

COMPETITION AND MARKETS AUTHORITY (CMA)
ENERGY MARKET INVESTIGATION
DRAFT ORDER –CONSULTATION
DRAFT EXPLANATORY NOTE
The Energy Market Investigation (ECOES/DES) Order 2016
RESPONSE FROM SP DISTRIBUTION PLC (SPD) AND SP MANWEB PLC (SPM)

1. INTRODUCTION

- 1.1. We refer to the email from the CMA's Mr David Fowles dated 18 October 2016 inviting written representations on the draft ECOES/DES Order 2016 (the **Draft Order**) and the accompanying Draft Explanatory Note (the **Draft Explanatory Note**). SPD and SPM welcome the opportunity to comment on the Draft Order and the Draft Explanatory note and their response is set out below.
- 1.2. For ease of reference, defined terms used in the Draft Order and the Draft Explanatory Note have been used in this response from SPD and SPM.

2. ACCESS TO ECOES

- 2.1. SPD and SPM note the Draft Order provides that MRASCo must give PCWs access to ECOES upon request and that Electricity Distributors (along with MRASCo, Elexon, Retail Suppliers and Electricity Distributors) must not take any action that would prevent MRASCo from giving such access.
- 2.2. Clause 31.9 of the MRA obliges the MRA Executive Committee to agree and issue procedures in relation to the establishment, operation and maintenance of ECOES. All parties agree to comply with these procedures, as amended from time to time. MRA Agreed Procedure (MAP) 15 (Electricity Central Online Enquiry Service Procedure) sets out the relevant procedure in relation to the development, use, maintenance, and support of ECOES. MAP 15 therefore governs the relevant procedures in relation to access to ECOES.
- 2.3. In terms of the MRA, the MRA Executive Committee is therefore responsible for the procedures in relation to access to ECOES. As such, in so far as it relates to access to ECOES, SPD and SPM suggest that the Draft Order need only apply to MRASCo.

3. MONITORING AND COMPLIANCE

- 3.1. SPD and SPM note that the Draft Order provides that Electricity Distributors (along with MRASCo, Elexon, Retail Suppliers and Electricity Distributors) are obliged to submit an ECOES Remedy Compliance Statement to the CMA by 31 March 2017 and by 31 March in each subsequent year.
- 3.2. As noted in paragraph 2.2 above, the MRA Executive Committee is responsible for the procedures in relation to access to ECOES. Given that Electricity Distributors are not responsible for granting access to ECOES, SPD and SPM do not consider that Electricity Distributors should be required to submit an annual Compliance Statement to the CMA. Instead, SPD and SPM suggest that compliance with the Draft Order could be sufficiently monitored if the obligation to submit an ECOES Remedy Compliance Statement is limited to MRASCo.

4. DATA PROTECTION

4.1. SPD and SPM note that PCWs' access to ECOES will be subject to the satisfaction of reasonable conditions. We are pleased to note from the Draft Explanatory Note that the CMA expects MRASCo to consider certain issues before access by PCWs to ECOES is granted. SPD and SPM agree with the issues which the CMA has identified at paragraph 35 of their Draft Explanatory Note. SPD and SPM agree that all of the issues identified are important but they consider compliance with data protection legislation to be of critical importance. SPD and SPM therefore suggest that compliance with data protection legislation is resolved before MRASCo is obliged to grant PCWs access to ECOES.

SP Manweb plc
SP Distribution plc
18 November 2016