



Smart Metering Implementation Programme

Roll-out of smart meters

Non-domestic market: Government response to an Open Letter consultation on proposed amendments to roll-out licence conditions and a consultation on draft licence conditions

Domestic and non-domestic markets: a consultation on draft amendments to supply licence conditions

Domestic market: a consultation on licence conditions to implement the EU Energy Efficiency Directive provisions on consumer access to consumption and export data from smart meters

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The consultation can be found on the .GOV website: <http://www.decc.gov.uk/consultations/>.

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General information

Purpose of this consultation

This document consists of three Parts.

Part 1 represents the Government's response to its Open Letter consultation on non-domestic issues. Annex 4 to Parts 1 and 2 contains draft modifications to supply licence conditions that give effect to the Government's decisions following the consultation. The Government is consulting on these modifications.

Part 2 consults on certain changes, including clarificatory changes, to the smart metering licence conditions. Annex 4 to Parts 1 and 2 also contains the draft modifications to the licence conditions that would give effect to these proposed changes.

Part 3 of this document is a consultation that will help inform the licence conditions for the Government's implementation of the EU Energy Efficiency Directive requirements for domestic consumers to have easy access to 24 months of daily, weekly, monthly and annual historical consumption data and have export data made available in an easily understandable format. Annex 2 of Part 3 contains draft licence conditions that would implement these requirements. These licence conditions also include drafting to give effect to the Government's decision that non-domestic consumers with smart meters should have an equivalent right to minimum access to data to those with advanced meters.

Issued: 25 October 2013 (note that this is an updated version of the document of the same name issued on 22 October - errors in the gas licence conditions in annex 2 have been corrected).

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Consultation reference: **13D/267**

How to respond:

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

Part 1 of the consultation closes on Tuesday 19 November 2013

Part 2 of the consultation has two closing dates: section (i) closes on 19 November 2013 and sections (ii) and (iii) close on 3 December 2013

Part 3 of the consultation closes on Tuesday 3 December 2013

Additional copies:

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Confidentiality and data protection:

DECC intends to summarise all responses and place this summary on the Gov.uk website at https://www.gov.uk/government/publications?publication_filter_option=consultations. This summary will include a list of names or organisations that responded but not people's personal names, addresses or other contact details.

In addition DECC intends to publish the individual responses on its website and you should therefore let us know if you are not content for the response or any part of it to be published. We will not publish people's personal names, addresses or other contact details. If you indicate that you do not want your response published we will not publish it automatically but it could still be subject to information requests as detailed below.

Further, 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 do not want your individual response to be published on the website, or to otherwise be treated as confidential please say so clearly in writing when you send your response to the consultation. For the purposes of considering access to information requests 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:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60937/Consultation-Principles.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

Part 1

NON-DOMESTIC MARKET: GOVERNMENT RESPONSE TO AN OPEN LETTER CONSULTATION ON PROPOSED AMENDMENTS TO ROLL-OUT LICENCE CONDITIONS AND A CONSULTATION ON DRAFT LICENCE CONDITIONS

Introduction

- 1.1 On 1 July 2013, Baroness Verma issued an Open Letter seeking views, by 23 August 2013, on proposed amendments to the licence conditions governing the roll-out of smart meters in the non-domestic market¹. The consultation questions are summarised at Annex 1.
- 1.2 DECC received twenty responses to the Open Letter from electricity and gas suppliers, meter asset providers, energy service providers and Ofgem. Respondents are listed at Annex 2, and their responses are summarised at Annex 3. Non-confidential responses have been published at <https://www.gov.uk/government/publications/non-domestic-market-proposed-amendments-to-roll-out-license-conditions-open-letter-from-baroness-verma>.
- 1.3 This document is the Government's response to comments on the Open Letter consultation, including its policy decisions. This section discusses the individual issues, including respondees' views, and sets out the Government's decisions.
- 1.4 Annex 4 contains draft amendments to licence conditions that give effect to these decisions. The licence conditions would be amended using the Government's powers under the Energy Act 2008. The Government would welcome comments on these amendments. The Smart Metering Implementation Programme also intends to hold a working group with stakeholders to discuss the drafting. The Government anticipates that it will lay revised licence conditions before Parliament in early 2014, with a view to their entering into force in April 2014.
- 1.5 Comments on the draft amendments to licence conditions at Annex 4 should be sent to the Smart Metering Implementation Programme at smartmetering@decc.gsi.gov.uk by Tuesday, 19 November 2013. If you would like your response to be treated as confidential (and so not published), please make this clear. Enquiries should be made to the Smart Metering Implementation Programme, smartmetering@decc.gsi.gov.uk (telephone: 0300 068 6083).

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https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/209847/BaronessVermaOpenLetterSmartMeters.pdf

The Government's response to the Open Letter consultation

(i) Extending the advanced exception beyond April 2014

Context

- 1.6 In November 2012, the Government put in place licence conditions creating limited exceptions to the requirement to install smart meters. These exceptions, which apply only in the non-domestic market, allow continued installation of advanced metering until 5 April 2014, and thereafter where there is a pre-existing contractual arrangement. The exceptions allow customers to continue to enjoy benefits from advanced metering, without the risk of their investment being stranded by the need to remove the metering before the completion date of the Smart Metering Programme. The date - 5 April 2014 - was expected to fall at or near a point where DCC services and smart meters meeting a fully developed technical specification would be widely available.
- 1.7 In Summer 2013, the Government published a revised timetable for the roll-out of smart meters². This anticipated that suppliers would be ready to start a full scale roll-out, supported by DCC services, by Q3 2015. The Government therefore considered that there were arguments for extending the period during which advanced meters could be installed in smaller non-domestic premises without their having to be replaced by the end-date for the roll-out, to facilitate a smooth transition from the current market to one in which smart services were available.
- 1.8 The Open Letter issued in July 2013 sought views on this issue. The Open Letter set out the potential drawbacks and advantages of an extension.
- 1.9 The Government considered it desirable to maximise the use of smart metering, with its range of attendant benefits, in the smaller non-domestic market. It also saw some potential difficulties - particularly around interoperability - from having a larger population of advanced meters. And it noted that, between April 2014 and the end of 2015, suppliers could deploy meters that met the first version of the Smart Metering Equipment Technical Specification (SMETS 1).
- 1.10 However, the Government recognised that there might be particular challenges for small, non-domestic suppliers, both in sourcing and installing SMETS 1 meters and in establishing internal systems to communicate with them and use their data. It anticipated that some might therefore prefer to wait for mass roll-out before installing SMETS 2 meters and might, in the absence of adjustment of the advanced exception, delay installations until SMETS 2 meters and DCC services were available. This would postpone the delivery of benefits of smarter metering to both customers and suppliers.
-

- 1.11 The Government was therefore minded to extend the period within which advanced meters could be installed, whether to a specific date; or by reference to a point where key criteria had been met. It therefore sought views on:
- extending the exception to April 2015, to give suppliers and their agents time to prepare for installation of SMETS 1 meters;
 - extending the exception to April 2016, when SMETS 2 meters and DCC services were expected to be widely available;
 - extending the exception to a point - designated by the Secretary of State - at which SMETS 2 meters were commercially available in volumes appropriate to a mass roll-out. Under this approach, the end of the exception period would be determined by reference to criteria, and industry would be given notice of the conclusion of the exception period in due course.
- 1.12 In addition, the Government sought views on the benefits of setting different extension periods for electricity and gas and an extension for gas only, given the more limited benefits of smart gas, compared with advanced gas, metering.
- 1.13 The technical exceptions to the requirement to install smart meters, which require the provision of a minimum of advanced functionality for current transformer electricity meters and larger gas meters, were not affected by the Open Letter consultation.

Government consideration

- 1.14 Most, but not all, respondents agreed that an extension to the period within which advanced metering could be installed would be helpful or acceptable. Small suppliers and metering asset providers actively supported extension. Their responses indicated the challenges that small suppliers with relatively few sites falling within the mandate could face in specifying and purchasing SMETS 1 meters and developing systems to communicate with them. By contrast, extension would enable them to prepare for mass roll-out while offering customers the benefits of advanced metering in the meantime. Larger suppliers did not indicate significant interest in utilising any extension, except at the margin.
- 1.15 There was a range of views on the period to which the exception might be extended. Most favoured extension to April 2016, with others preferring a point where SMETS 2 meters and DCC services were widely available. There was little support for April 2015. Whilst one respondent felt that an extension for gas alone would be desirable, most who commented on this point considered that both fuels should continue to be treated in the same way.
- 1.16 Responses therefore broadly confirm the Government's view that there would be advantages - particularly for small suppliers and their customers - in extending the exception date to a point at which SMETS 2 meters and DCC services - were readily available to all suppliers. The risk of installations that are delayed until this point carries an attendant risk of delayed benefits to both customers and suppliers. In the longer term, the Government wishes all smaller non-domestic sites to receive smart metering, except in cases where no smart meter is available - sites with current transformer electricity meters or larger gas meters.

- 1.17 In terms of approach, the Government considers that use of a specific date enables customers, suppliers and meter providers to plan and invest with the greatest certainty. It will therefore extend the period within which advanced metering can be installed – and remain in place after the completion of the roll-out - until 5 April 2016. Beyond 5 April 2016, the smart metering roll-out obligation applies. This means that in non-domestic premises where no advanced or smart meter has been installed, remaining meters will need to be replaced by smart meters by 31 December 2020, subject to the exception set out in 1.18 below.
- 1.18 Where contractual arrangements are in place on 5 April 2016, advanced metering may continue to be installed until the roll-out completion date. Where advanced metering - whether installed under the pre-April 2016 exception or under contractual arrangements - is replaced, it must be replaced with smart metering, pursuant to the new and replacement obligation, which will be switched on in due course and continues to have effect after 2020 and the roll-out duty.

Government decision

- 1.18 The date to which advanced electricity and gas metering may be installed at smaller non-domestic premises, and not replaced before the end-date for the roll-out, will be extended to 5 April 2016. Any contractual arrangements providing for continued installation of advanced metering after 5 April 2016 and until the roll-out completion date will need to be in place at that point. No advanced metering may be installed after 31 December 2020 unless the meter is a current transformer electricity meter or a larger gas meter. Draft amendments to licence conditions, which also reflect the changes being consulted on in Part 2, are at Annex 4.

(ii) Contractual arrangements

Context

- 1.19 The exceptions allowing continued installation of advanced metering after 5 April 2014 until the roll-out completion date where contractual arrangements were already in place were designed for circumstances where an electricity or gas customer had reached such a contractual arrangement with a supplier or another party. However, the Government had become aware that questions had arisen as to whether “contractual arrangements” might also be interpreted as being between a supplier and a third party, and not involving the customer. This had not been the Government’s intentions. To avoid uncertainty, the Open Letter proposed to amend the roll-out licence condition to make clear that the contractual arrangement permitting continued installation of advanced metering must be one that directly involved the electricity or gas customer.

Government consideration

- 1.20 Most, although not all, respondents had interpreted contractual arrangements as being those between a supplier or a third party and a customer. However, respondents

welcomed the removal of any ambiguity. The Government will therefore amend the licence conditions to do so.

Government decision

- 1.21 The Government will amend the text of the roll-out licence conditions to remove any doubt that contractual arrangements for the installation of advanced metering after 5 April 2016 and until 31 December 2020 must directly involve the customer. Those contractual arrangements may be with a supplier or a third party. Draft amendments to licence conditions, which also reflect the changes being consulted on in Part 2, are at Annex 4.

(iii) Profile class 1 and 2 non-domestic sites

Context

- 1.22 The electricity roll-out licence conditions define non-domestic sites by reference to the Balancing and Settlement Code (BSC) Profile Classes into which non-domestic meters are expected to fall - Classes 3 and 4. However, suppliers' experience in installing smart, smart-type and advanced metering indicates that between 5% and 10% - 100,000-200,000 - of smaller non-domestic sites may fall within Profile Classes 1 and 2 (which overwhelmingly comprise domestic sites) because the meter is:

- wrongly categorised (for instance, because of change of use); or
- correctly categorised, but is a non-domestic meter because the site is supplied under a group non-domestic contract (for instance, a staff home on a larger non-domestic site).

- 1.23 The Government therefore consulted on a proposal to amend the electricity roll-out licence condition to state that all non-domestic sites in Profile Classes 1-4 fall within the meaning of "designated premises". This would avoid the risk of inadvertently omitting premises from the roll-out, ensure congruity with the remainder of the Supply Licence and give clarity to suppliers.

Government consideration

- 1.24 All but one of those respondents who commented on this issue agreed that it was appropriate to amend the licence conditions, and ensure conformity with Condition 6 of the Supply Licence. The Government will, therefore, amend the licence condition accordingly.

Government decision

- 1.25 The Government will amend the electricity roll-out licence condition to ensure that all sites within Profile Classes 1 to 4 that are defined as non-domestic within the Supply Licence are covered by the non-domestic roll-out obligation. Draft amendments to licence conditions, which also reflect the changes being consulted on in Part 2, are at Annex 4.

(iv) Minimum rights of access to data from smart meters

Context

1.26 In its December 2012 response to the Data Access and Privacy consultation³, the Government gave a commitment to amending the roll-out licence conditions to ensure that non-domestic customers with smart meters had a minimum right of access to data from smart meters - half-hourly for electricity, hourly for gas. The advanced metering exceptions to the roll-out licence conditions already required customers to have timely access to the half-hourly electricity and hourly gas consumption data that these meters must, as a minimum, be able to provide. The amendments extending this right to non-domestic customers with smart meters would, therefore, ensure a common minimum standard across all meters.

Government consideration

1.27 Respondents broadly welcomed the proposal to extend to non-domestic customers with smart meters the minimum right to timely access to half-hourly electricity or hourly gas data available to customers with advanced meters. However, some suppliers expressed concern that in some cases, control of data would be with a third party, and thus beyond their control.

1.28 The Government recognises that, in practice, non-domestic customers with smart meters will have the means of obtaining detailed information about their energy use, whether via the Home Area Network or by other means negotiated with their supplier or energy service provider. However, it considers that it would be inappropriate for customers with smart meters to have fewer rights than those with advanced meters. In respect of advanced meters, there is already an absolute requirement for the supplier to “ensure that a Customer supplied ... through an advanced meter, or that customer’s nominated agent, has timely access, on request, to the data provided by that meter”. The Government’s proposal would simply reproduce this requirement in respect of smart meters. The Government considers that, where a supplier has not provided the metering system or associated data service, it can by contract ensure that this requirement is met by a third party, as it does in respect of meters installed under the licence conditions requiring installation of advanced metering at medium and larger sites.

Government decision

1.29 The Government will amend the roll-out licence conditions to give non-domestic customers with smart meters a minimum right of timely access to half-hourly electricity and hourly gas data. Draft amendments to licence conditions are part of the text at Annex 1 of Part 3.

³ Data access and privacy: Government response to consultation -

www.gov.uk/government/uploads/system/uploads/attachment_data/file/43046/7225-gov-resp-sm-data-access-privacy.pdf

Overview of roll-out obligations for non-domestic premises

- 1.30 In light of the decisions set out above, and the proposed clarification of non-domestic rules at Part 2 (see Part 2, sections 2.7-2.9), we summarise below the arrangements that will govern installations in the smaller non-domestic market.
- 1.31 All smaller non-domestic sites are subject to the overall obligation on suppliers to take all reasonable steps to ensure that smart metering has been installed at premises by 31 December 2020.
- 1.32 There are limited exceptions to the overall obligation to install smart meters. The first group of exceptions deals with those meters for which there is not currently a smart option. Where the site requires a current transformer electricity meter or a larger gas meter, that meter should, from 5 April 2014, receive advanced functionality when it is replaced or newly installed. By 31 December 2020, all such meters should have received advanced functionality.
- 1.33 The second group of exceptions allows limited installation of advanced metering in two cases. Until 5 April 2016, advanced metering may continue to be installed at non-domestic sites. However, once the “new and replacement” obligation takes effect, when this metering is replaced - whether before or after 31 December 2020 - it should be replaced with smart metering. If a contractual arrangement between a supplier and a customer or a third party and a customer for installation of advanced metering is in place at 5 April 2016, an advanced meter may be installed during the lifetime of those arrangements, but not after 31 December 2020. Again, where metering installed under such arrangements is replaced, replacement should be with smart metering once the “new and replacement” obligation is designated. The arrangements are summarised in the table below.

Summary of exceptions relating to advanced metering;

Advanced meter category	Installation	Replacement between 6 April 2016 and 31 December 2020	Replacement after 31 December 2020
<p>Advanced meter not installed under “contractual arrangement”.</p>	<p>If installed on or before 5 April 2016, the meter can remain in place after 31 December 2020.</p> <p>After 5 April 2016, any advanced metering installations will be captured by:</p> <p>a) the roll-out obligation; and</p> <p>b) the new and replacement obligation.</p> <p>If an advanced meter were installed between 5 April 2016 and the application of the new and replacement obligation, it would have to be replaced by a smart meter by 31 December 2020.</p>	<p>Any replacement of these meters will be captured by:</p> <p>a) the roll-out obligation; and</p> <p>b) the new and replacement obligation</p> <p>The exception therefore only permits the first qualifying installation to remain in place after 31 December 2020.</p>	<p>The meter may remain in place after 2020, but any replacement thereafter will be captured by the new and replacement obligation - the replacement must therefore be smart.</p>
<p>Advanced meter installed under a “contractual arrangement” which is in place on or before 5 April 2016.</p>	<p>Where a contractual arrangement for an advanced meter has been agreed with the customer on or before 5 April 2016, this meter may be installed up until 31 December 2020, and may remain in place thereafter until replacement is required.</p>	<p>Any replacement of these advanced meters will be captured by:</p> <p>a) the roll-out obligation; and</p> <p>b) the new and replacement obligation.</p> <p>The exception therefore only permits the first qualifying installation to remain in place after 31 December 2020.</p>	<p>The advanced meter may remain in place after 2020, but any replacement thereafter will be captured by the new and replacement obligation - the replacement must therefore be smart.</p>
<p>Current transformer or large gas meters</p>	<p>There is an exception from the roll-out and new and replacement requirements for current transformer electricity and large gas meters. These may remain in place after 2020, but must be advanced meters by 31 December 2020.</p>	<p>Must be advanced meters when replaced or newly installed after 5 April 2014, and in any case by 31 December 2020.</p>	<p>Must be replaced with further advanced meters.</p>
<p>The “roll-out obligation” requires suppliers to take all reasonable steps to ensure that smart metering is installed at premises by 31 December 2020.</p>			
<p>The “new and replacement” obligation requires that, from a date designated by the Secretary of State, all meters that are replaced or installed for the first time should be smart meters. That date has not yet been designated.</p>			

Q1: Do you have any comments on the proposed legal re-drafting (at Annex 4) to take account of the changes that were consulted upon in the Open Letter consultation on proposed amendments to the roll-out licence conditions? These should be read in tandem with question 2 in Part 2.

(Please refer to the draft licence conditions in Part 3, Annex 2, for the legal drafting for implementing the Government's policy of ensuring that non-domestic customers with smart meters have minimum access to data).

Please provide responses to this question by Tuesday 19 November 2013

Part 2

DOMESTIC AND NON-DOMESTIC MARKETS: A CONSULTATION ON DRAFT AMENDMENTS TO SUPPLY LICENCE CONDITIONS

Introduction

- 2.1 This Part seeks views on proposed changes to electricity and gas suppliers' licence conditions. These proposed amendments are primarily consequent on the previously announced extension to the completion date for the smart metering roll-out from 31 December 2019 to 31 December 2020; the others seek to improve clarity and to ensure that the Government's policy intentions are fully reflected in legal drafting. The Government's proposals are set out below. The draft amended licence conditions giving effect to these proposals are at Annex 4.
- 2.2 Comments on the draft licence conditions at Annex 4 should be sent to the Smart Metering Implementation Programme at smartmetering@decc.gsi.gov.uk. Comments on the proposals set out in section (i) should be sent by Tuesday 19 November 2013, and comments on sections (ii) and (iii) should be sent by Tuesday, 3 December 2013. If you would like your response to be treated as confidential (and so not published), please make this clear. Enquiries should be made to Geoff Hatherick, Smart Metering Implementation Programme, Lower Ground Floor, 1 Victoria Street, London SW1H 0ET - geoff.hatherick@decc.gsi.gov.uk (telephone: 0300 068 6083).
- 2.3 The Smart Metering Implementation Programme also intends to discuss the drafting with the Programme's Regulatory Working Group.
- 2.4 The Government anticipates that it will lay revised licence conditions before Parliament in early 2014, with a view to their entering into force in April 2014.

Proposals

(i) Change of the completion date for the roll-out of smart metering and consequential changes

- 2.5 The Government announced in May 2013 that the completion date for the roll-out of smart meters would be moved from 31 December 2019 to 31 December 2020. The roll-out completion date in licence conditions therefore needs to be amended to 31 December 2020.
- 2.6 A number of other changes flow directly from this change:

- the exceptions that currently allow advanced meters to be installed where a contract is entered into by 5 April 2014 (to be amended to 5 April 2016 – see Part 1) where the installation takes place before 31 December 2019, will be amended so that advanced metering can be installed until 31 December 2020;
- the date by which Current Transformer and Large Gas Meters must be advanced meters will be changed from 31 December 2019 to 31 December 2020; and
- the date by which energy suppliers can re-submit their roll-out plans to Ofgem will be changed from 31 March 2017 to 31 March 2018.

Q1: Do you have any comments on the proposed legal re-drafting to take account of the extension to the completion of the smart metering roll-out to the end of 2020?

Please respond to Q1 by Tuesday 19 November 2013

(ii) Installation of advanced meters under the exceptions to the smart metering roll-out obligation

- 2.7 As set out in Part 1, the Government's intention in permitting limited installation of advanced metering was that, when this metering was replaced, smart metering should be installed in its place. Where advanced metering was installed under the "contractual arrangements" exception, such installation could only take place until the roll-out completion date. The only exception to this is where an advanced meter is also a current transformer electricity meter or large gas meter, in which case it can be replaced with the same meter-type beyond the completion date of the roll-out.
- 2.8 The Government is concerned that the licence conditions as currently drafted may not fully meet this policy intention. It therefore proposes to amend the licence conditions to ensure that:
- (a) any advanced metering installed on or before 5 April 2016 is not required under the overall roll-out obligation to be replaced with a smart meter by 31 December 2020;
 - (b) in addition, an advanced meter can be installed until 31 December 2020 pursuant to a contractual arrangement made on or before 5 April 2016. Advanced metering installed under such an arrangement is not required under the roll-out obligation to be replaced with a smart meter by 31 December 2020;
 - (c) after the later of 5 April 2016 and the switching on of a new and replacement obligation, an advanced meter that is replaced for any reason (other than one that is installed in the arrangement described in (b) above) must be replaced by a smart meter; and
 - (d) advanced metering replaced after the roll-out completion date should be replaced with smart metering.
- 2.9 One respondent to the Open Letter raised the question of whether advanced metering that had become faulty could be replaced with further advanced metering. The Government's view is that the replacement arrangements set out above should apply in these circumstances.

2.10 The consolidated position following the amendments to licence conditions is set out at sections 1.30-1.33 of Part 1.

(iii) Obtaining and using consumption data to produce statements of account

2.10 The existing licence conditions allow energy suppliers to obtain consumption data without consumers' consent for the purposes of producing bills. The Government proposes to amend these conditions to allow energy suppliers to use this data to produce statements of account. This will ensure that suppliers can comply with their regulatory requirements with respect to such statements.

Q2: 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 re-drafting (at Annex 4)?

Q3: Do you agree that the licence conditions should be amended to allow data that is collected for billing purposes also to be used to produce statements of account, and do you have any comments on the proposed legal drafting (at Annex 4)?

Please respond to these questions (Q2 and Q3) by Tuesday 3 December 2013

Annex 1

OPEN LETTER, JULY 2013: CONSULTATION QUESTIONS

1. In reaching a final decision [on amending the exception for advanced meters], the Government would welcome views on:

- whether the period during which advanced meters can be installed should be extended
- the impact on the non-domestic metering market if the exception period were not extended
- what effects any extension would have on the operation of the supply market
- whether any arrangements should apply in the same way to both electricity and gas meters
- if it should be extended, whether it should be extended to:
 - April 2015;
 - April 2016; or
 - a date that would be designated in due course with an appropriate notice period (for example, six or twelve months)

2. The Government would welcome views on this proposal [to clarify the meaning of “existing contractual arrangements”].
3. The Government would welcome views on the appropriateness of amending the definition of non-domestic premises to mean all non-domestic sites in Profile Classes 1-4.
4. The Government would welcome views on incorporating this minimum requirement for information provision [customer right of timely access to half-hourly electricity or hourly gas data] in the definition of a Smart Metering System at designated premises in the roll-out licence conditions.

Annex 2

RESPONDENTS TO CONSULTATION

Respondent	
1	British Gas
2	Calvin Capital Ltd
3	Corona Energy
4	EDF Energy
5	Energy Assets
6	Energy Services and Technology Association (ESTA)
7	E.On
8	Gazprom Energy
9	GdF Suez Energy
10	Haven Power Ltd
11	Industrial and Commercial Gas Shippers and Suppliers (ICOSS)
12	National Grid Metering Ltd
13	Npower
14	Office of Gas and Electricity Markets (Ofgem)
15	Scottish Power
16	Smart Metering Systems PLC
17	SmartestEnergy Ltd
18	SSE
19	Technolog Ltd
20	TMA Data Management Ltd

Annex 3

RESPONSES TO OPEN LETTER CONSULTATION

Summary of responses	
Q1	<p>Whether the period during which advanced meters can be installed should be extended.</p> <p>The great majority - eighteen - of respondents favoured, or would accept, an extension. Those supporting extension did so for various reasons:</p> <ul style="list-style-type: none"> • the waiting period - to 2015 - for availability of SMETS 2 meters; • the cost and complexity of procuring, installing and operating systems based on SMETS 1 meters in the meantime; • the waiting period - to Q3 2015 and beyond - for availability of DCC services to all suppliers; • the availability of HAN solutions. <p>These respondents (especially small suppliers) noted that extension would:</p> <ul style="list-style-type: none"> • enable customers to retain choice and access to benefits; • ensure that there was no hiatus in smarter installations and delivery of benefits between April 2014 and mass roll-out; • allow industry to plan and develop strategies for delivery; • provide market stability; • allow testing of integration between final SMETS design and interaction between suppliers and DCC; • improve competition. <p>Eleven respondents considered an extension to April 2016 to be appropriate on the basis that a specific end-date provided the market with greater clarity; addressed uncertainty about when SMETS 2 and DCC services would be available to all parties; and would ensure alignment with the domestic roll-out.</p> <p>Seven respondents considered that an extension date to be designated in due course, with an appropriate notice period, was preferable. As well as ensuring that SMETS 2 meters and DCC services were available, it would avoid the need for a further consultation period should SMETS 2 meters or DCC services be delayed. Of these respondents four felt that the notice period should be twelve months, while one felt that six months' notice would be enough.</p> <p>One respondent considered extension to April 2015 to suffice, on the basis that SMETS- compliant meters should be widely available at that point; and</p>

	<p>that a specific date gave suppliers a greater focus around smart installations.</p> <p>Eight respondents said that gas and electricity should be treated in the same way. They saw no reason for separate approaches, were concerned that separation would lead to customer confusion, would bring benefits of efficiency and a positive customer experience. One respondent felt that the extension should only be for gas, principally because of the potential impact of increased advanced metering use on smart electricity grids. It also considered that there were no structural or regulatory obstacles that necessitated extension, especially given DECC's efforts to encourage participation in foundation.</p> <p>One respondent argued that the period within which advanced metering could be installed should not be extended. It felt that the current deadline accommodated market arrangements and struck the right balance between obtaining short-term benefits from advanced meters and securing longer term benefits from smart. It saw drawbacks around interoperability and the ability of advanced metering to meet privacy requirements. If extension were to occur, it would prefer April 2015.</p>
<p>Q2</p>	<p>Specifying the meaning of “contractual arrangements” in the advanced exceptions.</p> <p>Ten respondents welcomed the removal of ambiguity in the licence conditions. Most respondents had interpreted “contractual arrangements” as needing to involve the customer. One respondent noted that, where a customer wished to continue a holistic, advanced service, but had not completed its advanced installations, it might be forced to remain with that supplier to do so.</p>
<p>Q3</p>	<p>The Government would welcome views on the appropriateness of amending the definition of non-domestic premises to mean all non-domestic sites in Profile Classes 1-4.</p> <p>Twelve respondents replied to this question. All but one agreed with the proposal to amend the definition of non-domestic premises in the electricity licence condition. One felt that amendment was unnecessary, and suggested that, if an alternative definition were required, it should not rely on a BSC reference.</p>
<p>Q4</p>	<p>The Government would welcome views on incorporating this minimum requirement for information provision in the definition of a Smart Metering System at designated premises in the roll-out licence conditions.</p> <p>Nine respondents supported the proposal that there should be a minimum right for customers to have timely access to half-hourly electricity or hourly gas. Four were concerned that a supplier might not control access to data where a customer had contracted with a third party data provider and might not, therefore, be able to ensure provision of the minimum information required.</p>

Annex 4

MODIFICATIONS TO THE STANDARD CONDITIONS OF ELECTRICITY AND GAS SUPPLY LICENCE CONDITIONS

ENERGY

SMART METERS

MODIFICATIONS TO THE STANDARD CONDITIONS OF ELECTRICITY AND GAS SUPPLY LICENCES

The Secretary of State makes the following licence modifications in exercise of the powers conferred by section 88(1) of the Energy Act 2008 (“the Act”).

The Secretary of State has consulted the holders of any licence being modified, the Gas and Electricity Markets Authority and such other persons as the Secretary of State considered appropriate in accordance with section 89(1) of the Act.

A draft of these licence modifications has been laid before Parliament in accordance with section 89(3) of the Act. Neither House of Parliament resolved, within the 40-day period referred to in section 89(4) of the Act, that the Secretary of State should not make the licence modifications.

Modifications to the standard conditions of electricity supply licences

- 1 The standard conditions of electricity supply licences granted, or treated as granted, under section 6(1)(d) of the Electricity Act 1989 are, with effect from [insert date], modified in accordance with paragraphs 2 to 6.
- 2 In standard condition 1, in paragraph 1.3, replace the existing definition of ‘Designated Premises’ with –

 “‘Designated Premises’ means Non-Domestic Premises at which a metering point falls within profile class 1, 2, 3 or 4 as defined in the Balancing and Settlement Code on 30 November 2012;”
- 3 In standard condition 12 –
 - (a) in the heading immediately before paragraph 12.27 replace “2020” with “2021”; and
 - (b) in existing paragraph 12.27, replace “31 December 2019” with “31 December 2020”.

4 In standard condition 39 –

- (a) in paragraph 39.1, replace “31 December 2019” with “31 December 2020”;
- (b) in paragraph 39.2, replace “paragraphs 39.8, 39.9 and 39.10.” with “paragraphs 39.8, 39.10, and 39.13.”
- (c) in paragraph 39.6, replace “paragraphs 39.8, 39.9 and 39.10.” with “paragraphs 39.8, 39.11 and 39.14.”
- (d) replace existing paragraph 39.9 with following new paragraph 39.9 –

“39.9 Paragraphs 39.10 and 39.11 apply in respect of any Designated Premises in respect of which:

- (a) the licensee (or any other person) has, on or before 5 April 2016, made arrangements for an Advanced Meter to be installed at the Designated Premises (the **relevant arrangements**); and
- (b) the obligation under the relevant arrangements to install an Advanced Meter is to be satisfied by a date which is on or before 5 April 2016.

- (e) after paragraph 39.9, delete existing paragraph 39.10 and insert the following new paragraphs 39.10, 39.11, 39.12, 39.13 and 39.14 -

“39.10 Where this paragraph applies, the requirement in paragraph 39.1 does not apply:

- (a) on or before 5 April 2016;
- (b) after 5 April 2016 where:
 - (i) the Electricity Meter installed at the Designated Premises is an Advanced Meter; and
 - (ii) that Advanced Meter was installed on or before 5 April 2016.

39.11 Where this paragraph applies, the requirement in paragraph 39.3 does not apply until:

- (a) 6 April 2016; or
- (b) the date specified in a direction issued to the licensee in accordance with paragraph 39.5,

whichever is the later.

39.12 Paragraphs 39.13 and 39.14 apply in respect of any Designated Premises in respect of which:

- (a) the licensee (or any other person) has, on or before 5 April 2016, entered into a contract with the Customer at the Designated Premises to install or arrange

the installation of an Advanced Meter at the Designated Premises (the relevant contract); and

- (b) the relevant contract provides that the obligation to install the Advanced Meter is to be satisfied by a date which is on or before 31 December 2020.

39.13 Where this paragraph applies, the requirement in paragraph 39.1 does not apply:

- (a) on or before 31 December 2020;
- (b) after 31 December 2020 where:
 - (i) the Electricity Meter installed at the Designated Premises is an Advanced Meter; and
 - (ii) that Advanced Meter was installed pursuant to the obligation provided for in the relevant contract on or before 31 December 2020.

39.14 Where this paragraph applies, the requirement in paragraph 39.3 does not apply until the later of:

- (a) the date which is the earlier of:
 - (i) the date that an Advanced Meter is installed at the Designated Premises pursuant to the relevant contract; or
 - (ii) 1 January 2021; and
- (b) the date specified in a direction issued to the licensee in accordance with paragraph 39.5.”

(f) renumber existing paragraph 39.11 as paragraph 39.15.

5 In standard condition 44, in paragraph 44.6(a) replace “31 March 2017” with “31 March 2018”.

6 In standard condition 47 –

- (a) in paragraph 47.6(b)(i), after “Bill” insert “or a statement of account”;
- (b) in paragraph 47.6(b)(ii), in both places where it is used after “Bill” insert “or statement of account”;
- (c) in paragraph 47.10(a), after “Bill” insert “or a statement of account”; and
- (d) in paragraph 47.18(a), after “Bill” insert “or a statement of account”.

Modifications to the standard conditions of gas supply licences

7. The standard conditions of gas supply licences granted, or treated as granted, under section 7A(1) of the Gas Act 1986 are, with effect from [insert date], modified in accordance with paragraphs 8 to 11 .
8. In standard condition 12 –
 - (a) in the heading immediately before paragraph 12.30 replace “2020” with “2021”; and
 - (b) in existing paragraph 12.30, replace “31 December 2019” with “31 December 2020”.
9. In standard condition 33 –
 - (a) in paragraph 33.1, replace “31 December 2019” with “31 December 2020”
 - (b) in paragraph 33.2, replace “paragraphs 33.8, 33.9 and 33.10.” with “paragraphs 33.8, 33.10 and 33.13.”
 - (c) in paragraph 33.6, replace “paragraphs 33.8, 33.9 and 33.10.” with “paragraphs 33.8, 33.11 and 33.14.”;
 - (d) replace existing paragraph 33.9 with following new paragraph 33.9 –

“33.9 Paragraphs 33.10 and 33.11 apply in respect of any Designated Premises in respect of which:

 - (a) the licensee (or any other person) has, on or before 5 April 2016, made arrangements for an Advanced Meter to be installed at the Designated Premises (the **relevant arrangements**); and
 - (b) the obligation under the relevant arrangements to install an Advanced Meter is to be satisfied by a date which is on or before 5 April 2016.
 - (e) after paragraph 33.9, delete existing paragraph 33.10 and insert the following new paragraphs 33.10, 33.11, 33.12, 33.13 and 33.14 -

“33.10 Where this paragraph applies, the requirement in paragraph 33.1 does not apply:

 - (a) on or before 5 April 2016;
 - (b) after 5 April 2016 where:
 - (i) the Gas Meter installed at the Designated Premises is an Advanced Meter; and
 - (ii) that Advanced Meter was installed on or before 5 April 2016.

33.11 Where this paragraph applies, the requirement in paragraph 33.3 does not apply until:

 - (a) 5 April 2016; or
 - (b) the date specified in a direction issued to the licensee in accordance with paragraph 33.5,

whichever is the later.

33.12 Paragraphs 33.13 and 33.14 apply in respect of any Designated Premises in respect of which:

- (a) the licensee (or any other person) has, on or before 5 April 2016, entered into a contract with the Customer at the Designated Premises to install or arrange the installation of an Advanced Meter at the Designated Premises (the relevant contract); and
- (b) the relevant contract provides that the obligation to install the Advanced Meter is to be satisfied by a date which is on or before 31 December 2020.

33.13 Where this paragraph applies, the requirement in paragraph 33.1 does not apply:

- (a) on or before 31 December 2020;
- (b) after 31 December 2020 where:
 - (i) the Gas Meter installed at the Designated Premises is an Advanced Meter; and
 - (ii) that Advanced Meter was installed pursuant to the obligation provided for in the relevant contract on or before 31 December 2020.

33.14 Where this paragraph applies, the requirement in paragraph 33.3 does not apply until the later of:

- (a) the date which is the earlier of:
 - (i) the date that an Advanced Meter is installed at the Designated Premises pursuant to the relevant contract; or
 - (ii) 1 January 2021; and
- (b) the date specified in a direction issued to the licensee in accordance with paragraph 33.5.

10. In standard condition 38, in paragraph 38.6(a) replace “31 March 2017” with “31 March 2018”.

11. In standard condition 41 -

- (a) in paragraph 41.6(b)(i), after “Bill” insert “or a statement of account”;
- (b) in paragraph 41.6(b)(ii), in both places where it is used after “Bill” insert “or statement of account”;
- (c) in paragraph 41.10(a), after “Bill” insert “or a statement of account”; and
- (d) in paragraph 41.18(a), after “Bill” insert “or a statement of account”.

Part 3

CONSULTATION ON DRAFT LICENCE CONDITIONS IMPLEMENTING THE EU ENERGY EFFICIENCY DIRECTIVE PROVISIONS ON CONSUMER ACCESS TO CONSUMPTION AND EXPORT DATA.

Introduction

- 3.1 This document sets out for consultation draft gas and electricity supply licence conditions to implement provisions of the Energy Efficiency Directive that apply to smart metering. These provisions seek to ensure consumer access to consumption (offtake) and input (export - electricity only) data where it is available in line with Articles 10(2)(b) and 9(2)(d) of the Directive.
- 3.2 These licence conditions include text, unrelated to the implementation of the Directive, giving effect to the Government's decision that non-domestic customers with smart meters should have an equivalent minimum right to timely access to half-hourly electricity and hourly gas data as those with advanced meters (see paragraphs 1.26-1.29 of Part 1 of this document).
- 3.3 It is expected that the licence conditions will be laid in parliament in the first quarter of 2014 to meet the transposition deadline for EU Member States of 5 June 2014.
- 3.4 Comments on the questions posed in part 3 of this consultation should be sent to the Smart Metering Implementation Programme at smartmetering@decc.gsi.gov.uk by Tuesday, 3 December 2013. If you would like your response to be treated as confidential (and so not published), please make this clear. Enquiries should be made to Nina Webber, Smart Metering Implementation Programme, Lower Ground Floor, 1 Victoria Street, London SW1H 0ET - nina.webber@decc.gsi.gov.uk (telephone: 0300 068 6732).

Policy Background

Overall objectives of smart metering provisions of the EED

- 3.5 The EU Energy Efficiency Directive (2012/27/EC)⁴ (EED) entered into legal force in December 2012. Member States are required to transpose it into national legislation or regulation by 5 June 2014.

⁴ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:315:0001:0056:EN:PDF>

- 3.6 The EED establishes a common framework of measures for the promotion of energy efficiency within the EU and includes a number of requirements which relate to the roll-out of smart meters in Member States.

EU framework for the roll-out of smart meters

- 3.7 The Directive contains several provisions relating to smart meters, most of which are in line with the current design of the GB Smart Metering Implementation Programme. However there are two articles (see text at Annex 1) where further regulatory steps are required to ensure UK transposition:
- Article 9(2)d of the directive requires that domestic consumers or a third party acting on their behalf should have access to electricity export (input) and consumption (offtake) metering data on request, in an easily understandable format that they can use to compare deals on a like-for-like basis;
 - Article 10(2)b requires that where a domestic consumer has a SMETS compliant smart electricity or gas meter installed they have the right to easy access to at least the previous 24 months of daily, weekly, monthly and annual consumption data. If a consumer has been with their supplier for less than 24 months they have the right to access their data for the length of their supply contract.

Scope of the consultation

- 3.8 This consultation seeks views on:
- Draft licence conditions for article 10(2)(b);
 - The proposed approach to implementation of article 9(2)(d) alongside the draft licence conditions for provision of article 10(2)(b).
- 3.9 An initial consultation on transposing provisions in article 10(2)(b) was published on 12 December 2012 and closed on 6 February 2013. The Government concluded in the SMETS 2 Government response published in July 2013⁵ that the capability to include 24 months of daily reads should be added to SMETS 2 meters. Alongside such requirements the Government concluded that suppliers should be required by licence conditions to provide consumers with easy access to their data, either over the internet or via the meter interface.
- 3.10 We have not previously consulted on proposals relating to article 9(2)(d). Given the overlapping requirements of each of these EED provisions, we consider that the simplest and most cost effective way to implement article 9(2)(d) will be to introduce licence conditions on energy suppliers alongside those for article 10(2)(b).
- 3.11 It is the intention that these draft licence conditions would be laid in Parliament early in 2014. Ofgem will be responsible for monitoring and taking licence enforcement action where necessary in line with its guidelines.

5

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/209840/SMIP_E2E_SMETS2_govt_consultation_response_part_2_final.pdf

Providing consumers with access to consumption data

- 3.12 Further to our conclusions from the 12th December 2012 consultation it is proposed that implementation of article 10(2)(b) provisions should be via modifications to the electricity and gas suppliers licence conditions respectively. Draft licence conditions are set out in Annex 2. It is proposed that general requirement will be placed on electricity and gas suppliers in licence conditions to:
- provide daily, weekly, monthly and annual consumption data to consumers for a period of at least 24 months or the length of the supply contract whichever is the shorter;
 - provide access to such data over the internet or meter interface to consumers with meters operating in the smart mode or (where there is a communication link);
 - inform consumers that this consumption data will be available to them on request; and
 - ensure that the data will be provided free of charge.
- 3.13 Licence conditions on the consumption data provisions of article 10(2)(b) will fulfil the offtake data requirements of article 9(2)(d) (see paragraph 3.19). Consequently, these licence conditions will for the purposes of consistency refer to data needing to be in a readily understandable format in line with article 9(2)(d).
- 3.14 The licence conditions will also include an exemption in line with the operational licence condition to exclude provision of access to consumption data at change of supplier, where the gaining supplier opts to not operate the meter in the smart mode (i.e. where a Communications Link is not established, whether directly or indirectly through the DCC's Communications System) between the Smart Metering System and the energy supplier's Communications System.
- 3.15 The EED applies to smart meters installed before, and from, the EED implementation date. In line with the draft licence conditions, suppliers will therefore be required to ensure that consumers with SMETS 1 meters can also access their consumption data over the meter interface, or over the internet upon request.
- 3.16 Suppliers will only need to start collecting 24 months of consumption data at the point a consumer requests it. The minimum requirements for SMETS 1 meters do not include the capability to store 24 months of daily consumption data. SMETS 1 meters can only provide 13 months of consumption data. Suppliers will therefore be required to provide an alternative solution to ensure that they can meet the consumer's request for access to 24 months of daily consumption data.
- 3.17 If a SMETS 1 meter churns to a new supplier on change of supplier, that supplier will also need to provide consumption data to the consumer on request, if the meter continues to be operated in 'smart mode' i.e. where a Communications Link is established between the Smart Metering System and the energy supplier's Communications System. At effective date the supplier must provide relevant consumption data that is stored on the meter (up to 24 months) and after this point arrange for access to full 24 months of data.

Providing consumers with access to export data

- 3.18 There are no existing licence conditions on suppliers to provide export data to consumers. It is therefore proposed that a general requirement will be placed on the export supplier in licence conditions to:

- provide access to export data held on the meter where it is available (i.e. up to 3 months for both SMETS 1 and SMETS 2 meters) in a readily understandable format to ensure customers can compare deals on a like for like basis;
 - inform consumers that this export data will be available to them upon request.
- 3.19 The requirement within article 9(2)(d) on the provision of domestic consumers electricity consumption data will have been addressed by the capability of SMETS compliant meters to store historical consumption data (13months for SMETS 1 meters and 24 months for SMETS 2 meters) and associated draft licence conditions for Article 10(2)(b).
- 3.20 The licence conditions to provide consumer access to export data would only apply where the export supplier is using a smart meter to record metering data on the export of electricity. Provision of access to export data will not apply where there is no established Communications Link between the Smart Metering System and the energy supplier's Communications System.
- 3.21 The method of delivery of the export data i.e. whether by internet or the meter interface or otherwise will not be prescribed in the licence conditions to allow flexibility on how the data is provided.
- 3.22 We consider that the input data requirements of article 9(2)(d) can be readily implemented by suppliers because both SMETS 1 and SMETS 2 meters have the capability to store export data and the installing supplier is able to configure the meter for export purposes. Draft licence conditions are set out in Annex 2.
- 3.23 We have also considered the transposition of the requirement to provide access to electricity export and consumption data to a third party acting on behalf of the consumer. The Smart Energy Code enables authorised third parties to access consumers' import and export data. We therefore propose that these licence conditions should not put separate obligations on suppliers to provide such metering data directly to third parties

Energy Efficiency Directive Licence Conditions

Q1	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.
Q2	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.
Q3	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.

Annex 1

ENERGY EFFICIENCY DIRECTIVE SMART METERING ARTICLE TEXT

Article 9

(2) Where, and to the extent that, Member States implement intelligent metering systems and roll out smart meters for natural gas and/or electricity in accordance with Directives 2009/72/EC and 2009/73/EC:

(d) they shall ensure that if final customers request it, metering data on their electricity input and off-take is made available to them or to a third-party acting on behalf of the final customer in an easily understandable format that they can use to compare deals on a like-for-like basis.

Article 10 (2)

Meters installed in accordance with Directives 2009/72/EC and 2009/73/EC shall enable accurate billing information based on actual consumption. Member States shall ensure that final customers have the possibility of easy access to complementary information on historical consumption allowing detailed self-checks.

Complementary information on historical consumption shall include:

- (a) cumulative data for at least the three previous years or the period since the start of the supply contract if this is shorter. The data shall correspond to the intervals for which frequent billing information has been produced; and*
- (b) detailed data according to the time of use for any day, week, month and year. These data shall be made available to the final customer via the internet or the meter interface for the period of at least the previous 24 months or the period since the start of the supply contract if this is shorter.*

Annex 2

DRAFT ELECTRICITY AND GAS SUPPLY LICENCE CONDITIONS

Draft Licence Condition (for Electricity Supply Licence) for domestic consumer access to consumption and export data, including an obligation in respect of timely access to smart metering data for customers at Designated (non-domestic) Premises

Condition [No] - Smart Metering - Customer Access to Consumption Data

Application

- 1 Parts A and D of this Condition apply to the licensee in respect of any Domestic Premises at which:
 - (a) it is the Relevant Electricity Supplier; and
 - (b) there is installed a Smart Metering System,(the relevant premises)
- 2 Parts B and D of this Condition apply to the licensee in respect of any Domestic Premises at which:
 - (a) it is, pursuant to the Master Registration Agreement, registered as being responsible for a metering point at which there is Export; and
 - (b) there is installed a Smart Metering System,(the relevant export premises).
- 3 Parts C and D of this Condition apply to the licensee in respect of any Designated Premises at which:
 - (a) it is the Relevant Electricity Supplier; and
 - (b) there is installed a Smart Metering System,(the relevant designated premises).

PART A - OBLIGATIONS IN RESPECT OF RELEVANT PREMISES

Access to Relevant Consumption Data

- 4 In respect of each relevant premises, the licensee must:

- (a) within a reasonable period of time after the Effective Date, notify the Domestic Customer at the premises that the licensee can, if requested, make available Relevant Consumption Data such that it can be accessed by the Domestic Customer in accordance with paragraph (b); and
- (b) as soon as is reasonably practicable after receiving any request to do so from the Domestic Customer at those premises, make available (free of charge and in a readily understandable format) Relevant Consumption Data such that it can be accessed, at any time, by the Domestic Customer via:
 - (i) the internet; or
 - (ii) where the licensee does not provide access via the internet, a Consumer Device provided, free of charge, by the licensee to the Domestic Customer for the purposes of meeting the Domestic Customer's request.

5 The requirements of paragraph 4 are subject to paragraph 8.

Retention of Consumption Data

6 Paragraph 7 applies where:

- (a) paragraph 4(b) applies; and
- (b) the Smart Metering System (or any part of it) at the relevant premises does not retain consumption data for the Relevant Period.

7 Where this paragraph applies:

- (a) the licensee must establish arrangements which enable consumption data to be retained for the Relevant Period; and
- (b) until such date as consumption data is retained for the Relevant Period, the reference to 24 months in the definition of Relevant Consumption Data shall be construed as a reference to the period for which consumption data is retained.

Exception

8 The requirements in paragraph 4 do not apply where:

- (a) the Smart Metering System at the relevant premises was not installed or arranged to be installed by the licensee; and
- (b) a Communications Link is not established (whether directly or indirectly through the DCC's Communications System) between the Smart Metering System and the licensee's Communications System.

PART B - OBLIGATIONS IN RESPECT OF RELEVANT EXPORT PREMISES

Access to Relevant Export Data

- 9 In respect of any relevant export premises at which the Smart Metering System measures the quantity of Export, the licensee must:
- (a) within a reasonable period of time after the Effective Date or the Export Date (whichever is the later), notify the Domestic Customer at the premises that the licensee can, if requested, make available Relevant Export Data such that it can be accessed by the Domestic Customer in accordance with paragraph (b); and
 - (b) as soon as is reasonably practicable after receiving any request to do so from the Domestic Customer at those premises, make available (in a readily understandable format) Relevant Export Data such that it can be accessed by the Domestic Customer.
- 10 The requirements of paragraph 9 are subject to paragraph 11.

Exception

- 11 The requirements in paragraph 9 do not apply where a Communications Link is not established (whether directly or indirectly through the DCC's Communications System) between the Smart Metering System and the licensee's Communications System.

PART C - OBLIGATIONS IN RESPECT OF RELEVANT DESIGNATED PREMISES

- 12 In respect of each relevant designated premises, the licensee must ensure that the Customer at the premises, or that Customer's nominated agent, has timely access, on request, to the half-hourly consumption data which is held by or stored in the Smart Metering System at such premises.

PART D - DEFINITIONS

Definitions

- 13 In this Condition:

Consumer Device means any device which, by virtue of being connected to the Smart Metering System through the HAN Interface, is capable of providing the Domestic Customer with access (whether directly or indirectly) to Relevant Consumption Data or to Relevant Export Data.

Communications Link has the meaning given to it in standard condition [49]

	of this licence.
Communications System	has the meaning given to it in standard condition [49] of this licence.
DCC	has the meaning given to it in standard condition [49] of this licence.
Effective Date	means: (a) in respect of any Domestic Premises which is a relevant premises on the date this Condition takes effect, the date this Condition takes effect; (b) in respect of any Domestic Premises which is a relevant premises only from a date after the date on which this Condition takes effect, the date on which that Domestic Premises first becomes a relevant premises.
Export	has the meaning given to it in Schedule A to standard condition 33 of this licence.
Export Date	means the date on which the Smart Metering System installed at the relevant premises first starts to measure the quantity of Export.
HAN Interface	has the meaning given to it in the SME Technical Specification.
Relevant Consumption Data	means, in respect of any relevant premises, detailed data as to the quantity of electricity supplied to the premises in each day, week, month, and year for the period: (a) of 24 months prior to the date on which the Domestic Customer at the premises accesses the data; (b) starting from the date on which the licensee became the Relevant Electricity Supplier at the relevant premises and ending on the date on which the Domestic Customer accesses the

data; or

- (c) starting from the date the Smart Metering System was installed at the relevant premises and ending on the date on which the Domestic Customer accesses the data,

whichever is the shorter period on the date on which the Domestic Customer accesses the data.

Relevant Export Data

means, in respect of any relevant premises at which the Smart Metering System measures Export, detailed data as to the quantity of Export in each day, week, and month for the period for which that data is held by, or stored in, the Smart Metering System.

Relevant Period

means the period of 24 months prior to the date on which the Domestic Customer at the premises accesses consumption data.

Draft Licence Condition (for Gas Supply Licence) for domestic consumer access to consumption data, including an obligation in respect of timely access to smart metering data for customers at Designated (non-domestic) Premises.

Note: the draft gas supply licence condition (below) replaces the version included in the version of this document that was published on 22 October.

Condition [No] - Smart Metering - Customer Access to Consumption Data

Application

- 1 Parts A and C of this Condition applies to the licensee in respect of any Domestic Premises at which:
 - (a) it is the Relevant Gas Supplier; and
 - (b) there is installed a Smart Metering System,(the relevant premises).
- 2 Parts B and C of this Condition apply to the licensee in respect of any Designated Premises at which:
 - (a) it is the Relevant Gas Supplier; and
 - (b) there is installed a Smart Metering System,(the relevant designated premises).

PART A - OBLIGATIONS IN RESPECT OF RELEVANT PREMISES

Access to Relevant Consumption Data

- 3 In respect of each relevant premises, the licensee must:
 - (a) within a reasonable period of time after the Effective Date, notify the Domestic Customer at the premises that the licensee can, if requested, make available Relevant Consumption Data such that it can be accessed by the Domestic Customer in accordance with paragraph (b); and
 - (b) as soon as is reasonably practicable after receiving any request to do so from the Domestic Customer at those premises, make available (free of charge and in a readily understandable format) Relevant Consumption Data such that it can be accessed, at any time, by the Domestic Customer via:
 - (i) the internet; or

- (ii) where the licensee does not provide access via the internet, a Consumer Device provided, free of charge, by the licensee to the Domestic Customer for the purposes of meeting the Domestic Customer's request.

4 The requirements of paragraph 3 are subject to paragraph 7.

Retention of Consumption Data

5 Paragraph 6 applies where:

- (a) paragraph 3(b) applies; and
- (b) the Smart Metering System (or any part of it) at the relevant premises does not retain consumption data for the Relevant Period.

6 Where this paragraph applies:

- (a) the licensee must establish arrangements which enable consumption data to be retained for the Relevant Period; and
- (b) until such date as consumption data is retained for the Relevant Period, the reference to 24 months in the definition of Relevant Consumption Data shall be construed as a reference to the period for which consumption data is retained.

Exception

7 The requirements in paragraph 3 do not apply where:

- (a) the Smart Metering System at the relevant premises was not installed or arranged to be installed by the licensee; and.
- (b) a Communications Link is not established (whether directly or indirectly through the DCC's Communications System) between the Smart Metering System and the licensee's Communications System.

PART B - OBLIGATIONS IN RESPECT OF RELEVANT DESIGNATED PREMISES

8 In respect of each relevant designated premises, the licensee must ensure that the Customer at the premises, or that Customer's nominated agent, has timely access, on request, to the hourly consumption data which is held by or stored in the Smart Metering System at such premises.

PART C - DEFINITIONS

Definitions

9 In this Condition:

Consumer Device	means any device which, by virtue of being connected to the Smart Metering System through the HAN Interface, is capable of providing the Domestic Customer with access (whether directly or indirectly) to Relevant Consumption Data.
Communications Link	has the meaning give to it in standard condition [43] of this licence.
Communications System	has the meaning give to it in standard condition [43] of this licence.
DCC	has the meaning give to it in standard condition [43] of this licence.
Effective Date	means: (a) in respect of any Domestic Premises which is a relevant premises on the date this Condition takes effect, the date this Condition takes effect; (b) in respect of any Domestic Premises which is a relevant premises only from a date after the date on which this Condition takes effect, the date on which that Domestic Premises first becomes a relevant premises.
HAN Interface	has the meaning given to it in the SME Technical Specification.
Relevant Consumption Data	means, in respect of any relevant premises, detailed data as to the quantity of gas supplied to the premises in each day, week, month, and year for the period: (a) of 24 months prior to the date on which the Domestic Customer at the premises accesses the data; (b) starting from the date on which the licensee became the Relevant Gas Supplier at the relevant premises and ending on the date on

which the Domestic Customer accesses the data; or

- (c) starting from the date the Smart Metering System was installed at the relevant premises and ending on the date on which the Domestic Customer accesses the data,

whichever is the shorter period on the date on which the Domestic Customer accesses the data.

Relevant Period

means the period of 24 months prior to the date on which the Domestic Customer at the premises accesses consumption data.

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