



# Minutes of TDC Meeting 30

**CONFIDENTIAL**

20 November 2019 | 10:30 – 12:00 | 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)
Cleo Acraman	Committee Member (Retailer)
Dylan Freeman	Committee Member (Wholesaler)
Joseph Fortune	Committee Member (Retailer)
Julian Tranter	Committee Member (Wholesaler)
Patrick McCart	Committee Member (Retailer)
Neil Pendle	Committee Member (Retailer)
Tom Daborn	MOSL (Presenter)
Miles Robinson	MOSL (Observer)
Hannah Allardice	Meeting Secretary (MOSL)



## 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 29 meeting minutes were therefore approved and the TDC moved onto discussing outstanding actions.
- 2.2. Action 29\_01: MOSL investigated the process where costs incurred outside primary charges may be regained. MOSL confirmed that any costs that were in relation to primary charges are covered under the Trading Disputes process. Any costs outside of this may be included as part of a MAC/Non-Trading Dispute however this was specific to each case. MOSL offered to have a follow up call with committee members if they were interested in discussing the topic in more detail. There were no further comments from the Committee and the Chair proceeded to the next action.
- 2.3. Action 29\_02: MOSL circulated an e-mail to the TDC on the 30 October 2019, clarifying the wording that would be published on the MOSL website in the event of a disputed closed by no contact. Trading disputes that the committee voted to close at the last session now reflect this wording on the website. The committee had no additional comments and were happy to close this action.
- 2.4. Action 29\_03: MOSL confirmed that no contact from Castle Water Limited had been received in relation to TD0035. Based on the TDC decision at the previous meeting, MOSL have now closed the dispute and updated the website to reflect as closed due to no contact.
- 2.5. Action 29\_04: In preparation for the paper to discuss a unified disputes process and committee, MOSL requested feedback from the TDC in relation to questions that had arisen from MOSLs internal discussions.
- 2.6. Firstly, MOSL asked whether trading parties should be code obligated to raise a query prior to formally raising a dispute under the unified dispute process. Some committee members believed the queries process would be beneficial, in order to avoid formal disputes. Other committee members reflected concerns in over-formalising the queries process, as it may become a burden, causing trading parties and MOSL unnecessary administration. A member notified the committee that under Schedule 9 of the Business Terms, section 18.2.1, this step is already codified within the trading disputes process. MOSL confirmed that this was the current process that trading parties had to follow, before raising a formal dispute. The member noted that provisions should in place for this part of the pre-dispute process and also noted the definition of a query was broad. In addition, members asked what type of reporting MOSL produced and stored to track the demand and nature of these queries. MOSL confirmed that queries received were not stored in a database. MOSL clarified that they had a tracker for queries and the data extraction was a manual process. MOSL were actioned to provide information on the nature and demand of these disputes queries for the TDC to review and to add to the report ready for December.

A30\_01

- 2.7. Secondly, MOSL asked whether the process needed to include prescribed internal escalation stages similar to the Non-Trading/MAC disputes process?

One member who had used the MAC/Non-trading disputes process noted that while the route wasn't perfect, it did provide a structure that helped define the structure of their dispute. No additional comments were received and the committee proceeded onto the next point.

- 2.8. Thirdly, the question was raised as to whether the Panel should be an additional escalation stage if the disputes committee cannot resolve the dispute or if disputing parties could appeal the committee's determination? It was noted while the TDC did act as an arm for the Panel, members were interested to see how it works within the energy sector. The TDC requested that both routes (with and without the Panel) be presented in the paper.
- 2.9. Fourthly, it was asked as to whether the re-raising of an issue which has already been the subject of a dispute be prevented under code? The Chair clarified that at present, trading disputes that have been closed may be raised through MAC/Non-trading dispute under certain instances. Members noted that if a dispute has been concluded it should not be re-raised.
- 2.10. Lastly, MOSL proposed whether there should there be a limit on the number of times the disputing parties can request a timeframe extension and, if so, what should this be. A committee member noted that is should not be too prescribed, as it would be difficult to codify. The Chair noted that there were other time limitations that may be applicable and relevant such as the Customer Protection Code of Practice. They suggested keeping the process simple for trading parties. An action was recorded for MOSL to submit questions to the committee members to provide feedback by 29 November 2019.

**A30\_03**

- 2.11. With no additional comments from the TDC, the chair moved onto the next agenda item.

### 3. Update on new and open trading disputes

#### PURPOSE: FOR INFORMATION

- 3.1. Based on the TDC's decision to close the open trading disputes last meeting, MOSL confirmed that there were currently no active trading disputes open.
- 3.2. With no additional comments from the TDC, the chair moved onto the next agenda item.

### 4. Any other Business (AOB)

#### PURPOSE: FOR INFORMATION

- 4.1. MOSL notified members that operations were in the process of conducting internal reviews of their processes, to create more collaborative and streamline services. While internal discussions had already been held to highlight issues that required rectification, MOSL requested feedback from the TDC to help improve these processes. A member commented that clarity would be required to understand the improvements MOSL are looking to implement.
- 4.2. No additional items raised from TDC members.



4.3. With no additional comments, the chair closed the meeting.

**Actions:**

- A30\_01** MOSL to conduct analysis on queries received in relation to the pre-disputes process and incorporate into the consolidated process for disputes paper.
- A30\_02** MOSL to provide query analysis to the TDC for review.
- A30\_03** MOSL to circulate to members the points of question in relation to the consolidated process for disputes.

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