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MP134A ‘Use of SMKI Certificates relating to a SoLR event’

Annex A

Legal text – version 0.1

About this document

This document contains the redlined changes to the SEC that would be required to deliver this Modification Proposal.

Section A ‘Definitions and Interpretation’

These changes have been redlined against Section A version 15.0.

Add new definitions as follows:

<u>Customer Supply Continuity Plan</u>	<u>means the plan of that name maintained by each Supplier Party under Condition 19E of its Gas Supply Licence and/or Condition 19C of its Electricity Supply Licence.</u>
<u>Failing Electricity Supplier Party</u>	<u>means an Electricity Supply Party whose Electricity Supply Licence is to be revoked by the Authority, as notified by the Authority to the SMKI PMA.</u>
<u>Failing Energy Supplier</u>	<u>means a Supplier Party which is a Failing Gas Supplier Party and/or a Failing Electricity Supplier Party.</u>
<u>Failing Gas Supplier Party</u>	<u>means a Gas Supplier Party whose Gas Supply Licence is to be revoked by the Authority, as notified by the Authority to the SMKI PMA.</u>
<u>Pre-Payment Consumer</u>	<u>means an Energy Consumer at a premises for which the supply of energy is measured by a Smart Meter that is operating as a Pre-Payment Meter.</u>
<u>SoLR Change of Supplier Processes</u>	<u>means, in relation to the Devices forming part of a Smart Metering System for a premises of a Pre-Payment Consumer of a Failing Supplier Party, the replacement of any Device Security Credentials on those Devices that pertain to the Failing Energy Supplier with those that pertain to the Supplier of Last Resort.</u>
<u>Supplier Certificates</u>	<u>means, in respect of a Supplier Party, any Certificate or DCCKI Certificate for which the Supplier Party is a Subscriber or a DCCKI Subscriber.</u>
<u>Supplier of Last Resort</u>	<u>means, in respect of each premises supplied by a Failing Energy Supplier, the Supplier Party directed to supply gas and/or electricity to that premises by the Authority under a Last Resort Supply Direction (as defined in the Energy Supply Licences).</u>

Section L ‘Smart Metering Key Infrastructure and DCC Key Infrastructure’

These changes have been redlined against Section L version 11.0.

Add Section L16 as follows:

L16 Supplier of Last Resort

L16.1 Where the Authority notifies the SMKI PMA of a Failing Energy Supplier, the SMKI PMA shall notify the DCC, and the following shall apply:

- (a) the DCC shall not revoke the Supplier Certificates of the Failing Energy Supplier until the DCC is directed to do so by the SMKI PMA;
- (b) subject to consideration of the circumstances in Section L16.2, the SMKI PMA shall promptly:
 - (i) direct the DCC to immediately revoke one or more of the Supplier Certificates; and/or
 - (ii) notify the DCC of the SMKI PMA’s decision not to direct the immediate revocation of one or more of the Supplier Certificates; and
- (c) the SMKI PMA shall notify the Authority of the SMKI PMA’s decision under Section L16.1(b).

L16.2 For the purposes of Section L16.1(b), the SMKI PMA shall (to the extent that the information is available to them) take into account the following:

- (a) the fact that the Failing Energy Supplier will cease to be an Eligible Subscriber and/or Eligible DCCKI Subscriber for the Supplier Certificates when its Gas Supply Licence and/or Electricity Supply Licence is revoked;
- (b) the arrangements in place under the Customer Supply Continuity Plan(s) of the Failing Energy Supplier;
- (c) whether there is a Shared Resource Provider which provides (or provided) Shared Resources to the Failing Energy Supplier, and (if so):
 - (i) the ability of the Shared Resource Provider to send Service Requests and/or to amend Anomaly Detection Thresholds using the Private Keys associated with Public Keys in the Failing Energy Supplier’s Supplier Certificates; and
 - (ii) whether the staff who operated the Failing Energy Supplier’s User Systems have been (or are likely to be) retained by the Supplier of Last Resort;
- (d) whether the Failing Energy Supplier has (or had) any Pre-Payment Consumers;
- (e) any adverse impact on the Energy Consumers of the Failing Energy Supplier that may arise from any decision made by the SMKI PMA to direct the revocation of one or more of the

Supplier Certificates of the Failing Energy Supplier, including that this adverse impact might be exacerbated by the fact that there is likely to be a period of time between the appointment of the Supplier of Last Resort and the completion of the SoLR Change of Supplier Processes; and

(f) any other matters that the SMKI PMA considers relevant in the circumstances of the case.

L16.3 Where, in the case of a Failing Energy Supplier, the SMKI PMA notifies the Authority of the SMKI PMA's intention to not direct the immediate revocation of one or more of the Supplier Certificates, the Authority may direct a Shared Resource Provider for the Failing Energy Supplier to take action to maintain continuity of the physical supply of gas and/or electricity to the Pre-Payment Consumers of the Failing Energy Supplier.

L16.4 Where directed by the Authority under Section L16.3, the Shared Resource Provider shall expeditiously take the steps (if any) that are practically available to it to maintain continuity of the supply of gas and/or electricity to the Pre-Payment Consumers of the Failing Energy Supplier.

L16.5 It is acknowledged that:

(a) in order to meet its obligation under Section L16.4, a Shared Resource Provider may use the Private Keys associated with Public Keys contained within the Supplier Certificates of the Failing Energy Supplier in order to:

(i) submit Service Requests to the DCC that result in the sending of Commands to SMETS2+ Devices or to a SMETS1 Service Provider; and/or

(ii) modify the Anomaly Detection Thresholds in order to allow it to meet its obligation in a timely manner;

(b) in order to meet its obligation under Section L16.4 to take steps expeditiously, the Shared Resource Provider may need also to communicate with Smart Metering Systems which do not include Smart Meters operating as Pre-Payment Meters;

(c) the effect of the actions of the Shared Resource Provider may result in one or more of the Pre-Payment Consumers of the Failing Energy Supplier continuing to receive a physical supply of gas and/or electricity notwithstanding that no advance payment has been made for that supply; and

(d) the actions of the Shared Resource Provider may be taken before or after the Supplier of Last Resort is Registered as supplier to the Pre-Payment Consumers of the Failing Energy Supplier.

L16.6 Each Supplier of Last Resort shall, as soon as reasonably practicable after it is appointed as Supplier of Last Resort in relation to a Failing Energy Supplier, notify the SMKI PMA that the Supplier of Last Resort wishes the Shared Resource Provider to either:

(a) cease to use the Failing Energy Supplier's Private Keys in accordance with Section L16.4; or

(b) continue to use the Failing Energy Supplier's Private Keys in accordance with Section L16.4 for a period of time, and hence that Supplier of Last Resort does not wish the SMKI PMA to direct the DCC to revoke the Supplier Certificates of the Failing Energy Supplier that have not yet been revoked, in which case the Supplier of Last Resort shall:

- (i) give details to the SMKI PMA to justify why the Supplier of Last Resort believes this is necessary;
- (ii) set out its plans to complete the SoLR Change of Supplier Processes in relation to relevant Devices, including the timetable within which it expects this process to be completed; and
- (iii) update the SMKI PMA on a weekly basis (or more regularly where requested by the SMKI PMA).

L16.7 Following a notification from the relevant Supplier of Last Resort pursuant to Section L16.6, the SMKI PMA shall consider whether or not to direct the DCC to revoke any or all of the Failing Energy Supplier's Supplier Certificates (by reference to the matters in Section L16.2). This is without prejudice to the authority of the SMKI PMA to, at any time, direct the DCC to revoke any or all of the Failing Energy Supplier's Supplier Certificates.

L16.8 Each of the Failing Energy Supplier and the Supplier of Last Resort hereby waives any and all claims it might otherwise have had against the Shared Resource Provider in respect of the steps taken by the Shared Resource Provider in compliance with Section L16.4.

Amend Section L3.27 as follows:

Eligible Subscribers

L3.27 Where a Party has been an Eligible Subscriber in respect of any type of Organisation Certificate, but then ceases to be an Eligible Subscriber in respect of Organisation Certificates of that type, the DCC (acting in its capacity as Issuing OCA) shall as soon as reasonably practicable revoke every Organisation Certificate previously Issued to that Party for which it is no longer an Eligible Subscriber (subject to Section L16.1 (Supplier of Last Resort)).

Section M 'General'

These changes have been redlined against Section M version 7.0.

Amend Section M8.14 as follows:

Consequences of Ceasing to be a Party

M8.13 Where the Panel makes a resolution in respect of a Party in accordance with Section M8.10, then with effect from the time on the date at which such resolutions are effective:

- (a) that Party's accession to this Code shall be terminated, and it shall cease to be a Party; and
- (b) subject to Section M8.14, that Party shall cease to have any rights or obligations under this Code or any Bilateral Agreement.

M8.14 The termination of a Party's accession to this Code shall be without prejudice to:

- (a) those rights and obligations under this Code and/or any Bilateral Agreement that may have accrued prior to such termination; or
- (b) those provisions of this Code or any Bilateral Agreement that are expressly or by implication intended to survive such termination, including Sections A (Definitions and Interpretation), J (Charges), L16 (Supplier of Last Resort), M2 (Limitations of Liability), M5 (Intellectual Property Rights), M7 (Dispute Resolution), M10 (Notices), and M11 (Miscellaneous).

Appendix B 'Organisation Certificate Policy'

These changes have been redlined against Appendix B version 3.0.

Amend Section 4.9 as follows:

4.9 CERTIFICATE REVOCATION AND SUSPENSION

4.9.1 Circumstances for Revocation

- (A) A Subscriber shall ensure that it submits a Certificate Revocation Request in relation to a Certificate:
- (i) (subject to the provisions of the SMKI Recovery Procedure) immediately upon becoming aware that the Certificate has been Compromised, or is suspected of having been Compromised, due to the Compromise of the Private Key associated with the Public Key contained within that Certificate; or
 - (ii) immediately upon ceasing to be an Eligible Subscriber in respect of that Certificate; provided that, where a Supplier of Last Resort has been appointed in relation to premises supplied by the Subscriber, the Subscriber shall not submit a Certificate Revocation Request.
- (B) The OCA must revoke a Certificate upon:
- (i) (subject to the provisions of the SMKI Recovery Procedure) receiving a Certificate Revocation Request if the Certificate to which that request relates has been Authenticated in accordance with Part 3.4.1 of this Policy; or
 - (ii) being directed to do so by the SMKI PMA.
- (C) The OCA must revoke a Certificate in relation to which it has not received a Certificate Revocation Request:
- (i) (subject to the provisions of the SMKI Recovery Procedure) where it becomes aware that the Certificate has been Compromised, or is suspected of having been Compromised, due to the Compromise of the Private Key associated with the Public Key contained within that Certificate;

(ii) (subject to the Section L16.11 (Supplier of Last Resort) of the Code) where it has determined that the Subscriber for that Certificate does not

continue to satisfy the criteria set out in this Policy and the SMKI RAPP for being an Authorised Subscriber;

(iii) (subject to the Section L16.1 (Supplier of Last Resort) of the Code) where it becomes aware that the Subscriber for that Certificate has

ceased to be an Eligible Subscriber in respect of the Certificate.

(D) In an extreme case, where it considers it necessary to do so for the purpose of preserving the integrity of the SMKI Services, the OCA may, on the receipt of a Certificate Revocation Request in relation to a Certificate which has not been Authenticated in accordance with Part 3.4.1 of this Policy, revoke that Certificate.

(E) Where the OCA revokes a Certificate in accordance with paragraph (D) it shall notify the SMKI PMA and provide a statement of its reasons for the revocation.

Appendix Q 'IKI Certificate Policy'

These changes have been redlined against Appendix Q version 3.0.

Amend Section 4.9 as follows:

4.9 CERTIFICATE REVOCATION AND SUSPENSION

4.9.1 Circumstances for Revocation

(A) A Subscriber shall ensure that it submits a Certificate Revocation Request in relation to a Certificate:

- (i) immediately upon becoming aware that the Certificate has been Compromised, or is suspected of having been Compromised, due to the Compromise of the Private Key associated with the Public Key contained within that Certificate;
- (ii) when any of the permitted reasons for revocation of authentication credentials, as set out in the SMKI RAPP, are met; or
- (iii) immediately upon ceasing to be an Eligible Subscriber in respect of that Certificate; provided that, where a Supplier of Last Resort has been appointed in relation to premises supplied by the Subscriber, the Subscriber shall not submit a Certificate Revocation Request.

(B) The ICA must revoke a Certificate upon:

- (i) receiving a Certificate Revocation Request if the Certificate to which that request relates has been Authenticated in accordance with Part 3.4.1 of this Policy; or
- (ii) being directed to do so by the SMKI PMA.

(C) The ICA must revoke a Certificate in relation to which it has not received a Certificate Revocation Request:

- (i) where it becomes aware that the Certificate has been Compromised, or is suspected of having been Compromised, due to the Compromise of the Private Key associated with the Public Key contained within that Certificate; or
- (ii) (subject to the Section L16.1 (Supplier of Last Resort) o the Code) where it becomes aware that the Subscriber for that Certificate has ceased to be an Eligible Subscriber in respect of the Certificate.

(D) In an extreme case, where it considers it necessary to do so for the purpose of preserving the integrity of the SMKI Services, the ICA may, on the receipt of a Certificate Revocation Request in relation to a Certificate which has not been Authenticated in accordance with Part 3.4.1 of this Policy, revoke that Certificate.

(E) Where the ICA revokes a Certificate in accordance with paragraph (D) it shall notify the SMKI PMA and provide a statement of its reasons for the revocation.

Appendix S ‘DCCKI Certificate Policy’

These changes have been redlined against Appendix S version 2.0.

Amend Section 4.9 as follows:

4.9.1 *Circumstances for Revocation*

- (a) In accordance with the DCCKI RAPP, the DCCKICA may revoke DCCKI Certificates that have been Issued to a DCCKI Subscriber:
 - (i) at that DCCKI Subscriber’s request, as described in the DCCKI RAPP;
 - (ii) in accordance with Incident Management processes or, in the event of a Major Security Incident, where DCC reasonably believes that Compromise of that DCCKI Subscriber’s Private Key has occurred;
 - (iii) (subject to the Section L16.1 (Supplier of Last Resort) of the Code) where an organisation ceases to be a DCCKI Eligible Subscriber in relation to that DCCKI Certificate;
 - (iv) in the circumstances described in Section H10.1 (Emergency Suspension of Services) of the Code; and
 - (v) (subject to the Section L16.1 (Supplier of Last Resort) of the Code) where a request is received by DCC from the Panel in the circumstances set out in Section M8 (Suspension, Expulsion, and Withdrawal) of the Code that would result in a requirement to revoke one or more DCCKI Certificates that have been Issued to that DCCKI Subscriber.