



Q2. Do you agree that this legal duty should take effect when DCC's enrolment services are first available? Please provide rationale for your views.

Whilst we are not a domestic supplier it seems to us that "within a reasonable grace period after the point at which a supplier is ready", rather than when DCC's enrolment services are first available, should be when the legal duty takes effect for smaller suppliers.

Q3. Do you have any comments on the proposed drafting in these new subsidiary documents? (New Subsidiary Documents under Sections H4, H5 and H6.)

No

Q4. Do you have any specific comments on the proposed revised approach to dealing with Post-Commissioning Obligations including the proposal to delete Sections M2.7 and M2.8?

Sections M2.7 and M2.8 stated that were either the DCC or a Supplier Party in breach of its post commissioning obligations the other party may recover all losses arising as a result of the breach. We suspect that this deletion favours the DCC more than Suppliers and the resulting asymmetry is inappropriate.

Q5. Do you have any comments on the proposed approach?

It certainly makes sense to include provisions to gain the consent of consumers before joining or unjoining Consumer Access Devices (CADs) to Smart Metering Systems in the SEC rather than the licence. We would prefer it to state explicitly that such consent may be assumed if covered in a contractual clause with the customer.

Q6. Do you have any comments on the proposed drafting changes to Sections F2, G, M2 and A2?

No

Q7. Do you agree with the proposal to move some of the technical details in F2 into a subsidiary document in line with the approach taken in relation to Sections H4,5 &6?

Yes

Q8. Do you support the proposed changes to Section T to ensure that the testing objectives reflect a more up to date version of the SEC?

Yes

Q9. Do you agree with the proposal that the DCC should offer a testing service for prospective Non-Gateway Suppliers?

Yes

Q10. Do you intend to test only Devices (and not User Systems) against the DCC Systems? If so, how and when do you intend to do this? Is it your intention to: become a SEC Party and establish a DCC Gateway Connection; rely on other parties to interact with the DCC for the purposes of testing Devices; or another means (e.g. direct connection without being a SEC Party)?

It is not unreasonable to mandate that testing against the DCC Systems should only be available to SEC Parties. However, it is important that User Systems can be tested and that this facility is available in perpetuity for new and existing suppliers/providers. It is our current intention to rely on another party to interact with the DCC for the purposes of testing Devices.

Q11. Do you agree with the proposals, and associated legal drafting in relation to the SMKI Recovery Procedure Guidance document? Please provide a rationale for your view.

The document states: "It will be deemed that the Party who has caused the compromise or suspected compromise has breached the SEC, and such Party may be liable for a maximum of £1 million of Recovery Costs, unless they can demonstrate otherwise." We are not entirely sure that this is appropriate where a suspected breach is identified but which turns out not to be a compromise. It is not clear that to "demonstrate otherwise" mitigates this.

We are also concerned that the burden of proof over whether a SEC breach has not occurred following a compromise is placed on the "compromising Party."

Q12. Do you agree with the proposed drafting on how changes to the SMKI Recovery Key Guidance are managed, or do you think it should be a SEC Subsidiary Document and open to the SEC modification process? Please provide a rationale for your response.

We feel strongly that the SMKI Recovery Key Guidance should be a SEC Subsidiary Document and open to the SEC modification process. We believe that this will provide the information in a clearer format for parties.

Q13. Do you agree with the proposals, and associated legal drafting in relation to the SMKI Recovery Procedure Liabilities? Please provide a rationale for your view.

Yes. A cap of £1m is fairly standard for this kind of liability and, being limited, should be insurable against.

Q14. Do you agree with the proposals, and associated legal drafting to use IKI for communications over the NGI and in relation to TAD? Please provide a rationale for your view.

Yes, the proposals and associated legal drafting seem reasonable.

Q15. Do you agree that it is necessary for the PMA to be able to require Parties to nominate Key Custodians? Please provide a rationale for your response.

Yes, we agree that this requirement should be in place.

Q16. Do you agree with the proposals, and associated legal drafting to make clarificatory changes to the SMKI Certificate Policies? Please provide a rationale for your view.

No comment

Q17. Do you agree with the proposals, and associated legal drafting to allow the DCC to become an Eligible Subscriber for certain SMKI Organisation Certificates for the purpose of signing Registration Data? Please provide a rationale for your view.

No comment

Q18. Do you agree with the legal drafting to oblige Network Operators to establish their Organisation Certificates prior to DCC Live? Please provide a rationale for your view.

Yes

Q19. Do you agree with the proposal and legal drafting in relation to the miscellaneous changes to the PKI content? Please provide a rationale for your view.

No comment

Q20. Do you have any comments on the proposed drafting regarding the CIO independence requirements?

No

Q21. Do you agree with the proposals, and associated legal drafting (including the proposed changes to the CHISM at Annex D), which would permit Suppliers to re-use Communications Hubs that they have removed from consumer premises in certain circumstances?

Yes

Q22. Do you agree with the proposal, and associated legal drafting, for an obligation for Supplier Parties to respond to any to any reasonable request from the DCC for information pertaining to compliance with the CH Support Materials and for a reciprocal obligation to be placed on the DCC?

We feel that this is being justified on the basis that it is reciprocal. Further justification is required.

Q23. Do you agree with the proposals, and associated legal drafting (including the proposed changes to the CHISM at Annex D), relating to visits by the DCC to consumer premises?

Yes

Q24. Do you agree with the proposal, and associated legal drafting, for Parties to be liable for all reasonable costs and expenses incurred by the DCC as a result of a delivery of Communications Hubs being prevented from taking place in accordance with the SEC, due to a breach of the SEC by that Party?

No. We believe that this proposal will not incentivise the DCC to make basic checks immediately prior to and on delivery. Such arrangements will also lead to unnecessary disputes for minor hiccups and feel that if these costs were socialised Suppliers would be able, as a class of interested Parties, to better ensure that the DCC is behaving in an overall sensible manner.

Q25. Do you agree with the proposals and associated legal drafting for the consequential changes to the SEC arising from the Communications Hub Support Materials?

No comment

Q26. Do you agree with the proposals as described under the heading of "Miscellaneous Communications Hub Issues" above and the associated legal drafting?

Yes

Q27. Do you agree with the proposed changes to Incident Management? Please provide a rationale for your views.

No comment

Q28. Do you agree with the proposed approach to provide a more flexible governance for the Error Handling Strategy, set out above?

No comment

Q29. Do you agree with the proposals in relation to the timing of the further activation of the SEC Modification Process? Please provide a rationale for your response.

Yes

Q30. Do you agree with the proposals and legal text in relation to the manner in which the SEC Modification Process is further activated, including the temporary performance of certain enduring Authority functions by the Secretary of State? Please provide a rationale for your response.

Yes

Q31. Do you have any comments on the proposed drafting regarding the scope of the Threshold Anomaly Detection Procedures?

If the Threshold Anomaly Detection Procedures allow for the issue of guidance by the DCC in relation to the appropriate level the thresholds should be set at (which we do not necessarily disagree with), we wonder what the point is of users notifying the DCC of the Thresholds.

Q32. Do you agree with the proposed additional text to F3 to provide affected Supplier Parties or the DCC with the ability to appeal (to Ofgem) SEC Panel decisions relating to device non-compliance with the Technical Specifications and any associated remedial plan?

Yes

Q33. Do you agree with the proposal, and associated legal drafting in relation to amending the definitions in preparation for the future introduction of technical specifications into the SEC? Please provide a rationale for your view.

No comment

Should you wish to discuss any aspect of this matter, please do not hesitate to contact me.

Yours sincerely,