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for energy consumers

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Dear Mr Betts,

The Authority's¹ decision on changes to the Data Transfer Service Agreement

This is our decision² not to consent to the proposed changes to Schedule 4 of the Data Transfer Service Agreement (DTSA).

Background

The transfer of data is vital to support business-critical processes, such as settlement and change of supplier. The Data Transfer Service (DTS) provides a managed file transfer service that allows participants in the energy sector to share data safely and efficiently.

The DTS is governed by a multi-party contract known as the DTSA. Under the DTSA, any change to Schedule 4, Schedule 8, or any other Clause which permits a party to refer a matter to the Authority for determination, will not take effect without prior written consent from us.³

The change request

On 3 February 2020, we received a formal request to approve changes to Schedule 4 of the DTSA. The information provided to us also included unrelated changes to Schedule 9 of the DTSA. Both proposed changes have been reviewed and approved by the DTS User Group.

¹ The terms "the Authority", "we", "us" and "our" are used interchangeably in this document.

² This letter also includes the reasons for our decision as required under section 49A of the Electricity Act.

³ Clause 7.3.1 of the DTSA.

Schedule 4 – Constitution of the Data Transfer Service User Group

The proposal submitted to us for our consent seeks to change the existing constitution of the DTS User Group. The User Group consists of industry representation⁴ and is a forum for representing the views of Users⁵ on any matter relating to the Services⁶, the DTSA, the Data Transfer Handbook, the Data Transfer Network and the Technical Standards. This also includes approving or rejecting Change Requests.

The proposal would remove the member appointed by Green Deal Providers from the DTS User Group. The reason provided for this change is to align with current working practices, as there is currently no Green Deal Provider member appointed to the User Group, and their interests are being represented by the other User member⁷, in accordance with clause 4.8(E) of Schedule 4 of the DTSA.

Our decision

We have considered the information provided to us on 3 February 2020, the additional information subsequently submitted to us⁸, and discussions that have taken place between us and Electralink to better understand the impact and justification of this request.

We note there has not been a Green Deal Provider member attending the User Group since the end of 2018, and in their absence, the other User member is responsible for considering their interests.⁹ We are unaware of any detrimental impact on the operation of the DTS User Group caused by the current absence of a member appointed by Green Deal Providers. We would however expect Green Deal Providers to fully engage with the DTS User Group where appropriate, and take steps to appoint a member to the User Group in accordance with Schedule 4 of the DTSA.

⁴ As set out in clause 2.1 of Schedule 4 of the DTSA: 5 members appointed by Electricity Suppliers, 4 members appointed by Distribution Network Operators, 1 member appointed by Gas Suppliers that don't also hold an Electricity Supply Licence, 1 member appointed by the Green Deal Providers, 1 member appointed by BSC Co, 1 non-voting member appointed by MRASco, and 1 member not represented by the other categories in the Group.

⁵ "User" means a party to the DTSA who has complied with the requirements set out in clause 4.4.

⁶ Basic and Additional services offered through the DTSA are outlined in detail in Schedule 3 (Parts A & B) of the DTSA.

⁷ Appointed pursuant to clause 2.1(G) of Schedule 4 of the DTSA.

⁸ We have also received a copy of the accompanying briefing paper which was sent to all DTS Contract Managers alongside the impact assessment prepared for these proposed changes.

⁹ In accordance with clause 4.8(E) of Schedule 4 of the DTSA.

We do not consider that we have been provided with sufficient evidence to demonstrate that removing the provision for a Green Deal Provider member to be included in the DTS User Group would be beneficial to the operation of that group.

We note that respondents to the consultation on this proposed change were supportive of it.¹⁰ However it is not clear to us if any views were sought from Green Deal Providers. There is also no explanation of the impact (positive or negative) of removing the provision for a Green Deal Provider member.

For the reasons outlined above, we do not consent to the changes to Schedule 4 of the DTSA proposed by the DTS User Group.

Schedule 9 – Data Analysis Services (DAS)

The second part of the proposal submitted to us looks to amend Schedule 9 (Data Analysis Services) of the DTSA. Specifically, Annex A of Schedule 9 that outlines the Data Analysis Services (DAS) approval process. When approving or rejecting DAS proposals the current practice is for the User Group to consider these at meetings which exclude non-voting User Group members and attendees. The non-voting User Group member is MRASCo. For this reason, it is proposed that MRASCo and other attendees should not receive impact assessments or other information related to that approval process.

The proposed changes to Schedule 9 do not require our consent to be implemented. We note however, that in its activities ElectraLink must comply with competition law and that the owners of this data (DTS Users) could grant permission to alternative service providers to access this data for certain data analysis services on fair, reasonable and non-discriminatory terms.

Yours sincerely

David Hall

Head of Code Governance

Signed on behalf of the Authority and authorised for that purpose

¹⁰ 18 responses were received, 13 were in favour of the change and 5 abstained.