

Condition 48: The Smart Energy Code

Party to the Code

48.1 The licensee must:

- (a) by no later than the Commencement Date, be a party to the Smart Energy Code; and
- (b) thereafter remain a party to and comply with the Smart Energy Code.

Derogation

48.2 The Authority, following consultation with the licensee and where appropriate any other person likely to be materially affected and after having regard to any guidance issued by it in accordance with paragraph 48.3, may give a direction ('a **derogation**') to the licensee that relieves it of its obligations under the Smart Energy Code in respect of such parts of the Smart Energy Code, to such extent, for such period of time and subject to such conditions as may be specified in the direction.

48.3 The Authority may issue, and may from time to time revise, guidance regarding the manner in which it will exercise its powers under paragraph 48.2.

48.4 The guidance issued in accordance with paragraph 48.3 may, in particular, set out:

- (a) the process for requesting the Authority to grant a derogation under paragraph 48.2;
- (b) the type of information that is likely to be required by the Authority as part of that process; and
- (c) the criteria the Authority would have regard to in considering whether and to what extent to exercise its power to give a direction under paragraph 48.2.

DCC User – Large Energy Suppliers

48.5 Paragraph 48.6 applies where the licensee:

- (a) is a party to the Smart Energy Code in accordance with paragraph 48.1;**
- (b) supplies electricity to Domestic Premises; and**

(c) supplied, or together with its Affiliate Licensees jointly supplied, (whether with electricity, or gas, or both) at least 250,000 Domestic Energy Premises on 15 February 2015.

48.6 Where this paragraph applies, the licensee must become a DCC User by no later than 16 February 2017 (or such later date as may be specified in a direction issued by the Secretary of State under this paragraph).

DCC User – Other Energy Suppliers

48.7 Paragraph 48.8 applies where the licensee:

- (a) is a party to the Smart Energy Code in accordance with paragraph 48.1;
- (b) supplies electricity to Domestic Premises; and
- (c) is not subject to the requirements of paragraph 48.6.

48.8 Where:

- (a) this paragraph applies; and
- (b) the licensee supplies electricity to any premises on or after 17 August 2017 (or such later date as may be specified in a direction issued by the Secretary of State under this paragraph).

the licensee must be a DCC User.

Interpretation

48.548.9 For the purposes of this Condition the licensee's obligation to comply with the Smart Energy Code is an obligation to comply with the provisions of the Smart Energy Code so far as they are applicable to the licensee.

Definitions

48.648.10 In this Condition:

Commencement Date means:

- (a) the date which is the SEC Designated Date; or

- (b) the date on which the licensee first starts to supply electricity to any Domestic Premises or Designated Premises under this licence,

whichever is the later.

DCC User

means a User in the User Role of Import Supplier (where 'User', 'User Role' and 'Import Supplier' all have the meanings given to them from time to time in the Smart Energy Code).

Domestic Energy Premises

means premises which:

(a) with respect to the supply of electricity, are Domestic Premises; or

(b) with respect to the supply of gas, satisfy the definition of 'Domestic Premises' at standard condition 6 of the Gas Supply Licence.

SEC Designated Date

means the date the Smart Energy Code is designated by the Secretary of State in a direction given for the purposes of Condition 22 of the DCC Licence.

Condition 51: Smart Metering – Customer Access to Consumption Data

Application

51.1 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**)

51.2 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 (the **export supplier**); and
- (b) there is installed a Smart Metering System,

(the **relevant export premises**).

51.3 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

Customer Access to Relevant Consumption Data

51.4 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) below; 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.

51.5 The requirements of paragraph 51.4 are subject to paragraph 51.8.

Retention of Consumption Data

51.6 Paragraph 51.7 applies where:

- (a) the licensee makes available Relevant Consumption Data such that it can be accessed by the Domestic Customer in accordance with paragraph 51.4(b); and
- (b) the Smart Metering System (or any part of it) at the relevant premises does not retain consumption data for the Relevant Period.

51.7 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

51.8 The requirements in paragraph 51.4 do not apply where:

- (a) either:
 - (i) the Smart Metering System at the relevant premises was not installed or arranged to be installed by the licensee; or

- (ii) the licensee replaces any apparatus forming part of the Smart Metering System pursuant to paragraph 50.9 of standard condition 50 (Smart Metering – Continuation of Arrangements on Change of Supplier); and
- (b) a connection that enables the exchange of information between the Smart Metering System and the licensee's Communications System has not at any time been established (whether directly to the licensee's Communications System or indirectly through the DCC's Communications System).

PART B - OBLIGATIONS IN RESPECT OF RELEVANT EXPORT PREMISES

Access to Relevant Export Data

51.9 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) below; 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.

51.10 The requirements of paragraph 51.9 are subject to paragraph 51.11.

Exception

51.11 The requirements in paragraph 51.9 do not apply where a connection that enables the exchange of information between the Smart Metering System at the relevant export premises and the licensee's Communications System has not at any time been established (whether directly to the licensee's Communications System or indirectly through the DCC's Communications System).

PART C – OBLIGATIONS IN RESPECT OF RELEVANT DESIGNATED PREMISES

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

51.13 In the case of Smart Metering Systems at Non-Domestic Premises which are enrolled under the Smart Energy Code, the requirements of paragraph 51.12 shall only apply from the date (if any) on which the licensee becomes a DCC User (as defined in standard condition 54 (Enrolment of Smart Metering Systems)).

51.14 Paragraph 51.15 shall apply until the licensee becomes a DCC User (as defined in standard condition 54 (Enrolment of Smart Metering Systems)).

51.15 Before the licensee enters into a Non-Domestic Supply Contract, the licensee must take (and ensure that any Representative takes) all reasonable steps to:

(a) ascertain whether a Smart Metering System enrolled under the Smart Energy Code is installed at the Non-Domestic Premises; and

(b) where such a Smart Metering System is installed at the premises, communicate to the Customer in plain and intelligible language an explanation of the nature and effect of any potential variations to the services related to the functionality of such a Smart Metering System that might be to the disadvantage of the Customer and which would arise if the Customer enters into the contract.

PART D - DEFINITIONS

Definitions

51.1351.16 In this Condition:

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| Consumer Device | means any device located at the relevant premises which: <ul style="list-style-type: none">(a) is capable of providing the Domestic Customer with access (whether directly or indirectly) to Relevant Consumption Data; and(b) is capable of connecting through the HAN to a device forming part of the Smart Metering System at the relevant premises. |
| DCC Communications System | has the meaning given to it in standard condition 49 (Smart Metering Systems and In-Home Displays — Operational Requirements). |

Effective Date	means: <ul style="list-style-type: none">(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 (Feed-in Tariffs).
Export Date	means the date on which the Smart Metering System installed at the relevant premises first starts to measure the quantity of Export.
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: <ul style="list-style-type: none">(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 Domestic Customer became the Customer at the premises and ending on the date on which the Domestic Customer accesses the data;(c) 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(d) 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:

- (a) for which that data is held by, or stored in the Smart Metering System on the date on which the Domestic Customer accesses the data
- (b) starting from the date on which the Domestic Customer became the Customer at the premises and ending on the date on which the Domestic Customer accesses the data;
- (c) starting from the date on which the licensee became the export supplier and ending on the date on which the Domestic Customer accesses the data; or
- (d) starting from the date the Smart Metering System was installed at the relevant export 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.

Condition 54. ~~Not Used~~ Enrolment of Smart Metering Systems

Application

54.1 This condition takes effect from the date on which Electricity Meters are first capable of being Commissioned under the Smart Energy Code.

54.2 Where on the date this condition takes effect:

(a) the licensee is a DCC User, the condition applies to the licensee from the date the condition takes effect;

(b) the licensee is not a DCC User, the condition applies to the licensee from the date the licensee becomes a DCC User.

Part A: Enrolment Duty - General

54.3 Paragraph 54.4 applies in respect of any Domestic Premises at which:

(a) the licensee is the Relevant Electricity Supplier; and

(b) there is a Smart Metering System that includes a Communications Hub.

(the relevant premises).

54.4 Where this paragraph applies:

(a) the licensee must take all reasonable steps to ensure that the Electricity Meter that forms part of the Smart Metering System at the relevant premises is Commissioned; and

(b) following the time at which such Electricity Meter is first Commissioned and while there is a supply of electricity to the premises, the licensee shall take all reasonable steps to ensure that the Smart Metering System of which the Electricity Meter (or any replacement Electricity Meter) forms part is Enrolled.

Part B: Enrolment Duty – Large Energy Supplier

54.5 Paragraph 54.6 applies where, on 15 February 2015, the licensee supplied (whether electricity, or gas, or both) at least 250,000 Domestic Energy Premises.

54.6 Where this paragraph applies the licensee must take all reasonable steps to ensure that the number of Energy Smart Metering Systems:

(a) installed by it at Domestic Energy Premises or Designated Energy Premises; and

(b) Enrolled.

is, by no later than by 17 February 2017 (or such later date as may be specified in a direction issued by the Secretary of State under this paragraph), at least equal to the Minimum Number.

Interpretation of Part B

54.7 For the purposes of paragraphs 54.5 and 54.6 (and, where the context requires, the defined terms used in paragraphs 54.5 and 54.6), where there are any Affiliate Licensees, the licensee and all Affiliate Licensees are treated as one licensee.

Definitions

54.8 In this Condition:

Commissioned has the meaning given to it from time to time in the Smart Energy Code.

DCC User means a User in the User Role of Import Supplier (where 'User', 'User Role' and 'Import Supplier' all have the meanings given to them from time to time in the Smart Energy Code).

Domestic Energy Premises means premises which:

(a) with respect to the supply of electricity, are Domestic Premises; or

(b) with respect to the supply of gas, satisfy the definition of 'Domestic Premises' at standard condition 6 of the Gas Supply Licence.

Designated Energy Premises means premises which:

(a) with respect to the supply of electricity, are Designated Premises; or

(b) with respect to the supply of gas, satisfy the

definition of 'Designated Premises' in standard condition 1 of the Gas Supply Licence.

Energy Smart Metering System means a system which:

(a) with respect to the supply of electricity, is a Smart Metering System that meets the requirements of a version, other than the first version, of the SME Technical Specification; and

(b) with respect to the supply of gas, is a system that:

(i) satisfies the definition of 'Smart Metering System' in standard condition 1 of the Gas Supply Licence; and

(ii) meets the requirements of a version, other than the first version, of the document that satisfies the definition of 'SME Technical Specification' in standard condition 1 of the Gas Supply Licence.

Enrolled means Enrolled under and as described in the Smart Energy Code.

Licensee's Relevant Energy Premises means:

(a) each Domestic Energy Premises and Designated Energy Premises in respect of which the licensee is, in respect of the supply of electricity, the Relevant Electricity Supplier on the Relevant Date; and

(b) each Domestic Energy Premises and Designated Energy Premises in respect of which the licensee is, in respect of the supply of gas, the Relevant Gas Supplier on the Relevant Date.

but shall not include any such premises in respect of which the licensee is:

(c) in respect of the supply of electricity, subject to an exception set out in Part A of standard condition 39 (Smart Metering System – Roll-out, Installation and Maintenance); or

(d) in respect of the supply of gas, subject to an exception set out in Part A of standard condition 33 of a Gas Supply Licence held by the licensee.

Minimum Number

means:

(a) 1500; or

(b) 0.025% of the total number of the Licensee's Relevant Energy Premises,

whichever is the lower.

Relevant Date

means the date on which the licensee first becomes a User in the User Role of either Import Supplier or Gas Supplier (where 'User', 'User Role', 'Import Supplier' and 'Gas Supplier' all have the meanings given to them from time to time in the Smart Energy Code).

Relevant Gas Supplier

has the meaning given to it in standard condition 1 of the Gas Supply Licence.