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Dear David

Energy Market Investigation (ECOES/DES) Order 2016

Thank you for the opportunity to respond to the consultation on the Energy Market Investigation (ECOES/DES) Order (“the Order”) and the supporting Explanatory Note (“the Note”). Our response is in our capacity as the Transporter Agency and as the gas industry Central Data Services Provider (“CDSP”) designate. In this context, our response is concerned exclusively with enabling Price Comparison Website providers (“PCWs”) to access data that they require, addressed in the Data Enquiry Service (“DES”) aspects of the Order and the Note.

1) Form of Service

We welcome the acknowledgement by the CMA that Xoserve has a priority commitment to deliver Project Nexus gas settlement reforms and to implement the replacement UK Link system by 1 June 2017, and we recognise that giving effect to the Order as drafted would not place demands on Xoserve that would increase the Project Nexus delivery risk profile.

However, we consider that the Order would secure for PCWs only a very limited data access service that would fall short of meeting the requirements that a number of PCWs have communicated to Xoserve. Setting up each PCW with one or more DES user accounts would not give access to all required data items and would not provide a ‘real time’ view of data. There is a risk that simply providing access to DES would constrain the realisation of the anticipated Supplier and consumer benefits.

We would encourage the CMA to consider an amendment to the Order so as to introduce a phased approach, where the initial solution could reflect the Order as currently drafted, and recognising that additional work should be taken forward to define and meet the PCWs' full requirements at a later date.

Finally, we would ask the CMA to note that the granting of access to only those data items that are available through DES user accounts would require an amendment to the scope of UNC Modification 593, which has already been raised by a Gas Transporter in anticipation of permitting PCWs access to certain data.

2) Form of Order

We note that the Order would place obligations on Xoserve to give PCWs access to DES upon written request and subject to the satisfaction of reasonable access conditions, and on the GTs (other than National Grid Gas Transmission) not to take any action that would prevent Xoserve from giving PCWs access to DES. In addition, both Xoserve and the GTs would have an enduring requirement to submit to the CMA an annual DES Remedy Compliance Statement ("the annual Statement") confirming compliance with the Order.

We suggest that it would be more appropriate for the Order to place the obligation on the Gas Distribution Networks ("GDNs") to provide PCWs with the requisite access to data, where this could be given effect through an amendment to Standard Special Condition A31 "Supply Point Information Service" of the GT Licence, with a consequent obligation on other UNC parties and Gas Suppliers not to take any action that would prevent the GDNs from providing the requisite data access. This approach would appear to offer a number of efficiencies, in that there would be a single obligation placed on the GDNs (and discharged through Xoserve) which could be readily evidenced, and GT Licence compliance monitoring could be carried out by Ofgem, removing the need for submission of the annual Statement to the CMA. UNC MOD 593 proposes to place an obligation on GTs to publish an annual report of parties who take the service, and we note that this report could be utilised for monitoring purposes.

Yours sincerely

Nicholas J Salter
Director, Customer Engagement