

Smart Metering Implementation Programme
Regulation
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Dear Sir/Madam,

Government response to consultation on: Stage 4 Smart Energy Code (SEC) content (Part A) and Transitional arrangements in the Smart Energy Code (SEC), and Consultation on additional SEC content.

Electricity North West

Consultation Questions:

Q1. Do you agree with the proposed approach and legal drafting in relation to Infrastructure Key Infrastructure?

Electricity North West agrees with the proposed approach and legal drafting in relation to Infrastructure Key Infrastructure.

Q2. Do you agree with the proposed approach and legal drafting in relation to DCC Key Infrastructure?

We agree with the proposed approach and legal drafting in relation to DCC Key Infrastructure.

Q3. Do you agree with the proposed approach and legal drafting in relation to allowing RDPs to become Authorised Subscribers for Organisation Certificates?

We agree with the proposed approach and legal drafting in relation to allowing RDPs to become Authorised Subscribers for Organisation Certificates.

Q4. Do you agree with the proposed approach and legal drafting in relation to the checks the DCC must apply when deciding if a Subscriber is an Eligible Subscriber?

We agree the proposed approach and legal drafting in relation to the checks the DCC must apply when deciding if a Subscriber is an Eligible Subscriber.

Q5. Do you agree with the proposed approach and legal drafting in relation to the size restrictions on a number of fields in Device and Organisation Certificates?

We agree with the proposed approach and legal drafting in relation to the size restrictions on a number of fields in Device and Organisation Certificates.

Q6. Do you agree with the proposed approach and legal drafting in relation to the clarified Independent SMKI Assurance Scheme?

We agree with the proposed approach and legal drafting in relation to the clarified Independent SMKI Assurance Scheme.

Q7. Do you agree that the proposed changes are necessary and proportionate to protect DCC Systems?

We agree with the intention, however with respect to RDP provision are unsure whether the legal drafting is correct:

Section E2.14 states "the Network Party's Registration Data Provider) comply with the obligations expressed to be placed on Users under Sections G5.14 to G5.17 (Obligations on Users) and identified in Section E2.15"

Section E2.15 states "The obligations identified in this Section E2.15 are those obligations set out at:

- (a) Sections G3.2 to G3.3 (Unauthorised Activities: Duties to Detect and Respond);
- (b) Sections G3.8 to G3.9 (Management of Vulnerabilities);
- (c) Sections G5.14 to G5.18 (Information Security: Obligations on Users), save that for this purpose the reference:
 - (i) in Section G5.18(b)(i) to "Sections G3 and G4" shall be read as if it were to "Sections G3.2 to G3.3 and G3.8 to G3.9"; and
 - (ii) in Section G5.18(b)(iii) to "Sections G5.19 to G5.24" shall be read as if it were to "Section G5.19(d)".

However, sections G3.8 and G3.9 refer specifically to the obligations of "Supplier Parties", it is therefore unclear whether the drafting of sections 3.8 and 3.9 is meant to apply to RDP's.

Q8. Do you agree with the proposed changes to the post commissioning obligations and associated limitation of liabilities?

We agree with the intention stated within the consultation wrapper (section 275 – 278) and note that the detailed obligations will be removed and placed into a SEC subsidiary document. We are unable to comment further until the SEC subsidiary documents are published.

Sections M2.7 and M2.8 make reference to sections H5.34, H5.35 etc which currently do not exist (all remaining section H5 text is in strike-through mode') and is intended to be moved to SEC subsidiary document. We therefore do not agree with the text in sections M2.7 and M2.8.

Q9. At what point should the Recovery Key on a meter be validated?

We believe the recovery key should be validated at the first suitable opportunity during the installation/commissioning process and ideally whilst the installer is still on site. This will allow any Recovery Key issues to be addressed immediately and potentially avoid the need for subsequent physical visits to consumers' premises.

Q10. Do you agree with the proposal to move four sections of the SEC (H4, H5, H6 and O3) from the SEC into SEC subsidiary documents, and the proposed changes to the legal drafting accommodate this?

We agree with the proposal to move three sections of the SEC (H4, H5 and H6) from the SEC into SEC subsidiary documents and the proposed legal draft changes. However it is unclear what section O3 is intended for or relates to.

Q11. Do you agree with the proposed approach to amending the legal drafting to provide for the Secretary of State to direct that an activity is required to be carried out in advance of a specified date instead of a milestone?

We agree with the proposed approach to amending the legal drafting to provide for the Secretary of State to direct that an activity is required to be carried out in advance of a specified date instead of a milestone.

Q12. Do you agree with the approach and proposed legal drafting Supporting Parties undertaking tests equivalent to UEPT and SREPT on their own account?

We disagree with the approach and proposed legal drafting supporting Parties undertaking tests equivalent to UEPT and SREPT on their own account as:

Sections H14.31 a) and H14.3 c) provide that other parties may utilise DCC Testing Services subject to the testing participant agreeing to pay any applicable charges. Section H14.31 b) does not however provide any mechanism to recover costs and the costs of such testing would therefore be smeared across DCC Service Users (Network Operators and Suppliers).

As a regulated business all of our costs are met by our customers, we do not consider it appropriate that we should have to fund the activities of Third Party companies who are seeking to make commercial profit from selling the resultant services back to Network Operators and other parties.

Whilst we do not necessarily object to other parties accessing DCC Test Services such companies, where seeking to make commercial profit from such activity, should be required to meet all associated costs directly.

Q13. Based on our understanding of the DCC's remote testing offering, it may be that a DCC Gateway Connection is required, which would mean that remote testing would only be available to SEC Parties. We welcome views from prospective testing participants on the impact this may have on their plans.

As in our response to Q12 we do not object in principle to Third Parties accessing DCC Testing Services but we disagree with the proposed funding of such arrangements.

Any such access for Third Parties should be strictly contained and should not be considered in the same category as enduring SEC parties. Separation of activities and access will be required in order to protect the DCC live system from malicious or unintended consequence.

Yours sincerely

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Electricity North West Limited