

DCUSA Change Report		At what stage is this document in the process?
<h1 data-bbox="167 347 630 436">DCP 377:</h1> <h2 data-bbox="167 481 957 616">Subsequent Theft Charter Change</h2> <p data-bbox="167 683 646 728"><i>Date raised: 18 November 2020</i></p> <p data-bbox="167 750 614 795"><i>Proposer Name: Marc Newby</i></p> <p data-bbox="167 806 813 851"><i>Company Name: Smartest Energy Limited</i></p> <p data-bbox="167 862 614 907"><i>Company Category: Supplier</i></p>	01 – Change Proposal	
	02 – Consultation	
	03 – Change Report	
	04 – Change Declaration	
<p>Purpose of Change Proposal:</p> <p>DCP 377 seeks to update the Theft Charter which shall be endorsed and integrated with existing vulnerability measures by all Domestic energy suppliers.</p>		
	<p>This document is issued in accordance with Clause 11.20 of the DCUSA, and details <i>DCP 377 ‘Subsequent Theft Charter Change’</i></p> <p>Parties are invited to consider the proposed amendment (Attachment 1) and submit their votes using the Voting form (Attachment 2) to dcusa@electralink.co.uk by 17 December 2020.</p> <p>The voting process for the proposed variation and the timetable of the progression of the Change Proposal (CP) through the DCUSA Change Control Process is set out in this document.</p> <p>If you have any questions about this paper or the DCUSA Change Process, please contact the DCUSA by email to dcusa@electralink.co.uk or telephone 020 7432 3008.</p>	
	Parties Impacted: Suppliers	
	Impacted Clauses: Schedule 23 – Theft of Electricity Code of Practice	

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Timetable			
The timetable for the progression of the CP is as follows:			
Change Proposal timetable¹			
Activity	Date		
Initial Assessment Report Approved by Panel	18 November 2020		
Change Report Issued to Ex-Committee Panel	27 November 2020		
Change Report Approved by Ex-Committee Panel	02 December 2020		
Change Report issued for Voting	03 December 2020		
Party Voting Closes	17 December 2020		
Change Declaration Issued to Parties	18 December 2020		
Expected Implementation Date	21 December 2020		

¹ This timetable follows a shortened timeframe as DCP 377 will need to be implemented ahead of the first round of the Theft Charter Performance Assurance work to be carried out in January 2021 and so the legal text can be incorporated into the Retail Energy Code v1.1 Schedule Consultation in December 2020, failure to do so will result in misalignment with the REC and party confusion.

1 Executive Summary

What?

- 1.1 The Theft Charter went live on 06 November 2020. However, the legal text currently does not specify that the commitments only relate to Domestic Suppliers supplying Domestic Customers.
- 1.2 The Theft Charter is an Industry developed customer facing document which sets out a high-level policy for the identification and management of Vulnerable customers whilst meter tampering investigations are being undertaken.
- 1.3 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.
- 1.4 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?

- 1.5 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.
- 1.6 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).
- 1.7 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'.
- 1.8 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?

- 1.9 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)).
- 1.10 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.

2 Governance

Justification Part 1 Matter

- 2.1 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.
- 2.2 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.
- 2.3 Although this change does not meet any of the criteria specified in Section 1C – Change Control of DCUSA, DCP 377 Change Proposal should be treated as an urgent change as it will need to be implemented ahead of the first round of the Theft Charter Performance Assurance work to be carried out in January 2021 and so the legal text can be incorporated into the Retail Energy Code v1.1 Schedule Consultation in December 2020, failure to do so will result in misalignment with the REC and party confusion.

Requested Next Steps

- 2.4 The Panel considered that the Proposer has carried out the level of analysis required to enable Parties to understand the impact of the proposed amendment and to vote on DCP 377.
- 2.5 The DCUSA Panel recommends that this CP be issued to Parties for voting.

3 Why Change?

Background of DCP 377

- 3.1 As within Section 1, 'Why?', changes are required to 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.

Part B: Code Specific Details

4 Solution

DCP 377 Assessment

- 4.1 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.

Legal Text

4.2 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 Relevant Objectives

5.1 Evaluation Against the DCUSA Objectives

5.2 For a DCUSA Change Proposal to be approved it must be demonstrated that it better facilitates the DCUSA Objectives. There are five General Objectives and six Charging Objectives. The full list of objectives is documented in the DCUSA.

5.3 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 General Objectives	Identified impact
<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 impact
<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

6 Impacts & Other Considerations

Impacts on any Significant Code Review (SCR) or other significant industry change projects

- 6.1 The Retail Code Consolidation Significant Code Review does not apply to the DCUSA and no other SCR would be impacted by this Change Proposal.
- 6.2 A similar change is being progressed to update Schedule 33 (Theft of Gas Code of Practice) of the SPAA.

Consumer Impacts

- 6.3 This change does not impact consumers.

Environmental Impacts

- 6.4 In accordance with DCUSA Clause 11.14.6, the Proposer assessed whether there would be a material impact on greenhouse gas emissions if DCP 377 were implemented. The Proposer did not identify any material impact on greenhouse gas emissions from the implementation of this CP.

7 Implementation

- 7.1 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.

8 Legal Text

- 8.1 The legal text for DCP 377 has been recommended by the Proposer and reviewed by the DCUSA legal advisor and is provided as Attachment 1.

9 Recommendations

Panel's Recommendation

- 9.1 The Panel approved this Change Report on 02 December 2020. The Panel considered that the Proposer has carried out the level of analysis required to enable Parties to understand the impact of the proposed amendment and to vote on DCP 377.
- 9.2 The Panel have recommended this report be issued for voting and DCUSA Parties should consider whether they wish to submit views regarding this CP. The Voting Form can be found in Attachment 2.

10 Attachments

- Attachment 1 – DCP 377 Legal Text
- Attachment 2 – DCP 377 Voting Form
- Attachment 3 – DCP 377 Change Proposal Form