

Consultation

Statutory consultation on proposals to modify licence conditions as a result of Retail Code Consolidation

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We are consulting on proposals to modify licence conditions, including standard licence conditions and standard special conditions, as a result of the Retail Code Consolidation Significant Code Review (SCR). Retail Code Consolidation will rationalise retail energy codes through the closure of the gas Supply Point Administration Agreement (SPAA) and the electricity Master Registration Agreement (MRA) and the transfer of any provisions from those codes which need to be retained over to the Retail Energy Code (REC) or another industry code where this is more relevant. The Smart Meter Installation Code of Practice (SMICOP) and Green Deal Arrangements Agreement (GDAA) will also be consolidated within the REC, as well as parts of the Balancing and Settlement Code (BSC) and a number of metering codes of practice. Retail Code Consolidation is planned to come into full effect on 1 September 2021.

This is a statutory consultation in accordance with the Gas Act 1986 and Electricity Act 1989, concerning our proposals to modify the following licences:

- Smart Meter Communications Licence

- Standard conditions of Electricity Supply Licence
- Standard conditions of Gas Supply Licence
- Standard conditions of Gas Transporter Licence
- Standard Special Conditions parts A, B and D of the Gas Transporters Licence
- Standard conditions of Electricity Distribution Licence

We would like views from holders of these licences. We would also welcome responses from any other interested stakeholders and the public, although areas of this consultation are technical in nature and might require a degree of specialist knowledge around the detail of energy licence conditions and retail codes framework in order to fully engage.

This document outlines the scope, purpose and questions of the consultation and how you can get involved. Once the consultation is closed, we will consider all responses. We will publish the non-confidential responses we receive alongside a decision on next steps on our website at [Ofgem.gov.uk/consultations](https://www.ofgem.gov.uk/consultations). If you want your response – in whole or in part – to be considered confidential, please tell us in your response and explain why. Please clearly mark the parts of your response that you consider to be confidential, and if possible, put the confidential material in separate appendices to your response.

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Executive summary

This consultation requests views on the modifications that we¹ propose to make to certain licence conditions, including standard licence conditions (SLCs), to reflect Retail Code Consolidation and, with regard to the Smart Meter Communications licence, faster, more reliable switching.

Our licence modification proposals were consulted on in June 2019², and then further reviewed with stakeholders, including at the Switching Programme Regulatory Design User Group. Updated proposals were consulted on in November 2020. This document sets out our updated thinking and statutory consultation on the changes to SLCs and other licence conditions for Retail Code Consolidation.

We launched the Retail Code Consolidation Significant Code Review (SCR) in November 2019³. The purpose is to rationalise retail energy codes by closing down the electricity Master Registration Agreement (MRA) and the gas Supply Point Administration Agreement (SPAA). This SCR proposed to move the requirements from these codes that need to be retained into the Retail Energy Code (REC) or another industry code where this is more relevant. The SCR will also facilitate further consolidation by moving the Smart Meter Installation Code of Practice (SMICOP) and Green Deal Arrangements Agreement (GDAA) under the REC. Finally, the REC will also bring together gas and electricity metering arrangements, consolidating the Meter Operation Code of Practice Agreement (MOCO PA) and parts of the Balancing and Settlement Code (BSC), together with the metering provisions that sit under the SPAA (Metering Code of Practice, MCoP; formerly Meter Asset Manager Code of Practice, MAMCoP, and Approved Meter Installer Code of Practice, AMICoP). The focus of our proposed changes to the licence conditions is therefore to reflect the new governance structure, for example by replacing references to the codes that will be shut down.

Taking into account the views of respondents to our November 2020 consultation, we have now launched this statutory consultation, which sets out our updated Retail Code Consolidation licence modification proposals.

¹ 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.

²

https://www.ofgem.gov.uk/system/files/docs/2019/06/june19_switching_programme_and_retail_code_consolidation_consultation_final2.pdf

³ <https://www.ofgem.gov.uk/publications-and-updates/retail-code-consolidation-scr-launch-statement>

The REC v2.0, which will be the principal vehicle for implementing Retail Code Consolidation, will be introduced through Switching Programme governance in accordance with the Change Management Schedule of the REC. We will launch this process in June 2021.

We expect to take a decision on whether to modify the licence conditions by 2 July 2021. We propose that these licence modifications should take effect from 1 September 2021, which is the planned date of Retail Code Consolidation.

1. Introduction

1.1. We launched the Retail Code Consolidation Significant Code Review (SCR) in November 2019⁴. The purpose of this SCR to rationalise retail energy codes by closing down the electricity Master Registration Agreement (MRA), gas Supply Point Administration Agreement (SPAA), the Smart Meter Installation Code of Practice (SMICOP), and Green Deal Arrangements Agreement (GDAA). The requirements from these codes will be consolidated into the Retail Energy Code (REC) or transferred to another industry code where this is more relevant.

1.2. The REC will also bring together gas and electricity metering arrangements, consolidating the Meter Operation Code of Practice Agreement (MOCOPA) and parts of the Balancing and Settlement Code (BSC), together with the metering provisions that sit under the SPAA (Metering Code of Practice, MCoP; formerly Meter Asset Manager Code of Practice, MAMCoP, and Approved Meter Installer Code of Practice, AMICoP).

What are we consulting on?

1.3. We are consulting on proposals to modify licence conditions, including standard licence conditions and standard special conditions, as a result of Retail Code Consolidation.

1.4. The reason why the Authority proposes to make these modifications is, in summary, to properly reflect the changes being brought about by Retail Code Consolidation in the licences. This will ensure, for example, that the licences correctly reference the REC and are aligned to the terminology within the REC when code consolidation is due to take effect on 1 September 2021.

1.5. This consultation follows on from the Ofgem consultation, 'Switching Programme and Retail Code Consolidation: Proposed licence modifications' (12 November 2020)⁵. The proposed modifications to licences conditions in this consultation have been informed by the responses to the November 2020 consultation. Where our proposed modifications have changed since November 2020, this is indicated in the spreadsheet at Appendix 2.

⁴ <https://www.ofgem.gov.uk/publications-and-updates/retail-code-consolidation-scr-launch-statement>

⁵ <https://www.ofgem.gov.uk/publications-and-updates/switching-programme-and-retail-code-consolidation-proposed-licence-modifications>

1.6. The majority of the modifications to these licence conditions are minor drafting changes, updating terms to reflect the changes in code governance and standardising terminology.

1.7. In the case of the Smart Meter Communication Licence, we propose further changes to reflect developments in the design of the new switching arrangements, which are being introduced through Ofgem's Switching Programme.

1.8. We anticipate that the impact of these proposed changes will be very minor on an operational level; primarily, it is about ensuring the licence conditions correctly reference other industry documents and arrangements which are due to be modified under the Retail Code Consolidation SCR.

Section 2: Electricity Supply and Gas Supply Standard Licence Conditions

1.9. This consultation proposes a number of modifications to supply licence conditions that result from the close down of the MRA, SPAA, SMICoP and GDAA, and the transfer of provisions to the REC.

1.10. In most cases, this will involve replacing references to the relevant code, or updating terminologies to reflect the new definitions used in the REC. These changes are relatively minor, and are required to ensure the licence conditions correctly reference other industry documents.

Section 3: Gas Transporter Licence

1.11. This consultation proposes to make a number of modifications to definitions to the Standard Licence Conditions (SLCs) and Standard Special Conditions (SSCs) that result from the close down of the SPAA and the transfer of provisions to the REC.

1.12. In most cases, this will involve replacing references to the SPAA or other relevant code, or updating terminologies to reflect the new definitions used in the REC. These changes are relatively minor.

1.13. We are also proposing to amend SLC 31 and SSC A31 to give the Authority power to grant derogations from the requirements of this SLC. This is to build in future flexibility to review the applicability of the SLC once many of these functions are delivered through the REC.

Section 4: Electricity Distribution Licence

1.14. This consultation proposes to make a number of modifications to licence conditions that result from the close down of the MRA and the transfer of provisions to the REC.

1.15. In most cases, this will involve replacing references to the MRA or updating terminologies to reflect the new definitions used in the REC. These changes are relatively minor.

Section 5: Smart Meter Communication Licence

1.16. This consultation proposes to make a number of modifications to definitions that result from the close down of the SPAA and MRA and the transfer of provisions to the REC. In most cases, this will involve replacing references to the MRA or SPAA, or updating terminologies to reflect the new definitions used in the REC. These changes are relatively minor.

1.17. We are also proposing to amend the licence conditions that relate to the provision of the Centralised Registration Service (CRS), to more closely align the licence conditions with the latest design of the new switching arrangements being delivered by the Switching Programme and clarify that the DCC⁶ should give equal priority to its obligations relating to smart metering and the CRS from the start of the Post Implementation Period, as defined in the licence.

Context and related publications

1.18. This consultation is part of Ofgem's Switching Programme, details of which can be found on the Ofgem Website, here: <https://www.ofgem.gov.uk/gas/retail-market/market-review-and-reform/smarter-markets-programme/switching-programme>.

1.19. We consulted on licence changes that would be required to deliver the Switching Programme and facilitate Retail Code Consolidation in November 2020, as part of our consultation: *Switching Programme and Retail Code Consolidation: Proposed licence modifications*. This consultation, supporting documentation and stakeholder responses are

⁶ The Data Communications Company

available on our website, here: <https://www.ofgem.gov.uk/publications-and-updates/switching-programme-and-retail-code-consolidation-proposed-licence-modifications>

1.20. We also consulted on the code drafting that we propose to implement through the Retail Code Consolidation SCR in December 2020, in our publication: *Retail Energy Code v2.0 and Retail Code Consolidation*. This consultation, decision, supporting documentation and stakeholder responses are available on our website, here: <https://www.ofgem.gov.uk/publications-and-updates/retail-energy-code-v20-and-retail-code-consolidation>.

Consultation stages

1.21. This is a statutory consultation. We invite stakeholders to submit representations by no later than 5pm on 1 June 2021. This deadline reflects that we must publish a decision on the proposals in the consultation by early July, in order for proposed licence changes, if made, to have effect in time for 1 September 2021, the planned date of Retail Code Consolidation.

Decision

1.22. We expect to publish a decision on these proposals by 2 July 2021, with the finalised licence modifications taking effect, if made, from 1 September 2021, (following the mandatory 56 day standstill period).

How to respond

1.23. We want to hear from anyone interested in this consultation. Please send your response to switching.programme@ofgem.gov.uk by **no later than 5pm on 1 June 2021**.

1.24. We've asked for your feedback in each of the questions throughout. Please respond to each one as fully as you can.

1.25. We will publish non-confidential responses on our website at www.ofgem.gov.uk/consultations.

Your response, data and confidentiality

1.26. You can ask us to keep your response, or parts of your response, confidential. We'll respect this, subject to obligations to disclose information, for example, under the Freedom of

Information Act 2000, the Environmental Information Regulations 2004, statutory directions, court orders, government regulations or where you give us explicit permission to disclose. If you do want us to keep your response confidential, please clearly mark this on your response and explain why.

1.27. If you wish us to keep part of your response confidential, please clearly mark those parts of your response that you *do* wish to be kept confidential and those that you *do not* wish to be kept confidential. Please put the confidential material in a separate appendix to your response. If necessary, we'll get in touch with you to discuss which parts of the information in your response should be kept confidential, and which can be published. We might ask for reasons why.

1.28. If the information you give in your response contains personal data under the UK General Data Protection Regulation 2016/379 (UK GDPR)⁷ and domestic legislation on data protection, the Gas and Electricity Markets Authority will be the data controller for the purposes of UK GDPR. Ofgem uses the information in responses in performing its statutory functions and in accordance with section 105 of the Utilities Act 2000. Please refer to our Privacy Notice on consultations, see Appendix 3.

1.29. If you wish to respond confidentially, we'll keep your response itself confidential, but we will publish the number (but not the names) of confidential responses we receive. We won't link responses to respondents if we publish a summary of responses, and we will evaluate each response on its own merits without undermining your right to confidentiality.

General feedback

1.30. We believe that consultation is at the heart of good policy development. We welcome any comments about how we've run this consultation. We would also like to get your answers to these questions:

1. Do you have any comments about the overall process of this consultation?
2. Do you have any comments about its tone and content?

⁷ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (GDPR), as retained in domestic law following the UK's withdrawal from the European Union (UK GDPR)

3. Was it easy to read and understand? Or could it have been better written?
4. Were its conclusions balanced?
5. Did it make reasoned recommendations for improvement?
6. Any further comments?

Please send any general feedback comments to stakeholders@ofgem.gov.uk

How to track the progress of the consultation

You can track the progress of a consultation from upcoming to decision status using the 'notify me' function on a consultation page when published on our website.

[Ofgem.gov.uk/consultations.](https://www.ofgem.gov.uk/consultations)


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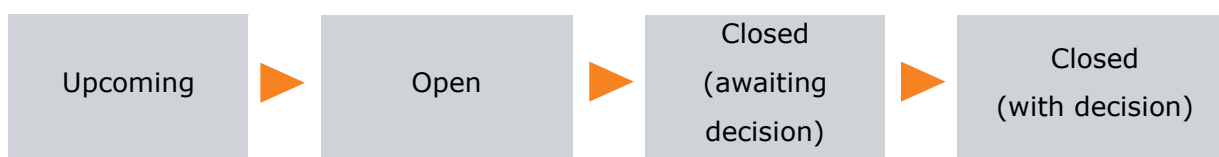
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Once subscribed to the notifications for a particular consultation, you will receive an email to notify you when it has changed status. Our consultation stages are:



2. Electricity Supply and Gas Supply Standard Licence Conditions

Section summary

This section consults on our proposals to modify the Electricity Supply Standard Licence Conditions (SLCs) and the Gas Supply SLCs to reflect the wider changes being proposed under the Retail Code Consolidation Significant Code Review (SCR). In both cases this follows on from our initial consultation in June 2019 and the subsequent consultation in November 2020.

We provide further policy detail here and analysis of responses to the November 2020 consultation.

Questions

Question 1: Do you agree that the proposed changes to the Electricity Supply Standard Licence Conditions will ensure the licence reflects Retail Code Consolidation?

Question 2: Do you agree that the proposed changes to the Gas Supply Standard Licence Conditions will ensure the licence reflects Retail Code Consolidation?

Summary of proposals

2.1. This consultation proposes to make a number of modifications to definitions that result from the close down of the MRA and SPAA and the transfer of provisions to the REC. In the majority of cases, this has resulted either in us replacing references to the MRA and SPAA with the REC, or updating terminologies to reflect the new definitions used in the REC. We also propose changes to the suite of licence conditions that relate to the Green Deal arrangements and Smart Meter Installation Code of Practice, both of which will be consolidated in the REC.

2.2. In summary, the changes to the Electricity Supply and Gas Supply Standard Licence Conditions (SLCs) that we are proposing to make in this consultation are as follows:

- a) Standard conditions of electricity supply licence:
- i. Removing references to 'Master Registration Agreement' and, where appropriate, replacing these with 'Retail Energy Code'.
 - ii. Amending the term 'Proposed Supply Transfer' to 'Proposed Supplier Transfer', and changing wording in Condition 14: Customer transfer blocking, to bring terminology into line with that of the Retail Energy Code.
 - iii. Deleting reference to changes in obligations at different dates that relate to the Green Deal Arrangements Agreement (GDAA), to remove dates where the milestones have passed and have come into effect, and to reflect the fact that the GDAA is no longer a standalone document and will be consolidated into the REC.
 - iv. Amending use of the term 'Data Transfer Catalogue' to 'Data Specification' to bring terminology into line with that of the Retail Energy Code. Provisions will be transferred into the Retail Energy Code.
 - v. Amending Condition 41: Smart Metering Installation and Installation Code of Practice – Domestic Customers and Condition 42: Smart Metering Installation and Installation Code of Practice – Micro Business Consumers, to reflect the fact that these arrangements are now established and will be maintained in the Retail Energy Code.
 - vi. Corrections of miscellaneous typographical errors and formatting errors.
- b) Standard conditions of gas supply licence:
- i. Removing references to 'Supply Point Administration Agreement' and, where appropriate, replacing these with 'Retail Energy Code'.
 - ii. Amending the term 'Meter Asset Manager' to 'Meter Equipment Manager', to bring terminology into line with that of the Retail Energy Code.
 - iii. Amending the term 'Meter Point' to 'Meter Point Reference Number', because the licence does not use the term 'Meter Point'.

- iv. Amending the term 'Customer Reference Point' to 'Supply Meter Point Reference Number', to bring terminology into line with that of the Uniform Network Code (UNC).
- v. Amending Condition 12A. Matters relating to Theft of Gas by removing references to 'Network Code' and, where appropriate, replacing these with 'Retail Energy Code'.
- vi. Amending the term 'Proposed Supply Transfer' to 'Proposed Supplier Transfer', to bring terminology into line with that of the Retail Energy Code.
- vii. Removing Condition 30. Supply Point Administration Agreement as this has now been replaced with the governance arrangements of the Retail Energy Code.
- viii. Amending Condition 35. Smart Metering Installation and Installation Code of Practice – Domestic Customers and Condition 36. Smart Metering Installation and Installation Code of Practice – Micro Business Consumers, to reflect the fact that these arrangements are now established and will be maintained in the Retail Energy Code.
- ix. Corrections of miscellaneous typographical errors and formatting errors.

2.3. Appendix 1 sets out the proposed changes against the up to date version of the consolidated licence conditions available on our website at the time of publishing, the definitive sources for which (not including the changes proposed in this consultation) are available on the Electronic Public Register⁸. The full texts in the appendices highlight the changes that we are proposing to make in redline version, with explanatory comments which can be cross referenced to the spreadsheet in appendix 2, which aims to support understanding of the proposed changes.

⁸ <https://epr.ofgem.gov.uk/Document>

Stakeholder feedback on policy consultation

2.4. We have carefully considered the responses that we received in relation to our November 2020 consultation.

2.5. Our consultation in November 2020 asked respondents whether they agreed with the proposed standard licence conditions modifications for:

2.5.1. The Gas Supply Licence (Q1.1); and

2.5.2. The Electricity Supply Licence (Q1.2).

2.6. The November 2020 consultation also consulted on changes that were required to deliver the Switching Programme, and which will be subject to a separate statutory consultation scheduled for late 2021.

2.7. We received 22 responses across questions 1.1 and 1.2. Many of these responses were common or relevant to the proposed changes to both Electricity Supply Licences and Gas Supply Licences.

2.8. However, the majority of these comments related to the changes proposed to deliver the Switching Programme, and were not related to the changes for Retail Code Consolidation.

2.9. Where respondents commented on the proposed changes for Retail Code Consolidation, respondents confirmed they agreed with the proposals.

2.10. One respondent observed that the ability in the electricity supply SLCs for the Authority to grant a derogation from the requirement to be a party to and comply with the REC could have wider consequences than the previous equivalent provisions relating to the MRA, because the REC contains more obligations, for example the SMICoP and GDAA. We have considered this observation. In our view, the provision as drafted in the electricity supply SLCs allows for the Authority to specify precisely which requirements under the REC are to be derogated from in each case, which should address this concern.

2.11. Responses to the proposed licence changes for the Switching Programme will be addressed separately, with a statutory consultation planned for December 2021.

Ofgem decision and next steps

2.12. Ofgem's analysis of responses to our November 2020 consultation is that stakeholders were supportive of the proposed changes to the Electricity Supply Licence and Gas Supply Licence that relate to transferring the relevant existing arrangements over to the Retail Energy Code.

2.13. Ofgem therefore proposes to amend the Electricity Supply Licence and Gas Supply Licence mostly in line with the proposals consulted on in November 2020 and as laid out in the appendices. The "Supply (gas and elec)" tab of the spreadsheet at Appendix 2 shows in column "K" where we have amended our position since the December 2020 consultation, for example where we have found references to the MRA or SPAA in new SLCs.

3. Standard Licence Conditions: Gas Transporters Licence

Section summary

This section consults on our proposals to modify the Gas Transporters Licence Standard Conditions (SLCs), and Standard Special Conditions (SSCs) Parts A, B and D to reflect the wider changes being proposed under the Retail Code Consolidation Significant Code Review (SCR). In all cases this follows on from our initial consultation in June 2019 and the subsequent consultation in November 2020.

We provide further policy detail here and analysis of responses to the November 2020 consultation.

Questions

Question 3: Do you agree that the proposed changes to the Gas Transporter Standard Licence Conditions will ensure the licence reflects Retail Code Consolidation?

Question 4: Do you agree that the proposed changes to the Gas Transporter Standard Special Conditions (A, B and D) will ensure the licence reflects Retail Code Consolidation?

Summary of changes

3.1. This consultation proposes to make a number of modifications to the licence conditions that apply to Gas Transporters as a result of the close down of the SPAA and the move of provisions to the REC. In the majority of cases, this has resulted either in us replacing references to the SPAA with the REC, or updating terms to reflect the new definitions used in the REC. We also propose to amend SLC 31 and SSC A31 to give the Authority the ability to grant derogations in relation to requirements of these conditions.

3.2. In summary, the main changes to the Standard Licence Conditions: Gas Transporters Licence that we are proposing to make in this consultation are as follows:

a) Gas Transporters Licence: Standard Conditions:

- i. Removing references to 'Supply Point Administration Agreement' and, where appropriate, replacing these with 'Retail Energy Code'.
- ii. Amending uses of the term 'Meter Asset Manager' to 'Meter Equipment Manager', to bring terminology into line with that of the Retail Energy Code.
- iii. Amending Condition 31: Supply Point Information Service to authorise the Authority to give a direction ("a derogation") to relieve licensees of their obligations under this condition. This is to build in future flexibility to review the applicability of the SLC once many of these functions are delivered through the REC.
- iv. Corrections of miscellaneous typographical errors and formatting errors.

b) Standard Special Conditions Applicable To Both NTS⁹ And DN¹⁰ Licensees: Part A

- i. Amending uses of the term 'Meter Asset Manager' to 'Meter Equipment Manager', to bring terminology into line with that of the Retail Energy Code.
- ii. Amending Standard Special Condition A31: Supply Point Information Service to authorise the Authority to give a direction ("a derogation") to relieve licensees of their obligations under this condition. This is to build in future flexibility to review the applicability of the SSC once many of these functions are delivered through the REC.

c) Standard Special Conditions Applicable To All NTS Licensees: Part B

- i. Amending uses of the term 'Meter Asset Manager' to 'Meter Equipment Manager', to bring terminology into line with that of the Retail Energy Code.

⁹ National Transmission System, ie National Grid Gas Plc

¹⁰ Gas Distribution Network

d) Standard Special Conditions Applicable To All DN Licensees: Part D

- i. Removing references to 'Supply Point Administration Agreement' and replacing these with 'Retail Energy Code', and inserting a definition for Retail Energy Code.
- ii. Amending uses of the term 'Meter Asset Manager' to 'Meter Equipment Manager', to bring terminology into line with that of the Retail Energy Code.

3.3. Appendix 1 sets out the proposed changes against the up to date version of the consolidated licence conditions available on our website at the time of publishing, the definitive sources for which (not including the changes proposed in this consultation) are available on the Electronic Public Register¹¹. The full texts in the appendices highlight the changes that we are proposing to make in redline version, with explanatory comments which can be cross referenced to the spreadsheet in appendix 2, which aims to support understanding of the proposed changes.

Stakeholder feedback on policy consultation

3.4. We have carefully considered the responses that we received to our November 2020 consultation.

3.5. Our consultation of November 2020 asked respondents whether they agreed with the proposed licence condition modifications for the Gas Transporters Licences.

3.6. We received seven responses to this question:

- Most respondents broadly agreed with the proposed modifications to the Gas Transporter SLC (excluding the proposed changes to SLC31 and SSC A31) although several suggested additional wording changes for clarity.
- Four responses expressed concerns that the amendments would lead to duplication of services provided by Gas Transporters, because SSC A31 specifically refers to services being provided by the Central Data Service Provider (CDSP), so the licensees would be required to continue providing services through the CDSP even

¹¹ <https://epr.ofgem.gov.uk/Document>

if they are also provided elsewhere. The respondents suggested that this SSC should be redrafted to mitigate against this. This is discussed further below.

SLC 31 and SSC A31: Supply Point Information Service

3.7. We explained in the November 2020 consultation that, while we had consulted in June 2019 on a proposal to remove these licence conditions on the basis that they would in future be covered by code provisions, having then further considered the issue we were cautious about removing requirements that users and providers of these services may continue to rely on. We recognised that there may be some concerns around duplication of regulation and conflicts with the new switching and broader code arrangements, but proposed that no substantial changes should be made until the new arrangements have bedded in. Instead, we proposed to give the Authority the ability to grant derogations from all or part of the licence condition (mirroring an existing provision in the equivalent section of the Electricity Distribution licence).

3.8. Three respondents were in favour of our proposals in this area. However, four Gas Transporter licensees submitted an analysis of SSC A31, identifying areas of potential duplication and/or conflict between the licence condition and the planned operational delivery of data and enquiry services for gas from the go-live of the new switching arrangements. These respondents did not agree with our proposed approach of inserting a provision to give the Authority the ability to grant derogations from all or part of the licence condition, and considered it would be preferable to amend the licence condition to remove what they perceive to be a potential conflict.

3.9. We have carefully considered the suggested changes in this analysis, and have summarised our position below:

- First, we note that any changes regarding the delivery of the gas Supply Point Information Service would occur at the go-live of the new switching arrangements, rather than Retail Code Consolidation, and so there is an opportunity to consider this further before the perceived conflict would come into existence (at the point of the Switching Programme SCR).
- The respondents set out that SSC A31 *requires* the services that comprise the Supply Point Information Services be delivered by the CDSP, and therefore they argue that any component of those services delivered under the REC would not fulfil the obligations under the licence by virtue of it not being provided by the

CDSP. We can understand that interpretation of the licence conditions, and agree there is merit in exploring an amendment to paragraph 1 of SSC A31 to provide for a service being delivered under the REC (or another code) rather than directly by the CDSP.

- The respondents pointed to paragraphs 2(c)-2(f) of SSC A31, and suggested that the “Who’s my Supplier” service would be delivered under the REC. As noted in our November 2020 consultation, the REC does not contain any provisions on consumer enquiry services, and so in our view the licence obligations must remain. Should a future REC change introduce a centrally-provided, dual-fuel service, there may be a case for granting a derogation from these licence conditions. The Authority would carefully consider the circumstances and scope of any REC-delivered service when assessing such a derogation request, and would want to ensure a derogation would not create gaps or a reduction in the quality of the services available to consumers.
- The respondents suggested that it was not appropriate to maintain an obligation on the licensee to ensure the delivery of services that will be delivered under the REC, because in their view gas transporters (GTs) do not have sufficient control over the REC in order to ensure compliance with such a requirement. We have considered this point. We do not agree with this characterisation; under SLC 14, GTs are required to be a party to the REC and as such can raise change proposals, will be consulted on proposed changes, and can appeal decisions to change the services provided under the code. If a GT were concerned that provision of a relevant REC service was not consistent with the requirements of the GT licence, they would be able to raise a change proposal in respect of the REC provision, or appeal a decision to implement a change that would in their view conflict with the GT licence.

3.10. We maintain our previously stated view that it would not be appropriate to remove any of the conditions in SSC A31 at this time (ie in the changes proposed to be implemented for Retail Code Consolidation). We also remain of the view that there is a case for adding the ability to grant derogations from the requirements of this condition. This is because the Authority considers that licensees may in certain circumstances consider it necessary to seek to be relieved of certain obligations within SSC A31 in the future, following delivery of Retail Code Consolidation, the Authority’s Switching programme and wider market changes (for example, in response to a centrally-provided dual-fuel consumer enquiry service).

3.11. However, as set out above, we can see that there may be a need to amend the licence to allow for services to be delivered by somebody other than the CDSP. We have prioritised assessment of the changes necessary for Retail Code Consolidation at this time, but we will work with the relevant licensees and impacted parties, eg the CDSP, to further consider this issue ahead of the statutory consultation on the licence changes for the Switching Programme, due in December 2021.

Ofgem decision and next steps

3.12. Ofgem's analysis of responses to our November 2020 consultation is that respondents were mostly supportive of the proposed changes to the Gas Transporters Licences. We have carefully considered the changes suggested by some respondents to SLC 31 and SSC A31, and maintain our previously stated view that it is appropriate to maintain a conservative approach to changes to these licence conditions at this time, limiting substantial change until the new arrangements have bedded in.

3.13. As stated above, we propose to engage with licensees and impacted parties ahead of the Switching Programme statutory consultation, due in December 2021, to further assess the need for any changes to SLC 31 and SSC A31. We consider that in any event it is appropriate to replicate the derogation provision that exists in the equivalent section of the Electricity Distribution licence, to allow for flexibility within the licence for future market changes which may happen outside of Ofgem programmes such as the Switching Programme.

3.14. Ofgem therefore proposes to amend the Gas Transporters Licences in line with the proposals consulted on in November 2020 and as laid out in the appendices.

4. Standard Licence Conditions: Electricity Distribution Licence

Section summary

This section consults on our proposals to modify the Electricity Distribution Standard Licence Conditions (SLCs) to reflect the wider changes being proposed under the Retail Code Consolidation Significant Code Review (SCR). This follows on from our initial consultation in June 2019 and the subsequent consultation in November 2020.

We provide further policy detail here and analysis of responses to the November 2020 consultation.

Questions

Question 5: Do you agree that the proposed changes to the Electricity Distribution Standard Licence Conditions will ensure the licence reflects Retail Code Consolidation?

Summary of proposals

4.1. This consultation proposes to make a number of modifications to the licence conditions that apply to Electricity Distribution licensees that result from the close down of the MRA and the move of provisions to the REC. In the majority of cases, this has resulted either in us replacing references to the MRA with the REC (or another relevant code), or updating terms to reflect the new definitions used in the REC.

4.2. In summary, the main changes to the Electricity Distribution Licence that we are proposing to make in this consultation are as follows:

- i. Removing references to 'Master Registration Agreement' and, where appropriate, replacing these with 'Retail Energy Code'.
- ii. Amending uses of the term 'Data Transfer Catalogue' to 'Data Specification'; and 'data flows' to 'market messages', to bring terminology into line with that of the Retail Energy Code.

- iii. Removing Condition 23: Master Registration Agreement as this has now been replaced with the governance arrangements of the Retail Energy Code.
- iv. Amending Condition 35: Requirement to offer terms for the provision of Data Services to remove the section 'Services that comprise Data Services', as this is duplicated in SLC 1. Note the definition in SLC 1 has been updated to refer to the REC and BSC because the services provided by DNOs are to be the SMRS¹² as defined under the BSC and the ERDS¹³ as defined under the REC as well as the Data Transfer Service.
- v. Corrections of miscellaneous typographical errors and formatting errors.

4.3. Appendix 1 sets out the proposed changes against the up to date version of the consolidated licence conditions available on our website at the time of publishing, the definitive sources for which (not including the changes proposed in this consultation) are available on the Electronic Public Register¹⁴. The full texts in the appendices highlight the changes that we are proposing to make in redline version, with explanatory comments which can be cross referenced to the spreadsheet in appendix 2, which aims to support understanding of the proposed changes.

Stakeholder feedback on policy consultation

4.4. We have carefully considered the responses that we received to our November 2020 consultation.

4.5. Our consultation of November 2020 asked respondents whether they agreed with the proposed standard licence conditions modifications for the Electricity Distribution SLCs.

4.6. We received seven responses to this question:

- All of the responses broadly agreed with the proposed modifications to the Electricity Distribution SLC, with the exception of the proposed definition of Metering Point and Registered Metering Point.

¹² Supplier Meter Registration Service

¹³ Electricity Retail Data Service

¹⁴ <https://epr.ofgem.gov.uk/Document>

- One respondent suggested that SLC 37 (provision of the Data Transfer Service) should be further reviewed as part of these changes.
- Respondents suggested minor amendments to the wording of some proposed changes.
- Several respondents expressed concerns around the definition of Metering Point, and Registered Metering Point. We discuss this further below.

Definition of “Metering Point” and “Registered Metering Point” in the Electricity Distribution Licence

4.7. The current definition of Metering Point in the Electricity Distribution Licence refers to Schedule 8 to the MRA. The MRA will cease to exist following Retail Code Consolidation, and we consider that Schedule 8 to the MRA would ideally be reviewed and converted into guidance pursuant to the REC rather than necessarily forming part of the legal document. In our November 2020 consultation, we therefore gave consideration as to how Metering Point should be defined in the licence, if the cross reference to a code schedule were to be removed.

4.8. In November 2020 we proposed to define Metering Point with reference to “a unique account within the industry agreed registration system”. We considered that this definition reflected that a metering point could be a physical or logical entity (eg for unmetered offtakes) which can be traded between suppliers. We also proposed to define “Registered Metering Point” with reference to an “industry agreed registration service”.

4.9. While some respondents were supportive of the suggested changes, several felt that referring to an “account” could be confused with customer account management activities. There were also some concerns expressed about referring to an “industry agreed” registration system/service, with suggestions that the relevant system should be referenced directly. Other respondents felt that, although the specific reference to a single code could be removed, the definition should still require compliance with industry principles and guidance.

4.10. Some DNOs also felt that the definition of a metering point within the licence should be limited to a physical point at the boundary of the distribution system. We note that in the industry central systems there is no specific identifier for the physical point where energy leaves a DNOs’ system. Instead, identifiers can be assigned to logical or physical metering points, and where there are a number of “metering points” at a specific location, workers

identify which point is physical and which are logical using contextual information in the industry systems.

4.11. In further discussions which we undertook with DNOs concerning the feedback received in the consultation, some queried why this issue was limited to electricity, and that there is no equivalent concern with the Gas Transporter Licence. We note that, in gas matters, the physical and logical metering points have a 1:1 relationship.

4.12. Having considered the consultation responses and further engaged with DNOs to understand their concerns, we have revised our proposed definition of Metering Point in the Electricity Distribution licence. We agree that referring to an "industry agreed" service leaves room for interpretation, and on reflection consider that the meaning could be lost over time. As the relevant service will change at the point of delivery of the Switching Programme, we do not need to update this reference at Retail Code Consolidation. We therefore propose to amend the definitions of Registered Metering Point and Metering Point as part of the Switching Programme licence changes.

4.13. While we are minded to maintain our previously stated view that the guidance in Schedule 8 to the MRA would ideally not be part of the legal text of the REC, following industry feedback (including consultation responses) we consider that at this time it would be most appropriate to transfer this guidance to the MRA Transition Schedule to the REC, and update the licence definition to refer to this schedule. Given that we now propose to amend the Electricity Distribution licence as part of the Switching Programme licence changes per paragraph 4.12 above (whereas previously we had not intended to amend this licence as part of the Switching Programme changes), we propose to also revisit the reference to codes in the definition of Metering Point as part of the Switching Programme licence changes, capitalising on the extra time this allows for an appropriate definition to be determined before the statutory consultation on Switching licence changes.

4.14. We expect that the MRA Transition Schedule to the REC will be removed as part of the Switching Programme Significant Code Review (SCR), due to close in mid-2022 with the delivery of the new switching arrangements. We therefore propose that the REC Code Manager leads a review of the content of MRA Schedule 8, working closely with DNOs and other interested parties, to determine the most appropriate enduring form and location for this guidance. We propose that this review should conclude by November 2021. Ofgem will consult on updates to the electricity distribution licence definition to reflect the outcome of such a review as part of the licence changes for the Switching Programme SCR, due to be published in December 2021.

Ofgem decision and next steps

4.15. Ofgem's analysis of our November 2020 consultation is that responses were mostly supportive of the proposed changes to the Electricity Distribution SLC.

4.16. With regards to the concerns around the definition of Metering Points, contained within the Electricity Distribution SLC, Ofgem has revised the proposed approach in the November 2020 consultation, as set out in paragraphs 4.7-4.14 above.

4.17. We have considered the suggestions around additional or amended drafting. The "DNO" tab of the spreadsheet at Appendix 2 shows in column "I" where we have amended our position since the December 2020 consultation.

5. Smart Meter Communication Licence

Section summary

This section consults on our proposals to modify the Smart Meter Communication Licence to reflect the wider changes being proposed under the Retail Code Consolidation Significant Code Review (SCR). These changes primarily concern removing references to the SPAA and MRA, and updating the licence to more closely reflect the latest Switching Programme design, while the Switching Programme is still being delivered.

We provide further policy detail here and analysis of responses to the November 2020 consultation.

Questions

Question 6: Do you agree that the proposed changes to the Smart Meter Communication licence will ensure the licence reflects Retail Code Consolidation, and is aligned to the design of the faster, more reliable switching arrangements?

Summary of proposals

5.1. This consultation proposes to make a number of modifications the licence conditions that apply to the DCC¹⁵ that result from the close down of the MRA and SPAA and the move of provisions to the REC. In the majority of cases, this has resulted either in us replacing references to the MRA and SPAA with the REC, or updating terms to reflect the new definitions used in the REC.

5.2. In summary, the main changes to the Smart Meter Communication Licence that we are proposing to make in this consultation are as follows:

- i. Removing references to 'Master Registration Agreement' and 'Supply Point Administration Agreement', and, where appropriate, replacing these with 'Retail Energy Code'.

¹⁵ Data Communications Company

- ii. Amending Condition 15: Incorporation, delivery and provision of the Centralised Registration Service (CRS) to more accurately reflect the current design of the new switching arrangements under the Switching Programme. This is further explained below.
- iii. Amending uses of the term 'Supply Points' to 'Registrable Measurement Points', to bring terminology into line with that of the Retail Energy Code.
- iv. Amending Condition 44: Treatment of Intellectual Property Rights to authorise the Authority to give a direction ("a derogation") to relieve the licensee of its obligations under this condition. This is further explained in Appendix 2.
- v. Minor housekeeping changes and corrections of miscellaneous typographical errors and formatting errors.

5.3. Appendix 1 sets proposed changes against the up to date version of the consolidated licence conditions available on our website at the time of publishing, the definitive sources for which (not including the changes proposed in this consultation) are available on the Electronic Public Register¹⁶. The full texts in the appendices highlight the changes that we are proposing to make in redline version, with explanatory comments which can be cross referenced to the spreadsheet in Appendix 2, which aims to support understanding of the proposed changes.

Proposed changes to Licence Condition 15

5.4. Licence Condition 15 currently refers to the licence holder, DCC, maintaining agreements to secure a Switching Network. The agreed design for the CRS has now changed such that parties are required to use particular conventions, such as encryption measures, for exchanging messages with the Central Switching Service (CSS), for example over the internet. As such, a central Switching Network is not being procured by DCC at this time.

5.5. In November 2020 we proposed to change this licence condition, to instead place an obligation on DCC to make sure that there are appropriate communication arrangements in place for parties to exchange messages with the CRS. We expect minimum standards to establish what 'appropriate communication arrangements' are to be set out under the REC. If those standards could no longer be met, the licence would require DCC to seek to introduce

¹⁶ <https://epr.ofgem.gov.uk/Document>

improvements to existing and/or new arrangements that would ensure that the standards are capable of being met.

5.6. To improve readability and to reflect the new design context, we redrafted the rules around DCC being able to enter into an agreement with a third party network. The intent behind the obligations remains the same. We propose replacing references to the Data Transfer Service and IX Network with generic reference to third party networks. We have retained the provision setting out that where DCC enters an agreement on standard user terms, the DCC's licence conditions relating to Relevant Service Capability and Fundamental Registration Service Capability do not apply.

5.7. We consulted on whether the new condition should specify the parties and components of the CSS that are in the scope of this requirement (for example, listing the Registration Service, the Switching Portal and, for Switching Data Service Providers, the Switching Service Management System). In general respondents were supportive of there being a cross-reference to the REC rather than setting this out in licence.

5.8. We also consulted on changes to the definition of the Centralised Registration Service, to remove references to requirements on DNOs and GTs to prevent the meaning of the term being lost over time. In November 2020 we proposed that this change should be part of the Switching Programme licence changes. On reflection, we consider that this change can usefully be brought forward to be made as part of the Retail Code Consolidation proposals.

5.9. Finally, regarding Licence Condition 15, we propose that as soon as the new switching arrangements have gone live, they should have the same priority as DCC's other obligations in relation to smart metering. We have therefore amended this paragraph to make clear that although 'live operation' will begin under the Interim Centralised Registration Service Objective (the Post Implementation Period), there should be parity between the smart metering and switching related obligations during the Post Implementation Period.

Stakeholder feedback on policy consultation

5.10. Our consultation of November 2020 asked respondents whether they agreed with the proposed standard licence conditions modifications for the Smart Communication Licence.

5.11. We received six responses to this question. All of the responses were supportive of the proposed changes, with specific points raised summarised below :

- All but one respondent agreed that the specific interfaces covered by the requirement on DCC to provide communication arrangements with CSS should be captured in the REC rather than the licence. This is because the REC could be more readily updated, should the relevant interfaces ever change.

Ofgem decision and next steps

5.12. Ofgem’s analysis of the responses to our November 2020 consultation is that respondents were supportive of the proposed changes to the Smart Meter Communication Licence.

5.13. Ofgem therefore proposes to amend the Smart Meter Communication Licence mostly in line with the proposals consulted on in November 2020 (except where noted above) and as laid out in the appendices.

5.14. The “Smart Meter” tab of the spreadsheet at Appendix 2 shows in column “I” where we have amended our position since the December 2020 consultation.

6. Next steps

Section summary

This section sets out the next steps that Ofgem will take following this statutory consultation on the licence changes to reflect Retail Code Consolidation. It also summarises the key dates for the concurrent Significant Code Review to deliver Retail Code Consolidation, and the process for introducing the Retail Energy Code v2.0.

Statutory consultation

- 6.1. This consultation will be published on 30 April 2021.
- 6.2. We invite stakeholders to submit representations by no later than 5pm on 1 June 2021. Responses should be sent to switching.programme@ofgem.gov.uk.
- 6.3. This deadline reflects that we must publish a decision on the proposals in the consultation by early July, in order for proposed licence changes, if made, to have effect in time for 1 September 2021, the planned date of Retail Code Consolidation
- 6.4. We anticipate reviewing all responses and making a decision by 2 July 2021, with the finalised licence modifications coming into effect 1 September 2021 (following the mandatory 56 day standstill period).
- 6.5. Ofgem will launch a second statutory consultation on the licence changes required to deliver the new switching arrangements, in December 2021.

Significant Code Review

6.6. From 30 April 2021, Ofgem will submit the Authority-raised modification proposals to the MRA, SPAA, BSC, UNC¹⁷, IGT UNC¹⁸, DCUSA¹⁹ and SEC²⁰ required to implement Retail Code Consolidation.

6.7. Further information on the Retail Code Consolidation SCR modifications, including a consolidated timetable for progression of the modification proposals, can be found in our open letter, published 30 April 2021.²¹

Retail Energy Code v2.0

6.8. The vast majority of the changes that implement Retail Code Consolidation will be delivered through the REC v2.0.

6.9. Ofgem consulted on the text for REC v2.0 in December 2020, and published its decision on the policy questions raised in that consultation on 30 April 2021.²²

6.10. The REC v2.0 will be delivered in accordance with the Change Management Schedule to the REC. Changes to the REC are currently progressed through the Switching Programme governance processes, which means Ofgem will raise a Change Request (CR) under the Switching Programme to implement REC v2 and this will be subject to approval by the Chair of the Regulatory Group under the Switching Programme.

6.11. Ofgem proposes to raise the required CR on 18 June 2021, and make a decision by 2 July 2021.

¹⁷ Uniform Network Code

¹⁸ Independent Gas Transporter Uniform Network Code

¹⁹ Distribution Connection and Use of System Agreement

²⁰ Smart Energy Code

²¹ <https://www.ofgem.gov.uk/publications-and-updates/open-letter-regarding-significant-code-review-modifications-retail-code-consolidation>

²² <https://www.ofgem.gov.uk/publications-and-updates/decision-rec-v2-and-retail-code-consolidation>

Appendices

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Appendix 1: Draft licence changes

The documents in this appendix set out the draft changes to the licences proposed in this consultation. These documents show the proposed changes against the up to date version of the consolidated licence conditions available on our website at the time of publishing, the definitive sources for which (not including the changes proposed in this consultation) are available on the Electronic Public Register²³. The full texts in the appendices highlight the changes that we are proposing to make in redline version, with explanatory comments which can be cross referenced to the spreadsheet in appendix 2, which aims to support understanding of the proposed changes.

Subsidiary documents available at

<https://www.ofgem.gov.uk/publications-and-updates/statutory-consultation-licence-changes-retail-code-consolidation>

Gas Supply Standard Licence Conditions

Electricity Supply Standard Licence Conditions

Gas Transporter Standard Licence Conditions

Standard Special Conditions Applicable To Both NTS And DN Licensees: Part A

Standard Special Conditions Applicable To All NTS Licensees: Part B

Standard Special Conditions Applicable To All DN Licensees: Part D

Electricity Distribution Standard Licence Conditions

Smart Meter Communication Licence

²³ <https://epr.ofgem.gov.uk/Document>

Appendix 2: Explanatory Spreadsheet

The spreadsheet in Appendix 2 can be used alongside the documents in Appendix 1 to better understand the nature and rationale for each change proposed to the licences.

This is available at <https://www.ofgem.gov.uk/publications-and-updates/statutory-consultation-licence-changes-retail-code-consolidation>.

Appendix 3 – Privacy notice on consultations

Personal data

The following explains your rights and gives you the information you are entitled to under the UK General Data Protection Regulation (UK GDPR).²⁴

Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the consultation.

1. The identity of the controller and contact details of our Data Protection Officer

The Gas and Electricity Markets Authority is the controller, (for ease of reference, “Ofgem”). The Data Protection Officer can be contacted at dpo@ofgem.gov.uk

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

3. Our legal basis for processing your personal data

As a public authority, the GDPR makes provision for Ofgem to process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation.

3. With whom we will be sharing your personal data

Unless you indicate otherwise, we will make your response, as provided, available online but. We are working with RECCo to develop the Retail Energy Code. As the changes to the licences are a reflection of what will be in the Retail Energy Code, we may require to share non-confidential responses with RECCo and the REC Code Manager to enable us to develop the licence changes further in response to consultation responses, but will redact your personal data before doing so.

²⁴ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (GDPR), as retained in domestic law following the UK’s withdrawal from the European Union (UK GDPR)

4. For how long we will keep your personal data, or criteria used to determine the retention period

Your personal data will be held for as long as an audit trail on decision-making relating to the questions discussed in this document should reasonably be available.

5. Your rights

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right to:

- know how we use your personal data
- access your personal data
- have personal data corrected if it is inaccurate or incomplete
- ask us to delete personal data when we no longer need it
- ask us to restrict how we process your data
- get your data from us and re-use it across other services
- object to certain ways we use your data
- be safeguarded against risks where decisions based on your data are taken entirely automatically
- tell us if we can share your information with 3rd parties
- tell us your preferred frequency, content and format of our communications with you
- to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.

6. Your personal data will not be sent overseas

7. Your personal data will not be used for any automated decision making

8. Your personal data will be stored in a secure government IT system

9. More information For more information on how Ofgem processes your data, click on the link to our "[Ofgem privacy promise](#)"