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18 November 2016

Dear David

### **EMI Remedies Implementation: The Energy Market Investigation (ECOES/DES) Order 2016**

Thank you for the opportunity to comment on the Draft Order and draft Explanatory Note following the Notice dated 18 October 2016. I would be most grateful if future correspondence on this subject could be directed to me and Paul Measday.

This letter should be treated as a consolidated response on behalf of UK Power Networks' three distribution licence holding companies: Eastern Power Networks plc, London Power Networks plc, and South Eastern Power Networks plc.

We are pleased to see that UK Power Networks' feedback on the earlier Draft Order and draft Explanatory Note (consulted upon in September) has been implemented. We have a small number of additional comments on the latest drafts, as set out below:

#### Feedback on Draft Order

1. Although UK Power Networks is not directly affected, we note that the wording for Xoserve and Gas Transporters in paragraph 5.2 is different from the amended wording for MRASCo, Retail Electricity Suppliers and Electricity Distributors in paragraph 5.1. The wording in these paragraphs should be consistent with equivalent amendments being applied to paragraph 5.2.
2. In both schedules there are two instances of a letter 'l' in square brackets. We believe that the square brackets should be removed.
3. In section 2 (Interpretation) of Part 1 (General and Interpretation), the text defining a PCW refers to "other interned-based TPI" – we assume this is a typographical error and should say "internet-based".

## Feedback on draft Explanatory Note

1. To aid the reader, “the Explanatory Note” in paragraph 8 should be changed to “this Explanatory Note”. Changing this would also then create alignment with the second reference in the paragraph, where it is referred to as “this Explanatory Note”.
2. Paragraph 36 includes a reference to the CMA’s expectations. We have two observations:
  - a. We do not believe that including a reference to the CMA’s expectations is appropriate. If there is a specific expectation from the CMA then there should be a corresponding requirement in the Order.
  - b. The specific CMA expectation refers to there being no negative impact on the functioning of the PCW’s price comparison service. This is open to a wide interpretation which at one extreme of the spectrum could include no changes required to the PCW’s website as it would incur costs. We would be grateful if the CMA could clarify the precise expectation and would be pleased to input to the drafting of this point in the Order.
3. In paragraph 44, the cross-reference to paragraph 35 is open to interpretation. It is not clear what is meant by “the same interpretation of identical requirements concerning access to ECOES”. Does “identical requirements” mean the requirements between ECOES and DES or access requirements (e.g. data protection legislation compliance)? Depending on the meaning, the word “identical” might not be appropriate.

I hope that you will find our comments helpful. If you have any questions, please do not hesitate to contact me.

Yours sincerely

James Hope  
Head of Regulation & Regulatory Finance  
UK Power Networks

Copy: Paul Measday, Regulatory Returns & Compliance Manager, UK Power Networks