

Condition 38. Roll-out Reporting, Setting and Achieving Annual Milestones, and Provision of Information to the Authority

Introduction

38.1 This condition provides for:

- (a) the licensee to be required to prepare and provide to the Authority a Roll-out Plan, to report against the Roll-out Plan and to set and achieve Annual Milestones; and
- (b) the Authority to be able to obtain from the licensee information in respect of matters relating to the provision, installation, operation, maintenance and use of Smart Metering Systems, In-Home Displays and Relevant Gas Meters and the licensee's achievement of the Annual Milestones.

Purposes

38.2 The purposes of this condition are to:

- (a) provide that the Authority may require the licensee to prepare a Roll-out Plan which includes Annual Milestones;
- (b) require the licensee to achieve the Annual Milestones set out in the Roll-out Plan; and
- (c) ensure that the Authority may obtain such information as it may reasonably require to enable it, from time to time, to:
 - (i) examine and assess the readiness of the licensee to comply with any Relevant SMS Condition;
 - (ii) monitor and review the steps taken or to be taken by the licensee to install, arrange for the installation of, or provide (as the case may be) Smart Metering Systems, In-Home Displays and Relevant Gas Meters in accordance with the requirements of any Relevant SMS Condition; and
 - (iii) monitor the licensee's achievement of the Annual Milestones set out in the Roll-out Plan.

Roll-out Plan and Progress Reports

38.3 Where directed by the Authority, the licensee must prepare and submit to the Authority, by a date specified in a direction issued by the Authority, a document (the **Roll-out Plan**) which contains:

- (a) where the licensee is required to provide a roll-out report to the Secretary of State under standard condition 37, such parts of the roll-out report as are specified in the direction;

- (b) Annual Milestones, set by the licensee for such period as may be specified in the direction, for the purpose of the licensee complying with its duties in relation to the provision, installation, operation, maintenance and use of Smart Metering Systems, In-Home Displays and Relevant Gas Meters;
 - (c) a detailed explanation of the licensee's reasons, which reasons must be duly justified, for the Annual Milestones set by it; and
 - (d) such other Information as may be specified in the direction.
- 38.4 The licensee must achieve the Annual Milestones set out in its Roll-out Plan.
- 38.5 For the purposes of paragraph 38.4, the licensee shall be considered to have achieved an Annual Milestone set out in its Roll-out Plan where, by the end of the calendar year to which that Annual Milestone relates, it has reached at least 95% (or such lower percentage as may be specified in any direction issued to the licensee by the Authority) of that Annual Milestone.
- 38.6 The licensee may submit a revised Roll-out Plan to the Authority only:
- (a) on, or in the seven days immediately following, each anniversary, occurring prior to 31 March 2018, of the date specified in the direction issued by the Authority in accordance with paragraph 38.3; or
 - (b) where in response to a request from the licensee, the Authority has agreed that it may submit a revised Roll-out Plan.
- 38.7 Where, in accordance with paragraph 38.6, the licensee submits a revised Roll-out Plan, it must also set out its reasons, which reasons must be duly justified, for making the revisions together with such supporting Information as may be required by the Authority.
- 38.8 The licensee must prepare and submit to the Authority, in accordance with any direction issued to the licensee by the Authority and for such periods and at such frequency as may be specified in the direction, a report (the **Progress Report**) which sets out the licensee's progress and performance against the Roll-out Plan.
- 38.9 The licensee must publish its Roll-out Plan and any Progress Report, or such Information contained in the Roll-out Plan and any Progress Report, where it is directed to do so by the Authority.

Directions

- 38.10 The licensee must comply with any directions the Authority may issue for the purposes of this condition and which are addressed to it or to a category of Gas Suppliers of which it is a member.
- 38.11 A direction issued by the Authority may, in particular, specify:
- (a) the format of the Roll-out Plan and the Progress Report;

- (b) the form and manner in which the Annual Milestones need to be included in the Roll-out Plan;
- (c) the Information the licensee must include in the Progress Report, which may, where the licensee is required to provide a roll-out report to the Secretary of State under standard condition 37, include such parts of the roll-out report as are specified in the direction;
- (d) requirements in relation to the submission of the Roll-out Plan and Progress Reports to the Authority; and
- (e) the manner and method by which any specified Information from the Roll-out Plan and any Progress Report must be published by the licensee.

Information Request

38.12 Where the licensee receives a request for Information from the Authority for the purposes of this condition (an **Information Request**), it must provide that Information to the Authority within the time and in the form requested.

38.13 An Information Request issued by the Authority may in particular specify the type and nature of Information to be provided by the licensee, including in particular in respect of:

- (a) the readiness of the licensee to comply with any Relevant SMS Condition; and
- (b) the steps taken or to be taken by the licensee to install, arrange for the installation of, or provide (as the case may be) Smart Metering Systems, In-Home Displays and Relevant Gas Meters in accordance with the requirements of any Relevant SMS Condition.

38.14 The licensee must ensure that the Information it provides in response to an Information Request is complete and accurate.

38.15 The licensee is not required under this condition to provide any Information which it could not be compelled to produce or give in evidence in civil proceedings before a court.

Cessation

38.16 This condition shall cease to apply to the licensee from the date which is 12 months after the date specified in paragraph 33.1 of standard condition 33 of this licence.

Interpretation

38.17 In this condition:

Annual Milestone means a percentage of the total number of Domestic Premises and Designated Premises:

- (a) in respect of which the licensee is

the Relevant Gas Supplier; and

- (b) at which a Smart Metering System or Relevant Gas Meter is to be installed by the end of each calendar year falling within the period specified in a direction issued by the Authority under paragraph 38.3.

Progress Report

means a report submitted in accordance with paragraph 38.8.

Relevant Gas Meter

means any Gas Meter installed or arranged to be installed by the licensee pursuant to paragraphs 33.3, 33.4, 33.5, 33.8, 33.9, ~~or~~ 33.10 or 33.11 of standard condition 33 of this licence.

Relevant SMS Condition

means any condition of this licence which imposes obligations or contains provisions in respect of any matter relating to the provision, installation, operation, maintenance or use of a Smart Metering System or an In-Home Display.

Roll-out Plan

means a plan submitted in accordance with paragraph 38.3, as it may be revised in accordance with paragraph 38.6.

Condition 40A: Security Controls in Relation to Smart Metering Systems Enrolled with the DCC

The General Duty to Ensure the Security of the System

40A.1 This licensee must take all reasonable steps to ensure that the Supplier and Enrolled Smart Metering System is designed, developed, configured, tested, operated, maintained, decommissioned and disposed of in such a manner as to protect it from being Compromised.

Definitions

40A.2 For the purposes of this condition, the **Supplier and Enrolled Smart Metering System** shall comprise all of the equipment (together with any associated software and ancillary devices) which fall into one or more of the following categories:

- (a) the User Systems of the licensee that are used by it for the purposes of its User Role as Gas Supplier;
- (b) any other systems relied upon by the licensee for the purpose of generating, initiating or processing communications sent to or received from the DCC by such User Systems;
- (c) any equipment which is:
 - (i) comprised within a Smart Metering System located at each premises that is from time to time supplied with gas by the licensee; and
 - (ii) enrolled in accordance with the Enrolment Service,
but excluding any communications hub provided by the DCC.

40A.3 For the purposes of this condition:

DCC has the meaning given to it in standard condition 43 of this licence.

Compromised means, in relation to the Supplier and Enrolled Smart Metering System, that the intended purpose or effective operation of that system is compromised by the occurrence of any event which has an adverse effect on the confidentiality, integrity or availability of the system or of any data that are stored on or communicated by means of it.

Enrolment Service has the meaning given to it in the Smart Energy Code.

Gas Supplier has the meaning given to it in the Smart Energy

Code.

Smart Energy Code

means the document of that name, as designated by the Secretary of State under Condition 22 of the DCC Licence.

User Role

has the meaning given to it in the Smart Energy Code.

User Systems

has the meaning given to it in the Smart Energy Code on [date].