



British Gas

Working after your words

Consultation on draft amendments to supply licence conditions covering exceptions to the smart metering roll-out obligation, data usage for statements of account, and implementation of the EU Energy Efficiency Directive on consumer access to consumption and export data from smart meters

**British Gas response
22nd November 2013**

Part 2

Question 2. Do you have any comments on the Government's intention of clarifying the licence conditions on installation of advanced meters under the exceptions to the smart metering roll-out obligation, and do you have any comments on the proposed legal redrafting?

- 2.1. We support the intention of clarifying the licence conditions. We have no comments on the proposed legal redrafting.

Question 3. Do you agree that the licence conditions should be amended to allow data that is collected for billing purposes to be used to produce statements of account, and do you have any comments on the proposed legal drafting (at Annex 4)?

- 3.1. We agree that suppliers should be allowed to collect consumption data to produce statements of account. We have no comments on the proposed legal drafting.

Part 3

Question 1. Do you agree that the draft licence conditions fully reflect the policy intentions for Article 10(2)(b) of the EED? If not, please provide comments on the legal drafting.

- 1.1. Yes, we are satisfied that the draft licence conditions broadly reflect the policy intentions of Article 10(2)(b) the EED, subject to the following comments.
- 1.2. Our interpretation of the conditions is that it is only necessary to offer access to the data via the meter interface if it is not available over the internet.
- 1.3. There is a contradiction between the narrative in the consultation and the drafting of the licence conditions. In 3.16 (page 30) it states that 'Suppliers will only need to start collecting 24 months of consumption data at the point a consumer requests it.' There is nothing in the draft licence conditions to support this comment. As drafted, suppliers would be required, 'as soon as is reasonably practicable after receiving any request to do so', to provide access to data held in the meter for the shorter of: the period of the supply contract, or 24 months.
- 1.4. There is a cost to suppliers of providing the capability for consumers to access to 24 months' data for the SMETS1 meters in their portfolio, for the limited number of customers who are likely to ask for it, and an uncertain additional benefit. Whereas a Consumer Access Device could provide everything required for a SMETS2 customer, that option falls 11 months short for SMETS1. At a time when suppliers are under intense pressure to keep costs to consumers as low as possible this obligation is working in the other direction.
- 1.5. In our response (dated 7th February 2013) to the earlier consultation we said this:

We think that consideration should also be given to extending this principle [reasonableness] to provide a 'least cost' approach for data from SMETS1 meters. The inclusion of a 'reasonable steps clause' should obligate a supplier to provide as much data as is available. For a SMETS1 meter that could be 13 months, if the supplier is not holding daily data in back office systems. We do not believe this would be detrimental to customers.

This is still our opinion and we would have preferred the draft licence conditions to have reflected this more pragmatic approach. Unchanged, the obligation could provide an incentive for suppliers acquiring SMETS1 meters to leave them in 'dumb' mode, thereby

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avoiding any requirement to support consumer data access. In that sense, we do not agree that the licence conditions reflect the policy objectives for data access or for smart metering overall.

Question 2. Do you agree that the draft licence conditions adequately reflect the exemption for consumer access to consumption data on change of supplier, for meters not operating in the smart mode? If not, please provide comments on the legal drafting and the rationale for this.

2.1. Yes, the exemption is reflected in the draft licence conditions

Question 3. Do you agree with the proposed approach to the implementation of Article 9(2)(d) and that the draft licence conditions fully reflect policy intentions? If not, please provide comments and explain the rationale behind them.

3.1. Yes, we agree with the proposed approach and that the policy intentions are reflected in the draft licence conditions.