

Notice of Price Control Decisions, Determinations and Directions

To: Smart DCC Limited

1. This Notice of Decisions, Determinations and Directions is issued by the Gas and Electricity Markets Authority¹ ("the Authority") under the Licence² granted to Smart DCC Limited³ ("the Licensee").⁴

Purpose of this Notice

2. The Licensee is subject to price control provisions set out in Chapter 9 of the Licence. On 31 July 2023 the Licensee submitted to the Authority the Price Control Information relating to Regulatory Year⁵ 2022/23 as required by Condition 32 of the Licence.
3. Licence Condition 36 Part C provides that the Licensee's Allowed Revenue⁶ in relation to Regulatory Year t⁷ is to be determined in accordance with the Principal Formula⁸. The Principal Formula includes terms reflecting:
 - a) EC_t , meaning the actual amount of the Licensee's External Costs⁹, as calculated for Regulatory Year t by the Licensee except to such extent (if any) as may be otherwise directed by the Authority acting under Part B of Licence Condition 37;
 - b) IC_t , meaning the actual amount of the Licensee's Internal Costs¹⁰, as calculated for Regulatory Year t by the Licensee except to such extent (if any) as may be otherwise directed by the Authority acting under Part B of Licence Condition 37;

¹ The Office of the Gas and Electricity Markets (Ofgem) supports the Authority in its day to day work. In this document 'we', 'us', 'Ofgem' and 'Authority' are used interchangeably.

² The Smart Meter Communications Licences granted pursuant to Section 7AB(2) and (4) of the Gas Act 1986 and Sections 6(1A) and (1C) of the Electricity Act 1989 (such licences together referred to as 'the Licence').

³ Smart DCC Ltd is registered in England and Wales under Company Number 08641679.

⁴ All terms used in this Notice shall have the meaning given to them under the Licence, unless expressly stated otherwise.

⁵ Defined in Condition 1.4 of the Licence.

⁶ Defined in Condition 35.5 of the Licence.

⁷ The terms 'Regulatory Year t' and 'Regulatory Year t-1' are defined in Condition 35.5 of the Licence.

⁸ Defined in Part C of Condition 36 of the Licence.

⁹ Defined in Condition 35, Part B of the Licence

¹⁰ Defined in Condition 35, Part B of the Licence

- c) the BM_t meaning the Baseline Margin that is specified for the Regulatory Year t in Appendix 1 to Licence Condition 36, as multiplied by the price index adjuster for that year, as described in Licence Condition 36.8;
- d) $ECGS_t$, meaning the amount of revenue adjustment in respect of External Contract Gain Share, as calculated for Regulatory Year t in accordance with Condition 39 (Determination of External Contract Gain Share), as described in Licence Condition 36.8;
- e) $BMPA_t$ meaning the Baseline Margin Performance Adjustment, as calculated for the Regulatory Year t in accordance with Part F of Licence Condition 36.

4. This Notice sets out the Authority's:

- i. Direction excluding Unacceptable Costs in accordance with Licence Condition 37.8, on the basis that we have determined that some Internal and External Costs were not economically and efficiently incurred;
- ii. Determination amending the Licensee's proposed Relevant Adjustment to the BM values specified in Licence Condition 36 Appendix 1, in accordance with Licence Condition 36 Appendix 2;
- iii. Determination amending the Licensee's proposed Relevant Adjustment of the ECGS term specified in Licence Condition 39;
- iv. Determination amending the Licensee's proposed Relevant Adjustment of the BMPA term specified in Licence Condition 38.

ECt External Costs and ICt Internal Costs: Exclusion of Unacceptable Costs from any future calculation of the Licensee's Allowed Revenue

5. Under Licence Condition 37, Part B, the Authority may:

(a) direct that any External Costs or Internal Costs that it considers were not economically and efficiently incurred in the Relevant Regulatory Year (the "Unacceptable Costs") are to be excluded from any future calculation of the Licensee's Allowed Revenue under Condition 36; or

(b) accept an undertaking given by the Licensee with respect to the Unacceptable Costs on terms that relate to either or both of:

- (i) the Licensee's future management of those costs, and
- (ii) the Licensee's future procurement of Relevant Service Capability.

6. The Authority has considered the Licensee's reports¹¹ dated 31 July 2023 and further information submitted by the Licensee between 31 July 2023 and the close of the Regulatory Year¹² 2022/23 price control consultations on respectively, 29 December 2023 and 09 February 2024. The Authority has consulted¹³ the Licensee and other relevant stakeholders on its proposed decisions and has duly considered all responses received. The Authority has considered the matters set out in Part B of Licence Condition 37.
7. Having regard to the provisions set out in Licence Condition 37, the Authority considers that £11.212 million of the Licensee's Internal Costs, and £3.714 million of the Licensee's External Costs, were not economically and efficiently incurred¹⁴ and are Unacceptable Costs.¹⁵

Direction as to External Costs

8. The Authority hereby directs, pursuant to Licence Condition 37.8 (a) that £3.714 million of the Licensee's External Costs are Unacceptable Costs and are to be excluded from any future calculation of the Licensee's Allowed Revenue under Licence Condition 36.

Direction as to Internal Costs

9. The Authority hereby directs, pursuant to Licence Condition 37.8 (a) that £11.212 million of the Licensee's Internal Costs are Unacceptable Costs and are to be excluded from any future calculation of the Licensee's Allowed Revenue under Licence Condition 36.

CRSICt Centralised Registration Service Internal Costs: Exclusion of Unacceptable Costs from any future calculation of the Licensee's Allowed Revenue

10. Under Licence Condition 37, Part B, the Authority may:
 - (a) direct that any Centralised Registration External Costs or Centralised Registration Service Internal Costs that it considers were not economically and efficiently incurred in the Relevant Regulatory Year (the "Unacceptable Costs") are to be excluded from any future calculation of the Licensee's Allowed Revenue under Condition 36; or

¹¹ The Price Control Information Report submitted under Condition 32 and the annual report on cost performance required under Condition 37.3 of the Licence.

¹² Defined in Condition 1.4 of the Licence.

¹³ The DCC Price Control Consultation is available at: [DCC Price Control consultation: Regulatory Year 2022/23 | Ofgem](#)

¹⁴ Details of the Internal Costs and External Costs that were not economically and efficiently allowed are set out in our Price Control Decision 2022/23 which accompanies this Notice.

¹⁵ Defined in Condition 37.8(a) of the Licence.

(b) accept an undertaking given by the Licensee with respect to the Unacceptable Costs on terms that relate to either or both of:

- (i) the Licensee's future management of those costs, and
- (ii) the Licensee's future procurement of Relevant Service Capability.

11. The Authority has considered the Licensee's reports¹⁶ dated 31 July 2023 and further information submitted by the Licensee between 31 July 2023 and the close of the Regulatory Year¹⁷ 2022/23 price control consultations on respectively, 29 December 2023 and 09 February 2024. The Authority has consulted¹⁸ the Licensee and other relevant stakeholders on its proposed decisions and has duly considered all responses received. The Authority has considered the matters set out in Part B of Licence Condition 37.

12. Having regard to the provisions set out in Licence Condition 37, the Authority considers that the values set out in Annex F of this direction of the Licensee's Centralised Revenue Service Internal Costs were not economically and efficiently incurred¹⁹ and are Unacceptable Costs.²⁰

13. The Licensee did not submit any Undertaking²¹ with respect to the Unacceptable Costs.

Direction as to Centralised Registration Service Internal Costs

14. The Authority hereby directs, in accordance with Licence Condition 37.8 (a) that the values set out in Annex F of this direction of the Licensee's Centralised Registration Service Internal Costs are Unacceptable Costs and are to be excluded from any future calculation of the Licensee's Allowed Revenue under Licence Condition 36.

BM_t Baseline Margin Adjustment (BMA)

15. Licence Condition 36 Appendix 1 ("Appendix 1") sets out the values for the BM term for each Regulatory Year. Licence Condition 36 Appendix 2 ("Appendix 2"), Part A, provides that the Licensee may propose a Relevant Adjustment to any one or more of the BM values specified for any one or more of the Regulatory Years. By Notice dated 31 July

¹⁶ The Price Control Information Report submitted under Condition 32 and the annual report on cost performance required under Condition 37.3 of the Licence.

¹⁷ Defined in Condition 1.4 of the Licence.

¹⁸ The DCC Price Control Consultation is available at: [DCC Price Control consultation: Regulatory Year 2022/23 | Ofgem](https://www.ofgem.gov.uk/price-control/price-control-consultation-regulatory-year-2022-23)

¹⁹ Details of the CRS Internal Costs that were not economically and efficiently allowed are set out in our Price Control Decision 2022/23 which accompanies this Notice.

²⁰ Defined in Condition 37.8(a) of the Licence.

²¹ Condition 37 – Assessment of Mandatory Business Costs

2023, the Licensee proposed a Relevant Adjustment to the BM values specified in Appendix 1 for each Regulatory Year of the Licence.

16. The Licence provides that the Authority will, at any time before the end of the Determination Period²², by direction given to the Licensee, determine any adjustment that is to be made to any BM value specified in Appendix 1 for the Regulatory Year to which that BM value relates. The Determination Period ends on 28 February 2024. The Authority must determine any adjustment that is to be made in accordance with Appendix 2 Part B.
17. In accordance with Appendix 2 Part B, the Authority has considered the proposal for a Relevant Adjustment to the BM values and the further information submitted by the Licensee and has consulted with the Licensee and with SEC parties. The Authority has had particular regard to the purposes that the BM term is intended to serve within the Price Control Conditions of the Licence and the basis on which the BM values were agreed during the Licence Application Process with respect to the Licensee's expected rate of return on its activities over time. The Authority has taken no account of the Licensee's general financial performance under the provisions, taken as a whole, of the Price Control Conditions.
18. The Licence gives the original values of the BM term in Licence Condition 36 Appendix 1 in the price base of 2013/14. The Relevant Adjustments to these terms are to be made in the same price base. Therefore, the Relevant Adjustments specified by the Licensee in the 2022/23 price base are deflated by the price index adjuster (PIBM) for 2022/23.

Determination as to BM_t Baseline Margin Adjustment

19. Having regard to the provisions of Appendix 2, the Authority hereby amends the proposed Relevant Adjustment and determines the adjustment to the BM values set out in Licence Condition 36 Appendix 1. The adjustment that is to be made to the BM values is set out in Annex A of this direction.

²² Defined in Licence Condition 36 Appendix 2 Part E as being the period running from the close of the Application Window (ie 31 July 2015 for the Regulatory Year 2014/15) until the end of the first month of November after that closure, or such later date as may be directed by the Authority in a Counter-Notice served under Appendix 2 Paragraph A8. The Authority served such a Counter-Notice on 10 August 2023, which stated that the Determination Period would end on 28 February 2024.

BMPA_t Baseline Margin Performance Adjustment

20. Licence Condition 36.12 contains a formula for the calculation of the BMPA_t term for the Relevant Regulatory Year and provides that it is the BMOPA_t the value of which is determined in accordance with the provisions of Part C of Licence Condition 38.

Determination of the value of the terms BMOPA_t and BMPPA_t for purposes of calculation of the value of the BMPA_t term:

21. The BMOPA_t formula provides for each of its terms to be zero unless determined otherwise in accordance with such calculations as may apply to the term Operational Performance Regime as defined in the Licence as set out in Schedule 4.
22. Under Licence Condition 38.9, the Authority directed the Licensee to populate the provisions of Schedule 4 of the Licence on 4 September 2017 to take effect on 1 April 2018.
23. Under Licence Condition 38.8 the effect of the BMOPA term is to provide for an adjustment to the Allowed Revenue of the Licensee, where appropriate, to reflect the Licensee's performance against certain Operational Performance Regime performance measures and, subsequently, against other measures.
24. The Licensee's Reported Performance Level (RPL) for the SUM1 measure (DCC service desk) was above the Target Performance Level (TPL), therefore $SUM1_t = 0$ as calculated by the OPR direction and the Regulatory and Instructions Guidance (RIGs).
25. The Licensee's Reported Performance Level (RPL) for the SDM2 measure (core service requests) was above the Target Performance Level (TPL), therefore $SDM2_t = 0$ as calculated by the OPR direction and the Regulatory and Instructions Guidance (RIGs).
26. The Authority awarded a score of 2 for the VMM1_t (Customer Engagement) measure, therefore $VMM1_t =$ negative £0.381 million as calculated by the OPR direction and the Regulatory and Instructions Guidance (RIGs).
27. The Authority awarded a score of 1.71 for the VMM2_t (Contract Management) measure, therefore $VMM2_t =$ negative £0.489 million as calculated by the OPR direction and the Regulatory and Instructions Guidance (RIGs).
28. In light of the above, the BMOPA term for RY2022/23 takes the value of negative £0.870.

29. Licence Condition 36.12 contains a formula for the calculation of the $BMPA_t$ term for the Relevant Regulatory Year $_t$ and provides that it is the $BMPPA_t$ the value of which is determined in accordance with the provisions of Part D of Licence Condition 38.
30. $BMPPA_t$ means a Baseline Margin Project Performance Adjustment, being the amount of an adjustment that is determined in respect of Project n in Regulatory Year t in accordance with the terms of a BMPPA Scheme made by the Secretary of State under Appendix 1 (Baseline Margin Project Performance Adjustment Schemes) which has effect as part of this Condition.
31. The $BMPPA_t$ formula provides for its term to be zero where in respect of any Regulatory Year t the Secretary of State has not made any BMPPA Scheme that results in the determination of a Project Performance Adjustment in that Regulatory Year as set out in Licence Condition 38.13.
32. This year there was one Project to be assessed under the BMPPAS regime for SMETS1.
33. Having regard to the Conditions and calculations set out in Condition 38, the Authority hereby determines that the value of the BMPPA term for Regulatory Year 2022/23 are to be adjusted in accordance with the values in the table at Annex C to this Notice.

Determination of the value of the $BMPA_t$ term:

34. Licence Condition 36 sets out the calculations for determining the amount of $BMPA$ term that applies for the purposes of the Principal Formula set out under Part F of Condition 36.
35. Having regards to the provisions of Condition 36, the Authority hereby determines that the value of the $BMPA$ term for Regulatory Year 2022/23 is negative £7.825 million.

Adjustment to the ECGS term of Principal Formula

36. Licence Condition 39 establishes the mechanism for determining the amount of the External Contract Gain Share (ECGS) term that applies for the purposes of the Principal Formula set out under Part C of Condition 36. By Notice dated 31 July 2023, the Licensee proposed a Relevant Adjustment to the value of the ECGS term for Regulatory Years 2022/23 to 2025/26.
37. The Licence provides that the Authority will, at any time before the end of the Determination Period, by direction given to the Licensee, determine any adjustment that is to be made to the ECGS term for the Regulatory Years referred to in the proposal. The Determination Period ends on 28 February 2024.

38. In accordance with Condition 39, the Authority has considered the proposal for a Relevant Adjustment to the ECGS values alongside the further information submitted by the Licensee.

Determination as to ECGS term of the Principal Formula

39. Having regard to the provisions of Condition 39, the Authority hereby determines that the value of the ECGS term for Regulatory Years 2023/24, 2024/25 and 2025/26 are to be adjusted in accordance with the values in the table at Annex B to this Notice.

Further Direction

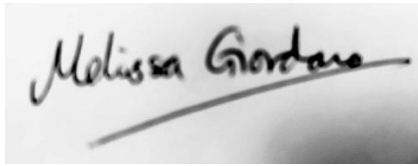
40. Where the Authority has determined costs as not economic and efficient in the Price Control decision 2023/24, the Licensee must make subsequent Relevant Adjustments to incurred and forecast costs in the RIGS submission for consideration of the 2023/24 Price Control.

41. Pursuant to its powers under Licence Condition 2 Part C, the Authority hereby directs the Licensee to provide to the Authority a calculation of its Allowed Revenue in accordance with the Principal Formula for Regulatory Year 2023/24 taking into account the determinations and direction above no later than 31 July 2024.

42. The reduction to incurred and forecast External Costs, Internal Costs and Centralised Registration Service forecast costs for Regulatory Year 2022/23 is set out in Annex D, E and F of this direction. Detailed cost breakdown will be provided to DCC in the form of a copy of the Regulatory Instructions and Guidance with amended values.

43. The Directions in this Notice have immediate effect and remain in effect until such time as the Authority may revoke or amend them in writing.

44. This Notice of Decisions, Determinations and Directions and the Data Communications Company (DCC): Price control decision 2022/23 dated 28 February 2024 together constitute Notice of the Authority's reasons for the above decisions pursuant to section 38A of the Gas Act 1986 and section 49A of the Electricity Act 1989.

A black and white image of a handwritten signature, "Melissa Gordon", written in cursive and underlined with a single horizontal stroke.

Deputy Director, Retail

Duly authorised on behalf of the Gas and Electricity Markets Authority

28 February 2024

ANNEX A:

Relevant BM Adjustment (£ million in 2013/14 prices) for each Regulatory Year determined in response to Notice submitted by Licensee dated 31 July 2023

2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
-	-	-	-	-	-	-
2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27
-	-	-	-	4.172	4.456	n/a

ANNEX B:

Relevant ECGS Adjustment (£ million) for each Regulatory Year

2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
-	-	-	-	-	-	-
2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27
-	-	-	-	5.156	-	n/a

ANNEX C:

Relevant BMPPA Adjustment (£ million) for relevant Regulatory Year

Total BMPPA Adjustment	BM reduction (£ million) 2022/2023
	-6.955

ANNEX D:

Internal Costs determined as not economic and efficient under the price control (£ million) and forecast costs not meeting the 'significantly more likely than not to occur' threshold for each Regulatory Year²³

2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
-	-	-	-	-	-	-
2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27
-	-	11.212	22.523	26.997	97.619	n/a

²³ Excluding Internal CRS Costs.

ANNEX E:

External Costs determined as not economic and efficient under the price control (£ million) and forecast costs not meeting the 'significantly more likely than not to occur' threshold for each Regulatory Year²⁴

2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
-	-	-	-	-	-	-
2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27
-	-	3.714	14.395	9.170	14.123	n/a

ANNEX F:

CRS Internal Costs determined as not economic and efficient under the price control (£ million) and forecast costs not meeting the 'significantly more likely than not to occur' threshold for each Regulatory Year

2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
-	-	-	-	-	-	-
2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27
-	-	-	4.406	4.451	4.565	n/a

ANNEX G:

CRS External Costs determined as not economic and efficient under the price control (£ million) and forecast costs not meeting the 'significantly more likely than not to occur' threshold for each Regulatory Year

2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
-	-	-	-	-	-	-
2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27
-	-	-	10.743	9.849	10.490	n/a

²⁴ Excluding External CRS Costs.