

## Minutes of Panel Meeting 55

25 May 2021 | 10:30 – 18:00

Videoconference

Status of the Minutes: **Final**

Trisha McAuley OBE	TM	Chair	Helyn Mensah	HM	Panel Member (Independent)
Richard Barton	RB	Panel Member (Associated Retailer)	Elsa Wye	EW	Panel Member (Independent)
Trevor Nelson	TN	Panel Member (Unassociated Retailer)	Nicola Smith	NS	Panel Member (Unassociated Retailer)
Charlotte Glass	CG	Panel Member (Associated Retailer)	Pamela Taylor	PT	Panel Member (Independent)
Claire Yeates	CY	Panel Member (Unassociated Retailer)	Christina Blackwell	CB	Alternate - Panel Member (Customer Representative)
Martin Mavin	MM	Panel Member (Wholesaler)	Sarah McMath	SM	Affiliated Panel Member (MOSL)
Michael Rathbone	MR	Panel Member (Wholesaler)	Dan Mason	DM	Affiliated Panel Member (Ofwat)
Fallon Wilkinson	FW	Panel Member (Associated Retailer)	Adam Richardson	AR	Panel Secretary

### OTHER ATTENDEES

Stuart Boyle	SB	MOSL Presenter item 4	Ethan Fleming	EF	MOSL Secretariat
Evan Joannette	EJ	MOSL Presenter item 5	Samantha Mawby	SMa	MOSL Observer
John Gilbert	JG	MOSL Presenter item 5	Ivy Mandinyenya	IM	MOSL Presenter item 6,7
Steve Formoy	SF	MOSL Presenter item 9	Christopher Wright	CW	Castle Water Observer
Abu Rashid	ARa	MOSL Presenter item 8	Markus Lloyd	ML	MOSL Presenter item 12
Peter Strain	PS	Castle Water Observer	John Vinson	JV	Observer

### APOLOGIES

Mike Keil	MK	Panel Member (Customer Representative)
Mark Holloway	MH	Panel Member (Wholesaler)

## 1. Welcome/Introductions and Declarations of Interest

1.1. Apologies had been received from MK who had nominated CB as their alternate.

- 1.2. Apologies had been received from MH whose alternate was unable to attend.
- 1.3. The Chair welcomed SMa (MOSL Governance Manager) to their first Panel meeting.
- 1.4. The Chair reminded Panel Members that, in line with section 5.7 of the MAC, they were to act impartially and not act in the interest or as a representative of any particular body or individual. If Panel Members believed they had an actual or perceived conflict they should declare this at the start of the meeting or before an agenda item. Items discussed in closed sessions were confidential and should not be discussed with individuals outside of the Panel or confidential papers shared.
- 1.5. No interests were declared.

## 2. Minutes and Outstanding Actions

- 2.1. The Panel approved the minutes for the Panel meeting 54.
- 2.2. The Panel agreed that the following actions could be closed as they had been completed:
  - 2.2.1.A54\_01, A54\_02.
- 2.3. The Panel further agreed that the following actions would remain open:
  - 2.3.1.A26b\_04; A39\_05; A45\_10.

## 3. Ofwat Update

- 3.1. DM reported that since the last meeting Ofwat had approved '[CPW111: Housekeeping change to align the codes with CMOS](#)'.
- 3.2. Ofwat had been undertaking an ongoing Competition Act investigation into Thames Water in relation to smart metering and access to digital data services. Ofwat had [published a consultation](#) on the intention to accept formal binding commitments from Thames.
- 3.3. Ofwat would be looking to update '[CPW070: Bilaterals Interface Solution](#)' to amend the implementation dates associated with phases of the programme following a constructive discussion with MOSL to reflect the agile approach being taken and avoid the imposition of arbitrary deadlines.
- 3.4. Ofwat had published guidance on [alternative credit arrangements](#). An update on [bad debt](#) had been published on the 4th May and reflected an intention to amend regulation protections from April 2022. In July Ofwat would publish the other elements from the bad debt consultation, and DM asked the Panel to note that Ofwat would initiate its wider review of the Retail Exit Code by the end of the year.
- 3.5. DM added that on Thursday 27 May Ofwat would be publishing a high-level discussion document for [PR24](#).

## 4. Change Report

- 4.1. The Panel considered the proposed assessment approaches and assessment timetables for new change proposals: '[CPW119/CPM042: Dormant Trading Party Provisions](#)', '[CPW122: Introducing Direct Debit as a Payment Method](#)', '[CPW123: Improve codes for 'remote read type'](#)' and amended timetable for '[CPW105: Provisions of Information Obligation](#)'.

- 4.2. SB reported that MOSL had expected to present six new changes at Gate One to the May Panel. However, one proposer had decided to not raise their change as it did not fulfil their intentions and two other proposers had delayed further work until the results of the bilaterals solution was known. Two changes, CPW122 and CPW123 had been phased to be presented to the Panel for recommendation in August. This would mean they required consultation during June and July. CPW123 required presentation to the Metering Committee before the Panel. By seeking recommendation at the August Panel this would allow them to be implemented in May 2022 rather than December 2022.
- 4.3. At the Chair's invitation, an Observer noted that CPW122 as presented appeared to show a lack of evidence, for example no mention of the Direct Debit Indemnity Scheme. As the assessment pre-consultation currently appeared lacking this could require longer before the consultation was issued as without it the consultation may be difficult to respond to. There was also a lack of detail on why Wholesalers were currently reluctant to accept direct debits. SB confirmed that all of this could be included in the MOSL work before the consultation was issued.
- 4.4. A Panel Member asked that further evidence be collected including if all Trading Parties had the capability to administer direct debits and if this would create additional costs for them. The current drafting also referenced wire transfer, and this should be examined for impacts and costs. The assertion that the lack of electronic transfers was restricted should have supporting evidence including why Wholesalers had blocked or been reluctant to adopt them. This additional evidence would help to understand the scope and scale of the issue.
- 4.5. A Panel Member noted that CPW122 should include what Retailers wished for in this area and if it should go beyond Direct Debit and include Open Banking services to provide a variety of options for payment.
- 4.6. Several Panel Members expressed support for the consultation of CPW122 seeking to gain evidence of how many Retailers and the type of Retailers that wished to use it.
- 4.7. Several Panel Members expressed concern over the number and size of consultations that were being issued. The Change Report did not contain consultations issued by Ofwat, RWG and others. There may be other ways to gain industry feedback in particular smaller Trading Parties who did not have the resources to respond to extensive consultations. This could include meetings for specific consultations to gain verbal feedback or via polling. Alternatively, the consultations could be presented in an easier fashion with summaries, links and references to appropriate areas. It was noted that a webinar was planned for the governance consultation.
- 4.8. AR confirmed that MOSL was committed to not trying to implement a "one size fits all approach" and to operate the right blend of engagement options for all Trading Parties. The User Forum provided an opportunity to present a view of ongoing and upcoming changes to Trading Parties.
- 4.9. A Panel Member noted that running multiple metering consultations could stretch resources within Trading Parties as it was likely to be the same people answering them.
- 4.10. Several Panel Members noted that there were a large number of consultations however it would be worth the additional work to gain benefits sooner. Stakeholders often criticised the pace of change and a quicker pace required multiple consultations. The reasons for multiple consultations should be explained when they were issued.

- 4.11. A Panel Member noted that even when less consultations were issued MOSL did not typically gain more responses.
- 4.12. SM confirmed that she was aware of the issue and feedback had been that Retailers were focusing on managing their businesses in difficult economic conditions, rather than market governance. Market governance needed to be clear and transparent so the process could be trusted to deliver in the best interests of customers and stakeholders.
- 4.13. A Panel Member noted that the Governance Sub-Group (GSG) had discussed the need for engagement guidelines/policy to support the work of the new Panel and it was likely this would feature in the group's recommendations.
- 4.14. A Panel Member noted that an alternative route for gaining consultation feedback could be for smaller Retailers to take turns answering on behalf of the other small Retailers as a collective.
- 4.15. The Panel noted that although it was important to get Trading Party feedback it was also important to gain the feedback of the end customers.
- 4.16. The consultation into '[CPW110/CPM041: Sharing Non-Household Emergency Details](#)' had ended and MOSL was considering with the proposer if it should become mandatory to adopt or not. If it was made mandatory it would require a further consultation as the original consultation was based on it being voluntary.

The Panel:

- **AGREED** (unanimous) the assessment plans for new change proposals (13 in favour)
- **AGREED** (unanimous) the amended change proposal plans (13 in favour).

## 5. CPW070a: Bilaterals Interface Solution

- 5.1. The Panel considered early sight of package four of the amended documentation under Change Proposal '[CPW070a: Bilaterals Interface Solution](#)'. This change sought endorsement for: Schedule 1, Part 4: Market Terms, Terms and Conditions of a Wholesale Contract, Code Subsidiary Document 0003 (volume transfer and volume data update), Code Subsidiary Document 0004 (interim supply allocation process), Code Subsidiary Document 0102 (registration: transfers), Code Subsidiary Document 0103 (registration: cancellations and erroneous transfers) and Market Arrangements Code (MAC) to give the industry confidence in their systems development ahead of formal code recommendation.
- 5.2. JG reported that the planned mandatory date of adopting was currently the 22nd September to allow adequate time for Trading Parties to test and train on the system with the final product from mid-August. Following the presentation of the code documents at the Panel today the Panel would have reviewed 17 of the 25 documents to be presented at the June Panel.
- 5.3. The next Trading Party checkpoint was the return of assurance forms by the 28th May. At the time of the meeting MOSL had received 20 forms covering one third of SPIDs in the market. At least 50% of the forms had been returned to Trading Parties for further clarification.
- 5.4. EJ reported that as the work progressed the required drafting changes were becoming less material and more focused on enabling changes and revised definitions in the supporting code elements. Minor changes to the MAC have been identified which require raising a new change proposal which MOSL and Ofwat had in hand.

- 5.5. The Code Advisory Group (CAG) had reviewed all of the documents being presented to the Panel. CAG members were firm in their view to not codify functionality that would not be built into the hub at launch date and would therefore lead to immediate non-compliance (e.g. bilateral hub service desk functionality).
- 5.6. EJ confirmed that a large number of positive enquiries and messages were being received by MOSL from TPs about engaging with the programme. The Contract Manager updates had been well attended and recorded for those who could not attend. Close links had been maintained with Ofwat, CCW and the RWG and soon the Trade Effluent Practitioner's Network.
- 5.7. The recommendation to the Panel in June would be for an implementation date on the hub mandatory go-live date to avoid any confusion from dual operation of systems.
- 5.8. A Panel Member who is a member of the CAG confirmed that the reviews undertaken by the CAG were robust and provided constructive challenge and pushback to MOSL.
- 5.9. A Panel Member who is a member of the Pathfinder Group confirmed that testing was increasing as the go-live date approached. The reasoning for the go-live date and implementation date being the same date would need explanation to the industry as there may be some expectation of dual running. JG confirmed that MOSL was committed to giving Trading Parties four weeks testing of the final product in a pre-production environment. Dual running would cause reporting confusion and JG would discuss this with the Panel Member out of committee.
- 5.10. A Panel Member confirmed that CCW had been in contact with MOSL to provide input to the touch points which needed improving from a customer perspective. They proposed that any benefits to the customer journey could be presented in the draft recommendation report in June.
- 5.11. A Panel Member asked EJ to double check if changes to the MAC's principles and definitions would require Trading Parties to re-sign it.<sup>1</sup>

**ACTION:A55\_01**

- 5.12. Panel Members asked that the submission in June include a log setting out the changes that had been made to the documents that the Panel had previously issued a minded to support opinion on with an explanation on if they were material changes and the reasons for them.
- 5.13. Panel Members expressed support for removing non-essential items from the June agenda to allow appropriate discussion time for CPW070.
- 5.14. A Panel Member asked if a demonstration of the bilaterals hub could be arranged by for Panel Members.

**ACTION:A55\_02**

The Panel:

- **AGREED** (unanimous) it was minded to support the documents as listed above (13 in favour).

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<sup>1</sup> Post Meeting Note: MOSL's legal team have confirmed that the MAC would not require re-signing.

## 6. CPM38/CPW116 – Clarification and removal of redundant clauses in the Unified Disputes Process

- 6.1. The Panel considered the change proposal '[CPM038/CPW116: Clarification and removal of redundant clauses in the Unified Disputes Process](#)' which sought to update section 11.2.1 and section 17 of WRC Schedule 1 Part 2 Business Terms, Process B2 of WRC Schedule 1 Part 3 Operational Terms and Sections 17 and 18 and Schedule 9 of the MAC in order to align these with the changes made by '[CPW092/CPM029: Unified Disputes Process and Committee](#)' which was implemented 13 November 2020.
- 6.2. The Panel noted that the Change also reflected the gender neutrality requirement as per the rest of the code.
- 6.3. A Panel Member encouraged other Panel Members to review the Disputes Procedure Guidance which had been reissued to reflect learnings from the committee operations. This was not a code document but was defined in the Code.
- 6.4. A Panel Member would contact IM out of committee to clarify a non-material amendment to one of the timescale images.

The Panel:

- **AGREED** (unanimous) to recommend the implementation of CPM038/CPW116 to Ofwat for approval (13 in favour).
- **AGREED** to recommend an implementation date of;
  - 27 August 2021, if Ofwat's decision is received by 27 July 2021
  - 5 November 2021 if Ofwat's decision is received by 1 October 2021.

## 7. Disputes Committee Terms of Reference

- 7.1. The Panel considered the proposed Disputes Committee Terms of Reference (ToR).
- 7.2. A Panel Member noted that the revised ToRs appeared to remove contradictions or potential contradictions and aligned them to the code.
- 7.3. A Panel Member identified a non-material issue between how the Chair was described as a non-voting member but also included in the quorum for the committee. IM would clarify this with the legal team but it would not stop the Panel voting on the ToRs.
- 7.4. A Panel Member identified that the ToRs in section 5.3 did not obligate the Market Operator to update the website in the event that an ordinary meeting was required to consider urgent business. IM would clarify this with the legal team, but it would not stop the Panel voting on the ToRs.

The Panel:

- **AGREED** (unanimous) the Disputes Committee Terms of Reference (13 in favour);

## 8. Panel Purpose Progress Update

- 8.1. AR reported that the consultation on the Panel purpose and associated code changes '[CPM021: Panel Membership and Voting Rights](#)', '[CPM039: Revisions to Panel Composition](#)' and '[CPM040/CPW121: MAC and WRC Principles](#)' had been launched and was currently due to close

on the 14th June. The Strategic User Forum, Disputes Committee and UK Water Retail Council had already been engaged with. MOSL was also planning to engage with the Major Energy Users Council and host a webinar for Trading Parties during the consultation. Aside from the governance consultation changes the papers and minutes of the GSG were also available online.

- 8.2. The Change proposal CPM039 which had been raised by Ofwat proposed a model in which a strategic panel met quarterly and worked to translate key strategic outcomes from Defra and Ofwat into priorities and areas of focus for the Panel and its committee to evolve the code and drive performance against these. The Panel would expect to be outwards looking to engage with stakeholders and would provide feedback on the MOSL business plan. The composition of the Panel was currently proposed to be split approximately 50:50 between Trading Parties and non-Trading Parties. There would be the need for a Code Change Committee to meet monthly to consider the programme of changes and deal with Trading Party raised changes. The Strategic Panel would be populated by an appointment mechanism rather than election to help ensure members had the correct mix of skills and behaviours.
- 8.3. The Change proposal CPM021 raised by Castle Water would have a similar composition ratio but would include a codified body which Trading Parties could attend and provide direct input to the Strategic Panel. Strategic Panel Members would be elected rather than appointed. At the invitation of the Chair, an observer noted that this model was designed to facilitate greater engagement with Trading Parties and elections, if held open and transparently, would ensure the election of members with the correct skills.
- 8.4. DM reported that CPM040 and CPW121 were based on Ofwat's statutory obligations to provide a clear link to the code principles.
- 8.5. A Panel Member noted that the GSG had discussed Panel costs and the need to provide comparable costs to the current situation with more independent members increasing costs. AR confirmed that as the Panels proposed were smaller and did not meet as frequently they were expected to be cheaper.
- 8.6. At the Chair's invitation, an Observer noted that the GSG had discussed not only how to fill the strategic gap but also how the Panel could help inform and shape Ofwat's strategy.
- 8.7. A Panel Member noted that the GSG had discussed the need to ensure that any model delivered benefits to the customer.
- 8.8. A Panel Member noted that as the Panel Purpose was being consulted on at the same time as proposed composition changes this could create the view amongst Trading Parties that the matter had already been decided. AR responded that the consultation had been designed to encourage responses outside of the models and compositions provided. The raising of the Changes in parallel with the Panel purpose consultation was not ideal but due to the need to implement them in time for the Panel election.
- 8.9. AR proposed that the consultation could be extended if a date could be found for an ad-hoc Panel meeting in the first week of July. Panel Member expressed support for this option and agreed that MOSL work with Panel Members to set a date in early July for this ad-hoc meeting.

ACTION:A55\_03

The Panel:

- **NOTED** the Panel Purpose Update

## 9. Market Improvement Fund

- 9.1. The Panel considered the Project Selection and Governance Document (PSGD) for the Market Improvement Fund (MIF) and the key components for the first funding round.
- 9.2. SF recapped the VAT treatment which was based on VAT advice taken during the analysis of [‘CPM018: Treatment of Market Performance Standard charges and Operational Performance Standard charges’](#) and had since been updated. Currently, no VAT is chargeable on MPS and OPS amounts charged nor on the redistribution. However, VAT will apply to the element used to fund projects. MOSL currently expects that at the same time as redistribution normally takes place, it will calculate the amounts that have been awarded to projects and charge this amount to trading parties, in the same proportion as the normal redistribution. This charge will incur VAT. The VAT should be reclaimable by trading parties providing they are VAT registered, in the normal course of business, but there will be a cash flow impact. The governance document would be adjusted to include an obligation on MOSL to ensure the VAT treatment was in-line with the latest guidance/regulations.
- 9.3. SM expressed concern that the minimum thresholds for bids was low at £5000 and this could result in a large inefficient administrative cost for projects with little benefit. Several Panel Members expressed that from their experience of similar funds there should be a higher minimum bid level. The Panel requested that MOSL undertake a benchmarking exercise with similar funds for the minimum bid size.

### **ACTION:A55\_04**

- 9.4. A Panel Member responded that the MIF Sub-Group supported a low minimum value for bids as organisations such as RWG which had little to no funding may require small bits of ad hoc consultancy to fund. Low value projects could still deliver benefits, and this should be balanced against excessive administration costs from a low minimum level.
- 9.5. A Panel Member expressed that they felt bids for small amounts could have a different set of criteria that allowed for less administration to reduce the costs associated with them.
- 9.6. It was noted that one off costs that were required to administer the fund such as legal advice would be funded from the fund with approval from the MIF Sub-Group. The requirement for match funding had been removed however projects that Trading Parties would input funds to would receive a high score in the criteria.
- 9.7. A Panel Member noted that the selection panel could benefit from more independence and less Trading Party membership to assist with attracting innovators or new entrants albeit that this would come at an increased cost. The criteria would benefit from more details such as examples of what would be funded, and the approach taken to assessment including a value for money requirement. Several Panel Members expressed support for more independent membership or a reduction of Trading Parties on the selection Panel. Trading Parties could be appointed as non-voting members to provide expertise. Independent members did not need to be Independent Panel Members and can be recruited separately.
- 9.8. It was noted that it was proposed to maintain the MIF Sub-group Membership until Autumn to keep consistency with the governance review.
- 9.9. SF clarified that if CCW wished to make a bid to fund it would require sponsorship from a Trading Party or MOSL.

- 9.10. A Panel Member asked if part of the fund could be used to support customers directly. SF explained that the code as it was currently drafted would not allow this with the money being awarded for projects or returned to Trading Parties.
- 9.11. A Panel Member noted that the focus should be on the outcomes that projects delivered and the benefits rather than the costs associated with them.
- 9.12. A Panel Member asked it to be made clearer what would happen if not all of the fund was awarded. SF clarified that any remaining funds would be redistributed to Trading Parties. It would require a decision by the Panel to roll the remaining funds over to another funding round. SF would ensure this was captured appropriately in the governance document.

The Panel:

- **AGREED** (unanimous) overall size of the first round of the MIF to be £1million and the indicative timetable for the MIF (13 in favour)
- **AGREED** (unanimous) the MIF Sub-Group membership as Elsa Wye, Gerard Lyden, Wendy Monk and Mike Rathbone (13 in favour)
- **AGREED** (unanimous) to return the proposed Project Selection and Governance Document and proposed key components excluding those listed above to MOSL and the MIF Sub-Group for further refinement (13 in favour)

## 10. MPC Terms of Reference

- 10.1. The Panel considered the proposed Market Performance Committee (MPC) Terms of Reference to allow CCW to appoint a voting member to the committee and removed the MPC's responsibility for monitoring MOSL compliance which the Panel transferred to the Market Audit Sub-Group at Panel 53.

The Panel:

- **AGREED** (majority) the proposed MPC Terms of Reference (12 in favour, 1 abstain<sup>2</sup>)

## 11. Panel 2022 Dates

- 11.1. The Panel considered the proposed Panel dates for 2022.
- 11.2. The Panel noted the dates from October onwards may be subject to change depending on the outcome of the governance review.
- **AGREED** (unanimous) the proposed Panel 2022 dates (13 in favour)

## 12. Assessment of CMOS Parameters

- 12.1. The Panel noted that the only indicator that was above the threshold for review was in relation to the Volume Estimating Caps, due to Yearly Volumes Estimates being used to mitigate the impacts of COVID in line with MOSL and Ofwat guidance. The development of smart meter technology could increase the accuracy of reads submitted to CMOS, which could lead to a reduction of error tolerance if desired. COVID may also change consumption profiles and impact

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<sup>2</sup> The Panel Member abstained in the interest of avoiding a perceived conflict of interest in relation to the amendments

industry averages, thereby affecting the Industry Level Estimates. At this time, it was difficult to determine market usage shifts.

- 12.2. The Panel noted it could request a review of the CMOS parameters at any time, with the next scheduled review for May 2022.
- 12.3. The Panel requested the status of the Capped YVE parameter be considered against the threshold for review within the next six months noting that it may require twelve months of data to identify if the trend was in the correct direction.

**ACTION:A55\_05**

The Panel:

- **AGREED** (unanimous) that no review on the four CMOS parameters was required (13 in favour)

### 13. Committee Reports

- 13.1. EW reported that the Disputes Committee had met the previous week and considered the annual disputes report and undertaken a discussion on the Panel purpose.
- 13.2. A Panel Member asked what approach MPC was taking towards BMEX<sup>3</sup>. DM confirmed that Ofwat had asked the MPC to investigate and take forwards the steps need to operationalize BMEX by April 2022 as a reputational incentive. The possibility of this becoming a financial incentive could follow in phase two later in 2022 or 2023.

*CB left the meeting*

- 13.3. A Panel Member asked if, in light of the Ofwat consultation on the Competition Act issue with Thames relating to metering, the Metering Committee needed to be aware and take any actions. MOSL agreed that there may be interdependencies noting that the matter was still at the consultation stage so may be subject to change.

The Panel:

- **NOTED** the Committee Reports

### 14. MOSL Business Update

- 14.1. SM asked the Panel to note that the biggest risk that faced MOSL was unplanned Retailer exit from the market and MOSL had commissioned work to identify what indicators should be monitored, scenario planning exercise and the processes in places with any gaps. DM confirmed that Ofwat were aware of this risk and included it upon their risk register with a programme of work planned. This would be coordinated with MOSL as there would likely be synergies.
- 14.2. A Panel Member asked what steps the Panel should be taking to be aware of the scale of the issue and what could be done to mitigate. SM noted that if the Panel transition to a Strategic Panel model then this would be an important question for the Panel to address to ensure the context of the market was understood whilst setting priorities. Of particular note was the risk

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<sup>3</sup> The [business customer measure of experience incentive](#)

of stranded customers as Ofwat could not force a Retailer to take on new customers and “bundles” of Supply Points by customer or customer type would currently be challenging due to data sets available. SM would consider whether an appropriate summary of the report on the health of the market could be circulated.

14.3. A Panel Member asked for further details of the work MOSL undertook with the Department on Education on school consumption. SM reported that this had been undertaken at the request of the Department to gain accurate consumption data. As it had been possible to complete this work at low cost MOSL had provided the information and produced a dashboard which could help with water efficiency and driving innovation, however did not judge it the role of the MO to take this work any further.

14.4. The Panel noted that MOSL was supporting a RWG Water Efficiency group which was looking at data ownership and data sharing in the market.

The Panel:

- **NOTED** the MOSL Business Update

## 15. MOSL Market Update

15.1. ML noted that there were more new entry tasks than exit tasks however switching tasks had been impacted by Sainsbury’s transition to the self-supply model. MOSL were monitoring if Unplanned Settlement Runs were increasing due to the investigating differences between R1, R2 and R3. Yearly Volume Estimates were being carefully monitored as restrictions continued to ease with more customers expected to exit the market due to COVID yet to be seen.

15.2. A Panel Member noted that it had been difficult to gain insight in the new graphs that MOSL produced on MPS and OPS compared to the invoices. ML would investigate the functionality with the Panel Member ex committee. MOSL were considering how best to provide additional training to the market on the new software used.

The Panel:

- **NOTED** the MOSL Market Update

## 16. Any Other Business

16.1. A Panel nomination meeting to appoint a new Wholesaler Panel Member was scheduled for the 9th June 2021.

16.2. The Chair thanked MR for his time on the Panel and his continued constructive contributions.

16.3. The Chair thanked EF for his efforts in supporting the Panel and the Chair directly and wished him well in his future endeavours.

## Closed Session

### 17. Metering Committee Appointments

- 17.1. At the April Panel meeting Panel Members noted that a recently appointed member of the new Metering Committee had stood down, prior to the first meeting. The Panel noted the strong field of nominees received for the committee and that it would be appropriate to consider appointing from the two remaining nominees subject to confirming their continued interest. The Panel deferred making an appointment decision in favour of a vote ex-committee.

The Panel:

- **NOTED** the results of the ex-committee vote to appoint a Wholesaler Metering Committee Member. Michelle Brown was appointed by majority (eight in favour, three abstain, three against).

### 18. Market Performance Committee Nominations

- 18.1. AR reported that following the appointment of new MPC Members a Trading Party had raised a concern in relation to the nomination process. After an investigation into the process it was discovered that one nomination had been inadvertently excluded from the process.
- 18.2. The Panel noted the results of the investigation, the circumstances of the exclusion and the mitigating measures that MOSL had implemented to prevent reoccurrence of the issue.
- 18.3. AR confirmed that the affected party had been made fully aware of the circumstances of the error and the changes to process that MOSL had implemented.
- 18.4. The Panel Chair and MPC Chair had been kept informed of the situation and AR confirmed that they had agreed it was also appropriate to publish lists of nominees for future appointments on the MOSL website by paper submission day.
- 18.5. Panel Members noted that publishing the list of nominations would improve transparency and also provide a final check for nominees to ensure they were included in those published.
- 18.6. AR noted that the amended procedure had been discussed with the Chair of the DC and implemented for the ongoing DC nominations.
- 18.7. The Trading Party concerned had welcomed the openness on the error and the adjusted procedure.
- 18.8. Panel Members noted the update and expressed support for considering the composition and membership of Panel Committees (including the MPC) in autumn 2021 following the conclusion of the governance review. It was noted that this would be a matter for the Panel appointed from October 2021 and that such considerations may or may not result in amendments to the composition of Panel Committees.
- 18.9. A Panel Member welcomed receiving a formal response to any submission to MOSL such as nominations and consultation responses.