



Department
of Energy &
Climate Change

Consultation on transitional arrangements in the Smart Energy Code

14D/348

03 October 2014



Department of Energy and Climate Change

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General information

Purpose of this consultation:

This consultation seeks views on certain transitional arrangements with respect to the Smart Energy Code (SEC).

Issued: 03 October 2014

Respond by: 31 October 2014

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Consultation reference: URN 14D/348 Consultation on transitional arrangements in the Smart Energy Code

Territorial extent:

This consultation applies to the gas and electricity markets in Great Britain. Responsibility for energy markets in Northern Ireland lies with the Northern Ireland Executive's Department of Enterprise, Trade and Investment.

How to respond:

Your response will be most useful if it is framed in direct response to the questions posed, though further comments and evidence are also welcome.

Additional copies:

You may make copies of this document without seeking permission. An electronic version can be found at <https://www.gov.uk/government/consultations/transitional-matters-for-the-smart-energy-code>

Other versions of the document in Braille, large print or audio-cassette are available on request. This includes a Welsh version. Please contact us under the above details to request alternative versions.

Confidentiality and data protection:

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information legislation

(primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004).

If you want information that you provide to be treated as confidential please say so clearly in writing when you send your response to the consultation. It would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded by us as a confidentiality request.

Quality assurance:

This consultation has been carried out in accordance with the Government's Code of Practice on consultation, which can be found here:

<http://www.bis.gov.uk/files/file47158.pdf>

If you have any complaints about the consultation process (as opposed to comments about the issues which are the subject of the consultation) please address them to:

DECC Consultation Co-ordinator

3 Whitehall Place

London SW1A 2AW

Email: consultation.coordinator@decc.gsi.gov.uk

Introduction and summary

Introduction

- 1 Smart Meters are the next generation of gas and electricity meters. They will offer a range of intelligent functions and provide consumers with more accurate information, bringing an end to estimated billing. Consumers will have near real-time information on their energy consumption to help them control and manage their energy use, save money and reduce emissions.
- 2 On 23 September 2013, a new licensed entity, the Data and Communications Company (DCC), was established when the Secretary of State granted Smart DCC Ltd a licence¹ (the 'DCC Licence') to regulate the DCC's activities. The DCC has an obligation in the DCC Licence to provide a Smart Meter communications service, which will be the means by which energy suppliers, energy networks and others can communicate remotely with Smart Meters in Great Britain. The DCC will deliver this service by working with its sub-contractors, including the Communications Service Providers (CSPs).
- 3 The Smart Energy Code (SEC) is a new industry code and multiparty contract which sets out the terms for the provision of the DCC's Smart Meter communications service, and specifies other provisions to govern the end-to-end management of Smart Metering. It has been created through the DCC Licence, and it was first designated on 23 September 2013.
- 4 The DCC, Suppliers and Network Operators are required by licence to become a party to the SEC and comply with its provisions. Other bodies who wish to use the DCC's services, such as energy efficiency and energy service companies, must accede to the SEC in order to do so.
- 5 Consistent with other industry codes, the SEC is self-governed, enabling participants to raise change proposals, debate issues, and resolve disputes without the need for day-to-day regulatory intervention. It is managed by a Panel of experts drawn from SEC Parties, and is regulated by Ofgem.

Content of this consultation

- 6 SEC content is being consulted upon and introduced in stages, so that it is available when the DCC and users of DCC's services need it. The most recent consultation was on SEC Stage 4² ('SEC 4') – the consultation closed in August 2014. The response to SEC 4 will be issued in two parts, with part A in Autumn 2014 and part B in early 2015.
- 7 Following the first designation of the SEC in September 2013 any changes to the main body of the SEC can be made by the Secretary of State using powers under Section 88 of the Energy Act 2008, or through the industry led modification process. As set out in

¹ Available at Ofgem's electronic public register <https://epr.ofgem.gov.uk>

² Available at <https://www.gov.uk/government/consultations/new-smart-energy-code-content-stage-4>

the response to the SEC Stage 1 consultation³, at the current time the full modification process is not in effect and is unlikely to be until the SEC is fully implemented. Therefore at present only 'fast-track' (i.e. the correction of typographical errors) or 'Urgent' modifications (which are heard by Ofgem) may be considered.

- 8 Following discussions with the DCC we are aware that two parts of the arrangements to support the submission of forecasts of Communications Hubs orders will not be available at the point at which the first forecasts are required (January 2015). Therefore Chapter 1 of this consultation proposes two interim measures to support the submission of such forecasts: provision for forecasts to be submitted via email and provision for the DCC to provide WAN coverage information via CSV files.
- 9 Additionally any aspects of DCC service provision that will be in effect in January 2015 will require a service management framework to support that service provision (i.e. an ability to raise and resolve incidents). These early services will include the provision of communications hubs forecasts and the provision of physical connections to the DCC Gateway. The requirement on the DCC to provide them will be triggered by the coming into effect of the SEC text that the Secretary of State is planning to lay following publication of the SEC 4A conclusions. However the enduring service management arrangements will not be ready and available at this time, therefore provision is being made for transitional service management arrangements to apply in the interim.
- 10 In Chapter 2 we put forward proposals to allow the Secretary of State to re-designate SEC subsidiary documents, if required. These are documents that are principally of a technical or procedural nature and that are designed to support the fulfilment of existing rights and obligations already specified in the SEC. These proposals will ensure we can quickly respond where a change to a subsidiary document is necessary in response to issues that arise during testing, during early operations or, as set out below, when it would be pragmatic to introduce certain content ahead of other material in a given subsidiary document.
- 11 For example, to address the issues discussed in Chapter 1, we note that it would potentially be more pragmatic if the DCC could develop, in accordance with its obligations in the SEC, a first version of the Communications Hubs Handover Support material document to detail the interim process, to be designated by the Secretary of State. This could then be followed by subsequent versions (again developed by the DCC and designated by the Secretary of State) to support the enduring arrangements. However, as currently drafted the DCC Licence only provides for these documents to be designated once. An ability for the Secretary of State to re-designate SEC subsidiary documents would provide much greater flexibility to address this type of issue in future.

³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/43075/6908-stage-1-smart-energy-code-cons.pdf

1. Transitional measures: Communications Hubs forecasting and Service Management

Introduction

- 12 The enduring arrangements for forecasting Communications Hubs orders were consulted upon in SEC 4, and we will be publishing our conclusions on this shortly as part of the SEC 4A conclusions. It is intended that the corresponding changes to the SEC would then be laid before Parliament to become effective in December 2014.
- 13 Following discussions with the DCC, we are aware that functionality to support certain aspects of the enduring Communications Hubs forecasting process will not be available in January 2015 when forecasts must be provided by Supplier Parties and any party that intends to order Communications Hubs in the future.
- 14 Forecasts must be submitted by this time in order for the DCC (through its Communication Service Providers ('CSPs')) to have sufficient lead time to order and provide Communications Hubs by the anticipated start of Initial Live Operations (ILO) in December 2015. The aspects of the enduring arrangements for forecasting support which will not be ready by January 2015 are the Communications Hub Order Management System ('CH Ordering System'), over which forecasts will be submitted, and the Wide Area Network (WAN) coverage checker that SEC Parties will use to check likely coverage at particular postcodes to inform their Communication Hub order forecasts.
- 15 The DCC has therefore proposed an interim solution to enable suppliers to provide forecasts from January through to the end of May 2015 after which the DCC's enduring CH Ordering System will be available.
- 16 Separately, the DCC has proposed an interim solution for the provision of WAN coverage information which would also be replaced by an enduring solution in June 2015.
- 17 In addition, an incident management process will be necessary to ensure that any problems with these services (or others that the DCC are offering at the same time) are appropriately dealt with. Therefore an interim service management process is also required.
- 18 We are now seeking views on whether these interim solutions are appropriate and the minor changes to the proposed SEC drafting (as set out in SEC 4) that would be necessary to accommodate them.

Interim Communications Hubs forecasting process

- 19 The DCC has proposed that the interim forecasting process would require those parties intending to order Communications Hubs to submit a completed forecast template for each CSP region to the DCC via email. As set out in SEC 4 the other requirements for Communications Hubs forecasts (detailed in F5 of the SEC and varied by X3.3) including forecast tolerance thresholds, data for a 24 month period, and forecasts to be submitted before the last 5 working days of the month, would still apply, subject to the outcome of the SEC 4 consultation.

- 20 We consider that this a reasonable interim measure but would welcome stakeholder comments.

Interim WAN coverage information

- 21 Information on WAN coverage for a given location at postcode level, including whether WAN connectivity is to be expected, is necessary to enable suppliers to effectively plan their roll-out of smart meters, including their requirements for Communications Hubs from the DCC.
- 22 The DCC's full WAN coverage information, as required under Section H8.16(f) of the SEC (SEC Stage 4), will not be available until June 2015. We recognise that SEC Parties are still likely to need reasonable WAN coverage data to aid their planning in advance of the submission of the first Communications Hub forecasts. Therefore we consider it appropriate that transitional arrangements are put in place by the DCC to provide the available data, in a convenient format, as soon as is reasonably practicable.
- 23 The DCC has proposed that limited WAN coverage data is provided in a flat file 'CSV'⁴ format, until full WAN coverage information can be provided in June 2015. The CSV file allocates one of the following statuses to each GB postcode:
- WAN coverage will be available for ILO;
 - WAN coverage will be available at some point between ILO and January 2021; and
 - WAN coverage may never be provided (postcode could fall outside the final Coverage Area in 2020).
- 24 The CSV file will not provide the other information that the SEC will require the DCC to make available in the enduring period (i.e. post June 2015), including:
- any known issues that may affect connectivity at a given location;
 - any requirement to use a particular WAN variant; and
 - any requirement to use Auxiliary Equipment.
- 25 The upper and lower limits for orders is +/- 50% of the amount forecast 10 months prior to their delivery. As set out in SEC 4, at 7 months prior to delivery this tolerance band adjusts to +/- 20% of the forecast amount. Therefore, under the DCC's proposals, at the point at which the first order is placed (June 2015) full WAN coverage information will be available. We believe that this interim arrangement is acceptable, but would welcome stakeholders' views.

Interim Service Management process

- 26 In our conclusion on Stage 2 of the SEC⁵ we set out the requirements with respect to the DCC's service management (including incident management) and Business Continuity and Disaster Recovery ('BCDR') procedures. This included an obligation on the DCC to develop an Incident Management Policy, in conjunction with SEC Parties, to reduce the risk of, and manage any lack of continuity in service provision. These policies and procedures will support the entirety of DCC service provision, including its enrolment and communication services for smart metering systems and other services,

⁴ CSV or 'comma separate value' files, read by a wide range of applications including spreadsheet software.

⁵ <https://www.gov.uk/government/consultations/new-smart-energy-code-content-stage-2>

such as Communications Hubs forecasting and ordering, and the provision of connections to the DCC Gateway.

- 27 However, the enduring service management and BCDR arrangement continue to be developed by the DCC and are not expected to be fully incorporated into the SEC until later on in 2015. Therefore an interim process is needed to require service management for the DCC services that will be provided from early 2015, such as the Communications Hubs forecasting that will start in late January 2015. Such DCC services include Communications Hubs forecasting, the provision of WAN coverage information described above and the provision of connections to the DCC Gateway.
- 28 Although we consider it necessary to have service management processes in place for these support services, we consider that such processes should be proportionate to the type of service being provided, the likely nature of any problems that might occur, the interim nature of the service management arrangements and, crucially, the impact on SEC Parties using those services.
- 29 The proposed measures with respect to service management are:
- The DCC will provide a service desk to manage incidents, this will operate during standard business hours (08.00-18.00 Mon-Fri) only;
 - An authorised and agreed representative from those Registration Data Providers (RDPs) and SEC Parties who are using the services to which these procedures will apply shall provide the DCC with a list of nominated individuals who are authorised to log transition service incidents. The authorised representative shall notify the DCC of any changes to the list and shall validate and provide updates to the list as required;
 - The details of SEC Parties' nominated individuals are to be treated as confidential information and the DCC must take steps to protect this accordingly;
 - All incidents can be raised via DCC's published contact details and when raising incidents information to be provided must include contact details, nature of incident, date and time of occurrence and business impact;
 - The DCC shall have the right to determine the prioritisation of incidents but must take all reasonable steps to resolve the incident such that the impact on the SEC Party or RDP is minimised;
 - The DCC shall have the right to assign incident resolution action to SEC Parties or RDPs as reasonably required to assist in resolution of the incident;
 - The DCC shall notify any other Parties likely to be affected by the incident of the incident and progress on its resolution;
 - The DCC shall provide a process by which a nominated contact can discuss with DCC the priority assigned to an incident if the nominated contact disagrees with the prioritisation that DCC has assigned; and
 - Once DCC believe the incident is resolved the user(s) will be contacted to confirm, within 3 days, that service has been restored.

- 30 The proposed measures with respect to BCDR are:
- In the event that the service desk is unavailable and is unlikely to resume availability within 2 working days, then new email and telephone details for the service desk shall be provided to all nominated contacts;
 - Relevant communications will be communicated via email (or SMS as a back-up) to those SEC Parties / RDPs registered on the transition service contact list. Information would include brief explanation of the incident, expected resolution time and an emergency telephone number to contact an incident controller;
 - Once the crisis has been resolved DCC will send email notification to its SEC Parties / RDPs nominated contacts; and
 - The DCC will compile a report on the incident within 5 working days of recovery setting out cause and future mitigation, and make such report available to the SEC Panel and others.

Legal drafting - interim Communications Hubs forecasting process

- 31 The SEC 4 consultation proposed legal drafting that would require the DCC to make available an order management system (known as the CH Ordering System) over which Communications Hub order forecasts will be placed (Section F5.20-22). Further details on how to access the CH Ordering System would be set out in the 'Communications Hubs Support Materials'. These are SEC subsidiary documents that the DCC is currently developing to support its Communications Hubs service. The particular technical details around the forecasting process would be set out in the CH Handover Support Materials.
- 32 We propose that Section F5 is varied through Section X3.3 (as set out at Annex 1) so that the interim forecasting mechanism described above (paragraph 19) applies until 1 June 2015.

Legal drafting - interim WAN coverage checker

- 33 The SEC4 consultation proposed legal drafting that required the DCC to ensure that the Communications Hub ordering system allowed each Party to view information in respect of the Smart Metering WAN (Section F5.22(c) and H8.16(f)).
- 34 The proposed legal drafting (Annex 1) would vary this obligation through Section X3.3, and instead require the DCC to make available WAN coverage information as described above (paragraph 23) until June 2015.

Legal drafting – interim Incident Management and BCDR process

- 35 The SEC provisions for service management (see paragraph 26 above) are not currently activated in the SEC. Therefore we propose new legal drafting (see Annex 1) that would add a new SEC Section X7, introducing the service management obligations described in paragraphs 29 and 30 above.

Consultation Questions

- | | |
|----|---|
| 1. | <p>Do you agree with the proposed transitional measures to support Communications Hubs forecasting for an interim period?</p> <p>In particular:</p> <ul style="list-style-type: none">• Do you agree that the proposal to submit forecasts via email for an interim period (until June 2015) is acceptable?• Do you agree that the DCC should provide certain WAN information via spreadsheet (CSV format) in advance of the full WAN information being available in June 2015? <p>If you do not agree, please explain your rationale.</p> |
| 2. | <p>Do you agree with the proposed transitional measures to support transitional service management for those services that the DCC will be offering prior to the commencement of its full service management arrangements?</p> <p>If you do not agree, please explain your rationale.</p> |

2. Re-designation of subsidiary documents

Introduction

- 36 Condition 22 of the DCC licence provides for the incorporation of subsidiary documents into the SEC (C22.27). Further detail on the process for incorporation is set out in SEC Section X5. The documents that can be incorporated using this power include those of a technical or procedural nature such that are required to support the fulfilment of rights or obligations already specified in the SEC. These include the Smart Metering Equipment Technical Specifications (SMETS) (C22.27(b), smart metering key infrastructure (SMKI) documentation known as the 'Certificate Policy' (C22.27(c)) and the various documents included within the scope of C22.27(d), for example the DCC's Codes of Connection, Interface Specifications or Communications Hubs Maintenance Support Materials.
- 37 Such detailed technical documents are likely to require changes *after* designation. Possible reasons include:
- detailed design elements needing to change as a result of issues arising during testing;
 - when content for a document needs to be introduced into the legal framework before the remaining content is ready; or
 - because some of the content for support services goes live without being tested, and when used in earnest it becomes apparent that changes are required (e.g. communications hub forecasting and ordering processes or DCC gateway connection processes).
- 38 However, despite their technical or procedural nature, once these documents are designated and incorporated into the SEC they have, to date, only been further modified by the Secretary of State using the full Section 88 Energy Act 2008 process (which includes laying the changes before Parliament for 40 sitting days).
- 39 An alternative would be to use the industry led SEC modification process, however the full modification process is not yet in effect and is unlikely to be until the SEC is fully implemented (the currently enabled modification process only covers 'fast-track' and 'urgent' modifications).
- 40 Given the technical nature of these documents, and the potential need to change them at short notice, we consider it appropriate to explicitly set out that the Secretary of State is able to re-designate these documents without recourse to Section 88 powers.
- 41 Re-designation would simply involve replacing a subsidiary document that has already been designated and incorporated into the SEC with a revised version that includes the necessary amendments.
- 42 We propose that the explicit power to re-designate follows the same established processes as the power to designate subsidiary documents under C22.27, and therefore:

- It would only apply to content of a technical and / or procedural nature that supports the fulfilment of rights or obligations already specified in the SEC;
- Stakeholders would be consulted as appropriate on content for, and dates of, re-designation; and
- The power would fall away in October 2018.

43 It is important to note that this proposed power would apply to the SMETS and the Communications Hubs Technical Specifications once it is incorporated into the SEC (but falling away in October 2018). As set out in our response to our consultation on changes to equipment installation requirements and governance arrangements for technical specifications⁶, it is our intention that once SMETS is incorporated into the SEC it would be subject to the industry led SEC modification process. However, we consider that the added flexibility provided by the ability to re-designate would provide an additional sensible and practical option to make changes (and the content for, and timing of, re-designation would be subject to consultation).

44 We would welcome views on the proposed approach.

Legal drafting

45 The proposed legal drafting at Annex 2 modifies the DCC licence (C22.28) to allow for the explicit re-designation powers, in addition to the designation, of those technical specifications and procedural or associated documents as the Secretary of State believes are required to support the fulfilment of rights or obligations already specified in the SEC.

46 The documents that could be re-designated are those referred to in:

- C22.27(b) i.e. (the SMETS and other documents)⁷;
- C22.27(c) (i.e. the Certificate Policy, which encompasses various SMKI documents); and
- C22.27(d) (various other technical specifications and procedural or associated documents).

47 The proposed legal drafting also modifies SEC Section X5 to provide further detail around the process for re-designation of documents.

48 As currently drafted the DCC Licence refers (C22.25(d)) to a 'Certificate Policy' (singular). However, in the SEC there are a number of Certificate Policies (at present these are the Device Certificate Policy and the Organisation Certificate Policy). Therefore, for clarity, the DCC Licence drafting proposal also modifies C22.25(d) of the licence to make it clear that there may be more than one Certificate Policy.

⁶ See <https://www.gov.uk/government/consultations/changes-to-equipment-installation-requirements-and-governance-arrangements-for-technical-specifications>

⁷ The Government response document (see above) sets out a number of documents that will be eventually incorporated into the SEC under the provisions of C22.27(b)

Consultation Question

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| 3. | Do you agree that the DCC Licence and SEC should be modified so that updated versions of SEC subsidiary documents may be re-designated by the Secretary of State and incorporated into the SEC?
If you do not agree, please explain your rationale. |
|----|--|

Annex 1: Proposed transitional changes to the Smart Energy Code to support Communications Hubs forecasting and incident management

SECTION X: TRANSITION

Amendment to Section X3.3

Variations in respect of Section F

X3.3 Notwithstanding that Section F5 (Communications Hub Forecasting and Orders) is stated in Section X3.2 to be effective, it shall apply as varied by this Section X3.3. For the purposes of this Section X3.3, the “Initial Delivery Date” shall be 1 November 2015 (or such later date as the Secretary of State may designate as such date for the purposes of this Section X3.3). The variations to apply pursuant to this Section X3.3 are that:

- (a) each Supplier Party shall (and each other Party that intends to order Communications Hubs may):
 - (i) submit its first Communications Hub Forecast during the month ending nine months in advance of the start of the month in which the Initial Delivery Date occurs;
 - (ii) submit further Communications Hub Forecasts on a monthly basis until the month ending five months in advance of the month in which the Initial Delivery Date occurs (from which time further Communications Hub Forecasts shall be submitted without reference to this Section X3.3); and
 - (iii) ensure that the Communications Hub Forecasts submitted pursuant to this Section X3.3 cover a 24-month period commencing with the month in which the Initial Delivery Date occurs;
- (b) no Communications Order may specify a Delivery Date that is prior to the Initial Delivery Date; ~~and~~

- (c) no Party may submit a Communications Hub Order prior to the month ending four months in advance of the month in which the Initial Delivery Date occurs; and
- (d) until 1 June 2015 (or such later date as the Secretary of State may direct for the purposes of this Section X3.3(d)):
 - (i) the DCC shall not be obliged to make the CH Ordering System available;
 - (ii) Parties shall submit the Communications Hub Forecasts required in accordance with Section X3.3(a) by email using the template made available by the DCC for such purposes (such template to be in a readily available and commonly used electronic format);
 - (iii) the DCC shall accept Communications Hub Forecasts submitted by other Parties in accordance with Section X3.3(d)(ii), and shall take all reasonable steps to verify that the forecasts so submitted were submitted by the Party by which they are purported to have been submitted; and
 - (iv) the DCC shall make the following information available to other Parties via the DCC Website (using a readily available and commonly used electronic format), in respect of each post code area within Great Britain:
 - (A) that the SM WAN is expected to be available within that post code area on the date from which the Enrolment Services first become available;
 - (B) where the SM WAN is not expected to be available within that post code area on that date but is expected to be available within that postcode area before 1 January 2021, the date from which the SM WAN is expected to first become available within that post code area; or
 - (C) that the SM WAN is not expected to be available within that post code area before 1 January 2021.

X7 **TRANSITIONAL INCIDENT MANAGEMENT PROCEDURES**

Period of Application

X7.1 This Section X7 shall have effect from the date on which this Code is first modified to include this Section X7.

X7.2 This Section X7 shall have effect until such time as the relevant enduring policy has been incorporated into this Code (or, if later, the time from which such policy is stated in Section X3 (Provisions to Become Effective following Designation) to have effect).

X7.3 For the purposes of Section X7.2, the relevant enduring policy is:

- (a) in respect of Incidents relating to the transfer of Data pursuant to Section E (Registration Data), the Registration Data Incident Management Policy; and
- (b) in respect of all other Incidents, the Incident Management Policy.

Meaning of Incident

X7.4 For the purposes of Section X7, an "**Incident**" shall be construed:

- (a) in relation to the transfer of Data pursuant to Section E (Registration Data), by reference to Section E2.11 (Registration Data Incident Management Policy); or
- (b) otherwise, in accordance with Section A2.7 (Interpretation).

Transitional Provisions for Incident Management

X7.5 Each Party other than the DCC that has rights and/or obligations under those Sections referred to in the definition of Services (and which are effective in accordance with Section X3 (Provisions to Become Effective following Designation)) shall provide the DCC with an up-to-date list from time to time of nominated individuals who are authorised to log Incidents on behalf of such Party, including for each such individual their email address and mobile phone number.

X7.6 Each Network Party shall ensure that its Registration Data Provider provides the DCC with an up-to-date list from time to time of nominated individuals who are authorised to log Incidents on behalf of such Registration Data Provider, including for each such individual their email address and mobile phone number.

- X7.7 The individuals identified from time to time pursuant to Section X7.5 or X7.6 in respect of each Party or Registration Data Provider shall be the "**Nominated Incident Contacts**" for that Party or Registration Data Provider.
- X7.8 Each Party shall (and each Network Party shall ensure that its Registration Data Provider shall) comply with any reasonable request of the DCC in relation to the validation of the information provided by that Party (or that Registration Data Provider) in relation to its Nominated Incident Contacts.
- X7.9 The DCC shall treat the information from time to time provided to it pursuant to Section X7.5 or X7.6 as Confidential Information.
- X7.10 For those Parties and Registration Data Providers that have provided details of their Nominated Incident Contacts, the DCC shall provide one or more email addresses and telephone numbers via which Incidents can be reported to the DCC and information regarding Incidents sought from the DCC (the "**Interim Service Desk**").
- X7.11 The DCC shall ensure that the Interim Service Desk operates between 08.00 hours and 18.00 hours on Working Days.
- X7.12 Parties and Registration Data Providers may report Incidents with the DCC by their Nominated Incident Contacts contacting the Interim Service Desk and providing their contact details, the nature of the Incident, the time and date of the occurrence, and the impact of the Incident.
- X7.13 The DCC shall determine the prioritisation of Incidents, but subject to such prioritisation shall take all reasonable steps to mitigate and resolve each Incident such that its impact on Parties is minimised.
- X7.14 The DCC shall have the right to assign reasonable actions to other Parties and/or the Registration Data Providers as reasonably required by the DCC in order to assist the DCC in mitigating and/or resolving one or more Incidents. Each Party shall (and each Network Party shall ensure that its Registration Data Provider shall) comply with any such actions so assigned to them.
- X7.15 The DCC shall notify any Parties and Registration Data Providers likely to be affected by an Incident of which the DCC has become aware of: the occurrence of such Incident; its priority status; progress regarding its resolution; and its resolution. The DCC shall provide such notifications to the Nominated Incident Contacts. The DCC shall provide such notification of an Incident's resolution within 3 days following its resolution.

X7.16 The DCC shall establish a process by which Nominated Incident Contacts can discuss with DCC the priority assigned to an Incident where a Party or Registration Data Provider disagrees with the prioritisation assigned to an Incident by the DCC.

Transitional Provisions Relating to Business Continuity and Disaster Recovery

X7.17 In the event that the Interim Service Desk is unavailable and is unlikely to resume availability within two Working Days, then the DCC shall establish an alternative means of communication by which Incidents can be reported to the DCC and information regarding Incidents sought from the DCC. Such alternative means of communication must include a telephone number that can be used to contact the DCC's Incident controller in the case of emergencies.

X7.18 In the event that an alternative means of communication is established by the DCC pursuant to Section X7.17, the DCC shall notify the Parties and the Registration Data Providers of such alternative means of communication. Such notification shall be given to the Nominated Incident Contacts via email, or by SMS if email is unavailable. Such a notification shall include a brief explanation of the reason for the Interim Service Desk's unavailability and the expected time by which it will be available as normal.

X7.19 Once the Interim Service Desk is available as normal (following a period of unavailability), the DCC shall notify the Parties and the Registration Data Providers that this is the case (such notification to be given to the Nominated Incident Contacts via email).

X7.20 In the event of the Interim Service Desk being unavailable for two Working Days or more, the DCC shall (within five Working Days following the Interim Service Desk's return to normal availability) compile a report on such event setting out the cause and future mitigation. The DCC shall make any such report available to Parties, Registration Data Providers and the Panel (and, upon request, to the Authority or the Secretary of State).

Annex 2: Re-designation of subsidiary documents - proposed changes to the DCC licence and SEC

CHANGES TO THE DCC LICENCE

In Condition 22, amend sub-paragraph 22.25(d) as follows:

- (d) arrangements for the establishment, in accordance with such procedures as are specified in the SEC, of a body, the ~~Certificate~~ SMKI Policy Management Authority, which is to be responsible, by way of such proceedings as are so specified (which may include voting procedures), for the oversight and implementation of ~~a document~~s to be known as the Certificate ~~Policy~~ Policies (whether or not incorporated into the SEC by virtue of the provisions of Part G below) that ~~sets~~out the roles and duties of SEC Parties and other persons in the management of the Smart Metering Key Infrastructure.

In Condition 22, amend sub-paragraph 22.27(c) as follows:

- (c) provision for incorporation into the SEC of ~~the~~ any Certificate Policy as designated by the Secretary of State under this condition; and

In Condition 22, amend paragraph 22.28 as follows:

22.28 A document may:

- (a) be designated under this condition by the Secretary of State for incorporation into the SEC as part of his general designation of the SEC by way of direction under Part B above, or in any circumstances and at any time thereafter up to (but not later than) 31 October 2018;
- (b) where it is a document of a type described in any of sub-paragraphs 22.27(b) to (d) of this condition and has first been designated under this condition by the Secretary of State, be re-designated by him on one or more occasions subject to such amendments as he

considers requisite or expedient,

and where any document is re-designated by the Secretary of State in accordance with sub-paragraph (b) above, the other provisions of this Part G shall apply in relation to it in the same manner as if it were being designated for the first time, and references in those provisions to the document being designated shall be read as referring to it being re-designated.

In Condition 22, amend paragraph 22.34 as follows:

22.34 For the purposes of this condition:

Accession Agreement has the meaning that is given to that term in paragraph 22.23(b).

Certificate ~~Policy~~ Policies has the meaning that is given to that term in paragraph 22.25(d).

~~**Certificate Policy Management Authority** has the meaning that is given to that term in paragraph 22.25(d).~~

Code Administrator has the meaning that is given to that term in paragraph 22.26(b).

Communications Hub Technical Specification means the document of that name, as incorporated into the SEC, that specifies the technical and functional capabilities of the Communications Hub.

Consumer Members has the meaning that is given to that term in paragraph 22.25(c).

Other SEC Participants means every party to the SEC who is neither the Licensee nor the holder of an Energy Licence that requires that person to be a party to the SEC.

SEC Adoption Process has the meaning that is given to that term in paragraph 37 of Condition 16 (Procurement of Relevant Service Capability).

SEC Framework Agreement has the meaning given to that term in paragraph 22.23(a).

Secretariat has the meaning that is given to that term in paragraph 22.26(a).

Smart Metering Key Infrastructure means the arrangements in place under the SEC that govern the creation, management, distribution, use, storage, and revocation of digital certificates.

SMKI Policy Management Authority has the meaning that is given to that term in paragraph 22.25(d)

CHANGES TO THE SMART ENERGY CODE

SECTION X: TRANSITION

X5 INCORPORATION OF CERTAIN DOCUMENTS INTO THIS CODE

Smart Metering Equipment Technical Specification

X5.1 The document designated by the Secretary of State as the Smart Metering Technical Specification ~~under~~ in accordance with paragraph 27(b) Condition 22 of the DCC Licence shall, from the relevant date designated by the Secretary of State for the purpose of such document and of this Section X5.1, be incorporated into this Code as the Schedule specified in such designation.

Communications Hub Technical Specification

X5.2 The document designated by the Secretary of State as the Communications Hub Technical Specification ~~under~~ in accordance with paragraph 27(b) of Condition 22 of the DCC Licence shall, from the relevant date designated by the Secretary of State for the purpose of such document and this Section X5.2, be incorporated into this Code as the Schedule specified in such designation.

Certificate Policies

X5.3 Any document designated by the Secretary of State as a Certificate Policy in accordance with paragraph 27(c) of Condition 22 of the DCC Licence shall, from the relevant date designated by the Secretary of State for the purpose of such document and this Section X5.3, be incorporated into this Code as the Schedule or SEC Subsidiary Document specified in such designation.

Other Technical Specifications

~~X5.3~~X5.4 Each of the technical specifications and procedural or associated documents designated by the Secretary of State ~~under~~ in accordance with paragraph 27(d) of Condition 22 of the DCC Licence shall, from the relevant date designated by the Secretary of State for the purpose of such document and this Section X5.~~3~~4, be incorporated into this Code as the Schedule or SEC Subsidiary Document specified in such designation.

Re-Designation of Documents

X5.5 Paragraph 28(b) of Condition 22 of the DCC Licence includes a power for the Secretary of State to re-designate any document of a type referred to in Sections X5.1 to X5.4, subject to such amendments as he considers requisite or expedient. Where the Secretary of State exercises that power in relation to any such document:

- (a) it shall be incorporated into this Code in substitution for the form of that document that was previously incorporated;
- (b) the other provisions of this Section X5 shall apply to it as if it were a document being designated for the first time; and
- (c) references in those provisions to the document being designated shall be read as referring to it being re-designated.

Supplementary Provisions

~~X5.4~~X5.6 Paragraph 29 of Condition 22 of the DCC Licence includes a power for the Secretary of State to specify supplementary, incidental, consequential, governance or other provisions which are to have effect in this Code from the date designated for such purpose by the Secretary of State. This Code shall automatically be amended so as to include such provisions with effect from such date.

General

X5.7 This Code provides for the development of certain documents which may then be incorporated into this Code pursuant to this Section X5. Where this Code sets out the required purpose or content of such documents, the Secretary of State may designate for incorporation under this Section X5 documents that fulfil only part of that purpose or include only part of that content, with a view to subsequently re-designating a more complete document at a later date.

~~X5.5~~X5.8 The incorporation of documents into this Code pursuant to this Section X5 (and any provisions made pursuant to Section X5.4~~6~~) shall not constitute a modification that should be subject to Section D (Modification Process). The incorporation of documents into this Code pursuant to this Section X5 (and any provisions made pursuant to Section X5.4~~6~~) shall not constitute a variation of this Code that is time limited in accordance with Section X1.5 (and such documents and provisions shall remain part of this Code notwithstanding the deletion of this

Section X on Completion of Implementation).

~~X5.6~~X5.9 The documents incorporated into this Code pursuant to this Section X5 (and any provision made pursuant to Section X5.46) shall, from the date of their incorporation, be subject to modification in accordance with the provisions of this Code.

~~X5.7~~X5.10 Before designating any dates for the purpose of this Section X5, the Secretary of State must consult the Authority, the Panel and the Parties in respect of the proposed date. Such consultation must allow such period of time as the Secretary of State considers appropriate in the circumstances within which to make representations or objections with respect to the proposed date to be designated. The requirement for consultation may be satisfied by consultation before, as well as after, the designation of this Code.

~~X5.8~~X5.11 Before designating any date from which a document is to be incorporated into this Code pursuant to this Section X5, the content of such document must have been subject to such consultation as the Secretary of State considers appropriate in the circumstances (whether or not under this Code, whether or not undertaken by the Secretary of State and whether before or after the designation of this Code).

