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Your ref: 10D/818

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Mr [REDACTED]  
Department of Energy and Climate Change  
Area 4C  
3 Whitehall Place  
London SW1A 2HD

Dear Sirs,

**Consultation on the provision of third party access to licence exempt electricity and gas networks**

Further to the abovementioned Consultation, dated October 2010 we set-out herein our response to the questions set in the Consultation document.

In the UK, Westfield Shoppingtowns Limited manages and has ownership interests in eight operating shopping centres including Westfield London, and is currently developing a major urban regeneration project in Stratford. Opening in September 2011, Westfield Stratford City will be the largest urban shopping centre in Europe and the prestigious gateway to the London 2012 Olympic Park.

Westfield Shoppingtowns Limited and its associated companies have operating private electricity networks serving a number of retail tenants across some of our significant UK shopping centre development portfolio, thus we would probably be classified as a 'larger' small commercial stakeholder.

We have followed this DECC consultation and feel that DECC have provided a way forward for operators of Licence exempt networks that affords a degree of comfort to our key concerns, namely;

- A clear guidance as to who is impacted by the legislation.
- The recovery of any costs associated with compliance.
- A flexible approach to achieving compliance.

The consultation document has been considered by our subsidiary and associated companies and as such this response has been made by Westfield Shoppingtowns Limited on behalf of Stratford City Developments Limited and Retail Utilities Solutions Limited.

**Do you have any views or concerns on how Government intends to apply third party access requirements to licence exempt undertakings?**

- Should we find that a large volume of customers require third party access shall the regulatory authority be suitably resourced to provide the relevant approvals on tariffs and charging methodologies so that the operator's obligations are upheld and implemented in a reasonable timescale,
- Whilst there appears to be no mechanism to allow an energy supplier to request access to customers connected to licence exempt networks i.e. it is lead by a connected customer request, we feel that this should be clearly set out in any further guidance documentation,
- We have assumed that both administrative and technical (equipment and plant) costs can be recovered acting reasonably by the exempt network operator where these costs have been properly incurred to meet a customer request for third party access.

**Do you have any views or concerns on how Government intends to apply these Third Energy Package requirements to licence exempt undertakings?**

- We believe it would be helpful to have a definition of 'large non-household customer'.

As a general observation we would ask the Government if it has considered that one possible impact of the legalisation is that though it may remove one potentially anti-competitive market it may merely create another by allowing a number of small operators to take over private networks or merely reduce competition further in that only large energy suppliers can viably supply customers.

Yours faithfully,

