

To: Smart DCC Ltd, a company registered in England and Wales under number 08641679

("the Licensee")

**Gas Act 1986
Section 23(1)(b)**

**Electricity Act 1989
Section 11A(1)(b)**

MODIFICATION OF THE STANDARD CONDITIONS OF SMART METER COMMUNICATION LICENCE GRANTED UNDER SECTIONS 7AB(2) AND (4) OF THE GAS ACT 1986 AND THE STANDARD CONDITIONS OF SMART METER COMMUNICATION LICENCE GRANTED UNDER SECTION 6(1A) AND 1C OF THE ELECTRICITY ACT 1989.

Whereas –

1. The company to whom this document is addressed (a Licence Holder) has been granted a smart meter communication licence granted or treated as granted under sections 7AB(2) and (4) of the Gas Act 1986 (the Gas Act) and the smart meter communication licence granted or treated as granted under sections 6(1A) and (1C) of the Electricity Act 1989 (the Electricity Act) ("the DCC Licence")
2. In accordance with section 23(2) of the Gas Act and section 11A(2) of the Electricity Act the Gas and Electricity Markets Authority (the Authority) gave notice on 19 December 2013 (the Notice) that it proposed to make modifications to condition 22 and 23 of the DCC Licence and by requiring any representations to the modification to be made on or before 24 January 2014.
3. In accordance with section 23(4)(b) of the Gas Act and section 11A(4)(b) of the Electricity Act, the Authority gave notice of its intention to make the modifications to the Secretary of State and has not received a direction not to make the modification.
4. Prior to the close of the consultation period, the Authority received four responses. All non-confidential responses have been placed on the Ofgem website.
5. The Authority has carefully considered in relation to the proposed modification all representations received.
6. In accordance with section 38A of the Gas Act and section 49A of the Electricity Act and the Authority gives the following reasons for making the licence modifications: to reflect the changes brought about by the Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014.
7. The effect of the modifications will be to:
 - a. delete the definition for 'National Consumer Council';
 - b. replace any reference to 'National Consumer Council' with 'Citizens Advice' and/or 'Citizens Advice Scotland'; and
 - c. insert the definition of 'Citizens Advice' and 'Citizens Advice Scotland'.
8. Where an application for permission to appeal the Authority's decision is made to the Competition Commission under section 23B of the Gas Act or section 11C of the

Electricity Act, Rule 5.7 of the Competition Commission's Energy Licence Modification Appeals Rules requires that the appellant must send to any relevant licence holders who are not parties to the appeal a non-confidential notice setting out the matters required in Rule 5.2. The attached Schedule 1 provides a list of the relevant licence holders in relation to this modification. The meaning of 'relevant licence holder' is set out in section 23(10) of the Gas Act and section 11A of the Electricity Act

Now therefore

In accordance with the powers contained in section 23(1)(b) of the Gas Act and section 11A(1)(b) of the Electricity Act, the Authority hereby modifies the licence conditions of the DCC Licence for the Licensee in the manner specified in attached Schedule 2. This decision will take effect on and from 22 April 2014.

This document constitutes notice of the reasons for the decision to modify the DCC Licence as required by section 38A of the Act and section 49A of the Electricity Act.

The Official Seal of the Gas and Electricity Markets Authority here affixed is authenticated by the signature of



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**Paul Heseltine
Associate Director Finance and Risk Management**

**Duly authorised on behalf of the
Gas and Electricity Markets Authority**

24 February 2014

Appendix 8

Schedule 1

Smart DCC Ltd

Schedule 2

Conditions 22 and 23 in the DCC Licence are to be modified in the manner set out in paragraph 1 to 5 of this Schedule 2.

1. In Condition 22. The Smart Energy Code, paragraph 22.25(c) (Part F: Governance and administration of the Smart Energy Code) substitute 'the National Consumer Council' with 'Citizens Advice or Citizens Advice Scotland'.
2. In Condition 23. Change control for the Smart Energy Code, paragraph 23.7(a) (Part B: Requirements for modifying the Smart Energy Code) substitute 'the National Consumer Council' with 'Citizens Advice or Citizens Advice Scotland'.
3. In Condition 23. Change control for the Smart Energy Code, paragraph 23.7(b) (Part B: Requirements for modifying the Smart Energy Code) substitute 'the National Consumer Council' with 'Citizens Advice and Citizens Advice Scotland'.
4. In Condition 23. Change control for the Smart Energy Code, paragraph 23.16 (Part C: Interpretation) delete '**National Consumer Council** means (in Condition 22 as well as in this condition) the body of that name established by section 1 of the Consumers, Estate Agents and Redress Act 2007.'
5. In Condition 23. Change control for the Smart Energy Code, paragraph 23.16 (Part C: Interpretation) after the definition of "Agency for the Co-operation of Energy Regulators" and before the definition of "Greenhouse Gas" insert:

'**Citizens Advice** means (in Condition 22 as well as in this condition) the National Association of Citizens Advice Bureaux.'

'**Citizens Advice Scotland** (in Condition 22 as well as in this condition) means the Scottish Association of Citizens Advice Bureaux.'