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National Gas Emergency Service - 0800 111 999* (24hrs)
*calls will be recorded and may be monitored

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08 February 2017
Your Reference:UNC Modification Proposal 0593

UNC Modification Proposal 0593 – Provision of access to Domestic Consumer data for Price Comparison Websites and Third Party Intermediaries

Dear Bob,

Thank you for your invitation seeking representations with respect to the above Modification Proposal for which National Grid Gas Distribution (NGGD) would like to offer support.

Do you support or oppose implementation?

Support

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

This is an enabling modification which will provide the necessary permissions for Transporters to give (through Xoserve) access to the Data Enquiry Service (DES) to Price Comparison Websites (PCWs) and Third Party Intermediaries. This will fulfil the Transporters requirements under the Competition and Markets Authority (CMA) Energy Market Investigation (ECOES/DES) Order 2016.

Relevant Objectives:

d) Securing of effective competition:

- (i) between relevant shippers;
- (ii) between relevant suppliers; and/or
- (iii) between DN operators (who have entered into transportation arrangements with other relevant gas transporters) and relevant shippers.

NGD concurs with the comments in the Draft Modification Report concerning the facilitation of this relevant objective in that the Modification would remove or mitigate an adverse effect on competition as identified by the CMA in the conclusions of its energy markets investigation.

Impacts and Costs:

We agree with the statement in the Draft Modification Report concerning the funding of this Modification Proposal and we have no further comment in this respect.

Implementation:

We are in agreement with the implementation timescales identified within this Modification Proposal.

Legal Text:

We are satisfied that the Legal Text delivers the intent of the solution.

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 commercial arrangements for either / both Shippers and Transporters.

Throughout workgroup discussions an opinion has been expressed by some parties that giving 'Supplier Community' view DES access to PCWs and TPIs could potentially lead to Data Protection Act (DPA) compliance issues. Noting that the 'Supplier Community' view within DES gives limited access to data, from a legal perspective it is not clear precisely why Shipper Users believe the CMA recommendations which are very clear give rise to a potential DPA breach. We are not aware that a detailed legal interpretation has been provided by Shipper Users pertinent to each data item which would be made available via DES and so we feel unable to comment at this time. Noting that the concerns articulated by Shipper Users appear material we would concur with the view expressed within the modification that self-governance procedures should not apply.

Views on errors or omissions in the Modification Report which should be taken into account:

We have not identified any such errors or omissions.

Additional analysis or information to support your representation:

We have nothing further to add.

We trust that this information will assist in the compilation of the Final Modification Report. Please contact me on 01926 655299 (andy.clasper@nationalgrid.com) should you require any further information.

Yours sincerely,

Andy Clasper
National Grid Distribution