

By email to:

Sarah Harrison

Cc: Jonathan Blagrove



**Smart Metering Consumer Protections Package –  
Statutory Consultation  
Ofgem**

12 August 2011

Dear Sarah,

ESTA welcomes Ofgem's further considerations of the Smart Metering Consumer Protections Package and the ongoing work that is being undertaken in this area for those involved in the early rollout.

We look forward to receiving and being able to respond to Ofgem's decisions surrounding the issues concerning remote disconnections for non-domestic consumers in the autumn; and clarifying the arrangements for back billing, remote functionality protections, remote disconnections and compensation.

We also support the commitment being made in ensuring commercial interoperability and the procedures to be put in place for an adequate switching process for early movers.

However, although there has been much debate about the protection of pre-payment customers, ESTA believes there is a wider issue both in the domestic and industrial sectors.

The meter is the definitive arbitrator between the supplier and customer. Traditionally, it has been owned and run by the supplier or their agent, and "dumb" meter access has not been an issue. Consumers are quite entitled to read the dials, let others do so, and suppliers are also entitled to read the dials, including a fast-track warrant (1947 Act) to gain access to premises if necessary.

In the smart metering world, the smart meter must act as the same arbitrator. It has much greater functionality and information; however the access to that information must be equal for both supplier and customer.

Whilst suppliers concern about access rights is shown via various lobbying channels, the customer whose lobbying is comparatively inadequate, is in the large ignorant to the impact of any regulatory changes occurring in this regard.

Due to the complex nature of the smart meter and supporting systems, it is very likely that the consumer will lose certain access rights as the system evolves. Consumers without doubt will want and need to retain right of access to the metered data to be able to appoint third parties who can help them save energy and negotiate better tariffs. It is imperative therefore that this right of access is maintained.

Whilst we appreciate concerns over confusing information and escalating call centre costs, a smart meter that denies proper arbitration between supplier and consumer should not be considered a smart meter for the purpose of compliance (i.e. permission to charge the consumer for roll-out).

We believe there was some discussion at the last ODAG meeting on the need for increased focus on consumer benefits, which we fully support.

One benefit that is consistently under-rated is that consumers should be able to use their smart data (over the HAN) whether or not the WAN is active or even working at all. It is not necessary for private data ever to leave the premises for consumers to install all kinds of home energy efficiency solutions of their own choice.

The WAN should only ever handle the subset of this data that the high-end "user-types" have established their rights to. The Program seems to be in danger of getting this the wrong way around by implying that "the system" gets everything and it is up to the consumer to justify access to their own data.

The consequence of this is that we are making the security challenge ever more difficult but one that must be correct from the outset, and also clarified within the regulation regarding early rollout.

We appreciate the complexity of this matter which we see as vital for a successful and progressive move towards smart meter integration.

Kind regards,



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