

## Part A: Generic

DCUSA Change Proposal (DCP)		At what stage is this document in the process?
<h1>DCP 377:</h1> <h2>Subsequent Theft Charter Change</h2> <p><i>18 November 2020</i></p> <p><i>Proposer Name: Marc Newby</i></p> <p><i>Company Name: SmartestEnergy Limited</i></p> <p><i>Company Category: Supplier</i></p>		<p><b>01 – Change Proposal</b></p> <p>02 – Consultation</p> <p>03 – Change Report</p> <p>04 – Change Declaration</p>
<p>Purpose of Change Proposal:</p> <p>This Change Proposal seeks to update the Theft Charter which shall be endorsed and integrated with existing vulnerability measures by all Domestic energy suppliers.</p>		
	<p>Governance:</p> <p>The Proposer recommends that this Change Proposal should be:</p> <ul style="list-style-type: none"> <li>• Treated as an Urgent Change with an extraordinary release date;</li> <li>• Progressed to the Change Report stage; and</li> <li>• Considered a Part 2 Matter</li> </ul> <p>The Panel will consider the proposer’s recommendation and determine the appropriate route.</p>	
	<p>Impacted Parties:</p> <p>Domestic Suppliers</p>	
	<p>Impacted Clauses:</p> <p>Schedule 23 – Theft of Electricity Code of Practice</p>	



The Charter is aligned with wider, and already established, Vulnerability measures such as SafetyNet and the Priority Services Register with a specific focus on Vulnerability considerations in the context of meter tampering investigations.

Implementation of the Charter is supported by a 'light-touch' remote desk-top assurance framework will be administered by the Code Secretariat to ensure consistent and compliant implementation by Industry.

## Why

A single customer facing industry agreed Theft Charter will help ensure Suppliers take a consistent approach when identifying customer Vulnerability whilst undertaking meter tampering investigations.

The Charter helps to clarify that whilst Vulnerability is an important operational consideration, the theft of energy remains a criminal act which may result in legal action being undertaken for the identified perpetrator(s).

Non Domestic energy customers may have additional needs or require tailored support from their Supplier, however, Vulnerability is a term used specifically in relation to Domestic energy supply. A Non Domestic energy customer is not 'Vulnerable'.

The Theft Charter needs to be explicit about which Obligations relate to Domestic Customers only, to minimise the risk of causing confusion for Non Domestic customers. This is of particular note to Non Domestic suppliers who supply Micro Business customers.

## How

Compliance with the Charter by Domestic Suppliers is achieved through Code obligation rather than a change to Licence. This Change will supersede DCP369 Theft Charter, ruling out any obligation for Commercial (Non Domestic) Suppliers to adhere to the Theft Charter(including removing the obligation for Non Domestic suppliers to publish the Theft Charter on their website(s)).

Changes will be made to *Schedule 23 - Theft of Electricity Code of Practice* and to the wording of the Theft Charter.

The proposed Legal Text is provided as Attachment 1.

The updated Theft Charter is provided as Attachment 2.

## 2 Governance

### Justification for Authority Consent

This Change Proposal should be classed as self-governance as it does not have a material impact on DCUSA Parties other than endorsing the Code and integrating within wider vulnerability measures which are already an established energy Supplier Licence Condition.

This Change Proposal should be classed as a Part 2 Matter as it does not have a material impact on DCUSA Parties and does not meet the criteria that would require the Authority to make a decision.

This Change Proposal should:

- Be treated as a Part 2 Matter
- Be treated as an Urgent Change with an extraordinary release date
- Progressed to Change Report phase

### 3 Why Change?

#### Legal Text

This change will ensure a consistent approach is taken by Domestic Suppliers only to the identification of vulnerable customers whilst undertaking energy theft investigations by on an Industry agreed set of operational principles. The Legal Text is provided as Attachment 1.

### 4 Solution and Legal Text

#### DCP 377 Assessment

In order to clarify that the Theft Charter applies to Domestic Suppliers only the Theft Charter is being amended, and the updated Theft Charter (Attachment 2) will be inserted into Schedule 23 of DCUSA in section 14A, to replace the existing Theft Charter.

The introduction to Section 14A of Schedule 23 of DCUSA will also be updated, as shown below and in Attachment 1.

#### 14A. THEFT CHARTER

##### OBLIGATION

Each Supplier shall take reasonable steps to implement and comply with the Theft Charter in relation to Domestic Customers, and shall support, where necessary, any desktop compliance assurance activities that may be conducted from time to time.

Each Supplier of Domestic Customers shall publish the Theft Charter on its website and refer to (or include) the Theft Charter when it communicates with Domestic Customers in relation to Theft of Electricity.

### 5 Code Specific Matters

#### Reference Documents

N/A

### 6 Relevant Objectives

The Proposer and the TIG consider that DCP 377 better facilitates DCUSA General Objective 4 as this change will help to ensure a consistent approach is taken to the identification of Vulnerable customers whilst undertaking energy theft investigations by on an Industry agreed set of operational principles.

DCUSA Charging Objectives	Identified impact
<input type="checkbox"/> 1 that compliance by each DNO Party with the Charging Methodologies facilitates the discharge by the DNO Party of the obligations imposed on it under the Act and by its Distribution Licence	None
<input checked="" type="checkbox"/> 2 that compliance by each DNO Party with the Charging Methodologies facilitates competition in the generation and supply of electricity and will not restrict, distort, or prevent competition in the transmission or distribution of electricity or in participation in the operation of an Interconnector (as defined in the Distribution Licences)	Positive
<input type="checkbox"/> 3 that compliance by each DNO Party with the Charging Methodologies results in charges which, so far as is reasonably practicable after taking account of implementation costs, reflect the costs incurred, or reasonably expected to be incurred, by the DNO Party in its Distribution Business	None
<input type="checkbox"/> 4 that, so far as is consistent with Clauses 3.2.1 to 3.2.3, the Charging Methodologies, so far as is reasonably practicable, properly take account of developments in each DNO Party's Distribution Business	None
<input type="checkbox"/> 5 that compliance by each DNO Party with the Charging Methodologies facilitates compliance with the Regulation on Cross-Border Exchange in Electricity and any relevant legally binding decisions of the European Commission and/or the Agency for the Co-operation of Energy Regulators.	None
<b>DCUSA General Objectives</b>	<b>Identified impact</b>
<input type="checkbox"/> 1 The development, maintenance and operation by the DNO Parties and IDNO Parties of efficient, co-ordinated, and economical Distribution Networks	None
<input type="checkbox"/> 2 The facilitation of effective competition in the generation and supply of electricity and (so far as is consistent therewith) the promotion of such competition in the sale, distribution and purchase of electricity	None
<input type="checkbox"/> 3 The efficient discharge by the DNO Parties and IDNO Parties of obligations imposed upon them in their Distribution Licences	None
<input checked="" type="checkbox"/> 4 The promotion of efficiency in the implementation and administration of the DCUSA	Positive
<input type="checkbox"/> 5 Compliance with the Regulation on Cross-Border Exchange in Electricity and any relevant legally binding decisions of the European Commission and/or the Agency for the Co-operation of Energy Regulators.	None

## 7 Impacts & Other Considerations

### Does this Change Proposal impact a Significant Code Review (SCR) or other significant industry change projects, if so, how?

The Retail Code Consolidation Significant Code Review does not apply to DCUSA, but as a theft matter constraint in SPAA may have to be considered.

### Does this Change Proposal Impact Other Codes?

- BSC
- CUSC
- Grid Code
- MRA
- SEC
- Other  SPAA
- (tick)
- None

### Consideration of Wider Industry Impacts

A similar change is being progressed to update Schedule 33 (Theft of Gas Code of Practice) of the SPAA.

### Environmental Impacts

In accordance with DCUSA Clause 10.4.5A, the Proposer assessed whether there would be a material impact on greenhouse gas emissions if this CP were implemented. The Proposer did not identify any material impact on greenhouse gas emissions from the implementation of this CP.

### Confidentiality

N/A

## 8 Implementation

Subject to Party approval, DCP 377 will be implemented on 21 December 2020. As DCP 377 is classified as a Part 2 Matter, Authority determination is not required.

## 9 Recommendations

### Panel's Recommendation