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Direction given by the Secretary of State regarding the determination of appeals pursuant to certain parts of Section T of the Smart Energy Code

Dear Laura,

You will be aware that certain instances in Sections T and H of the Smart Energy Code (SEC), the Secretary of State has the power to direct that appeals and/or referrals made regarding certain decisions taken during the testing phase of Smart Metering Implementation Programme are to be determined by the Secretary of State, as opposed to the Authority. I am writing to inform you that the Secretary of State, or such persons as the Secretary of State directs, will exercise this power for the consideration of any matters regarding the development of the Device Selection Methodology (as described in Section T1 of the SEC), and any matters regarding System Integration Testing (as described in Section T2 of the SEC), as set out below.

The Secretary of State hereby directs that:

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 persons as the Secretary of State directs, to determine whether the methodology meets the requirements of Section T (and not the Authority);
- 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 persons 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 persons 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

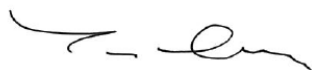
such other person as the Secretary of State directs (and not the Authority);

- 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).

This direction is in line with the policy intent to allow the Secretary of State, or such other person as the Secretary of State directs, to hear appeals and/or referrals in the circumstances set out in Sections T and H. However, this direction does not set a precedent that a similar direction will be exercised in other circumstances.

I am copying this letter to Peter Davies, chair of the SEC Panel, and to Paul Hawkins at the DCC.

Yours sincerely,



T J Guy

DECC Delivery Director
DECC Smart Metering Implementation Programme (SMIP)
(an official of the Department of Energy & Climate Change
authorised to act on behalf of the Secretary of State)

Copy to:

Peter Davies (SEC Panel); Paul Hawkins, DCC