

ENERGY MARKET INVESTIGATION

The Energy Market Investigation (Prepayment Charge Restriction) Order 2016

Background

1. On 26 June 2014, the Gas and Electricity Markets Authority, in exercise of its powers under sections 131 and 133 of the Enterprise Act 2002 (the Act) (as provided for by section 36A of the Gas Act 1986 (GA86) and section 43 of the Electricity Act 1989 (EA89)), made an ordinary reference to the Chair of the Competition and Markets Authority (CMA) for the constitution of a group under Schedule 4 to the Enterprise and Regulatory Reform Act 2013 for an investigation into the supply and acquisition of energy in Great Britain.¹
2. The CMA investigated the matters referred to it pursuant to sections 131 and 133 of the Act and concluded (a) in accordance with section 134(1) of the Act that there are features of the markets for the supply and acquisition of energy in Great Britain which, either alone or in combination, prevent, restrict or distort competition; and (b) in accordance with section 134(2) of the Act, that there are adverse effects on competition (AECs). The CMA published its findings in a report under section 136 of the Act entitled *Energy market investigation: Final report* published on 24 June 2016 (the Report).
3. Two of the AECs identified by the CMA were the Domestic Weak Customer Response AEC and the Prepayment AEC.
4. The features identified by the CMA as giving rise to the Domestic Weak Customer Response AEC were the following:
 - (a) Customers have limited awareness of, and interest in, their ability to switch energy supplier, which arises in particular from the following fundamental characteristics of the domestic retail gas and electricity supply markets: (i) the homogeneous nature of gas and electricity; and (ii) the role of traditional meters and bills.
 - (b) Customers face actual and perceived barriers to accessing and assessing information arising, in particular, from the following aspects of the domestic retail gas and electricity markets: (i) the complex information

¹ [Energy market investigation terms of reference.](#)

provided in bills and the structure of tariffs; and (ii) a lack of confidence in, and access to, price comparison websites (PCWs) by certain categories of customers, including the less well-educated and the less well-off.

(c) Customers face actual and perceived barriers to switching, such as where they experience erroneous transfers which have the potential to cause material detriment to those who suffer from them.

5. In addition, the CMA found that there are additional aspects of the prepayment meter segments that contribute to the features of the Domestic Weak Customer Response AEC. In particular, the CMA found that prepayment customers face:

(a) higher actual and perceived barriers to accessing and assessing information about switching arising, in particular, from relatively low access to the internet and confidence in using PCWs; and

(b) higher actual and perceived barriers to switching arising, in particular, from: (i) the need to change meter to switch to a wider range of tariffs (and the obstacles associated with this *requirement* such as perceptions of the complexity of the meter replacement process); and (ii) restrictions arising from the Debt Assignment Protocol hindering indebted prepayment customers' ability to switch supplier.

6. The features identified by the CMA as giving rise to the Prepayment AEC were the following:

(a) technical constraints that limit the ability of all suppliers, and in particular new entrants, to compete to acquire prepayment customers, and to innovate by offering tariff structures that meet demand from prepayment customers who do not have a smart meter; and

(b) softened incentives on all suppliers, and in particular new entrants, to compete to acquire prepayment customers due to: (i) actual and perceived higher costs to engage with, and acquire, prepayment customers compared with other customers; and (ii) a low prospect of successfully completing the switch of indebted customers, who represent about 7 to 10% of prepayment customers.

7. The CMA considered, in accordance with section 134(4) of the Act,
(a) whether action should be taken by it for the purpose of remedying, mitigating or preventing the AECs or any detrimental effect on consumers;
(b) whether it should recommend the taking of action by others for the purpose of remedying, mitigating or preventing the AECs or any detrimental

effect on consumers; and (c) in either case, if action should be taken, what action should be taken and what is to be remedied, mitigated or prevented.

8. In the Report, the CMA decided on a package of remedies to remedy, mitigate or prevent the AECs and/or associated detriment that it found. The CMA decided to implement (through an order) a prepayment charge restriction for the tariffs made available (either directly or indirectly) or applied to domestic customers on prepayment meters by energy suppliers.
9. The Explanatory Note accompanying the Order provides an explanation of how the Order and the associated licence conditions are expected to operate.

The Order

Reference and power

The CMA makes this Order in performance of its duty under section 138 of the Act for the purpose of remedying, mitigating or preventing the adverse effects on competition and any detrimental effects on consumers so far as they have resulted, or may be expected to result, from the adverse effects on competition as identified in the report of the CMA entitled *Energy market investigation: Final report* and published on 24 June 2016. The CMA makes this Order in exercise of the powers conferred by sections 86(1) to (5) and 87 (each applicable by virtue of section 164), 161(1), (3) and (4) of, and paragraphs 2, 8, 17 to 19, 21 and 22 of Schedule 8 to, the Act. In accordance with section 15 of the Electricity Act 1989 and section 27 of the Gas Act 1986, the CMA introduces the Electricity Supply Licence Condition 28A and the Gas Supply Licence Condition 28A for the purpose of giving effect to Articles 3.1 and 3.2 of this Order, having had regard to GEMA's relevant statutory functions pursuant to section 168 of the Act.

Part 1

General and interpretation

1. Title, commencement and scope

- 1.1 This Order may be cited as 'The Energy Market Investigation (Prepayment Charge Restriction) Order 2016'.
- 1.2 This Order shall come into force on 8 December 2016.
- 1.3 This Order applies to Retail Energy Suppliers in Great Britain.
- 1.4 This Order shall continue to be in force until 30 June 2021, or until such time (before this date) as it is varied or revoked under the Act. The variation or revocation of this Order shall not affect the validity or enforceability of any rights or obligations that arose prior to such variation or revocation.

2. Interpretation

- 2.1 In this Order:

Act	means the Enterprise Act 2002.
Charges for Electricity Supply Activities	has the meaning given to Charges for Supply Activities in the Electricity Supply Licence.
Charges for Gas Supply Activities	has the meaning given to Charges for Supply Activities in the Gas Supply Licence.
Charge Restriction Period	means a period, between 1 April 2017 and 31 December 2020, either: <ul style="list-style-type: none"> (a) beginning on 1 April of each year and ending on 30 September of the same calendar year; or (b) beginning on 1 October of each year and ending on 31 March of the subsequent calendar year; or (c) beginning on 1 October of 2020 and ending on 31 December 2020.
Charge Restriction Region	has the meaning given to it in Electricity Supply Licence Condition 28A or in Gas Supply Licence Condition 28A (as applicable), as inserted pursuant to Articles 4.1 and 4.2, respectively.
CMA	means the Competition and Markets Authority.
Commercial Interoperability	means that Retail Electricity Suppliers and Retail Gas Suppliers are capable of operating smart metering equipment installed by another Retail Electricity Supplier or Retail Gas Supplier (as applicable) without the need to replace any equipment in the premises.
Domestic Customer	means a customer supplied or requiring to be supplied with electricity at domestic premises.
Electricity Supply Licence	means an electricity supply licence granted or treated as granted under section 6(1)(d) of the Electricity Act 1989.
Excluded Smart Meter	means either: <ul style="list-style-type: none"> (a) a smart meter identified in the second version of the smart metering equipment technical specification designated by the Secretary of State; or

(b) a smart meter otherwise identified by the CMA through a direction as being fully interoperable, in terms of providing Functional Interoperability and Commercial Interoperability.

Functional Interoperability	means that functional requirements are required to be delivered in a consistent, defined way, such that any Retail Electricity Supplier or Retail Gas Supplier will be capable of operating any meter with a clear understanding of the processing the equipment will undertake and the outputs they, and their customers, will receive.
Gas Supply Licence	means a gas supply licence granted or treated as granted under section 7A(1) of the Gas Act 1986.
GEMA	means the Gas and Electricity Markets Authority established under section 1 of the Utilities Act 2000.
Metering Arrangement	has the meaning given to it in Electricity Supply Licence Condition 28A or in Gas Supply Licence Condition 28A (as applicable), as inserted pursuant to Articles 4.1 and 4.2, respectively.
Prepayment Charge Restriction Compliance Statement	means a statement containing the information set out in Article 5.1 to be submitted by a Retail Energy Supplier to the CMA pursuant to Articles 5.1 and 5.2 in the form prescribed in Schedule 3.
Prepayment Meter	means any electricity or gas meter operating in a mode which requires a customer to pay charges in advance, and references to the installation or removal of a Prepayment Meter includes the switching of any electricity or gas meter to or from such a mode.
Prepayment Tariff	means a Tariff in respect of any domestic supply contract or deemed contract with a Relevant Customer which includes a requirement to pay charges through one or more Prepayment Meters.
Relevant Customer	means a Domestic Customer supplied via a Prepayment Meter, excluding those Domestic Customers supplied via an Excluded Smart Meter.

Retail Electricity Supplier	means any person authorised to supply electricity by virtue of an Electricity Supply Licence.
Retail Energy Supplier	means any Retail Electricity Supplier and any Retail Gas Supplier.
Retail Gas Supplier	means any person authorised to supply gas by virtue of a Gas Supply Licence.
Relevant Maximum Charge	means the maximum annual charge amount (in pounds sterling) for any projected consumption level, calculated in accordance with Schedule 1 (for electricity), and in accordance with Schedule 2 (for gas).
Tariff	has the meaning given to it the Electricity Supply Licence or the Gas Supply Licence (as applicable).

2.2 In this Order any reference to:

- (a) '**day**' means calendar day;
- (b) '**month**' means calendar month;
- (c) '**oral**' or '**orally**' relates to the transmission of information or the completion of a process made orally including in person or by telephone;
- (d) a '**person**' includes any individual, firm, partnership, body corporate or association;
- (e) '**written**' or '**in writing**' includes the transmission of information or the conclusion of a process made on, by, or through the internet or by a postal service; and
- (f) a government department or non-departmental public body or organisation or person or place or thing includes a reference to its successor in title.

2.3 The headings used in this Order are for convenience and have no legal effect.

2.4 References to any statute, statutory provisions or licence conditions shall be construed as references to that statute, statutory provision or licence condition as amended, re-enacted or modified, whether by statute or otherwise.

2.5 The Interpretation Act 1978 applies to this Order except where words and expressions are expressly defined.

Part 2

Prepayment Charge Restriction

3. Obligation to comply with the Prepayment Charge Restriction

- 3.1 Retail Electricity Suppliers must ensure that the aggregate amount of all Charges for Electricity Supply Activities to each Relevant Customer does not exceed the Relevant Maximum Charge within each Charge Restriction Period.
- 3.2 Retail Gas Suppliers must ensure that the aggregate amount of all Charges for Gas Supply Activities to each Relevant Customer does not exceed the Relevant Maximum Charge within each Charge Restriction Period.
- 3.3 Retail Energy Suppliers' compliance with Articles 3.1 and 3.2 will be assessed in accordance with the rules set out in Schedules 1 and 2.
- 3.4 Articles 3.1 and 3.2 shall cease to have effect on 31 December 2020.

4. Certain amendments to licence conditions

- 4.1 The Electricity Supply Licence is amended in accordance with Schedule 1.
- 4.2 The Gas Supply Licence is amended in accordance with Schedule 2.

Part 3

Monitoring and compliance

5. Monitoring and compliance

- 5.1 Retail Energy Suppliers must submit a Prepayment Charge Restriction Compliance Statement to the CMA no more than 45 days after the end of each Charge Restriction Period or such later date as agreed from time to time with the CMA.
- 5.2 Retail Energy Suppliers must ensure that any Prepayment Charge Restriction Compliance Statement is signed by the Chief Executive Officer, the Managing Director or any Director responsible for prepayment tariffs.

6. Directions by the CMA as to compliance

- 6.1 The CMA may give directions falling within Article 6.2 to:
 - (a) a person specified in the directions; or

(b) a holder for the time being of an office so specified in any body of persons whether incorporated or unincorporated.

6.2 Directions fall within this paragraph if they are directions:

(a) to take such actions as may be specified or described in the directions for the purpose of carrying out, or ensuring compliance with, this Order; or

(b) to do, or refrain from doing, anything so specified or described which the person might be required by this Order to do or refrain from doing.

6.3 In Article 6.2 above, 'actions' includes steps to introduce and maintain arrangements to ensure that any director, employee or agent of a Retail Energy Supplier carries out, or secures compliance with, this Order.

6.4 The CMA may vary or revoke any directions so given.

7. Supply of information to the CMA

7.1 Any person to whom this Order applies is required to provide any information and documents required by the CMA for the purposes of enabling the CMA to monitor the carrying out of this Order or any provisions of this Order and/or to review the effectiveness of the operation of this Order, or any provision of this Order.

7.2 Any person to whom this Order applies may be required by the CMA to keep and produce those records specified in writing by the CMA that relate to the operation of any provisions of this Order.

7.3 Any person to whom this Order applies and whom the CMA believes to have information which may be relevant to the monitoring or the review of the operation of any provisions of this Order may be required by the CMA to attend and provide such information in person.

7.4 Subject always to Part 9 of the Act, the CMA may publish any information or documents that it has received in connection with the monitoring or the review of this Order or any provisions of this Order for the purpose of assisting the CMA in the discharge of its functions under or in connection with this Order.

(signed) ROGER WITCOMB

Group Chair

7 December 2016

Schedule 1: Electricity Supply Licence Condition 28A

1. The Electricity Supply Licence Condition is amended as follows.
2. After Condition 28, insert:

Condition 28A. Prepayment Charge Restriction

Requirement to adhere to a Prepayment Charge Restriction

- 28A.1 The licensee must ensure that, between 1 April 2017 and 31 December 2020, the aggregate amount of all Charges for Supply Activities applicable to each Relevant Customer does not exceed the Relevant Maximum Charge within each Charge Restriction Period.
- 28A.2 Unless a direction has been issued by the Authority pursuant to paragraph 28A.22, in order to comply with paragraph 28A.1, the licensee must ensure that for each of its Prepayment Tariffs the aggregate Charges for Supply Activities applicable to any Relevant Customer at any consumption level (x kWh) in respect of a Charge Restriction Period do not exceed the Relevant Maximum Charge.
- 28A.3 For all Single-Register Prepayment Tariffs, compliance with the Prepayment Charge Restriction will be assessed against the Relevant Maximum Charge determined on the basis of the Benchmark Metering Arrangement values for Single-Rate Metering Arrangements. The licensee must ensure that each of its Multi-tier Prepayment Tariffs complies with the Prepayment Charge Restriction for all possible divisions of consumption between the different months within the Charge Restriction Period.
- 28A.4 For all Multi-Register Prepayment Tariffs, compliance with the Prepayment Charge Restriction will be assessed against the Relevant Maximum Charge determined on the basis of the Benchmark Metering Arrangement values for Economy 7 Metering Arrangements.
- 28A.5 This condition 28A does not apply in relation to Fixed Term Supply Contracts entered into by a Relevant Customer on or before 24 June 2016.

Determination of the Relevant Maximum Charge

- 28A.6 For each Benchmark Metering Arrangement (denoted l), Charge Restriction Period of length t months (denoted j), and for each of the 14 Charge Restriction Regions (denoted i), the Relevant Maximum Charge for a given level of consumption x shall be determined by reference to the Benchmark Maximum Charges applicable during a Charge Restriction Period at two

Benchmark Annual Consumption Levels denoted below as *nil* and *m*, as follows:

$$ChargeMax_{i,j,l}(x) = \left[ChargeMax_{i,j,l}(nil) \times \frac{t}{12} \right] + \left[\frac{ChargeMax_{i,j,l}(m) - ChargeMax_{i,j,l}(nil)}{m} \times x \right]$$

ChargeMax(*m*) and ChargeMax(*nil*) are defined as described in paragraph 28A.7.

Calculation of the Benchmark Maximum Charges for Charge Restriction Periods

28A.7 For each Charge Restriction Period, the Authority will calculate the Benchmark Maximum Charge for each:

- (a) Benchmark Annual Consumption Level;
- (b) Charge Restriction Region; and
- (c) Benchmark Metering Arrangement,

in accordance with the following formula:

$$ChargeMax_{i,j,k,l} = (WC_{j,k,l} + NC_{i,j,k,l} + PC_{j,k,l} + IC_{j,k,l} + PPM_{j,l} + H_{j,k,l})$$

where (the following units all being in pounds sterling):

- ChargeMax_{i,j,k,l}* means the Benchmark Maximum Charge in Charge Restriction Region *i*, in Charge Restriction Period *j*, at Benchmark Annual Consumption Level *k*, for Benchmark Metering Arrangement *l*;
- WC_{j,k,l}* means the wholesale cost allowance in Charge Restriction Period *j*, at Benchmark Annual Consumption Level *k*, for Benchmark Metering Arrangement *l*, calculated in accordance with paragraph 28A.8;
- NC_{i,j,k,l}* means the network cost allowance in Charge Restriction Region *i*, in Charge Restriction Period *j*, at Benchmark Annual Consumption Level *k*, for Benchmark Metering Arrangement *l*, determined in accordance with paragraph 28A.9;
- PC_{j,k,l}* means the policy cost allowance in Charge Restriction Period *j*, at Benchmark Annual Consumption Level *k*, for

Benchmark Metering Arrangement *l*, calculated in accordance with paragraph 28A.12;

$IC_{j,k,l}$ means the indirect cost allowance in Charge Restriction Period *j*, at Benchmark Annual Consumption Level *k*, for Benchmark Metering Arrangement *l*, calculated in accordance with paragraph 28A.13;

$PPM_{j,l}$ means the prepayment meter uplift allowance in Charge Restriction Period *j*, for Benchmark Metering Arrangement *l*, calculated in accordance with paragraph 28A.14;

$H_{j,k,l}$ means the headroom allowance in Charge Restriction Period *j*, at Benchmark Annual Consumption Level *k*, for Benchmark Metering Arrangement *l*, calculated in accordance with paragraph 28A.15;

t means the number of months in the Charge Restriction Period.

28A.8 For the purposes of paragraph 28A.7, the wholesale index value in Charge Restriction Period *j* at Benchmark Annual Consumption Level *k*, for Benchmark Metering Arrangement *l* shall be calculated as follows:

$$WC_{j,k,l} = WC_{0,k,l} \times \frac{WI_j}{WI_0}$$

where:

$WC_{0,k,l}$ means the Baseline Value for wholesale index value, for Benchmark Annual Consumption Level *k*, for Benchmark Metering Arrangement *l*. The Baseline Values for this term are set out in Annex 1;

WI_j means the wholesale index value relating to Charge Restriction Period *j* which the Authority will calculate semi-annually and, subject to paragraph 28A.10 below, in accordance with the methodology set out in Annex 2;

WI_0 means the Baseline Value for the wholesale index and shall take the value 51.82.

28A.9 For the purposes of paragraph 28A.7, the network cost allowance in Charge Restriction Region *i*, in Charge Restriction Period *j*, at Benchmark Annual Consumption Level *k*, for Benchmark Metering Arrangement *l* shall be

calculated based on the data within published network company charging statements and, subject to paragraph 28A.10 below, in accordance with the methodology and data sources set out in Annex 3. The Baseline Value of the network cost allowances are set out in Annex 4 for each Benchmark Annual Consumption Level, Charge Restriction Region and Benchmark Metering Arrangement. The day:night split used for calculating network charges shall be 62:38, unless the Authority issues a direction pursuant to paragraph 28A.27 amending the percentages in paragraph 28A.25, in which case the new peak and off-peak consumption levels specified for all Economy 7 Tariffs shall also be used for calculating network charges.

28A.10 If the external data sources referred to in Annexes 2 or 3 are no longer available, the Authority may replace the data sources set out in Annexes 2 or 3 (as applicable) with any suitable successor data sources. If the Authority cannot identify a suitable successor data source, it may, following consultation, either replace the data with an alternative data source, or amend the form of the model to reflect the change in data availability.

28A.11 The Authority may, following consultation, amend the methodology set out in Annex 3 to calculate the network cost allowance, where changes in charging methodology result in the network cost allowance diverging materially from the calculation of actual network costs for some or all Relevant Customers.

28A.12 For the purposes of paragraph 28A.7, the policy cost allowance in Charge Restriction Period j , at Benchmark Annual Consumption Level k , for Benchmark Metering Arrangement l , shall be calculated as follows:

$$PC_{j,k,l} = PC_{0,k,l} \times \frac{PI_j}{PI_0}$$

where:

$PC_{0,k,l}$ means the Baseline Value for the policy cost allowance, at Benchmark Annual Consumption Level k , for Benchmark Metering Arrangement l . The values for this term are set out in Annex 1;

PI_j means the policy cost index value in Charge Restriction Period j . The value of this term in each Charge Restriction Period is defined as the sum of the values relating to environmental levies for any forthcoming Charge Restriction Period, excluding environmental levies relating to the Carbon Reduction Commitment, as included in the forecast of current receipts presented in the most recent Economic and Fiscal Outlook published by the Office for Budgetary Responsibility before the date 60 days prior to the start of the

relevant Charge Restriction Period. In the event that this data is not available the Authority will, following consultation, identify an alternative data source. Should there be a period in which the Authority needs to determine the value of PI_j but no alternative data source has been so identified the Authority shall use such value as it considers reasonable.

PI_0 means the Baseline Value for the policy cost index and shall take the value £5.6 billion.

28A.13 For the purposes of paragraph 28A.7, the indirect cost allowance in Charge Restriction Period j , at Benchmark Annual Consumption Level k , for Benchmark Metering Arrangement l shall be calculated as follows:

$$IC_{j,k,l} = IC_{0,k,l} \times \frac{CPI_j}{CPI_0}$$

where:

$IC_{0,k,l}$ means the Baseline Value of the indirect cost allowance and shall take the values set out in Annex 1 for each Benchmark Annual Consumption Level and Benchmark Metering Arrangement;

CPI_j means the value of the Consumer Prices Index, series ID: D7BT, published by the Office for National Statistics or the successor to such series as may be identified by the Monetary Policy Committee of the Bank of England for the purposes of targeting inflation or as otherwise directed by the Authority. The value used shall be chosen as follows:

- For a Charge Restriction Period starting on 1 April the value of CPI_j shall be calculated as:

$$CPI_j = \left(\frac{CPI_{Dec\ j-1}}{CPI_{Jun\ 2015}} \right) \times 100$$

- For a Charge Restriction Period starting on 1 October the value of CPI_j shall be calculated as:

$$CPI_j = \left(\frac{CPI_{Jun\ j-1}}{CPI_{Jun\ 2015}} \right) \times 100$$

CPI_0 has the value 100.

28A.14 For the purposes of paragraph 28A.7, the prepayment uplift allowance in Charge Restriction Period j shall be calculated as follows:

$$PPM_{j,l} = PPM_0 \times \frac{CPI_j}{CPI_0}$$

where:

PPM_0 means the Baseline Value of the prepayment uplift and shall be £24 for both Single-Rate Metering Arrangements and Economy 7 Metering Arrangements;

CPI_j has the meaning given to it in paragraph 28A.13;

CPI_0 has the meaning given to it in paragraph 28A.13.

28A.15 For the purposes of paragraph 28A.7, the headroom allowance in Charge Restriction Period j , at Benchmark Annual Consumption Level k , for Benchmark Metering Arrangement l shall be calculated as follows:

$$H_{j,k,l} = HAP_l \times (WC_{j,k,l} + PC_{j,k,l} + IC_{j,k,l} + PPM_{j,l})$$

where:

HAP_l means the headroom allowance percentage for Benchmark Metering Arrangement l , which is 4.23% for Single-Rate Metering Arrangements and 3.41% for Economy 7 Metering Arrangements.

Determination and publication of Benchmark Maximum Charges and other values

28A.16 Subject to paragraphs 28A.18 and 28A.19, no later than the fifth Working Day of February in relation to a forthcoming Charge Restriction Period j starting on 1 April, or no later than the fifth Working Day of August in relation to a forthcoming Charge Restriction Period j starting on 1 October, the Authority will:

- (a) determine the updated Benchmark Maximum Charges which shall apply for any forthcoming Charge Restriction Period j by calculating such values in accordance with paragraph 28A.7; and
- (b) publish such Benchmark Maximum Charges so calculated in the format specified in Annex 5.

28A.17 Subject to paragraphs 28A.18 and 28A.19, at the same time as publishing the Benchmark Maximum Charges pursuant to paragraph 28A.16(b) the

Authority will also publish the following values and, where relevant, identify the data sources used:

- (a) the wholesale index value, calculated in accordance with paragraph 28A.8;
- (b) the network cost allowance in each Charge Restriction Region *i* and for Benchmark Metering Arrangement *l*, determined in accordance with paragraph 28A.9;
- (c) the policy cost index value, calculated in accordance with paragraph 28A.12;
- (d) the value of CPI_j as described in paragraph 28A.13.

28A.18 If the information that is required to calculate one or more of the values listed in paragraph 28A.17 is unavailable at the time of the calculation, the Authority may use an alternative source to set the values to determine the Benchmark Maximum Charges. In that event, the Authority will publish the alternative value(s) it has used to determine the Benchmark Maximum Charge at the same time as publishing the Benchmark Maximum Charges.

28A.19 If, owing to a technical issue, the Authority is unable to publish the Benchmark Maximum Values or the values listed in paragraph 28A.17 within the timetable set out in paragraph 28A.16, it will publish such values without delay following resolution of the technical issue.

Duration of the Prepayment Charge Restriction

28A.20 This condition will come into force on 1 January 2017 and shall cease to have effect on 30 June 2021.

Direction for alternative compliance assessment

28A.21 The licensee may apply to the Authority to request a direction concerning the compliance of a particular Prepayment Tariff with the Prepayment Charge Restriction where, due to the structure of the relevant Prepayment Tariff, the Charges for Supply Activities at certain consumption levels would exceed the Relevant Maximum Charge, but the licensee can provide evidence to the reasonable satisfaction of the Authority that it is unlikely that Relevant Customers subject to such Prepayment Tariff will have a consumption level which would cause them to incur Charges for Supply Activities in excess of the Relevant Maximum Charge.

28A.22 If the Authority has issued a direction to the licensee pursuant to paragraph 28A.21, the licensee must comply with such direction and must determine, at

the end of each Charge Restriction Period, whether any Relevant Customer has in fact incurred Charges for Supply Activities in excess of the Relevant Maximum Charge. If the licensee determines that this is the case, the licensee must:

- (a) inform the Authority in Writing without delay; and
- (b) pay a rebate to, or credit the account of, each such Relevant Customer equal to the difference between the Charges for Supply Activities actually incurred (or, if the Tariff is a Multi-Register Prepayment Tariff, the difference between the Charges for Supply Activities calculated on the basis of the Assumed Consumption Split) by Relevant Customers and the Relevant Maximum Charge within 30 days of the end of the relevant Charge Restriction Period.

Assumed Consumption Split where the Prepayment Tariff varies by time of consumption or purpose (Multi-Register Prepayment Tariffs)

28A.23 For the purpose of assessing compliance of Multi-Register Prepayment Tariffs with the Prepayment Charge Restriction pursuant to paragraph 28A.3, in calculating the aggregate amount of all Charges for Supply Activities, consumption in different periods will be weighted using an Assumed Consumption Split determined in accordance with paragraph 28A.25.

28A.24 For the purpose of the review to be carried out pursuant to paragraph 28A.22, in calculating the Charges for Supply Activities incurred by Relevant Customers on any given Prepayment Tariff, consumption in different peak and off-peak periods will be weighted using an Assumed Consumption Split determined in accordance with paragraph 28A.25.

28A.25 The Assumed Consumption Splits shall apply across Great Britain, reflect annual consumption patterns, and be determined as follows:

- (a) in respect of each Economy 7 Tariff, off-peak and peak consumption levels of 38% and 62%, respectively, shall be the Assumed Consumption Split, subject to any direction from the Authority issued pursuant to paragraph 28A.27;
- (b) in respect of each Multi-Register Prepayment Tariff (other than an Economy 7 Tariff), the Assumed Consumption Split shall be based on historic consumption data or, in the absence of historic data, on a reasonable estimate of the average consumption split, subject to any direction from the Authority issued pursuant to paragraph 28A.27.

28A.26 In respect of each Multi-Register Prepayment Tariff (other than an Economy 7 Tariff), the licensee must:

- (a) notify the Authority in Writing of the Assumed Consumption Split with accompanying relevant data relating to the historic consumption of their customers, no less than three months before the beginning of each relevant Charge Restriction Period or, if a Prepayment Tariff is capable of being entered into for the first time at a date after the beginning of a Charge Restriction Period, two months before that date; and
- (b) when historic data are not available in relation to a particular Prepayment Tariff, the licensee must:
 - (i). notify the Authority as per paragraph 28A.26(a) its forecast of the average consumption split relevant to that Prepayment Tariff (which shall be used as the Assumed Consumption Split), as well as evidence supporting this forecast, and
 - (ii). no later than three months after the last day of each Charge Restriction Period, notify in Writing to the Authority the actual average consumption usage split for that Prepayment Tariff in the previous Charge Restriction Period.

28A.27 The licensee must comply with any direction which the Authority may issue, having first sought representations from the licensee (to which the Authority will have regard), to use an alternative Assumed Consumption Split in relation to one or more Multi-Register Prepayment Tariffs. This Assumed Consumption Split shall be notified:

- (a) in relation to a Multi-Register Prepayment Tariff capable of being entered into for the first time at a date after the beginning of a Charge Restriction Period, no later than one month before the launch of that Prepayment Tariff; and
- (b) in relation to any other Multi-Register Prepayment Tariff, no later than the date on which the Benchmark Maximum Charges are published pursuant to paragraph 28A.16.

28A.28 The licensee must comply with any direction which the Authority may issue, after consultation with the licensee, to pay a rebate to Relevant Customers if, due to a discrepancy between the forecast and actual average consumption splits referred to in paragraph 28A.26(b), Relevant Customers either individually or collectively incurred Charges for Supply Activities materially in excess of the Relevant Maximum Charge.

Reporting obligation

28A.29 The licensee must provide the Authority with a report, in the format specified by the Authority from time to time, no more than five Working Days after the start of each Charge Restriction Period. This report must state for each of its Prepayment Tariffs:

- (a) the Tariff Name and any brand name that the Prepayment Tariff is marketed under;
- (b) the first and (where applicable) last dates on which each Prepayment Tariff was or will be supplied to Relevant Customers under a Domestic Supply Contract or a Deemed Contract;
- (c) the Standing Charge(s) and Unit Rate(s) of each Prepayment Tariff in each Charge Restriction Region;
- (d) to which Metering Arrangement(s) each Prepayment Tariff applies or will apply;
- (e) the criteria a customer must meet in order to be eligible for the Prepayment Tariff;
- (f) in relation to Multi-Register Prepayment Tariffs, the Assumed Consumption Split;
- (g) the number of customers subject to the Prepayment Tariff at the end of the first day of the Charge Restriction Period; and
- (h) any other information about the Prepayment Tariff which the Authority may from time to time specify.

28A.30 The licensee must inform the Authority, in Writing (or in any other format specified by the Authority), of any changes to the information included in the report as soon as reasonably practicable after the implementation of any such changes, including as a result of the launch of a new Prepayment Tariff.

28A.31 The licensee must give the Authority any information that it reasonably requests about the licensee's compliance with paragraph 28A.1 as soon as reasonably practicable after receiving a request.

Definitions for condition

28A.32 In this condition:

‘Assumed Consumption Split’ means the assumed percentage consumption split between each rate relevant to a Multi-Register Metering Arrangement, determined pursuant to paragraph 28A.25;

‘Baseline Value’ means the values specified by the CMA as at 30 June 2015, as set out in Annexes 1, 4 and 5;

‘Benchmark Metering Arrangement’ means either a Single-Rate Metering Arrangement or an Economy 7 Metering Arrangement, to be used for the purpose of this licence pursuant to 28A.3 and 28A.4; for the purposes of applying Annexes 1 to 5 when determining the Benchmark Maximum Charge pursuant to paragraph 28A.7, means using: (a) the values set out in the columns headed ‘Single-rate meters’ for determining the Benchmark Maximum Charge for Single-Rate Metering Arrangements; and (b) the values set out in the columns headed ‘Economy 7 meters’ for determining the Benchmark Maximum Charge for Multi-Register Metering Arrangements;

‘Benchmark Annual Consumption Levels’ means the benchmark annual consumption levels nil kWh and m kWh, where m shall respectively take the following values:

For Single-Register Metering Arrangements

$m = 3,200$ kWh;

For Multi-Register Metering Arrangements

$m = 4,600$ kWh;

‘Benchmark Maximum Charge’ means one of 56 benchmark maximum charge values (in pounds sterling and exclusive of Value Added Tax), which are unique to a specific Benchmark Annual Consumption Level, Charge Restriction Region and Benchmark Metering Arrangement, and are updated on a semi-annual basis by the Authority pursuant to paragraphs 28A.7 and 28A.16;

‘Charge Restriction Region’ means a Distribution Services Area;

‘Charge Restriction Period’ means a period, between 1 April 2017 and 31 December 2020, either:

- beginning on 1 April of each year and ending on 30 September of the same calendar year; or
- beginning on 1 October of each year and ending on 31 March of the subsequent calendar year; or

- beginning on 1 October of 2020 and ending on 31 December 2020.

‘Charges for Supply Activities’ has the meaning given to that term in standard condition 22A;

‘CMA’ means the Competition and Markets Authority;

‘Consumption Window’ means, in the context of a Multi-Register Metering Arrangement, each separate period within a total period of 24 hours in which electricity consumption was recorded and charged at a distinct Unit Rate;

‘Economy 7 Metering Arrangement’ means using an Electricity Meter for the purpose of an Economy 7 Tariff;

‘Economy 7 Tariff’ means a Prepayment Tariff whereby a Domestic Customer is charged on the basis of two separate Unit Rates, where in each period of 24 hours the peak electricity consumption level is recorded during 17 ‘day/normal’ hours and the off-peak electricity consumption level is recorded during seven ‘night/low’ hours;

‘Excluded Smart Meter’ means either: (a) a Smart Metering System which consists of an Electricity Meter and any associated or ancillary devices identified in a version (other than the first version) of the SME Technical Specification; or (b) a Smart Metering System otherwise identified by the CMA (through a direction given under the Energy Market Investigation (Prepayment Charge Restriction) Order 2016) as being fully interoperable;

‘Metering Arrangement’ means, for the purpose of this licence condition, using one or more Electricity Meters for the purpose of a Prepayment Tariff whereby a Domestic Customer is charged either on the basis of a Multi-Register Metering Arrangement or on the basis of a Single-Register Metering Arrangement;

‘Multi-tier Metering Arrangement’ means using an Electricity Meter for the purpose of a Prepayment Tariff whereby a Domestic Customer is charged on the basis of a Unit Rate which varies according to the Domestic Customer’s electricity consumption over a defined period of time;

‘Multi-tier Prepayment Tariff’ means a Prepayment Tariff whereby a Domestic Customer incurs Charges for Supply Activities on the basis of a Multi-tier Metering Arrangement;

‘Multi-Register Metering Arrangement’ means using one or more Electricity Meters for the purpose of a Prepayment Tariff whereby a Domestic Customer’s electricity consumption at certain times, or for certain purposes (for example, heating), or both, is separately recorded - on one or more registers - and includes

any contractual arrangement whereby the Domestic Customer is charged on the basis of Time of Use Rates (regardless of the metering equipment employed);

‘Multi-Register Prepayment Tariff’ means a Prepayment Tariff whereby a Domestic Customer incurs Charges for Supply Activities on the basis of a Multi-Register Metering Arrangement;

‘Prepayment Charge Restriction’ means the obligation set out in paragraph 28A.1;

‘Prepayment Tariff’ means a Tariff in respect of any Domestic Supply Contract or Deemed Contract with a Relevant Customer which includes a requirement to pay Charges through one or more Prepayment Meters;

‘Relevant Customer’ means a Domestic Customer supplied via a Prepayment Meter, excluding those Domestic Customers supplied via an Excluded Smart Meter;

‘Relevant Maximum Charge’ means for each Relevant Customer the maximum charge amount (in pounds sterling, excluding value added tax) for any consumption level, calculated in accordance with paragraph 28A.6;

‘Single-Rate Metering Arrangement’ means using one or more Electricity Meters for the purpose of a Prepayment Tariff whereby a Domestic Customer is required to pay for the Charges for Supply Activities on the basis of a single Unit Rate;

‘Single-Register Metering Arrangement’ means any Metering Arrangement which is not a Multi-Register Metering Arrangement, and includes a Single-Rate Metering Arrangement (regardless of the metering equipment employed) and a Multi-Tier Metering Arrangement in which the Unit Rate does not vary according to the time of use);

‘Single-Register Prepayment Tariff’ means a Prepayment Tariff whereby a Domestic Customer is required to pay for the Charges for Supply Activities on the basis of a Single-Register Metering Arrangement.

Annex 1 – Baseline Values of the wholesale cost allowance, policy cost allowance, indirect cost allowance, prepayment meter allowance and headroom allowance (ie as at 30 June 2015)

	Single-rate meters (benchmark consumption per annum, <i>k</i>)		Economy 7 meters (benchmark consumption per annum, <i>k</i>)	
	Nil kWh	<i>m</i> (3,200 kWh)	Nil kWh	<i>m</i> (4,600 kWh)
Wholesale cost allowance	£0.00	£189.33	£0.00	£274.14
Policy cost allowance	£25.81	£66.86	£27.93	£66.98
Indirect cost allowance	£28.87	£74.81	£31.24	£74.88
Prepayment meter allowance	£24.00	£24.00	£24.00	£24.00
Headroom allowance	£3.33	£15.02	£2.84	£15.00
	£82.00	£370.00	£86.00	£455.00

Note: all amounts exclude VAT

Annex 2 – Methodology for determining the wholesale index value

.xls file available at www.gov.uk/cma-cases/energy-market-investigation

Annex 3 – Methodology for determining the network cost index value

.xls file available at www.gov.uk/cma-cases/energy-market-investigation

Annex 4 – Baseline Values of the network cost allowances (ie as at 30 June 2015)

Region, <i>i</i>	Single-rate meters (benchmark consumption per annum, k)		Economy 7 meters (benchmark consumption per annum, k)	
	Nil kWh	m (3,200 kWh)	Nil kWh	m (4,600 kWh)
North West England	£0.00	£128.14	£0.00	£131.04
North East England	£0.00	£132.68	£0.00	£151.12
Yorkshire & North Lincolnshire	£0.00	£124.37	£0.00	£138.71
North Scotland	£0.00	£152.88	£0.00	£179.02
Southern England	£0.00	£126.17	£0.00	£133.14
Southern Scotland	£0.00	£127.71	£0.00	£147.82
North Wales and Mersey	£0.00	£167.12	£0.00	£185.70
London	£0.00	£110.90	£0.00	£124.46
South East England	£0.00	£130.32	£0.00	£146.73
East England	£0.00	£118.80	£0.00	£132.05
East Midlands	£0.00	£116.53	£0.00	£127.00
West Midlands	£0.00	£121.78	£0.00	£131.74
South West England	£0.00	£151.78	£0.00	£166.87
South Wales	£0.00	£137.03	£0.00	£145.64

Note: all amounts exclude VAT

Annex 5 – Baseline Benchmark Maximum Charges (ie as at 30 June 2015)

Region, <i>i</i>	Single-rate meters (benchmark consumption per annum, <i>k</i>)		Economy 7 meters (benchmark consumption per annum, <i>k</i>)	
	Nil kWh	<i>m</i> (3,200 kWh)	Nil kWh	<i>m</i> (4,600 kWh)
North West England	£82.00	£498.16	£86.00	£586.05
North East England	£82.00	£502.69	£86.00	£606.13
Yorkshire & North Lincolnshire	£82.00	£494.39	£86.00	£593.72
North Scotland	£82.00	£522.90	£86.00	£634.02
Southern England	£82.00	£496.19	£86.00	£588.14
Southern Scotland	£82.00	£497.72	£86.00	£602.83
North Wales and Mersey	£82.00	£537.14	£86.00	£640.70
London	£82.00	£480.91	£86.00	£579.46
South East England	£82.00	£500.34	£86.00	£601.73
East England	£82.00	£488.82	£86.00	£587.05
East Midlands	£82.00	£486.54	£86.00	£582.00
West Midlands	£82.00	£491.80	£86.00	£586.74
South West England	£82.00	£521.80	£86.00	£621.88
South Wales	£82.00	£507.05	£86.00	£600.64

Note: all amounts exclude VAT

Schedule 2: Gas Supply Licence Condition 28A

1. The Gas Supply Licence Condition is amended as follows.
2. After Condition 28, insert:

Condition 28A. Prepayment Charge Restriction

Requirement to adhere to a Prepayment Charge Restriction

- 28A.1 The licensee must ensure that, between 1 April 2017 and 31 December 2020, the aggregate amount of all Charges for Supply Activities applicable to each Relevant Customer does not exceed the Relevant Maximum Charge within each Charge Restriction Period.
- 28A.2 Unless a direction has been issued by the Authority pursuant to paragraph 28A.20, in order to comply with paragraph 28A.1, the licensee must ensure that for each of its Prepayment Tariffs the aggregate Charges for Supply Activities applicable to any Relevant Customer at any consumption level (x kWh) in respect of a Charge Restriction Period do not exceed the Relevant Maximum Charge.
- 28A.3 This condition 28A does not apply in relation to Fixed Term Supply Contracts entered into by a Relevant Customer on or before 24 June 2016.

Determination of the Relevant Maximum Charge

- 28A.4 For each Charge Restriction Period of length t months (denoted j), and for each of the 14 Charge Restriction Regions (denoted i), the Relevant Maximum Charge for a given level of consumption x shall be determined by reference to the Benchmark Maximum Charges applicable during a Charge Restriction Period at two Benchmark Annual Consumption Levels denoted below as nil and m , as follows:

$$ChargeMax(x) = \left[ChargeMax_{i,j}(nil) \times \frac{t}{12} \right] + \left[\frac{ChargeMax_{i,j}(m) - ChargeMax_{i,j}(nil)}{m} \times x \right]$$

$ChargeMax(m)$ and $ChargeMax(nil)$ are defined as described in paragraph 28A.5.

Calculation of the Benchmark Maximum Charges for Charge Restriction Periods

- 28A.5 For each Charge Restriction Period, the Authority will calculate the Benchmark Maximum Charge for each:

(a) Benchmark Annual Consumption Level; and

(b) Charge Restriction Region,

in accordance with the following formula:

$$ChargeMax_{i,j,k} = (WC_{j,k} + NC_{i,j,k} + PC_{j,k} + IC_{j,k} + PPM_j + H_{j,k})$$

where (the following units all being in pounds sterling):

ChargeMax_{i,j,k} means the Benchmark Maximum Charge in Charge Restriction Region *i*, in Charge Restriction Period *j*, at Benchmark Annual Consumption Level *k*;

WC_{j,k} means the wholesale cost allowance in Charge Restriction Period *j*, at Benchmark Annual Consumption Level *k*, calculated in accordance with paragraph 28A.6;

NC_{i,j,k} means the network cost allowance in Charge Restriction Region *i*, in Charge Restriction Period *j*, at Benchmark Annual Consumption Level *k*, determined in accordance with paragraph 28A.7;

PC_{j,k} means the policy cost allowance in Charge Restriction Period *j*, at Benchmark Annual Consumption Level *k*, calculated in accordance with paragraph 28A.10;

IC_{j,k} means the indirect cost allowance in Charge Restriction Period *j*, at Benchmark Annual Consumption Level *k*, calculated in accordance with paragraph 28A.11;

PPM_j means the prepayment meter uplift allowance in Charge Restriction Period *j* calculated in accordance with paragraph 28A.12;

H_{j,k} means the headroom allowance in Charge Restriction Period *j*, at Benchmark Annual Consumption Level *k*, calculated in accordance with paragraph 28A.13;

t means the number of months in the Charge Restriction Period.

28A.6 For the purposes of paragraph 28A.5, the wholesale index value in Charge Restriction Period *j* at Benchmark Annual Consumption Level *k* shall be calculated as follows:

$$WC_{j,k} = WC_{0,k} \times \frac{WI_j}{WI_0}$$

where:

$WC_{0,k}$ means the Baseline Value for wholesale index value, for Benchmark Annual Consumption Level k . The Baseline Values for this term are set out in Annex 1;

WI_j means the wholesale index value relating to Charge Restriction Period j which the Authority will calculate semi-annually and, subject to paragraph 28A.8 below, in accordance with the methodology set out in Annex 2;

WI_0 means the Baseline Value for the wholesale index and shall take the value 56.33.

28A.7 For the purposes of paragraph 28A.5, the network cost allowance in Charge Restriction Region i , in Charge Restriction Period j , at Benchmark Annual Consumption Level k shall be calculated based on the data within published network company charging statements and, subject to paragraph 28A.8 below, in accordance with the methodology and data sources set out in Annex 3. The Baseline Value of the network cost allowances are set out in Annex 4 for each Benchmark Annual Consumption Level and Charge Restriction Region.

28A.8 If the external data sources referred to in Annexes 2 or 3 are no longer available, the Authority may replace the data sources set out in Annexes 2 or 3 (as applicable) with any suitable successor data sources. If the Authority cannot identify a suitable successor data source, it may, following consultation, either replace the data with an alternative data source, or amend the form of the model to reflect the change in data availability.

28A.9 The Authority may, following consultation, amend the methodology set out in Annex 3 to calculate the network cost allowance, where changes in charging methodology result in the network cost allowance diverging materially from the calculation of actual network costs for some or all Relevant Customers.

28A.10 For the purposes of paragraph 28A.5, the policy cost allowance in Charge Restriction Period j , at Benchmark Annual Consumption Level k , shall be calculated as follows:

$$PC_{j,k} = PC_{0,k} \times \frac{CPI_j}{CPI_0}$$

where:

$PC_{0,k}$ means the Baseline Value for the policy cost allowance, at Benchmark Annual Consumption Level k . The values for this term are set out in Annex 1;

CPI_j means the value of the Consumer Prices Index, series ID: D7BT, published by the Office for National Statistics or the successor to such series as may be identified by the Monetary Policy Committee of the Bank of England for the purposes of targeting inflation or as otherwise directed by the Authority. The value used shall be chosen as follows:

- For a Charge Restriction Period starting on 1 April the value of CPI_j shall be calculated as:

$$CPI_j = \left(\frac{CPI_{Dec\ j-1}}{CPI_{Jun\ 2015}} \right) \times 100$$

- For a Charge Restriction Period starting on 1 October the value of CPI_j shall be calculated as:

$$CPI_j = \left(\frac{CPI_{Jun\ j-1}}{CPI_{Jun\ 2015}} \right) \times 100$$

CPI_0 has the value 100.

28A.11 For the purposes of paragraph 28A.5, the indirect cost allowance in Charge Restriction Period j , at Benchmark Annual Consumption Level k , shall be calculated as follows:

$$IC_{j,k} = IC_{0,k} \times \frac{CPI_j}{CPI_0}$$

where:

$IC_{0,k}$ means the Baseline Value of the indirect cost allowance and shall take the values set out in Annex 1 for each Benchmark Annual Consumption Level;

CPI_j means the value of the Consumer Prices Index, series ID: D7BT, published by the Office for National Statistics or the successor to such series as may be identified by the Monetary Policy Committee of the Bank of England for the purposes of targeting inflation or as otherwise directed by the Authority. The value used shall be chosen as follows:

- For a Charge Restriction Period starting on 1 April the value of CPI_j shall be calculated as:

$$CPI_j = \left(\frac{CPI_{Dec\ j-1}}{CPI_{Jun\ 2015}} \right) \times 100$$

- For a Charge Restriction Period starting on 1 October the value of CPI_j shall be calculated as:

$$CPI_j = \left(\frac{CPI_{Jun\ j-1}}{CPI_{Jun\ 2015}} \right) \times 100$$

CPI_0 has the value 100.

28A.12 For the purposes of paragraph 28A.5, the prepayment uplift allowance in Charge Restriction Period j shall be calculated as follows:

$$PPM_j = PPM_0 \times \frac{CPI_j}{CPI_0}$$

where:

PPM_0 means the Baseline Value of the prepayment uplift and shall be £39;

CPI_j has the meaning given to it in paragraph 28A.11;

CPI_0 has the meaning given to it in paragraph 28A.11.

28A.13 For the purposes of paragraph 28A.5, the headroom allowance in Charge Restriction Period j , at Benchmark Annual Consumption Level k shall be calculated as follows:

$$H_{j,k} = HAP \times (WC_{j,k} + PC_{j,k} + IC_{j,k} + PPM_j)$$

where:

HAP means the headroom allowance percentage, which is 3.48%.

Determination and publication of Benchmark Maximum Charges and other values

28A.14 Subject to paragraphs 28A.16 and 28A.17 no later than the fifth Working Day of February in relation to a forthcoming Charge Restriction Period j starting on 1 April, or no later than the fifth Working Day of August in relation to a forthcoming Charge Restriction Period j starting on 1 October, the Authority will:

- (a) determine the updated Benchmark Maximum Charges which shall apply for any forthcoming Charge Restriction Period by calculating such values in accordance with paragraph 28A.5; and
- (b) publish such Benchmark Maximum Charges so calculated in the format specified in Annex 5.

28A.15 Subject to paragraphs 28A.16 and 28A.17, at the same time as publishing the Benchmark Maximum Charges pursuant to paragraph 28A.14(b) the Authority will also publish the following values and, where relevant, identify the data sources used:

- (a) the wholesale index value, calculated in accordance with paragraph 28A.6;
- (b) the network cost allowance in each Charge Restriction Region i , determined in accordance with paragraph 28A.7; and
- (c) the value of CPI_j as described in paragraph 28A.11.

28A.16 If the information that is required to calculate one or more of the values listed in paragraph 28A.15 is unavailable at the time of the calculation, the Authority may use an alternative source to set the values to determine the Benchmark Maximum Charges. In that event, the Authority will publish the alternative value(s) it has used to determine the Benchmark Maximum Charge at the same time as publishing the Benchmark Maximum Charges.

28A.17 If, owing to a technical issue, the Authority is unable to publish the Benchmark Maximum Values or the values listed in paragraph 28A.15 within the timetable set out in paragraph 28A.14, it will publish such values without delay following resolution of the technical issue.

Duration of the Prepayment Charge Restriction

28A.18 This condition will come into force on 1 January 2017 and shall cease to have effect on 30 June 2021.

Direction for alternative compliance assessment

28A.19 The licensee may apply to the Authority to request a direction concerning the compliance of a particular Prepayment Tariff with the Prepayment Charge Restriction where, due to the structure of the relevant Prepayment Tariff, the Charges for Supply Activities at certain consumption levels would exceed the Relevant Maximum Charge, but the licensee can provide evidence to the reasonable satisfaction of the Authority that it is unlikely that Relevant Customers subject to such Prepayment Tariff will have a consumption level

which would cause them to incur Charges for Supply Activities in excess of the Relevant Maximum Charge.

28A.20 If the Authority has issued a direction to the licensee pursuant to paragraph 28A.19, the licensee must comply with such direction and must determine, at the end of each Charge Restriction Period, whether any Relevant Customer has in fact incurred Charges for Supply Activities in excess of the Relevant Maximum Charge. If the licensee determines that this is the case, the licensee must:

- (a) inform the Authority in Writing without delay; and
- (b) pay a rebate to, or credit the account of, each such Relevant Customer equal to the difference between the Charges for Supply Activities actually incurred and the Relevant Maximum Charge within 30 days of the end of the relevant Charge Restriction Period.

Reporting obligation

28A.21 The licensee must provide the Authority with a report, in the format specified by the Authority from time to time, no more than five Working Days after the start of each Charge Restriction Period. This report must state for each of its Prepayment Tariffs:

- (a) the Tariff Name and any brand name that the Prepayment Tariff is marketed under;
- (b) the first and (where applicable) last dates on which each Prepayment Tariff was or will be supplied to Relevant Customers under a Domestic Supply Contract or a Deemed Contract;
- (c) the Standing Charge(s) and Unit Rate(s) of each Prepayment Tariff in each Charge Restriction Region;
- (d) the criteria a customer must meet in order to be eligible for the Prepayment Tariff;
- (e) the number of customers subject to the Prepayment Tariff at the end of the first day of the Charge Restriction Period; and
- (f) any other information about the Prepayment Tariff which the Authority may from time to time specify.

28A.22 The licensee must inform the Authority, in Writing (or in any other format specified by the Authority), of any changes to the information included in the report as soon as reasonably practicable after the implementation of any

such changes, including as a result of the launch of a new Prepayment Tariff.

28A.23 The licensee must give the Authority any information that it reasonably requests about the licensee's compliance with paragraph 28A.1 as soon as reasonably practicable after receiving a request.

Definitions for condition

28A.24 In this condition:

'Baseline Value' means the values specified by the CMA as at 30 June 2015, as set out in Annexes 1, 4 and 5;

'Benchmark Annual Consumption Levels' means the benchmark annual consumption levels *n* kWh and *m* kWh, where *m* shall respectively take the value 13,500 kWh;

'Benchmark Maximum Charge' means one of 28 benchmark maximum charge values (in pounds sterling and exclusive of Value Added Tax), which are unique to a specific Benchmark Annual Consumption Level and Charge Restriction Region, and are updated on a semi-annual basis by the Authority pursuant to paragraphs 28A.5 and 28A.14;

'Charge Restriction Region' means a Distribution Services Area;

'Charge Restriction Period' means a period, between 1 April 2017 and 31 December 2020, either:

- beginning on 1 April of each year and ending on 30 September of the same calendar year; or
- beginning on 1 October of each year and ending on 31 March of the subsequent calendar year; or
- beginning on 1 October of 2020 and ending on 31 December 2020.

'Charges for Supply Activities' has the meaning given to that term in standard condition 22A;

'CMA' means the Competition and Markets Authority;

'Distribution Services Area' has the meaning given in and is to be interpreted in accordance with standard condition 2 (Application of Section C (Distribution Services Obligations)) of the distribution licence granted or treated as granted under section 6(1)(c) of the Electricity Act 1989;

‘Excluded Smart Meter’ means either: (a) a Smart Metering System which consists of a Gas Meter and any associated or ancillary devices identified in a version (other than the first version) of the SME Technical Specification; or (b) a Smart Metering System otherwise identified by the CMA (through a direction given under the Energy Market Investigation (Prepayment Charge Restriction) Order 2016) as being fully interoperable;

‘Prepayment Charge Restriction’ means the obligation set out in paragraph 28A.1;

‘Prepayment Tariff’ means a Tariff in respect of any Domestic Supply Contract or Deemed Contract with a Relevant Customer which includes a requirement to pay Charges through one or more Prepayment Meters;

‘Relevant Customer’ means a Domestic Customer supplied via a Prepayment Meter, excluding those Domestic Customers supplied via an Excluded Smart Meter;

‘Relevant Maximum Charge’ means for each Relevant Customer the maximum charge amount (in pounds sterling, excluding value added tax) for any consumption level, calculated in accordance with paragraph 28A.4 in the relevant Charge Restriction Period and Charge Restriction Region.

Annex 1 – Baseline Values of the wholesale cost allowance, policy cost allowance, indirect cost allowance, prepayment meter allowance and headroom allowance (ie as at 30 June 2015)

	Single rate meters (benchmark consumption per annum, <i>k</i>)	
	Nil kWh	<i>m</i> (13,500 kWh)
Wholesale cost allowance	£0.00	£277.93
Policy cost allowance	£8.40	£18.42
Indirect cost allowance	£43.44	£95.65
Prepayment meter allowance	£39.00	£39.00
Headroom allowance	£3.16	£15.00
	£94.00	£446.00

Note: all amounts exclude VAT

Annex 2 – Methodology for determining the wholesale index value

.xls file available at www.gov.uk/cma-cases/energy-market-investigation

Annex 3 – Methodology for determining the network cost index value

.xls file available at www.gov.uk/cma-cases/energy-market-investigation

Annex 4 – Baseline Values of the network cost allowances (ie as at 30 June 2015)

Region, <i>i</i>	Single-rate meters (benchmark consumption per annum, k)	
	Nil kWh	<i>m</i> (13,500 kWh)
North West England	£0.00	£140.12
North East England	£0.00	£138.62
Yorkshire & North Lincolnshire	£0.00	£126.99
North Scotland	£0.00	£121.97
Southern England	£0.00	£154.65
Southern Scotland	£0.00	£122.01
North Wales and Mersey	£0.00	£138.37
London	£0.00	£151.23
South East England	£0.00	£144.30
East England	£0.00	£138.29
East Midlands	£0.00	£128.50
West Midlands	£0.00	£136.86
South West England	£0.00	£147.62
South Wales	£0.00	£131.92

Note: all amounts exclude VAT

Annex 5 – Baseline Benchmark Maximum Charges (ie as at 30 June 2015)

Region, <i>i</i>	Single rate meters (benchmark consumption per annum, <i>k</i>)	
	Nil kWh	<i>m</i> (13,500 kWh)
North West England	£94.00	£586.12
North East England	£94.00	£584.62
Yorkshire & North Lincolnshire	£94.00	£572.98
North Scotland	£94.00	£567.97
Southern England	£94.00	£600.65
Southern Scotland	£94.00	£568.01
North Wales and Mersey	£94.00	£584.36
London	£94.00	£597.23
South East England	£94.00	£590.30
East England	£94.00	£584.29
East Midlands	£94.00	£574.50
West Midlands	£94.00	£582.86
South West England	£94.00	£593.61
South Wales	£94.00	£577.92

Note: all amounts exclude VAT

Schedule 3: Template Prepayment Charge Restriction Compliance Statement

Prepayment Charge Restriction Compliance Statement for [insert name of retail energy supplier]

[I/We], [insert name(s)], confirm on behalf of [insert name of retail energy supplier(s)] that during the Charge Restriction Period commencing on [insert date] and ending on [insert date], [insert name(s) of retail energy supplier(s)] [has][have] complied with The Prepayment Charge Restriction Order 2016 [with the following exceptions:

- [description of any non-compliance].

[where appropriate] The following steps have been taken to remedy such non-compliance:

[description of steps to terminate non-compliance and/or rebates paid]].

[where the circumstance set out in paragraph 28A.26(b) of the electricity licence condition applies, add 'The information referred to in paragraph 28A.26(b)(ii) of the Electricity Supply Licence [has been]/[will be] notified in writing to GEMA in compliance with the requirements of that paragraph. If GEMA decides to issue a direction under paragraph 28A.28 of the Electricity Supply Licence, [insert name of retail energy supplier(s)] will keep the CMA informed of the steps taken to comply with such a direction.'

FOR AND ON BEHALF OF [NAME OF RETAIL ENERGY SUPPLIER(S)]

Signature:

Name:

Title: