

# Minutes of the Market Performance Committee Meeting 65

15 September 2022 | 09:30 – 15:30

Held via Videoconference (Microsoft Teams)

**Status of Minutes: APPROVED**

## MEMBERS PRESENT

Pamela Taylor	PT	Chair*	Adam Boyns	AB	Customer Representative Committee Member
Paul Baker	PB	Alternate Retailer Committee Member	Gerard Lyden	GL	Wholesaler Committee Member
Wendy Monk	WM	Retailer Committee Member	Michael Rathbone	MR	Wholesaler Committee Member
Neil Pendle	NP	Alternate Retailer Committee Member	Jesse Wright	JW	Wholesaler Committee Member
Georgina Mills	GM	Ofwat Representative*	Darren Hayes	DH	Ofwat Representative*
Adam Richardson	AR	MOSL Representative*			

\* Non-Voting Members of the Committee

## OTHER ATTENDEES

Markus Lloyd	ML	MOSL Presenter	Alexander Cowie	AC	Secretariat
Alexandra Piper	AP	MOSL Presenter	Matt Labrum	MLa	MOSL Observer
Sarah McMath	SM	MOSL Observer			

## APOLOGIES

Claire Yeates	CY	Retailer Committee Member	Trevor Nelson	TN	Retailer Committee Member
Sam Webb	SW	MOSL Presenter			

## CLOSED SESSION

### 1. Welcome and Introductions

- 1.1. The Chair welcomed everyone to the Market Performance Committee (“Committee”) meeting and noted that apologies for absence had been received from CY and TN and that NP and PB would, respectively, be standing in as their alternates. Apologies had also been received from SW and that AP and ML would be covering the escalation review decision items in her absence.
- 1.2. The Chair reminded Committee members of the requirement to act impartially and not in the interest or as a representative of any organisation or individual. If Committee members believed they had an actual or perceived conflict they should declare this at the start of the meeting or before an agenda item. The Chair further noted that one member had declared a potential conflict of interest in relation to the holistic reporting escalation decision items in

relation to two trading parties whose performance was due to be reviewed and that they would recuse themselves from those sections of the discussion.

- 1.3. It was confirmed that the meeting was quorate.

## 2. Escalation Review Objectives and Process Reminder

- 2.1. The Committee noted a brief verbal update from AP on the current escalation review process, including the escalation criteria and what the Committee would need to confirm in relation to each decision.

## 3. Holistic Performance Escalation Decisions

### Trading Party 1

- 3.1. The Committee reflected on the additional information provided by Trading Party 1 in response to a request sent following the August Committee meeting as well as its recent performance.
- 3.2. Overall, a slim majority of the Committee was of the view that although the response was significantly lacking in some areas, enough information had been provided that it was minded not to escalate at this point pending the provision of further information to go alongside the next review of Trading Party 1's performance in November.
- 3.3. Following discussion, the Committee:
  - **AGREED** (four in favour, three against) not to escalate Trading Party 1, to continue to monitor its performance and to request additional information on four areas ahead of the next scheduled review of its performance in November.
- 3.4. The Committee requested that MOSL communicate to Trading Party 1 that, although it was not being escalated at this point, its performance was viewed as poor and the Committee would continue to monitor its progress closely.

**The Committee member who had declared a potential conflict of interest left the meeting**

### Trading Party 2

- 3.5. The Committee reflected on the additional information provided by Trading Party 2 in response to a request sent following the August Committee meeting as well as its recent performance.
- 3.6. The Committee was very satisfied with the response, which was viewed as positive with performance improvements evidenced and timelines, targets and commitments provided to address issues in an appropriate timeframe.
- 3.7. Following discussion, the Committee:
  - **AGREED** (unanimous) not to escalate Trading Party 2 and to continue to monitor its performance.

### Trading Party 3

- 3.8. The Committee reflected on the letter of concern response provided by Trading Party 3 as well as its recent performance.

3.9. The Committee was satisfied with the response, which was viewed as positive with performance improvements already evidenced and a firm commitment to further performance improvements above and beyond the minimum required levels and timelines, targets and commitments provided to address issues in an appropriate timeframe.

3.10. Following discussion, the Committee:

- **AGREED** (unanimous) not to escalate Trading Party 3 and to accept its response.

#### Trading Party 4

**The Committee member who had declared a potential conflict of interest re-joined the meeting**

3.11. The Committee reflected on the letter of concern response provided by Trading Party 4 as well as its recent performance.

3.12. Overall, the Committee was of the view that the response was significantly lacking in some areas but that, on balance, it was minded not to escalate at this point.

3.13. Following discussion, the Committee:

- **AGREED** (six in favour, one against) not to escalate Trading Party 4 but that its performance should be monitored and follow up questions raised in relation to five areas ahead of a subsequent review by the Committee of its performance in January.

#### Trading Party 5

3.14. The Committee reflected on the letter of concern response provided by Trading Party 5 as well as its recent performance.

3.15. The Committee was generally satisfied with the response.

3.16. Following discussion, the Committee:

- **AGREED** (unanimous) not to escalate Trading Party 5 and to accept its response.

#### Trading Party 6

3.17. The Committee reflected on the letter of concern response provided by Trading Party 6 as well as its recent performance.

3.18. The Committee was generally satisfied with the response, which was viewed as positive with performance improvements already evidenced.

3.19. Following discussion, the Committee:

- **AGREED** (unanimous) not to escalate Trading Party 6 and to accept its response.

#### Trading Party 7

3.20. The Committee reflected on the letter of concern response provided by Trading Party 7 as well as its recent performance.

3.21. The Committee was satisfied with the response, which was viewed as positive with performance improvements already evidenced.

3.22. Following discussion, the Committee:

- **AGREED** (unanimous) not to escalate Trading Party 7 and to accept its response.

## Trading Party 8

- 3.23. The Committee noted that Trading Party 8 had failed to provide a letter of concern response in time for consideration at the meeting but that it had provided a reasonable rationale for the delay and that Trading Party 8 would come back to the Committee to review in October.

## Trading Party 9

- 3.24. The Committee reflected on the letter of concern response provided by Trading Party 9 as well as its recent performance.
- 3.25. The Committee was generally satisfied with the response, which was viewed as positive with some performance improvements already evidenced.
- 3.26. Following discussion, the Committee:
- **AGREED** (unanimous) not to escalate Trading Party 9 and accept its performance in relation to one measure and monitor in relation a second to confirm anticipated performance improvements.

## Trading Party 10

- 3.27. The Committee reflected on the letter of concern response provided by Trading Party 10 as well as its recent performance.
- 3.28. The Committee was generally satisfied with the response, with some performance improvements already evidenced.
- 3.29. Following discussion, the Committee:
- **AGREED** (unanimous) not to escalate Trading Party 10 and to accept its response.

## 4. Trading Party Performance Rectification Plan Prep Discussion

- 4.1. The Committee noted a brief overview from AC proposing how to manage the trading party performance rectification discussion at the October Committee meeting.
- 4.2. The Committee briefly discussed the proposed approach noting that it was generally happy to follow the same approach as used previously but that the first section of the discussion in which the Committee agreed the questions to be put to the trading party should be shortened and Committee members should provide the questions they would like to submit in advance of the meeting.

## 5. New Letters of Concern and Responses to Requests for Additional Information

- 5.1. The Committee noted a brief update from AC that confirmed no new letters of concern were due to be sent out in September and it was agreed that there was no need for the forward view of which trading parties might be sent a letter of concern in October based on current performance levels to be circulated after the meeting.
- 5.2. The Committee further noted that responses to requests for additional information provided following requests to trading parties sent after the escalation review discussions at the August Committee meeting were available on the Committee SharePoint site and that Committee members were requested to review the responses ahead of the monitoring review discussions for these trading parties at the November meeting. Committee members were also asked to

communicate any issues or concerns raised by the letters to Secretariat ex-Committee at any point before that.

## OPEN SESSION

### 6. Housekeeping

- 6.1. The minutes of MPC64 in August were approved as an accurate record.
- 6.2. It was noted that, due to time constraints, the actions update would be picked up at MPC66 in October.

### 7. Tabled Updates

- 7.1. The tabled updates provided in advance of the meeting were noted along with a brief verbal update on the Strategic Panel's recent activity from AR.

### 8. AOB

- 8.1. The Committee noted an overview of the focus of upcoming Committee meetings provided by AC.
- 8.2. Due to time constraints, scheduled AoB on the Committee's forward agenda and a CMOS outage on 10 August would be picked up at MPC66 in October or ex-Committee if requested.

### 9. MPC54 Reflections

- 9.1. The Committee reflected on the meeting.
- 9.2. There being no further business, the Chair closed the meeting.