

## DCP 446 Working Group Meeting 02

03 February 2025 at 10:00 - Web-Conference

Attendee	Company
<b>Working Group Members</b>	
Brian Sweeney [BS]	UK Power Networks
Clare Wagstaffe [CW]	SSE
Elizabeth Meldrum [EM]	SSE
John Anderson [JA]	E (Gas and Electricity)
Mark Bellman [MB]	Electricity North West Limited
Mark Mclean [MM]	SP Energy Networks
Mark Rose [MR]	UK Power Networks
Monique Pereira [MP]	Indigo Networks
Owen Black [OB]	Scottish Power
Peter Waymont [PW]	UK Power Networks
Shaun Longstaff [SL]	National Grid
Simon Vicary [SV]	EDF
Victoria Burkett [VB]	SSE Energy Supply Limited
<b>Code Administrator</b>	
Craig Booth [CB]	Chair
Hannah Proffitt [HP]	Secretariat
<b>Apologies</b>	
Will Collins [WC]	Ofgem
Donna Jamieson [DJ]	IDCSL
Drew Johnstone [DJ]	Northern Powergrid

## 1. Administration

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### Recording

- 1.1 The Chair asked members if they were comfortable for this Working Group to be recorded. No members objected to this request. The purpose of this recording is purely to aid the Technical Secretariat in producing an accurate report of the meeting.

### Apologies

- 1.2 Apologies are listed in the table above

### Competition Law Guidance and Terms of Reference

- 1.3 The Working Group reviewed the “Competition Law Guidance” and “Terms of Reference”. All Working Group members agreed to be bound by the Competition Law Guidance for the duration of the meeting and agreed to the Terms of Reference.

### Minutes of the Previous Meeting & Action Log

- 1.4 The minutes were approved without amendment.

## 2. Purpose of the Meeting

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- 2.1 The Chair advised that the purpose of the meeting was to review the responses to the consultation and to consider the next steps.

## 3. Review Consultation Responses

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- 3.1 The Working Group reviewed the responses to the consultation. Discussions are summarised below.

*Question 1 - Do you understand the intent of this CP?*

- 3.2 The Working Group noted that all respondents understood the intent of the CP.

*Question 2 - Are you supportive of the principles of this CP?*

- 3.3 The Working Group noted that all respondents were in support of the CP.

*Question 3 - Do you agree that DNOs and IDNOs should be able to recover costs as a result of de-energising or disconnecting the supply and should DNOs and IDNOs be able to recover costs for disconnecting a supply for safety reasons, legal reasons or both? Please provide your rationale.*

- 3.4 The Working Group noted that one response suggested clear definitions were required around the circumstances under which the costs should be borne by any such party or organisation.

- 3.5 The Working Group discussed that trying to define a list should be avoided, as this could be restrictive, and the maintenance of a list would be overly burdensome. The Working Group discussed that the term ‘safety reasons’ should be expanded on in the legal text, e.g.: (where in the opinion of the DNO/IDNO it presents a safety risk to people, animals or property).

- 3.6 The Working Group noted another response which acknowledged the potential for negative customer outcomes through the removal of all wording requiring that any such customer liability is dependent on the acts or omissions of the customer.

- 3.7 The Working Group discussed whether it would be fair (as per the definition) to charge the specific customer needing the disconnection versus socialising this across all customers.
- 3.8 Members discussed whether there would be any circumstances which could lead to customers being charged where it may not be reasonable, for example being evacuated due to emergencies and subsequent vandalism of their vacant property then requiring a disconnection. The Working Group considered that charges relating to this could be covered by customers' insurance.
- 3.9 The Working Group discussed that the proposal does not compel a DNO/IDNO to pass on charges and that each case should be judged on its own merits, on a case-by-case basis.
- 3.10 The Working Group noted that no unauthorised third party should be working on the DNO's/IDNO's network and should therefore be liable for the costs.
- 3.11 The Working Group discussed liability and, as an example, the supply for property A is tampered with by the occupant of property B. In this instance, it would be reasonable to target cost recovery actions against the benefactor of the tampering, in this instance the occupant of property B.
- 3.12 The Working Group discussed that condition 10AA is an umbrella term and should be considered by the DNO/IDNO each time it considers what action to take in each case, including whether it is Fair (as defined in condition 10AA of the Standard conditions of the Electricity Distribution Licence, and taking into account each customer's circumstances and consistency of treatment of similar customers.)
- 3.13 The Working Group agreed to ask the DCUSA legal advisors to assess any risk of inconsistency of the legal text for this CP against condition 10AA. It was noted that a reference to 10AA could be considered, if necessary, but the drafting should make no attempt to interpret the Licence Condition within the legal text.

Action 02/01 – The Chair to ask the DCUSA legal advisors to assess any risk of inconsistency of the legal text for this CP against condition 10AA.

*Question 4 - Are there any other reasons for emergency disconnections or de-energisations (e.g., force majeure/Act of God) that DNOs and IDNOs should be able to recover costs for? Please provide your rationale.*

- 3.14 The Working Group noted respondents' views that the CP covered all appropriate reasons and that it should not include Acts of God/Force Majeure.

*Question 5 - Do you consider that the proposal better facilitates the DCUSA General Objectives? Please give supporting reasons.*

- 3.15 The Working Group noted that all respondents agreed the CP would better facilitate the DCUSA Objectives.
- 3.16 Members noted one response suggested that analysis is completed to evidence the benefits of the CP. The Working Group discussed whether it was necessary to request data to support this or whether the benefit was likely enough that gathering evidence would not be necessary.

3.17 The Working Group noted there are significant amounts of money associated with disconnections for illegal activity (in the region of millions of pounds) and that currently this is not charged to individual customers and is instead socialised.

3.18 The Working Group agreed that it was not critical to gather data from industry in this instance, as the benefits should be clear.

*Question 6 - Are you aware of any wider industry developments that may impact upon or be impacted by this CP?*

3.19 The Working Group noted that respondents had not identified any wider industry developments that impact upon this CP or are impacted upon by this CP.

*Question 7 - Are you supportive of the proposal to implement this CP in the next standard DCUSA release following Authority approval?*

3.20 The Working Group noted the support for implementing this CP in the next standard DCUSA release following Authority approval.

3.21 Members noted that two responses referenced giving industry sufficient notice to implement new processes and notify rates. The Working Group noted that the proposal currently does not compel DNOs/IDNOs to charge customers, as it is a “may” statement (implied by the requirement for a demand for payment to be issued by the DNO/IDNO, which it may choose not to do) as opposed to a “must” statement. As such, it was discussed that this should not hold up the progress of this CP as the processes and rates can be determined at each DNO’s/IDNO’s own pace and timetable.

*Question 8 - Do you have any comments on the draft legal text?*

3.22 The Working Group noted that one response had provided proposed amendments to the legal text. Members discussed and agreed to make the proposed changes.

3.23 Another response suggested that ‘emergency services’ is included as a defined term. Members discussed that this needed to be considered in the context of section 2 which relates to domestic consumers and is written in a plain English manner, without the use of defined terms.

3.24 The Working Group discussed that the average person should understand the term emergency services. The Working Group discussed potential sources for such requests such as emergency services or in the case of floods the Environment Agency. They also discussed which of the various emergency services might be involved in such a request such as Mountain Rescue, etc. It was agreed not to create a definitive list but rather to propose examples such as “(for example police, fire brigade, ambulance service).

Action 02/02 – The Chair to update the legal text in line with changes proposed by UKPN and to provide a “for example” list of emergency services against the first occurrence of that term in each of the sections.

3.25 The amendments to the legal text were made in the meeting and the Chair agreed to issue the document to the DCUSA legal advisers for review.

## 4. Review/Update Work Plan

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- 4.1 The Chair agreed to produce a draft Change Report following the meeting and to circulate this to members for review.
- 4.2 The Working Group agreed to meet again on 11 February 2025 at 10:00am to finalise the Change Report.

## 5. Any Other Business

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- 5.1 No other business was raised.

## New and Open Actions

Action Ref.	Action	Owner	Update
<b>Action 02/01</b>	The Chair to ask the DCUSA legal advisors to assess any risk of inconsistency of the legal text for this CP against condition 10AA.	The Chair	<i>Legal text submitted to the DCUSA legal advisors, along with the query, on 03 February 2025.</i>
<b>Action 02/01</b>	The Chair to update the legal text in line with changes proposed by UKPN and to provide a “for example” list of emergency services against the first occurrence of that term in each of the sections.	The Chair	<i>Legal text updated and submitted to the DCUSA legal advisors on 03 February 2025.</i>

## Closed Actions

Action Ref.			Update