

Discussion Request 1184			Cooling Off for COS		
Status	Approved	Priority	Medium	Status Date	27/06/2018

Date	Version	Reason for Change	Version Status
26/10/2016	1.0	Issued to Market	Final
14/06/2017	1.1	Updated after ESBN Review & RMDS Management Review	Final
23/08/2017	1.2	Updated after CER review	Final
17/10/2017	1.3	WP19 to be amended to cater for Cooling Off period	Final
09/02/2018	1.4	Updated after CRU review	Final

Part 1 DETAIL OF DISCUSSION REQUEST / MARKET CHANGE REQUEST			
Requesting Organisation(s)	CER	Originating Jurisdiction	RoI
Request Originator Name	Sean Mac AnBhaird		
Date Raised	30/08/2016		

Classification of Request			
Jurisdictional Applicability	RoI	Jurisdictional Implementation	RoI Specific
If jurisdictional implementation is for one jurisdiction only – is the other jurisdiction required to effect any changes?	No	Co-Ordinated Baseline Version No.	TBC
Change Type	Non-Schema Impacting		

Detail of Request
Reason for Request
<p>Background</p> <p>The customers' right to the cooling off period is detailed in Directive 2011/83/EU, which was transposed into Irish legislations through the Statutory Instrument S.I. No. 484 of 2013. It provides, <i>inter alia</i>, for the right of a customer to change their mind and cancel a registration with a Supplier. Suppliers must adhere to the provisions of these laws. It is proposed that the market design would be changed to include:</p> <ul style="list-style-type: none"> ➤ Registering a customer: a requirement to submit a registration request within 4 days of customer sign up. ➤ Cancellation: an explicit cancellation process for when Suppliers are cancelling as a result of a change of mind request from a customer within the cooling off period.

Proposed Solution
<p>Registering a customer</p> <p>The below is a summary of how the Registration process is proposed to work. Unless explicitly stated existing processes used by participants remain unchanged.</p> <ul style="list-style-type: none"> ➤ When registering a customer, a Supplier must submit the Registration Request (010 MM) within four days of signing the customer up. ➤ That the Required Date in the Registration Request would reflect whether the customer chooses to commence the performance of the contract during or after the cooling off period. <p>In setting out this process, the market design would, for ease of reference, refer to Suppliers' obligations under the Supplier Handbook; particularly in terms of signing up customers and providing an explanation of the cooling off period and how to avail of the right to cancel.</p> <p>The above requirement in terms of the Required Date was introduced on foot of engagement with the Competition and Consumer Protection Commission (CCPC). The CRU discussed the requirement to submit the Registration Request within 4 days with the CCPC. In those discussions, the CCPC highlighted the customer's right to choose whether the performance of an electricity or gas supply contract begins during or after the cooling off period. If they choose for it to begin during the cooling off period, the customer must confirm this on a durable medium. In this regard, Section 21</p>

paragraph 2 of SI No. 484 of 2013 ([HYPERLINK "http://www.irishstatutebook.ie/eli/2013/si/484/made/en/print" link](http://www.irishstatutebook.ie/eli/2013/si/484/made/en/print)) states:

Where the consumer wants the performance of a contract referred to in paragraph (1) to begin during the cancellation period, the trader shall require the consumer to make an express request to this effect on a durable medium.

Although the 4 day proposal did not explicitly refer to this choice that the customer has, it could accommodate it. This could be done by setting the Required Date, in the Registration Request (010 MM), to align with the customer’s choice to either go ahead with supply during the cooling off period or to wait until it is over. Note: The CoS Read Arrangement value selected should not be Scheduled Read (SC) as this will result in the specified Required date being ignored.

In terms of the reference to Suppliers’ obligations under the Supplier Handbook, it is proposed to include such in order to provide context for the reader. It is suggested that reference to section 3.2 of the Supplier Handbook should be included. That section covers customer sign up and, *inter alia*, requires Suppliers to provide details regarding the cooling off period; including the conditions, time limits and procedures for exercising the right to cancel a contract with a Supplier before the contract is finalised . As part of that obligation, it would be expected that Suppliers should inform any person they are signing up of the customer’s right to choose whether supply should begin during or after the cooling off period (i.e. provision of section 21 (2) of the legislation). Of course, in addition to these specific CRU obligations, Suppliers must ensure their own compliance with all laws, including those stipulated under the cooling off period legislation.

Cancellation

The below is a summary of how the cancellation process due to a customer change of mind during the cooling off period is proposed to work. **Unless explicitly stated existing processes used by participants remain unchanged.**

- When the New Supplier wishes to cancel a CoS due to a customer changing their mind (in accordance with cooling off period rules) then the New Supplier sends a 011 MM with the reason code ‘ME’
 - If the CoS has completed (i.e. 105 MM and 105L MM have been sent) then the Old Supplier will be sent a 111A MM with the reason code ‘ME’. The Old Supplier should respond in good faith with a 011A MM with the “CancellationAgreementFlag” set to ‘Y’

The use of this process will be monitored by the MRSO and reported to the IGG. To provide for this, the following information will need to be provided by MRSO on a periodic basis.

- Number of 011 MMs received with a reason code ‘ME’
- How many calendar days after the receipt of the 010 MM was the 011 MM received
- If the 011 MM was after the 105 MM was sent then did the 011A MM have a ‘Y’ or an ‘N’

Working practice 19 will also need to be amended to cater for keypad meter customers who wish to cancel within the cooling off period. Once the cancellation confirmation (MM111L) has been received then the old Supplier should log registration request on the RMP extranet to ensure that the liberty system is aligned.

Scope of Change

Jurisdiction	Design Documentation	Business Process	DSO Backend System Change	MP Backend System Change	Tibco	Supplier EMMA	Schema	Webforms	Extranet/NI Market Website
ROI	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NI	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

Co-Ordinated Baseline Market Design Documents Impacted by Request

Market Messages

Message No.	Message Name	CoBL	ROI	NI
011	Cancel Registration Request	Y	Y	
111A	Change of Supplier Cancellation Notification	Y	Y	

Data Definitions

No Impact

Data Codes

No Impact

Market Message Implementation Guides

ROI	Yes/No	NI	Yes/No
Meter Registration	Y		

Comments

ROI - Market Process Diagrams – MPDs

Market Process Diagram Number	Market Process Diagram Description	Affected
MPD 3	MPD 3 Objection and Cancellation	Yes

NI - Market Procedures

Market Process Number	Market Procedure	Affected
No Impact	No Impact	No Impact

ROI Guidance Documentation

Document/Paper	Version	Affected
Working Practice 19		Y

ROI Briefing Documents		
Document/Paper	Version	Affected
No impact		No Impact

User and Technical Documents			
Reference	Name	Version	Affected
No impact			No Impact
Part 2 - Performance and Data Changes			
Market Messages volume, processing etc.			
Data			
Details of Data changes e.g. cleansing			

Part 3 - ReMCoSG / CRU Approval		
Approved by	ReMCoSG	CRU
Comments		