

DCP 394 Working Group Meeting 14

12 September 2022 at 10:00 - Web-Conference

| Attendee | Company |
|--|-----------------------------------|
| Working Group Members | |
| Finn Davies-Clark [FD] | SSE |
| Victoria Burkett [VB] | SSE |
| Geoff Huckerby [GH] | Power Data Associates |
| Jonathan Elliott [JE] | Certsure |
| Kevin Woollard [KW] | Centrica |
| Kevin Liddle [KL] | NPg |
| Paul Abreu [PA] | Energy Networks Association (ENA) |
| Richard Brady [RB] | Western Power |
| Code Administrator | |
| Richard Colwill [RC] (Chair) | ElectraLink |
| Hannah Proffitt [HP] (Technical Secretariat) | ElectraLink |
| Apologies | |
| Colette Baldwin [CB] | Gemserv |

1. Administration

- 1.1 The Working Group reviewed the “Competition Law Guidance”. All Working Group members agreed to be bound by the Competition Law Guidance for the duration of the meeting.
- 1.2 Updates on all actions are provided in **Appendix A**.
- 1.3 The group reviewed the minutes from the previous meeting. Members approved the minutes as a fair and accurate representation of events. These are included as **Attachment 1**.

2. Purpose of the Meeting

- 2.1 The Chair set out that the purpose of the meeting was to review the Draft Change Report.

3. Agree Approach and Clauses for Liability

- 3.1 The Chair suggested that this discussion should be incorporated into the next agenda item.

4. Review Draft Change Report

- 4.1 The Working Group reviewed the Draft Change Report. The main discussions were as follows.

- 4.2 Section 6:

SIP communication to DNO and Suppliers

- 4.3 VB highlighted that they had raised concerns under the REC change R0021 that they do feel have been responded to adequately. VB noted that under the REC, some of the process documents do not lay out the process and that if flows are being implemented, they need to be complete and accurate. VB clarified that they do not want a further change needed in the future to fill the gaps they have identified.
- 4.4 The Chair agreed to discuss this with REC to ensure that the processes are correct and that the guidance documents will be updated to align.

14/01: The Chair to refer to REC regarding SSE's concerns that the process documents are incomplete.

- 4.5 Regarding SIP communications with Distributors, RB raised that they were unsure how beneficial it would be to receive a notification from the SIP one day before the work. The Chair noted that there were mixed responses to the consultation, with some DNOs wanting prior notification due to outage notifications.
- 4.6 The Chair advised that the current proposal is that SIPs would need to log onto a secure section of the DCUSA website to notify DNOs of any work at least one day before. RB asked whether this would come in spreadsheet form and noted that it could be time consuming for DNOs to log into a mailbox and check the notifications each day. The Chair clarified that the obligation would be on SIPs to provide the data, and then it would be up to the DNOs how and if they use the information.
- 4.7 KW questioned whether a spreadsheet would be practical for maintaining an audit trail, and noted that there could be thousands being sent. RB noted that the Supplier will receive a data flow on completion of the work and suggested that this could get sent to the DNO too.
- 4.8 One member noted that this would not provide advance warning of the work. VB suggested that the flow could be sent ahead of time, when the work is booked in.
- 4.9 Another member noted that the REC have already consulted on the solution for R0021 and that it might not be possible to amend it at this stage. The Chair agreed to discuss this with the REC and noted that ideally it would be included in R0021, however that it may be possible to put together a specification and make this a DCUSA flow to be ready by implementation.
- 4.10 The group agreed that a data flow would be the preferred solution and noted that they feel uncomfortable voting on an incomplete solution.

14/02: The Chair to refer to REC regarding including a data flow for SIPs to notify DNOs of work.

Further review of liability clauses within DCUSA

- 4.11 The Chair advised that they referred to the DCUSA legal advisers regarding the possibility of a wider review of liability outside of DCP 394. The response from the legal advisers is below.

‘We agree that the approach taken mirrors the caps in relation to the existing indemnities given by Gas Suppliers and Third Party Electricity Suppliers. We are not aware of any reason to treat the SIPs differently. However, given that the caps were set a long time ago, we agree that it would be sensible to consider increasing the caps for all parties. This would likely be a separate exercise.’

- 4.12 The Chair advised that they also referred to the DCUSA legal advisers regarding the suggestion that SIPs should provide evidence that they have a sufficiently high public liability insurance to meet liabilities. The response from the legal advisers is below.

‘This is a sensible suggestion. You would need a reason to apply this to SIP Parties and not other parties. If you wish to include this, we would make an addition in clause 4.2.4 (to deal with the initial provision) and then perhaps in clause 54 (to make it an event of default if annual evidence is not provided). The WG would need to decide what level of cover was required – per incident and in aggregate per year.’

- 4.13 The Chair noted that CB is going to research whether any checks are currently completed as part of the Meter Equipment Manager (MEM) accession to REC. VB suggested that it could be beneficial to discuss liability as a whole within a separate Working Group outside of this change. KW agreed that having different requirements for different DCUSA Parties would be inappropriate.
- 4.14 The Chair asked members whether, if the requirement is not part of the REC accession, the obligation should be included in DCUSA. The Working Group agreed that this should sit out of scope of this CP and considered within a CP reviewing liability more generally.

Supplier Hub Principles

- 4.15 The Chair noted that a consultation response raised concerns that isolation activity through an independent SIP could go against the supplier hub principle.
- 4.16 The Working Group concluded that the original proposed solution of allowing SIPs to work independently would open the market more and provide more options for customers seeking a safe isolation service.

Competition Law

- 4.17 The Chair noted that a consultation response raised a concern around Competition Law. The Chair advised that they had referred this concern to the DCUSA legal advisers who agreed with the Working Group view that Competition Law is not a concern as anyone can apply to become a REC accredited MEM.

Appropriate communications/publications to be included on the DCUSA, REC and DNO websites, regarding SIPs

- 4.18 The Working Group considered appropriate communications and agreed that these should be developed and ready for publication upon implementation.
- 4.19 GH noted that the Association of Meter Operators (AMO) are happy to publish information on their website, however would rather be guided so wording is consistent. PA agreed that a press release should be issued to advise all affected parties.

5. Next Steps & Work Plan

- 5.1 The Working Group Agreed the next steps:
- The Secretariat to update the Change Report in line with discussions above and circulate to members for review by 14 September 2022 (DCUSA Panel paper day).
 - The Chair to hold discussions with REC on the feedback from VB and the Working Group position on the need for a data flow in place of a DCUSA website portal. The Chair noted that the outcome of these discussions will determine whether the Change Report will be issues to the DCUSA Panel in September.
 - The Chair to update legal text depending on outcome of REC discussions.

6. Any Other Business

- 6.1 The Chair asked the Working Group if there was any other business to discuss, to which nothing was raised.

7. Date of Next Meeting

- 7.1 The Chair advised that they would confirm after the meeting if a further meeting was needed.

Attachments

- Attachment 1 - DCP 394 Working Group Meeting 13_Final Minutes v1.0

APPENDIX A

New and Open Actions

| Action Ref. | Action | Owner | Update |
|-------------|---|-----------|--------------------|
| 13/03 | The Chair to refer to the DCUSA Panel regarding opening SIP applications ahead of the implementation date of DCP 394. | The Chair | |
| 13/04 | The Chair to refer to the DCUSA Panel regarding a possible review of the liability cap across DCUSA/cross code, and the matter of how to ensure SIPs are able to meet liabilities when acceding to DCUSA. | The Chair | |
| 14/01 | The Chair to refer to REC regarding SSE's concerns that the process documents are incomplete. | The Chair | New action. |
| 14/02 | The Chair to refer to REC regarding including a data flow for SIPs to notify DNOs of work. | The Chair | New action. |

Closed Actions

| Action Ref. | Action | Owner | Update |
|-------------|--|-----------|--|
| 13/01 | The Chair to consider appropriate communications/publications to be included on the DCUSA, REC and DNO websites, regarding SIPs. | The Chair | Action closed. <i>This was discussed under agenda item 4 and addressed within the Change Report.</i> |
| 13/02 | The Chair to refer to Gowling regarding UK Power Networks query on Competition Law (response to Question 11). | The Chair | Action closed. |

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| | | | <i>This was discussed under agenda item 4 and addressed within the Change Report.</i> |
| 13/05 | The Chair to refer to the DCUSA Panel regarding the possibility of introducing a DCUSA website function to allow SIPs to notify DNOs ahead of carrying out work. | The Chair | Action closed. <i>WG agreed that a data flow is preferable to a DCUSA website function. The Chair to discuss with REC.</i> |