



Draft Legal Text

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SECMP0034:

Changes to the SEC Section D for DCC analysis provisions

Summary

Currently, the Smart Energy Code (SEC) does not recognise the Data Communications Company's (DCCs) Preliminary Assessment (PA) and Impact Assessment (IA) processes. This modification seeks to update SEC Section D 'Modification Process' to ensure:

- the DCC PA and IA processes are recognised;
- there are clear delivery timescales and/or methods for setting such timescales; and
- associated progress reporting to the SEC Panel

About this document

This document contains the draft SEC legal text that will deliver the intent of SECMP00034.

SECMP0034 Legal Text

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Version 1.0

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This document is classed as **White**

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1. Draft Legal Text

This section sets out the draft Legal Text Changes for SECMP0034. These changes have been drafted against the Smart Energy Code (SEC) version 5.10¹.

Section A ‘Definitions and Interpretation’

Add the following definitions to Section A1.1:

<u>DCC Assessment</u>	<u>means a DCC Preliminary Assessment or a DCC Impact Assessment.</u>
<u>DCC Impact Assessment</u>	<u>means, in respect of analysis pursuant to Section D6.9 (Analysis by the DCC), a full and formal assessment by the DCC of the determined area for analysis.</u>
<u>DCC Preliminary Assessment</u>	<u>means, in respect of analysis pursuant to Section D6.9 (Analysis by the DCC):</u> <u>(a) a preliminary assessment by the DCC of the determined area for analysis; and</u> <u>(b) the costs and expenses that the DCC will incur in undertaking a DCC Impact Assessment in respect of the determined area for analysis.</u>
<u>Urgent DCC Assessment</u>	<u>means a DCC Assessment in respect of an Urgent Modification Proposal.</u>

¹Note that if a new version of the SEC is designated before the submission of the Final Modification Report to the Change Board or Authority, the drafting will be checked to make sure there are no consequential impacts. Our current understanding is that the specifications that SECMP0006 is amending are not expected to change as part of any forthcoming designations.

Amend the following definitions in Section A1.1 as follows:

Code Performance Measure	means a performance measure set out in either Section <u>D11.3 (Code Performance Measures)</u> , Section H13.1 (Code Performance Measures), or Section L8.6 (Code Performance Measures).
Minimum Service Level	means, in respect of each Performance Measure, the number or percentage intended to represent the minimum level of performance for the activity which is the subject of the Performance Measure, as set out in: <u>(a) Section D11.3 (Code Performance Measures);</u> (a)(b) Section H13.1 (Code Performance Measures); (b)(c) the Reported List of Service Provider Performance Measures; or (c)(d) Section L8.6 (Code Performance Measures).
Performance Measurement Period	means, in respect of each Performance Measure, the applicable period over which the Service Level for that Performance Measure is to be measured, as set out in: <u>(a) Section D11.3 (Code Performance Measures);</u> (a)(b) Section H13.1 (Code Performance Measures); (b)(c) the Reported List of Service Provider Performance Measures; or (c)(d) Section L8.6 (Code Performance Measures).
Service Level Requirements	means:

	<p>(a) in respect of each Code Performance Measure, the Target Response Time, Target Resolution Time or Target Availability Time (applicable in accordance with the table at Section D11.3 (Code Performance Measures), at Section H13.1 (Code Performance Measures) or at Section L8.6 (Code Performance Measures)); or</p> <p>(b) in respect of each Service Provider Performance Measure, the standard to which the relevant DCC Service Provider is obliged by its DCC Service Provider Contract to perform the activity that is the subject of the Service Provider Performance Measure.</p>
Target Service Level	<p>means, in respect of each Performance Measure, the number or percentage intended to represent a reasonable level of performance for the activity which is the subject of the Performance Measure, as set out in:</p> <p>(a) Section D11.3 (Code Performance Measures);</p> <p>(a)(b) Section H13.1 (Code Performance Measures);</p> <p>(b)(c) the Reported List of Service Provider Performance Measures; or</p> <p>(c)(d) Section L8.6 (Code Performance Measures).</p>

Section D 'Modification Process'

Add new Section D3.13 as follows:

DCC Assessments

D3.13 In determining or amending a timetable under Sections D3.10 and D3.11, the Panel may specify a time period for delivery of a DCC Assessment that differs from the standard time period set out in Section D6.10B (Analysis by the DCC). Without limitation, the Panel may specify a different time period in respect of Urgent DCC Assessments.

Amend Sections D6.8(d) as follows:

D6.8 The purpose of the Refinement Process is to:

....

- (d) consider (to the extent the Working Group considers necessary) the impact which the Modification Proposal would have, if approved, on the matters referred to in Section D6.9~~(b)~~;

...

Amend Sections D6.9 to D6.11 as follows:

Analysis by the DCC

D6.9 In considering the matters referred to in Section D6.8(d) and (e), each Working Group for a Modification Proposal shall consider whether one or more DCC Assessments should be undertaken in respect of the Modification Proposal. At the request from time to time of a Working Group ~~foreestablished pursuant to this Section D6 in respect of a~~ Modification Proposal, the DCC shall prepare a DCC Preliminary Assessment and/or a DCC Impact Assessment for an analysis of one either or more both (in whole or part) of the following areas for analysis, as determined by the Working Group:

- (a) whether the DCC should, as part of the proposal's implementation (if that Modification Proposal were to be approved), be required to undertake testing of the DCC Total System and/or provide testing services; and (if so) the DCC's proposals for the scope, phases, timetable and participants for such testing (or, to the extent it is not yet reasonably practicable to determine such matters, its proposals for the process pursuant to which such matters should be developed); ~~and/or~~
- ~~(b) — how the following matters would be affected if that Modification Proposal were to be approved:~~
- ~~(i)~~ how the ability of the DCC to discharge its duties and comply with its obligations under the Relevant Instruments would be affected if that Modification Proposal were to be approved; ~~and/or~~
- ~~(ii)~~ the extent to which changes would be required to DCC Systems, User Systems and/or Smart Metering Systems if the Modification Proposal were to be approved; ~~and/or~~
- ~~(d) — (if so) the DCC's best estimate of the likely implementation development, capital and operating costs associated with these changes that would be required to DCC Systems if the Modification Proposal were to be approved, and any consequential impact on the Charges.~~

~~D6.10 — The DCC shall provide such further explanation of any analysis prepared pursuant to Section D6.9 as the Working Group may reasonably require.~~

D6.10 Within 5 Working Days (unless otherwise agreed with the Working Group) after receiving notice from the Working Group of the requirement for a DCC Assessment, the DCC shall confirm if there is any additional information it reasonably needs (and shall provide a description of such required additional information) to complete the DCC Assessment or shall otherwise confirm that the request for a DCC Assessment has been accepted. The Code Administrator, within 5 Working Days (unless otherwise

agreed with the Working Group), shall provide any information so requested (where it has such information), or shall otherwise co-ordinate efforts to obtain such information from the Working Group.

D6.10A Where additional information is requested in accordance with Section D6.10 or this D6.10A, the DCC shall, within 5 Working Days after receiving such additional information, confirm if there is still more additional information it reasonably needs (and provide a description of such required additional information) to complete the DCC Assessment or shall otherwise confirm that the request for a DCC Assessment has been accepted.

D6.10B The DCC shall complete each DCC Assessment and present it to the Code Administrator within 15 Working Days (for DCC Preliminary Assessments) or 40 Working Days (for DCC Impact Assessments) measured in each case from acceptance by the DCC under Section D6.10 or D6.10A; subject to amendments to the timetable made by the Panel under Section D3.11 (Timetable) or agreed by the relevant Working Group in accordance with Section D6.10C.

D6.10C Where the DCC considers at any time that it will not be able to complete a DCC Assessment within the time period required by Section D6.10B, the DCC may apply to the relevant Working Group to request an amendment to the DCC Assessment timescales. The DCC shall provide the Working Group with reasons in respect of any such request, and shall propose a revised timescale for delivery with an explanation of how it is to be achieved. Any such amendment proposed by the DCC shall only be effective if agreed by the Working Group. The Working Group may not agree an amendment which would require a deviation from the then current timetable applying to the Modification Proposal under Sections D3.10 and D3.11 (Timetable).

D6.10D Where the DCC wishes to amend a DCC Assessment timescale which requires a deviation from the then current timetable applying to the Modification Proposal under Sections D3.10 and D3.11 (Timetable) or where the relevant Working Group does not agree to an amendment under Section D6.10C, then the DCC may apply to the Panel

to request an amendment to the DCC Assessment timescale in accordance with Section D3.11 (Timetable). The DCC shall give reasons in respect of any such request, which must also be notified to the Working Group so that members of the Working Group can also make submissions to the Panel if they wish to do so.

D6.11 In considering whether the approval of a Modification Proposal would better facilitate the achievement of the SEC Objectives than the rejection of the Modification Proposal, the Working Group shall have regard to any and all DCC Assessments~~analysis~~ provided by the DCC ~~pursuant to Section D6.9~~.

Amend Section D7.3(i)(v) as follows:

Content of the Modification Report

D7.3 The Modification Report for each Modification Proposal shall:

...

(i) where the Modification Proposal was subject to the Refinement Process prior to the Report Phase:

...

(v) include a summary and copies of any and all DCC Assessments~~analysis~~ provided by the DCC pursuant to Section D6.9 (Analysis by the DCC).

Add a new Section D11 as follows:

D11 DCC Assessment Reporting

Reporting on DCC Assessments

D11.1 The DCC shall report to the Panel each month on the status of all DCC Assessments which are ongoing or that have been completed since the last such report. The DCC

shall include in each such report any additional details reasonably requested by the Panel since the last such report.

D11.2 Such reports shall include details of whether the required timescales for completion of the DCC Assessments are likely to be (or have been) met. Where there is any delay, the DCC shall set out a clear explanation of the reasons for such delay, the likely delivery timescales, and the actions being taken by the DCC to minimise the delay.

Code Performance Measures

D11.3 Each of the following performance measures constitute a Code Performance Measure (to which the following Target Service Level and Minimum Service Level will apply, measured over the following Performance Measurement Period):

<u>No.</u>	<u>Code Performance Measure</u>	<u>Performance Measurement Period</u>	<u>Target Service Level</u>	<u>Minimum Service Level</u>
<u>9</u>	<u>Out of the DCC Assessments required to be completed during the Performance Measurement Period, how many were completed within the required timescales.</u>	<u>monthly</u>	<u>100%</u>	<u>100%</u>