

Representation - Draft Modification Report 0593

Provision of access to Domestic Consumer data for Price Comparison Websites and Third Party Intermediaries

Responses invited by: **5pm on 09 February 2017**

To: enquiries@gasgovernance.co.uk

Representative:	Fraser Mathieson
Organisation:	SGN
Date of Representation:	9 th February 2017
Support or oppose implementation?	Support
Relevant Objective:	d) Positive

Reason for support/opposition: Please summarise (in one paragraph) the key reason(s)

SGN supports this enabling modification which grants the necessary permissions within the UNC to provide access to the Data Enquiry Service, operated by Xoserve, for PCWs/TPIs, to better facilitate customer switching in line with the Competition and Markets Authority's (CMA) order¹.

The CMA's order places an obligation on Gas Transporters to use best endeavours to make the necessary amendments to the UNC as soon as reasonably practical after the date of the order². We believe this modification suitably discharges this obligation.

We believe relevant objective (d) is furthered as this proposal facilitates a remedy to issues, as identified by the CMA³, which have an adverse effect on competition. Specifically, improved consumer confidence in the effectiveness of switching better facilitates competition between suppliers.

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/585019/energy-market-ECOES-DES-order-2016.pdf [Retrieved: 01/02/17].

² Competition and Markets Authority (2016), *ENERGY MARKET INVESTIGATION: The Energy Market Investigation (ECOES/DES) Order 2016* [online], Part 3 Article 4.1, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/585019/energy-market-ECOES-DES-order-2016.pdf [Retrieved: 01/02/17].

³ https://assets.publishing.service.gov.uk/media/576c1910ed915d622c000085/FR_Summary_of_AECs_and_remedies-Section_20.pdf [Retrieved: 01/02/17].

We understand concerns surrounding data protection but are comforted by the principles set out in the Draft Workgroup Report and have confidence that sufficient controls will be incorporated into the eventual service.

Implementation: *What lead-time do you wish to see prior to implementation and why?*

The CMA's order comes into force on 28th February 2017⁴ therefore implementation of this modification is requested as soon as possible.

Impacts and Costs: *What analysis, development and ongoing costs would you face?*

The modification itself is enabling only and therefore does not create any costs.

However, the subsequent service will incur an incremental cost to Xoserve as database administrators, and we therefore consider that this should be recovered from the PCWs/TPIs, given that they are the beneficiaries of this commercial service. This approach is consistent with other users of the service.

Legal Text: *Are you satisfied that the legal text will deliver the intent of the Solution?*

Yes.

Modification Panel Members have requested that the following questions are addressed:

Q1: To inform Panel's consideration of self-governance, views are requested as to whether respondents believe that releasing these data items represents a material impact on competition between, or commercial arrangements for, Shippers or Transporters. Please provide evidence to support your response.

Whilst this proposal is enabling only, we consider that the associated service could create consequential data protection compliance matters which could materially affect both Transporters and Shippers.

Additionally, any increase in the number of customers switching or any change in the customer community's perception of switching (positive or negative) could materially affect competition between Shippers.

Therefore, we consider this modification is not suitable for self-governance.

⁴ Competition and Markets Authority (2016), *ENERGY MARKET INVESTIGATION: The Energy Market Investigation (ECOES/DES) Order 2016* [online], Part 1 Article 1.2, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/585019/energy-market-ECOES-DES-order-2016.pdf [Retrieved: 01/02/17].

Are there any errors or omissions in this Modification Report that you think should be taken into account? *Include details of any impacts/costs to your organisation that are directly related to this.*

No.

Please provide below any additional analysis or information to support your representation

N/A