ENERGY RETAIL Association

Response to DECC Consultation

Draft Licence Conditions for an Installation Code of Practice

Overview

This paper provides the Energy Retail Association response to the questions in the *"DECC – Smart Metering Implementation Programme –Licence Conditions for a Code of Practice for the installation of smart electricity and gas meters: a consultation"* document published on 18 August 2011.

Introduction

For the smart meter rollout, the ERA believes the use of a code of practice is the ideal mechanism to set the rules to protect customers and for suppliers to follow at the first installation of a smart meter. We have worked hard with stakeholders to collaboratively develop an appropriate code of practice (the Smart Meter Installation Code of Practice, SMICoP) to underpin this principle and to put the SMICoP into live operation in advance of any Licence Conditions. This supports the Government's conclusion that the code would need to be fit for purpose and straight forward to modify in light of developments during the rollout. We are separately consulting on the SMICoP in parallel with the Government Licence Condition consultation and we will consider stakeholder feedback in any update to SMICoP.

Sales and Marketing

The main area of discussion with the content and associated Licence Conditions for the code of practice has been around sales and marketing and what activities can be undertaken by suppliers at the first installation visit. We have considered the following different types of activity in this area:

- Sales
- Face-to-Face marketing
- Leaving written marketing materials
- Energy Efficiency Guidance

We were disappointed to see that sales and marketing were defined together in the Licence Conditions in the consultation paper. Fresh research conducted by IPSOS Mori for the Energy Retail Association[1] has demonstrated that customers can distinguish between sales and marketing. We therefore believe that it is important to have a separate definition for each and that there can be different consent regimes and experiences for customers for each. The SMICoP defines sales and marketing separately and we believe that the definitions within SMICoP are robust and appropriate for use in the Licence Conditions.

With regard to sales at the first installation visit, it is a unanimous position amongst ERA members that there should be no sales at the installation visit, however we are unsure whether that can be explicitly reflected in the SMICoP itself for Competition Law reasons.

[1] Exploring awareness, support and preferences for the smart meter roll-out –Ipsos Mori November 2011

It is a unanimous position of the ERA members that Energy Efficiency Guidance, as defined in the SMICoP, should be provided as standard to all customers. We also unanimously agree with Government that written marketing materials should be unrestricted in their provision. Both of these are critical elements of the standard service to deliver the Impact Assessment benefits.

There is not a unanimous position on face-to-face marketing. One of the ERA members does not believe that face-to-face marketing should be allowed, but the majority believe it is essential to delivering the business case for smart metering. For those ERA members that believe face-to-face marketing should be allowed, there is consensus that there must be customer consent for those activities and that the customer's consent should be able to be provided verbally, as long as that consent is recorded and able to be retrieved in the future.

Licence Conditions

There is still much about the rollout yet to be understood, therefore there is much to learn about the installation experience for customers and likely to be many improvements to the code of practice in the future. We therefore believe that the Licence Conditions should be simplified to place an obligation to develop and maintain compliance with a code, rather than set entrenched Licence Conditions that are extremely difficult to change as we go through this test and learn phase. This approach is also in keeping with the 2010 Ofgem Code Governance Review which states that licence drafting for codes of practice should simply set out a requirement to "act consistently with the Code of Practice".

The Licence Conditions should be restricted in scope to cover only the code of practice and to deliver the regulatory certainty about the expected content of the code of practice and approval process with Ofgem. The current Licence Conditions state objectives that are not specific to the code of practice, they are just objectives of the condition therefore there is significant risk that suppliers may be accountable for activities outside the code of practice. The consultations to date have only been concerned with implementing the code of practice therefore the Licence Conditions must be specific and constrained to the code of practice to deliver regulatory certainty.

The 'Objectives' as drafted in the Licence Conditions also fail to confirm that abiding by the specified installation code of practice would constitute taking "all reasonable steps", and that this would be sufficient to meet the licence condition. The criteria against which Ofgem makes a decision on the acceptability of a code of practice are not specified. The Licence Conditions have replicated some of the code of practice requirements, creating complexity in any change control process. Given the difficulty of changing Licence Conditions, we must place as much as possible within the code itself so that it is able to be easily improved in light of experience. We don't want improvements to be constrained by Licence Condition definitions. This duplication also places suppliers who must abide by such regulations in danger of double jeopardy. The conditions also do not support DECC's intentions of engaging consumers in energy efficiency discussions.

Responses to Questions

1 Are the overall objectives set out in the draft licence conditions appropriate?

The ERA supports the Prospectus Response conclusion that a code of practice should be developed in-line with the objectives (as listed in the March Response) and this should be underpinned by a licence obligation. We also believe the objectives listed in the March Response and the obligation on suppliers to achieve them will ensure the consumer experience of the smart meter rollout would be positive. However any objectives should be explicitly placed on the code of practice itself and not set as an over-arching set of objectives on suppliers that may place regulatory obligations on suppliers outside the code of practice.

Our understanding was also that the central aim of linking SMICoP to a new licence condition is to provide certainty to both suppliers and consumers about the processes that are expected to be followed when smart meters are installed. The ERA considers that the proposed introduction of over-arching objectives and the duty to achieve them in the form currently drafted would undermine this aim.

Ideally a code should to be framed by the Licence Conditions in one of three ways;

1. The objectives are specified, Ofgem approves the code of practice (if it considers that it meets the objectives) and a duty is placed on suppliers to meet those objectives by abiding by the code of practice; or
2. The objectives are specified and the nature of a code of practice is specified that meets those objectives. Ofgem approves the code (if it considers that it meets the specified nature) and a duty is placed on suppliers to abide by the code of practice; or
3. The nature of a code of practice is specified, Ofgem approves the code of practice (if it considers that it meets the specified nature) and a duty is placed upon suppliers to abide by the code of practice.

In this regard, the proposed drafting does not confirm that abiding by the specified installation code of practice would constitute taking “all reasonable steps” to secure the achievement of the objectives, and that this would be sufficient to meet the licence condition. Instead the duty on suppliers is left open-ended (“without limitation”) which the installation code of practice is intended to avoid. We believe the most appropriate option in the current enforcement regime is option 3 but that in any option, any objectives need to be specific and provide some regulatory certainty.

Some of the objectives as drafted in the proposed licence amendments are also subjective and would need to be better defined, for example “transparent” is meaningless, “complete and accurate”, but ‘complete’ is not defined, “unwelcome sales and marketing”, but ‘sales’ is not defined. As drafted, these create uncertainty so are problems to both regulators and licence holders. Where the definition is ill defined the duty on suppliers is left open-ended.

2 Would the licence conditions as drafted effectively underpin;

a. the respective roles of Ofgem and suppliers in establishing and reviewing Code(s) of practice for domestic and micro-business sites?

We support the proposal for Licence Conditions obligating suppliers to produce the installation code of practice. As per the March Response, we agree that suppliers are best placed to fulfil that requirement given their experience installing meters (or management of appointed agents) and managing customer relationships. We also agree that Ofgem would be just the authority that would approve such a code.

We consider the requirement to submit a code for approval within one month of the conditions taking effect also reasonable and achievable.

There have however been no criteria specified against which Ofgem would make a decision on the acceptability of a code of practice. It is also uncertain as to where the locus exists in statute, and unclear whether Ofgem would be expected to approve a code of practice on the basis that it meets the objectives (section 1), whether it enshrines the provisions laid out in sections 5 – 11, or both? Without such a frame of reference, it is the ERA's view that this would make it difficult for Ofgem to be able to make a decision with confidence. The ERA considers it critical that this ambiguity is removed and we recommend that the Objectives are deleted and their content/principles embedded in the section below describing what the code of practice needs to contain. This will then make them contained within the code of practice and give criteria against which Ofgem will be able to assess them.

Given the uncertainties mentioned above surrounding the objectives, the reference in section 3) to "steps the licensee must take to secure the achievement of the objectives" also comes into question. We would expect to see confirmation that complying with the installation code of practice would constitute taking "all reasonable steps" to secure the achievement of the objectives.

The Prospectus Response also concluded that the licence obligation underpinning the code of practice should be removed once the rollout has been completed. However in this latest consultation document, section 2.2 (b) states that Ofgem "could" remove the licence condition. It is the ERA's view that once roll-out has been completed, installations of smart metering equipment thereafter must be considered as Business As Usual activity, and therefore any CoP licence obligations in this area should fall away accordingly and compliance would be on a voluntary basis.

Finally, the scenario suggested whereby should licensees fail to submit a code and the Authority designates one also needs clarification in respect of the basis on which the Authority would designate a suitable code? Given the depth of analysis, width of stakeholder consultation and robustness of content, we believe that the SMICoP should be the designated code.

2 Would the licence conditions as drafted effectively underpin;

b. an appropriate on-going governance regime for the Code(s) of Practice?

The ERA finds the Licence Conditions as drafted would (for the most part) underpin on-going governance for the code of practice, however we are uncertain as to whether or not governance would be most effective as a licence condition, or contained within the Code of Practice.

Our experience in code governance has taught us that even in more predictable circumstances there is always the need to be adaptable to change. With the smart metering rollout set to span the next seven years, the code and corresponding governance will need to be adaptable and straight forward to modify as the rollout will inevitably yield unanticipated results. We believe that in order for the governance to be fit-for-purpose to meet those changes, it should be contained within the code of practice.

The code of practice already contains a framework governance regime. Whilst this is in the early stages of its evolution, further development of this framework is one of the key deliverables of the code of practice early adoption steering group. The fact that the membership of this group is comprised of licenced suppliers, Consumer Focus, DECC, and Ofgem, the ERA believes that this should ensure that the necessary key stakeholders are providing input to the development of a governance regime that is robust and fit for purpose.

In the event of the Licence Conditions for governance being required, we have some concerns around the present drafting of those conditions. The proposal in section 11b calls for the approval of the Authority to proposed revisions to the code. Whilst we agree with the need for a rigorous yet effective change control process, the condition as drafted is too ambiguous as it does not specify on what basis the Authority would approve change proposals?

We are also concerned at the proposed condition allowing Ofgem to be able to impose changes to be made to the code, without there being some form of basis for them to do so. It is our view that changes should only be made where it can be demonstrated that any such modifications meet relevant objectives or on the basis of proven benefit to customers.

2 Would the licence conditions as drafted effectively underpin;

c. the intended arrangements for monitoring and compliance with Code(s)?

We agree with the statement in the consultation document that suppliers are responsible for putting in place arrangements for monitoring performance and compliance against the code. This makes absolute sense in that suppliers must identify weaknesses in their procedures, and put things right, rather than wait for someone else to identify this for them.

As mentioned above, the ERA is acutely aware of the importance of governance for a code of practice, and equally important the need for suppliers to be able to provide evidence of compliance with the code. Monitoring and auditing has also been addressed within the Enduring Code Governance section of the code. This is an area that will also see considerable development and fine tuning over the coming months as part of the early adoption that some suppliers are engaged in.

We have a concern that condition 13 places a higher obligation than 'all reasonable steps'. It says "The licensee must take such steps and do such things as are within its power to comply with the

Domestic Installation Code". This implies 'at any cost'. We believe it must be stated that doing this would constitute 'reasonable steps' to meet the objectives.

3 Should the licence conditions underpinning a domestic Code also be applied to smart-type meters, or should the Government work with suppliers to secure voluntary application of Code provisions?

We feel smart-type and smart compliant meters should be in scope for two reasons; It is an ideal opportunity for suppliers to become familiar with working to the code of practice and secondly, customers can not be expected to distinguish between compliant and non-compliant meters. It is imperative they are provided with a consistent and high standard of service and have a positive experience of the end-to-end installation process.

The present version of the SMICoP reflects this position and we believe it should remain within the code and not as a licence condition.

It has been noted however AMR meters are not specifically mentioned and should be for the sake of clarity.

4a Would the licence conditions as drafted effectively underpin the policy intention that the costs of the installation of smart meters should be reflected over time in customer's energy bills, with no upfront or one-off charges?

The licence condition as drafted does underpin the policy intention of not charging consumers up-front for the installation of a standard smart metering system, however, we believe the current drafting could be made simpler in order to remove any uncertainty with interpretation.

4b Do you agree with our definitions of sales and marketing?

The ERA does not agree with the definitions of sales and marketing. Whilst marketing activities can ultimately lead to a sale, they are not the same and the two should have distinctly separate definitions. The definition is also not aligned with the existing standard Licence Conditions (SLC 25) or with the definitions as set out in the Prospectus Response.

Research conducted by IPSOS Mori[2] for the Energy Retail Association has also demonstrated that customers can distinguish between "sales" and "marketing" and therefore we believe that it is reasonable to have a separate definition for each and that there can be different consent regimes and experiences for customers for each.

Marketing in this arena is a valuable tool to educate the consumer on measures that can be taken as the awareness that smart metering brings to the consumer starts to change behaviours. This is very much in line with the results of the Prime Minister's recent summit with suppliers.

[2] Exploring awareness, support and preferences for the smart meter roll-out –Ipsos Mori November 2011

We would expect to see the definitions reflect the wider market understanding of sales and marketing and existing standard Licence Conditions (SLC 25) and this we have defined them appropriately and robustly in the SMICoP;

- "Marketing" means activity by supplier designed to lead to sale of goods or services; and
- "Sales" means a purchase or commitment to purchase (e.g. by contract) a good or service.

The March Response also stated that Government would work closely with suppliers, consumer groups and other stakeholders on the definitions of sales and marketing activities and on how suppliers should go about obtaining prior consent. The licence consultation document also echoes this position and states that the Government is seeking views to help inform them on their definition of marketing. We therefore believe further collaborative work is needed between Government, industry and stakeholders to establish more appropriate definitions and define permissible marketing activity.

5 Do you agree that prior written consent should be required for any face-to-face marketing and sales activity during the installation visit?

Overseas examples have illustrated that consumer trust and confidence will be the lynchpin to the success of the smart meter programme in Great Britain. Suppliers will have access to people's homes and personal information, and any breaches of trust could jeopardise the entire programme. We are very mindful of this when considering providing consumers with energy efficiency guidance and introducing them to energy efficiency products and services. Rigorous clauses have been incorporated throughout the installation SMICoP to ensure that consumers and are not misled, nor under any illusions as to what will take place during the installation visit and are robustly protected when engaging in these conversations.

Stakeholder feedback has been that the smart meter installation visit presents a unique, once in a lifetime opportunity to engage with consumers in the reduction of energy consumption, but installing a smart meter alone will not necessarily influence a lasting consumer behavioural change. Consumers need to be introduced to other energy saving products and services to help them to becoming more energy efficient. The Licence Conditions consultation document supports this by stating that energy efficiency advice and assessments as part of the installation visit may lead into discussions[3] about other energy efficiency products and services. The proposed Licence Conditions do not however support the provision of energy efficiency guidance or introducing energy efficiency products and services. The requirement to obtain prior consent in writing will ultimately prevent any such discussions.

We have considered the following different types of activity in this area:

[3] 2.3 Specific requirements. 15) *....we will consider further whether prior written consent is an appropriate and practical requirement in each such circumstance. ....we expect suppliers to provide energy efficiency advice as part of the installation visit. .....questionnaires about energy use or carry out energy efficiency assessments may lead into discussions around areas in which the supplier offers other products. Such approaches would not necessarily constitute marketing, depending on the nature of the discussion.*

- Sales
- Face-to-Face marketing
- Leaving written marketing materials
- Energy Efficiency Guidance

With regard to sales at the first installation visit, it is a unanimous position amongst ERA members that there should be no sales at the installation visit. However, we are unsure whether that can be explicitly reflected in the SMICoP itself for Competition Law reasons. The Ipsos MORI research[4] also supported this position as it found the majority of consumers not in favour of sales being concluded during the installation visit.

It is a unanimous position of the ERA members that Energy Efficiency Guidance, as defined in the SMICoP, should be provided as standard to all customers. We also unanimously agree with Government that written marketing materials should be unrestricted in their provision. Both of these are critical elements of the standard service to deliver the Impact Assessment benefits.

There is not a unanimous position on face-to-face marketing. One of the ERA members does not believe that face-to-face marketing of other products and services should be allowed, however the majority believe this is essential to delivering the business case for smart metering, and allowances will need to be made for "permissible" marketing activity, with different consent regimes applied to both. The Ipsos MORI research has also illustrated that consumers can distinguish between marketing and sales.

We believe further work is needed in this area to better understand and define the boundaries between energy efficiency advice, marketing and sales, and for the Licence Conditions to better reflect DECC's policy position.

For those ERA members that believe face-to-face marketing should be allowed, there is consensus that there must be customer consent for those activities and that the customer's consent should be able to be provided verbally, provided there are appropriate measures in place to record and store such consent. Such consent is considered sufficient in industries where informed consent is considered paramount, for example insurance, finance and banking. Verbal consent is legally recognised as a positive acceptance. There are also existing protections in place for customers with calls being recorded and audited. The DPA also considers verbal consent is sufficient, provided it is recorded and the customer can be confirmed to have made informed, "positive acceptance". The extensive use of mail to facilitate this would have a high cost and has a known low response rate.

6 Are any other measures required to protect consumers' interests in relation to sales and marketing during the installation visit?

We feel the measures detailed in the sales and marketing sections of the current draft of the code offer robust protections for consumers from "unwelcome" sales and marketing.

[4] Exploring awareness, support and preferences for the smart meter roll-out –Ipsos Mori November 2011

We remain concerned at having the sale of tariffs being exempt from the restrictions placed on sales at the smart metering installation visit. This appears to undermine the objectives of not subjecting consumers to unwelcome sales and contradicts the Government position.

7 Would the licence conditions as drafted and/or existing rules deliver the policy intentions on customer information and advice, vulnerable consumers, avoiding undue inconvenience and complaint-handling?

The ERA has already, and continues to put a great deal of time and effort into policy in this area and this is subject to on-going reviews to ensure vulnerable customers are appropriately protected. We consider the appropriate treatment of and catering for the needs of vulnerable customers will be critical during the rollout of smart meters as the identification, and contact with these consumers will be on an unprecedented level due to the proposed timescales for roll-out.

As with other Licence Conditions proposed, the ERA feels it would be more effective and appropriate, especially at this early stage of the rollout to have obligations for the treatment of vulnerability to be contained within the code itself so as to allow for early experiences of the rollout to be applied later.

8 Do you agree that, for the purposes of the non-domestic code, the sites to be covered should be defined as business with no more than 10 employees or their full-time equivalent, an annual turnover that does not exceed €2 million, or consumes less than 50MWh of electricity a year or less than 200MWh of gas a year?

Identification of such sites could only be achieved by using 3rd party data products at some considerable cost and without total guarantees of correctness. At present for complaints handling, suppliers are erring on the side of caution and treating all SME sites as Micro Business for this reason.

9 Would the licence conditions as drafted effectively underpin the policy intentions with respect to non-domestic consumers on customer information and advice and undue inconvenience?

The ERA believes the conditions as drafted do underpin the policy intentions regarding information, advice and undue inconvenience.

APPENDIX 1: DRAFT LICENCE CONDITIONS -ERA REVIEW SUMMARY TABLE

Objectives	Text	Feedback
1(a)	the licensee and any Representative provides and maintains a standard of service which helps to ensure that Domestic Customers' experience of the installation of Smart Metering Equipment at their premises meets their **reasonable expectations**;	This is redundant because there is no frame of reference to determine what "reasonable expectations" might mean. The point of the installation code of practice is to create those expectations. This wording therefore needs to be removed in order to avoid a tautology in the licence condition.
1(b)	all activities undertaken by the licensee and any Representative in relation to the installation of Smart Metering Equipment are conducted in a **fair, transparent, appropriate and professional** manner;	The terms 'fair, transparent, appropriate and professional' are subjective
1(c)	each Domestic Customer is given information about, and **during** , the installation of Smart Metering Equipment which:	Can suppliers not provide this information beforehand?
1(c) i.	is **complete** and accurate;	How complete is "complete"?
1(c) iii.	informs that Domestic Customer about the benefits of the Smart Metering Equipment and about what to expect in relation to the installation process ;	Is this not the most important bit, and should come first?
1(d)	Domestic Customers are not subject to unwelcome **sales** or face-to-face marketing activities during any visit to their premises for the purposes of installing Smart Metering Equipment.	Sales is not defined in the section on "definitions"
2	The licensee shall take all reasonable steps: (a) to secure the achievement of the Objectives; and (b) to avoid doing anything which jeopardises its ability to achieve the Objectives.	The condition to take "ALL reasonable steps" is unusual and we consider it excessive. This section should be removed because abiding by the approved code of practice should constitute "reasonable steps".
The Code	**Text**	**Feedback**
3	The steps that the licensee must take to secure the achievement of the Objectives include, without limitation, taking such steps and doing such things as are within its power to	Duplication with # 2.
3	prepare and submit **for approval to the Authority** a document to be	The criteria against which Ofgem makes a decision on the acceptability of a

	known as the Domestic Installation Code of Practice (Domestic Installation Code).	code of practice are not specified, and it is uncertain as to where the locus exists in statute. As currently drafted, it is unclear whether Ofgem would approve a code of practice on the basis that it meets the objectives (section 3, paragraph 1), whether it enshrines the provisions laid out in sections 5 – 11, or both. Without such a frame of reference, it would seem to be extremely difficult for Ofgem to be able to make a decision with confidence.
4	the Authority may **designate a Domestic Installation Code which** shall apply for the purposes of this Condition.	On what basis would it designate such a code?
Code Content	**Text**	**Feedback**
6(b) & (c)	(b) the modification or reconfiguration of Smart Metering Equipment at Domestic Premises in accordance with the duty at paragraph 9(b) of **Condition AA**; or (c) the provision of a replacement In-Home Display at Domestic Premises in accordance with the duty at paragraph 8(b) or paragraph 9 of **Condition BB**,	What are conditions AA or BB?
6(a), (b) & (c)	(a) the design, installation or operation of Smart Metering Equipment at Domestic Premises; (b) the modification or reconfiguration of Smart Metering Equipment at Domestic Premises in accordance with the duty at paragraph 9(b) of Condition AA ; or (c) the provision of a replacement In-Home Display at Domestic Premises in accordance with the duty at paragraph 8(b) or paragraph 9 of Condition BB, may be recovered from a Domestic Customer only in the circumstances described in either paragraph 7 or 8.	Is it necessary to go into this much detail for what is basically recovery of costs associated with rollout?
7	The circumstances described in this paragraph are that costs are borne by the licensee's Domestic Customers generally as an increment of charges for electricity supplied to them.	Is there any precedent for such wording? It would make more sense to simply state that up-front or one-off charges are not permitted, or perhaps that the costs need to be accounted for within the unit price of energy?
8	The circumstances described in this paragraph are that:	Is the inference that costs under these circumstances can be recovered through one-off charges? If so it is not clear either here or in 6(c)
8(a), (b) & (c)	(a) the Smart Metering Equipment installed at Domestic Premises	These do not cater for early movers because the Technical Specification does

	exceeds the minimum requirements of the SME or IHD Technical Specification ('enhanced equipment'); (b) the Domestic Customer at the premises has first been given the option of having installed at his premises Smart Metering Equipment which is in conformity with but does not exceed the minimum requirements of the Technical Specification; and (c) the Domestic Customer has, prior to the Smart Metering Equipment being installed, expressly requested the installation of enhanced equipment.	not yet exist.
9(c) i.	the installation, purpose, features and advantages of Smart Metering Equipment ;	Does this happen before or during the event? Does it matter?
9(c) ii	the use of Smart Metering Equipment, including such information as **will enable** Domestic Customers to make informed judgments about the way in which they can improve the efficiency with which they use the electricity and/or gas supplied to them;	It is not possible to guarantee that information "will enable". Perhaps change to "be reasonably expected to enable"?
11(b)	a requirement to obtain the approval of the Authority to proposed revisions to the Domestic Installation Code;	On what basis does the Authority approve?
11(c) i	at any time to require the licensee, together with all other licensed gas and electricity suppliers of Domestic Premises, to review such features of the Domestic Installation Code **as it may specify** ('the specified features');	This cannot be left carte blanche. The Authority should only be able to order a review should it believe that the specified features are not meeting the objectives.
11(c) ii	following such a review, to issue a direction requiring the licensee and all other licensed gas and electricity suppliers of Domestic Premises to **make such modifications** to any of the specified features as it may direct.	Provided that such modifications meet the objectives.
Consultation	**Text**	**Feedback**
12(b)	in carrying out any review of the Domestic Installation Code, consult with, and consider any representations made by, the **National Consumer Council** and any other person or body likely to be affected.	Is there precedent of private bodies having such a responsibility in statute? What does the duty mean in practice?
12(b)	in carrying out any review of the Domestic Installation Code, consult	How do they know all the parties likely to be affected? Can it just go up on

	with, and consider any representations made by, the National Consumer Council and **any other person or body likely to be affected**.	the website?
Compliance	**Text**	**Feedback**
13	The licensee must take such steps and do such things as are within its power to comply with the Domestic Installation Code approved or designated (as the case may be) by the Authority.	It must be stated that doing this would constitute 'reasonable steps' to meet the objectives.
14	The licensee must maintain a record of its performance against and compliance with the requirements of the Domestic Installation Code.	Is there any precedent for a licence condition giving suppliers a duty for suppliers to police their own performance against other Licence Conditions? Does not seem like a good regulatory principle.
Review	**Text**	**Feedback**
15(a)	take steps to obtain the views of Domestic Customers about the licensee's and its Representatives' activities and conduct relating to the installation of Smart Metering Equipment	This seems to be unspecific. Perhaps the purpose should be delineated in the wording.
15(b)	together with all other licensed gas and electricity suppliers of Domestic Premises, review the Domestic Installation Code and the manner in which it has been operated with a view to determining whether any revisions **should be made to it**.	On what basis should revisions be made?
16	Where, **within 30 days** of the licensee submitting to the Authority the proposed revisions to the Domestic Installation Code, the Authority has not given:	30 days could be a short timescale for implementing major changes to processes. There should be sufficient time between revisions being approved and coming into force to allow for suppliers' adaptations.
16(a)	**its approval in Writing** to the proposed revisions;	In theory, the Authority could approve the revision on the same day it is submitted, thus leaving no time whatsoever and leaving suppliers open to a licence breach as per section 13 above.
Interpretations & Definitions	**Text**	**Feedback**
14	In this Condition, any reference to **Smart Metering Equipment** shall be read as incorporating a reference:	Is this defined anywhere?
14(a)	to any part of that **equipment**;	Is this defined anywhere?
14(b)	to an **In-Home Display**	Is this defined anywhere?

16	Marketing	No distinction between sales and marketing in definitions. This is understood to be contrary to Ofgem's drafting precedent.