

UNC Panel Chair, UNC Parties,
and other interested parties

Email: industrycodes@ofgem.gov.uk

Date: 18 November 2020

Dear colleagues,

Authority Response to EDF's appeal to the implementation of Uniform Network Code modification UNC692 'Automatic updates to Meter Read Frequency'¹

The modification UNC692 was considered and approved by the UNC Panel on 19 December 2019. On 6 February 2020 we² received notice of an appeal by EDF Energy Consumers Ltd ("EDF") against Uniform Network Code ("UNC") modification UNC692 'Automatic Updates to Meter Read Frequency' in accordance with UNC Modification Rules³.

The procedure that Ofgem adopts in determining a self-governance modification appeal is set out in our guidance⁴, as well as in the UNC. The grounds for appeal are that:⁵

- the appealing party would be, or is likely to be, unfairly prejudiced by the implementation or non implementation of the modification,
- the appeal is raised because the appealing party reasonably believes that the modification:
 - which is to be implemented may not better facilitate the achievement of at least one of the application code objectives, or
 - which is not to be implemented may better facilitate achievement of at least one of applicable code objectives, and

¹ <https://www.gasgovernance.co.uk/0692>

² References to the "Authority", "Ofgem", "we" and "our" are used interchangeably in this document. The Authority refers to GEMA, the Gas and Electricity Markets Authority. The Office of Gas and Electricity Markets (Ofgem) supports GEMA in its day to day work.

³ See paragraph 13, UNC Modification Rules, here <https://gasgov-mst-files.s3.eu-west-1.amazonaws.com/s3fs-public/ggf/page/2019-01/18%20Modification%20Rules.pdf>

⁴ The guidance is on the Ofgem website here: <https://www.ofgem.gov.uk/publications-and-updates/ofgem-guidance-self-governance-modification-appeals-process>

⁵ The specific conditions are set out in UNC Modification rules, link in footnote 3

- the appeal is not raised for trivial or vexacious reasons, and has a reasonable prospect of success.

We have considered the evidence provided by EDF and determined that it does not meet the requirements for a valid appeal. We do not have sufficient evidence to demonstrate that EDF would, or is likely to be, unfairly predejudiced by the implementation of UNC692. Further, it has not been demonstrated that, if implemented, UNC692 would not better facilitate any of the applicable code objectives.

Therefore, the decision made by the Modification Panel on 19 December 2019 to implement UNC692 will stand.

Other Issues

EDF highlighted a dependency of UNC692 on another industry modification, namely Smart Energy Code Modification Proposal 077 'DCC Service Flagging'⁶, in order for UNC692 to be fully implemented by industry. In our view, we would have expected consideration of cross-code impacts to be discussed and resolved during the industry-led modification process. We note that the issues which led EDF to appeal UNC692 decision are now being addressed through industry dialogue and engagement, which in their view would negate the need for this appeal to continue, if it had been successful.

We are disappointed that between the evidence submitted to us and UNC692 Final Modification Report we see an incomplete assessment of cross code impacts. We fully expect that Code Administration Code of Practice Principle 13⁷ is taken into account for all applicable modifications. Therefore, regardless of our determination that this appeal is not a valid appeal, we fully expect all relevant parties to engage each other and ensure all applicable interdependencies are considered and taken into account before the implementation date is finalised for UNC692.

Yours faithfully,

Jacqui Russell

Head of Metering and Market Operations

Signed on behalf of the Authority and authorised for that purpose

⁶ <https://smartenergycodecompany.co.uk/modifications/dcc-service-flagging/>

⁷ https://www.ofgem.gov.uk/system/files/docs/2020/05/code_administration_code_of_practice_-_version_5.1.pdf
Principle 13: Code Administrators will ensure cross Code coordination to progress changes efficiently where modifications impact multiple Codes