

DCP 439 'Backdating Tariff Changes'

COLLATED CONSULTATION RESPONSES WITH WORKING GROUP COMMENTS

Company	Confidential/ Anonymous	1. Do you understand the intent of the Change Proposal?	Working Group Comments
NGED	Non-confidential	yes	Noted
ENGIE	Non-confidential	Yes	Noted
UK Power Networks	Non-confidential	Yes	Noted
Northern Powergrid	Non-confidential	Yes	Noted
ICoSS	Non-confidential	Yes	Noted
EDF Energy Customers Limited	Non-confidential	Yes	Noted
Inenco	Non-confidential	Yes	Noted
SSE Energy Supply Ltd (SSE Business Energy)	Non-confidential	Yes	Noted

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SPEN	Non-confidential	Yes	Noted
Southern Electric Power Distribution plc and Scottish Hydro Electric Power Distribution plc	Non-confidential	Yes	Noted
Centrica	Non-confidential	Yes	Noted
ENWL	Non-confidential	Yes	Noted
Working Group Conclusions: All respondents understood the principles of the change.			

Company	Confidential/Anonymous	2. Are you supportive of the principles that support this Change Proposal?	Working Group Comments
NGED	Non-confidential	Yes	Noted
ENGIE	Non-confidential	We are not supportive of this change. This change will negatively impact consumers by reducing the period of redress available to them when they are subject to DUoS charging errors. It	

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		<p>will also expose suppliers to the risk of claims from consumers based on the statutory limitation period which cannot be backed off with adjustments to DUoS charges due to DNOs using a shorter reconciliation horizon. This will prompt suppliers to undertake reviews of their terms and conditions at additional legal cost which will ultimately be passed on to consumers. The change also opens up the prospect of charge reconciliation timescales being reduced to 4 months after implementation of MHHS, which would create a much greater risk of charging errors not being identified and corrected in time.</p> <p>In addition to these negative impacts we would question the justification for this change, as all market participants are affected by the MHHS changes and it does not seem unreasonable that legacy systems may have to be supported in some areas for a limited period of time.</p> <p>Ultimately, this proposal creates a new and unnecessary risk to consumers and market participants.</p>	
UK Power Networks	Non-confidential	Yes	Noted
Northern Powergrid	Non-confidential	<p>No.</p> <p>We think there needs to be more information as to why this change is required and we are also wary of the legal implications of a reduction to backdating timeframes to a period much shorter than the current period, which is aligned to a maximum of the statute of limitations.</p>	
ICoSS	Non-confidential	<p>No.</p> <p>There are a number of substantive negative impacts on both customers, particularly larger customers, and suppliers from this change:</p> <ul style="list-style-type: none"> • Suppliers will be potentially exposed to unrecoverable costs from existing contracts unless customers agree to waive their rights to query tariff 	

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		<p>charges beyond the RF settlement run. We see no reason why customers should agree to this. See our response to question 11.</p> <ul style="list-style-type: none"> • Suppliers will be required to revise future contracts with their customers to seek to prevent unrecoverable costs in the future. Again, there is no reason as to why a customer should agree to this. See our response to question 11. • We have particular concerns over the transitional process which will create an arbitrary backstop date. Whilst we see this the merit for this for the DNOs, it is not in the interests of consumers, who will see a dramatic reduction in their ability to have erroneous charges corrected as the new system beds in. 	
EDF Energy Customers Limited	Non-confidential	Yes, this change will be more efficient in the implementation of the methodology by incentivising parties to capture and correct errors in a timely manner.	Noted that there wouldnt be the same incentives for all parties to capture and corect errors.
Inenco	Non-confidential	No – We are very much opposed to it for the reasons set out below. We would also stress that the points below answer specific points asked in the questions. The response to some earlier points may therefore also relate to answers given to later questions so our responses require considering in their entirety.	
SSE Energy Supply Ltd (SSE Business Energy)	Non-confidential	Whilst we appreciate the proposer’s views of this change, we do not agree with it. Ultimately this change has been raised to ensure that DNOs do not need to manage two systems post MHHS migration and whilst there is a cost for managing these systems, we do not believe enough consideration has been given to the potential downsides of the proposal for both consumers and suppliers. Customers may not realise for some while that they have been incorrectly charged, for instance, where this is due to a DNO error, and we understand that basing the back-dating provisions on the Limitation Act	

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		was designed to ensure that customers would receive fair compensation in such cases. We note within the consultation that only 'some' DNOs will be using a new system, therefore our understanding is that this change will not benefit all DNOs.	
SPEN	Non-confidential	Yes	Noted
Southern Electric Power Distribution plc and Scottish Hydro Electric Power Distribution plc	Non-confidential	Whilst we acknowledge the alignment this approach would bring, 14 months and subsequently 4 months post MHHS is quite a leap from the statute of limitations and restricting to this extent may disadvantage some customers.	This respondent confirmed within the Working Group that they did not support this change.
Centrica	Non-confidential	Yes	Noted
ENWL	Non-confidential	No	Noted
<p>Working Group Conclusions: Five respondents stated that supported the change, seven stated they did not support the change and one stated whilst they appreciated the intent of the change, reducing the window for backdating tariff changes, reducing the timescale from 6 years to RF (14 months reducing to 4 months post HMMS) was quite a leap.</p> <p>The reasons given by those for not supporting the change ranged from reducing the window from 6 years to align to RF would have a detrimental impact on customers who had been placed on incorrect tariffs due to no fault of their own, would lead to suppliers having to change their T's&C's to accommodate the new window</p>			

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It was noted that changing the window for backdating of tariff changes to align with RF is consistent with other industry processes, including the forward fix approach the MHHS programme and faster switching programme had taken.

Company	Confidential/ Anonymous	3. What’s your experience of backdating DUoS tariffs in practice (what works well, what doesn’t work well etc)?	Working Group Comments
NGED	Non-confidential	We do this if it’s in the customer’s interest to do so. It doesn’t present too much difficulty. Sometimes customers come back to us for help if they have difficulties with getting their rebate’s back from their supplier but for the most part it works well.	Noted
ENGIE	Non-confidential	We do have examples of backbilling corrections arising from LLFC changes, and at least one of these spanned a 6-year period.	Noted
UK Power Networks	Non-confidential	It is a manual process to change the tariff beyond the RF date, that is controlled by system permissions and limited to few users. Consideration needs to be given as to the validity of LLFCs over the period since the effective from date of the change, as subsequent changes of LLFC may be needed	Noted
Northern Powergrid	Non-confidential	DUoS tariff backdating for HH sites that have been assigned to an incorrect voltage level / point of connection (PoC) is a well-established internal process for refunding suppliers. We have little issue with the current process for this type of refund, where the first 14-months are done via settlements and the remaining period is a more manual process. If this error is not in the	Noted

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		<p>customers favour (e.g., it results in higher charges) we would not backdate and only change the LLFC going forward.</p> <p>We recognise that there may be issues later in the refund process with suppliers returning funds to the customers, especially if that supplier has since failed, or the customer has moved to one or more new suppliers in the backdating period.</p>	
ICoSS	Non-confidential	This question will be answered directly by our members	Noted
EDF Energy Customers Limited	Non-confidential	Most errors are identified by customers, or their consultants, and we act upon any corrections from the DNO/IDNO.	Noted
Inenco	Non-confidential	<p>The backdating of DUoS Tariffs in the context of DCUSA, in the case of incorrect LLFC allocation (eg LVN – LVS), works very well. On confirmation that an error has been identified all DNOs quickly change the LLFC and backdate it 14 months. In addition, they promptly rebill the appropriate suppliers 6 years DUoS charges and issue a refund (Or additional charge) on suppliers. This then opens up the opportunity for suppliers to refund the customer. However, getting DNOs to investigate the matter in the first place is a very different story. Whilst some DNOs will investigate if reasonable doubt exists, some are reluctant to accept evidence unless it virtually proves there has been a mistake. They seem to forget these provisions were only put in place in the first place to avoid the cost of DNOs checking every LVN supply to ensure all LVS supplies were picked up. This is difficult for customers to provide because:- a) the definition of a substation supply includes the fact that the CTs must be located at or within the substation which is not accessible to the customer for security reasons. (In one case</p>	Noted

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		<p>recently where a DNO insisted on a photograph of the CTs they would not accept our argument that we could not do this because they were located in the substation. They only relented – and reclassified the site when we pointed out the only way their request could be fulfilled was if they allowed us to climb over the security fence surrounding the substation to access the CTs.) b) Customers generally are business people, trying to survive in a hostile commercial environment, They are not electrical engineers or experts in the highly complex industry protocols. To require them to provide that level of expertise just to ensure they are being charged correctly places an unfair burden upon them and makes a nonsense out of cost reflective DUoS charging and facilitates the application of incorrect Distribution losses both of which are enshrined in UK law under EU electricity regulations. We would suggest that instead of penalising the customer through incorrect charging, DNOs should be obliged to investigate these suspected errors based upon a much lower evidence threshold. Also, we would point out, for reasons given later, that the effects of incorrect LLFCs do not just affect DUoS tariffs, they also affect Energy charges, Transmission charges, BSUoS, CFD, and any other charges applied through legislation which include distribution losses. For these charges, the limitation is already set by the settlements process, and therefore the customer's ability to gain recompense for such errors is already highly constrained. There is a real danger that these will be all but removed once the settlements period is further reduced.</p>	
SSE Energy Supply Ltd (SSE Business Energy)	Non-confidential	We do not have any concerns with the process overall, for us, there is little manual work that needs to happen for changing the tariffs in our system and then retriggering the validation routines.	Noted
SPEN	Non-confidential	SPEN will receive voltage classification queries which may mean that DUoS tariff needs to be amended from either customers or consultants. Where the	Noted

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		<p>MPAN is registered as Half Hourly metered and the current voltage classification is confirmed to be incorrect, then we may need to issue a rebill up to six years. This is not possible for NHH MPANs, which are invoiced via Supercustomer process and invoiced as per the Elexon NHH calendar. The MPRS system is restricted to changing the LLFC within the 14 months reconciliation period, which means that only the current supplier is notified of the LLFC change. However, this change could cover the register periods of multiple suppliers, SPEN will notify all supplier of LLFC changes via email prior to the rebill being issued.</p> <p>SPEN has receive complaints raised by customer or consultants regarding difficulty obtaining refunds from previous or current suppliers. SPEN has been asked to provide billing information to customer or consultants to assist them in dealing with suppliers.</p> <p>Suppliers have raised disputes for MPAN final/non final demand status or rebanding process such as significant change of use of the site. The DNO can rebill the DUoS changes to correct this issue past the 14 months reconciliation limit, if necessary, but the ESO is limited by the data provided on the P402 report to this 14 month reconciliation limit. This means that there is a mismatch between the TUoS and DUoS residual charging bands issued to the supplier.</p>	
Southern Electric Power Distribution plc and Scottish Hydro Electric Power Distribution plc	Non-confidential	No significant issues with backdating tariffs. It requires standing data changes within the billing system, and this would then automatically flag the site(s) in question for cancel/rebill. We need to request our MPAS team to manually update the LLFC in MPRS, as it can only be updated automatically to 14 months. MPAS will update this and then send a D0171 flow to notify the registered supplier.	Noted

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Centrica	Non-confidential	No comment	Noted
ENWL	Non-confidential	The current maximum period we can back bill is 6 years, although it extremely rare for us to go back that far. It is not particularly onerous but does at least ensure that a customer can receive a refund where it is appropriate, and that seems wholly fair. It also avoids a risk of litigation.	Noted
<p>Working Group Conclusions: The majority of respondents believe that whilst the current process has some areas that could be improved, it generally works well. Some of the barriers raised were, customers not being able to locate the meter as they can be in substations so inaccessible, distributors requiring substantial evidence, suppliers always not proactively refunding customers.</p> <p>It was noted that these incorrect tariffs are usually highlighted by the customer or their consultants/broker rather than being raised by industry parties.</p>			

Company	Confidential/ Anonymous	4. For suppliers only- If you're no longer the supplier for an MPAN, what is your process for back billing customers and refunding/debt collection? Do you follow the same process for COT customers?	Working Group Comments
NGED	Non-confidential	N/A	

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ENGIE	Non-confidential	Whether the outgoing customer has switched away, or left because of a COT, if a requirement arises to rebill to reflect adjusted DUoS charges this will be done, within the limits of the current DCUSA reconciliation timescale.	
UK Power Networks	Non-confidential	N/A	
Northern Powergrid	Non-confidential	N/A	
ICoSS	Non-confidential	This question will be answered directly by our members.	
EDF Energy Customers Limited	Non-confidential	Any revised DNO invoices trigger our rebilling irrespective of us being the current supplier or not.	
Inenco	Non-confidential	Although not a supplier we do have comments relevant to this section. Firstly, in respect of customers on fixed price contracts. In our experience, some suppliers are indeed both fair and reasonable in this respect. They will allow their contract Ts & Cs - protecting them against unforeseen changes in DUoS (ETC) - to be interpreted to work both ways, passing on changes in DUoS to the customer both retrospectively and ongoing. This includes making allowances in existing contract terms where appropriate in many cases. However unfortunately, several suppliers refuse to pass refunds back to customers and retain them in what we consider to be gaming by the industry. They seem to be perfectly willing to pass on contractually justifiable increases but will not entertain refunding windfall refunds generated through such errors and will not adjust existing prices so will	

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		<p>continue to charge customers more than the true DUoS costs for the remainder of the current contract.</p> <p>In the case of pass-through contracts the position is slightly different. Suppliers are required to pass back the benefits of both the 6 years historical DUoS rebilling and 14 months backdated distribution losses covering all components of their pass-through charges which are subject to distribution losses. That still leaves up to 8 years of excessive DUoS charges and almost 13 years of incorrect losses which are unrecoverable, and this proposal will curtail that further. In addition to these points, we would suggest it may be the suppliers who end up facing the wrath of customers in this respect as it is likely to be their agreement with this proposal which gets it through the DCUSA voting process should they indeed agree with it.</p>	
<p>SSE Energy Supply Ltd (SSE Business Energy)</p>	<p>Non-confidential</p>	<p>Where a customer is no longer on supply, all billing is ceased, and the account is closed. If it has been noted that the customer has been overcharged, the account is rebilled and a pending account is formed to hold that credit. The customer will then be refunded for the overcharge. Where it has been identified that a customer has been undercharged, if a final bill has been paid and the account has been closed, no charges will be sent to the customer. It is highly unlikely that a customer that has ceased a contract with a supplier, will pay for the back-billing of charges. The increase in costs for chasing for non-payment of the undercharge can be excessive, dependant on the level of debt collection activity is completed, therefore we do not chase for such instances if the account if fully closed. Where an account has not yet been finalised and we have been made aware of an undercharge, the account is rebilled accordingly and a new bill is sent with</p>	

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		the correct charges. The same process is followed for both COS and COT events.	
SPEN	Non-confidential	N/A	
Southern Electric Power Distribution plc and Scottish Hydro Electric Power Distribution plc	Non-confidential	N/A	
Centrica	Non-confidential	No comment	
ENWL	Non-confidential	N/A	
<p>Working Group Conclusions: Suppliers use the same process for COT and COS customers. The Distributors contact each supplier during any periods they held the MPAN to inform them of the credit and then suppliers refund each customer for the period they were the supplier or for the period was responsible for the site.</p>			

Company	Confidential/ Anonymous	5. Are there any other industry codes that may be impacted by this change? Please elaborate on what these codes are.	Working Group Comments
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NGED	Non-confidential	Not that we are aware of.	Noted
ENGIE	Non-confidential	We are not aware of any.	Noted
UK Power Networks	Non-confidential	The changes being brought by MHHS will impact this area of work due to the reduced settlement periods, however we are not aware of any specific other codes which would be impacted.	Noted
Northern Powergrid	Non-confidential	None that we are aware of.	Noted
ICoSS	Non-confidential	None.	Noted
EDF Energy Customers Limited	Non-confidential	Not that we are aware of.	Noted
Inenco	Non-confidential	The introduction of the LVS tariff was an attempt to improve the cost reflectivity of DUoS pricing. Ofgem did not ask DNOs to check all supplies connected directly to LV substations when this tariff was universally introduced based upon new criteria defining a sub station supply. The cost of such action was considered too great to warrant such an approach and the backdating of the correction of an incorrectly classified supply was seen as a mechanism by which the customers exposure to incorrect non cost reflective pricing was limited. Removing the ability will mean those	

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		<p>customers who continue to be incorrectly charged will no longer have the means to correct this error and will be disadvantaged through non cost reflective pricing of DUoS rates which could be considered to be in breach of EU Regulation 2019/943, which is enshrined in UK law. In addition, Gowlings the legal advisors consulted, during their recent workgroup discussions, indicated that there may also be questions about the fairness and reasonableness of this change. In particular they stated that any assessment of fairness of this proposal should ask whether it is reasonable to expect a customer to identify errors in allocating charges within the settlement period (to be reduced to 4 months). This is part of the reason for question 10. It can be demonstrated that these errors have often existed since April 2010 when the CDCM was introduced there are still many supplies where the error has not been identified even now, 14 years after the introduction of the CDCM. However, there is no mention of this advice or of the "Fairness" issue in the workgroup consultation or even the workgroup minutes (meeting 4). I have raised this separately with the workgroup coordinator as I believe it to be pertinent to this consultation. DNOs publish figures detailing the number of LV Substation supplies operated by DNOs occasionally. It is clear that there is a correlation between those DNOs who have the most LVS supplies and those DNO's willingness to investigate incorrect LLFCs. To rely on the customer to identify these errors is unreasonable in our opinion. We would therefore question the appropriateness of the use of the current definition of fairness within DCUSA. As far as we can tell it simply requires all customers to be treated the same without discrimination. Without retrospective adjustment, customers who have an incorrect LLFC are NOT being treated fairly because they are not being charged correctly or in a cost reflective manner, not because of anything they have done, but because the DCUSA rules have changed and the DNOs were not required to check all supplies are being</p>	
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		<p>charged correctly following that change. 6 years backdating was DCUSAs first attempt to introduce more fairness and this proposal unfairly seeks to remove that. Whilst we appreciate the need to minimise the costs associated with charging DUoS there should also be mechanisms within the industry to ensure customers are charged correctly for the electricity, they use both retrospectively as well as ongoing. Whilst the current process allows the customer to recover overpaid DUoS charges 6 years, even now the losses overcharge (Due to being charged LVN losses (~10%) instead of LVS losses (~4%)) can only be recovered 14 month back. This will be reduced to 4 months upon the introduction of the MHHS. Therefore, in addition to the proposal restricting the customers access to cost reflective pricing it may also be considered unfair or unreasonable in breach of other regulations.</p>	
SSE Energy Supply Ltd (SSE Business Energy)	Non-confidential	We are unaware of any other codes that may be impacted by this change.	Noted
SPEN	Non-confidential	ESO TUoS residual banding P402 report	Noted
Southern Electric Power Distribution plc and Scottish Hydro Electric Power Distribution plc	Non-confidential	Not aware of any at this time.	Noted

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Centria	Non-confidential	Not that we are aware of	Noted
ENWL	Non-confidential	Not known	Noted
<p>Working Group Conclusions: It was noted that the reduction of the RF window from 14 months to 4 months would be impacted by this change however, the MHHS programme does not have any other interactions with this change.</p> <p>It was also noted that the P402 report that is sent to the ESO may also need to change, however that change is not in scope for this DCP and will be required to be raised with the BSC separately.</p>			

Company	Confidential/Anonymous	6. If this change is not implemented what are the potential impacts ie system constraints, additional manual intervention etc.	Working Group Comments
NGED	Non-confidential	We carry on as we are backdating 6yrs though it will present issues where we get a cross over (ie we backbill a few months out of our new billing system built for MHHS and the remainder from our old legacy system).	No change other than presenting issues for backdating where there is cross over with the legacy system,
ENGIE	Non-confidential	From a supplier perspective the non-implementation of this change would avoid costs incurred in review of contract terms and conditions, and avoid mismatches of consumer expectations of billing corrections against what suppliers were actually able to support based on the shortened DNO reconciliation periods. This would avoid poor customer experiences and inefficiencies arising from protracted disputes around charge reconciliation.	No change to current process.

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UK Power Networks	Non-confidential	<p>Due to the reduced settlement periods being brought in by MHHS this will restrict the time which changes can be made in MPRS and if wider changes to the back dating (as detailed in this proposal) are not made, then data across different systems will be inconsistent going forward.</p> <p>It also perpetuates the inconsistency between the backdating of supplier owned data that impacts charges (which is restricted by settlement) and distributor owned data.</p>	<p>Not aligned to MPRS and would result in the data across differnt systems being inconsistent.</p> <p>Also could led to inconsistencies in the backdating of supplier data and distribuotr data</p>
Northern Powergrid	Non-confidential	<p>We are not aware of any upcoming system changes that would not allow us to issue the refunds in a similar way as they are currently processed. Currently the billing system is backdated to the RF date (14-months) and the remaining 4 years 10 months is picked up via a more manual refund process facilitated by the Durabill system. We are unaware of any changes that would stop this two-part process continuing even if the RF window shortens under MHHS.</p>	No change
ICoSS	Non-confidential	<p>Whilst we acknowledge that the DNOs, along with all other industry parties, will have to undertake some transitional activity as part of the cutover to the new MHHS market arrangements if this change is not implemented, we do not think this will be particularly onerous. We do not believe that expecting the maintenance of a legacy system, or developing a transitional process to manage errors during cutover, is unreasonable.</p>	No change
EDF Energy Customers Limited	Non-confidential	<p>Anything over 14 months currently requires us to use a non-automated process.</p>	No change

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Inenco	Non-confidential	<p>We do not consider this to be as large an issue as the proposal suggests. Backdating of DUoS tariff charging is a relatively straightforward calculation involving two main variables and two fixed charges. a) RAG charging – Require tariffs & HH data, b) Reactive charges – Require tariffs & HH data. c) MIC charges – Require tariffs & Connection agreements. d) Fixed charges – Require tariffs and a Callender. EHV supplies have a super red charge the consumption for which requires HH data. Recalculating them based upon different rates is not difficult and providing the half hourly data is available could be a routine exercise (see next question). Most businesses are required to retain their records for a period of 6 years and unless DNOs are a special case they would have to retain the data anyway. That data could easily be extracted from the legacy system or another system which perhaps feeds it into the legacy system and a manual calculation and adjustment carried out. There is simply no need for a whole systems to be maintained and this appears to the uninitiated to be a total over reaction to a relatively simple problem to overcome.</p>	
SSE Energy Supply Ltd (SSE Business Energy)	Non-confidential	<p>We do not see any significant impacts if this change was not implemented.</p>	No significant change
SPEN	Non-confidential	<p>MPAN registration details on the DNO system, could be different from the DNO MPRS system as the MPRS system is restricted to 14 months</p>	Inconsistent data between DNO systems and MPRS as MPRS can only

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		<p>reconciliation period while the DNO billing system is not. This means that the registration information contained in MPRS system may not reflect the DNO billing records.</p> <p>Post MHH – MPAN migration process may mean that potential rebills could cover MPANs that have been registered in both Legacy and MHH MPRS and Billing systems. The DNO will need to ensure that the Legacy billing system are maintained to facility potential refunds over 6 years after MHH has been implemented.</p>	<p>be backdated 14 months resulting in the data in the registration system not aligning to DNO billing records.</p> <p>Post MHHS legacy systems would require to be maintained to process backdating tariffs where the backdating crossed over into the legacy system.</p>
Southern Electric Power Distribution plc and Scottish Hydro Electric Power Distribution plc	Non-confidential	It would mean a substantial period of cancel/rebilling across both the new billing system (MHHS) and the legacy system, but we're not anticipating any significant issues with this.	Substantial period where rebills could be required across both new and legacy system.
Centria	Non-confidential	None	No change
ENWL	Non-confidential	<p>No marginal impacts of not implementing this proposal. Continued (not onerous) manual processing of (the few) re-billing amendments back beyond the reconciliation period.</p> <p>Regarding the Proposers suggestion that "legacy systems could require supporting for six years on the chance that an LLFC/DUoS Tariff is found to have been wrong", ENW believe that this could be avoided by an appropriate data migration / archiving approach for any new billing system implementation.</p>	No change

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Working Group Conclusions: The majority of respondents stated that there would be no significant change if this CP isn't approved.

Nine respondents stated that they believed there would be no impacted if this CP was not implemented as they would just use their existing processes.

One responder noted that billing data would not be aligned to MPRS which would result in the data across different systems being inconsistent.

The same responder also highlighted that if this CP was not implemented it could led to inconsistencies in the backdating of supplier data and distributor data.

Another responder also noted that there would be misaligned data between MPRS and the data in the registration systems.

They also noted that post MHH, the legacy systems would require to be maintained to process backdating tariffs where the backdating crossed over into the legacy system.

Another DNO responder stated that if the change wasn't implemented, there would be a significant period where rebills could be required across both new and legacy systems.

Company	Confidential/ Anonymous	7. Are there any solutions that have not been considered by the Working Group? Please elaborate on what these solutions are.	Working Group Comments
NGED	Non- confidential	No – not that we can think of.	Noted

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ENGIE	Non-confidential	Insufficient consideration has been given to how legacy system data could be used to support the current reconciliation timescales beyond MHHS go-live, and to potentially longer reconciliation periods than the 14-month RF settlement window (set to reduce to 4 months after MHHS). The consultation process so far has not provided sufficient transparency about the need for change from a DNO perspective.	
UK Power Networks	Non-confidential	No, there are none which we are currently aware of.	Noted
Northern Powergrid	Non-confidential	No.	Noted
ICoSS	Non-confidential	Yes. We are concerned that no consideration has been given to a transitional process for managing the runoff of legacy systems, such as a offline mechanism for managing long-term errors of a sufficient materiality. In both the gas and electricity markets there are such processes for raising claims for large materiality. Whilst they are aimed at resolving settlement issues, we see no reason why a similar framework cannot be developed for tariff changes.	
EDF Energy Customers Limited	Non-confidential	None that we can think of.	Noted
Inenco	Non-confidential	The industry claims these errors are rare. If this is indeed the case, then (Per response to Q6.) it should not be necessary for legacy systems to be maintained in order for such mistakes to	

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		<p>be corrected. Inenco have a system for calculating DUoS charges from half hourly data which accurately predict DUoS refund values and is used to validate refunds. There is no reason why manual calculations of the charging differentials could not be carried out in the event of these "very occasional" errors, providing the half hourly data is available. Indeed we, as a more knowledgeable representative of our customers are more than happy to undertake the calculations ourselves for approval by DNOs should this be necessary in respect of our customers. Also, it occurs to us that once HH settlements is up and running, the issue of legacy systems requiring maintaining becomes less relevant with time, until 6 years after the switch when all the data will be maintained on the new systems and the problem is no longer extant. Therefore any "Manual Fix" to a "small number of supplies" over a relative short period of time should not be an insurmountable problem under the current backdating regime.</p>	
SSE Energy Supply Ltd (SSE Business Energy)	Non-confidential	<p>It is possible that should DNOs wish to maintain one system, a data extract is taken from legacy systems to use, should instances of incorrect charging be found. With this proposal, a customer would not be impacted by the closure of legacy systems and their statutory rights would not be affected.</p>	<p>Suggested that the data in the legacy system could be extracted for use in instances of tariff changes that required back dating that crossed over into the legacy system.</p>
SPEN	Non-confidential	No	Noted
Southern Electric Power Distribution plc and Scottish	Non-confidential	Not aware of any at this time.	Noted

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Hydro Electric Power Distribution plc			
Centria	Non-confidential	None	Noted
ENWL	Non-confidential	Not known	Noted
<p>Working Group Conclusions: Two respondents stated that there should be more consideration given to the continuation to the maintenance of legacy systems, another responder suggested if its possible that the data in the legacy system could be extracted for use in instances of tariff changes that required back dating that crossed over into the legacy system and another responder advised that they have a system for calculating DUoS charges from half hourly data which accurately predict DUoS refund values and is used to validate refunds which they would be happy to share. This responder also stated that the issue of backdating where periods cross over to legacy systems will become less of an issue in the passage of time within the current process of backdating 6 years.</p>			

Company	Confidential/ Anonymous	8. Are there any other time periods that may be considered more appropriate. Please elaborate on which timescales, barriers to implementation and ways to overcome these?	Working Group Comments
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NGED	Non-confidential	To reduce to 4mths will be challenging but understand the intent to align with settlements.	Noted
ENGIE	Non-confidential	We do not support the change in timescales proposed.	Keep six year process
UK Power Networks	Non-confidential	No, we believe it is important that any backdating arrangements are consistent with the data held in the MPRS system.	Noted
Northern Powergrid	Non-confidential	No.	Noted
ICoSS	Non-confidential	No, the current process is the only "sensible" option as it aligns with wider contractual law and should be maintained.	Keep six year process
EDF Energy Customers Limited	Non-confidential	No. We consider this to be the best solution.	Noted
Inenco	Non-confidential	Strictly speaking as an error in LLFC is a continuous and persistent issue it is, in our opinion questionable whether the 6-year statute even applies. 6 years, as confirmed by Gowlings, during the workgroup meeting and entered into the minutes, is the time limit within which legal action can be considered after an error has occurred. It has no bearing upon how far back that error should be corrected. Therefore, as these errors have often been in place since 2010 there is an argument that the period of rebilling should always be taken back to April 2010. At the very least, it should be taken back	Keep six year process

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		to the start of the supply period of the supplier in place, 6 years prior to the identification of the error.	
SSE Energy Supply Ltd (SSE Business Energy)	Non-confidential	We believe that a customer's statutory rights should not be impacted and that the DCUSA should reflect the provisions of the Limitation Act.	Keep six year process
SPEN	Non-confidential	No bound by moving to MHHS.	Noted
Southern Electric Power Distribution plc and Scottish Hydro Electric Power Distribution plc	Non-confidential	Consideration should be given for why alignment with statute of limitations was implemented in the first place with respect to backdating of DUoS and not the RF run.	
Centrica	Non-confidential	We don't believe that the analysis provided in the working group is adequate to assess that the suggested timescale of 14 months for backdating is appropriate. The numbers of corrections that happen inside and outside of 14 months is not outlined and the value of the corrections has not been collated. Potential customer detriment has not been fully assessed nor has there been any assessment of the costs incurred by DNOs from backdating processes currently or of not reducing the current time period for backdating in future under MHHS. We also don't agree with aligning to reconciliation runs that are subject to change with the implementation of market-wide half-hour settlement. The working group	Noted

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		should have concluded what an appropriate length of time to allow corrections for, with a clear rationale for doing so and then proposed to codify that timescale.	
ENWL	Non-confidential	Statute of Limitations should continue to apply as per current code.	There is no reference in the DCUSA to the 6 year limitations act within the DCUSA currently. Keep six year process
<p>Working Group Conclusions: Six respondents believed that the current process of backdating as far back as six years should be retained.</p> <p>Four responders stated that they believed there were no other time periods more appropriate other than what the CP was offering.</p> <p>One responder stated that to reduce the time period to 4 months would be challenging but they understood the intent to align with settlements.</p> <p>One responder believed that there hadn't been enough analysis to assess if the suggested timescale of 14 months for backdating is appropriate.</p> <p>They went on to state that potential customer detriment had not been fully assessed nor has there been any assessment of the costs incurred by DNOs from backdating processes currently or of not reducing the current time period for backdating in future under MHHS.</p> <p>Finally, this responder also stated that they didn't agree with aligning to reconciliation runs and highlighted that the RF window was subject to change in the future.</p>			

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Company	Confidential/ Anonymous	9. What would be the impact to customers if this change were to be implemented?	Working Group Comments
NGED	Non-confidential	<p>There is the potential for the customer to be adversely affected – however we understand the principle to align with settlements and the view to fix forward.</p> <p>Also the RFI demonstrates the volumes are low and therefore we consider appropriate.</p>	Noted
ENGIE	Non-confidential	<p>Negative, as customers would abruptly move from a situation where they could seek billing corrections in line with statutory limitations to only being able to claim redress for 14 months – and potentially 4 months if the time limit moved with the change in definition of RF post-MHHS.</p>	Noted
UK Power Networks	Non-confidential	<p>There is no impact to 8.5million of our customers.</p> <p>The handful of customers who challenge their tariff would need to do so in a timely manner, as the sooner it is identified then the sooner it can be reviewed and updated if appropriate.</p> <p>It is important to remember, that if an issue exists, once it is corrected it is right going forward, which will be for the majority of the life of the MPAN.</p>	Noted
Northern Powergrid	Non-confidential	<p>The customer is not in control of this LLFC allocation, and the fault lies with the DNO.</p> <p>Currently, in the case that the corrected LLFC results in lower charges, the customer is refunded back to the date the error occurred, up to maximum of 6-years. Whereas under this proposal the refund period would be reduced to a maximum of 14-months (shortening to 4-months under MHHS)</p>	Noted

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		<p>meaning that the DNO would be retaining money that would be returned to the customer under the current process.</p> <p>Therefore, this change could have an adverse financial impact on customers who, through no fault of their own, have been assigned to the wrong voltage or point of connection.</p>	
ICoSS	Non-confidential	Reducing the timescale for customers and suppliers to correct erroneous tariffs charges will expose customers to unrecoverable costs from existing errors.	Noted
EDF Energy Customers Limited	Non-confidential	Errors should be able to be identified sooner than six years and this change would add a sensible backstop in keeping with adjustments made to other data such as consumption and energisation status.	Noted
Inenco	Non-confidential	<p>This change would remove the ability of DNOs to adjust incorrect charges raised on individual customers. The cost to such customers can be significant with one customer receiving refunds on 70 + sites amounting to £433,352. Overall Inenco have recovered over £3,000,000 for customers identified as being allocated an incorrect line loss factor. Please note these figures only include the money refunded to customers. Whilst most suppliers will pass these refunds on to the end user not all suppliers will do so where fixed price contracts are in place and the final level of overcharging has been well in excess of this amount.(see Q4) We probably identify around 10-20 such supplies per year on average but we only cover a very small proportion of the total number of potential cases. The DNOs very low figures presented under the RFI would suggest the complexities of these issues mean we are the only people looking at this problem. However, the presence of two other customer interest groups in the workgroup suggests</p>	Noted

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		<p>this is not the case. We would therefore question whether enough has been done to evaluate the size of the problem especially in view of the problems getting some DNOs to investigate suspected incorrect classifications. (See Q3). In addition, when an LLFC is incorrect the DUoS charges are not the only cost implication associated with the error. The Distribution losses differential is also significant with LVN supplies experiencing losses of around 10% whilst LVS supplies can incur losses of 4%. This represents an overcharge on the unit price quoted to customers in renewal contract. The losses overcharges were traditionally similar in size to the DUoS overcharges prior to the recent price increases. At the current level of prices, the Losses overcharge is generally greater than the DUoS overcharge. The above figures are therefore likely to be significantly under representative of the excess costs experienced by customers who are being incorrectly charged especially as the current limits allow recovery for only 6 of the 14 years these errors have been occurring and losses can only be backdated 14 months (Soon to be 4 months) out of 14 years. Also, incorrect LLFC allocations are not the only area customers are overcharged for DUoS which would fall under these proposals. The current settlements process makes it very difficult for customers to recover any overcharges which have occurred upon their supplies for incorrect consumptions recorded due to faulty meters outside of the settlements process. Currently most DNOs will consider amending their charges if it can be demonstrated an error did indeed occur but for which the Half Hourly data has not been amended. In two recent cases, customers experienced problems with regard to incorrect metering data which was only identified after the 14-month settlement period had expired. In both cases DNOs accepted the errors were genuine and agreed to refund the overcharged DUoS charges over the periods concerned. In both cases the refunds amounted to at least £30,000. In one case the DNO refunded the money because the customer could not prove</p>	
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		<p>who was responsible for the error and could therefore not recover the £250,000 overcharge any other way. The customer lost approximately £220,000 in incorrect charges but recovered £30,000. In the other case the customer decided to pursue legal action against the supplier and reached an out of court settlement covering all their losses. Whether the DNO subsequently refunded the supplier is unknown. This demonstrates how difficult it is for customers to ensure they pay the correct amount for their electricity and that the current DNO processes do offer limited protection to the customer in so far as they at least are acting in a fair and reasonable manner at the moment. This change proposal threatens that Also, we have examples of incorrect allocation of MIC charges due to procedural issues whereby capacity charges have been raised incorrectly and correction backdated. These changes are not affected by the settlement process as capacity is not included within the process. However, this could now have significant implications on charging bands (Which are also not affected by settlements) and prevent the backdating of residual charging band errors). Finally, one error which comes up occasionally is when customers upgrade their meters from Low Voltage to High Voltage to accommodate additional load. We have come across a number of cases where HV supplies are charged as LV because, presumably, there has been a failure of communication within the DNO's process and a failure to update the LLFC. Although the cost reflectivity of DUoS on HV supplies compared to LV Supplies has changed dramatically since the introduction of the TCR, HV supplies are still sometimes cheaper to operate (for the customer) than LV supplies in terms of DUoS when distribution losses are also considered. However, it should be noted that when the increase in TNUoS is considered, the cost reflectivity disappears and HV supplies are now nearly always more expensive to operate than LV supplies in terms of total network charges. Finally in respect of the impact on customers we would say that just because</p>	
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		<p>the industry try to agree to rules which are simple to keep their costs down, this shouldn't mean the individual customer can be left hung out to dry. It is fair enough to allow DCUSA to agree way forward to facilitate efficient interactions, but it is imperative that customers have access to an effective mechanism by which to contest incorrect charges and recover erroneous costs direct from the industry participants who have benefitted at the customers expense. In addition to these points, we would suggest it may be the suppliers who end up facing the wrath of customers in this respect as it is likely to be their agreement with this proposal which gets it through the DCUSA voting process should they indeed agree with this proposal.</p>	
<p>SSE Energy Supply Ltd (SSE Business Energy)</p>	<p>Non-confidential</p>	<p>If a 14-month limitation period is set out in the DCUSA, SSE will want to ensure that period is mirrored within our T&Cs with the customer, thus the limitation will require the customer's agreement. This could be challenging to obtain given that customers will unlikely want to limit their statutory rights. Customers may request reasoning for the limitation. Reluctance by the DNO to use two systems is perhaps not a fair reason for limiting a statutory right to such an extent. This change overall could be subject to challenge.</p>	<p>Noted</p>
<p>SPEN</p>	<p>Non-confidential</p>	<p>Less opportunity to correct billing errors, though outweighed by the number of instances and impact on legacy systems.</p>	<p>Noted</p>
<p>Southern Electric Power Distribution plc and Scottish</p>	<p>Non-confidential</p>	<p>Some may benefit and others won't depending on the rates of the incorrect tariff relative to the correct tariff.</p>	<p>Noted</p>

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Hydro Electric Power Distribution plc			
Centrica	Non-confidential	The analysis provided by the working group shows that there are sites that are billed incorrectly beyond the proposed time periods therefore there is potential for customer detriment as this could lead to unrecoverable over-billing.	Noted
ENWL	Non-confidential	This proposal would remove the ability for a customer to obtain a refund where it is due one back between 14 months and up to 6 years prior. This could increase the risk of litigation.	Noted
<p>Working Group Conclusions: It was highlighted by the majority of respondents that the main impact to customers would be that they would have the length of time that they could be refunded for being billed on incorrect tariffs reduced and that it also reduces the window that a customer has available to identify errors.</p>			

Company	Confidential/ Anonymous	10. Is the RF period a suitable time for these errors to be identified and resolved? Who do you believe should be responsible for identifying any network charging errors within the RF period (14 months currently, 4 months post MHHS), i.e. customers, suppliers, distributors etc? Please provide rationale.	Working Group Comments
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NGED	Non-confidential	We consider that the timescales reducing to 4 months will be challenging and therefore responsibility should sit jointly with customers, suppliers and distributors.	Responsibility with all parties.
ENGIE	Non-confidential	We do not believe that the RF period is appropriate.	Believes RF is not appropriate
UK Power Networks	Non-confidential	Distributors have worked to identify the correct charging allocation since the new Substation tariffs were introduced with the CDCM in 2010 and so are now limited in further action to identify any remaining historic issues. Improvements have also been made in the initial allocation of Tariffs to new sites. As a result, the customer is in the best position to highlight any concerns they have ASAP for the necessary review to be undertaken in a timely manner.	Responsibility with the customer.
Northern Powergrid	Non-confidential	No, we do not think the RF period is a suitable period of time. Historically most of these LLF refunds go back the full 6 years. This indicates that the RF period is not a reasonable amount of time to identify these errors. In practice these refunds are rarely triggered by the DNO, most are queries raised by energy consultants on behalf of the customer. The DNO is responsible for assigning the PoC/Voltage, so the DNO is ultimately responsible for correcting those errors. Therefore, the current 6-year period feels a more suitable window than the 14-month RF window. A	Believes RF is not appropriate and current 6 year window is. Also notes that it is rare for the DNO to identify these instances and most get raised by customers consultants.

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		4-month window under MHHS would be far too short for the error to be identified.	
ICoSS	Non-confidential	No. For many larger sites it can be very difficult to fully determine the status of a site for charging purposes. Identification of issues are likely to occur only during site visits or from customer works. This usually occur only for maintenance, site improvement or correction of metering faults which occurs sporadically. Issues may take years to be identified as a result. Members have indicated that they have instances of backbilling correction which have spanned a 6-year period.	No to RF.
EDF Energy Customers Limited	Non-confidential	Yes, we consider that revision back up to 14 months is appropriate. Distributors should primarily be responsible as they should know the setup of the premise and metering to enable them to charge correctly in the first instance.	Yes to RF
Inenco	Non-confidential	We do not consider the settlement period to be a sufficiently long period for these (Or any other) errors to be limited to in terms of correction, regardless of who's responsibility it is. However, to place this responsibility upon the customer is patently placing an unfair burden on them which they are rarely equipped to deal with. It is no surprise to us that from the data returned in the RFI run by the workgroup concerning the number of such errors dealt with, that those Inenco have identified in the last 12 months in some cases exceeds the total number of such errors DNOs advised they received. Not only do DNOs appear unaware of these issues but most customers also do not realise such problems exist until someone like ourselves start to	No to RF and doesnt agree that the responsibility should fall upon the customer as they arent equipped to identify the issue.

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		<p>check. If you want to resolve these issues without disadvantaging individual businesses, it is the DNOs who are the only group who have full access to their networks and the ability to take on the responsibility for this issue. If this comes with a cost, it should be established whether that cost should be allowable (EG the introduction of a new LLFC type imposed upon it) or not (EG - Forgetting to update billing systems after upgrading a supply to accommodate additional load). This proposal in particular raises serious questions about what is fair and reasonable in respect of individual users of the networks. We agree there are always winners and losers in any system but only the industry has the access to data and understanding of the regulations to be able to effectively identify these at source. It is no surprise that we come across so few undercharges, but the overcharges appear to be left for the customer to identify. Any move to restrict the customer's ability to recover money which has been overcharged when there is no obligation on the industry to police this or even check LLFCs are correct cannot be fair and reasonable.</p>	
<p>SSE Energy Supply Ltd (SSE Business Energy)</p>	<p>Non-confidential</p>	<p>The settlement period should not be used as a basis for limiting charges/credits as it has no reflection on the balances being passed to the consumer. The settlement calendar is for settlement of suppliers volumes, not reconciliation of DUoS charges. We believe that an assessment of current processes should be completed prior to any changes to a customer's statutory rights.</p>	<p>No yo RF.</p>
<p>SPEN</p>	<p>Non-confidential</p>	<p>Yes, the rebilling of NHH MPAN is restricted by the RF reconciliation period due the Elexon calendar for Supercustomer billing, although HH MPAN don't have the same billing restrictions. It might be beneficial if all MPANs were treated the same.</p>	<p>Yes to RF</p>

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<p>Southern Electric Power Distribution plc and Scottish Hydro Electric Power Distribution plc</p>	<p>Non-confidential</p>	<p>Based on the results of the RFI, there are corrections which date back several years implying the move to 4 months would not be a long enough timeframe to identify and resolve. Identifying errors does not just sit with one party and will depend on the nature of the query.</p>	<p>No to RF. Notes identifying errors does not sit with just one party.</p>
<p>Centrica</p>	<p>Non-confidential</p>	<p>We would propose that a specific number of months rather be used in the legal text to allow the correction of errors for a reasonable length of time post MHHS. In the case of the proposed timescales, the potential move of RF from 14 months to 4 months to identify and correct errors has not been impact assessed adequately and that decision should be made separately after the implementation of MHHS if/when any potential teething issues in implementation have been ironed out. Customer detriment should be adequately reassessed versus costs at that point.</p>	<p>States a specific number of months would be preferable rather than RF.</p>
<p>ENWL</p>	<p>Non-confidential</p>	<p>There are many reasons why errors can remain uncorrected beyond the Reconciliation Final period of 14 months. And also why some errors are much easier to spot and fix.</p> <p>All parties have a part to play (and an interest) in correcting errors. Equally some errors will be evident to one party and not to another. For example,</p> <ul style="list-style-type: none"> • Erroneous reads can cause banding errors. Suppliers should validate reads with reference to their customer site characteristics and historical consumption patterns. This may also be identified by DNOs during the annual banding review. 	<p>Notes identifying errors does not sit with just one party.</p>

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		<ul style="list-style-type: none">• DNOs should identify errors in LLF allocation, etc where it might be inconsistent with other standing data held for that site, or ensure that site capacities are maintained up-to-date in billing systems.• Customers are likely to be checking their bills and may identify errors and raise it with their supplier. <p>The Working Group should also consider whether there is a connection to Ofgem's Back Billing Code for Domestic & Microbusiness Consumers. For example Suppliers can back bill over 12 months in certain circumstances. It would be right that the Supplier is billed for any DUoS arising from any associated data correction to prevent a Supplier profiting from back-billing the consumer at the expense of socialising those DUoS costs beyond 14 months (or 4 months post-MHHS).</p>	
<p>Working Group Conclusions: The majority of respondents did not support aligning the backstop for backdating tariff changes to RF. Reasons given were it reduces the window that customers could be reimbursed and places a lot of emphasise on customers to find errors.</p> <p>The majority of respondent believed that the responsibility for identifying these errors was shared across all parties. A number of respondents stated that it would be unfair to place the responsibility of identifying and correcting error on the customer, although some respondents stated that these errors are usually identified by customers, usually by a customers consultant or broker.</p> <p>One respondent stated that they would prefer a set number of months to be the backstop rather than aligning to RF. The working group considered a fix number of months but agreed that aligning to RF future proofs this change and ensure it is consistent with the forward fixing principles mentioned previously that have been adopted by other industry changes/programmes.</p>			

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Company	Confidential/ Anonymous	11. Do you have any comments on the legal advice received on the limitations act?	Working Group Comments
NGED	Non-confidential	No – it was good advice and good to know that we are not rigidly bound by it.	No
ENGIE	Non-confidential	We do not believe the legal advice provided by the proposer addresses the issues that are created by the sudden shortening of the timescales for corrections and the mismatch that will arise between customers perception of their period of redress and the reality that suppliers will be able to support.	Noted that the legal advice was provided by the DCUSA legal advisors at Gowlings and not by the propsoers.
UK Power Networks	Non-confidential	We are comfortable from the legal advice that the Statute of Limitations does not need to apply to any backdating, which would allow this change to be implemented.	No
Northern Powergrid	Non-confidential	No.	No
ICoSS	Non-confidential	We note that the legal advice applies only to the DCUSC. It cannot be assumed that it would be applicable to a customer-supplier contract. Unless the customer agrees to a reduction in their ability to claim for any tariff errors, and there is no obligation they do so, the supplier would still be exposed to claims in line with the Limitations Act 1980 timescales. This change proposal would therefore expose suppliers to unrecoverable costs due to the misalignment of the DCUSC and wider contractual law.	Noted

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EDF Energy Customers Limited	Non-confidential	No. It seems to be correct.	No
Inenco	Non-confidential	As already mentioned, one matter raised by the legal advisor but not mentioned in the consultation or minuted in the draft minutes was a statement to the effect that "Part of the assessment on fairness should ask if it is reasonable to expect customers to identify errors within the settlement period." This point was not mentioned in the consultation. The recording of the workgroup meeting was still showing on the workgroup teams chat when I responded to the draft minutes pointing this out, so hopefully they will be updated. However, we believe it is an important matter which should be considered by DCUSA in the context of this and other changes. DCUSA is a complex agreement which few individuals fully understand even within the industry. To expect a customer to fully comprehend the complexities and check every industry interaction is not in our view reasonable. It may be reasonable to expect the customer to be responsible for agreeing the MIC of a supply via a connection agreement but to not to understand and interpret the rules within DCUSA (To which they are not Party). Therefore, we believe there should be a duty upon DNOs to either ensure these errors do not happen or provide a mechanism by which they can be corrected.	The minutes have been adjusted to highlight the point around this change placing more emphasis on customers to highlight instances of being billed on incorrect tariffs in a shorter timescale.
SSE Energy Supply Ltd (SSE Business Energy)	Non-confidential	We note that the DCUSA legal team's summary suggests it is possible to contractually agree a shorter limitation period (e.g. 14 months instead of the statutory 6 years). However, we do not believe that this is fair to customers, many of whom are likely to object to what would be a rather one-sided change. It may also be the case that the proposed change may not be in conformance with the statutory 'Unfair Contract Terms'	Noted

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		<p>requirements, as per the Consumer Rights Act 2015 (as updated from time to time).</p> <p>Unfair contract terms explained (publishing.service.gov.uk)</p> <p>The timescale change can be looked at from an unfair contract terms angle, particularly if customers that are not able to negotiate the standard T&Cs are signing them. Shortening the period in which a customer can bring a claim under the T&Cs is in effect limiting SSE's liability. This means the term will need to satisfy the reasonableness test under the Unfair Contract Terms Act 1977 (s3) to be valid. This could expose suppliers that choose to agree longer limitation periods despite what is contained in the DCUSA.</p>	
SPEN	Non-confidential	SPEN attended WGs and understand legal advice.	No
Southern Electric Power Distribution plc and Scottish Hydro Electric Power Distribution plc	Non-confidential	Not at this time.	No
Centrica	Non-confidential	None	No
ENWL	Non-confidential	No as far as it goes. It does not however highlight that litigation could arise from a dispute, even if the litigant has agreed to a shorter period for rectification under the code.	

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		<p>This might be more likely if back-dating a refund (say) is less than the period of error and the party believes the DNO was culpable. This scenario (and attendant bad will) is reduced by retaining the statutory limitation as a backstop in the code.</p>	
<p>Working Group Conclusions: There are no comments in direct relation to the legal advice received but there are other legal call outs (in particular consumer protective law) that would need to be further considered.</p>			

Company	Confidential/ Anonymous	12. Do you have any comments on the drafted legal text?	Working Group Comments
NGED	Non-confidential	No	No
ENGIE	Non-confidential	No comments.	No
UK Power Networks	Non-confidential	<p>The legal text is fine but there reference to Non Final Demand sites will need to be added.</p> <p>Schedule 32</p>	There were no objections to the inclusion these nwe paragraphs.

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		<p>Clause 6.4</p> <p>Reallocation of a Final Demand Site to a different charging band may result in the Registrant for the Final Demand Site being either eligible for a rebate (which shall be backdated to the time when the request was received or the date of the next Final Reconciliation settlement run at the time of implementing the change or the most recent migration date (to or from MHHS); whichever is the shorter.) or subject to an additional charge (which shall be backdated to the date on which the DNO/IDNO Party notified the Registrant of the charge's application or the date of the next Final Reconciliation settlement run at the time of implementing the change or the most recent migration date (to or from MHHS); whichever is the shorter.). The revised charging band will be applied from the next billing period.</p> <p>Clause 6.11 (if DCP433 is not approved) -</p> <p>Reallocation of a Final Demand Site to a New Charging Band may result in the Registrant for the Final Demand Site being either eligible for a rebate or subject to an additional charge both of which shall be backdated to the date on which the Final Demand Site was first charged the Old Charging Band residual fixed charge or the date of the next Final Reconciliation settlement run at the time of implementing the change or the most recent migration date (to or from MHHS); whichever is the shorter. The New Charging Band will be applied from the next billing period.</p> <p>If DCP433 is approved, new Clause 6.11 should be amended as follows –</p>	
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		<p>The New Charging Band will be effective from the later of 1 August of the prior year or the date on which the Old Charging Band was applied or the date of the next Final Reconciliation settlement run at the time of implementing the change or the most recent migration date (to or from MHHS). Charging band reallocations are actioned by amending the LLFC Id assigned to the MPAN, which must be completed by the DNO/IDNO Party before the date of the Final Reconciliation Settlement Run (as defined in the BSC) for 1 August of the prior year.</p> <p>Clause 7.17 –</p> <p>Where the decision of the Disputes Committee is that a Final Demand Site be reallocated from one charging band to another, the Registrant for the Final Demand Site will be eligible for a rebate. The rebate for that Final Demand Site will be backdated to the time when the analysis shows that the Customer was first charged the incorrect residual fixed charge, up to a maximum of six years (five years in Scotland) the date of the next Final Reconciliation settlement run at the time of implementing the change or the most recent migration date (to or from MHHS); whichever is the shorter. The revised charging band will be applied from the next billing period.</p>	
Northern Powergrid	Non-confidential	No, not at this time.	No
ICoSS	Non-confidential	We have not reviewed the legal text.	No

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EDF Energy Customers Limited	Non-confidential	None.	No
Inenco	Non-confidential	None – we believe this proposal should be rejected and additional safeguards introduced to protect commercial customers. Though it is accepted this falls outside the scope of this proposal and probably DCUSA also.	No-should be rejected
SSE Energy Supply Ltd (SSE Business Energy)	Non-confidential	The legal text reflects the change proposal however, it should be noted the instances detailed within the legal text and change proposal for the incorrect LLFC Id is due the DNO's oversight, with that in mind, the supplier and consumer should not be impacted due to the DNO's error.	No
SPEN	Non-confidential	No.	No
Southern Electric Power Distribution plc and Scottish Hydro Electric Power Distribution plc	Non-confidential	Not at this time.	No
Centrica	Non-confidential	We would propose that a specific number of months rather be used in the legal text to allow the correction of errors for the reasons outlined in our answer to question 10.	The working group considered a fix number of months but agreed that aligning of RF future proofs this change and ensure it is consistent with the

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			forward fixng principles mentioned previously that have been adopted by other inudstry changes/programmes.
ENWL	Non-confidential	None, except insofar as it needs to be amended to account for the amendments/points of clarity proposed herein.	No
<p>Working Group Conclusions: Nine responders had no comment on the legal text.</p> <p>Two stated the change should be rejected.</p> <p>One responder stated that they believed that a specific number of months should be used rather than aligning to RF due to the reasons they outlined in their response to question 10.</p> <p>Another respondent Another responder stated that the legal text was fine but that reference to Non Final Demand sites will need to be added.</p> <p>This responder provided additional legal text in their response to cater for the above and provided two variants of the legal text in the event that DCP 433 is approved/rejected.</p>			

Company	Confidential/ Anonymous	13. Do you consider the solution better facilitates the DCUSA objectives? Please give supporting reasons.	Working Group Comments
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NGED	Non-confidential	In administrative efficiencies	Yes to charging objective 6
ENGIE	Non-confidential	No. We do not believe Objective 6 is better facilitated as by introducing a risk which does not currently exist (mismatch of statutory and Code reconciliation timescales) this proposal introduces inefficiencies in the correction of charges.	None
UK Power Networks	Non-confidential	We believe that DCUSA Charging Objective 6 is better facilitated by this change as it will incentivise parties to capture and correct errors in a timely manner, which improves the efficiency in the implementation of the methodology.	Yes to charging objective 6
Northern Powergrid	Non-confidential	We believe this proposal would be negative against charging objective 3 as we would be knowingly billing the customer incorrectly for a longer period of time, therefore we are not reflecting the costs incurred, or reasonably expected to be incurred, by the DNO Party in its Distribution Business.	Neg charging objective 3
ICoSS	Non-confidential	No. Whilst the change reduces the possibility that a DNO will need to undertake correction to charges as a result of an error, this minor benefit of objective 6 will be outweighed by the detrimental impact on objective 2 where suppliers and customers will be exposed to incorrect and unrecoverable charges.	Minor benefit to charging objective 6, negative impact to objective 2
EDF Energy Customers Limited	Non-confidential	Yes, it is positive against DCUSA Charging Objective 6. That compliance with the Charging Methodologies promotes efficiency in its own implementation and administration.	Charging objective 6

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Inenco	Non-confidential	No we do not believe it to be fair or reasonable and we believe it prevents the correction of instances of non-cost reflectivity in Network charging.	Non
SSE Energy Supply Ltd (SSE Business Energy)	Non-confidential	We do not agree with the objectives listed. Although the change would be more efficient for the DNO, as they will not need to manage two systems, we do not agree with the proposal overall.	None
SPEN	Non-confidential	Yes – Charging objective 6	Charging objective 6
Southern Electric Power Distribution plc and Scottish Hydro Electric Power Distribution plc	Non-confidential	Yes Objective 6 for the reason outlined in the Consultation, but potentially has a negative impact on Objective 3 as this change may disadvantage some customers.	Charging objective 6 Negative impact to objective 3
Centrica	Non-confidential	No, we believe that there is potential for error periods to go uncorrected which otherwise would've been corrected, without a clearly defined benefit for doing so. This is inefficient and so is a negative against DCUSA Charging Objective 6	Negative to objective 6
ENWL	Non-confidential	No. Because it could negatively impact competition where for example: <ul style="list-style-type: none"> • Suppliers benefitting unfairly (see response to Qn 10 above) negatively impacting competition. 	None

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		<ul style="list-style-type: none"> supplier/consumer are unable to benefit from a refund that is due to them 	
<p>Working Group Conclusions: 6 respondents stated that charging objective 6 was better facilitated, 2 respondents stated that they believed that charging objective 2 was negatively impacted and another responder believed charging objective 6 was negatively impacted and another believed objective 3 was negatively impacted.</p> <p>4 responders said that no objectives were impacted in any way and another was unable to answer.</p>			

Company	Confidential/ Anonymous	14. Are you aware of any wider industry developments that may impact upon or be impacted by this CP?	Working Group Comments
NGED	Non-confidential	Our Pricing team would have to update our Charging Statements that are published on our website. They have already published 2025 reg yr.	Noted
ENGIE	Non-confidential	No.	Noted
UK Power Networks	Non-confidential	DCP433 is looking at Schedule 32 and the backdating of tariff under the TCR Annual Review, and so this area of the methodology might need to be reviewed if this change was approved.	Noted

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Northern Powergrid	Non-confidential	DCP412 currently includes the consideration of an option that would backdate the LLFC of an eligible site back to April 2023. This backdating period is likely to be time-limited (it would only last for 6-months after going live).	It was noted that DCP 412 is still in flight and the outcome/solution to this change is currently unknown but may require some consideration when it is.
ICoSS	Non-confidential	We are aware of the proposed reduction of BSC settlement timescales in the near future to several months. Reducing the timescale for correction even further will exacerbate the negative impacts on larger customers this change proposal will generate.	
EDF Energy Customers Limited	Non-confidential	No.	Noted
Inenco	Non-confidential	Assuming there is the ability to correct errors in the new charging systems (Which we would point out is a question only raised of the system developers at the last workgroup meeting) this appears to be a short-term issue requiring a short term manual fix rather than the erosion of an individual customer's right to redress.	Noted
SSE Energy Supply Ltd (SSE Business Energy)	Non-confidential	Apart from MHHS which has been called out by the proposer, we have not identified any further industry developments	Noted
SPEN	Non-confidential	No.	Noted

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Southern Electric Power Distribution plc and Scottish Hydro Electric Power Distribution plc	Non-confidential	DCP 440 (Consuming “de-energised” sites) will be impacted by the result of this change.	Not believed there is an impact to this change as currently the back dating on energisation statuses is already limited to RF.
Centrica	Non-confidential	None	Noted
ENWL	Non-confidential	No	Noted
<p>Working Group Conclusions: Five responders stated that they had no comment.</p> <p>One responder stated that the previous change related to backdating tariffs, DCP 173 would need to be considered.</p> <p>Three responders noted that MHHS will have an impact on this change due to the legal text stating that the limit for backdating would be aligned to RF.</p> <p>Another responder highlighted that DCP 412 could be impacted by this change. It was noted that DCP 412 is still in flight and the outcome/solution to this change is currently unknown but may require some consideration when the solution is known.</p>			

Company	Confidential/ Anonymous	15. What date do you believe this change proposal should be implemented? Please provide rationale?	Working Group Comments
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NGED	Non-confidential	The change proposal should be implemented once MHHS goes live and all migration has occurred. We believe each supplier will have their own allotted window in which to migrate their portfolio.	Aligned to MHHS
ENGIE	Non-confidential	We do not believe the proposal should be implemented.	None
UK Power Networks	Non-confidential	We agree with the WG that this change should be implemented for 1 April 2025, the start of MHHS. As the LC14 charging statements would need to be revised, these would need to be republished no later than 40 calendar days before they take effect (which would be the middle of February 2025).	April 2025
Northern Powergrid	Non-confidential	If this were to be approved it should be implemented as soon as possible.	ASAP
ICoSS	Non-confidential	We do not believe this change proposal should be implemented.	None
EDF Energy Customers Limited	Non-confidential	We support the proposed 1 April 2025 implementation as an Authority approval should give enough lead time for charging statements to be republished as required.	April 2025
Inenco	Non-confidential	We believe it should be rejected and never implemented.	None
SSE Energy Supply Ltd (SSE Business Energy)	Non-confidential	Although we do not agree with this change, should it be approved, we do not believe that 1 April 2025 will give sufficient time to make changes to	Stated april 2026 but once explained there would be time to get the change implmented in time for the

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		those charging statements, therefore we would propose April 2026, ahead of MHHS migration in October 2026.	2025 charging statements updated agreed with April 2025.
SPEN	Non-confidential	April 2025 for republishing of charging statements.	April 2025
Southern Electric Power Distribution plc and Scottish Hydro Electric Power Distribution plc	Non-confidential	April 2026 would seem reasonable.	April 2026
Centrica	Non-confidential	We do not believe this change should be implemented in its current form.	None
ENWL	Non-confidential	If implemented it should be from the settlement date when MHHS settlement timetable is implemented, to minimise changes on backstop (from 6 years to 14 months to 4 months).	Aligned to RF
<p>Working Group Conclusions: Five respondents stated that they didn't believe the change should be implemented so offered no date.</p> <p>Four respondents stated April 2025 although one of these respondents initially stated April 2026 but changed their view in the Working Group when it was explained that there should be ample time to have this change approved in time for the April 2025 charging statements to be updated.</p> <p>Two responders stated the implementation should be aligned to MHHS delivery.</p>			

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Another responder said the change should be implemented ASAP.

Another respondent stated April 2026.

The Working Group had a majority for an implementation date of April 2025 but agreed to finalise its position when reviewing the draft change report

Company	Confidential/ Anonymous	16. Do you have any other comments?	Working Group Comments
NGED	Non-confidential	As previously stated we understand the rationale of this change and support it. However we believe there may be a requirement to maintain our records for 6 years for potential HMRC requirements.	Noted
ENGIE	Non-confidential	No.	Noted
UK Power Networks	Non-confidential	No.	Noted
Northern Powergrid	Non-confidential	No, not at this time.	Noted
ICoSS	Non-confidential	No.	Noted

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EDF Energy Customers Limited	Non-confidential	None.	Noted
Inenco	Non-confidential	<p>Whilst we do agree with the need to maintain the cost of operating the networks at a minimum, we believe this change is disproportionate in relation to the size of the problem. We also believe the current safeguards consumers have which make it worthwhile them spending the time and effort ensuring their bills are correct would be removed if they are no longer able to gain recompense for errors made within the systems in place. This would undermine the integrity of the industry and do nothing to promote accurate billing. Plenty of emphasis is placed on the assumption of gaming by customers in the industry but perhaps this change and the shortening settlements window could, when looked at from the other side of the fence, also be seen as a form of gaming by the industry. Fix forward is a phrase used more and more frequently in the industry and would perhaps be a valid reason for some decisions. But only if it actually includes a FIX</p>	Noted
SSE Energy Supply Ltd (SSE Business Energy)	Non-confidential	<p>As we have alluded to in other questions, we do not agree with this change and the impacts that this will have on both customers and suppliers. There is potential that suppliers could begin to agree longer limitation periods with customers to attract more / larger customers, thus leading to suppliers bearing the risk. Customers that agree to the shorter limitation period will not be able to bring a claim in court after expiry of the period. However, they could still cause reputational damage through public complaints where they have suffered loss beyond the agreed period. This could result in settlement sums being paid out anyway. Ultimately, this change will have a detrimental impact on consumers as well as on suppliers' relationships with their customers, which needs to be considered. This change has purely been</p>	Noted

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		<p>raised to benefit the DNOs but will cause an increase in complaints for suppliers. It should also be noted that Ofgem's recent decision on the Non-Domestic Retail Market Review – The effect of the SLC modifications will be that: - protections under the Standards of Conduct are expanded to all Non-Domestic Customers. The updates in the guidance reflect that protections are expanded to all Non-Domestic Customers following the Non-Domestic Retail Market Review The effect of the change to Complaints Handling Standards will be that: - Suppliers must put in place suitable complaints processes for Small Business Consumers and point them to the Energy Ombudsman when the customer does not feel the issue has been resolved The new Non-Domestic Best Practice Guide for Billing Transparency was published on 5 April. This is aimed at Non-Domestic suppliers and covers best practices and voluntary standards to improve billing transparency for non-domestic customers.</p> <p>Non-Domestic Market Review Decision (ofgem.gov.uk)</p> <p>We would like to see some cost-based analysis completed, what is the cost to the DNO for maintaining the two systems, against the potential losses for the reduction in the backstop.</p>	
SPEN	Non-confidential	No.	Noted
Southern Electric Power Distribution plc and Scottish Hydro Electric Power	Non-confidential	In 2005 with the cutover to BETTA, the legacy settlement systems were run for 14 months from the last legacy settlement date i.e. 31 March 2005, so there is precedence to maintain legacy systems.	Noted

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Distribution plc			
Centrica	Non-confidential	The Modification defines that the need for corrections is “due to the Distributor’s oversight”. A Working Group member raised the question of obligations on parties to ensure accounts are set up correctly on the appropriate tariffs, but this was deemed out of scope for this Modification. There is a lack of root cause analysis or proposed preventative measures from Distributors, meaning that the errors will continue to occur as currently but many will no longer be addressed due to arbitrarily limited backdating, causing consumer detriment. If Distributors’ oversight has caused detriment, consumers should continue to be made whole through backdating. No cost-benefit analysis has been presented to suggest this would not provide value for money.	Noted
ENWL	Non-confidential	No	Noted
<p>Working Group Conclusions: Seven responders had no additional comments.</p> <p>One responder noted that DCP 173 was very similar to this change and that it was not taken forward and withdrawn. They went on to say the reasons for this withdrawal need to be considered to see if they would also apply to this CP. It was agreed to include the withdrawal reasons within the change report.</p> <p>Another responder noted that in 2005 with the cutover to BETTA, the legacy settlement systems were run for 14 months from the last legacy settlement date i.e. 31 March 2005, so there is precedence to maintain legacy systems.</p> <p>Two responders noted that they are requirements to maintain records for 6 years for potential HMRC reasons.</p>			

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Three respondents drew attention to the fact that they didn't support the change and raised concerns that had already been highlighted such as potential customer impacts if the window to backdating was reduced and the additional burdens it places on customers to identify errors sooner.