

Dear Marion/Lesley

Please find attached my response on this consultation. As you probably know I chaired the Distribution Code Review Panel for 14 years, and clearly my response is based on my experience of the industry over that time, and thinking about what it needs going forward.

As ever, any questions, very happy to try and answer them and/or elaborate on what I've said. Below my answers to your 6 questions.

Regards

Mike Kay

Q1

In relation to the twelve questions of the appendix, it does look as though questions 1 to 8 might provide useful statistics – if only to highlight some of the key differences between Panels' activities – which might suggest in some cases it is inappropriate to force the same approach across all codes.

Questions 9 to 12 will be hard to apply to the D Code (and to the G Code too). Question 9 clearly does not apply to the D and G Codes – there is no concept of accession. Question 10 will be tricky to be comprehensive about; ie when does a casual enquiry become a request for help?

These questions should not be hard to report on overall, although I would expect there to be null response for some of them.

Q2

I can see some merit in measuring how much information the CA sends out, and how much comes back from consultees, ie to show how engaged consultees really are, and provide some evidence/guidance on how to do this better. This could be an elaboration of Questions 11 or 12, but drawn rather wider to try to characterize the amount of outbound material from the CA, for example how many individually named stakeholders have been contacted by email etc.

Q3

I suspect that because the Codes are so different from each other, many of the statistics will be hard to make meaningful comparisons over – and if additional information along the lines of Q2 was sought, again this will need careful specification if it is intended to be comparative between the Codes.

Q4

Yes. It does not seem appropriate to me that CAs pay for an enhanced level of surveying. It is Ofgem (and others) who believe that code administration is deficient in stakeholder management, engagement and support. In other areas of regulatory interest it is generally the case that Ofgem funds surveys that Ofgem uses to inform itself about the behaviour and performance of companies etc. It is also not economically efficient for Ofgem to specify the scope and content of its interests and then have another party pay for that research. It would be more efficient for Ofgem to specify

its research and pay for it out of Ofgem funds. It is not clear how you have arrived at the minded to position that CAs pay, other than the obvious inference that Ofgem does not have the budget to support it.

Q5

Following on from Q4, none of the above. But if what I think is the more defensible approach has been ruled out by Ofgem, then I would reluctantly support Option 4.

Q6 – see Q4.