

## **Appendix 8**

**To: Smart DCC Ltd, a company registered in England and Wales under number 08641679**

**("the Licensee")**

### **NOTICE UNDER SECTION 23(2) OF THE GAS ACT 1986**

### **NOTICE UNDER SECTION 11A(2) OF THE ELECTRICITY ACT 1989**

The Gas and Electricity Markets Authority ("the Authority") hereby gives notice pursuant to section 11A(2) of the Electricity Act 1989 ("the Electricity Act") and section 23(2) of the Gas Act 1986 ("the Gas Act") as follows:

1. The Authority proposes to modify the smart meter communication licence granted or treated as granted under sections 7AB(2) and (4) of the Gas Act and the smart meter communication licence granted or treated as granted under sections 6(1A) and (1C) of the Electricity Act ("the DCC Licence") by amending Conditions 22 (The Smart Energy Code) and 23 (Change control for the Smart Energy Code).
2. The reason why the Authority proposes to make these licence modifications is to reflect the changes brought about by the Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014. It is expected that the National Consumer Council ("NCC") will be abolished from 1 April 2014 and that certain functions of the NCC will be transferred to Citizens Advice and Citizens Advice Scotland. As we anticipate that these changes will take effect from 1 April 2014, we are not proposing to give effect to the proposed licence modifications set out in this notice until then.
3. The effect of the proposed modifications is to:
  - a. delete the definition for 'National Consumer Council';
  - b. replace any reference to 'National Consumer Council' with 'Citizens Advice' and/or 'Citizens Advice Scotland'; and
  - c. insert the definition of 'Citizens Advice' and 'Citizens Advice Scotland'.
4. The attached Schedule to this Notice sets out the proposed modifications to Conditions 22 and 23.
5. Relevant licence holder for the purposes of this Notice is the Licensee. For the avoidance of doubt the Secretary of State, in exercise of the powers conferred by section 7AB(2) of the Gas Act 1986 and section 6(1A) of the Electricity Act 1989, granted the DCC Licence (comprising a smart meter communication licence under the Gas Act 1986 and a smart meter communication licence under the Electricity Act 1989) to the Licensee.
6. A copy of the proposed modifications and other documents referred to in this notice are available on the Ofgem website ([www.ofgem.gov.uk](http://www.ofgem.gov.uk)).
7. Any representations with respect to the proposed licence modifications must be made on or before 24 January 2014 to: Paul Heseltine, Office of Gas and Electricity Markets, 9 Millbank, London, SW1P 3GE or by email to [paul.heseltine@ofgem.gov.uk](mailto:paul.heseltine@ofgem.gov.uk)

8. All responses will normally be published on Ofgem's website. However, if respondents do not wish their response to be made public then they should clearly mark their response as not for publication. Ofgem prefers to receive responses in an electronic form so they can be placed easily on the Ofgem website.
9. If the Authority decides to make the proposed modification it will take effect not less than 56 days after the decision is published.

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**Paul Heseltine**  
**Associate Director Finance and Risk Management**

**Duly authorised on behalf of the**  
**Gas and Electricity Markets Authority**

**19 December 2013**

**Schedule to Appendix 8 – smart meter communication licence under the Gas Act 1986 and a smart meter communication licence under the Electricity Act 1989**

**Conditions 22 and 23 in the DCC Licence are proposed to be modified in the manner set out in paragraph 1 to 5 of this Schedule.**

1. In Condition 22. The Smart Energy Code, paragraph 22.25(c) (Part F: Governance and administration of the Smart Energy Code) substitute 'the National Consumer Council' with 'Citizens Advice or Citizens Advice Scotland'.
2. In Condition 23. Change control for the Smart Energy Code, paragraph 23.7(a) (Part B: Requirements for modifying the Smart Energy Code) substitute 'the National Consumer Council' with 'Citizens Advice or Citizens Advice Scotland'.
3. In Condition 23. Change control for the Smart Energy Code, paragraph 23.7(b) (Part B: Requirements for modifying the Smart Energy Code) substitute 'the National Consumer Council' with 'Citizens Advice and Citizens Advice Scotland'.
4. In Condition 23. Change control for the Smart Energy Code, paragraph 23.16 (Part C: Interpretation) delete '**National Consumer Council** means (in Condition 22 as well as in this condition) the body of that name established by section 1 of the Consumers, Estate Agents and Redress Act 2007.'
5. In Condition 23. Change control for the Smart Energy Code, paragraph 23.16 (Part C: Interpretation) after the definition of "Agency for the Co-operation of Energy Regulators" and before the definition of "Greenhouse Gas" insert:

'**Citizens Advice** means (in Condition 22 as well as in this condition) the National Association of Citizens Advice Bureaux.'

'**Citizens Advice Scotland** (in Condition 22 as well as in this condition) means the Scottish Association of Citizens Advice Bureaux.'