

To: All holders of a gas transporter licence ("licensees") who are relevant licence holders for the purpose of section 23(10) of the Gas Act 1986

NOTICE OF A STATUTORY CONSULTATION ON A PROPOSED MODIFICATION PURSUANT TO SECTION 23 OF THE GAS ACT 1986 OF THE STANDARD SPECIAL CONDITIONS OF THE GAS TRANSPORTER LICENCES GRANTED OR TREATED AS GRANTED UNDER SECTION 7 OF THE GAS ACT 1986

WHEREAS:

1. Each of the companies to whom this notice is addressed holds a gas transporter licence granted, or treated as granted, pursuant to section 7 of the Gas Act 1986 (the "Act").
2. In accordance with section 23(2), (3) and (4) of the Act, the Gas and Electricity Markets Authority (the "Authority") gives notice ("Notice") that it proposes to modify the standard special conditions of the gas transporter licence which apply to gas network distribution operators by amending standard special condition D13 ("modification").
3. The reasons why the Authority proposes to make the modification have been published by the Authority in the following documents:
 - (a) Priority Services Register Review – Statutory Consultation 13 June 2016; and
 - (b) Priority Services Register Review – Final Proposals, 2015¹.

In summary, the Authority has identified that the current regulatory arrangements could be improved to shift the responsibility onto licensees to identify consumers in vulnerable situations and to widen the eligibility requirements to ensure that consumers in vulnerable situations are provided with these services effectively.

4. The effects of the proposed modification are described in the documents referred to in paragraph 3 of this Notice. In summary, the effects of the proposed modification include amending the existing regulatory obligations with a more principles-based approach in order to improve customer awareness of the Priority Service Register and require Gas Transporters to take a flexible approach with the Priority Services they offer to best meet the needs of individual customers.
5. The envisaged text for the proposed modification is set out in the schedule to this Notice.
6. A copy of the proposed modification and other documents referred to in this Notice have been published on our website (www.ofgem.gov.uk). Alternatively

¹<https://www.ofgem.gov.uk/publications-and-updates/priority-services-register-review-final-proposals>

they are available from our Research and Information Centre, 9 Millbank, London, SW1P 3GE (020 7901 7003).

7. Any representations with respect to the proposed licence modification must be made on or before 15 July 2016 to: Jonathan Blagrove, Office of Gas and Electricity Markets, 9 Millbank, London, SW1P 3GE or by email to vulnerability@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 on the Ofgem website more easily.
9. Subject to responses to the statutory consultation, in the event that the Authority decides to proceed with the proposed modification, it is intended that the modification will take effect on a date which is at least 56 days after the date on which the Authority's decision is published.

Kersti Berge, Partner
Duly authorised on behalf of the
Gas and Electricity Markets Authority

13 June 2016

Schedule – proposed amendment of standard special condition D13

The text below which is highlighted by track changes constitutes the envisaged modification to standard special condition D13 which applies to gas distribution network operators (insertions are shown by double underlined text and deletions are shown by strikethrough text). An explanation of changes to the proposed drafting since our December 2015 consultation is provided in Appendix 4 of the Priority Services Register Review: Statutory Consultation):

Standard Special Condition D13. Provision of services for specific domestic customer groups

Eligibility for services

1. The licensee must set up and maintain practices and procedures to identify domestic customers who may be eligible for assistance under this condition as a result of its customer interaction, and offer these customers specific priority services.
2. Customers eligible for assistance under this condition are domestic customers who:
 - (a) are either:
 - (i) of pensionable age, disabled, chronically sick or live with children aged five and under; or
 - (ii) otherwise in a vulnerable situation, and require additional services related to their access, communication and safety needs; and
 - (b) have either:
 - (i) personally approached the licensee to register their details as an eligible customer under this condition and, or
 - (ii) had a person acting on their behalf ask for their name to be added to it registered
 - (iii) had a relevant supplier or Relevant Distributor ask for their name and any relevant details to be suitably recorded for the purpose of providing additional services as described in this condition.

Arrangements in respect of meters

3. Where a relevant supplier or a gas supplier who is about to become such a supplier has -
 - (a) pursuant to paragraph 1(d) of standard condition 26 (Services for specific Domestic Customer groups) of its supply licence transmitted to the licensee a request for the repositioning of a meter owned by the licensee; and
 - (b) undertaken to pay the licensee's reasonable expenses in complying with the request,

then, so far as it is reasonably practicable and appropriate for it to do so, the licensee must comply with the request.

Services for vulnerable domestic customers

- ~~4. If a domestic customer who is of pensionable age, disabled, or chronically sick asks it to do so, the~~The licensee must offer, free of charge, to agree a password with that customer who is eligible for assistance (or their representative), that can be used by any representative of the licensee to enable the customer to identify that person for the purpose of carrying out necessary work for which the password was agreed.
5. The licensee must provide facilities, free of charge to domestic customers, which enables any domestic customer who has additional communication needs ~~who is:~~

 - (a) ~~blind or partially sighted; or~~
 - (b) ~~deaf or hearing impaired and in possession of appropriate equipment,~~

to ask or complain about any service provided by the licensee.
6. In so far as permitted by any laws relating to data protection and/or privacy, the licensee must, upon becoming aware of a domestic customer who may be eligible for assistance under this condition give the relevant supplier and/or Relevant Distributor such details of that customer, in such intervals as are relevant to the performance of that supplier or distributor's obligations under its licence.
7. For the purposes of complying with its obligations under this condition (including in respect of obtaining, recording, using and sharing information), the licensee must comply with any laws relating to data protection and/or privacy.

Provision of information

8. The licensee must prepare a statement, in plain and intelligible language, that sets out and explains its arrangements for complying with its obligations under this condition.
9. In relation to the statement prepared under paragraph ~~4-8~~, the licensee must:

 - (a) publish the statement on and make it readily accessible from its website;
 - (b) at least once each year, take all reasonable steps to inform domestic customers whose premises are connected to the pipe-line system to which this licence relates, of the existence of the statement and how to obtain it;
 - (c) when asked to do so by a customer with additional communication needs, provide to a that domestic customer whose premises are connected to the pipe-line system to which this licence relates ~~and who is blind, partially sighted, deaf, or hearing impaired~~, the statement in a manner or a format that is suitable for that customer's ~~special communication~~ needs;
 - (d) when asked to do so, provide to a domestic customer whose premises are connected to the pipe-line system to which this licence relates and whose first language is not English, such assistance or advice as will enable that customer to understand the contents of the statement; and
 - (e) give a copy of the statement on request and free of charge to any person.
10. The statement prepared under paragraph ~~4-8~~ may, at the licensee's choice, be published as a single document that may also include the statements referred to in Standard Special Condition D14 (Arrangements for access to premises).

Other domestic customers and other services

11. Nothing in this condition prevents the licensee from:

- a. including domestic customers additional to those specified [under paragraph 2], ~~or~~
- b. providing services to domestic customers that exceed those required under this condition.

Interpretation

12. For the purposes of this condition:

“pensionable age” has the meaning given in section 48(2B) of the Act.

“relevant distributor” means the licenced electricity distributor to whose electricity distribution network the domestic customer’s premises are connected.