



Minutes of TDC Meeting 24

CONFIDENTIAL

15 May 2019 | 10:30 – 11:30 | Skype Teleconference

Status of the Minutes: Draft

MEMBERS PRESENT

Name	Role
Elsa Wye	Chair
Martin Mavin	Committee Member (Wholesaler)
Paul Stelfox	Committee Member (Wholesaler)
Peter Strain	Committee Member (Retailer)
Cleo Acraman	Committee Member (Retailer)
Julian Tranter	Committee Member (Wholesaler)
Dylan Freeman	Committee Member (Wholesaler)
Joseph Fortune	Committee Member (Retailer)
Patrick McCart	Committee Member (Retailer)
Miles Robinson	MOSL (Presenter)
Tom Daborn	MOSL (Presenter)
Hannah Allardice	MOSL (Meeting Secretary)



1. Welcome and Introductions

PURPOSE: FOR INFORMATION

- 1.1. The Chair welcomed members to the Trading Disputes Committee (TDC) meeting.
- 1.2. The Chair introduced the committee to its newest member Joseph Fortune, who was joining his first session. The Chair also noted that two additional members will be joining at the next TDC meeting subject to completing the relevant documentation.
- 1.3. With all members introduced, the committee proceeded with the meeting.

2. Outstanding actions and review of previous meeting minutes

PURPOSE: FOR DECISION

- 2.1. The Chair asked whether members had any concerns or comments regarding last month's meeting minutes.
- 2.2. Members raised no concerns and the minutes were approved by the TDC.
- 2.3. MOSL also updated the committee that all actions from the previous meeting have been completed and marked as closed. One of these actions was to be completed on the following Friday, to discuss DCP021.
- 2.4. With no additional comments from the TDC, the committee proceeded with the next agenda item.

3. Update on new trading disputes

PURPOSE: FOR INFORMATION

- 3.1. MOSL provided an update on current trading disputes, confirming that no new disputes had been raised since the last TDC meeting.
- 3.2. MOSL provided updates on trading disputes currently ongoing. Six disputes were reflected as open within Kissflow. MOSL informed members that all open disputes were between Castle Water Limited and Thames Water Utilities Limited and were regarding various data issues. The last update received for all open disputes was that rectification plans were being agreed between both parties.
- 3.3. A member asked if MOSL had been tracking the disputes and if they had requested updates. MOSL confirmed that the updates had been requested from the initiating dispute contact² with the latest request sent by MOSL at the beginning of May 2019. The Chair requested that an additional contact be sent⁷ to obtain an update on the open disputes. MOSL took an action to contact parties involved with all open disputes to obtain the status of open disputes.

A24_01

- 3.4. The Chair also requested an update regarding the corrective settlement runs that were required to be run as part of the rectification plan for TD0044. MOSL confirmed that an e-mail had been sent requesting an update but had not received a response. MOSL took an action to obtain an update regarding the corrective settlement runs for TD0044.

A24_02

- 3.5. With no additional questions from the TDC, the committee proceeded with the next agenda item.

4. Trading Disputes Overview – Initial Review

PURPOSE: FOR INFORMATION

- 4.1. MOSL presented to the committee their initial review of the trading disputes process. As a reminder, MOSL confirmed that they examined the following points raised at the previous committee meeting:
- Do issues need to be raised as disputes if parties are already working towards a resolution?
 - At which point does MOSL publish dispute information?
 - Should MOSL publish additional information around the decisions made by the TDC when resolving trading disputes?
 - At which point does a trading dispute escalate to the TDC?
 - The level of information provided to trading parties involved in the dispute.
- 4.2. The first item that MOSL discussed was the point at which an issue evolved into a dispute. MOSL confirmed that this is currently at the discretion of either trading party involved. For a dispute to be raised it should follow the below criteria:
- Trading Parties are disputing a data item
 - The disputing party has notified the other disputing party(ies) in writing of the dispute and held a meeting to attempt resolution
 - The Trading Dispute is not in respect of Non-Primary Charges, which are outside of MOSL's remit
 - The same data item/error has not been previously investigated.
- 4.3. MOSL asked for feedback from the committee and whether this clarification was clear. A committee member noted that the Business terms and Schedule 9 of the Market Arrangements Code (MAC) did not help with the clarification of these steps, as the drafting seemed to contradict each other and reflected different descriptions of the trading disputes process. They also stated that clarification was still required on proceeding from the initial step. Other members agreed with these comments. MOSL agreed that there was ambiguity when comparing the codes and current dispute process. Another member asked MOSL if it was specified on the website that initiating parties had to notify MOSL of a dispute. MOSL took an action to confirm if this was displayed on the website.

**A24_03**

- 4.4. Following the comments made at the previous TDC meeting, MOSL clarified two points that had been initially raised and answered in the previous meeting. The first point confirmed that once a dispute had been validated, MOSL were code obligated under Schedule 9 of the MAC to publish the dispute on the MOSL website. The Chair asked committee members if they had any comments to add. No additional comments were made by the members. The second point covered whether MOSL should publish additional information as to why a particular decision was made by the TDC and the reasoning behind it. At the previous meeting it was agreed that this type of information would be discussed on a case by case basis.
- 4.5. MOSL discussed the escalation process, referring to section 18.2.3 of the Business Terms and clarification in the codes on escalation timeframes. MOSL proposed working to 20-business day timescale which currently exists within the codes, once a dispute had been validated, in order to help drive the process. In addition, MOSL enquired whether members believed a code change was necessary to improve clarity and whether the timeframe was suitable. A member commented that they did not believe a code change was necessary and this could be added to a guidance document as a working procedure. A member also enquired whether the 20 business days would be an automated process for escalation, as they believed this would not be enough time. Other members and the Chair agreed that the timeframe may not be enough for a rectification plan to be agreed. MOSL proposed that they would include additional information for when a trading dispute should be escalated to the TDC.
- 4.6. A member also noted that even if a trading party has agreed on a rectification plan, the parties may need time for the plan to come into effect. Members agreed that providing a full timescale of the trading disputes process would be beneficial for trading parties to help resolve these disputes. The Chair commented that a process map would be useful to parties. MOSL were given an action to produce a draft guidance document to include timescales and a process map.

A24_4

- 4.7. Another member commented that based on examples provided, there seems to be a 'pre-dispute' process in place. In which case, if a rectification plan is already agreed upon by both trading parties then there is no need for a dispute to be escalated. Another member confirmed that there was a pre-dispute process which could be found in section 18.2.3 of the Business Terms and that maybe a potential code change was required to improve transparency. It was agreed that the timeframe needed to reviewed and additional steps may be necessary to help refine the trading disputes process. The committee also requested to continue overseeing the development and continuous review of the dispute log. MOSL took an action to review this feedback and incorporate into the guidance document.

A24_5

- 4.8. MOSL asked the committee if they had any additional feedback on what type of guidance would be beneficial, to help improve the clarity of the trading disputes process.
- 4.9. The Chair re-established some of the points that had already been provided throughout the meeting, including:



- Improving transparency at the early stages of the trading dispute process
- The publication of additional information after trading dispute closure
- Improving clarity in relation to the trading disputes process and timeframe.

The Chair asked the committee if there was any additional feedback they would like to add. There were no additional comments from committee members.

- 4.10 The Chair asked MOSL when the committee would be able to review a draft of the guidance document. A member requested that the document be received at the latest by the Friday before the June TDC meeting. MOSL confirmed they would circulate this document by the 14 June 2019.

A24_6

With no additional comments from the committee, the Chair proceeded to the next agenda item.

5. Any other Business (AOB)

PURPOSE: FOR INFORMATION

- 5.1. MOSL reminded the committee to provide their final comments for the TDC Annual report by cob 24 May 2019. As MOSL would be publishing the report at the end of the month.
- 5.2. The Chair mentioned that the paperwork for DCP021 may need to be recirculated, following the conclusion of Friday's meeting.
- 5.3. The Chair also confirmed that two additional committee members will be joining the TDC in the 19 June 2019 meeting subject to completing the relevant documentation.
- 5.4. With no additional notes from the TDC, the Chair closed the meeting.

Actions:

- A24_01** MOSL to request update from trading parties regarding open trading disputes.
- A24_02** MOSL to request an update from Thames Water Utilities Ltd and Castle Water Ltd regarding corrective settlement runs for TD0044.
- A24_03** MOSL to review website contents regarding trading disputes.
- A24_04** MOSL to produce a draft guidance document to include timescales and a process map of the trading disputes process.
- A24_05** MOSL to review feedback from TDC meeting 24 and submit into the guidance document.
- A24_06** MOSL to circulate draft of the guidance document to committee members by cob Friday 14 June.

The next TDC meeting is scheduled for: **19 June 2019, 10:30 – 12:30, teleconference**

