombudsman finding in favour of the DNO in the last 12 months.

## Deadlock letters

### Definition

2.22. A deadlock letter is a final response from the DNO to the customer in which the position of the DNO is stated to be different from that of the customer.

### Instructions

2.23. A DNO must record all those letters it has issued where its stance could reasonably be interpreted as being at odds with that of the customer.

## Energy Ombudsman decisions in favour of the complainant

### Definitions

2.24. An Energy Ombudsman decision in favour of the complainant is one where the DNO is required to make a payment over and above that previously offered to the complainant, change its processes beyond what it had previously indicated to the complainant that it would, or both.

### Instructions

2.25. A DNO must not record as Energy Ombudsman decisions in favour of the complainant instances where the decision is as favourable (or less) to the customer as the offer previously made by the DNO to the customer.

## 3. Instructions for completing telephony reporting

### Introduction

3.1. The purpose of the instructions and guidance in this chapter is to provide a framework for the collection and provision of accurate and consistent telephony data from the DNOs.

3.2. This chapter deals with the telephony information that will be used to monitor performance during the DPCR5 period, form the telephony incentive in the first two years of the DPCR5 period and inform forthcoming price control reviews.

### Telephony reporting workbook

3.3. The tables in this worksheet allow Ofgem to monitor DNO telephony performance.

### Introduction

3.4. This section sets out definitions and related instructions and guidance to be used for the reporting of:

- the speed of telephone response and other related information, and
- the information which Ofgem and its appointed consultants require for undertaking a survey of customers' views of the response that they receive when they contact the DNO by telephone.

### Speed of telephone response

#### Definition of the specified contact lines

3.5. It is necessary to specify which telephone calls are relevant for measuring the speed of telephone response. All telephone calls received to the following lines must be included:

- to the free phone power outage telephone number (and its equivalents) operated by the DNO or by its appointed agents (or contractors),
- to the security and safety enquiry service telephone number (if different from the above) operated by the DNO or by its appointed agents (or contractors), and
- to contractors and/or agents of the DNO who act as an overflow or crisis management facility during peak periods.

3.6. Where DNOs provide a different emergency telephone number as required by the Electricity Safety, Quality and Continuity Regulations (ESQCR)<sup>4</sup>, this is not included in the definition of specified contact lines.

3.7. DNOs are required to report performance on the speed of telephone response by an agent once a customer has decided to speak to an agent. They are also required to report performance under a number of supporting key measures. These are set out in table 3.1 below.

**Table 3.1 Explanation of key measures for the reporting template**

<b>Key Measure</b>	<b>Definition</b>
KM1	Total calls on the specified lines
KM2	Total calls answered by an automated message providing fault details (excluding an IVR/group announcement providing details of alternative contact telephone numbers if the call is not a power loss call)
KM3	Total calls answered by an agent
KM4	Mean time taken for response by an agent
KM5	Total number of unsuccessful calls, comprising: <ul style="list-style-type: none"> <li>a) Total calls not reaching the specified lines</li> <li>b) Total calls terminated by the DNO during the IVR/group announcement</li> <li>c) Total calls not allowed into the queue or flushed from the queue</li> <li>d) Total calls abandoned by the customer in the queue</li> </ul>

- **KM1 - total calls on the specified lines.** Defined as the total number of incoming calls received on the specified lines. This includes those calls to the specified contact lines which do not enter those lines (for example calls receiving an engaged tone).

Some or all of the specified contact lines may be operated by the DNOs' appointed agents or contractors. DNOs must obtain the necessary information from their agents or contractors on the total calls received on the specified lines. DNOs must also obtain the number of calls that are lost prior to entering the specified contact lines. This information is important to demonstrate the total number of customer calls on the specified lines.

<sup>4</sup> The Electricity Safety, Quality and Continuity Regulations 2002, No 2665

- **KM2 - total calls answered by an automated message.** Defined as all calls routed to and answered by an automated fault message (excluding an Interactive Voice Response (IVR) or group announcement providing details of alternative contact telephone numbers if the call is not a power loss call).
- **KM 3 - total calls answered by an agent.** Defined as all calls that reach and are answered by an agent. This will include those customers that speak to an agent either by holding for an agent or by redialling on an alternative number.
- **KM 4 - mean time taken for response by an agent.** Defined as the total time of all calls received by agents from when the customer hears a ringing tone to when the call is first answered by an agent, divided by the total number of calls answered by an agent.

For those DNOs' telephone systems that require customers to wait for an agent following an automated message, the mean time taken is the time from when the customer enters the queue to speak to an agent after the message has finished to when the call is first answered by an agent.

For those DNOs' telephone systems where customers are required to dial an alternative number to speak to an agent, the mean time taken is from when the customer hears the ringing tone of this line to when the call is first answered by an agent, irrespective of whether the DNO has an additional IVR or group announcement on the alternative number.

Where the DNO has an additional IVR/group announcement on the alternative number, the length of this message and its content must be reported as part of the additional narrative accompanying the reported statistics.

- **KM5 – total number of unsuccessful calls.** Defined as calls that are terminated by the DNO (either by call flushing or call blocking or other similar method) once the customer has called the specified line.

This includes all calls that do not reach the DNO specified line; all calls that are terminated by the DNO in the IVR/group announcement; the total number of calls abandoned by customers in the queue.

Where a customer has heard a message and is given the option to be called back, rather than waiting to speak to an agent, then those customers that opt for a call-back must not be counted under KM5. If however, the DNO terminated the call and then called the customer back such calls must be included in KM5.

### **Format of report**

3.8. DNOs must report the required information within the relevant timescale in the format set out in table 3.2:

**Table 3.2 Reporting template**

<b>Key Measure</b>	<b>Definition</b>	<b>Total</b>
KM1	Total calls on the specified lines	
KM2	Total calls answered by an automated message providing fault details (excluding an IVR/group announcement providing details of alternative contact telephone numbers if the call is not a power loss call)	
KM3	Total calls answered by an agent	
KM4	Mean time taken for response by an agent	
KM5	Total number of unsuccessful calls, comprising: <ul style="list-style-type: none"> <li>a) Total calls not reaching the specified lines</li> <li>b) Total calls terminated by the DNO during the IVR/group announcement</li> <li>c) Total calls not allowed into the queue or flushed from the queue</li> <li>d) Total calls abandoned by the customer in the queue</li> </ul>	

3.9. DNOs are required to report the information to Ofgem on a monthly basis, fourteen days after the end of each calendar month.

3.10. In addition, DNOs must also report on the configuration of their telephony systems annually, one month after the end of the reporting year. DNOs must describe the number and configuration of incoming lines in the narrative and include a schematic diagram to explain how the telephony system is set up. DNOs must indicate on this diagram where each of the Key Measures is generated.

3.11. Where DNOs are unable to provide information on the Key Measures identified above, they must use the accompanying narrative to explain why this is the case and when they will be able to provide the relevant information.

## Quality of telephone response

3.12. Ofgem intends to undertake a survey of the views of customers on the telephone response that they receive when they contact the DNO about power loss or an emergency. To undertake this survey, Ofgem (and/or its appointed consultants) will require information on the customers that have contacted the DNOs by telephone.

3.13. In order for Ofgem to undertake the survey, DNOs are required to provide the following information:

- the telephone number of each person (or customer contact) telephoning either of the following enquiry services/contact lines whose call is answered by an agent (i.e. excluding automated responses) and whose call is about power loss or emergency:
  - to the free phone power outage telephone number (and its equivalents) operated by the DNO or by its appointed agents (or contractors), or

- to the security and safety enquiry service telephone number (if different from the above) operated by the DNO or by its appointed agents (or contractors),
- together with, if known, the name of that person, whether that person is a domestic or non-domestic customer and when they telephoned the DNO.

### **Scope of customer survey**

3.14. Ofgem is aware that some customer calls received on the specified lines are not in relation to power loss or an emergency (for example calls relating to supplier hub activities or other erroneous calls such as wrong numbers). These out of scope calls must not form part of the survey.

3.15. Where DNOs pre-filter the data sent to Ofgem (and/or its appointed consultants), it is important that there is a robust and consistent system in place that extracts out of scope calls from the sample. DNOs must agree this process in writing with Ofgem by 1 April each year for the forthcoming year.

### **Customer contact**

3.16. In some instances, customer information may not be available to the DNO, including where:

- customers choose to withhold their telephone number, either verbally or by using a call line identification blocking service (i.e. by pressing 141 before contacting the DNO),
- customers refuse to participate in a survey, and
- where, in consultation with the Information Commissioner and DNOs, Ofgem considers that the provision of information would be a breach of the Data Protection Act.

3.17. In such circumstances the DNO is not required to submit the customer information outlined above.

### **Arrangements for the provision of customer information**

3.18. In order for Ofgem's appointed agents to undertake a survey of customers' views on the telephone response that they receive when they contact a DNO, it is necessary for the DNOs to provide Ofgem (or its appointed agents) with customer information on a regular basis. The information that must be provided is outlined in the table below and must be submitted within four working days of the end of the week in which the customer contacted the specified contact lines. For these purposes the end of the week is defined as the Friday in the week in which the

customer contacted the DNO and normal working days exclude Saturdays and Sundays.

**Table 3.3 Timetable for quality of telephone response reporting**

<b>Information</b>	<b>Deadline for reporting</b>
Speed of telephone response information	On a monthly basis
Quality of telephone response customer information	On a weekly basis

3.19. This information must be provided to Ofgem in electronic form.

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## 4. Guidance on the revised existing guaranteed standards of service

### Introduction

4.1. The Electricity (Standards of Performance) Regulations 2010 include a number of guaranteed standards that apply to all electricity distributors in Great Britain. This chapter provides guidance for electricity distributors and any other interested parties on what each standard is, when it applies and the exemptions that may be applied. It also details associated reporting requirements under standard condition 11 (Reporting on performance) of the electricity distribution licence.

4.2. This chapter replaces the earlier Guaranteed Standards: Ofgem Guidance and Proposals on Best Practice - Electricity Distribution document (which was published on 28 April 2006) and reflects changes to the existing electricity standards of performance (guaranteed standards) as set out in the Electricity (Standards of Performance) Regulations 2010<sup>5</sup> ("the Regulations"), which became effective from 1 April 2010.

4.3. It also gives brief guidance on the interpretation of certain codes of practice reporting requirements relating to the provision of services for vulnerable customer groups.

4.4. This chapter is a guideline and, in the event of any dispute as to the application of the guaranteed standards, the Regulations will be the definitive point of reference.

### Guaranteed standards of performance workbook

4.5. The tables in this worksheet allow Ofgem to monitor DNO guaranteed standards of performance and adherence to the Regulations. We will review the data, alert the DNOs where corrections are needed and provide finalised returns to Consumer Focus annually.

### The scope of the present standards

4.6. The standards have been amended as part of DPCR5.

4.7. On 1 April 2010, the Regulations came into force and provide for guaranteed standards in electricity distribution and supply (amongst other things).

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<sup>5</sup> SI 2010 No. 698 The Electricity (Standards of Performance) Regulations 2010

4.8. To facilitate reporting, each electricity distribution guaranteed standard (EGS) has been given a reference number: for example, regulation 5 (duty to restore supply within 18 hours following a fault – under normal conditions) will be reported upon as EGS2.

4.9. The new range of EGSs and reporting code numbers is summarised in the table 4.1.

**Table 4.1: Guaranteed Standards - Electricity Distribution**

<b>Regulation</b>	<b>Activity</b>	<b>Reporting code</b>
12	Responding to operation of distributor's fuse	EGS1
5	Supply restoration – normal conditions	EGS2
11	Supply restoration - multiple interruptions	EGS2A
6	Supply restoration - normal conditions (5,000 or more premises interrupted)	EGS2B
8	Supply restoration - rota disconnections	EGS2C
13	Estimating charges for connection	EGS3
14	Notice of planned interruption to supply	EGS4
15	Investigation of voltage complaints	EGS5
19	Making and keeping appointments	EGS8
21	Notification and making of payments owed under the guaranteed standards	EGS9
7	Supply restoration – category 1 severe weather conditions	EGS11A
7	Supply restoration – category 2 severe weather conditions	EGS11B
7	Supply restoration – category 3 severe weather conditions	EGS11C
9	Supply restoration – Highlands and Islands	EGS12

## General Guidance and Interpretation

### Introduction

4.10. This section is intended to provide guidance to those who have to apply the guaranteed standards on a day-to-day basis and to assist in ensuring greater consistency in the application of the guaranteed standards by electricity distributors. The current versions of the guaranteed standards are those established by the Regulations. The Regulations remain the authoritative source and are not replaced by this guidance. Independent legal advice must be sought wherever appropriate.

4.11. If distributors publish guidance on the guaranteed standards, or give guidance to individual customers, that guidance must reflect the contents of this document or subsequent versions of it. The notice of rights<sup>6</sup> that each distributor is required to provide for the benefit of customers must also be consistent with this document.

4.12. Any disagreement with the guidance must be taken up with Ofgem. Changes or additions, which may be made from time to time, will be published by Ofgem. Distributors will be consulted on any proposed changes. Changes made to guaranteed standards will be published as statutory instruments (SIs) by HMSO.

### General points

#### *The role of agents and contractors*

4.13. The distributor may contract out work that is covered by the guaranteed standards. If it does so, it must be aware that it is still liable to meet penalty payments, report failures etc as it would have had the work been allocated to its own permanent staff.

#### *Customer notifications and contact*

4.14. It is for the distributor to decide which of its premises are appropriate for the receipt of notifications under the guaranteed standards. However:

- these premises, their opening hours and their telephone numbers, where appropriate, must be clearly listed on all relevant publications of the distributor, and
  - callers who contact inappropriate premises must be advised by the distributor's staff at those premises of the appropriate address and telephone number.
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<sup>6</sup> Regulation 24 of SI 2010/698 The Electricity (Standards of Performance) Regulations 2010

4.15. It would be helpful if, where a customer contacts inappropriate premises, the distributor's staff contact their appropriate colleagues on behalf of the customer. The distributor should aim to ensure that such contacts are made promptly so as to enable the relevant guaranteed standard to be met within the specified time.

4.16. Where a call is received outside normal working hours, and where the distributor will treat this as having been received at the start of business on the following working day, the distributor must ensure that this practice is mentioned in its notice of rights.

4.17. When the standards of performance specified in respect of restoration of supply in both normal and severe weather conditions (EGS2, EGS2B, EGS2C, EGS11A, EGS11B and EGS11C), multiple interruptions (EGS2A) and notice of supply interruption (EGS4) have been potentially failed, it is necessary for affected customers to lodge a valid claim with the distributor in order to receive a payment under the relevant standard (and consequently, non-receipt of a valid claim constitutes a valid exemption in circumstances where a distributor does know that it has failed one of these standards). This arrangement exists solely because, in the case of these particular standards, a distributor will not necessarily know that it has failed unless relevant customers make contact with it.

4.18. This need for customers to make a claim opens up a legitimate opportunity for a distributor, when it does know that it has failed one of these standards, to move proactively to offer ex gratia payments to affected customers in the hope of saving them the trouble of making a claim. Where a distributor has made an ex gratia payment to a customer it must still accept any claim that such a customer may subsequently lodge under the relevant guaranteed standard and, if the claim is valid, it must make a payment against the guaranteed standard less any ex gratia payment.

4.19. In order for Ofgem to be able to make full and proper assessment of the extent to which customers are being recompensed by distributors in respect of services provided under the guaranteed standards, it needs, in addition to details of payments made for failures of the standards, to have details of ex gratia payments made proactively for failures of the guaranteed standards cited in paragraph 4.18 above; for near-failures of any of the guaranteed standards; or in situations where payment under the guaranteed standards has been excused by an applicable exemption.

4.20. There is no requirement on customers to mention the guaranteed standards when they make a claim. Companies must adopt a common-sense view of what constitutes a complaint, and must not insist on a formal claim. If, for example, a customer contacting a distributor about lengthy or frequent supply interruptions or an un-notified planned interruption gives the distributor reason to believe that he is seeking recompense of some kind for the inconvenience caused by such interruption(s) (as opposed to compensation for damaged appliances, lost freezer contents etc), or is clearly expressing dissatisfaction with the supply interruption(s), then the distributor must be prepared to treat this contact as a claim under the

relevant guaranteed standard. Claims must be accepted via any of the usual media, for example by letter, e-mail, telephone or personal call.

4.21. The distributor must keep a record of contacts it receives from customers on matters that fall within the scope of the guaranteed standards. It may happen, however, that the distributor will not have a record of each and every such contact. In any case in which no record exists, the distributor must not conclude, for that reason alone, that no contact has been made and that the request for payment must be rejected. The distributor must treat each case on its merits and give full consideration to any evidence from a customer that a contact was made. The distributor must determine on a balance of probabilities whether a contact was received. Ofgem will adopt the same approach if called upon to determine a dispute.

4.22. Distributors may in some circumstances seek specific and detailed information before establishing that a payment is properly due to the customer. Nevertheless, the effective date of a claim for payment will still be that upon which the initial contact is made.

4.23. Customers and distributors can communicate directly in order to progress claims and wherever possible distributors are encouraged to resolve disputes; where suppliers have been involved they may wish to be informed of the outcome. After opportunity for a distributor to resolve a dispute has been given and is unsuccessful, customers must be advised of their right to refer any disputes to Ofgem for determination in accordance with the practice and procedure set out at Schedule 2 to the Electricity (Standards of Performance) Regulations 2010.

4.24. A substantive reply must answer clearly and in full all the points raised by the customer that are covered by the guaranteed standards. Where to do so would not be possible within the prescribed period, a reply will nonetheless be substantive if it provides as detailed a response to each point as is possible, together with good reasons why a full reply cannot be given.

4.25. Where the owner or operator of an inset distribution system ("inset distributor") becomes liable to make a penalty payment to one or more of its directly connected customers for failure of any of the guaranteed standards, and that liability arises wholly or partly from a failure, act or omission on the part of the distributor to whose distribution system the inset system is connected ("host distributor"), then the host distributor will be required to make all or part of an equivalent compensation payment directly to the inset distributor (and vice versa if the circumstances are reversed). The interaction between a host distributor and an inset distributor in such circumstances must be in accordance with the provisions of clause 49 of the Distribution Connection and Use of System Agreement (DCUSA).

**Guaranteed standards – electricity distribution***EGS1 (Regulation 12) Relevant distributor's fuse*

4.26. Where a distributor is notified by a telephone call, made by a customer whose premises are directly connected to that distributor's distribution system, of an actual or apparent operation of its fuse so as to disconnect the supply to those premises (or of circumstances suggestive thereof), and the notification is received during working hours, it is required to send an appropriate person to replace or reinstate the fuse and restore supply within three hours on working days and within four hours on any other day. If it fails to attend within these times, the distributor must make payment of £22 to the customer (domestic and non-domestic customers).

4.27. The working hours are specified in part II of schedule 1 to the Regulations as being between 7.00am and 7.00pm on working days and between 9.00am and 5.00pm on any other day. Where the distributor is notified outside these hours, the distributor must take the required action as though it received the notice the following day at the start of working hours.

*Exemptions specific to EGS1*

4.28. The following specific exemptions may apply to EGS1:

- the customer requested the distributor not to restore the supply,
- the fuse had not, in fact, operated so as to disconnect the supply,
- see paragraph 4.119 for the general exemptions.

*EGS2 (Regulation 5) Supply restoration – normal conditions*

4.29. In the event of the supply to a customer's premises during normal conditions being discontinued as a result of a failure of, fault in or damage to the distribution system (but not the distributor's fuse), the distributor must restore supply to the customer's premises within 18 hours of the time from which it was (or must reasonably have been) aware of the fault. If it fails to achieve this, it must, on receipt of a claim from a customer, pay £54 for domestic customers or £108 for non-domestic customers, and a further £27 for each additional period of 12 hours in which supply is not restored. There is no cap on the amount of compensation payable under this standard. Note that the key point is whether or not the system has failed for 18 hours. The overall system failure could be attributable to more than one fault. If the total period of non-supply exceeds 18 hours, then a payment is due, whether or not any single contributory fault has been remedied.

4.30. For the avoidance of doubt, any partial restoration of supply to an individual customer's premises (such as the loan of a suitcase generator for boiling a kettle or the restoration of one or two phases of a three-phase supply) prior to the

contravention time must not be considered to constitute the meeting of this standard. If any such contingency restoration cannot provide the capacity and supply configuration specified in the relevant connection agreement, then the supply cannot be deemed to have been restored. However, it must be noted that such contingency arrangements could benefit both distributor and customers from a customer service perspective and could provide the distributor with a basis on which to approach the customer for an exemption on the grounds that the customer agrees that such action is sufficient to honour the distributor's obligation under the standard.

4.31. An additional 12 hours' grace is allowed for restoring supplies if the fault has occurred to an underground line with a nominal voltage of 20kV.

4.32. Where ice accretion, flooding or snow affect the part of the distributor's distribution system to which the customer's premises were connected prior to the interruption and prevent work to restore the customer's supply, the start time for the purposes of this standard will be when such effects no longer prevent restoration work.

4.33. Where distributors use recorded messages to convey information concerning supply interruptions, those messages:

- must provide customers with accurate and up-to-date information about supply interruptions and likely restoration times, and
- must not deliberately deter customers from subsequently contacting the distributor if they are off supply for more than 18 hours.

4.34. This standard does not apply in any part of the Highlands and Islands.

*Exemptions specific to EGS2*

4.35. The following specific exemption may apply to EGS2:

- Where the supply to the customer's premises is interrupted as a result of a failure of, fault in or damage to the relevant distributor's distribution system resulting from category 1, 2, or 3 severe weather conditions.

*Exemptions specific to EGS2, EGS2B, EGS2C, EGS11A, EGS11B and EGS11C*

4.36. The following specific exemptions may apply to EGS2, EGS2B, EGS2C, EGS11A, EGS11B and EGS11C:

- It was not reasonable to expect the distributor to know that the supply had not been restored,

- If the supply is to an island via an underwater cable, where the failure, fault or damage occurred in the part of the cable situated below the high-water mark of spring tides and there is no alternative means normally available to the distributor to supply premises on that island,
- The distributor to whose distribution system the customer's premises are connected has not received a claim for compensation within three months of the supply being restored,
- The customer informs the distributor before the contravention time that he does not wish the distributor to take any action, or any further action, in relation to the matter,
- If the customer agrees with the distributor that any action taken by the distributor within the contravention period, (or a promise of action made within that time and subsequently fulfilled by the distributor) is sufficient to honour the distributor's obligation (but only if the distributor has made the customer aware that, in so agreeing, he could be waiving his right to a guaranteed-standards payment),
- The failure of, fault in or damage to the distributor's distribution system and/or the failure to meet the contravention time was the result of an event for which emergency regulations under Part 2 of the Civil Contingencies Act 2004 apply,
- It was not reasonably practicable for the distributor to have taken action before the contravention time because of:
  - industrial action by the distributor's employees,
  - an action or default by someone other than the distributor's or other distributor's employee, officer or agent, or someone acting on behalf of an agent,
  - an inability to gain necessary access to relevant premises,
  - the likelihood that the distributor would break the law if it complied, or
  - other exceptional circumstances beyond the control of the distributor (other than severe weather or the effects of severe weather),

and the distributor had in each individual case taken all reasonable steps both to prevent the circumstances from occurring and from having that effect,

- Where the interruption of supply only occurred due to failure of, fault in or damage to the distribution system of another distributor,
- It was reasonable for the distributor to regard information from the customer as being frivolous (not deserving to be taken seriously) or vexatious (intended purely to cause nuisance to the distributor) or

- The customer had committed an offence under the Electricity Act 1989<sup>7</sup>.

*EGS2A (Regulation 11) Supply restoration - multiple interruptions*

4.37. This Regulation applies where the customer's supply is interrupted for 4 or more periods each of not less than 3 hours during any period of 12 months commencing in each case on 1 April. The period of an interruption is deemed to start at the first time the distributor is informed by a customer or another person that the supply to a customer's premises has been interrupted, or is made aware by the operation of any automatic system it operates of circumstances in which the supply to the customer has been or may reasonably be expected to have been interrupted.

4.38. Any temporary restoration of supply that does not exceed 3 minutes must be ignored and the interruption must be treated as continuous.

4.39. Qualifying interruptions must be experienced by the same customer at the same premises.

4.40. If such a pattern of interruptions occurs the distributor is required to make a payment of £54 to the customer (domestic and non-domestic customers), provided that the customer makes a claim for payment within 3 months of the end of the period referred to above.

4.41. In order to verify any claims for payment under this guaranteed standard, distributors will need to know the identity of the premises in question (address or MPAN<sup>8</sup>), and the dates upon which the relevant interruptions occurred. Distributors' notices of rights must cover this point. Notwithstanding this, and for the avoidance of doubt, in circumstances where a customer is claiming for multiple interruptions but cannot cite precise dates, if the distributor's own information systems show that the customer has (or can reasonably be supposed to have) experienced the requisite number of qualifying interruptions, the claim must be accepted.

4.42. Any single interruption arising in the following circumstances does not count as a valid interruption for the purposes of the guaranteed standard:

- if the customer asked the distributor not to take any action or any further action within the period of three hours after the interruption began,

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<sup>7</sup> Specifically, the customer committed an offence under paragraph 6 of Schedule 6 to the Electricity Act 1989

<sup>8</sup> Metering point administration number

- if the customer agrees that any action taken by the distributor within the three-hour period referred to above, (or a promise of action made within that time and subsequently fulfilled by the distributor) is sufficient to honour the distributor's obligation (but only if the distributor has made the customer aware that, in so agreeing, he could be waiving his right to a guaranteed-standards payment),
- if the actions that might otherwise have been taken by the distributor to deal with the interruption within the three-hour period referred to above would have led to a breach of an enactment,
- if the distributor has given the customer prior notice of its or any other distributor's intention to interrupt the supply,
- if the interruption arose out of a failure of, fault in or damage to either the transmission system to which the distributor's system or another distributor's system is connected or to a generating station connected to that transmission system,
- if the interruption arose out of a failure of, fault in or damage to a generating station connected to the distributor's distribution system or another distributor's distribution system,
- if it is an interruption to which EGS1, EGS2, EGS2B, EGS2C (except in respect of paragraph (5) of Regulation 8), EGS11A, EGS11B, EGS11C or EGS12 applies,
- if the interruption arose as a result of an act or default of the supplier to the premises concerned, or of the customer,
- if the interruption arose out of an event resulting in interruption of supply to more than 500,000 customers in Great Britain (as notified by Ofgem to the distributor), or
- if the interruption and/or the failure to restore supply within three hours was the result of an event for which emergency regulations under Part 2 of the Civil Contingencies Act 2004 apply.

*Exemptions specific to EGS2A*

4.43. The following specific exemptions may apply to groups of interruptions for the purposes of EGS2A:

- the distributor has not received a claim for compensation from the customer within 3 months of the end of the relevant year (i.e. by 30 June in respect of the year ended the previous 31 March),

- the interruptions do not all apply to the same premises and the same customer.

4.44. Note that the provisions of Regulation 22<sup>9</sup> cannot be invoked in relation to this guaranteed standard.

*EGS2B (Regulation 6) Supply restoration - normal conditions: 5,000 or more premises interrupted*

4.45. In the event of the supply to a customer's premises during normal conditions being discontinued as a result of a single incidence of failure of, fault in or damage to the distribution system that interrupts the supply to 5,000 or more premises, the distributor must restore supply to the customer's premises within 24 hours of the time from which it was (or should reasonably have been) aware of the loss of supply. If it fails to achieve this, it must, on receipt of a claim from a customer, pay £54 for domestic customers or £108 for non-domestic customers, and a further £27 for each additional period of 12 hours in which supply is not restored, up to a cap of £216 in total.

4.46. For the avoidance of doubt, this standard only applies if supplies to more than 5,000 premises are interrupted by a single event, and it only applies in respect of the customers whose supplies are interrupted by that event - it does not apply in respect of any customers whose supplies may happen to be interrupted at the same time by a separate event that has not caused interruption of supplies to 5,000 or more premises.

4.47. This standard does not apply in any part of the Highlands and Islands.

4.48. Paragraphs 4.29 to 4.32 above (written in respect of EGS2) apply in respect of EGS2B also.

*Exemptions specific to EGS2B*

4.49. The following specific exemptions may apply to EGS2B:

- where the supply to the customer's premises is interrupted as a result of a failure of, fault in or damage to the relevant distributor's distribution system resulting from category 1, 2, or 3 severe weather conditions, or
- exemptions listed under paragraph 4.36 of this guidance.

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<sup>9</sup> SI 2010/698 The Electricity (Standards of Performance) Regulations 2010

*EGS2C (Regulation 8) Supply restoration - rota disconnection*

4.50. This standard applies in any situation in which the effects of a major incidence of constrained supply availability, related to an incidence or incidences of failure of, fault in or damage to the relevant distributor's distribution system are mitigated by the distributor via a planned schedule of limited, intermittent restoration of supply on a rotational basis. The standard applies in respect of the resulting rota disconnection event during which customers' supplies are deliberately interrupted by the distributor for a set duration on a rota basis so as to reduce the demand for electricity to the level of capacity that is available. A rota disconnection event in respect of a given customer therefore begins at the start of the first rostered disconnection affecting that customer - i.e. it does not begin until the initial period of supply loss has been brought to an end by reconnection in accordance with the rota and is then deliberately disconnected for the first time, again in accordance with the rota. A rota disconnection event ends when supply is reconnected sustainably following the ending of the major incidence of constrained supply availability that gave rise to it.

4.51. In the event of a rota disconnection event, the distributor must restore supply on a sustainable basis to the customer's premises before the cumulative total of supply interruption time under the rota reaches 24 hours. If it fails to achieve this, it must, on receipt of a claim from a customer, pay £54 for domestic customers or £108 for non-domestic customers. This is a one-off payment that is not supplemented in any way to reflect the actual total of supply interruption time under the rota.

4.52. If the cumulative total of supply interruption time under a rota introduced for a rota disconnection event is greater than three hours but less than 24 hours, that cumulative total (regardless of how many individual rota disconnections have given rise to it) may be counted as one qualifying period of interruption for the purposes of EGS2A.

4.53. For the avoidance of doubt, the initial period of supply loss up to the first restoration of supply on introduction of a rota is not part of the rota disconnection event and therefore falls to be treated separately, as appropriate, under EGS2, EGS2A, EGS2B, EGS11A, EGS11B or EGS11C.

4.54. This standard does not apply in any part of the Highlands and Islands.

*Exemptions specific to EGS2C*

4.55. Exemptions listed under paragraph 4.36 of this guidance.

***EGS3 (Regulation 13) Estimating Charges for Connection***

4.56. This guaranteed standard covers the provision of an estimate for the installation of a distributor's fuse and a service line for the delivery of a low voltage supply to a single customer once the customer has:

- given notice under section 16A(1) of the Electricity Act 1989<sup>10</sup>;
- requested the estimate; and
- given all information (which does not have to be in writing) which could reasonably be said to be within the knowledge of the customer and is required by the distributor for him to provide the required estimate.

4.57. The distributor then has to:

- provide an estimate to the customer within 5 working days from the notice and the necessary information having been given, where there is no need for significant additional work other than the provision of a service line and distributors fuse to enable the connection to be given; or
- provide such an estimate within 15 days where significant work is required in addition to that mentioned above.

4.58. If the distributor fails to do so it must make an automatic payment of £44 to the customer (domestic and non-domestic customers).

4.59. For the avoidance of doubt it should be noted that, if the provision of a connection at distribution low voltage will require upstream works at high voltage in order for it to be delivered, any request for an estimate of charges for providing such a connection is outside the scope of EGS3.

4.60. The distributor may reserve the right to vary the amount shown in the estimate if the estimate sets out the matters that may bring about a significant variation. The estimate must set out the terms for the payment of the amount shown on it and any variation to that amount.

4.61. If the distributor requires more information from a customer to provide an estimate, it must:

- notify the customer as soon as possible (and certainly within what would be the prescribed period for providing an estimate) of this requirement;
- specify what additional information it requires in a form that the customer could reasonably be expected to understand; and

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<sup>10</sup> Under section 16(A)1 of the Electricity Act 1989 a person requiring a connection must give a notice to the distributor specifying relevant details, for example, the premises to be connected, the date when the connection is required and the maximum power to be provided through the connection and any other information the distributor may reasonably request.

- if the distributor needs to visit the premises to obtain information, it must endeavour to do this in reasonable time, and to provide the estimate within the prescribed period once the information is received.

4.62. If a distributor considers that (in addition to the provision of a service line and a distributor's fuse) "significant work" is required to meet the customer's request, it must be willing to explain to the customer exactly what this work comprises. Advice to customers about this service must state, where applicable, that it will be necessary to move an existing meter or fit a new meter in a new position.

4.63. The customer must be advised that the moving of the meter is a supplier responsibility and that the distributor may only do the work if the supplier has contracted with them to do so.

4.64. The distributor must define in forms or other guidance which it publishes, and which it makes available to customers requiring the service, what information it will normally need to provide the service. If it does not already do so, it may wish to introduce a proforma as a means of obtaining all necessary information from customers who require this service. The distributor is entitled to require the customer to provide reasonable information.

4.65. The elapsed time must start to be measured once all such information is provided.

4.66. Where a visit is requested by the customer and the distributor has a good reason to believe that the customer has information which will affect the estimate, he may consider that up to that point the information has been insufficient and that the clock may not have started.

4.67. The distributor must make it clear in its Notice of Rights on the guaranteed standards whether it is willing to accept oral requests for estimates. If it is willing, it must accept that such requests are covered by the guaranteed standard. This must be made clear in literature issued by the distributor and in its discussions with customers requesting the service.

### **Exemptions specific to EGS3**

4.68. The following specific exemptions may apply to EGS3:

- Only in the circumstances described in point two of paragraph 4.57 if the distributor reasonably believes that the customer's premises will form part of a development scheme comprising five or more premises.
- That the standard has been revoked by an amendment to the Statutory Instrument.
- See paragraph 4.119 for the general exemptions.

*EGS4 (Regulation 14) Notice of planned interruption to supply*

4.69. The distributor is required to give its customers at least two days' notice in writing, when it plans to discontinue supply for an authorised purpose, stating the day of the interruption.

4.70. The distributor is required to give another distributor at least five days' notice in writing, when planned works on its own network for an authorised purpose may cause discontinuation of supply to customers connected to that other distributor's distribution system, stating the day of the interruption.

4.71. Where a distributor receives such a notice from another distributor, it must give those of its own customers who may be affected by that other distributor's works at least two days' notice in writing, stating the day of the interruption.

4.72. An authorised purpose is testing or any other planned activity that the distributor is authorised by its licence to carry on in relation to its electric lines or electrical plant (other than the distributor's fuse)<sup>11</sup>.

4.73. If the distributor fails to give the required notice, or if the supply is interrupted on a different day from that notified, it must, on receipt of a qualifying claim, make a payment of £22 to a domestic customer, or £44 to a non-domestic customer. Claims must be made within one month of the day on which the interruption occurred. For the avoidance of doubt, the EGS4 standard is not failed if the supply of a customer who has received notice of a planned interruption is not interrupted at all.

4.74. The purpose of Regulation 14 is to minimise the inconvenience to customers of necessary interruptions to their electricity supply. The minimum period of notice specified for each distributor seeks to strike a balance between providing adequate notice to customers and not imposing unreasonable costs on the distributors while doing so. It follows that distributors must give customers as much notice as they can of interruptions, even where the amount of notice is less than that required in the standard. In such circumstances, although the standard will have been breached the inconvenience to customers will have been minimised. The distributor must state in its notice of rights that it intends to follow this approach.

4.75. The distributor's notice of rights must also advise customers that they are entitled to a payment if the notified interruption takes place on a different day from that specified in the supply interruption notice (unless a further notice was given in respect of that day).

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<sup>11</sup> Regulation 14(8), SI 2010/698 The Electricity (Standards of Performance) Regulations 2010

*Exemptions specific to EGS4*

4.76. Only sub-paragraphs (3), (6) and (7) of Regulation 22<sup>12</sup> may be invoked by the distributor providing this service.

4.77. The interruption was caused by the removal of a temporary supply that had been installed following an interruption of supply to the customer's premises whilst normal supply was being restored to the premises.

4.78. The distributor has not received a claim for compensation under this guaranteed standard from the customer, whose premises are directly connected to the distributor's distribution system, within one month from the applicable date.

4.79. Note, however, that Regulation 22(8) may not be invoked. That is, the distributor cannot be exempt from the obligations imposed by EGS4 where it is exercising its rights to disconnect the supply because of damage to electrical plant, interference with meters or for debt. The requirement to give at least two days' notice in such circumstances is also set out in Schedule 6 to the Electricity Act 1989.

4.80. The distributor does not have to comply with the requirements of this guaranteed standard if its action to discontinue the supply is solely associated with work on the distributor's fuse at the premises.

*EGS5 (Regulation 15) Voltage complaints*

4.81. This guaranteed standard applies where a customer either has reported that he believes that the supply is or has been outside the permitted voltage range or reports an event that might reasonably lead the distributor to believe that a supply is outside the permitted voltage range (but does not at the same time report loss of supply). Thus an EGS5 response must be triggered at the point of initial contact with the customer if incorrect voltage is stated or should reasonably be suspected to be an issue, and it should remain and be reported as an EGS5 response regardless of whether or not a voltage problem is ultimately confirmed. To this end, the distributor's customer-contact staff must be equipped with and briefed on a list of relevant criteria against which a reasonable judgment of whether or not the customer's supply may be outside the permitted voltage range can be made.

4.82. In these circumstances, the distributor must either:

- where a visit is deemed to be necessary, within 7 working days of having received the report referred to above, make an offer to visit the customer's
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<sup>12</sup> SI 2010/698 The Electricity (Standards of Performance) Regulations 2010

premises during a specified time (i.e. part of a working day falling wholly before 1.00pm; part of a working day falling wholly after 12.00 midday; any two-hour time-band within a working day; or such other period as may be requested by the customer and agreed by the distributor) within that same 7 working day period, or

- if a visit is deemed not to be necessary, dispatch a written explanation of the probable reason for the problem reported by the customer within 5 working days of receipt of the report.

4.83. If the distributor fails to offer a visit or dispatch a written explanation within the prescribed periods, a payment of £22 must be made to the customer (domestic and non-domestic customers).

4.84. If the distributor fails to attend the customer's premises at the specified time a payment of £22 must be made to the customer (domestic and non-domestic customers).

4.85. It is likely that, from time to time, the same fault will be reported by more than one customer. Each report must be dealt with separately and any action taken will in each case be subject to the guaranteed standards. If the distributor needs to visit the first customer who has made a report, he may consider that in doing so he will be able to provide an explanation to all the customers concerned, without visits to them. If this is the case, he must consider the application of Regulation 22(3)<sup>13</sup>. In considering the application of Regulation 22(3) the distributor must pay heed to the requirement that "the customer agrees with the relevant operator that the action taken....".

4.86. The distributor must not count investigations that it carries out on its own initiative as services under this guaranteed standard. Only those investigations initiated as a result of a customer contact must be counted. If the distributor cannot contact a customer to agree an appointment to investigate, it must write, within the prescribed period, to offer (at least) a morning or afternoon appointment to visit.

#### *Exemptions specific to EGS5*

4.87. If there are exceptional circumstances covered by Regulation 22(6)<sup>14</sup> (see the fourth bullet point of paragraph 4.119 of this RIGs) which mean that it is not reasonably practicable for the distributor to keep the appointment, the distributor must inform the customer at least one working day before the appointment, unless it is not reasonably practicable for it to do so (because the circumstances preventing

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<sup>13</sup> SI 2010/698 The Electricity (Standards of Performance) Regulations 2010.

<sup>14</sup> SI 2010/698 The Electricity (Standards of Performance) Regulations 2010.

the keeping of the appointment arose at a time when it was not reasonably practicable to give such warning).

*EGS8 (Regulation 19) Making and keeping appointments*

4.88. This guaranteed standard applies where the distributor informs the customer that it wishes to visit the customer's premises, or where a customer asks the distributor to visit his premises, in either case so long as the visit in question is for an authorised purpose that requires access to be provided to the customer's premises or for which it would otherwise be reasonable to expect the customer to be present, and so long as the visit is not for a purpose that is the subject of the Connection Regulations, at such time as they come into force.

4.89. The distributor must, within a reasonable period of informing the customer of its need to visit or of being informed of the customer's wish for it to visit, as appropriate, offer a timed appointment. The appointment offered must itself be within a reasonable period from the date when the offer is made. It must be:

- during a specified period up to 1.00 pm (the starting time of this period must also be notified to the customer) on a specified day,
- during a specified period after 12 noon (the end-time of this period must also be notified to the customer) on a specified day, or
- during a specified period not exceeding two hours in length on a specified day.

4.90. If a customer requests an appointment at a particular time on a particular day, the distributor must not unreasonably withhold its agreement to such a request, though it is not obliged to agree to a period of less than two hours' duration. However, if the distributor does agree to an appointment period of less than two hours, that appointment becomes a valid appointment for the purposes of EGS8, and is therefore subject to the penalty set out below if not kept.

4.91. If the distributor either fails, within a reasonable period, to offer an appointment or fails to keep an appointment, a payment of £22 must be made to the customer (domestic and non-domestic customers).

4.92. Given the range of a distributor's activities, it is not generally possible to define what is or is not a reasonable period. It will therefore be for the distributor to assess this on a case-by-case basis.

4.93. Any agreed appointment must be kept unless the relevant customer agrees that the service is no longer required (for example, because an outgoing customer received a similar service to that agreed for an incoming customer).

4.94. Appointments agreed for days other than normal working days must be counted as services and failures must be similarly recorded.

4.95. The notice of rights published by the distributor must specify its usual start time for am appointments and finish time for pm appointments. The guaranteed standard allows the distributor to offer an appointment at an agreed, precise time. If the distributor offers such an appointment it becomes a guaranteed appointment.

4.96. Ofgem considers that an appointment is kept only where:

- an appropriate member of staff to undertake the task in question arrives at the appointed time or within the prescribed period. He must also have reasonable time to complete the task, and
- the member of staff has all equipment that could reasonably be expected to be needed to complete the relevant task and is in all other respects compliant with the requirements of paragraph 9.2 of electricity distribution standard licence condition 9 (Arrangements for access to premises).

#### *Exemptions specific to EGS8*

4.97. The following specific exemptions may apply to EGS8:

- if there are exceptional circumstances covered by Regulation 22(6)<sup>15</sup> (see the fourth bullet point of paragraph 4.119 of this RIGs) which mean that it is not reasonably practicable for the distributor to keep an appointment. This exemption can only be applied if the distributor informs the customer at least one working day before the appointment, unless the circumstances referred to in that paragraph occur at a time when it is not reasonably practicable for it to do so),
- if the visit is in response to information or requests under EGS1 or EGS5, or
- if the visit is in connection with cutting off the customer's electricity supply under schedule 6 of the Electricity Act 1989.

#### *EGS9 (Regulation 21) Payments owed under the guaranteed standards*

4.98. EGS9 deals with those situations where, in respect of failures against other guaranteed standards, the distributor has to make payments to its own customers, where it has to make payments to customers of another distributor and where it receives payment from another distributor for onward transmission to its customers.

4.99. In the event that a distributor is obliged to make a payment to one of its customers under any of the guaranteed standards in this guidance it must make the payment to its customer or its customer's supplier within 10 working days from the

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<sup>15</sup> SI 2010/698 The Electricity (Standards of Performance) Regulations 2010

date when the obligation to make the payment arises. Where a payment is due under EGS11A, EGS11B or EGS11C the distributor must make the payment as soon as is reasonably practicable. If a distributor fails to make a payment within the timeframe specified in this paragraph a payment of £22 must be made to the customer (domestic and non-domestic customers).

4.100. Where a distributor receives a payment from another distributor for onward payment to one of its customers, the distributor to whose network the customer is connected must make the payment to its customer or its customer's supplier within 10 working days from the date when it received the payment from the other distributor. If a distributor fails to make a payment within the timeframe specified in this paragraph a payment of £22 must be made to the customer (domestic and non-domestic customers).

4.101. Where a distributor is obliged to make a payment under any of the following standards, EGS2, EGS2A, EGS2B, EGS4, EGS11A, EGS11B, EGS11C and EGS12, to a customer of another distributor, the distributor must make the payment to the other distributor for onward transmission within 10 working days from the date when the obligation to make the payment arises (for EGS2, EGS2A, EGS2B, EGS4 and EGS12) and as soon as reasonably practicable (for EGS11A, EGS11B and EGS11C). If a distributor fails to make a payment within the timeframe specified in this paragraph, a payment of £22 must be made to the customer (domestic and non-domestic customers).

#### *Exemptions specific to EGS9*

4.102. If there is a genuine dispute between the customer and the distributor as to whether a payment is due under the guaranteed standards.

- See paragraph 4.119 for the general exemptions.

#### *EGS11A (Regulation 7) Supply restoration: category 1 severe weather conditions<sup>16</sup>*

4.103. In the event of the supply to a customer's premises during category 1 severe weather conditions being discontinued as a result of a failure of, fault in or damage to the distribution system (but not the distributor's fuse), the distributor must restore supply to the customer's premises within 24 hours of the time from which it was (or should reasonably have been) aware of the fault. If it fails to achieve this, it must, on receipt of a claim from a customer, pay £27 to the customer (domestic and non-domestic customers) and a further £27 for each additional period of 12 hours in which supply is not restored, up to a cap of £216 in total.

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<sup>16</sup> See Appendix 1 for the severe weather category boundaries.

4.104. An additional 12 hours' grace is given if the fault has occurred to an underground line with a nominal voltage of 20kV. This guaranteed standard does not apply in any part of the Highlands and Islands.

4.105. Where ice accretion, flooding or snow affect the part of the distributor's distribution system that was being used to distribute electricity to the customer's premises prior to the interruption and prevent work to restore supply to the customer's premises, the start-time for calculating compensation will be when such effects no longer prevent restoration work.

*Exemptions specific to EGS11A*

4.106. The following specific exemptions may apply to EGS11A:

- Where the supply to the customer's premises is interrupted as a result of a failure of, fault in or damage to the relevant electricity distributor's system resulting from normal weather conditions or category 2 or 3 severe weather conditions, or
- Exemptions listed under paragraph 4.36 of this guidance.

*EGS11B (Regulation 7) Supply restoration: category 2 severe weather conditions<sup>17</sup>*

4.107. In the event of the supply to a customer's premises during category 2 severe weather conditions being discontinued as a result of a failure of, fault in or damage to the distribution system (but not the distributor's fuse), the distributor must restore supply to the customer's premises within 48 hours of the time from which it was (or should reasonably have been) aware of the fault. If it fails to achieve this, it must, on receipt of a claim from a customer, pay £27 to the customer (domestic and non-domestic customers) and a further £27 for each additional period of 12 hours in which supply is not restored, up to a cap of £216 in total.

4.108. An additional 12 hours' grace is given if the fault has occurred to an underground line with a nominal voltage of 20kV. This guaranteed standard does not apply in any part of the Highlands and Islands.

4.109. Where ice accretion, flooding or snow affect the part of the distributor's distribution system that was being used to distribute electricity to the customer's premises prior to the interruption and prevent work to restore supply to the customer's premises, the start-time for calculating compensation will be when such effects no longer prevent restoration work.

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<sup>17</sup> See Appendix 1 for the severe weather category boundaries.

*Exemptions specific to EGS11B*

4.110. The following specific exemptions may apply to EGS11B:

- Where the supply to the customer's premises is interrupted as a result of a failure of, fault in or damage to the relevant electricity distributor's system resulting from normal weather conditions or category 1 or 3 severe weather conditions, or
- Exemptions listed under paragraph 4.36 of this guidance.

*EGS11C (Regulation 7) Supply restoration: category 3 severe weather conditions<sup>18</sup>*

4.111. In the event of the supply to a customer's premises during category 3 severe weather conditions being discontinued as a result of a failure of, fault in or damage to the distribution system (but not the distributor's fuse), the distributor must restore supply to the customer within X hours of the time from which it was (or should reasonably have been) aware of the fault, where X is derived from the formula below. If it fails to achieve this, it must, on receipt of a claim from a customer, pay £27 (domestic and non-domestic customers) and a further £27 for each additional period of 12 hours in which supply is not restored, up to a cap of £216 in total.

$$X = \left( \frac{\text{total number of customers interrupted}}{\text{category 3 threshold number of customers}} \right)^2$$

4.112. An additional 12 hours' grace is given if the fault has occurred to an underground line with a nominal voltage of 20kV. This guaranteed standard does not apply in any part of the Highlands and Islands.

4.113. Where ice accretion, flooding or snow affects the part of the distributor's distribution system that was being used to distribute electricity to the customer's premises prior to the interruption and prevents work to restore supply to the customer's premises, the start-time for calculating compensation will be when such effects no longer prevent restoration work.

*Exemptions specific to EGS11C*

4.114. The following specific exemptions may apply to EGS11C:

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<sup>18</sup> See Appendix 1 for the severe weather category boundaries.

- where the supply to the customer's premises is interrupted as a result of a failure of, fault in or damage to the relevant electricity distributor's system resulting from normal weather conditions or category 1 or 2 severe weather conditions,
- where any designated electricity distributor experiences category 3 severe weather conditions in which the total number of customers interrupted is equal to or greater than the upper threshold number of customers due to the same weather event, or
- exemptions listed under paragraph 4.36 of this guidance.

#### *EGS12 (Regulation 9) Supply Restoration: Highlands and Islands*

4.115. In the event of the supply to a customer's premises in the Highlands and Islands being discontinued as a result of a failure of, or a fault in or damage to, the distribution system (but not the distributor's fuse), the distributor must restore supply to the customer's premises within 18 hours of the time from which it was (or should reasonably have been) aware of the fault. If it fails to achieve this, it must, on receipt of a claim from a customer, pay £54 for domestic customers and £108 for non-domestic customers and a further £27 for each additional period of 12 hours in which supply is not restored. There is no cap on the amount of compensation.

4.116. An additional 12 hours' grace is given if the fault has occurred on an underground line with a nominal voltage of 20kV.

#### *Exemptions specific to EGS12*

4.117. The following specific exemptions may apply to EGS12:

- it was not reasonable in all the circumstances to expect the distributor to know that the supply had not been restored,
- where the supply is to an island via an underwater cable, where the failure, fault or damage occurred in the part of the cable situated below the high-water mark of spring tides and there is no alternative means normally available to the distributor to supply premises on that island,
- the distributor to whose network the customer's premises are connected has not received a claim for compensation within 3 months of the supply being restored, or
- where the interruption only occurred due to failure of, fault in or damage to the distribution system of another electricity distributor.

**General exemptions from the guaranteed standards**

4.118. Certain general exemptions (set out in Regulation 22<sup>19</sup>) apply to all of the guaranteed standards, with the exceptions of EGS2, EGS2A, EGS2B, EGS2C, EGS11A, EGS11B and EGS11C. Note, however, that the general exemptions are modified by particular provisions attaching to EGS4 and EGS5, and detailed in earlier paragraphs. They must not therefore be read in isolation from the specific regulation that is being considered. The general exemptions are as follows:

- if the customer informs the distributor before the guaranteed standard contravention time that he does not want the distributor to take any action or any further action in relation to the matter,
- if the customer agrees that action already taken by the distributor before the contravention time can be treated as meeting the requirement of the guaranteed standard (but only if the distributor has made the customer aware that, in so agreeing, he could be waiving his right to a guaranteed standards payment). Additionally, where the distributor has promised to take further action, that action must be taken without undue delay in order for this exemption to be successfully invoked,
- if, in order to meet the guaranteed standard, information is required to be given by the customer to the distributor and the customer either sends the information to an address or telephones a number other than the one that the distributor has indicated, or (in the case of investigating voltage complaints) telephones with the information at a time outside reasonable hours as notified by the distributor, or
- it was not reasonably practicable for the distributor to have complied with the requirements because of:
  - severe weather,
  - industrial action by the distributor's employees,
  - an action or default by someone other than the distributor's employee, agent or officer or a person acting on behalf of the agent (or, in the case of EGS12, by another distributor),
  - an inability to gain necessary access to relevant premises,
  - the likelihood that the distributor would break the law if it complied,
  - the effects of an event for which emergency regulations have been made

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<sup>19</sup> Regulation 22 of SI 2010/698 The Electricity (Standards of Performance) Regulations 2010

under Part 2 of the Civil Contingencies Act 2004, or

- other exceptional circumstances beyond the control of the distributor,

and the distributor had in each case taken all reasonable steps both to prevent the circumstances from occurring and from having that effect,

- it was reasonable for the distributor to regard information from the customer as being frivolous (not deserving to be taken seriously) or vexatious (intended purely to cause nuisance to the distributor), or
- the customer had either committed an offence under the Electricity Act 1989<sup>20</sup> or had failed to pay charges due after receiving a disconnection notice<sup>21</sup>.

### **Application of the general exemptions**

4.119. Regulation 22(3)<sup>22</sup> provides for exemption from guaranteed standards where:

“The customer agrees with the relevant operator that the action taken by the relevant operator before the contravention time shall be treated as the taking by the relevant operator of the action required by the regulation and, where the action taken by the relevant operator includes a promise to perform any action (whether before or after the contravention time), the relevant operator duly performs that promise.”

4.120. When invoking this exemption, the distributor must ensure that the customer is fully aware that, in agreeing, he could be waiving his right to payment under the relevant guaranteed standard. The distributor must also impose on itself a strict definition of duly performs. It must consider that it has failed the guaranteed standard unless it fulfils any promise associated with meeting the guaranteed standard requirement within a specific time from giving its promise to the customer. Unless otherwise agreed with Ofgem, the time for carrying out any such promised actions must be the prescribed period under the particular guaranteed standard.

4.121. In order for the exemptions in Regulation 22(6)(a)-(g) to apply, the relevant circumstances must be both exceptional and beyond the distributor's control. It must also take all such steps as it was reasonable to take, both to prevent the circumstances from occurring and to prevent them from causing a breach of the guaranteed standard.

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<sup>20</sup> Specifically, an offence under paragraph 6 of schedule 6 or under paragraph 11 of schedule 7 to the Electricity Act 1989.

<sup>21</sup> Disconnection notice under sub-paragraph 2(2) of schedule 6 to the Electricity Act 1989.

<sup>22</sup> Regulation 22 of SI 2010/698 The Electricity (Standards of Performance) Regulations 2010

4.122. It is also important to recognise that, if an exemption is to be invoked, the distributor must be able to demonstrate that the circumstances giving rise to the exemption applied in each relevant case. Whilst it may have been prevented from delivering a service in the generality of cases (for example, because of severe weather), the distributor must still be prepared to do so in any particular case where the circumstances do not prevent it.

4.123. If a distributor wishes to invoke an exemption under Regulation 22(6), therefore, it must be willing to explain the precise nature of the exceptional circumstances to any customer who is affected, and how they applied to that customer's case. It is also not sufficient to refer to general exclusions such as impracticable or uneconomical.

4.124. Where the distributor claims an exemption from the requirements of the guaranteed standards they will need to input in the guaranteed standards of performance reporting template the number of exemptions claimed.

### **Arrangements for payment and communication**

4.125. In the event of a guaranteed standard service failure, the distributor must make the guaranteed standard payment either directly to its customer, or to the distributor to whose network the customer is connected or the customer's supplier for onward transmission to the customer.

4.126. The date on which the distributor sends payment to a customer or to another distributor or the supplier (and notifies the other distributor or supplier of the payment) will determine whether the response-time requirement had been met for the purposes of EGS9.

4.127. The reporting of performance under the guaranteed standards must reflect the different customer categories covered by the guaranteed standards. Accordingly, the guaranteed standards reporting form provides where appropriate for separate reporting of distribution services provided by the distributors to domestic and non-domestic customers.

4.128. In many cases, consumers will not communicate with the distributor regarding the services that are covered by the guaranteed standards. In such cases, the supplier may contact the distributor on behalf of the customer. Regulation 3(4)(d)<sup>23</sup> provides that any person having apparent authority to represent the customer must be treated as if he or she were the customer for the purposes of the guaranteed standards. This must be taken to cover suppliers and other distributors acting on behalf of their customers.

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<sup>23</sup> SI 2010/698 The Electricity (Standards of Performance) Regulations 2010

4.129. In deciding when an obligation under the guaranteed standards towards a customer is triggered (the commencement date under the guaranteed standards), the principle is that in general it is only when the supplier or other distributor has given the distributor all of the information that would normally be required for it to perform a service under the guaranteed standards.

4.130. Suppliers are able to act for their customers not only in requesting services covered by the guaranteed standards but also in receiving services. For example, if an explanation in response to a voltage complaint (EGS5) made by a customer is sent by the distributor to the supplier to be relayed to the customer, the date when the distributor's response is sent to the supplier would determine whether the response-deadline had been met.

### **Notice of rights etc**

4.131. Regulation 24<sup>24</sup> requires distributors from time to time to prepare a revised statement explaining the rights prescribed for the benefit of customers under the guaranteed standards. The Regulation requires electricity distributors to:

- provide copies of the statement, and revisions to it, to both Ofgem and Consumer Focus before it is sent to electricity suppliers to issue to customers,
- send a copy at least once every 12 months to each electricity supplier that supplies electricity to customers connected to the relevant distributor's network,
- make available a copy of each statement in the current form available on its website and for inspection by anyone at any of the distributor's offices, and
- send a copy of the statement in its current form to anyone who requests it.

4.132. It is the responsibility of distributors to ensure that the notice of rights is issued to the suppliers so that the information contained in the notice of rights can be relayed to customers. Under Regulation 24 the notice of rights must explain the guaranteed standards and any exemptions that may apply. Ofgem also expects distributors to advise customers that performance against these guaranteed standards, including the levels of compensation that have been paid out, is published by Consumer Focus and to provide the relevant contact details.

4.133. Distributors must take care to inform customers of those situations in which automatic payment will be made for breaches of guaranteed standards, and the procedures that customers need to follow in those cases where a claim is necessary.

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<sup>24</sup> SI 2010/698 The Electricity (Standards of Performance) Regulations 2010

4.134. It is the responsibility of suppliers to ensure that their customers are fully informed of the electricity distribution guaranteed standards of performance. When forwarding information on to consumers on behalf of the relevant distributor, a supplier is not compelled to issue copies of the distributor's document – the requirement is that they must issue the information on how the guaranteed standards work and apply. The format of these statements is a matter for suppliers to consider.

4.135. Distributors may provide separate statements for domestic and non-domestic customers if they consider this to be appropriate.

### **Reporting performance to Ofgem**

4.136. In addition to providing information to suppliers on guaranteed standards of performance, distributors are required to report performance against the guaranteed standards to Ofgem<sup>25</sup> on an annual basis (within 6 weeks of the end of the reporting year in question).

4.137. Consumer Focus is required under section 42AA of the Electricity Act 1989 to publish statistical information on the guaranteed standards of performance achieved by distributors. To facilitate this, Ofgem will provide annual data to Consumer Focus regarding this performance each year.

## **Best Practice Standards**

### **Introduction**

4.138. It is necessary to ensure that information provided to Ofgem on customer service standards is reliable and consistent over time and between companies. This section gives guidance on systems to achieve this aim. It covers:

- the general areas requiring quality systems, and
- the operation, testing and maintenance of such quality systems.

4.139. The requirements described are similar to those specified in the ISO 9000 family of standards. It is likely that they will all be met by a distributor that has, or whose systems could qualify for, relevant certification under the ISO 9000 series.

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<sup>25</sup> Under electricity distribution standard licence condition 11 (Reporting on Performance)

4.140. The following paragraphs are intended to set out options through which distributors may achieve the reliability and consistency described above. They also reflect the general approach that Ofgem would expect to see if and when checks are made on compliance with the guaranteed standards regime and the objectivity and accuracy of reporting. However, the guidance in this respect must not be regarded as prescriptive and distributors must consider adapting it to fit their organisational and managerial objectives where necessary.

### **Use of quality systems to ensure consistent reporting**

#### *Data recording*

4.141. The distributor must define the type of data, the sources and locations of data for reporting performance. These may be source documents, computer records, automatic recording systems or other appropriate arrangements. Where practicable, these details must be defined through the use of standard forms, prompts on screen etc.

4.142. Performance Standards Reporting Procedures (PSRPs) incorporating flow charts must make clear which staff have which responsibilities for recording data. The responsibilities for recording data must be defined in the PSRPs (including its entry onto any form of computer system) at each stage, such as the start and finish of an incident.

4.143. These PSRPs must be provided to all relevant staff, together with record forms and any other material they may need. The content and format of the data to be recorded must be clearly defined, ideally in a handbook or manual. Where there is a risk of inconsistent recording, copies of agreed definitions and instructions must be issued or included within the PSRPs. The interpretations in this chapter should be included. Any significant additions to these must be discussed with Ofgem before inclusion.

4.144. Methods and responsibilities for reviewing and approving raw data, if any, must be defined. Requirements to keep copies of recorded raw data, if any, must also be defined.

4.145. Computer systems used to support the collection and collation of data must be identified in PSRPs. The computer systems must be reviewed by suitably qualified personnel before they are brought into use and whenever changes are made, to ensure their systems provide the correct results. These must be made both initially and after any changes to the systems.

4.146. If any computer systems are found to produce erroneous results, the validity of previous data must be considered. Appropriate action must be taken to correct the error, the action must be recorded and Ofgem must be advised of the nature of the error and its effects.

4.147. Test and control software and hardware must be subject to appropriate backups and access controls.

*Reporting of breaches of guaranteed standards*

4.148. Data on breaches must be recorded in accordance with process routes, responsibilities and methods defined in the PSRPs. Breaches must be recorded in such a way as to allow audits and reviews to be conducted.

4.149. The PSRPs must cover:

- how breaches will be identified,
- who should be responsible for recording and reviewing apparent breaches,
- the specific data that must be entered,
- the procedures for reviewing this data, and
- definitions and interpretation of guaranteed standards.

4.150. The recording, reporting and reviewing of breaches must be monitored by means of planned and recorded reviews.

4.151. The review of breaches of the guaranteed standards must consider:

- Was the data comprehensive and correctly recorded?
- Are there any inconsistencies in the data recorded?
- Was the breach allocated to the correct guaranteed standard?
- Are there any exemptions that would apply? If so, were these properly applied?
- What is the necessary follow-up action?

4.152. The results of the review must be documented.

4.153. Where an apparent breach is not confirmed because of the existence of a specific exemption, the nature of the exemption and the name of the person authorising it must be recorded in accordance with defined responsibilities.

4.154. The statistical annual report to Ofgem must be presented on behalf of the distributor under the signature of a nominated individual.

## **Controlling the quality systems**

### *Organisation*

4.155. The distributor must maintain charts showing the organisation and functional relationships for staff that are involved in the collection, processing, review and reporting of guaranteed standards and network performance data. Copies must be provided to Ofgem on request.

4.156. Job descriptions, covering responsibility and authority in relation to the guaranteed standards, must be maintained for all the staff covered by these organisation charts.

4.157. The distributor must ensure that sufficient resources are available to carry out the functions set out in this document and in PSRPs. Personnel must be suitably trained and qualified for the tasks they perform.

4.158. Each stage of managing the reporting system must be documented so as to include the methods appropriate, who has responsibilities and details of any further documentation that is necessary.

4.159. The distributor must nominate a person to be responsible for the operation of the Performance Standards System (referred to hereafter as the Performance Standards Representative (PSR)). Deputies must also be nominated. If more than one PSR is nominated, their respective responsibilities in relation to the guaranteed standards must be clearly defined.

4.160. The PSR must have the necessary authority and responsibility to ensure the effective operation of the Performance Standards System, including ensuring that data is discussed and reviewed by the senior management of the distributor on a regular basis.

### *Procedures*

4.161. The PSR must ensure that all documentation necessary for the effective operation of the Performance Standards System is identified, compiled by a specified date and adequately maintained.

4.162. The procedures must address the four levels identified below (documentation may also be set out on these four levels):

- Level 1 – Performance Standards Manual that describes the principal requirements,
- Level 2 – Performance Standards Reporting Procedures that detail the organisation and responsibilities necessary to implement the functions set out in

Level 1,

- Level 3 – Detailed instructions and other documentation relating to methods, techniques and processes, and
- Level 4 – Records that provide evidence of the operation and audit of the systems.

4.163. The level of detail shown in these procedures must take into account the skills and training of the staff undertaking the various activities. In particular, evidence of appropriate training will have a major influence on the type of documentation required at Level 3.

#### *Changes in requirements*

4.164. When changes are made in the Regulations, schedules or requirements set by Ofgem, the PSR must ensure that managers promptly review and amend procedures; that the amended procedures are distributed; and that working instructions and practices are changed as appropriate.

#### *Control of documentation*

4.165. The Performance Standards Manual must be issued by the PSR. The approval, issue and amendment of all PSRPs and any level 3 documents by the distributor must be carried out in a manner that is defined in the documentation.

4.166. A list of all PSRPs used by the distributor must be compiled. The list must be provided to relevant staff and to Ofgem, if requested.

4.167. Master sets of all controlled documents that could affect the reporting of performance of the guaranteed standards must be kept, together with appropriate indices, amendment records and distribution lists. Appropriate document control methods must be applied to ensure the availability of relevant up-to-date documents where they are required.

4.168. Appropriate procedures must be used to control the configuration of computer systems so as to ensure that the status of systems in use at any time, and at each location, can be defined and configuration changes controlled.

#### *Data and information on electronic media*

4.169. Document control principles must apply to computer systems, software and computer-based records. These must normally include the use of backups and passwords and other arrangements to ensure the integrity and availability of computerised records and documents.

*Non-conformance and corrective action*

4.170. Any non-conformance against the PSRPs or other parts of these systems must be recorded, reviewed and investigated in order to determine the causes.

Appropriate corrective action must be implemented to forestall any recurrence, together with preventive measures to address any problems.

4.171. Non-conformance reviews must be recorded. Such reviews must consider processes, definitions, equipment, training and systems.

4.172. Where corrective or preventive action leads to changes in procedures and additional controls, the changes must be recorded and communicated to the appropriate staff.

4.173. Corrective and preventive actions must be reviewed to ensure that they have been correctly implemented and are effective.

*Maintenance of records*

4.174. The PSR has overall responsibility for identifying the records needed for the operation of the Performance Standards System and the periods for which they must be retained.

4.175. System records must be maintained, either in documentary form or on computer, to demonstrate accurate recording of data and the effective operation of the Performance Standards System.

4.176. They must be stored and maintained in such a way as to provide for ready access and retrieval; to ensure minimal deterioration or damage; and to prevent loss. Records of all types must be held for defined minimum periods.

4.177. After the minimum retention period records must be reviewed against stated criteria before disposal, archiving or retention.

**Training**

4.178. Appropriate personnel must be instructed in the operation of the Performance Standards System and the principles embodied in the guaranteed standards.

4.179. Personnel who carry out activities in connection with the operation of the Performance Standards System must be suitably trained. Particular attention must be paid to ensuring that those with whom customers make initial contact, either orally or in writing, have been trained in the identification of possible failures against the guaranteed standards.

4.180. The PSR must ensure that training effectiveness and training needs in respect of the guaranteed standards are regularly reviewed against set criteria. Records must be kept of these reviews and records must be maintained of the training provided to individual staff.

## **Audits**

### *Internal audits*

4.181. The PSR must ensure that internal audits of the operation of the guaranteed standards are conducted regularly by trained staff that have no role in performing any of the functions described in the PSRPs.

4.182. An audit schedule or plan must be maintained which ensures that all aspects of the Performance Standards System are audited across all departments of the distributor.

4.183. A risk-based approach must be taken to these audits, with the frequency of audits determined by the results of previous audits and the significance of the individual systems activities. In any event, all aspects of the Performance Standards System must be audited at least once per year.

4.184. Audits must examine the systems, documentation, equipment and activities and must evaluate their effectiveness in providing the appropriate data and reports.

4.185. Audits must confirm that Ofgem's RIGs have been incorporated into the distributor's documented procedures and that its performance has been in accordance with these. Check lists may be used to identify key elements of the activity being audited. Findings must be documented.

4.186. The management responsible for the audited department must review the audit results and agree actions and timetables to correct any non-conformance. Each distributor must report annually to Ofgem on its management's conclusions and actions taken in light of these. These reports must be submitted to Ofgem at the same time as the distributor's performance returns for the regulatory year.

4.187. Management must use internal audit reports when reviewing the continuing effectiveness of the Performance Standard System.

### *External audits*

4.188. The distributor must commission an annual independent external audit to:

- confirm that Ofgem's guidance and proposals on best practice, and any subsequent changes to it, have been included in the distributor's documentation

and implemented in its working procedures, and

- audit its reporting systems.

Compliance with the relevant parts of the ISO 9000 series would be acceptable for demonstrating that the distributor met these requirements.

4.189. The distributor must supply copies of the audit report(s) to Ofgem, together with the distributor's conclusions about content and proposals for any corrective actions.

4.190. Independent external auditors used to carry out the requirements must be registered assessors or lead assessors with the Institute of Quality Assurance or be employed as auditors by companies that have achieved national accreditation as a certification body by the United Kingdom Accreditation Service (UKAS).

*General note regarding audits*

4.191. The work of external service providers must be included within the scope of audits, insofar as that work is relevant to the standards of service obligations. It is for the distributor and the service provider to agree on how best to achieve this objective in consultation with the distributor's auditors.

## Codes of Practice Reporting

4.192. For convenience, the reporting of activity under the following headings<sup>26</sup> has been incorporated into the guaranteed standards of performance workbook:

Standard licence condition 11.1(b) and 11.2(c)	-	Number of domestic customers registered for special services on the priority services register (PSR) under standard licence condition 10.2
Standard licence condition 11.1(b) and 11.2(b)	-	Number of PSR customers provided with additional help during supply interruptions under standard

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<sup>26</sup> Electricity distribution standard licence condition 11 (Reporting on performance) requires a licensee to report on its general operation of the arrangements specified in standard licence conditions 9 and 10.

		condition 10.4(b) and (c)
Standard licence condition 11.1(a) and 11.2(a)	-	Number of domestic customers registered for password schemes at the end of reporting period under standard licence condition 10.7

### **Customers registered for special services**

4.193. The reporting regime requires that distributors make a simple return of the number of domestic customers who are registered under standard licence condition 10.2 at the end of each annual reporting period.

### **Provision of additional help**

4.194. In the event of supply interruptions, distributors are obliged to provide customers who are of pensionable age, disabled, or chronically sick and who are registered under standard licence condition 10.2 with additional advice or information under standard licence condition 10.4(b) and (c). The nature of the help and advice must be described in the statement required under standard condition 10.10(a).

4.195. Individual distributors will of course have developed their own approaches to compliance with standard licence condition 10.4 and customers will receive varying advice and information.

4.196. Distributors are therefore required to make a return showing the number of occasions on which help has been given rather than to specify the type of assistance involved.

### **Use of password schemes**

4.197. Standard licence condition 10.7 requires that, if a domestic customer who is of pensionable age, disabled or chronically sick asks it to do so, a distributor must, free of charge, agree a password with that customer that can be used by any representative of the distributor to enable the customer to identify that person. Standard licence condition 9.2(c) requires a distributor to use any password that has been agreed with the customer in accordance with standard licence condition 10.7.

4.198. This does not, however, imply that distributors must keep a register or any other permanent record of passwords.

4.199. Standard licence conditions 10.7 and 9.2(c) merely require that distributors must offer to use passwords in appropriate cases. Companies are therefore required to report upon the number of occasions upon which they or their agents have made arrangements with individual customers to use passwords.

**Systems for public service requirements reporting**

4.200. Distributors must establish and maintain systems for the collation and reporting of public service requirements data using the same principles as those used for guaranteed standards of performance data.

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## Appendix 1 - Severe Weather Category Boundaries

Designated electricity distributor	Category 1 Eight times the mean daily faults at distribution higher voltage	Category 2 Thirteen times the mean daily faults at distribution higher voltage	Category 3 threshold number of customers	Upper threshold number of customers
Central Networks West plc	65	105	347,000	595,000
Central Networks East plc	68	110	445,000	763,000
Electricity North West Limited	49	80	256,000	439,000
Northern Electric Distribution Limited	37	59	218,000	374,000
Yorkshire Electricity Distribution plc	37	60	362,000	621,000
Western Power Distribution (South West) plc	59	97	278,000	476,000
Western Power Distribution (South Wales) plc	45	73	214,000	367,000
EDF Energy Networks (LPN) plc	19	31	305,000	523,000
EDF Energy Networks (SPN) plc	48	78	307,000	527,000
EDF Energy Networks (EPN) plc	85	139	561,000	962,000
SP Distribution Limited	76	124	228,000	392,000
SP Manweb plc	68	110	172,000	296,000
Scottish Hydro Electric Power Distribution plc	56	91	129,000	220,000
Southern Electric Power Distribution plc	66	107	412,000	706,000

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## Appendix 2 - The Authority's Powers and Duties

1.1. Ofgem is the Office of Gas and Electricity Markets which supports the Gas and Electricity Markets Authority ("the Authority"), the regulator of the gas and electricity industries in Great Britain. This Appendix summarises the primary powers and duties of the Authority. It is not comprehensive and is not a substitute to reference to the relevant legal instruments (including, but not limited to, those referred to below).

1.2. The Authority's powers and duties are largely provided for in statute, principally the Gas Act 1986, the Electricity Act 1989, the Utilities Act 2000, the Competition Act 1998, the Enterprise Act 2002 and the Energy Act 2004, as well as arising from directly effective European Community legislation. References to the Gas Act and the Electricity Act in this Appendix are to Part 1 of each of those Acts.<sup>27</sup>

1.3. Duties and functions relating to gas are set out in the Gas Act and those relating to electricity are set out in the Electricity Act. This Appendix must be read accordingly<sup>28</sup>.

1.4. The Authority's principal objective when carrying out certain of its functions under each of the Gas Act and the Electricity Act is to protect the interests of existing and future consumers, wherever appropriate by promoting effective competition between persons engaged in, or in commercial activities connected with, the shipping, transportation or supply of gas conveyed through pipes, and the generation, transmission, distribution or supply of electricity or the provision or use of electricity interconnectors.

1.5. The Authority must when carrying out those functions have regard to:

- the need to secure that, so far as it is economical to meet them, all reasonable demands in Great Britain for gas conveyed through pipes are met;
- the need to secure that all reasonable demands for electricity are met;
- the need to secure that licence holders are able to finance the activities which are the subject of obligations on them<sup>29</sup>;
- the need to contribute to the achievement of sustainable development; and
- the interests of individuals who are disabled or chronically sick, of pensionable age, with low incomes, or residing in rural areas.<sup>30</sup>

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<sup>27</sup> entitled Gas Supply and Electricity Supply respectively.

<sup>28</sup> However, in exercising a function under the Electricity Act the Authority may have regard to the interests of consumers in relation to gas conveyed through pipes and vice versa in the case of it exercising a function under the Gas Act.

<sup>29</sup> under the Gas Act and the Utilities Act, in the case of Gas Act functions, or the Electricity Act, the Utilities Act and certain parts of the Energy Act in the case of Electricity Act functions.

<sup>30</sup> The Authority may have regard to other descriptions of consumers.

1.6. Subject to the above, the Authority is required to carry out the functions referred to in the manner which it considers is best calculated to:

- promote efficiency and economy on the part of those licensed<sup>31</sup> under the relevant Act and the efficient use of gas conveyed through pipes and electricity conveyed by distribution systems or transmission systems;
- protect the public from dangers arising from the conveyance of gas through pipes or the use of gas conveyed through pipes and from the generation, transmission, distribution or supply of electricity; and
- secure a diverse and viable long-term energy supply.

1.7. In carrying out the functions referred to, the Authority must also have regard, to:

- the effect on the environment of activities connected with the conveyance of gas through pipes or with the generation, transmission, distribution or supply of electricity;
- the principles under which regulatory activities must be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed and any other principles that appear to it to represent the best regulatory practice; and
- certain statutory guidance on social and environmental matters issued by the Secretary of State.

1.8. The Authority has powers under the Competition Act to investigate suspected anti-competitive activity and take action for breaches of the prohibitions in the legislation in respect of the gas and electricity sectors in Great Britain and is a designated National Competition Authority under the EC Modernisation Regulation<sup>32</sup> and therefore part of the European Competition Network. The Authority also has concurrent powers with the Office of Fair Trading in respect of market investigation references to the Competition Commission.

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<sup>31</sup> or persons authorised by exemptions to carry on any activity.

<sup>32</sup> Council Regulation (EC) 1/2003

## Appendix 3 - Feedback Questionnaire

1.1. Ofgem considers that consultation is at the heart of good policy development. We are keen to consider any comments or complaints about the manner in which this consultation has been conducted. In any case we would be keen to get your answers to the following questions:

1. Do you have any comments about the overall process, which was adopted for this consultation?
2. Do you have any comments about the overall tone and content of the report?
3. Was the report easy to read and understand, could it have been better written?
4. To what extent did the report's conclusions provide a balanced view?
5. To what extent did the report make reasoned recommendations for improvement?
6. Please add any further comments?

1.2. Please send your comments to:

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