

DCP 267 Draft Legal Text

Introduction of a definition for "Confirmed Theft"

Add the following definition to Schedule 23 (Revenue Protection Code of Practice):

Confirmed Theft	means that a Supplier, Distributor or Revenue Protection Agent (as applicable) reasonably determines that, on the balance of probabilities and taking into account all of the evidence then available, one or more instances of Theft of Electricity has occurred. A Party may not make such a determination unless it has sufficient evidence to substantiate the occurrence of a Theft of Electricity. Such evidence must include (as a minimum): (a) an indication of theft via a desktop review of consumption levels (where applicable); (b) a report of a site visit (where access was successful); (c) photographic evidence (or a sketch) of the theft including any illegal connection/bypass or meter tamper; (d) a determination of the value of electricity stolen; and (e) a police report or crime reference number (where available).
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Amend the following paragraphs of Schedule 23 as follows:

13. TREATMENT OF VULNERABLE CUSTOMERS

OBLIGATION

Each Party shall use reasonable endeavours to safeguard the personal welfare of Vulnerable Customers in respect of the activities set out in this Code of Practice.

If a Customer account is flagged as being on the 'Priority Services Register', this shall be notified to the Revenue Protection Agents so that (if Theft of Electricity is suspected or a eConfirmed Theft has occurred) appropriate actions are taken. Any additional 'vulnerable person flags' shall be notified to the Revenue Protection Agents and the Revenue Protection Agents shall have regard to the Supplier's Revenue Protection Policy when investigating Theft of Electricity.

Each Party shall take reasonable steps to ascertain who in the household might be a

Vulnerable Customer, and then make a judgement regarding the action that needs to be taken in the light of this information.

15.1 Theft of Electricity suspected but not a eConfirmed Theft

BEST PRACTICE

Following an investigation, where Theft of Electricity is suspected but cannot be determined as a eConfirmed Theft, there are a number of actions which may be taken. These include:

- exchange of the meter;
- fitting of security measures e.g. anti tamper labels;
- revisits; and
- consumption monitoring.

Where investigation has recovered no evidence of Theft of Electricity, and Theft of Electricity is no longer suspected, the investigation should be closed and no further action should be taken.

15.2 ~~Theft of Electricity~~ Confirmed Theft

OBLIGATION

~~Where a Theft of Electricity is confirmed~~In cases of a Confirmed Theft, Parties shall seek to identify the Perpetrator. In most cases the Customer ~~wi~~shall be the Perpetrator, but this may not be the case.

~~Where Theft of Electricity is confirmed~~In cases of a Confirmed Theft, appropriate steps shall be undertaken to stop the Theft of Electricity continuing.

BEST PRACTICE

~~Where Theft of Electricity has been confirmed~~In cases of a Confirmed Theft, appropriate steps

undertaken to remedy the situation may include one or more of the following:

- Disconnection;
- exchange of meter;
- assessment of Value of unrecorded units, and of Relevant Costs;
- assessment of the ability of the Perpetrator (or other beneficiary) to pay the Relevant Costs;
- using reasonable efforts to receive the Relevant Costs from the Perpetrator (or other beneficiary);
- prosecution of the Perpetrator; and
- request of a security deposit against future supply.

Where the meter installation has been physically tampered with and rectification work is necessary, this should be undertaken as soon as reasonable practicable. It may be necessary to temporarily de-energise supply pending the completion of remedial works.

Parties should make reasonable efforts to identify the person against whom charges should be levied. Wherever possible the assessment of charges should be completed on site with the aim of agreeing the assessment with the Customer or their representative. The aim should be to secure payments on site. Where this is not possible, an interim assessment of unrecorded units and charges should be completed and the final assessment completed and issued to the Perpetrator (or other beneficiary).

15.3 Assessment of Unrecorded Units

OBLIGATION

Each Party must ensure that the assessment of unrecorded units, in respect of a suspected or confirmed~~following confirmation of~~ Theft of Electricity, is carried out in a systematic, reasonable, consistent and transparent way.

When assessment calculation tools are required to assess unrecorded units, Parties must utilise the DCUSA Theft Assessment Calculator most recently made available by the Panel under the DCUSA.

15.4 Remediating the matter

BEST PRACTICE

Providing it is safe to do so, each Party (and its Revenue Protection Agent) should consider all available options for the maintenance of supply, including fitting a prepayment meter and payment by instalments.

In determining the Relevant Costs, Parties should only seek to recover their direct and reasonably foreseeable costs associated with a particular incident. Such costs should not be a penalty but could, for example, include the specific investigation costs associated with determining that a Confirmed Theft of Electricity has taken place or a genuine pre-estimate of the loss incurred by the Party.

15.12 Reports

OBLIGATION

The Supplier shall provide a monthly report to each Distributor setting out each of the cases of Theft of Electricity investigated, identifying those which were a Confirmed Theft of Electricity and the volume of units associated with each such case.

Amend Schedule 23, Appendix 4 (Record Keeping) as follows:

Supplier Records

- Customer Name
- Property Address
- MPAN
- MSN
- Status of Theft case i.e. suspected, a confirmed Confirmed Theft, not confirmed, Passed to DNO as Theft in Conveyance
- Date Theft suspected
- Source of information on suspected theft

- Number of investigative visits to premises

In respect of a Confirmed Theft~~-confirmed~~:

- Estimate of unrecorded units (kWh)
- Date from and date to
- Charges levied to the customer (split into unrecorded units and transactional costs)
- Nature of interference
- Necessity for a warrant
- Criminal prosecution attempted?
- Criminal prosecution successful?

Amend the spreadsheets in Appendix 2 of Schedule 25 (Theft Risk Assessment Service) as follows¹:

Replace references to ‘Confirmed theft’ with ‘Confirmed Theft’ in the Investigation Outcome Block for each of the following sections:

- Commercial Premises - Initial Outcome File Specification (Historic)
- Commercial Premises Outcome File Specification
- Residential Premises - Initial Outcome File Specification (Historic)
- Residential Premises - Outcome File Specification

Gowling WLG (UK) LLP

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¹ DCP272 proposes amendments to these spreadsheets. If DCP272 is approved, no change will be necessary in schedule 25.