An Coimisiún um Rialáil Fóntas

Commission for Regulation of Utilities

Electricity and Gas Suppliers' Handbook 2022

Decision Paper

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CRU Mission Statement

The CRU's mission is to protect the public interest in Water, Energy and Energy Safety.

The CRU is guided by four strategic priorities that sit alongside the core activities we undertake to deliver on the public interest. These are:

Deliver sustainable low-carbon solutions with well-regulated markets and networks

Ensure compliance and accountability through best regulatory practice

Develop effective communications to support customers and the regulatory process

Foster and maintain a high-performance culture and organisation to achieve our vision

Further information on the CRU's role and relevant legislation can be found on the CRU's website at www.cru.ie

Customer Impact Statement

The Electricity and Gas Suppliers' Handbook sets out the minimum levels of service that licensed energy suppliers are required to provide in their dealings with energy customers. This paper outlines the CRU's decision relating to new requirements consulted on in 2021. These are summarised below:

- The introduction of additional requirements relating to Smart Pay-As-You-Go (PAYG). This includes the introduction of a new Code of Practice for Smart PAYG which applies to household customers.
- Editorial changes to include the specific Irish Standard relating to the principles of Universal Design; and
- Editorial changes relating to the CRU's review of how it approves suppliers Codes of Practice, Customer Charters, standard Terms and Conditions and sample bills.

Smart meters are the next generation of energy meters, replacing older analogue meters which, when fully operational, will deliver benefits for customers, the environment, and the economy. The National Smart Metering Programme (NSMP) involves the nation-wide replacement of over two million gas and electricity meters over a six-year period. The smart meter upgrade will transform how energy consumption is measured, managed, and paid for.

Smart PAYG is a model of prepayment that will provide customers with ESB Networks smart meters the opportunity to pay up-front for their energy without the need for an additional meter or device in the home. The deployment of smart meters and the introduction of smart services is following a phased approach and Smart PAYG functionality is planned to go live at the end of Phase 2.

Executive Summary

The CRU conducted a review of the Electricity and Gas Supplier's Handbook to ensure that the relevant customer focused requirements for Smart-Pay-As-You-Go (PAYG) functionality on Smart Meters are incorporated into the Handbook. Smart PAYG is a prepayment service that will be enabled by the smart meters deployed by ESB Networks (ESBN). It is an additional 'smart service' for customers who have an ESB Networks smart meter.

The Supplier's Handbook comprises of individual Codes of Practice which cover all key areas of the customer/supplier interaction, such as, marketing and advertising, billing, disconnections, smart services and vulnerable customers. These rules are in place to ensure that customers enjoy a high standard of protection when interacting with energy suppliers.

In 2021, the CRU published a policy decision in relation to Smart PAYG CRU/21/109. The primary focus of the Handbook review was to ensure that this policy decision along with other relevant smart metering related policy decisions[1] were incorporated into the Handbook in time for Smart PAYG 'go-live' at the end of Phase 2 of the smart meter upgrade. This will provide clarity for energy customers, suppliers and potential new entrants to the market in terms of the provision of Smart PAYG.

This decision paper summarises the responses to the public consultation and sets out new requirements and editorial changes that have been included as part of the Smart PAYG review of the Handbook. This includes the addition of a new Code of Practice on Smart Pay-As-You-Go Metering.

The CRU received twelve responses to the consultation. The CRU has considered these responses and at a high-level the key areas of the decision are as follows:

[1] CER15/271 and CER14/046

- The introduction of additional requirements relating to the Smart PAYG Policy Decisions CRU 21/109, CER 15/271 and CER14/046.
- Editorial changes to include the specific Irish Standard relating to the principles of Universal Design;
- Editorial changes relating to the CRU's review of how it approves suppliers Codes of Practice, Customer Charters, standard Terms and Conditions and sample bills; and
- The introduction of a customer numbers threshold for offering PAYG services in line with CRU's Smart PAYG Policy decision (CRU/21/109). In accordance with the decision and having examined the customer numbers across the electricity market, the CRU has decided on a threshold of 20,000 customers above which suppliers must provide a financial hardship PAYG service. The customers of suppliers who do not provide PAYG services will, according to the revised Handbook, be advised on sign up that the supplier does not offer prepayment services and that if the customer gets into financial hardship, they will need to switch to another supplier to avail of a hardship prepayment service.

The implementation date for all the requirements in the Handbook is within one year of the final decision on the Handbook (i.e. Version 4.1 June 2022) except for the Code of Practice on Smart Pay-As-You-Go which must be implemented in advance of Version 14 go-live at the end of Phase 2 of the National Smart Metering Programme.

In total there are twenty-one new Handbook requirements relating to household customers. The revised requirements in the Handbook are detailed in this paper and in addition, a clean version of Suppliers' Handbook, has been published alongside this paper.

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1. Introduction

1.1 Background

The Commission for Regulation of Utilities (CRU) is the independent body responsible for overseeing the regulation of electricity and gas sectors in Ireland. The CRU has a legislative obligation to protect the interest of energy customers and promote competition in retail energy markets.

Under its legal mandate, the CRU is responsible for implementing energy specific customer protection measures. This has been done to date through the development of requirements and guidelines for energy suppliers and network companies, reflected in several documents including Standard Terms and Conditions of Supply, Codes of Practice and Customer Charters, as detailed in the Suppliers' Handbook, gas and electricity supply licenses and market design rules.

The Suppliers' Handbook sets out minimum service requirements that suppliers must adhere to in their dealings with energy customers. It sets out the requirements for Codes of Practice which cover all key areas of customer/supplier interaction, such as, marketing and advertising, billing, disconnection, smart services and vulnerable customers. These rules are in place to ensure that customers enjoy a high standard of protection when interacting with energy suppliers.

1.2 Purpose of this Paper

This paper sets out the CRU decision on the introduction of additional requirements to the Handbook which stemmed from the CRU decision on Smart PAYG Policy CRU 21/109 and CER 15/271. The CRU received twelve responses to the consultation. This decision paper summaries the responses received to the consultation and sets out the CRU decision on these requirements. These requirements will ensure that the relevant customer focused requirements for Smart PAYG functionality on smart meters are incorporated into the Handbook.

1.3 Related Documents

By way of background to this decision paper, the following list of documents is of relevance:

- **CRU21122a** – Electricity and Gas Suppliers Handbook 2021 – Consultation Paper.
- **CRU21122b** – Electricity and Gas Suppliers' Handbook 2021 (tracked change version)
- **CRU21109** - CRU Decision on Smart Meter Upgrade – Smart PAYG Policy
- **CER15/271** – CER National Smart Metering Programme Rolling out New Services – Smart Pay-As-You-Go.
- **CER 14/046**– CER National Smart Metering Programme High Level Design.

Information on the CRU's role and relevant legislation can be found on the CRU's website at www.cru.ie

1.4 Relevant Legislation

- Electricity Regulation Act 1999 as amended
- Gas (Interim) (Regulation) Act 2002 as amended

1.5 Responses Received

Category of Response	Respondents
Supplier	Electric Ireland, Prepay Power, SSE Airtricity, Energia, Bord Gáis Energy, Iberdrola, Panda Power, Bright, Oak Hall
Consumer Representative	Society of Saint Vincent de Paul, The Centre for Excellence in Universal Design
Other	Energy Association of Ireland

2. Code of Practice on Smart Pay-As-You-Go Services

In the public consultation published in October 2021, the CRU asked for respondent's views on the new requirements and editorial changes to the Suppliers' Handbook. The consultation comprised of three questions for respondents to provide their feedback on. The following section sets out an overview of the responses received to the consultation along with the CRU response and decision. Any text added as part of the consultation paper is retained in blue font and italics. Any new changes or amendments made to the text as part of the CRU's decision is included in red font and italics.

Consultation Question 1: Do you think the inclusions for the Smart PAYG code of practice are appropriate and sufficient. If not, please detail what inclusions you believe should be made and why.

2.1 Smart Pay-As-You-Go Services

No.	Section	Requirement
1	9.1.1	*These guidelines apply to suppliers providing Smart Pay as you Go services.*

Summary of Responses Received

There were a number of responses and queries from respondents regarding requirements set out in previous CRU policy decisions particularly CER/15/271 and whether or not they still apply. A number of respondents agreed with the inclusion of a separate Code of Practice for Smart PAYG.

One respondent requested that a reference to specific policy papers leading to the Handbook is included therein.

One respondent requested that a debt flag with a specific PAYG identifier is delivered as part of the Version 14 market design.

CRU Comments and Decision

In response to the query regarding the requirements set out in CER 15/271 the CRU confirms that this policy remains in place and is therefore applicable. The CRU has included additional text in the Handbook to incorporate the customer focused requirements from this policy decision. In response to the request to include a debt flag with a specific PAYG identifier, this has already been dealt with and it has been decided that no PAYG identifier will be delivered as part of the Version 14 market design. Furthermore, this issue was also addressed in CRU21109 Smart PAYG Policy Decision, under 2.1 *Requirement to Provide Smart PAYG Services* it states that "*Suppliers who do not provide PAYG services are currently unable to disconnect non-engaging customers who are in debt. From the end of phase 2 of the National Smart Metering Programme these suppliers will be required to advise financial hardship customers that a prepayment option may be best for them. If the customer decides to switch to a supplier who provides a PAYG service, the losing supplier will retain the debt and they will not be permitted to raise a debt flag".*

The CRU has reviewed all responses and has decided to implement this requirement as consulted on.

No.	Section	Requirement
2	9	*Smart Pay-As-You-Go is a prepayment service that will be enabled by the smart meters deployed by ESB Networks. It is an additional 'smart service' for customers who have an ESB Networks smart meter.*

3	9.1.2	*Suppliers must have in place a code of practice setting out their processes in relation to the provision of smart Pay As You Go services*

Summary of Responses Received

A number of respondents stated their preference for all Smart PAYG requirements to be included in the Handbook so there is a single comprehensive source of information for suppliers.

There was also an ask for CRU to review all previous decisions and integrate all applicable requirements into the Handbook so suppliers have full clarity on the extent of the PAYG service that must be developed.

Two respondents supported a bespoke Smart PAYG Code of Practice on the grounds it's necessary as the associated processes differ greatly to those related to the existing ESB Networks keypad meter solution and it would only be applicable to suppliers offering Smart PAYG products via the Central Markets Systems (CMS).

One respondent stated it would be useful if this section included a sentence which allows suppliers to cover off both smart and non-smart electricity requirements in a single PAYG Code of Practice.

One respondent asked for a definition of Smart PAYG metering to be included as it needs to be clarified that requirements of Section 9 only apply to ESB Networks Smart PAYG meters and not downstream lifestyle SPAYG meters which currently exist in the market.

One comment stated the importance of a clear distinction being made in the consultation decision and in the Handbook which sets out the standards of performance that suppliers must comply with when providing customers with a smart PAYG service via ESB Networks smart meter. They said the customer requirements for National Smart Metering Programme PAYG, as outlined in the draft Section 9 Code of Practice on Smart PAYG metering, such as customer messaging, reconnection and disconnection, do not apply to the smart PAYG meters installed directly by suppliers as customers control their own disconnection and reconnection on their meters.

CRU Response and Decision

In response to the suggestion of the inclusion of a sentence which allows suppliers to cover off both smart and non-smart requirements in a single PAYG Code of Practice, the CRU has included revised text in Section 9 of the Handbook to take account of this.

In response to the comment requesting the definition of Smart PAYG metering is included to provide clarity that the requirements of Section 9 only apply to ESB Networks Smart PAYG meters, the CRU has decided to add additional text to Section 9 of the Supplier's Handbook, in accordance with CRU21/109, to provide clarity regarding what is meant by a smart meter and to which meters the Handbook refers to when referencing Smart PAYG services. This new text is also outlined in red above.

The CRU has reviewed all responses and has decided to implement this requirement as consulted on.

No.	Section	Requirement
4	9.1.3	*Electricity suppliers with domestic customer numbers above the threshold of 20,000 must provide a Pay-As-You-Go service*

CRU Response and Decision

As set out in the CRU Smart PAYG Policy Decision in September 2021 (CRU21/109) the CRU made a decision that new suppliers entering the market as well as suppliers currently in the market with customer numbers below a certain threshold would not be required to provide PAYG services i.e. a prepayment option for customers in financial hardship. Operating a hardship PAYG service in the Irish market requires financial investment by suppliers with third party operators in the energy market, which could disproportionately impact small suppliers as it involves a significant upfront cost. This decision was made in the context that the Commission considers it appropriate to recognise the diversification of supply activities in the Irish market which has crystalised over the past few years.

As part of the public consultation the CRU received comments regarding the threshold level. The CRU has reviewed these comments and has considered a number of variables regarding the threshold level, including, the customer numbers across the electricity market, the market share and the suppliers that currently have a derogation for providing PAYG services. The CRU also considered suppliers with less than one percent of the market share. The CRU has decided that a threshold of 20,000 customers is introduced, above which suppliers must provide a hardship PAYG service for customers in financial hardship. The threshold figure was selected based on the review of the aforementioned variables.

The customers of suppliers who do not provide PAYG services will be advised on sign up that the supplier does not offer prepayment services and that if the customer gets into financial hardship, they will need to switch to another supplier to avail of a hardship prepayment service.

In accordance with Smart PAYG policy 21/109 “*Suppliers who do not provide PAYG services are currently unable to disconnect non-engaging customers who are in debt. From the end of phase 2 of the National Smart Metering Programme, these suppliers will be required to advise financial hardship customers that a prepayment option may be best for them. If the customer decides to switch to a supplier who provides a PAYG service, the losing supplier will retain the debt and they will not be permitted to raise a debt flag. This means that a supplier who chooses not to* *invest in PAYG services will have to absorb the debt and from the end of phase 2 of the National Smart Metering Programme, cannot charge a termination fee if the customer chooses to leave while 'in contract'. The customer can also choose not to switch to a hardship prepayment solution with another provider. In this case, the supplier can offer a payment plan for the debt. If this is not fulfilled by the customer and the customer is not engaging with the supplier, from the end of phase 2 of the National Smart Metering Programme, the supplier can initiate a disconnection in line with the existing policy and process*".

2.2 Prepayment Hardship Services

No.	Section	Requirement
5	9.2.1	*Suppliers who do not provide hardship[13] prepayment services, must explain to their customers at sign-up, that if the customer gets into financial hardship that they will need to switch to another supplier to avail of a hardship prepayment service.* *[13] Customers with debt outstanding for more than 6 months and above €700 should be considered eligible for an ESBN keypad meter/PAYG meter.*

Summary of Responses Received

Many of the respondents do not agree with the inclusion of a definition for financial hardship. Several respondents stated they don't support the inclusion of the definition as it has not existed in the market to date, and they believe suppliers should have more flexibility in terms of how they assess the most suitable options for customers.

One respondent commented that the financial hardship definition doesn't align with other requirements in the Handbook to assess the individual needs of consumers as regards debt e.g. requirement 5.3.3, *A supplier should take account of the customer's ability to pay when agreeing any repayment arrangement, by credit or prepayment meter and confirm with the customer that arrangements are manageable.*

CRU Response and Decision

The CRU has reviewed all responses and notes this definition of financial hardship has been in place since 2010. Decision Paper CER/10/203 *Guidelines for Budget Controllers*, provides a definition for customers in financial hardship as follows:

"*A customer is taken to be in genuine financial hardship if they are unable to make payments against their bills without assistance and are finding themselves in constant arrears. In order to*

identify customers who need these meters suppliers are expected to work with MABS and St. Vincent DePaul who are best placed to identify individuals in need of this level of assistance."
Furthermore, the CRU accepted a proposal that *"customers with debt outstanding for more than 6 months and above a value of €700 should be considered eligible for a budget controller*". The Smart Meter Upgrade Consultation on Smart PAYG, also references this requirement and definition.
The CRU accepts that financial hardship can be experienced at different levels and encourage suppliers who see signs of financial hardship to continue to work with customers as they currently do. The financial hardship definition in place since 2010 does not inhibit suppliers from taking the circumstances of their customers into account when managing debt.
In response to the comment that this definition does not align with Section 5.3.3 of the Handbook which states *"A supplier should take account of the customer's ability to pay when agreeing any repayment arrangement, by credit or prepayment meter and confirm with the customer that arrangements are manageable"* the CRU is of the view that the definition of financial hardship provided in requirement 9.2.1 above further protects customers as it ensures that no supplier allows a customer to go beyond the €700 debt limit without being considered to be in financial hardship.
The CRU has decided to implement this requirement as consulted on.

No.	Section	Requirement
6	9.2.2	*Suppliers who do not offer hardship prepayment services, must advise financial hardship customers that a prepayment option may be best for them. Where a customer chooses to switch to a hardship prepayment solution with another supplier, the current supplier cannot charge a termination fee if the customer is still "in contract". Where a customer chooses not to switch to a hardship prepayment solution with another supplier, the customer should be offered a payment plan for the debt.*

Summary of Responses Received

Two respondents suggested amending the wording to the requirement to provide clarity regarding customers entitlement to access a financial hardship prepayment service and their entitlement to change supplier to avail of this service without incurring any exit fees.

One respondent suggested an official market process exists for the transfer of a customer who cannot be facilitated with a PAYG hardship solution. They said it is important to inform incoming suppliers the customer has accumulated debt and may need assistance to ensure no further debt is built up.

Two respondents asked the CRU to provide clarity on the process and steps to follow if a customer chooses not to switch to PAYG.

One respondent recommended the payment plan that's offered must offer an equivalent financial outcome for the customer i.e. the customer should not be faced with a payment plan that recoups money at a rate higher than would be levied by a prepayment meter for example when debt on a prepayment meter is taken at 25% of usage, the prepayment plan offered in this instance shouldn't be more financially onerous than 25% of estimated usage.

One respondent suggested clarity is provided around whether, the PAYG solution would only be presented in applicable situations where the customer would be eligible for an ESB keypad/PAYG meter if they switched, i.e. relevant debt levels where PAYG providers currently present it as an option.

One respondent commented that the current drafting of requirement 9.2.2 suggests quite a different approach to existing requirements under Section 5 *Disconnections & Payment Plans* and suggested the proposed text in 9.2.2 should state that the requirements set out in 5.2.2 in the Code of Practice on Disconnections apply. They commented that customers should be presented with all options open to them so they can make an informed choice based on their personal circumstances, they don't agree that PAYG is the optimal choice for all customers in difficulty.

CRU Response and Decision

The CRU has reviewed the responses and has decided to include additional text outlined in red above, to clarify that termination fees cannot be charged if a customer chooses to leave while in contract.

In response to the requests for an official market process for the transfer of a customer who cannot be facilitated with a PAYG hardship solution and for clarity on the steps if a customer chooses not to switch to PAYG, the CRU can confirm, as the requirement states, the customer should be offered a payment plan for the debt.

In response to the comment that the recommended payment plan offered must offer an equivalent financial outcome for the customer and they should not be faced with a payment plan that recoups money at a rate higher than would be levied by a prepayment meter, this is outlined in section 5.3.3 of the Handbook which states *A supplier should take account of the customer's ability to pay* *when agreeing any repayment arrangement, by credit or prepayment meter and confirm with the customer that arrangements are manageable*.

In response to the comment recommending the proposed text in 9.2.2 should state that the requirements set out in 5.2.2 in the Code of Practice on Disconnections apply and in situations where the supplier doesn't provide hardship PAYG services they must advise the customer of their options. The CRU confirms that the requirements under 5.2.2 continue to apply in the case where a supplier doesn't offer a PAYG service. The CRU has included additional text at the start of Section 9 and in Section 5.5.1 iv of the Handbook, to provide clarity that these requirements continue to apply. Section 5.5.1 iv states *"In the case where the supplier does not offer a hardship PAYG solution, the supplier must advise the customer of their options. Suppliers are required to advise financial hardship customers that a pre-payment option may be best for them or offer them a payment plan for the debt".*

In response to the comment that a PAYG service is not the optimal choice for customers in financial difficulty, the CRU confirms the intention is to ensure that suppliers who do not offer a hardship PAYG service, provide customers in need of this service, with the information that the option to move to another supplier who can offer them this service is open to them, as customer choice is key. The CRU is not of the view that PAYG is the optimal option, however PAYG is a debt management solution that assists some customers.

No.	Section	Requirement
7	9.2.3	*Where a financial hardship customer decides not to share their half hourly data for smart PAYG, or where a suitable Communications Technically Feasible (CTF) is currently not available, suppliers must ensure that these customers can avail of a debt management solution via a payment plan. In addition, suppliers must explain to the customer that they can request an ESBN keypad meter / PAYG meter, free of charge, which operates without half hourly data.* *Suppliers must also advise customers that they have the option to avail of a smart PAYG service in the future if they choose i.e. where a suitable CTF becomes available, or they decide to share their half hourly data.*

Summary of Responses Received

One respondent suggested that requirement 9.2.3 above is written with a view to 9.2.1 *Suppliers who do not provide hardship prepayment services, must explain to their customers at sign-up, that if the customer gets into financial hardship that they will need to switch to another supplier to avail of a hardship prepayment service*.

One respondent stated they believe that suppliers that are not required to offer PAYG services i.e. under the threshold, should not be prevented from being able to manage debt through disconnection.

One respondent stated they do not believe that the prohibition from raising a debt flag should apply in situations where the customer refuses to share their half hourly data. They commented that the draft text under this section appears to suggest that these customers would be offered the keypad ESB Networks meter and they believe this could create unnecessary complexity in relation to the processes particularly as the customer has the capability for a smart solution and has been offered this solution.

One respondent agreed a payment plan or an “offline” PAYG meter should be offered and stated the importance of this being clearly communicated.

CRU Response and Decision

The CRU has reviewed all responses and has decided to include additional text as illustrated in red above to ensure customers have the option to avail of Smart PAYG services in the future if they choose.

In response to the comment that suppliers that are not required to offer PAYG services i.e. under the threshold, should not be prevented from being able to manage debt through disconnection, CRU21/109 Smart PAYG Policy Decision paper states:

“*The customer can also choose not to switch to a hardship prepayment solution with another provider. In this case, the supplier can offer a payment plan for the debt. If this is not fulfilled by the customer and the customer is not engaging with the supplier, from the end of phase 2 of the National Smart Metering Programme, the supplier can initiate a disconnection in line with the existing policy and process*”.

Regarding the comment that 9.2.1 and 9.2.3 should read similarly, the CRU is of the view that the requirement as currently drafted provides adequate information and clarity regarding customers’ ability to switch supplier.

In response to the comment that customers who refuse to share their half hourly data should not be offered a keypad ESB Networks meter, the CRU does not agree with this point and is of the view that this will not create any unnecessary complexity in relation to the processes given the fact that if an adequate CTF is not available, this alternative option is already required by the supplier.

No.	Section	Requirement
8	9.2.4	*Suppliers are required to ensure that customers in financial hardship (with a suitable CTF) and where the customer agrees to share their half hourly data for smart PAYG, are offered a hardship service via ~~that the~~ a smart meter.*

Summary of Responses Received

One respondent requested the CRU provide further information setting out what the hardship service will be and at what stage customers should be offered it. They queried if it is intended that the hardship meter is offered on the same basis as an existing hardship meter.

One respondent commented that the only way the legacy keypad meters can be provided “free of charge” is if the supplier offers such a service, which is not going to be the case. They commented that a customer who refuses their half hourly data transfer or who has a Communications Technically Feasible less than 3 would only have an option of an ESB Networks legacy meter through switch away. If the customer refused to switch, the supplier must be entitled to engage in a prepayment plan and disconnection for non-payment where prepayment plan default occurs.

One respondent commented they are concerned there is a risk that many of the requirements under the Code of Practice on Disconnections will not apply to some suppliers. To prevent this, they suggested the CRU could set out how new and existing requirements apply to different suppliers and customers. They said clearly defined process maps for each scenario would help ensure consistency across industry.

One respondent agreed with the requirement.

CRU Response and Decision

In response to the suggestion for the CRU to provide clearly defined process maps for each scenario to help ensure consistency across industry, the CRU has included a new requirement under Section 9 of the Handbook (9.1.3) which states “Suppliers with domestic customer numbers above the threshold of 20,000 must provide a Pay-As-You-Go service”. The CRU is of the view that this will provide clarity on which suppliers the requirements set out under the Code of Practice on Disconnections is applicable to.

In response to the request for the CRU to provide further information setting out what the hardship service will be and at what stage customers should be offered it. The CRU can confirm the hardship meter should be offered on the same basis as an existing hardship meter.

In response to the comment regarding a customer who refuses their half hourly data transfer or who has a Communications Technically Feasible less than 3, the CRU has reviewed this, and Section 5 of the Handbook sets out in detail the Code of Practice on Disconnections. In addition, CRU21/109 Smart PAYG Policy Decision paper states:
"*The customer can also choose not to switch to a hardship prepayment solution with another provider. In this case, the supplier can offer a payment plan for the debt. If this is not fulfilled by the customer and the customer is not engaging with the supplier, from the end of phase 2 of the National Smart Metering Programme, the supplier can initiate a disconnection in line with the existing policy and process*".
Finally, the CRU has corrected a minor typo in the text.

2.3 Customer Messaging

No.	Section	Requirement
9	9.3.1	*If a customer changes supplier, the credit balance which would qualify for a refund will be offset against any residual debt balance the customer may have.*

No.	Section	Requirement
10	9.3.2 Regular Balance Messaging	*Suppliers must calculate the customer's balance as at midnight each night[2]. To do this, suppliers should use:* *a. the customer's actual consumption data for the 24-hour period in question (provided daily by Network Businesses),*

		b. any top ups made before midnight, and charges for the preceding day (based on the Supplier's tariff information including unit rates and any standing charge). This is known as the "Midnight Balance". *[2] balance for the daily consumption from 00.00 – 23.59.*

No.	Section	Requirement
11	9.3.3	*Regular Balance Message – Suppliers must make the Midnight Balance available to the customer by 12 noon[3] the same day[4] via a pre agreed channel; this message is known as the "Regular Balance Message".* *[3]12 noon is the backstop time by which Supplier must be able to make the Midnight Balance Message available to customers.* *[4] Where the Midnight Balance is assumed to be calculated as at 00:00, and therefore 12:00 noon is considered the same day.*

No.	Section	Requirement
12	9.3.4	*When a customer signs up to a Smart PAYG tariff the supplier, in addition to existing PAYG and smart requirements, must:* *a. Explain how the Smart PAYG service works, and the differences to the customer's current tariff/payment arrangements.*

		b. Agree a contact channel with the customer for their Regular Balance Message that is suitable for the customer's needs. This is known as a pre-agreed "Regular Balance Message Channel". *The Regular Balance Message:* *i. Must be offered as a push and pull message, and default to being a weekly push message. The customer may opt for a one-off or ongoing pull message(s).*[5] *ii. Cannot be separately charged for by the Supplier.* *iii. Must include an estimation of how long the customer's current credit will last, only where this estimate is less than 7 days, based on their previous usage patterns.*[6] *iv. Suppliers must offer each customer the option for up to one additional household member (or person nominated by the customer) to receive the Regular Balance Message; and advise the customer how to update their settings (e.g. alert channel or contact details) including the consequences of not doing this.* *c. Agree a contact channel with the customer for any "Disconnection Warning Message" that is suitable for the customer's needs. This is known as a pre-agreed "Urgent Alert Channel".* *The Disconnection Warning Message:* *i. Must be at least one push message.* *ii. Cannot be separately charged for by the Supplier.* *iii. Suppliers must offer each customer the option for up to one additional household member (or person nominated by the customer) to receive the alerts; and advise the customer how to update their settings (e.g. alert channel or contact details) including the consequences of not doing this.* *d. Landlord permission is not required for a customer who wants to sign up to a Smart PAYG tariff.*

		[5] A push message is sent to the customer, for example through an SMS or email. A pull message requires the customer to actively log on to an online system to access relevant information. The information made available to the customer through a pull message should be updated weekly as default, or more frequently (up to daily) if that is the customer preference. *[6]Where the calculation of the estimate for how long the remaining credit will last is for the Supplier to determine.*

No.	Section	Requirement
13	9.3.5	*Suppliers must provide customers with credit balance estimates within regular balance messages[14] if their credit is below 10 calendar days.* *[14] Regular Balancing Messages are regular messages received by customers through pre-agreed channels such as a text or an app that contain the customer's most up to date credit balance and a balance estimate (the estimated period of time the balance is predicted to last) as well as when the estimate is below 10 days.*

Summary of Responses Received

One respondent agreed with customer messaging provisions detailed in 9.3.

One respondent suggested Regular Balance Messaging should be issued regularly i.e more than once a week to enable budgeting.

One respondent commented that more detail is needed as the customer messaging included only relates to disconnection messages and does not include any other customer messaging which will be required to service smart PAYG customers, and which is included in other decision papers.

One respondent requested clarity if this is 10 calendar days or 10 business days.

One respondent suggested a number of requirements should be included; 1. A requirement which outlines suppliers must issue regular credit balances to customers using most up to date balance credit information. 2. Suppliers must include a message alerting customer if their credit balance is due to last less than 10 days. This respondent also asked CRU to confirm if a number of requirements set out in CER/15/271 still apply; the requirement to issue regular balance messaging with default time period set to weekly, the requirement for balance messaging to be issued to customers in a pre-agreed, free of charge channel, offered as both a push and pull channel and the requirement to offer customers an option for one other nominated representative to receive balance messaging.

One response said that in tandem with requirements set out in Handbook it can be interpreted that suppliers may be expected to create multiple channels and facilities to provide such a service which will greatly increase cost and reduce ability to provide benefit in either solution. They asked the CRU to provide further information on what constitutes "suitable needs" as it is important in the context of Section 9.3.2 where specific payment channels are referenced in the Handbook.

CRU Response and Decision

In response to the respondent requesting clarity if it is 10 calendar days or 10 business days, the CRU has amended the wording of the requirement to clarify it is 10 calendar days.

In response to the comment seeking confirmation if a number of requirements relating to Regular Balance Messaging as set out in CER/15/271 *National Smart Metering Programme Rolling out New Services: Smart Pay-As-You-Go,* still apply and the suggestion to include the applicable additional requirements, the CRU has included additional requirements under 9.3. *Customer Messaging* which sets out the applicable requirements from CER 15/271. This is illustrated in red text above. It should be noted that these are not new requirements, they stem from previous CRU decisions as referenced above. The CRU has decided to include these requirements in the Handbook for completeness.

In response to the query requesting further information on what constitutes suitable needs, CER Paper 15/271 *National Smart Metering Programme Rolling out New Services: Smart Pay-As-You-Go* states "agree a contact channel with the customer for their Regular Balance Message that is suitable for the customer's needs". The Regular Balance Message must be offered as a push message (e.g., SMS or email) and pull message (e.g., log onto online system) and default to being a weekly push message. The CRU has included additional text from CER 15/271 paper to provide further detail on this as illustrated in red text in sections 9.3.6 and 9.3.7 above.

No.	Section	Requirement
14	9.3.6	*In the case of Smart PAYG services, suppliers must include suggestions of specific payment channels within disconnection notification messages. Suppliers must facilitate cash payments for customers who wish to use another payment channel.*

Summary of Responses Received

Two respondents agreed with the requirement.

One respondent asked for clarity if this requirement means suppliers can actively push certain payment channels as they choose e.g. card as its more efficient than cash.

One respondent suggested the CRU considers the potential timing of reconnection based on various payment methods.

One respondent requested clarity and guidance on how cash payments could be facilitated and stated they feel the requirement should be removed as there may be a contradiction between section 4.3.2 of the Handbook and this requirement. 4.3.2 states *Suppliers may provide a choice of payment methods which must include one or more of the following categories: a. Electronic Funds Transfer; b. Postal; c. Over the counter e.g. Pay point, Post Office, d. Cash.*

CRU Response and Decision

In relation to the comment that the requirement for cash payments should be removed, the CRU has decided to keep this as consulted on as cash is often the only viable option for some customers and customer choice is key.

In relation to the comment asking if the requirement means suppliers can actively push certain payment channels as they choose e.g. card suggesting that this is more efficient than cash. The CRU requires that all communications in this context clearly show that cash payments are also acceptable.

The CRU has decided to include additional text to this requirement as illustrated above to clarify that this requirement is applicable to Smart PAYG services.

2.4 Disconnection & Reconnection

No.	Section	Requirement
15	9.4.1	*The following criteria must be met by suppliers prior to initiating a PAYG disconnection:* *a. The customer must have had a Midnight Balance at or below zero for two nights in a row.* *b. The supplier must have notified the customer that they are at risk of disconnection:* *(i) Through their pre-agreed Urgent Alert Channel at least 21 hours before the disconnect request is sent.* *(ii). The Disconnection Warning Message must:* *(i) include the "Stay Connected" top up amount.* *(ii) be at least one push message.* *(iii) Cannot be separately charged for by the Supplier.* *(iv) Suppliers must offer each customer the option for up to one additional household member (or person nominated by the customer) to receive the alerts; and advise the customer how to update their settings (e.g. alert channel or contact details) including the consequences of not doing this* *(v) ~~The Disconnection Warning Message must~~ Include the time/date by which the Stay Connected top up is needed to be made.* *c. The customer has not topped up or has topped up less than the Stay Connected top up amount by the time that the disconnect request is issued by the Supplier to the Network Business.* *d. The disconnection must not occur during any Friendly Credit Periods that may apply (for electricity and gas).*

Summary of Responses Received

One respondent asked the CRU to confirm the following requirements set out in CER/15/271 still apply: The Disconnection Warning Message must be at least one push message, it must be free of charge, Suppliers must offer customers the option of at least one additional nominated person who can receive the Disconnection Warning message. They asked if any of these requirements still apply, they are outlined clearly in the Handbook.

One respondent said this Code of Practice only sets out information on disconnection messages, it does not set out other matters relating to smart PAYG which are set out in the high-level design CER/14/046. They suggested these requirements should be included within a Code of Practice.
One respondent said they are concerned that the pre-agreed urgent channel only implies one mode of communication which may not always be reliable for example messages may be missed. They suggested, where possible, more than one method of communication would be preferable and given the short timeframe (21hour), an extension on disconnection and a repeated notification would be welcome. They also stated research and monitoring on how this works in practice from a customer point of view is vital.

CRU Response and Decision

The CRU has reviewed all responses and has decided to amend the wording of the requirement to include a number of additional requirements from CER 15/271 which are applicable. This is in response to the comment seeking clarity on specific requirements set out in CER 15/271 and the request for them to be included in the Handbook if they are applicable.
In response to the request for clarity on requirements set out in the high-level design paper CER 14/046, the CRU has added an additional requirement and text to Section 9 from CER 14/046 as shown above.

No.	Section	Requirement
16	9.4.2	~~*Electricity suppliers shall ensure that the total reconnection time for smart PAYG customers will be no longer than 1 hour and 15 mins.*~~ *The total reconnection time for Smart Pay-As-You-Go customers will be no longer than 1 hour and 15mins* in accordance with policy. Suppliers are responsible for ensuring that the remote re-energisation requests are successfully sent to ESB Networks within 1 hour of the top up purchase/vend irrespective of the top-up*

		channel, (as per Smart PAYG policy) including cash top-up in a retail outlet.

Summary of Responses Received

The majority of respondents requested the requirement is updated to illustrate both ESB Networks and the supplier are responsible for the 1-hour 15minute timeline. They feel greater clarity is needed to highlight the timeframe and it should be clearly presented or provided as a footnote.

One respondent requested the word “total” is removed from 9.4.2 as the total time to reconnect is completely out of supplier’s control. They also suggested consideration is given to mitigating circumstances where reconnection is in excess of target timelines eg market messaging. They commented that out of hours support will also need to be considered for suppliers to assist customers in certain scenarios.

One respondent stated the complex design of the top-up process could result in delays for vulnerable customers and policy needs to address this deterioration in service. They feel it needs to remain under review as more information is needed on existing trends of self-disconnection and top-up practices for the prepayment customer base. They suggested research should be used to monitor the performance of smart services and where there is a deterioration in service this should be addressed by the CRU.

Two respondents suggested updated wording to the requirement to further clarify the supplier’s role in the 1 hour and 15min reconnection time.

One respondent stated the requirements and reconnection times for customers where the 1-hour15mins reconnection cannot be met needs to be included in the Handbook as it is essential to ensure customers are protected from prolonged periods of disconnections, delays to ESB Networks messaging, CTF values below 4 and widespread communication outages.

CRU Response and Decision

The CRU has reviewed all responses and has decided to amend the wording of requirement 9.4.2 to clarify the supplier’s responsibility regarding the 1 hour 15 mins backstop time for reconnection. The updated text is illustrated in red above.

No.	Section	Requirement
17	9.4.3	*Emergency credit should represent no less than €10 credit. The minimum amount of this credit will be approved by the CRU and may be varied from time to time.*

Summary of Responses

One respondent stated they agreed with the requirement but suggested that we continue to encourage suppliers to be flexible and responsive to the circumstances of their customers.

CRU Response and Decision

The CRU has reviewed all responses and agrees with the comment made above.

No.	Section	Requirement
18	9.4.4	*Suppliers may offer de-energised customers the option to request an emergency re-energisation to get reconnected for a limited period of time. Suppliers can at any point decide whether to offer this option to their customers on a case-by-case basis and based on customer circumstances, for example, where the customer has a particular issue in topping up or in cases where technical issues arise.*

Summary of Responses

One respondent highlighted the wording from the 2021 Smart PAYG Policy Decision on Disconnections and Reconnections "*The CRU is of the view that it should not be made mandatory for suppliers to offer the option to de-energised customers to request an emergency re-energisation to get reconnected for a limited period of time. Suppliers can at any point decide whether to offer this option to their customers on a case-by-case basis and based on customer circumstances",* they requested clarity and guidance around what specific elements should be made mandatory.

CRU Response and Decision

CRU has reviewed all responses and has decided to include a new requirement as illustrated above in red text to provide clarity on the issue.

2.5 Other Areas Consulted Upon

The CRU consulted on a number of other edits to the handbook. These are set out below with the summary of responses received and the CRU response/decision in each case.

No.	Section	Requirement
19	**Timeline 1.1.8**	*Suppliers must implement all of the requirements in this handbook within one year of the final decision on this handbook (i.e. Version 4.1 ~~October 2021~~ June 2022) except for the Code of Practice on Smart Pay-As-You-Go which must be implemented in advance of Version 14 go live at the end of Phase 2 of the National Smart Metering Programme.*

Summary of Responses Received

One respondent stated that many of the requirements in the handbook require an end-to-end functional Smart PAYG solution, and said it is not possible to decouple implementation of handbook requirements from National Smart Metering Programme Phase 2 delivery. Two respondents asked the CRU to reconsider the time-line and recommended the implementation timeline for the handbook to be linked to the Version 14 go-live date.

One respondent recommend clearer and more stringent timelines should be published in the supplier handbook.

One respondent commented that it is not an appropriate time as there are still a number of policy questions to be resolved and some that still need clarity. They expect the end-to-end process for providing Smart PAYG services would be in place and then the handbook would be updated to implement this process for a customer perspective through the code of practice.

One respondent requested clarity on the one-year timeline. They commented that for the policy decisions relating to Smart Thin PAYG to be implemented the associated market process changes (V.14 schema) are required to be live, however this is not scheduled to go live until September 2023.

One respondent suggested splitting the deliverables and target dates within this consultation into two elements: 1.Smart focused which would align with V.14 and 2. Non-Smart aspects which are encompassed in consultation questions 2 and 3. They stated it would be challenging and unnecessary to deliver the requirements within a 1-year timeframe.

CRU Response & Decision

The CRU has reviewed the responses and agrees that separate implementation dates for the general requirements, and those that are Smart PAYG related, be introduced. For this reason, the CRU has decided to add further clarity to the wording of this requirement as illustrated above. Smart PAYG requirements must be implemented by V14 go-live, and all other requirements must be implemented one year from the date of this decision.

In response to the comment suggesting the CRU should wait until Smart PAYG functionality is live, then update the handbook, the CRU wouldn't do this as the handbook needs to be ready to meet the needs of customers who avail of Smart PAYG on go-live, and other suppliers would seek to have clarity on the processes they need to have in place in advance of go live also.

2.6 Other Responses/Comments Received

No.	Section	Requirement
20	7.7.3	*The CRU recommends that suppliers take reasonable steps to engage with ~~accredited~~ recognised relevant agencies in developing these methods of communications referred to above, such as the National Disability Authority, ~~recognised~~ registered charities and ~~organisations for the protection of people with visual and hearing impairments~~ Disabled Persons Organisations * (DPO's) and organisations for persons with disabilities.*

		***According to General Comment No. 7 of The Committee on the Rights of Persons with Disabilities, the body of independent experts which monitors implementation of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) by the States Parties, a Disabled Persons' Organisation (DPO) is a civil society organisation of persons with disabilities that is led, directed and governed by persons with disabilities.**

Summary of Responses Received

One respondent suggested a number of changes to the wording of requirement 7.7.3 regarding relevant agencies, registered charities and Disabled Persons Organisations.

One respondent commented that the standard IS 374:2019 contains a large amount of guidance on applying a Universal Design approach to create accessible communications. While the Principles of Universal Design must be applied to all communications by suppliers to customers and this section is about 'additional communications', they recommended that the standard is referenced here with the other sources of guidance.

CRU Response and Decision

The CRU has reviewed this response and have decided to amend the text of the requirement to include the suggested edits as illustrated above.

5.4 Disconnection Procedure

One respondent commented that no updates have been made in respect of the remote disconnection/reconnection functionality which, at some point post phase 2 will be allowable for both NPA and non-NPA requests. They queried if CRU envisage changes being required to reflect the remote functionality and if so, what will they be and when is it expected they will be made.

CRU Response

The CRU can confirm they will conduct a review of the Handbook in the future as required.

Section 8.1.4 *Energy statements sent to both lifestyle choice and financial hardship customers must be compliant with obligations arising from CRU decision paper that impact on the content of the energy bill.* They queried if customers on SPAYG are to be billed in line with requirements for credit customers or PAYG customers in relation to bill frequency.

CRU Response

The CRU confirm that SPAYG customers are to be billed in line with requirements for PAYG Customers as set out in the Handbook.

Section 8.1.7 "Before a prepayment meter/budget controller is installed". One respondent said this is not applicable since the meter will already be installed in the persons property. The 2015 decision paper states "landlord permission is not required for a customer who wants to sign up to a SPAYG tariff" – under this section landlord permission is required for the actual installation of a SPAYG meter.

CRU Response:

CRU have reviewed this response and confirm that landlord permission is not required for a customer who wants to sign up to a SPAYG tariff as the meter will already be installed so no further permission will be required.

Hardship Solution – One respondent had a number of queries regarding the hardship solution. They asked CRU to confirm their understanding of the decision set out in CRU21/109 Smart PAYG Policy Decision paper is correct that, once Smart Thin PAYG is live, this will be the option offered to customers who fall into debt and whose CTF is 4. The existing hardship solution will only be offered to customers whose CTF is not sufficient or where a customer does not provide consent to share their half hourly data.

CRU Response

The CRU has reviewed the query and can confirm this understanding is correct.

2.7 Consultation Question 2

Consultation Question 2: Do you agree that the specific Universal Design Irish Standard I.S. 374:2019 is referenced. If not, please explain why.

No.	Section	Requirement
21	1.2.1	*Suppliers and their representatives are required to apply the principles of Universal Design (SI 463/2011), as set out in the current Irish Standard*, when implementing the requirements of and developing the services referred to in the Codes of Practice and Customer Charters and in all associated communications with customers.* ** To clarify, the current Irish Standard that CRU will use is Standard I.S. 374:2019 Customer Communications for Utilities – A Universal Design Approach (or relevant version) to assess whether suppliers have met the requirements of Universal Design with respect to their household customers."*

Summary of Responses Received

The majority of respondents agreed that the specific Universal Design Irish Standard I.S. 374:2019 is referenced with one respondent suggesting that it should be referenced in the main body of the Handbook. They advised, with reference to the requirement of suppliers to apply the principles of Universal Design to products and services offered or provided to final customers, and communications with final customers, SI 463/2011 is referenced as it is from this legislation the requirement originates. They also advised that the footnote is brought into the main text of the Handbook, as the standard I.S. 374:2019 assists suppliers in meeting their obligations under SI 463/2011, as it will be used in assessing compliance with those obligations, and as there is no other reference to the standard in the Handbook.

One response agreed it should be referenced however, they stated they would like the CRU to clarify how compliance with this requirement will be applied as the CRU does not oversee or develop these requirements.

One respondent said they welcomed the codification of the Irish Standard into the Handbook and fully support making the Handbook and associated materials more accessible to customers. One respondent commented that given the pre-existing requirement in relation to Universal design the working assumption of their members it that no additional action will be required and that the intent of the inclusion is only for the purposes of ensuring that reference to the specific IS is included in the Handbook. One respondent agreed it is referenced but proposed suppliers are afforded flexibility with how they manage communications with their customers.

CRU Response and Decision

The CRU has reviewed the responses and has decided to include the reference to SI 463/2011 in the text as illustrated above. In response to the suggestion to bring the footnote into the main text of the handbook, the CRU has considered this and has decided to keep the requirement in its current format. The CRU monitors compliance against other national standards by conducting specialised audits with the assistance of expert support as required and this approach would be used with respect to I.S. 374:2019.

2.8 Consultation Question 3

Consultation Question 3: The CRU invites comments from interested parties on these editorial amendments.

Summary of Responses Received

One respondent said they agree with the editorial amendments. One respondent said they agree but under the assumption that further discussion on these changes will occur individually between suppliers and the CRU. One respondent suggested a standardised checklist for suppliers to evaluate their Code of Practice for compliance as it may be beneficial to ensure an equal approach to the new requirements across the industry. One response stated alternative approaches should be considered eg self-certification scheme in order to avoid delays. One respondent said its important the review process is transparent to market participants and clear responsibilities defined for the CRU. They suggested the CRU provide market participants with a phased process in business days that could be drafted and standardised within the Handbook. One respondent said they don’t see any material change to the approval process for T&C's and they have no objections to the proposed changes. However, they asked the CRU to consider how future trends may impact on the CCT's operations regarding Terms & Conditions sign offs. One respondent said they would welcome clarity on target timelines, responsibilities & processes for CRU completing such reviews which could be included in the Handbook, or a separate guidance note for suppliers.

CRU Response and Decision

The CRU is currently considering how it approves suppliers' Codes of Practice, Customer Charters, standard Terms and Conditions and sample bills. The CRU will consider all feedback from respondents as part of this. The CRU will liaise directly with suppliers in relation to this matter in due course, and any changes to the current approval process will be communicated clearly with suppliers. For clarity, there is no change at this point to the existing approvals process.

3.0 Conclusion & Next Steps

The CRU would like to thank all respondents to the public consultation for their feedback. These responses have been used to inform and develop the new requirements set out in the 2022 Electricity and Gas Suppliers' Handbook that have been finalised and published in this decision paper.