

CROSS SECTOR	
REFERENCE NUMBER:	CATEGORY: LICENCE CONDITION - Addition
LICENCE CONDITION NUMBER: <i>(if relevant):</i>	SpC 9.5
TITLE:	Digitalisation
RELEVANT LICENCE CONSULTATION QUESTIONS <i>(if any):</i>	Core Document, questions 5, 6 and 7.
RELEVANT ISSUES LOG:	
POLICY ISSUES	
<ul style="list-style-type: none"> DSAP Guidance and Data Best Practice Guidance Digitalisation Definition 	<ul style="list-style-type: none"> The DSAP Guidance and Data Best Practice Guidance need to be seen by licensees as soon as possible in order that the obligations of this condition can be fully assessed and understood, this is particularly so as this is a new licence condition. The consultation document indicates that these documents are not expected to be published until Q1 2021 which is significantly too late. We would welcome sight of both Guidance documents as soon as possible and in any event no later than the date of publication of the statutory consultation on the licence modifications giving effect to the Final Determinations Ofgem have previously defined Digitalisation as - “the process by which we improve the way we use data and digital technologies to simplify the business and generate value for stakeholders”.
DRAFTING ISSUES	
<ul style="list-style-type: none"> Definitions Definitions Definitions 	<p>General comments in respect of both NGET and NGG:</p> <ul style="list-style-type: none"> No definition of “Digitalisation” has been included in the Definitions Schedule. Please see comments in policy section re how this has previously been defined. In line with our response to consultation question 1, “DSAP Guidance” and “Data Best Practice Guidance” should not be termed guidance when they are documents with which the licensee is obliged to comply. In our view the definition of “Energy System Data” is too broad and has the potential to encompass information/data that licensee’s would be prevented from sharing through reasons of confidentiality and/or s105

<ul style="list-style-type: none"> • 9.5.1(d) • 9.5.4 • 9.5.5(a) and 9.5.8(a) and (b) • 9.5.7 • 9.5.13 • 9.5.16 	<p>Utilities Act. We therefore suggest a definition as follows: “means facts and statistics collected together that describe the energy system (current, historic and forecast), including: the presence and state of infrastructure, its operation and any other relevant information”.</p> <ul style="list-style-type: none"> • We note that the requirement here is for the licensee to “take account of Data Best Practice Guidance”, which is inconsistent with 9.5.13 which requires the licensee to “use its best endeavours to act in accordance with Data Best Practice Guidance”. Ofgem should clarify which standard of performance applies. We also note that there is no reference to licensee compliance with DSAP Guidance in 9.5.1(d). • We suggest that this is amended as follows: “The licensee must review and update its Digitalisation Strategy, taking into account the progress it has made against its Digitalisation Strategy, at intervals... ”. • We consider the words “where they are readily accessible to the public” are superfluous and suggest they should be removed, which is consistent with the language used in 9.5.11. The fact that licensee is obliged to publish the documents on its website by its nature means they will be accessible to the public. • We suggest that this is amended as follows: “The licensee must review and update its Digitalisation Action Plan, taking into account the progress it has made against its Digitalisation Action Plan, at intervals... ”. • Ofgem has provided inadequate justification in the issues logs for the inclusion of a best endeavours obligation for the licensee to comply with the Data Best Practice Guidance which represents a significantly higher standard of performance than applies to other licence obligations. It is not clear how the examples provided by Ofgem in that justification, such as making Energy System Data available for academic study align with the wording in this provision which references “ensuring services that involve Energy System Data are designed to meet the needs of consumers and those who directly use the services.”. Our concerns in this area are compounded by the ability for the Data Best Practice Guidance (and the obligations it contains) to be amended by direction. We would reiterate the feedback we provided through LDWG, that the obligation should be on a reasonable endeavours basis. We would also note that in the absence of the Data Best Practice Guidance being provided as part of this consultation we are unable to understand what obligations will be placed on the licensee under that document, or whether it will be possible to comply to the appropriate standard. • No definition of “Data Best Practice” has been included in the Definitions Schedule.
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FINANCE ISSUES	
SUPPORTING INFORMATION	
OFGEM ENGAGEMENT:	