



NETWORKS

Smart Meter Data Access Code

ESB Networks response to CRU proposed decision CRU202494
Date: 11th October 2024



DOC-250225-IDS

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1. Introduction

ESB Networks welcomes the opportunity to respond to the Commission for Regulation of Utilities' (CRU) proposed decision on the 'Smart Meter Data Access Code' (SMDAC). ESB Networks is committed to supporting the CRU in the development of the SMDAC and will continue to work closely and collaboratively with the CRU and other stakeholders on its design and implementation.

1.1 Role of ESB Networks

ESB Networks DAC (referred to in this submission as 'ESB Networks') functions as Distribution System Operator (DSO), and manager of ESB's Distribution Asset Owner (DAO) and Transmission Asset Owner (TAO) functions. ESB Networks works to meet the needs of all Irish electricity customers – generation and demand - providing universal access to the electricity system. We deliver and manage the performance of a system of almost 157,000 km of overhead networks, 27,000 km of underground cables and 800 high voltage substations. To date we have connected over 6GW of renewable generation to the distribution and transmission systems, from microgeneration, mini-generation and small-scale generation through to large amounts of distribution and transmission connected renewable generation. We have almost 2.5 million demand customers, of which currently more than 100,000 are now becoming active customers – including, but not limited to, domestic and commercial premises with microgeneration/mini-generation (a rapidly increasing number); participants in flexible demand; and premises with battery storage.

Retail Market Services

ESB Networks also delivers a range of services to the Irish retail electricity market servicing almost 2.5 million customers. It manages relationships with market participants and provides data in a timely and accurate fashion on a daily basis. It supports the wider Irish market through the ring-fenced Meter Registration System Operator (MRSO) and Retail Market Design Service (RMDS) and supports the wholesale Single Electricity Market through the provision of aggregated meter data.

National Smart Metering Programme

ESB Networks is also a key stakeholder in the delivery of the CRU's National Smart Metering Programme (NSMP) which will be a key enabler for active customers. To date, ESB Networks has installed over 1.8 million smart meters in homes and small businesses throughout Ireland. Of these, over 100,000 have been installed at sites with export capacity. This represents an important achievement for the NSMP and has enabled these customers to be remunerated by their supplier, based on export measured through their smart meter.

Smart Meter Data

ESB Networks' role in Ireland's move to net zero is pivotal, and its role in the National Smart Metering Programme will enable and support visibility of consumption and power across the electricity network. The Smart Meter Data Access Code is key to the creation of new services and insights by existing and new stakeholders/market participants on the electricity system.

Smart meters play a key role within the Clean Energy Package, particularly around the modernisation of the electricity market design and its focus on distribution network digitalisation to support the development of demand side services. As such, new obligations are set out for the DSO in the Clean Energy Package relating to:

- its role to enable more efficient wholesale market operation, as a result of distribution connected customers' active participation in wholesale markets and ancillary services;
- its role with respect to the integration of renewables; and
- its role with respect to enabling the activities of individual customers, and communities, in their interaction with the electricity system.

These obligations cannot be met without access to high quality, location and time-specific data which is not available to the DSO today.

Smart meter data is fundamental to meeting these objectives and ESB Networks is committed to supporting the CRU on the development of the SMDAC and will continue to work closely and collaboratively with the CRU and other stakeholders on its design and implementation.

2. ESB Networks Response to Consultation Questions

2.1 Response to Question 1

The CRU would welcome specific views on the governance model proposed in this paper?

ESB Networks welcomes the proposed governance model and strongly agrees with the overall approach.

We agree with the proposed appointment of ESB Networks DAC as the Data Systems Provider (DSP) and with the various roles and responsibilities proposed as set out in the draft Code.

We support the proposed advisory role of the Code Panel and that it should be made up of industry and consumer representatives.

In two areas we have alternative proposals for the CRU to consider:

- We suggest that it may be more appropriate for the DSP, who has overall responsibility for the smart meter data system, to be appointed Chair of the advisory panel. In our view this is preferable to the DSO, who is a User of smart meter data, fulfilling the role.
- Similarly, we suggest that it is more appropriate for the DSP, as a ringfenced entity, to be appointed Code Administrator. In our view this is preferable to the DSO, who is a User of smart meter data, fulfilling the role.

We welcome the assignment of ESB Networks DAC to the roles set out in the Commission Implementing Regulation (EU) 2023/1162 of 6 June 2023 (the “Implementing Regulation”), namely Metered Data Administrator, Metering Point Administrator, Data Access Provider, Permission Administrator, and Identity Service Provider. Detailed planning is now underway to support the procurement and implementation of systems and processes required by these roles.

2.2 Response to Question 2

The CRU would welcome any views on the proposal that the same process to request smart meter data will apply to all parties?

The CRU would also welcome feedback on the proposal of the application forms and access agreement, in order to access smart meter data?

Application Form

ESB Networks notes that the Application Form provided at Appendix A of Schedule 1 is provided by the CRU as an example form, which the DSP shall use when preparing its Application Form. ESB Networks acknowledges that the proposed Code will place an obligation on the DSP to draft the Application Form and welcomes this responsibility in its capacity as the DSP. ESB Networks looks forward to working with the CRU on finalising this Application Form after the publication of the Code. ESB Networks submits that the example Application Form in the draft Code would benefit from being revised in terms of the current required information, to allow the DSP more flexibility when developing the final Application Form. For instance, as the draft Code now proposes that the same Application Form shall be used by both Eligible Parties and Other Users, ESB Networks is of the view that the requested information as currently set out in the form may be less or more relevant depending on which party is making an application. ESB Networks believe that the DSP should have some flexibility to consider this point further in its drafting of the Application Form.

ESB Networks is of the view that Part B of the example Application Form, in particular the descriptions for the sections entitled “Data Required” and “Use Cases”, should be removed for the time being and considered in more detail by the DSP when drafting the final Application Form (in consultation with the CRU).

- For the “Data Required” section, ESB Networks is of the view that the CRU should consider further whether it would be necessary and appropriate for the DSP to indicate which Data Items constitute personal data.
- For the “Use Cases” section, ESB Networks is of the view that the data protection requirements need to be reconsidered and is not convinced that some of the information currently suggested as required would be necessary, as long as the Users make a clear representation that they comply with data protection law. However, ESB Networks notes that the DSP will consult with the CRU further on this point when finalising the Application Form in its capacity as the DSP.

Data Access Agreement

ESB Networks notes that the draft Code proposes to put in place a requirement for a Data Access Agreement between the DSP and every User. We welcome the opportunity, as DSP, to work with the CRU on the development of the Data Access Agreement after the publication of the Code as we have some concerns with the current proposal.

For example, ESB Networks believes there is a disconnect between a contract (the Data Access Agreement) between the DSP and users on one side and the CRU's role in enforcing the Code on the other. This structure does not appear to give the CRU the right to employ its Code powers directly against the user.

ESB Networks is of the view that it would not be possible for the DSP to enter into a Data Access Agreement with the DSO as it is proposed that ESB Networks would be designated the DSP. As such, this would entail ESB Networks entering into an agreement with itself, which would not be contractually possible. If a different arrangement is required to allow access for the DSO, ESB Networks queries whether this raises issues regarding non-discrimination as between Eligible Parties under the Implementing Regulation when accessing smart meter data. ESB Networks would welcome the opportunity to work with the CRU in considering alternative structures to address the above issues.

Cost Recovery

We note that the draft Code suggests that the DSP's cost recovery mechanism, in the event that security breach investigations and remediating actions are required, is to be set out in the Data Access Agreement. This approach would appear to envisage contractual claims between counterparties (the DSP and relevant User) in the event of costs being incurred. Incorporating these conditions into the Data Sharing Agreement is likely to add a layer of complexity and additional time for negotiating the access arrangements.

ESB Networks preference is that the "Day 1" approach is for all such costs to be treated as "pass through costs" until there is a clearer understanding of what they might be and should not be considered, at this stage, as part of the Data Sharing Agreement.

Finally, we welcome the CRU's clarification that the DSP will not be validating the lawful basis provided for each smart meter data request.

2.3 Response to Question 3

The CRU would welcome any views on the proposed information required to be provided to the DSP in advance of access to smart meter data being granted?

Please see our response to Q2 which considered the proposed information requirements.

2.4 Response to Question 4

The CRU would welcome any views on the proposal for the DSP to make publicly available non-personal smart meter datasets on a frequent basis?

ESB Networks welcomes this proposal from the CRU and agrees that non-personal smart meter datasets will satisfy the data requests of many interested parties.

2.5 Response to Question 5

The CRU would welcome any views on the development of the proposed customer charter, to be developed by the DSP separate to the Code?

ESB Networks agrees with the CRU that customers are clearly informed about the smart meter data arrangements and various new processes that will be in place. A number of new functions and reports which are directly relevant to customers are to be developed, for example Permission Administration and access to a Data Access Log.

ESB Networks proposes to enhance its existing customer facing information, available on our website, with new complementary FAQs and user guides. We consider the information available on our smart meter webpages to be well understood and is successfully supporting customers access to the ESB Networks On-Line Account through detailed FAQs and video guides. Our view is that the next tranche of functions and services, to be facilitated by the Code, will be best supported by well-tailored FAQs and video guides which are more effective communication tools than a standalone document.

2.6 Response to Question 6

The CRU would welcome any views on the proposed functions placed on the CRU under the Code?

ESB Networks supports the proposed functions placed on the CRU under the draft Code, namely:

- Code Modifications
- Code Audit
- Enforcement
- Complaints & Appeals

2.7 Response to Question 7

The CRU welcomes any thoughts on the proposed process for the ceasing of a user event?

ESB Networks agrees with the CRU's outline process, explained in the Proposed Decision document, for parties ceasing to be users of the smart meter data system. ESB Networks welcomes the opportunity to further develop the Code Access Procedure document that will set out the relevant detailed procedures relating to ceasing to be a user.

2.8 Response to Question 8

Do respondents have any other comments on other aspects of the revised version of the Code and the proposals discussed in this paper?

ESB Networks welcomes the proposed decision and draft Code which provides clear processes by which eligible parties may access smart meter data.

It is clear that the implementation of the code processes and procedures will take significant effort by ESB Networks and eligible parties. ESB Networks is committed to working with all parties to progress the implementation of the code procedures as promptly as possible.

Detailed planning is underway to support the various new roles and responsibilities proposed to be assigned to ESB Networks DAC. A number of these require new IT systems which will have to be integrated within the current smart meter data system.

In previous submissions, ESB Networks indicated that the implementation of new IT systems and processes would take in the order of 18 months. Our considerations to date suggest this is a reasonable estimate. ESB Networks considers that the various elements which need to be put in place, mentioned in the Proposed Decision paper, such as changes to legislation, licence changes, new licences for some parties and development of various documents and processes, should be achieved within this timeline, and will work with the CRU, DECC and other stakeholders to meet this objective.

ESB Networks looks forward to working with the CRU and other stakeholders in the implementation phase of the SMDAC arrangements.

3. Conclusion

ESB Networks welcomes the opportunity to respond to this consultation. We are committed to supporting the CRU on the development of the SMDAC and will continue to work closely and collaboratively with all stakeholders throughout the forthcoming stages of its implementation.

ESB Networks remains available to discuss any aspect of this response and look forward to engaging with the CRU, and other industry stakeholders over the coming weeks.





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