

Part A: Generic

DCUSA Change Proposal (DCP)		At what stage is this document in the process?
<h1>DCP 386:</h1> <h2>Sharing Network Information with Owners and Occupiers</h2> <p><i>26 March 2021</i></p> <p><i>Peter Waymont</i></p> <p><i>Eastern Power Networks</i></p> <p><i>DNO</i></p>		<p>01 – Change Proposal</p> <p>02 – Consultation</p> <p>03 – Change Report</p> <p>04 – Change Declaration</p>
<p>Purpose of Change Proposal:</p> <p>To amend DCUSA Clause 17.10 and the NTC to clarify how DNOs and IDNOs may share network information with owners and occupiers.</p>		
	<p>Governance:</p> <p>The Proposer recommends that this Change Proposal should be:</p> <ul style="list-style-type: none"> • Part 1 Matter • Treated as a Standard Change • Proceed to a Working Group <p>The Panel will consider the proposer’s recommendation and determine the appropriate route.</p>	
	<p>Impacted Parties: DNOs and IDNOs</p>	
	<p>Impacted Clauses: Clause 17 & Schedule 2B</p>	

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2	Governance	4	George Dawson
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5	Code Specific Matters	5	Proposer:
6	Relevant Objectives	6	Peter Waymont
7	Impacts & Other Considerations	7	 peter.waymont@ukpowernetworks.co.uk
8	Implementation	7	 07875 112757
9	Recommendations		Other: Insert name
Indicative Timeline			 email address.
The Secretariat recommends the following timetable:			 telephone
Initial Assessment Report	21 April 2021		Other: Insert name
Consultation Issued to Industry Participants	June 2021		 email address.
Change Report Approved by Panel	August 2021		 telephone
Change Report issued for Voting	August 2021		Other: Insert name
Party Voting Closes	September 2021		 email address.
Change Declaration Issued to Parties	September 2021		 telephone
Change Declaration Issued to Authority]	September 2021		Other: Insert name
Authority Decision	October 2021		 email address.
			 telephone

1 Summary

What?

Amend Clause 17 and Schedule 2B (the NTC) so that it is clearer how the DNO may communicate with owners and occupiers.

Why?

S105 of the Utilities Act 2000 states that:

“(1) Information which -

(a) has been obtained under or by virtue of the provisions of this Act, Part I of the 1986 Act, Part 1 of the 1989 Act, section 184(5) or 185(5) of the Energy Act 2004 or Part 2 or section 27 or 28 of the Energy Act 2010 or section 50 or 51 of the Energy Act 2013 or section 41 or 100 of the Energy Act 2008 or the Domestic Gas and Electricity (Tariff Cap) Act 2018; and

(b) relates to the affairs of any individual or to any particular business,

shall not be disclosed during the lifetime of the individual or so long as the business continues to be carried on, except as provided below.

(2) Subsection (1) does not apply to a disclosure made with the consent of the individual or the person for the time being carrying on the business.”

We find ourselves in conversations with both landlords and tenants of the same premises over time. S105(b) applies to anyone about whom we have received information in the course of conducting our business in relation by virtue of the Acts listed (generally therefore the [bill paying] customer with whom we have provided a connection under the Electricity Act 1989), so where that customer is a tenant we should not discuss the affairs of the individual or business with the landlord of the premises. The information relating to the affairs of the individual or business are taken to include the Maximum Import Capacity and Maximum Export Capacity.

This stance is further evidenced by Clause 17.10.1 of DCUSA that distributors must place in connection agreements, which states:

“The [Connectee] agrees that the [Distributor] shall, on the application of any person purporting to be an owner and/or occupier (or prospective owner and/or occupier) of the [Connected Premises], be entitled to disclose to such person the fact that this [Agreement] contains terms which differ from the terms set out in the National Terms of Connection”

This Clause reinforces the position that we cannot discuss the content of any connection agreement with a landlord without consent, only the existence of an agreement.

This is frustrating for landlords.

A similar restriction occurs with purchasers of premises, where for example they contact us to find out the capacity so they can assess if it will meet their requirement or whether they may wish to upgrade it or reduce it once the purchase is complete. However risk adversity leads to non-disclosure to avoid the risk of the penalties under s105, being:

“(9) A person who discloses any information in contravention of this section is guilty of an offence and liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.”

How?

By adding terms into the DCUSA and the NTC to clarify that we may disclose the MIC or MEC at a property to a landlord or prospective landlord or customer, even if they are not the customer.

s105 of the Utilities Act goes on -

“(3) Subsection (1) does not apply to a disclosure if—

(c) it is made by a licence holder and is required to be made by a condition of his licence”

By placing a requirement in DCUSA, with which distributors have a License obligation to comply, providing information to landlords or prospective landlord or customer would not be a breach of s105.

2 Governance

Justification for Part 1 and Part 2 Matter

This is a Part 1 matter as it is likely to have a significant impact on the interests of electricity consumers.

Requested Next Steps

This Change Proposal should:

- Be treated as a Part 1 Matter
- Be treated as a Standard Change
- Proceed to Working Group

3 Why Change?

To improve stakeholder experience by being able to reveal the MIC or MEC to the owner of a property who is not the customer.

Part B: Code Specific Details

4 Solution and Legal Text

Legal Text

Add New Clause 17.10A (and rename the existing 17.10A as 17.10B, including updating any cross references) -

“On the application of any person purporting to be the owner or occupier of a Premises or a prospective owner or occupier, the Company shall be entitled to disclose the Maximum Import Capacity and/or Maximum Export Capacity details of the Premises.”

Add New paragraph (G) in Section 1 of Schedule 2B (and renumber subsequent paragraphs accordingly, including updating any cross references) -

“If we are contacted by any person purporting to be the owner or occupier of the premises or the prospective owner or occupier, you agree that we shall be entitled to disclose the maximum electrical capacity details (import and/or export) of the premises to them.”

Text Commentary

Gives clarity to distributors in the DCUSA and to customers via the NTC of the approach to the sharing of MIC/MEC data.

5 Code Specific Matters

Reference Documents

none

6 Relevant Objectives

DCUSA Charging Objectives Please tick the relevant boxes	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 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)	None
<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	
<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

<input type="checkbox"/> 6 that compliance with the Charging Methodologies promotes efficiency in its own implementation and administration.	None
DCUSA General Objectives Please tick the relevant boxes.	Identified impact
<input checked="" type="checkbox"/> 1 The development, maintenance and operation by the DNO Parties and IDNO Parties of efficient, co-ordinated, and economical Distribution Networks	Positive
<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 EU Internal Market Regulation and any relevant legally binding decisions of the European Commission and/or the Agency for the Cooperation 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?

No

Does this Change Proposal Impact Other Codes?

Please tick the relevant boxes and provide any supporting information.

- BSC
- CUSC
- Grid Code
- MRA
- SEC
- Other
- None

Consideration of Wider Industry Impacts

n/a

Confidentiality

n/a

8 Implementation

Proposed Implementation Date

Next scheduled release following approval.

9 Recommendations

The Code Administrator will provide a summary of any recommendations/determinations provided by the Panel in considering the initial Change Proposal. This will form part of a Final Change Report.