

Assessment Procedure Consultation Responses

P315 'Publication of Gross Supplier Market Share Data'

This Assessment Procedure Consultation was issued on 6 February 2015, with responses invited by 27 February 2015.



Phase

Initial Written Assessment

Definition Procedure

Assessment Procedure

Report Phase

Implementation

Consultation Respondents

Respondent	No. of Parties/Non-Parties Represented	Role(s) Represented
SmartestEnergy	1/0	Supplier
Power Data Associates Ltd	0/1	Supplier Agent
Cornwall Energy	0/1	Information provider
Good Energy	1/0	Supplier, ECVNA and MVRNA
Opus Energy Limited	1/0	Supplier
Spark Energy	1/0	Supplier
VuePoint Solutions	0/1	Information provider
GDF SUEZ Energy UK	1/0	Supplier
TMA Data Management Ltd	0/1	Supplier Agent
SP Energy Retail Ltd	1/0	Supplier
EnAppSys Ltd	0/1	Data provider
E.ON	7/0	Generator. Supplier, Interconnector User and Non Physical Trader
Gazprom Marketing & Trading Retail Ltd	1/0	Supplier
British Gas	1/0	Supplier
EDF Energy	9/0	Generator and Supplier

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Responses

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Version 1.0

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Question 1: Do you agree with the Workgroup's initial view that P315 does better facilitate the Applicable BSC Objective than the current baseline??

Summary

Yes	No	Other
5	9	1

Responses

Respondent	Response	Rationale
SmartestEnergy	Yes	<p>This modification clearly helps promote competition (objective c) because smaller participants/new entrants will be able to see the extent the established players have fared in both the first and second tier markets.</p> <p>We also believe this modification aids the efficiency (objective d) of the BSC if greater granular data is available for suppliers to check their own positions against.</p> <p>It will also be of use to NGET (objective b) in their assessment of the embedded generation market to improve their demand forecasting.</p>
Power Data Associates Ltd	Yes	N.A
Cornwall Energy	No	<p>We believe the proposal would be detrimental to BSC objective (c) in respect of promoting effective competition and that no justification has been made for its implementation.</p> <p>The proposal appears to be based on a simple but unsubstantiated assumption that radically increasing transparency on market share data would facilitate competition and the only remaining question is how granular the information provided should be and what route should it be delivered through. No attempt is made either to show that current information provision under BSC and other industry sources is either insufficient or defective; indeed it is already substantial and highly useable.</p> <p>The issues in respect of data transparency require a more detailed and critical examination of the potential impacts than has been undertaken to date by the workgroup. We do not believe a balanced view has been presented in the proposal, nor one that considers the principles against which changes</p>

Respondent	Response	Rationale
		<p>in this area should be considered. We consider this further below.</p> <p>The commercial confidentiality of data of the granularity proposed even under option A and the reasons that it should be confidential should not be lightly swept aside. Information which is commercially sensitive and commercially valuable to suppliers as a legitimate asset of their business to use as they see fit should not be forced to be made public as proposed and no case for competitive benefits is made – it is merely assumed.</p> <p>Excessive transparency is not in the interests of new entrants and smaller players seeking to establish themselves. It enables competitors to shine a spotlight rapidly on the detail of where they are having successes, including the customer type and region, and makes it easier for larger competitors to undermine their efforts to establish a firm base in the market.</p> <p>Issuing a high volume of data in this area potentially could in itself be a barrier to transparency for some parties. Only well-resourced companies are likely to have the ability to use this information, and therefore the proposal introduces a further potential competitive advantage for larger players; indeed the costs involved in building new systems to analyse the additional data could have a detrimental impact on small suppliers rather than a beneficial one given they lack scale. Larger suppliers that have the capacity to exploit the information better will be much better able to use the data also allowing them to further segment the market.</p> <p>Thus:</p> <ul style="list-style-type: none"> ▪ by linking with published domestic tariff information, well-resourced players would be able to see at a glance where competitors in that sector were gaining and losing customers by the day and be able to respond immediately. Effectively information of such granularity could give them the power to squeeze competitors out of the market before they can even establish a toehold; and ▪ similarly in the non-domestic and embedded generation markets larger customers could be easily identified if a supplier only served a small number of users. This would give the same opportunity for larger competitors to squeeze smaller rivals from

Respondent	Response	Rationale
		<p>the market.</p> <p>This modification would make further demands on the time and resources of BSC parties, including system changes, at a time where there are a significant number of major industry changes being currently progressed. This issue is flagged in the impact assessment responses but not acknowledged by the modification group in the assessment report.</p> <p>In relation to considering the principles that should apply to the transparency of data, it may be helpful to have regard to the Competition and Markets Authority which has set out its approach to obtaining and using information in its policy document Transparency and disclosure: Statement of the CMA's policy and approach (which can be found here). When considering whether disclosure is appropriate, it considers (para 4.16) that the following information is included in that which will normally be considered confidential:</p> <ul style="list-style-type: none"> ▪ financial information or other data (which could include, for example, parties' turnover sales, market share data etc) relating to a business which is less than two years old; and ▪ information which, if disclosed, may adversely affect the competitive process in the market. <p>The proposal does not consider how its implementation measures up against these parameters nor how information provision under the current baseline is inconsistent with these</p> <p>These are both areas that require proper consideration, possibly as a wider industry discussion on what information is available on market share and what the best route is to make that available.</p> <p>We do not consider that the proposal will facilitate any other BSC objectives. Indeed it could be detrimental to objective (d) in respect of promoting efficiency in the implementation of the balancing and settlement arrangements as it introduces new requirements for publication which have to be managed with no clear benefits to the operation of the arrangements.</p>
Good Energy	No	For us to properly evaluate P315 against the Applicable BSC Objectives the workgroup needs to

Respondent	Response	Rationale
		<p>undertake a cost benefit of the proposal and provide a clear explanation of from where any perceived cost benefit arises. In the absence of this we are of the view that P315 does not better facilitate Applicable BSC Objective (d) because it imposes costs that will ultimately be borne by customers for no quantified benefit. We also believe it is questionable that P315 will better facilitate the Applicable BSC Objective (c). The provision of clear market share data does not necessarily promote effective competition in the generation or supply of electricity. It could have a perverse effect of encouraging the generally larger players with 'deep pockets' to initiate predatory pricing policies with a view to driving out competition from small players. Also, Parties may have to invest in additional resources to further analyse or process the data in order for them to understand and utilise the market shares, and this would disadvantage small Parties.</p> <p>We consider P315 to be neutral to the other Applicable BSC Objectives.</p>
Opus Energy Limited	No	<p>We have a number of concerns with this proposal:</p> <p>1) We do not agree with the proposer's reasons for raising this modification. There is no real justification provided, only a loose reason citing improved competition.</p> <p>2) As referenced within the proposal, suppliers already receive the D0276 GSP Group Consumption Totals Report which reports gross supply volumes for each supplier, but not broken down by Profile Class (PC). We do not believe that the additional split by PC is justified – the information is commercially sensitive, and hence should not be made publically available but should remain confidential. The information currently available via consultants is pulled together from data that suppliers provide to those consultants but this is the supplier's choice and doesn't necessarily mean there is an argument for the data to be published as per the proposal. The proposer also mentioned FOI requests, which we would like to point out are subject to certain rules around whether the data can be released, it is not an automatic method of getting hold of the information, so again this is a loose supporting reason for the proposal.</p> <p>3) Rather than meeting the BSC Objective to</p>

Respondent	Response	Rationale
		<p>promote competition, in particular from an independent supplier perspective (including new market entrants) publication of this granularity of data could act as a barrier to competition. This is because larger suppliers in particular, could potentially identify the customer type and region for which other suppliers are gaining customers and utilise their resources to reduce levels of customer switching.</p>
Spark Energy	No	<p>We believe the proposal would be detrimental to BSC objective (c) in respect of promoting effective competition and that no adequate justification has been made for its implementation.</p> <p>The proposal appears to be based on an unsubstantiated assumption that radically increasing transparency on market share data would facilitate competition and the only remaining question is how granular the information provided should be and what route it should be delivered through.</p> <p>However, it is not sufficient to state, as in the consultation, that because the proposal will provide all suppliers with market share information in the GSP Group, creating an equal information resource for all suppliers, this will aid competition and that additionally increased data transparency is generally accepted to contribute to promoting competition. No attempt is made either to show that current information provision under BSC and other industry sources is either insufficient or defective; indeed it is already substantial and highly useable.</p> <p>The issues in respect of data transparency require a more detailed and critical examination of the potential impacts than has been undertaken to date by the workgroup. We do not believe a balanced view has been presented in the proposal, nor one that considers the principles against which changes in this area should be considered. We consider this further below.</p> <p>The commercial confidentiality of data of the granularity proposed even under option A and the reasons that it should be confidential should not be lightly swept aside. Information which is commercially sensitive and commercially valuable to suppliers as a legitimate asset of their business to use as they see fit should not be forced to be made public as proposed and no case for competitive benefits is made – it is merely assumed.</p>

Respondent	Response	Rationale
		<p>On the contrary there are ways in which release of market share information may damage competition. Excessive transparency is not in the interests of new entrants seeking to establish themselves. It enables competitors to shine a spotlight rapidly on the detail of where they are having successes, including the customer type and region, and makes it easier for larger competitors to undermine their efforts to establish a firm base in the market.</p> <p>Issuing a high volume of data in this area potentially could in itself be a barrier to transparency for some parties. Only well-resourced companies are likely to have the ability to use this information, and therefore the proposal introduces a further potential competitive advantage for larger players; indeed the costs involved in building new systems to analyse the additional data could have a detrimental impact a small supplier such as Spark rather than a beneficial one given they lack scale. Larger suppliers that have the capacity to exploit the information better will be much better able to use the data also allowing them to further segment the market.</p> <p>This modification would make further demands on the time and resources of BSC parties, including system changes, at a time where there are a significant number of major industry changes being currently progressed. This issue is flagged in the impact assessment responses but not acknowledged by the modification group.</p> <p>In relation to considering the principles that should apply to the transparency of data, it may be helpful to have regard to the Competition and Markets Authority which has set out its approach to obtaining and using information in its policy document Transparency and disclosure: Statement of the CMA's policy and approach (which can be found here). When considering whether disclosure is appropriate, it considers (para 4.16) that the following information is included in that which will normally be considered confidential:</p> <ul style="list-style-type: none"> ▪ financial information or other data (which could include, for example, parties' turnover sales, market share data etc.) relating to a business which is less than two years old; and ▪ information which, if disclosed, may adversely affect the competitive process in the

Respondent	Response	Rationale
		<p>market.</p> <p>The proposal does not consider how its implementation measures up against these parameters nor how information provision under the current baseline is inconsistent with these</p> <p>These are both areas that require proper consideration, possibly as a wider industry discussion on what information is available on market share and what the best route is to make that available.</p> <p>We do not believe that the case for the proposal has been made and believe that it may even be detrimental to competition.</p> <p>We do not consider that the proposal will facilitate any other BSC objectives. Indeed it could be detrimental to objective (d) in respect of promoting efficiency in the implementation of the balancing and settlement arrangements as it introduces new requirements for publication which have to be managed with no clear benefits to the operation of the arrangements.</p>
VuePoint Solutions	No	<p>As data providers we are always happy for additional data to be made available and would normally welcome any such proposal, but we believe the proposal would be detrimental to promoting effective competition and that no justification has been made for its implementation. We believe that this would actually advantage larger organisation and impede smaller ones which is counter to what the proposer states as the aim.</p> <p>We believe the provision of data of the granularity proposed, even under option A, would help enable identification of market participants customer base and therefore enable those with greater resources, ie larger suppliers, the ability to target these to the detriment of the smaller market participants.</p>
GDF SUEZ Energy UK	No	<p>In reference to BSC (c), the proposed modification will not achieve the desired result of increased market completion via visibility of higher granularity market share data. Indeed, it may have the converse affect by exposing new/small market entrants to expose their portfolio and thereby highlight their growth aspirations in particular segments of the marketplace.</p>
TMA Data	Yes	N.A

Respondent	Response	Rationale
Management Ltd		
SP Energy Retail Ltd	Yes	We believe that P315 better facilitates Applicable BSC Objective (c). The reason for this view is that we believe the information will allow ScottishPower as a Supplier to monitor and react to competitors changes in the marketplace.
EnAppSys Ltd	Yes	<p>With reference to specific objectives:</p> <p>Objective (b) The economic and co-ordinated operation of the National Electricity Transmission System:</p> <p>Currently there is a lot of embedded generation, either intermittent renewables or small fossil fuel plant inside SVA. More SVA generation is coming as a result of the capacity mechanism. This generation offsets against demand at the GSP and affects the wholesale market by changing the grid level generation requirement and the wholesale price. By breaking out the AE contribution to the GSP Group requirement from SVA metering, the Transmission Company and other interested players in the market will have more information to aid their understanding of the operation of embedded generation on the system and market as it influences price and balancing.</p> <p>Objective (c) Promoting Effective Competition:</p> <p>With increased information on market share you can expect competition will be more efficient as there is better transparency. However, such transparency needs to be expressed in a way that is not just data but aggregated at the correct level to be meaningful information to align with the ability of participants to process the data. This proposal has varying degrees of detail which allow different participants to gain value from the data. Many other modifications have rehearsed the arguments for data transparency and we believe it is a generally accepted principle that transparency contributes to promoting effective competition.</p> <p>Objective (d) Promoting Efficiency in the Implementation of the Balancing and Settlement Arrangements</p> <p>With visibility on each other's position in SVA settlement there is an improvement in overall settlement performance.</p>

Respondent	Response	Rationale
E.ON	No	<p>We neither strongly support nor object to this proposal but overall are not convinced that it would be an improvement or the work or cost involved justified, especially when the industry has to cope with many forthcoming changes. Potentially P315 could be detrimental under Objectives C and D.</p> <p>Publishing more granular Supplier market share data would in theory be transparent, and we do support greater visibility of the true level of demand, gross of embedded generation's 'negative demand'. We also believe that consultants' data is often inaccurate due to re-submissions whereas actuals should be accurate. Provided that all Suppliers are in the same position there is no strong concern in relation to commercial sensitivity. However, voluntary provision of some data to consultants does not necessarily mean that such publication should be mandatory. Publishing a very large amount of data also risks actually impeding transparency and fundamentally we are not convinced that at any granularity it would really promote competition or benefit the consumer.</p> <p>We are also concerned that implementing this proposal would be an unnecessary additional burden when many system changes are ongoing/forthcoming; with P315 offering no particular benefit to anyone either active in or considering entering the market.</p>
Gazprom Marketing & Trading Retail Ltd	No	<p>We believe the high granularity of data to be made available under the currently proposed solutions is potentially commercially sensitive and could be used in ways which are detrimental e.g. if it provided information on market participants strategies'. We therefore do not believe there are clear benefits to suppliers, potential new entrants and ultimately customers for it to be published.</p>
British Gas	No	<p>We do not agree that the applicable BSC objective (c) baseline is improved through publishing Gross Supplier Market Share.</p> <p>We do not agree that publishing Market Share Data by region will improve competition. We see it as being anti-competitive as it can influence market strategies. The anti-competitive nature of the change could result in a focus on certain GSPs for Market dominance or a focus on a certain area of the market.</p> <p>We disagree with the initial view that Applicable</p>

Respondent	Response	Rationale
		Objective (d) is better facilitated through having knowledge of Supplier Market Share Data. Suppliers are unlikely to substitute their current methods of monitoring Settlement Performance and meeting other BSC obligations through the information proposed.
EDF Energy	Yes/No	<p>Visibility of aggregate gross export and import for sites in various classes within a GSP Group has potential to better meet BSC objective (b) concerning efficient system operation, by providing visibility of the underlying activities of generation and demand, which have different time-dependent behaviours. This visibility of historic volumes could help improve forecasting and balancing by the System Operator and participants. It may also better facilitate BSC objective (c) concerning competition, by providing information on the potential market for different activities. However, visibility at aggregate level already exists, so it is not clear what additional benefit the proposal would bring.</p> <p>Increased visibility of Suppliers' individual portfolios broken down by classifications such as Component Class and Profile Class might better achieve BSC Objective (c) concerning competition, by allowing suppliers to identify their competitor's portfolios, and evolution of those portfolios, providing opportunity to target particular market sectors more effectively. However, there is no clear evidence that this would occur, and no materiality has been provided in the assessment.</p> <p>The proposal would obviously make implementation and administration of the BSC more complex and expensive for all concerned, and therefore cannot better meet BSC Objective (d) concerning efficiency in implementation and administration of the BSC arrangements. More complex proposals would require more effort centrally and by participants to make use of the data made available, and therefore would require more benefit under other objectives in order to meet BSC Objectives overall.</p> <p>The simplest option has small central costs, does not impose IT interface costs on participants not wishing to use the data, and would require minimal effort for participants to use. With no clear materiality for the benefits under other BSC Objectives, it seems the most likely to better meet</p>

Respondent	Response	Rationale
		BSC Objectives overall.

Question 2: Do you agree with the Workgroup's recommended Implementation Date?

Summary

Yes	No
8	7

Responses

Respondent	Response	Rationale
SmartestEnergy	Yes	N.A
Power Data Associates Ltd	Yes	As stated it should not take long to get the summary values published
Cornwall Energy	No	<p>There should be no implementation because there is no beneficial effect.</p> <p>Furthermore the workgroup has recommended implementation starting on 5 November if Ofgem's decision is made before 30 June and 25 February if Ofgem's decision is issued before 3 November. We note 5 November is the same date proposed for implementation of the major changes proposed under P305 and P316 as part of the same Release. We question whether this is appropriate given the limited resources of some suppliers. Again this provides larger, well-resourced players with an advantage.</p>
Good Energy	Qualified Yes	We agree that any agreed solution should be implemented as part of a routine BSC Systems release. The proposed date of 5 November 2015 is only appropriate providing it does not delay the implementation of more urgent change.
Opus Energy Limited	No	Although if option A was approved by 30/06/15 this could facilitate implementation by 05/11/15, for the reasons as specified in our response to Question 1, we do not support any of the options for this proposal.
Spark Energy	No	<p>There should be no implementation because there is no effect.</p> <p>Furthermore the workgroup has recommended implementation starting on 5 November if Ofgem's decision is made before 30 June and 25 February if Ofgem's decision is issued before 3 November. We note 5 November is the same date proposed for implementation of the major changes proposed under P305 and P316 as part of the same Release.</p>

Respondent	Response	Rationale
		<p>We question whether this is appropriate given the limited resources of suppliers such as ourselves. Again this provides larger, well-resourced players, with an advantage and discriminates against smaller suppliers like Spark.</p>
VuePoint Solutions	No	<p>This should not be implemented as there is no clearly justified and agreed beneficial effect.</p> <p>We note 5 November is the date proposed for implementation of other major changes. We therefore do not consider this is appropriate given the limited resources of some suppliers, and other parties such as us. Again this provides larger, well-resourced players with an advantage.</p>
GDF SUEZ Energy UK	No	<p>Suppliers already have to manage tight timescales and significant system changes through other modifications, for example P300, P272 and DCP 179, CfD FiT, CM and Project Nexus.</p> <p>In fact the proposed implementation date of 5th November 2015 is the same implementation date as P305 and P316, and would therefore create a direct conflict of interests across these modifications.</p> <p>Any further necessity to make yet more changes at this stage would detrimentally affect all suppliers and would potentially create delays in the implementation of other modifications.</p> <p>This was indicated in our previous response to the IA in November 2014.</p>
TMA Data Management Ltd	Yes	N.A
SP Energy Retail Ltd	Yes	<p>We agree with the plan to have a phased implementation if more than one option is progressed. By publishing the monthly data (Option 1) from November 2015, this will allow the basic information to be made available and allow industry to monitor the impact of the implementation of P300 and P272 with the resultant customer movement from NHH to HH. The second proposed date of June 2016 for other options will allow for any required industry changes to be put in place. E.g. New DTC flows for Option 2.</p>
EnAppSys Ltd	Yes	<p>It is a relatively fast implementation date which is to be welcomed. The quicker this data gets into the market the better.</p>

Respondent	Response	Rationale
E.ON	No	We would prefer a longer lead time than Nov 15 or Feb 16, and note that in the Impact Assessment several other parties requested up to a year. In the BSC release following an Authority decision is appropriate, however industry will be going through a massive transition preparing for the implementation of P272 (whether on 01/04/16 as currently targeted or a later date determined following the current BSC consultation on delaying P272 implementation, and the progress of related CUSC proposal CMP241). Owing to P272 it is possible that any data between November this year and April 2016 is likely to be fairly spurious and/or out of date quickly. Consequently we think that if approved, implementation in the June 2016 release preferable for P315.
Gazprom Marketing & Trading Retail Ltd	No	We believe a minimum 6 month lead-time would be required should any DTN option be utilised. Nevertheless we are also not in support of the DTN options or the currently proposed options due to the reasons set out elsewhere in this response.
British Gas	Yes	We agree with the workgroups recommended implementation date if the change is approved.
EDF Energy	Yes	Implementation on 05 November 2015 (solution a) or 30 June 2016 (other solutions) if decision is on or before 30 June 2015, or implementation on 25 February 2016 (solution a) or 03 November 2016 (other solutions) if decision is on or before 03 November 2015, would give sufficient notice for EDF Energy to implement efficiently any changes necessary to use the relevant data.

Question 3: In light of increasing market transparency, what level of granularity of market share data do you believe is appropriate to be published?

Summary

Quarterly	Monthly	Daily	HH	SSC/TPR	None	Other
1	3	1	1	1	7	1

Of the seven respondents that said 'None', two specified 'Monthly' as 'least bad', one specified 'HH' **if** justification for change were to be accepted and one specified that the ACCCs should be reported on a national level.

Responses

Respondent	Appropriate Level	Rationale
SmartestEnergy	SSC/TPR	There is no rationale for not publishing to the finest degree of granularity so long as summaries are also available.
Power Data Associates Ltd	Other	Would be interested to review at least some granular data, but would not be prepared to pay for the privilege
Cornwall Energy	None	We do not accept the premise that the issue is simply one of determining the appropriate level of transparency. Please see our response to Question 1 above.
Good Energy	Monthly	If market share data is to be published we consider that the appropriate level of granularity is monthly unless a clear cost benefit is shown for a lower level of granularity.
Opus Energy Limited	None (monthly least bad)	For the reasons as specified in our response to Question 1, we do not believe that sufficient justification has been given to support this modification. We do not support the increased granularity of what is commercially sensitive information. The 'least bad' solution would therefore be monthly publication but we are opposed to the solution for the reasons as specified above.
Spark Energy	None	We do not accept the premise that the issue is simply one of determining the appropriate level of transparency. Please see our response to Question 1 above.
VuePoint Solutions	None (HH if justification accepted)	We believe that, if the justification given is accepted, then the data should be provided at the lowest level of granularity possible (ie HH) as otherwise the total value cannot be derived, and provision of summary data is insufficient.

Respondent	Appropriate Level	Rationale
		However we do not believe the justification for the change is valid.
GDF SUEZ Energy UK	None	<p>It cannot be agreed that this issue is simply a matter of increasing market share data granularity. There is no rationale provided that warrants the assertion that increased market share data will contribute to promoting market competition.</p> <p>No actual cause for argument has been provided that the current information provided by the BSC and other industry sources is insufficient or defective.</p> <p>Indeed this proposal would have a detrimental affect by mandating the exposure of potentially commercially sensitive data.</p>
TMA Data Management Ltd	Monthly	We favour the monthly summary market share data as it has enough granularity to provide useful information that can be used by the greatest number of users without being overwhelming with details.
SP Energy Retail Ltd	Daily	We believe that the granularity offered by Options 1 and 2 is sufficient for the industry going forward, we do not see any value in offering the data at SSC/TPR level. However, ScottishPower would, for operational reasons, prefer all options to include data at a corrected and uncorrected level, thereby giving Suppliers an option at what level they can use the data.
EnAppSys Ltd	HH	EnAppSys believes that the level of granularity should go down to HH level aggregation by ACCC. We believe this level of aggregation provides a lot of value for validation of embedded generation profiles and market share and assists in settlement validation.
E.ON	None (least bad monthly)	We do not believe that publication is necessary or particularly helpful to anyone, but at monthly granularity as originally suggested by the Proposer would be most suitable. It would not seem particularly beneficial to add daily data and HH granularity would be excessive. The suggestion that this be included in the solution appears to have arisen from an afterthought from the Proposer that further detail on their own portfolio might assist settlement validation. We believe that with internal controls ensuring the present flows are monitored this is not

Respondent	Appropriate Level	Rationale
		necessary and does not justify publication of rival Suppliers' data.
Gazprom Marketing & Trading Retail Ltd	Quarterly	We believe market-share data should not be at a more granular level than quarterly, and that volume and meter point data should only be at a national, supplier level. We believe this would be the right balance between granularity of data and commercial sensitivity.
British Gas	None (prefer national ACCCs)	<p>We do not agree that this data should be published. We believe that knowing monthly market shares for the 13 ACCCs by GSP is commercially sensitive.</p> <p>The State of Market Assessment from Ofgem currently shows national market shares split by domestic/non domestic. We believe that changing this to a regional level can influence Supplier activities.</p> <p>Market Share transparency can be improved by altering the current view Ofgem provide in the State of Market Assessment. A national view of the 13 ACCCs rather than a domestic/non domestic split will improve transparency.</p>
EDF Energy	Monthly	See answer to question 1. In the absence of firm examples or materiality for the potential benefit to competition, the provision of simple monthly aggregate data at low cost under solution (a) seems preferable.

Question 4: Do you agree with the Workgroup's initial view that PCs 5-8 should be combined but that PCs 1-4 should be reported separately?

Summary

Yes (combine PCs 5-8 only)	Yes (either combine PCs 5-8 or Combine PCs 1&2, 3&4 and 5-8)	Combine PCs 1&2, 3&4 and 5-8	Combine PCs 1-4 and 5-8	No (Disagree with P315)	No comment
4	2	2	1	5	1

Note that the below response descriptions in *italics* are ELEXON's interpretation.

Responses

Respondent	Response	Rationale
SmartestEnergy	Yes	<p>Post P272 PC5-8 will not exist.</p> <p>Limiting the total number of categories to around 10 seems more manageable for the website/option A report.</p> <p>These groups are also relatively small compared with domestic and small business.</p>
Power Data Associates Ltd	Yes <i>(or with PC1&2 and PC3&4)</i>	PC5-8 numbers/volume should significantly reduce by March 2016 as P272/300 are implemented, so report together. Reporting PC1, 2 3 and 4 separately would be more sensible. Either separately, or as PC1 & 2 combined as domestic with PC3 & 4 as non-domestic.
Cornwall Energy	No	No, we do not accept that the case for issuing data to this level of granularity has been made, either separately or combined.
Good Energy	No <i>(PC1&2 and PC3&4)</i>	We agree with the Workgroup's initial view that PCs 5-8 should be combined as these profile classes are viewed as a single market sector. For the same reason we consider that for reporting purposes PCs 1 & 2 should be combined (domestic sector) and PCs 3 & 4 should be combined (small non-domestic sector). This should not be construed as support for any of the potential solutions under consideration.
Opus Energy Limited	No <i>(PC1-4)</i>	Again, because the consultation seeks views on what would be the 'least bad' solution, whilst we do not accept that sufficient justification has been given for the proposal, we would agree that PCs 5-8 should be combined. We would favour that PC 1-4 are combined also, noting that not all PC 1-2 are

Respondent	Response	Rationale
		domestic.
Spark Energy	No	No, we do not accept that the case for issuing data to this level of granularity has been made, either separately or combined.
VuePoint Solutions	No	No, we do not agree that the justification for issuing data to this level of granularity has been adequately articulated and proven.
GDF SUEZ Energy UK	No	Please see response to Q3.
TMA Data Management Ltd	Yes	We agree that PC 5 to 8 should be combined for reporting and PC 1 to 4 should be reported separately.
SP Energy Retail Ltd	Yes <i>(or with PC1&2 and PC3&4)</i>	It seems sensible to keep PCs 5-8 combined as these customers are about to undergo a significant move from NHH to HH in near future. It may be that the work group may wish to look at the merits (if any) in combining PC1 & PC2 to provide an overall Domestic view and similarly combine PC3 & PC4 to provide an overall small business overview.
EnAppSys Ltd	No comment	We have no strong opinion either way on whether PCs 5-8 should be combined or not.
E.ON	Yes/No <i>(PC1&2 and PC3&4)</i>	We are not convinced of the merits of this proposal overall but any grouping by NHH Profile Class would be most informative if it split out PCs 1&2 from 3&4, on the basis that the former denote residential properties and the latter non-domestic.
Gazprom Marketing & Trading Retail Ltd	No	We don't believe it is justified for market share data to be broken down by profile class.
British Gas	Yes	We agree with the workgroups initial view that PCs 5-8 should be combined.
EDF Energy	Yes	<p>We assume this refers to the aggregation of import data in Profile Classes 5-8.</p> <p>Once P272 is implemented, the numbers of import meters and measured volume remaining in PC5-8 will be small (residual difficult to access/customer objection, unmetered supply, de-energised sites). Aggregating meters in PC5-8 could reduce data volumes, and reduce the opportunity for individual customers to be identified.</p> <p>The proposal describes (at least for solution (a)) aggregation of all NHH export. There is a</p>

Respondent	Response	Rationale
		concentration of NHH export in PC8.

Question 5: Please indicate your order of preference for the potential P315 solutions and confirm your view on whether each is better than the existing baseline arrangements.

1. Monthly summary (high level granularity)
2. Monthly and daily summaries (high and medium levels granularity)
3. Monthly and Half Hourly summaries (high and low levels granularity)
4. Monthly and Half Hourly & SSC/TPR summaries (high and lowest levels granularity)

Summary

Option 1 only	Option order: 1, 2, 3, 4	Option order: 3, 2, 1, 4	Option 4 only	None
4	7	1	1	2

Responses

Respondent	Response	Rationale
SmartestEnergy	1-4	<p>Our order of preference would be in the same order as presented above.</p> <p>They all equally meet the BSC objectives.</p> <p>They are all better than the existing baseline arrangements although implementation of options 2-4 without option 1 could be considered to add no additional transparency for parties who do not have the ability/resources to analyse the data.</p>
Power Data Associates Ltd	1	Support the high level summary.
Cornwall Energy	1	We do not accept that any of the solutions are better than the existing baseline; the "least bad" solution in this case is the highest level of granularity as set out in 1).
Good Energy	1	<p>At present we do not believe any of the potential P315 solutions is better than the existing baseline arrangements for the reasons given in response to Question 1.</p> <p>In the absence of any cost benefit being undertaken by the workgroup for any of the options, we are left with 'cost' as being the sole basis on which to rank the options. Hence, although we do not at present support any of the options, we view potential P315 solution 1 as being 'least bad' as it appears likely to be the cheapest solution.</p>
Opus Energy	1-4	Although we do not believe that a change from the

Respondent	Response	Rationale
Limited		existing set-up is justified, the 'least bad' solution hierarchy would be from highest level of granularity down to lowest level of granularity (i.e. 1, 2, 3, 4).
Spark Energy	N.A	We do not accept that any of the solutions are better than the existing baseline and therefore do not wish to provide any order of preference.
VuePoint Solutions	4	As stated above if this is justified then Level 4 is the only solution that totally meets the stated aims.
GDF SUEZ Energy UK	1	Again, we do not support that the existing baseline arrangements are insufficient. However, as instructed the 'least bad' solution would have to be Option 1. as this is the highest level of data granularity available.
TMA Data Management Ltd	1-4	Our order of preference is as follow: 1-Monthly Summary as it provides the widest access to the data as well as have the lowest cost impact. It provides the required level of granularity without drowning the recipient in information. It delivers exactly what P315 sets out to do, which is to improve transparency. Transparency would not be helped by adding complexity to the information available nor would it benefit from limiting access to the data by using the Elexon Portal. 2-3-4 on one level
SP Energy Retail Ltd	1-4	We believe that there should be a combination of solutions and that Option 1 should be the base solution which must be included with any of the other proposed three solutions. Given that we have already stated that Option 1 better meets the Applicable BSC Objective (c) then we believe any combination will also have a similar response. Our preferences are Option 1 and Option 2 (with corrected and uncorrected data) then Option 1 and Option 3. We do not support Option 4 as we cannot see the rationale in having information at SSC/TPR level as this could potentially require a significant IT investment to elicit any meaningful information.
EnAppSys Ltd	3,2,1,4	EnAppSys's preferred option is solution 3, Monthly, Daily and HH data by ACCC. Our order of preference is 3, 2, 1, 4.

Respondent	Response	Rationale
		<p>We believe that going down to the level of publishing all suppliers D0030, D0018, D0081, D0082, etc flows would just be too much information to be effectively useable although we admire the chutzpah of anyone wishing to take on this challenge.</p> <p>With reference to specific objectives for our preferred option solution 3 and repeating our response to question 1 to a certain extent:</p> <p>Objective (b) The economic and co-ordinated operation of the National Electricity Transmission System:</p> <p>Currently there is a lot of embedded generation, either intermittent renewables or small fossil fuel plant inside SVA. More SVA generation is coming as a result of the capacity mechanism. This generation offsets against demand at the GSP and affects the wholesale market by changing the grid level generation requirement and the wholesale price. By breaking out the AE contribution to the GSP Group requirement from SVA metering, the Transmission Company and other interested players in the market will have more information to aid their understanding of the operation of embedded generation on the system and market as it influences price and balancing.</p> <p>We believe this is only effectively met by solution option 3.</p> <p>Objective (c) Promoting Effective Competition:</p> <p>With increased information on market share you can expect competition will be more efficient as there is better transparency.</p> <p>We believe that solution option 1 or 2 meets this need with little value added by option 3 or 4.</p> <p>Objective (d) Promoting Efficiency in the Implementation of the Balancing and Settlement Arrangements</p> <p>With visibility on each other's position in SVA settlement there is an improvement in overall settlement performance.</p> <p>We believe this is only met by solution option 3.</p>
E.ON	1-4	Probably 1-4 in that order, we have no particular preference for any of the options outlined and while the cost differences are not too great are not

Respondent	Response	Rationale
		convinced that the more detailed level information would actually be helpful. Consequently our preference if this proposal were implemented is for the most user-friendly option 1. To go as far as half-hourly summaries would seem excessive and it would not support Objective D to produce very large/frequent amounts of data unless this would clearly add value. In trying to be transparent this could actually swamp smaller parties; it would be unfortunate if in attempting to aid competition the volume of information produced was actually unhelpful to those who might lack resources to analyse it, or, as some suggested in the Impact Assessment, have to consider paying consultants to do so. Consequently the more detailed solutions could be detrimental not beneficial under Objective C.
Gazprom Marketing & Trading Retail Ltd	N.A	<p>We are not in support of any of the solutions presented. In addition to our concerns around the data potentially being commercially sensitive, we believe the granularity and volume of data may be less manageable for smaller parties, with less resource, to review should they wish to.</p> <p>In addition, some of the options will lead to DTN or other system changes for a “non-essential” change. There are significant and essential system changes underway in the industry across both gas and electricity. We believe changes requiring system changes should be minimised where the benefits are not proven.</p>
British Gas	1-4	<p>Our preference in order is:</p> <p>Option 1</p> <p>Option 2</p> <p>Option 3</p> <p>Option 4</p> <p>This is in order of ‘least bad’. We believe the more granular the data becomes the more commercially sensitive the information is.</p>
EDF Energy	1-4	See responses to questions 1 and 3. Preference order 1,2,3,4. Increasing complexity and hence total implementation and operational cost acts against the net benefit for the proposal. While there may be competitive benefits in solutions 2-4, no firm evidence or estimates of materiality have been provided, and we prefer the simplest solution,

Respondent	Response	Rationale
		a or 1, for the central arrangements to deliver and for participants to use.

Question 6: Are there any data items or other aspects of the potential P315 solutions that you believe are commercial sensitive and therefore should not be part of the P315 Modification Solution?

Summary

Yes	No	Neutral/No Comment	Other
9	4	1	1

Responses

Respondent	Response	Comments
SmartestEnergy	No	N.A
Power Data Associates Ltd	No	N.A
Cornwall Energy	Yes	Please see our answer to Question 1. We do not accept the proposal's assumption that increasing the data made available from the current baseline as proposed is appropriate and therefore that there is a supplementary issue about which data items might be excluded from this.
Good Energy	Yes	We are concerned that the options having a lower level of granularity of data might allow individual generation sites to be identified thereby jeopardising both commercial confidentiality and data protection. This is most likely to arise in the case of potential solution 4 because individual SSCs can be unique to individual MPANs or groups of MPANs associated with a single customer. Hence we are strongly opposed to data being published at a SSC/TPR level.
Opus Energy Limited	Yes	We do not believe that sufficient justification has been given for this proposal or that the additional split by PC is appropriate; this information is commercially sensitive and hence should not be made publically available but should remain confidential.
Spark Energy	Yes	Please see our answer to Question 1. We do not accept the proposal's assumption that increasing the data made available from the current baseline as proposed is appropriate and therefore that there is a supplementary issue about which data items might be excluded from this.
VuePoint Solutions	Yes	See previous answers
GDF SUEZ Energy	Yes	It is believed that P315 as a whole potentially

Respondent	Response	Comments
UK		exposes commercially sensitive data, therefore creating any additional data items would only exacerbate the initial issue.
TMA Data Management Ltd	No comment	N.A
SP Energy Retail Ltd	No	N.A
EnAppSys Ltd	No	N.A
E.ON	Yes and No	Market share is commercially sensitive even at the aggregate level which Ofgem occasionally publish; the more granular an individual Supplier's market data, the more commercially sensitive. For instance, "a Supplier losing market share in one particular GSP Group but gaining market share in another, causing only a small net change in total market share." This is commercially sensitive data that could highlight a company's specific business plan. However, so long as all Suppliers' data is shared, no one party should be at a commercial disadvantage from the disclosure.
Gazprom Marketing & Trading Retail Ltd	Yes	We believe the proposed data items when provided together (e.g. profile class, GSP region, day, HH) are at a too granular level and may be considered commercially sensitive. Therefore, our preference (should any option be progressed) is for less granular data to be published i.e. at a national, supplier level on a quarterly basis.
British Gas	Yes	<p>We believe providing regular GSP level data by the 13 ACCC's type is commercially sensitive.</p> <p>The highest level of granularity proposed (monthly data) over time will show market trends that will eventually influence the actions of other parties in the industry.</p> <p>MPAN and MWh values could reveal valuable areas and encourage 'cherry picking'. We believe that the more granular the data is the greater risk there is to competition.</p> <p>This could result in parties deciding not to participate in areas or products due to a competitor's involvement.</p>
EDF Energy	Yes	Very fine granularity of published data might in some circumstances allow the interval energy and time-profile for some individual customers to be identified. Although this would be no different to

Respondent	Response	Comments
		the current situation for transmission connected CVA registered customers, whose half-hourly data has been published since NETA began, there could be customer sensitivities.

Question 7: Do you have any further comments on P315?

Summary

Yes	No
9	6

Responses

Respondent	Response	Comments
SmartestEnergy	No	N.A
Power Data Associates Ltd	No	N.A
Cornwall Energy	Yes	<p>The assessment consultation omits the following key information:</p> <ul style="list-style-type: none"> ▪ what is the defect the modification is seeking to address; ▪ differences between the current baseline and the proposed solutions, and why additional information release conforms with the CMA policies; ▪ a clear narrative description of the considerable information already available through the existing SAA-IO142, DO276 and ECOES sources; and ▪ any reference to the impact assessment consultation responses that raise concerns over the modification. In this context: <ul style="list-style-type: none"> – four of the ten respondents to the impact assessment stated that the case for change had not yet been made; and – we are particularly concerned that the report does even flag the comments by one respondent about possible Competition Act concerns. <p>We invite the modification group to comment specifically on the following four statements:</p> <ul style="list-style-type: none"> ▪ RWE npower said: "At this stage we are not supportive of this Modification. We would be interested to learn if there is interest from other Suppliers to share such information at this level of granularity and its intent, and understand if there are any question marks over the sharing of such information under Competition Law"; ▪ Opus Energy said: "We do not agree with

Respondent	Response	Comments
		<p>the proposer’s reasons for raising this modification. There is no real justification provided, only a loose reason citing improved competition. We do not agree that there is justification for the information to be published and would add that with the current unprecedented level of industry change, we do not believe that any potential benefits would exceed the costs associated with the development of this change”;</p> <ul style="list-style-type: none"> • GDF SUEZ Energy UK said: “We are not convinced that the proposed MOD meets BSC objectives. As a result we would question any decision to continue the progression of this proposal given the significant amount of industry changes currently being implemented at this time. Given that the intended outcome is to encourage the level of market penetration of smaller suppliers within the energy sector, it remains our view that the likely impact and costs involved in building a new system solution to interrogate the additional data would have a detrimental impact on small suppliers, rather than a beneficial one”; and • EON.UK said: “We are not convinced of the merit of P315 in furthering any of the BSC Objectives. We support greater visibility of embedded generation which would provide a clearer picture of the true level of electricity demand, gross of the ‘negative demand’ provided by embedded production. However the Proposer has not provided convincing arguments as to why this particular modification to publish Supplier data might be necessary either for reconciliation or to aid competition.” <p>Of course Cornwall Energy is one of the third parties that performs surveys to establish market share and sell this information to industry stakeholders. Given the concerns that we have heard from a range of smaller suppliers who are concerned about the competitive disadvantage they will be exposed to through visibility of their trading positions and gains and losses they experience to their businesses, we registered to be working group members.</p> <p>On balance because of the commercial interest we have in this matter we decided not to participate directly in the group’s deliberations.</p> <p>We note, however, that consultants who sell data services are on the group and are actively</p>

Respondent	Response	Comments
		participating in its assessment. We would question how they can act independently given their clear commercial interest.
Good Energy	No	N.A
Opus Energy Limited	Yes	As referenced in our comments above, we are not supportive of this proposal, but as recommended have commented on the solution which we consider 'least bad'. Any option would impact us directly from a resource position, and at a time of unprecedented level of industry change, because if commercially confidential information regarding our Gross Supplier Market Share was published we would wish to carry out validity checks of the reported data. Our least favoured option would be for the use of a Data Flow which would have associated implementation costs.
Spark Energy	Yes	<p>The assessment consultation omits the following key information:</p> <ul style="list-style-type: none"> ▪ what is the defect the modification is seeking to address; ▪ differences between the current baseline and the proposed solutions, and why additional information release confirms with the CMA policies; ▪ a clear narrative description of the considerable information already available through the existing SAA-IO142, DO276 and ECOES sources; and ▪ any reference to the impact assessment consultation responses that raise concerns over the modification. In this context: <ul style="list-style-type: none"> – four of the ten respondents to the impact assessment stated that the case for change had not yet been made; and – we are particularly concerned that the report does even flag the comments by one respondent about possible Competition Act concerns. <p>We invite the modification group to comment specifically on the following four statements:</p> <ul style="list-style-type: none"> ▪ RWE npower said: "At this stage we are not supportive of this Modification. We would be interested to learn if there is interest from other Suppliers to share such information at this level of granularity and its intent, and understand if there are any question marks over the sharing of such

Respondent	Response	Comments
		<p>information under Competition Law”;</p> <ul style="list-style-type: none"> Opus Energy said: “We do not agree with the proposer’s reasons for raising this modification. There is no real justification provided, only a loose reason citing improved competition. We do not agree that there is justification for the information to be published and would add that with the current unprecedented level of industry change, we do not believe that any potential benefits would exceed the costs associated with the development of this change”; GDF SUEZ Energy UK said: “We are not convinced that the proposed MOD meets BSC objectives. As a result we would question any decision to continue the progression of this proposal given the significant amount of industry changes currently being implemented at this time. Given that the intended outcome is to encourage the level of market penetration of smaller suppliers within the energy sector, it remains our view that the likely impact and costs involved in building a new system solution to interrogate the additional data would have a detrimental impact on small suppliers, rather than a beneficial one”; and EON.UK said: “We are not convinced of the merit of P315 in furthering any of the BSC Objectives. We support greater visibility of embedded generation which would provide a clearer picture of the true level of electricity demand, gross of the ‘negative demand’ provided by embedded production. However the Proposer has not provided convincing arguments as to why this particular modification to publish Supplier data might be necessary either for reconciliation or to aid competition.”
VuePoint Solutions	Yes	<p>The assessment consultation omits to provide compelling evidence or argument for making this change. It also fails to address comments and concerns raised by other parties.</p> <p>We also understand that parties that sell data services are on the group and are actively participating in its assessment. Given their obvious commercial interest, we do not believe they can they provide impartial assessment thus tainting the process.</p>
GDF SUEZ Energy	Yes	<p>It causes great concern that this modification is asserted to be beneficial to increasing competition</p>

Respondent	Response	Comments
		<p>within the market place.</p> <p>There is no real evidence that has been provided, which would call into question that the existing arrangements are insufficient. This is evidenced that this modification has only been raised by a single supplier and has never been raised as an issue prior to this, or substantiated by any other market participant.</p> <p>Although there may be additional costs required by suppliers if they want access to additional market information sources, including third party information, these financials have not been made evident within the consultation, nor have these costs been compared to the additional costs that would be incurred to facilitate the necessary system changes that would be required to facilitate P315.</p> <p>These additional costs, along with the existing regulatory changes identified in the response to Q2. would have a greater impact amongst smaller suppliers who have much more limited resources compared to larger market participants. Indeed, this modification has the potential to create the opposite intended affect and actually strengthen the position of the Big 6, who have far greater resources from both a financial and resource point of view.</p>
TMA Data Management Ltd	No	N.A
SP Energy Retail Ltd	No	N.A
EnAppSys Ltd	Yes	Currently, the visibility of data in the CVA space is near enough complete. There is an asymmetry on the SVA side in that the data is opaque. This modification opens up the SVA data to allow more effective analysis of this market. By exposing generation data that is currently netted off demand in the GSP group the market has much better visibility of this increasingly important contribution to the generation mix.
E.ON	No	N.A
Gazprom Marketing & Trading Retail Ltd	Yes	Our preference would be for less granular data to be published on a quarterly basis as outlined in Question 6.
British Gas	Yes	We believe the modification is at risk of being in breach of European competition principles. Referring to the European Commission journal

Respondent	Response	Comments
		<p>(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C:2011:011:FULL&from=EN) we understand that full transparency might lead to collusion (whether intended or not). This could be through avoiding competitive elements of the market rather than improving services to win competition.</p> <p>The data proposed in option 4 will not be available for use by all parties without additional resource. The workgroup have stated that making use of this data is a decision for each party to make; if a party does not want to use it then they do not have to. Some parties might find that they cannot make use of it. This could lead to different levels of transparency in the market.</p> <p>We believe that the benefit of having this data published has not been quantified. The cost to implementing and making use of the information will not warrant the change.</p> <p>The information will not improve Supplier Settlement Performance as it is information already received by Suppliers through weekly performance reports, provided by Elexon. Knowing other party's Market Share will not improve this.</p>
EDF Energy	Yes	<p>We note that:</p> <ul style="list-style-type: none"> the data to be reported would be corrected data only, not actual connection level metered data as generally used for Billing/RO/FITS/DUoS purposes. data based on a months worth of SF data would be published approximately a month after the month ends. some changes to registrations and meter data may occur after SF as a result of ongoing meter reads and other data revisions and adjustments. Data based on SF would not exactly represent the eventual energy allocated between different suppliers.