



Making a positive difference  
for energy consumers

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**By email**

Telephone:  
Email:

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Dear Jim

**Ofgem's response to DECC's consultation on draft licence conditions implementing the EU Energy Efficiency Directive provisions on consumer access to consumption and export data**

We welcome the opportunity to respond to your consultation on draft licence conditions implementing the EU Energy Efficiency Directive provisions on consumer access to consumption and export data.

Ofgem regulates the gas and electricity markets in Great Britain. We have an important role in ensuring the interests of consumers remain protected both during the transition to smart metering and in the enduring framework. We also play a key role in monitoring and, where appropriate, enforcing compliance with any new regulatory obligations relating to smart meters.

Ofgem supports the work that DECC is carrying out to transpose the Directive and we look forward to continuing constructive engagement with you on these and related issues.

**Consumer access to import data**

We have provided comments to you<sup>1</sup> in response to your previous consultation<sup>2</sup> that remain valid. We have some comments on the legal drafting contained in your recent consultation document.

The draft licence conditions state that suppliers must provide consumer access to consumption data either by the Internet or via a Consumer Device. It is estimated that circa 5 million consumers do not have access to the Internet. Vulnerable consumers may be disproportionately overrepresented amongst consumers without access to the Internet. We are therefore concerned that if a supplier were only to provide access to consumption data via the Internet, vulnerable consumers could be disadvantaged.

**Consumer access to export data**

The Directive requires that consumers should have access to metering data on their

<sup>1</sup> <https://www.ofgem.gov.uk/publications-and-updates/ofgem%E2%80%99s-response-decc%E2%80%99s-consultation-implementing-energy-efficiency-directive-provision-easy-access-24-months-consumption-data-consumers-smart-meters>

<sup>2</sup> DECC consultation on Implementing the Energy Efficiency Directive provision for easy access to 24 months of daily/weekly/monthly/annual consumption data for consumers with smart meters, 12 December 2012

electricity input [ie input to the electricity distribution network, also known as 'export electricity'] and be able to "compare deals on a like-for-like basis". The legal drafting specifies that Relevant Export Data should be provided at daily, weekly and monthly granularity. We would be grateful for clarification that you consider this level of granularity would allow consumers to compare deals on a "like-for-like basis" as the Directive requires.

At the moment, most domestic consumers who export electricity receive Feed in Tariff payments based on their deemed, rather than measured, export. Currently the market for domestic consumers to sell their export electricity is small and relatively immature. However, as smart meters are capable of measuring 3 months' export data, it is likely that as they are rolled out export payments will increasingly be based on measured rather than deemed output and the export electricity market may experience growth. In addition, developments in Demand Side Response (DSR) may increase (or decrease) the value of export at certain times of the day. It may help consumers better understand the value of their export electricity if in future they have access to more granular than daily data. Such an approach could help support the development of DSR and associated consumer benefit. We will keep this under review in the light of market developments.

We also note that the point we made with respect to access to energy consumption data for consumers without Internet access is also valid for consumers requesting access to energy export data.

If you wish to discuss this response, please contact

Yours sincerely