

APPENDIX B - RESPONSE FORM

To: Claire Hynes
Email: DCUSA@electralink.co.uk
Fax: 020 7432 3011

Name: *Tony Thornton*

Organisation: *UKRPA*

Role: *Trade Association*

Email Address: ukrpa@gemserv.com

Phone Number: *0207 090 1014*

Question 1: Are you supportive of the Code of Practice?

The UKRPA would like to reinforce that energy theft cannot be prevented, it can however be deterred through a number of measures. Caution is also advised when references are being made to the disconnection of supplies, there is a distinct difference between the circumstances under which distributors and suppliers are able to disconnect customers.

The 'Responsibilities of Parties' section within the Code of Practice seems to indicate a duplication of effort between distributors and suppliers, with regards to the education of the public, staff and the community about the dangers of interference and reporting arrangements. We are also unclear as to the term "community" and to whom this refers.

Section 6.6 of the Code of Practice 'Provision of Information by the Distributor to the registered Supplier(s)' which appears not to have any detail within it. We ask whether this is forthcoming or whether it was deliberately excluded.

The UKRPA is generally supportive of an electricity theft CoP provided it is developed in line with the industry's requirements. Beyond being a requirement under the DCUSA, there are clear benefits to the industry of establishing and working in line with best practice.

We note that the existing Electricity Code of Practice written in 1998 has, for some time, not reflected current market structures and is therefore in need of being updated – the UKRPA has stepped back from a fundamental review in light of the work being undertaken under DCUSA.

Question 2: What do Parties expect in relation to a governance framework of the CoP?

Governance needs to apply to all the parties 'in the loop' as regard RP ie suppliers, distributors and RP providers (whether in or out-house). DCUSA binding on suppliers and distributors would seem to meet this as obligations on RP parties and others can then be passed on through contracts or internal procedures.

The governance and administration of the CoP needs to be as clear, transparent and inclusive as possible, within reason. The consultation advises that the CoP could be used as a standalone document, which we assume would entail non-DCUSA parties working according to and with reference to the CoP. With this in mind, there must be a mechanism for these non-DCUSA parties to filter their views and considerations into the CoP, be that through consultations or involvement in development groups.

Question 3: Do you have any comments on any part of the drafting?

1. There are references to Appendices which are not available for comment now but are to be consulted on later. It is difficult in some cases to assess the adequacy of what is in text without knowing what is in a referenced appendix. Also, what status are these appendices – are they obligatory? Is there any greater status if they are referred to within the 'Obligation' sections, as opposed to the 'Reference' or 'Best Practice' sections?
2. We are of the view that the separation of the 3 sections within the CoP are somewhat unintuitive, leaving much potential for ambiguity. Whereas in some sections there may not be comments on Best Practice or References, surely there must always be an Obligation otherwise it would seem unclear as to why that section would be put into the Code?
3. The consultation refers to documents being 'relevant' to a Party's actions – however it is unclear how this relevance will be determined, or in fact who would be responsible for defining relevance.
4. In terms of references to other documents or codes, is there a risk that the industry change could place an administrative burden on the CoP in terms of ensuring that the document and references are kept up-to-date with relevant changes.

Section 6.3 - Provision of Information by the Supplier to the RP Service**Question 4:** Is this section adequate?

No. It does not seem to take account of the industry structures whereby some RP services will be in-house and will be directly managed by the supplier as to its policies and some will be provided on a commercial basis governed by contracts. The original Code covered only the latter (RP services being provided by the DNO to all suppliers in its area) where guidance was needed to ensure that the RP services had sufficient information to do its job whilst taking account of differing general policies between different suppliers. Where a supplier directly employs RP services such matters will be part of internal policy guidelines and may not necessarily be made public. There needs to be something to explain and take account of this.

Section 6.3 - Provision of Information by the Supplier to the RP Service**Question 5:** What items do RP Services request/what items do Suppliers usually provide? Should these be mandatory?

Taking account of the background as set out above, it was necessary for suppliers and RP services to agree the following policy principles:

- Conditions under which the supply may be de-energised
- Replacement of a credit meter with a prepayment meter
- Action following damage without evidence of tamper
- Conditions under which offenders will be prosecuted
- Conditions under which revisits may be carried out
- Installation (or not) of additional security devices

These would be in addition to some wider 'industry' policies about dealing with vulnerable customers and 'lower level' general information about the customer, the location, the nature of the possible tamper, etc which would be a two-way exchange.

Section 6.3 - Provision of Information by the Supplier to the RP Service**Question 6:** Should the requirements set out in the Information Exchange Table be mandatory?

It is unclear from the consultation and associated papers which information exchange table is being referenced.

Section 6.4 - Provision of information by the RP Service to a Supplier**Question 7:** Is this section adequate?

Difficult to say without a sight of Appendix 6. Much of the interchange as indicated in section 6.3 above is relevant.

Section 6.4 - Provision of information by the RP Service to a Supplier**Question 8:** What information does the RPS currently provide to the Supplier?

No comment.

Section 7.2 - Priorities and Timescales**Question 9:** Are the timescales for safety issues outlined in the CoP sufficient?

Yes, we consider that these timescales continue to be sufficient.

Section 7.2 - Priorities and Timescales**Question 10:** Are the timescales for the completion of investigation?

It is assumed that the word 'adequate' is missing from the consultation? We also consider that these timescales continue to be sufficient.

Section 12 - Collection and retention of evidence

Question 11: How long should physical evidence be retained by the RPS?

This depends on whether a criminal or civil prosecution is to be brought and whether tampering with a meter is involved. In the latter case, there has recently been a decision allowing a general authorisation for the disposal of meters tampered with which involves reporting offences to the Police.

In the Best Practice under this section there is reference to the fact that “collection and retention of meters is as determined by the Authority”, we are of the opinion that it would be more appropriate for this section to make reference to the National Measurement Office (NMO), rather than the Authority.

It would be useful to see Appendix 4 to confirm the adequacy of what is said under this section. If this is Section 3 of the UKRPA Manual, reference to the NMO Decision needs to be added.

Section 15.10 – Reports

Question 12: Do DNOs need the Report and if so what frequency? i.e. monthly or quarterly.

The UKRPA are not best placed to provide a response in relation to this area. Perhaps the ENA would be better placed to offer advice.

Section 15.10 – Reports

Question 13: Do Suppliers require reciprocal reporting from DNOs?

The UKRPA are not best placed to provide a response in relation to this area. Perhaps Energy UK would be better placed to offer advice.

Section 15.10 – Reports

Question 14: Is there value in trend information being collated by DCUSA and made available to the industry?

No comment

Section 15.10 – Reports

Question 15: If there is an obligation to report on all stolen units, can this reporting be issued to the BSC?

No comment

Question 16: Are the Titles of the Appendices below appropriate?

Appendix 1 Relevant Statutory and Regulatory Provisions

Appendix 2 Disconnections or De-energisation

Appendix 3 Impact of Data Protection Act On exchange of Information

Appendix 4 Collection and Retention of evidence Record Keeping

Appendix 5 Record Keeping

Appendix 6 Information to be provided by the RP services

Appendix 7 Reporting Appendix 8 Assessment if unrecorded units

Appendix 8 Assessment of Unrecorded Units

Appendix 9 Process Diagram for dealing with reports of Suspected Interference

We find it quite unusual to be asked to comment on the appropriateness of an Appendix title where the content has not been provided.

The Appendices will be reviewed at the next meeting and consulted on at a later date.

This form should be submitted to DCUSA@electralink.co.uk no later than 4 December 2012.