



WRC Consultation
Retail Market Opening Programme
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Our ref

16 December 2016

Dear Ofwat

Re: Consultation on Wholesale Retail Code (WRC)

This letter sets out our response to the above consultation.

The main purpose of the consultation is two-fold; firstly to seek comments on the revised structure of the WRC, and secondly to elicit any changes required to the WRC to enable the codes to be issued by Ofwat for market opening.

On the first point; we have reviewed the proposed structure and schedules in the WRC that form the wholesale contract. We are happy with the proposed form and drafting and have no further comment.

On the second point; as the consultation highlights, the full suite of documents and forms which constitute the WRC are a significant body of material that has been co-created and formed with the sector through the Open Water Programme over an extended period since 2014.

The nature of this current consultation is to capture any final changes required to the codes deemed necessary for the market to open. On this basis, during this consultation window we have not conducted a full, page turning exercise of all of these documents, as this would not be consistent with the purpose of this consultation. Any changes required to the codes that we believe to be absolutely necessary ahead of market opening have been tabled with the Interim Code Panel which we have been closely engaged with since it came into existence in 2015.



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We understand the Open Water Programme has also developed specific criteria for assessing any in-flight changes as a mechanism for ensuring that only changes absolutely required for market opening are considered by the ICP and Ofwat. They are:

- *Is it legal?*
- *Is it material/desirable – i.e. it must be important enough*
- *Is it achievable?*
- *Is it non-controversial?*

It is imperative that these criteria apply only to changes in the period between now and market opening. We expect subsequently the enduring panel shall review proposed changes against the principles and objectives underpinning the market as set out in the WRC.

To illustrate this point with an example, there is currently a change proposal (WRC-061 – Emergency Contact details) that has been created in collaboration with a range of stakeholders and has been discussed with both the ICP and the Data Protection working group.

This proposal is not absolutely necessary for market opening (i.e. the processes and systems of registration, switching and settlement can operate without it), nor does it meet the above criteria for in-flight changes as it could potentially require a technical change to CMOS. And whilst there is support from a range of stakeholders, including DWI and CC Water, this support is not uniform and some retailers do not support the principle of the proposal. It does however remain important that such non-urgent proposals are discussed by the enduring panel in accordance with the principles and objectives of the WRC.

If you have any questions on this response, in the first instance contact Darren Rice (dRice@anglianwater.co.uk 01480 323906) who will be happy to help.

Yours sincerely



Jean Spencer
Regulation Director