

Smart Metering Implementation Programme - Regulation
Department of Energy & Climate Change
Orchard 3, Lower Ground Floor
1 Victoria Street
London, SW1H 0ET

31 December 2014

Dear Sir or Madam,

Consultation on additional SEC content.

We broadly agree with the proposals in the consultation document, but our detailed views on the matters raised are set out in the annex to this letter.

We would also like to comment on one other aspect of the legal drafting that was altered since the SEC4 consultation but for which no comment was sought.

This was the requirement at L4.7(c) (ii) which deals with the requirement for the DCC to provide the Secretary of State with participant's detailed responses.

We believe it is important that the Secretary of State has the fullest possible access to SMIP participants' views, before making any decisions in the wake of DCC consultations. We therefore very much welcome the textual change that would see the Secretary of State provided with copies of the actual consultation responses received, and not merely a summary of their contents. However, we are still concerned that the consultation questions themselves often do not adequately cover all of the issues raised by the consultation document. Parties can only respond to the questions put to them and, for that reason, from time to time we might provide a covering letter to draw out any additional points we consider germane and might wish to make. We would therefore prefer to see wording added to the effect that any copies of responses be provided to the Secretary of State in their entirety, or we would be concerned that the DCC might simply 'export' the question responses into a spreadsheet template that served to exclude any wider points made.

Should you wish to discuss any aspect of this response please do not hesitate to contact

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Annex

Additional Public Key Infrastructures and SMKI-related changes

Q1 Do you agree with the proposed approach and legal drafting in relation to Infrastructure Key Infrastructure?

Yes.

Q2 Do you agree with the proposed approach and legal drafting in relation to DCC Key Infrastructure?

Yes.

Q3 Do you agree with the proposed approach and legal drafting in relation to allowing RDPs to become Authorised Subscribers for Organisation Certificates?

No comment.

Q4 Do you agree with the proposed approach and legal drafting in relation to the checks the DCC must apply when deciding if a Subscriber is an Eligible Subscriber?

We agree with the approach as proposed.

Q5 Do you agree with the proposed approach and legal drafting in relation to the size restrictions on a number of fields in Device and Organisation Certificates?

We are generally comfortable with this, but subject to the scrutiny of tScheme and the CIO.

Security-Related requirements & Post-Commissioning Obligations legal drafting

Q7 Do you agree that the proposed changes are necessary and proportionate to protect DCC Systems?

We recognise the need for the DCC to ensure that its Systems are suitably protected and that Users connecting to the DCC are in some way accountable.

The protection of DCC Systems and how these provisions are discharged to the DCC User community must take into account the following considerations:

- Users have no responsibility for the DCC Gateway installed in their data centres and therefore the boundaries of responsibility must be clearly and consistently defined – we have recently observed the DCC's additional considerations in terms of connection for testing purposes and the use of different terminology to describe the boundary of User Systems in terms of vulnerability assessments.

- Any change to the definition of 'User Systems' is subject to detailed impact assessment and possible changes to system design which has a possible direct impact on delivery and the assurance measures that have already been undertaken
- A fully defined incident management process is established – where the DCC believes it needs to take action against a specific user, this needs to be fully defined at an operational level. We observe that there is still work to be undertaken in terms of incident management and how the DCC communicates with users in such circumstances where services are suspended. While we recognise that the SEC sets out the principles it must be ensured that the appropriate operational controls are in place to deliver the intent set out in this consultation.

Q8 Do you agree with the proposed changes to the post commissioning obligations and associated limitation of liabilities?

We are reasonably comfortable with the proposed changes to the post commissioning obligations.

Regards the associated limitation of liabilities, however, although we agree with these in principle, we think the legal drafting might require some attention. In particular, we would highlight that the sections referred to in the revised M2.7 and M2.8 (i.e. H5.33, H5.34, H5.35 H5.37 and H5.38) will no longer exist if the proposals referred to in Q10, below, are implemented. We would also question the reference to M2.16 in M2.8 (b), which might need to be changed to M2.18 to account for the introduction of additional earlier sections.

Q9 At what point should the Recovery Key on a meter be validated?

To ensure consistency with other validation obligations, we would propose that the Recovery Key is validated within 7-days of installation.

Movement of some Technical Arrangements into Subsidiary Documents and Providing for Some SEC Milestones to be Turned into Dates

Q10 Do you agree with the proposal to move four sections of the SEC (H4, H5, H6 and O3) from the SEC into SEC subsidiary documents, and the proposed changes to the legal drafting accommodate this?

Yes. Given that SEC modification provisions allow the main body of the Code to be altered by any of Path 1, 2 or 3 processes, already affording considerable flexibility, we are unclear as to the need to confine detailed technical matters to code subsidiary documents.

Nonetheless, allowing these sections to appear as standalone documents might make them more readily consulted, and we have no particular objection to the proposed approach.

Q11 Do you agree with the proposed approach to amending the legal drafting to provide for the Secretary of State to direct that an activity is required to be carried out in advance of a specified date instead of a milestone?

While we broadly accept the rationale for this, we are concerned it might introduce a degree of uncertainty: linking activities to milestones generally infers dependency and, even if the relationship is actually less critical, these are likely to have been incorporated as such in Parties' own project plans. To avoid confusion, therefore, it would be better for Parties to understand what activities might be affected by this new approach, upfront.

Test Services to Support System Providers and Shared Systems, and Possible DCC Gateway Connection Requirements for Remote Testing

Q12 Do you agree with the approach and proposed legal drafting supporting Parties undertaking tests equivalent to UEPT and SREPT on their own account?

We agree, provided the approach remains consistent with overall DCC User testing principle. From a DCC perspective, it will be essential for the appropriate timescales and testing facilities to be made available to support such activities if it is to ensure this provision does not impact/delay wider SEC User planned activities.

Q13 Based on our understanding of the DCC's remote testing offering, it may be that a DCC Gateway Connection is required, which would mean that remote testing would only be available to SEC Parties. We welcome views from prospective testing participants on the impact this may have on their plans.

We do not expect to be directly impacted by this proposal.

ScottishPower
31 December 2014