

Citizens Advice Response to DECC's "Consultation on New Smart Energy Code Content and Related Supply Licence Amendments"



Introduction

The Citizens Advice service provides free, independent, confidential and impartial advice to everyone on their rights and responsibilities. It values diversity, promotes equality and challenges discrimination. Since 1 April 2014, Citizens Advice service took on the powers of Consumer Futures to become the statutory representative for energy consumers across Great Britain.

The service aims:

- To provide the advice people need for the problems they face
- To improve the policies and practices that affect people's lives.

The Citizens Advice service is a network of nearly 400 independent advice centres that provide free, impartial advice from more than 3,500 locations in England and Wales, including GPs' surgeries, hospitals, community centres, county courts and magistrates courts, and mobile services both in rural areas and to serve particular dispersed groups. In 2012/13 the Citizens Advice service in England and Wales advised 2.3 million people on 6.6 million problems.

Since April 2012 we have also operated the Citizens Advice Consumer Service, formerly run as Consumer Direct by the OFT. This telephone helpline covers Great Britain and provides free, confidential and impartial advice on all consumer issues.

In the last four quarters Citizens Advice Bureaux have dealt with 84,000 enquiries about fuel debt, while hits to the energy section of our website doubled in October and November, the period during which suppliers announced their price increases last year. Calls to the Citizens Advice Consumer Helpline seeking advice about energy doubled in the same period.

Question 1: Do you agree with the legal drafting of the proposed amendment to the electricity and gas supply licence conditions? Please provide a rationale for your views.

We agree with the intention and drafting of the proposed amendment for the reasons outlined in the consultation document. The DCC will be the gateway to a range of consumer-benefitting services and it makes sense that no competing arrangements should be in place - particularly where they have the potential to undermine or lessen interoperability.

Question 2: Do you agree that this legal duty should take effect when DCC's enrolment services are first available? Please provide rationale for your views.

Yes, although questions remain regarding the compatibility of SMETS1 meters this requirement, along with the policies emerging from the Rollout Strategy Consultation, will add to supplier incentives to install SMETS2 meters.

Question 3: Do you have any comments on the proposed drafting in these new subsidiary documents?

We would suggest an addition to the codes related to the modification to clause 8.1(b)(iii) which will help ensure that DCC user IDs are consistent. The DCC currently lacks any requirement to identify whether a DCC user has a consumer's consent for the user's collection of their data. A solution to this glaring omission will need to be provided before DCC go live.

Question 4: Do you have any specific comments on the proposed revised approach to dealing with Post-Commissioning Obligations including the proposal to delete Sections M2.7 and M2.8?

Nil response.

Question 5: Do you have any comments on the proposed approach?

The proposed approach seems reasonable, as the consultation document notes of greatest importance is ensuring that the rules regarding gaining consumer consent for CAD pairing are clear and consistent, as such whether they are held in the SEC

or Licence Conditions is immaterial so long as both are effective in achieving the desired result.

Questions 6-19:

Nil response (and not applicable re: Question 10)

Question 20: Do you have any comments on the proposed drafting regarding the CIO independence requirements?

The consultation document is correct to identify the risk to the independence of the chosen CIO, particularly as there are relatively few likely candidates for the role and most will have existing relationships with energy industry participants - of the likely candidates for CIO all have some history of failing to detect problems, often due to concerns around independence. As such this is a vital aspect of the programme to get right and to ensure robust processes are in place, on this basis the amendments proposed are welcome in that they will somewhat increase accountability and independence.

This said we will re-emphasise our significant concerns about the privacy and security implications of their currently being no means by which the DCC can confirm that a DCC user has a consumer's permission to access their data, nor any means by which a consumer can confirm who is accessing their data, how often, and in what detail. Citizens Advice will shortly be launching a piece of work examining a potential tool (currently referred to as a 'data dashboard') to help address the latter issue but the former remains a significant gap in the privacy and security of the DCC's systems and processes as currently drafted.

Question 21: Do you agree with the proposals, and associated legal drafting(including the proposed changes to the CHIMSM at Annex D), which would permit Suppliers to re-use Communications Hubs that they have removed from consumer premises in certain circumstances?

We would support this policy on condition that a thorough process is in place to ensure that no consumer data remains on any communications hubs that are re-used (as noted in section 101 of the consultation document). If a transparent, robust and audited system is put in place to ensure this and communications hubs are safe and in full working order then we would support this change.

Question 22: Do you agree with the proposal, and associated legal drafting, for an obligation for Supplier Parties to respond to any to any reasonable request from the DCC for information pertaining to compliance with the CH Support Materials and for a reciprocal obligation to be placed on the DCC?

We support this proposal

Question 23: Do you agree with the proposals, and associated legal drafting(including the proposed changes to the CHIMSM at Annex D), relating to visits by the DCC to consumer premises?

We support this proposal on the clear condition that all visits are subject to the consumer's consent and that, if issues arise, the consumer is able to learn what is happening and receive updates on this via a single point of contact.

If the visit requires access to the consumer's home and appointments are made with the DCC acting as a contractor for the supplier then it should also be confirmed that these appointments would be subject to supplier licence conditions around missed appointments as well as all other relevant protections.

Question 24: Do you agree with the proposal, and associated legal drafting, for Parties to be liable for all reasonable costs and expenses incurred by the DCC as a result of a delivery of Communications Hubs being prevented from taking place in accordance with the SEC, due to a breach of the SEC by that Party?

Nil response

Question 25: Do you agree with the proposals and associated legal drafting for the consequential changes to the SEC arising from the Communications Hub Support Materials?

We agree with the points made in section 113 that this requirement should be more closely aligned with the obligations on CSPs in the DCC's contracts for resolution of SM WAN coverage incidents and that it would be more appropriate for inclusion in the main body of the SEC than in CHIMSM.

Questions 26-33: Do you agree with the proposals as described under the heading of “Miscellaneous Communications Hub issues” above and the associated legal drafting?

Nil response