



Minutes of TDC Meeting 28

CONFIDENTIAL

18 September 2019 | 10:30 – 12:00 | Skype Teleconference

Status of the Minutes: Final

MEMBERS PRESENT

Name	Role
Elsa Wye	Chair
Wendy Monk	Committee member (Retailer)
Martin Mavin	Committee Member (Wholesaler)
Paul Stelfox	Committee Member (Wholesaler)
Michelle Burns	Alternate Committee Member (Retailer)
Peter Strain	Committee Member (Retailer)
Dylan Freeman	Committee Member (Wholesaler)
Tom Daborn	MOSL (Presenter)
Markus Lloyd	MOSL (Observer)
Hannah Allardice	Meeting Secretary (MOSL)

APOLOGIES

Name	Role
Cleo Acraman	Committee Member (Retailer)
Patrick McCart	Committee Member (Retailer)
Julian Tranter	Committee Member (Wholesaler)
Neil Pendle	Committee Member (Retailer)
Joseph Fortune	Committee Member (Retailer)



1. Welcome and Introductions

PURPOSE: FOR INFORMATION

- 1.1. The Chair welcomed members to the Trading Disputes Committee (TDC) meeting.
- 1.2. With all members welcomed the Chair 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 comments regarding last month's meeting minutes. Members had no additional comments, TDC 27 Meeting minutes were therefore approved and the TDC moved onto discussing outstanding actions.
 - 2.2. Action 27_01: MOSL confirmed that no update had been received from either Castle Water or Thames Water Utilities regarding the rectification plan for TD0044. Following the process in the guidance document, MOSL confirmed that they now recommended the dispute closed but asked for comments from members. A brief summary of TD0044 and the creation of the guidance document was provided to alternate members to provide context. The members agreed that they were happy for TD0044 to be considered closed.
 - 2.3. Action 27_02: MOSL confirmed that although there was some ambiguity around the issue, the codes did not allow a trading dispute to be raised again for a data item that had been previously disputed and resolved. It was MOSL's view that re-disputed data item(s) would become a non-trading dispute. MOSL proposed the following questions to the committee:
 - For how long should the TDC monitor a dispute through a rectification plan i.e. to include settlement runs either planned or unplanned?
 - What does the TDC believe its role and remit should be regarding non-trading disputes?
 - 2.4. The Chair asked members for feedback in relation to the questions proposed by MOSL. Members initially expressed the opinion that there was no need to follow a dispute to the completion of a rectification plan, as the agreement of the plan was the critical aspect. Other members felt that the TDC should follow the rectification of a dispute through to completion.
 - 2.5. It was also confirmed by one member that Castle Water now considered the dispute TD0044 closed, as the data errors had been amended and Thames Water Utilities had chosen not to proceed with the Unplanned Settlement Runs (USRs). Another member asked if the corrections had been picked up in planned settlement runs. It was confirmed that the data corrections made were reflected in the latest RF runs. It was noted that MOSL did not receive any confirmation after contacting the disputing parties numerous times.
 - 2.6. The committee discussed if the subsequent Unplanned Settlement Run (USR) following a dispute was referred to in the codes. The Chair asked whether the codes covered the follow up of a rectification plan and if not, was this a gap, a member pointed out that in the Business Terms any USR seemed to be considered as part of the rectification plan. An action was recorded for MOSL to review and clarify the codes position on rectification plans and the TDC's role in this and any potential gaps.
- A28_01**
- 2.7. Action 27_03: MOSL confirmed that the guidance document was circulated to Trading Parties on the 17 September 2019, with an accompanying communication piece. This specified that the guidance document advised on best practice for the trading disputes process and no



changes to obligations had been made. MOSL expressed that this comms piece was not the correct channel to incorporate all of the information previously requested by the TDC as this would result in a very long communication piece. MOSL confirmed that this additional information would instead be presented at the September User Forum and that the presentation had been circulated to members for information

- 2.8. The Chair asked members for comments on this approach, with MOSL presenting this additional information at the user forum. All members agreed they were happy for MOSL to proceed.
- 2.9. Action 27_04: MOSL confirmed that, following the non-contact notices that had been sent to the disputing parties, an extension of 20 business days had been requested for disputes 40 – 43, while disputes 35 and 33 could be closed. In relation to disputes 35 and 33, MOSL had requested confirmation on how the trading parties resolved the dispute and were currently awaiting a response. If no response is received within the 20 business days provided, MOSL will look to either close the dispute or escalate to TDC.
- 2.10. MOSL requested committee feedback regarding the new process. Members commented that the responses received to the non-contact notices sent out was encouraging.
- 2.11. With no additional comments from the TDC on actions, the Chair moved onto the next agenda item.

3. Update on new and open trading disputes

PURPOSE: FOR INFORMATION

- 3.1. MOSL confirmed that it had not received updates on the open trading disputes, as already discussed. MOSL added that the open disputes had timeframe extensions that provided a deadline of 30 September 2019 and asked if members would want an update once this deadline had passed. Members agreed they would like an update by email. An action was recorded for MOSL to notify committee members once this deadline had passed.

28_02

- 3.2. MOSL confirmed that no new trading disputes had been submitted since the last TDC meeting.
- 3.3. With no additional comments from the TDC on the subject, the Chair moved onto the next agenda item.

4. Non-trading disputes

PURPOSE: FOR INFORMATION

- 4.1. MOSL explained that a MAC/Non-trading dispute could be raised if a trading party was believed to be non-compliant with the codes. The escalation process for these types of disputes differs from trading disputes, as there is no sub-committee (such as the TDC) to escalate a dispute to. These disputes have a timeframe of 60 business days before they can be escalated to arbitration, leaving a potential gap between internal TP escalation and arbitration. MOSL posed a question to the TDC as to whether they believed an escalation



point, such as the TDC or another committee, was required. If so, did members believe that the remit of the TDC should be expanded to incorporate MAC/Non-trading disputes.

- 4.2. As discussed at the previous TDC, MOSL done some initial investigations to see whether this was a feasible option. MOSL confirmed that the code clearly stated that the TDC's remit is currently specific to trading disputes but that to include non-trading disputes represented a significant amount of code redrafting. Further confirmation was provided that there did not appear at this early stage to be any barriers preventing potential code changes.
- 4.3. The Chair proposed that MOSL produce a paper to present at the committee for the November TDC meeting. The Chair requested comments from members. One member commented that they could see sense in adding an escalation step to the process but had concerns that it may cause delays. After some discussion, members believed it would be beneficial for MOSL to send an RFI to trading parties, to gain insight into how efficient the on trading dispute process is at present and whether any additional arrangements were required. An action was recorded for MOSL to organise an RFI and report back to the committee.

A28_03

- 4.4. With no additional comments from the TDC, the Chair moved onto the next agenda item.

5. Any other Business (AOB)

PURPOSE: FOR INFORMATION

- 5.1. MOSL requested TDC members provide any feedback they wish to add regarding the disputes slides that are to be presented at the User Forum. No feedback from members was provided.
- 5.2. No additional items raised from TDC members.
- 5.3. With no additional comments, the Chair closed the meeting.

Actions:

- A28_01** MOSL to provide the TDC with clarity over rectification plans and follow up contact relating to the completion of the rectification plan.
- A28_02** MOSL to update the TDC on TD40-43, 35, 33 once the deadline for contact has passed and whether contact was made.
- A28_03** MOSL to submit an RFI to trading parties regarding the non-trading disputes process with a view to producing a discussion paper for the November TDC meeting

The next TDC meeting is scheduled for: **16 October 2019, 10:30 – 12:30, teleconference**