

Steve Ladle
IGT UNC Panel Chair



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Email: Anthony.Pygram@ofgem.gov.uk
Date: 17 February 2017

Dear Steve,

iGT095: Provision of access to Domestic Consumer data for Price Comparison Websites and Third Party Intermediaries

We have received a request that modification proposal *IGT095: 'Provision of access to Domestic Consumer data for Price Comparison Websites and Third Party Intermediaries'* follows the urgent modification procedures¹. We agree to that request.

Background

This proposed modification seeks to create the necessary permissions in the IGT UNC to permit the release of domestic consumer data to Price Comparison Websites (PCWs) and Third Party Intermediaries (TPIs). The release of data to PCWs is required to satisfy an Order² made by the Competition and Markets Authority (CMA). The release of data would be subject to validations undertaken by the Transporter and would be pursuant to data protection principles.

The CMA Order places a requirement on Xoserve to give PCWs access to the Data Enquiry Service (DES) upon written request, and subject to the satisfaction of reasonable access conditions. The Order also requires Gas Transporters who are parties to the UNC to use their best endeavours to ensure that a modification proposal concerning any necessary amendments to the UNC to reflect Xoserve's requirement is raised. The CMA Order requires that access is provided by Xoserve by 28 February 2017.

We have been asked to agree that it is treated as an Urgent Status Modification on the basis that the Xoserve intends to give access to PCWs/TPIs as from the 28 February 2017. When providing such access, Xoserve will not be able to restrict access to exclude iGT Supply Points and hence it requires the iGT UNC to be amended to allow such access

¹ Modification Proposal IGT095 can be found on the IGT UNC website <http://www.igt-unc.co.uk/Modifications/Open+Modifications/iGT095>

² The Energy Markets Investigation (ECOES/DES) Order 2016
<https://assets.publishing.service.gov.uk/media/58513da4e5274a13030000b0/energy-market-ECOES-DES-order-2016.pdf>

by the 28 February 2017. It is not considered that this would be possible if the standard IGT UNC Modification Rules were followed.

On 16 February, the UNC Panel considered a related modification to the UNC³. This modification would permit Large Gas Transporters to provide specified information to PCWs and TPIs. Having considered the issues, including the responses raised, the UNC Panel recommend to Authority that the modification should not be approved. The UNC modification has been submitted to us, but we have not yet made our decision on it.

Our decision

The Panel considered that, under Ofgem's Urgency guidance the most applicable criteria would be 'A significant commercial impact on parties, consumers or other stakeholder(s)' although the Panel noted that they do not believe that any IGTs would be impacted either under the Code or licence as the CMA order does not directly implicate them.

However, the Panel felt that there may be a significant commercial impact on Xoserve and their ability to fulfil the CMA order under the current guidelines. Therefore, the IGT UNC Panel are keen to support this Modification for Urgent status.

We have assessed the request against the criteria set out in our published guidance⁴. We have considered in particular whether it is linked to "an imminent issue or a current issue that if not urgently addressed may cause a significant commercial impact on parties as well as a party to be in breach of any relevant legal requirements".

As noted above, the Final Modification Report on the related UNC modification proposal (UNC593) has been submitted to us for a decision. We understand it is intended that UNC593 (if approved) is implemented in sufficient time so as not to prevent the 28 February timescales from being met. This would create a potential problem if Xoserve provided PCWs and TPIs with access to DES. This is because PCWs and TPIs may be able to access IGT Supply Point data which is not permitted under the IGT UNC, unless IGT095 is approved.

We are therefore satisfied that there is a pressing need to reduce the consultation period for IGT095 and accelerate its consideration by IGT UNC Panel in line with the timetable suggested by the IGT UNC Panel, as follows:

Process	Date
Draft Modification Report issued to Consultation	20 February
Extraordinary Panel Meeting	23 February
Submission of Modification to the Authority	23 February
The Authority's Decision	27 February

³ UNC 0593 - Provision of access to Domestic Consumer data for Price Comparison Websites and Third Party Intermediaries <http://www.gasgovernance.co.uk/0593>

⁴ Ofgem's Guidance is published on our website: <https://www.ofgem.gov.uk/publications-and-updates/ofgem-guidance-code-modification-urgency-criteria-0>

For the avoidance of doubt, our decision on urgency should not be treated as any indication by us on the merits of modification proposal IGT095. The Authority will make a decision on IGT095 in due course and in accordance with the appropriate process after taking into account all relevant considerations.
Yours sincerely

Anthony Pygram
Partner, Consumers and Competition

Signed on behalf of the Authority and authorised for that purpose