

## Wholesale Retail Code Change Proposal (CP) 042

Modification proposal:	Wholesale Retail Code Change Proposal 042: Alignment to Customer Protection Code of Practice		
Decision:	Ofwat has decided to accept this change proposals		
Date of publication:	30 August 2016	Implementation date:	Immediate

### Background

The Customer Protection Code of Practice (CPCoP) was published 19 May 2016. At this point the WRC and MAC were reviewed to ensure consistency across the documents. This proposal seeks to ensure the WRC enables all parties to comply efficiently with both documents.

### The modification proposal<sup>1</sup>

Ofwat proposed WRC042 to better align the terms and clauses of the WRC to the CPCoP. The change was send to a working group for further development and industry input. A number of changes to the proposal were suggested and made to the document before it returned to the Panel. The proposed changes are across the document amending the definitions, Market Terms and CSDs 202, 301, and 102. The drafting around the issue of backbilling was discussed at length.

### Interim Code Panel recommendation

At its meeting on 24 August 2016, the Interim Code Panel voted by majority to recommend WRC042. Minutes of the meeting indicate Panel considered the change positively impact on the efficiency of the code, barriers to entry, Non-Discrimination, customer participation,

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<sup>1</sup> The proposal is available on the Open Water website

customer contact and improve the Operation Terms<sup>2</sup>. Dissenting opinion held that the drafting of the code was not adequate and preferred to delay implementation until better drafting could be produced.

## **Our decision**

After review of the supporting documentation we have concluded that the implementation of WRC042 is consistent with the Principals and Objectives<sup>3</sup> of the WRC. We consider that the drafting is subject to open governance and the intent whilst clear may be subject to further changes to improve its clarity in the future. We consider confirming this change is consistent with our principal objectives and statutory duties.

## **Reasons for our decision**

We consider that the implementation of and WRC042 will contribute to effective codes and changes contained are correct and desirable.

**Adam Cooper**  
**Director, Retail Market Opening**

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<sup>2</sup> Available at: <http://www.open-water.org.uk/icp>