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MP288 ‘Erroneous Section J Default Notices’

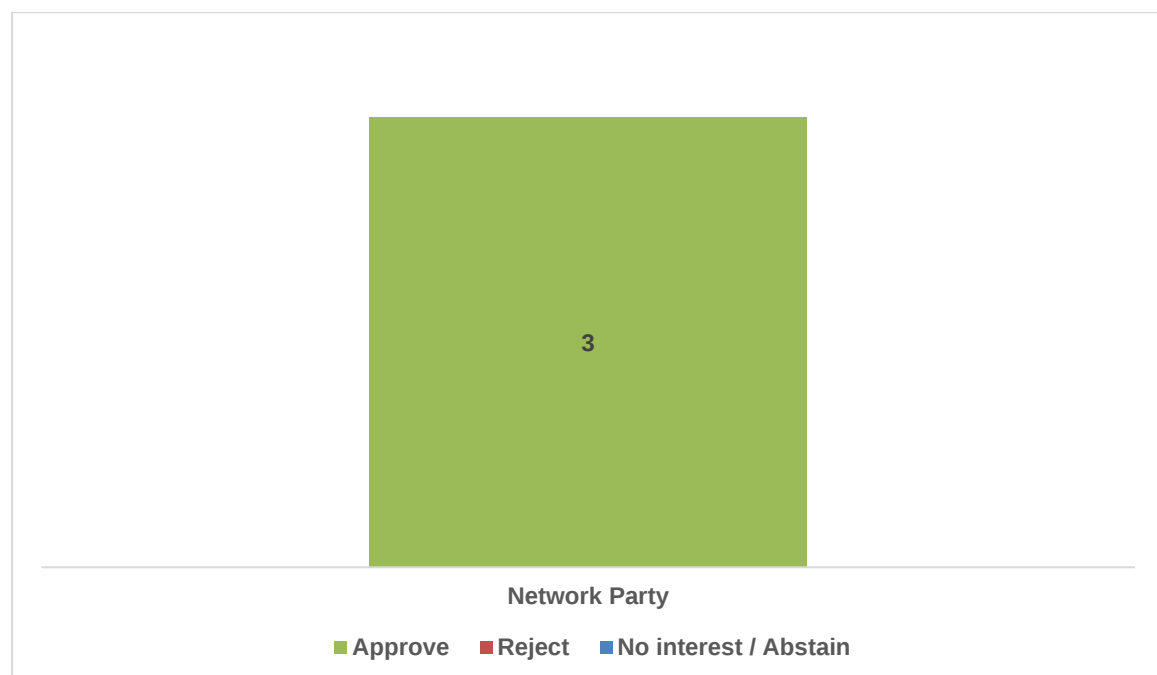
Annex B

Refinement Consultation responses

About this document

This document contains the full non-confidential collated responses received to the MP288 Refinement Consultation.

Summary of responses



Refinement Consultation

SECAS received three responses to the Modification Report Consultation. All three believed that the modification should be approved. All three considered the modification better facilitated SEC Objectives(g)¹, and one considered that it also better facilitated Objective (b)².

¹ facilitate the efficient and transparent administration and implementation of this Code.

² enable the Data Communications Company to comply at all times with the General Objectives of the Data Communications Company (as defined in the Data Communications Company Licence), and to efficiently discharge the other obligations imposed upon it by the Data Communications Company Licence.

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Question 1: Do you agree that the solution put forward will effectively resolve the identified issue?

Question 1				
Respondent	Category	Response	Rationale	SECAS Response
BUUK	Network Party	Yes	We believe that the proposed solution resolves an important issue.	Thank you.
ENWL	Network Party	Yes	As the proposer of this modification we agree the solution and proposed legal text would resolve the issue and prevent future instances whereby the DCC could not issue an erroneous Event of Default Notice to SEC parties due to their late collection of the Direct Debit to the Party by an invoice due date.	Thank you.
NGED	Network Party	Yes	Yes we agree this will resolve the identified issue.	Thank you.

Question 2: Do you agree that the legal text will deliver MP288?

Question 2				
Respondent	Category	Response	Rationale	SECAS Response
BUUK	Network Party	Yes	The legal text sufficiently delivers the intent of the Modification Proposal.	Thank you.
ENWL	Network Party	Yes	As the proposer of this modification we agree the solution and proposed legal text would resolved the issue. The new legal text prevents the DCC from raising an Event of Default Notice against a Party on the grounds of the DC's late Direct Debit cpllection [sic].	Thank you.
NGED	Network Party	Yes	Yes we agree that the legal text will deliver MP288.	Thank you.

Question 3: Do you agree with the proposed implementation approach?

Question 3				
Respondent	Category	Response	Rationale	SECAS Response
BUUK	Network Party	Yes	We believe this is a suitable approach.	Thank you.
ENWL	Network Party	Yes	-	-
NGED	Network Party	Yes	Yes we agree with this approach.	Thank you.

Question 4: Will there be any impact on your organisation to implement MP288?

Question 4				
Respondent	Category	Response	Rationale	SECAS Response
BUUK	Network Party	Yes	There will be a positive impact on my organisation. This Modification will provide safeguards against erroneous Events of Default.	Thank you.
ENWL	Network Party	No	n/A	-
NGED	Network Party	No	No direct impact.	Thank you.

Question 5: Will your organisation incur any costs in implementing MP288?

Question 5				
Respondent	Category	Response	Rationale	SECAS Response
BUUK	Network Party	No costs	No foreseen costs.	Thank you.
ENWL	Network Party	No costs	n/A	-
NGED	Network Party	No Cost.	-	-

Question 6: How long from the point of approval would your organisation need to implement MP288?

Question 6				
Respondent	Category	Response	Rationale	SECAS Response
BUUK	Network Party	No lead time	-	-
ENWL	Network Party	N/A	N/A	-
NGED	Network Party	N/A	N/A	-

Question 7: Do you believe that MP288 would better facilitate the General SEC Objectives?

Question 7				
Respondent	Category	Response	SEC Objective(s)	Rationale
BUUK	Network Party	Yes	(g)	Ensuring the prevention of erroneous Events of Default where the DCC have not collected Direct Debits by their Due Date better facilitates the implementation of the Code. Without this, Events of Default being raised with undue cause risks reputational damage to both the DCC and the invoiced Party.
ENWL	Network Party	Yes	(b), (g)	In addition to potential reputation damages, there is also likely resource impacts associated to the SEC party, DCC and the Panel. Pursuant to Section J2.4, disputes relating to Erroneous Events of Default Notices may also be referred to the Panel by the Party. Escalations for determination would require additional administrative burdens on all Parties involved, with time utilised having associated costs and impacts.
NGED	Network Party	Yes	(g)	-

Question 8: Do you believe there will be any impacts on or benefits to consumers if MP288 is implemented?

Question 8				
Respondent	Category	Response	Rationale	SECAS Response
BUUK	Network Party	No	No foreseen impacts to consumers.	Thank you.
ENWL	Network Party	No	N/A	-
NGED	Network Party	No	-	-

Question 9: Noting the costs and benefits of this modification, do you believe MP288 should be approved?

Question 9				
Respondent	Category	Response	Rationale	SECAS Response
BUUK	Network Party	Yes	DCC should not be issuing Events of Default where Direct Debits have not been collected in time.	Thank you.
ENWL	Network Party	Yes	Refer to responses above.	Thank you.
NGED	Network Party	Yes	We agree.	Thank you.

Question 10: Please provide any further comments you may have.

Question 10			
Respondent	Category	Comments	SECAS Response
BUUK	Network Party	-	-
ENWL	Network Party	n/A	-
NGED	Network Party	None.	-