



Department  
of Energy &  
Climate Change

# Smart Metering Implementation Programme

## Testing Related Appeals During Transition - Guidance

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# General information

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This guidance applies to the gas and electricity markets in Great Britain. Responsibility for energy markets in Northern Ireland lies with the Northern Ireland Executive's Department of Enterprise, Trade and Investment.

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For the attention of Smart Meters Testing Team, DECC, Smart Meters Programme, Orchard 3, 1 Victoria St, London SW1H 0ET

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# 1 Introduction

## Purpose

1. The purpose of this document is to explain the circumstances in which the Secretary of State (or such other persons as the Secretary of State directs) will consider appeals and referrals from SEC Parties and others relating to certain testing matters during transition. This document explains the rationale behind the approach and the process to be followed by all parties. In practice the procedures will be administered on behalf of the Secretary of State by authorised officials in the Department of Energy and Climate Change

## Smart Energy Code

2. Smart Meters offer a range of intelligent functions and provide consumers with more accurate information, bringing an end to estimated billing. Consumers will have near-real time information on their energy consumption to help them control and manage their energy use, save money and reduce emissions.
3. On 23 September 2013, the Data and Communications Company (DCC), was granted a Smart Meter Communications Licence (the “DCC Licence”). The DCC will provide a Smart Meter communications service by means of which Suppliers, Network Operators and others can communicate remotely with Smart Meters in Great Britain.
4. The Smart Energy Code (SEC) is the new industry code which has been created through, and came into force under, the DCC Licence. The SEC is a multiparty contract which sets out the terms for the provision of the DCC's Smart Meter communications service, and specifies other provisions to govern the end-to-end management of Smart Metering.
5. The DCC, Suppliers of energy to domestic and smaller non-domestic customers, and Network Operators are required by licence to become parties to the SEC and to comply with its provisions. Other bodies who wish to use the DCC's services, such as energy efficiency and energy service companies, or those (other than Registered Data Providers (RDPs)) that wish to obtain SMKI Certificates to be placed on smart metering devices, must accede to the SEC in order to do so. All parties who accede to the SEC are referred to as the “SEC Parties”.
6. The SEC is managed by a panel of persons drawn from the SEC Parties (“the SEC Panel”) and is subject to the regulatory oversight of the Authority. The SEC Panel is supported in the day to day administration of the SEC by a Code Administrator and Secretariat (“SECAS”).

## Testing

7. The majority of the testing arrangements for Smart Metering devices and systems are set out in Section T and Section H14 of the SEC. Testing during the transition to live operations takes place in incremental testing stages.

8. The SEC requires the DCC to produce various documents namely, the Systems Integration Test Approach Document, the Interface Test Approach Document, the End to End Test Approach Document and the SMKI and Repository Test (SRT) Approach Document. Following consultation, DCC is required to submit these documents to the SEC Panel for approval in line with time periods or dates set out in the SEC.
9. The DCC must also produce a Device Selection Methodology (DSM) that defines how Devices will be selected by the DCC for testing during transition.
10. In addition, the DCC must produce a set of Common Test Scenarios and SRT Scenarios that set out the tests to be carried out by SEC Parties as part of User Entry Process Tests (UEPT) and SMKI and Repository Entry Process Tests (SREPT). Following consultation by the DCC, DCC will submit the draft Common Test Scenarios and SRT Scenarios to the Secretary of State for incorporation into the SEC.

## 2. Secretary of State's Powers to consider appeals and referrals

11. In certain circumstances under Section T of the SEC, the Secretary of State may direct that appeals and/or referrals made regarding decisions taken during the transitional testing phase can be determined by the Secretary of State (or another person nominated by the Secretary of State), as opposed to the Authority. These are set out in more detail at paragraph 14 below.
12. Where the Secretary of State directs that it will consider appeals and/or referrals in such circumstances under Section T, this is not intended to set a precedent that a similar direction will be exercised in other circumstances and the Secretary of State will notify the Authority, the SEC Panel and SEC Parties of any changes to the appeals process.
13. There is a separate approach for resolving testing issues under Section H14 of the SEC, which provides for any disagreements between the DCC and a Test Participant on the appropriate resolution of a testing issue arising during transitional testing to be referred to the SEC Panel by the Secretary of State. The Secretary of State can choose to ask the SEC Panel to consider the testing issue further, or can choose to resolve it in some other way. The approach to, and procedure for, testing issue resolution will be the subject of a separate document.

### Scope of Appeals Heard by the Secretary of State

14. Pursuant to the directions made by the Secretary of State dated 20 November 2014, and 14 May 2015, the Secretary of State will consider certain appeals and referrals regarding the development of the Device Selection Methodology (as described in Section T1 of the SEC), System Integration Testing (as described in Section T2 of the SEC), and SMKI and Repository Testing (as described in Section T5 of the SEC) as follows:

#### **For the Device Selection Methodology**

- Pursuant to Section T1.7 of the SEC, any referral of the Device Selection Methodology by any person that is a Party and/or a Manufacturer shall be made to the Secretary of State or such other person as the Secretary of State directs (and not the Authority) to determine whether the methodology meets the requirements of Section T;

- Pursuant to T1.3(d) of the SEC, any appeal of the Panel's decision regarding whether or not a Device Model complies with the criteria set out in Section T1.4(a) shall be made to the Secretary of State or such other person as the Secretary of State directs (and not the Authority);
- Pursuant to Section T1.10 of the SEC, any appeal of the Panel's decision regarding the DCC's compliance with the Device Selection Methodology shall be made to the Secretary of State or such other person as the Secretary of State directs (and not the Authority).

### **For System Integration Testing**

- Pursuant to Section T2.10 of the SEC, any referral by the DCC or Registration Data Providers regarding the Panel's decision to approve the SIT Approach Document shall be made to the Secretary of State or such other person as the Secretary of State directs (and not the Authority);
- Pursuant to Section T2.14 of the SEC, any appeal made by the DCC or the affected Registration Data Provider of the Panel's determination of any disagreement as to whether the Registration Data Provider has met the entry criteria for System Integration Testing (described in T2.5(a)), shall be made to the Secretary of State or such other person as the Secretary of State directs (and not the Authority).

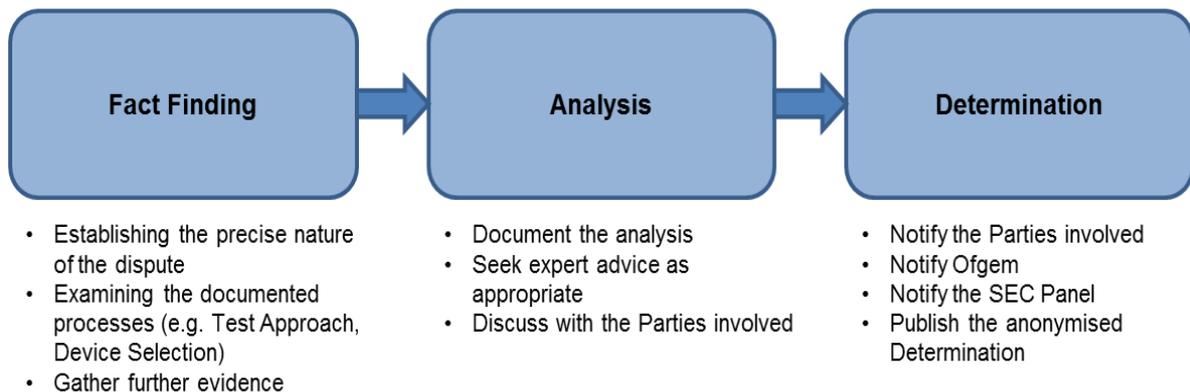
### **For SMKI and Repository Testing**

- Pursuant to Section T5.10 of the SEC, any referral by the DCC or SEC Parties regarding the Panel's decision to approve the SRT Approach Document shall be made to the Secretary of State, or such other person as the Secretary of State directs (and not the Authority);
- Pursuant to Section T5.14 of the SEC, any appeal made by the DCC or the affected SEC Party of the Panel's determination of any disagreement as to whether that SEC Party has met the entry criteria for SMKI and Repository Entry Process Test (described in T5.5(b)), shall be made to the Secretary of State or such other person as the Secretary of State directs (and not the Authority);
- Pursuant to Section T5.24 of the SEC, any referral made by a SEC Party regarding the Panel's determination as to whether or not the exit criteria for SRT have been met, shall be made to the Secretary of State, or such other person as the Secretary of State directs (and not the Authority).

## 3 Process

### Appeals Process

15. Each appeal or referral that is made to the Secretary of State, or such other person as the Secretary of State directs, for resolution within the scope of the situations outlined in paragraph 13, shall be subject to a three stage process:



16. It is expected that some appeals will be relatively straightforward to clarify the position under the SEC. However, others may involve complex technical problems that require expert advice and consultation with Stakeholders. Depending on the nature and complexity of the appeal during the initial Fact Finding process, the Secretary of State may direct a third party to consider the appeal instead.

### Urgency

17. It is recognised that any appeals may have the capacity to affect timescales for those involved. It is important therefore that DECC is able to respond as soon as reasonably practicable when an appeal is made.

### Making an Appeal

18. Any party making an appeal should ensure that all the relevant information is provided with supporting documentation. The Party should state which SEC requirement that they consider has not been met and why they consider this to be the case and under which section of the SEC the appeal is being made. Parties should also explain the urgency of the matter and the consequences of a) any delay and b) of an adverse determination. Appeals and disputes should be e-mailed to:

[SmartMeters-TestingAppeals@decc.gsi.gov.uk](mailto:SmartMeters-TestingAppeals@decc.gsi.gov.uk)

19. DECC will confirm receipt of the appeal to the appealing party, and will notify the SEC Panel, the Authority and affected parties when, and by whom, an appeal is made. DECC will also notify relevant parties where it decides that the appeal should be heard by a third party

### Determinations

20. DECC will notify the party that made the appeal of its decision together with the reasons for the decision. The determination will be copied to the SEC Panel and the Authority.

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