

***UNITED UTILITIES WATER LIMITED***

***Access Code for use of the Water Supply System for  
combined supply licensees***

**Under Sections 66B – C of the Water Industry Act 1991**

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# 1. Overview

## 1.1 Role of the access code

This Access Code sets out the principles that United Utilities Water Limited (UW) will apply when negotiating agreements for access to its water supply system under sections 66B to 66C of the Water Industry Act 1991 (WIA91)<sup>i1</sup> as amended by the Water Act 2003 (WA03). Access to assets not covered by S66B-C of WIA91 is not dealt with in this document.

UW will apply the principles set out in this code when negotiating agreements for access with Licensed Water Suppliers (licensees). One of the requirements of an access agreement will be that the licensee complies with all relevant conditions of this access code, as set out here and amended from time to time.

This access code sets out the requirements that will apply for access to the UW supply system via a Combined Agreement.

This access code will be reviewed at least annually and the most up to date version should be obtained from [www.unitedutilities.com/accesscodes.aspx](http://www.unitedutilities.com/accesscodes.aspx) or requested from the Trading Manager (see section 2.3.1 for contact details).

## 1.2 Relevant framework documents

This access code covers access to UW's water supply system under sections 66B to C of the WIA91.

The Water Services Regulation Authority (OFWAT)<sup>2</sup> has issued guidance on the application of the competition provisions of the WIA91, and this can be found on the website [www.ofwat.gov.uk](http://www.ofwat.gov.uk). This access code complies with Ofwat's Guidance on Access Codes<sup>ii</sup> and all other relevant guidance.

Under the WIA91 access to a water undertaker's supply system is only permitted to a Licensed Water Supplier. Ofwat's website also contains information on how to apply for a Water Supply Licence, and the Conditions that apply to a Water Supply Licence. Licensees should familiarise themselves with the guidance on Ofwat's website, in particular the Guidance on Customer Eligibility and the Customer Transfer Protocol.

Documents referred to in this Access Code are listed directly below and also in the References at the end of the Access Code.

### i) Primary and secondary legislation

Water Industry Act 1991

<http://www.legislation.gov.uk/ukpga/1991/56/contents>

Water Act 2003

<http://www.legislation.gov.uk/ukpga/2003/37/contents>

The Water Supply (Exceptions from Supply System Prohibitions) Regulations 2005

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<sup>1</sup> Further references to the Water Industry Act 1991 refer to the Act as amended by the Water Act 2003.

<sup>2</sup> The Water Services Regulation Authority (the Authority) which is run by a Board is generally referred to as Ofwat. In this access code Ofwat means the Authority.

<http://www.legislation.gov.uk/uksi/2005/3075/contents/made>  
The Water Supply Licence (New Customer Exception) Regulations 2005  
<http://www.legislation.gov.uk/uksi/2005/3076/contents/made>  
The Water Supply Licence (Application) Regulations 2005  
<http://www.legislation.gov.uk/uksi/2005/1638/contents/made>  
The Water Supply (Water Fittings) Regulations 1999  
<http://www.legislation.gov.uk/uksi/1999/1148/contents/made>  
Competition Act 1998  
<http://www.legislation.gov.uk/ukpga/1998/41/contents>  
Water (Meters) Regulations 1988  
<http://www.legislation.gov.uk/uksi/1988/1048/contents/made>

## **ii) Statutory and non-statutory guidance**

Guidance on Access Codes

[http://www.ofwat.gov.uk/wp-content/uploads/2015/10/prs\\_web\\_accodestemp.pdf](http://www.ofwat.gov.uk/wp-content/uploads/2015/10/prs_web_accodestemp.pdf)

Guidance on Eligibility

[http://www.ofwat.gov.uk/wp-content/uploads/2015/11/gud\\_pro\\_wslelig.pdf](http://www.ofwat.gov.uk/wp-content/uploads/2015/11/gud_pro_wslelig.pdf)

Guidance on Strategic Supplies

[http://www.ofwat.gov.uk/wp-content/uploads/2015/11/gud\\_pro\\_stratsuppguid.pdf](http://www.ofwat.gov.uk/wp-content/uploads/2015/11/gud_pro_stratsuppguid.pdf)

Consultation on Secondary Supplies

<http://www.ofwat.gov.uk/wp->

[content/uploads/2016/08/pap\\_con20160811wsale\\_supp\\_auth\\_condS\\_FINAL.pdf](http://www.ofwat.gov.uk/wp-content/uploads/2016/08/pap_con20160811wsale_supp_auth_condS_FINAL.pdf)

Competition and Markets Authority Competition Act 1998 guidance

<https://www.gov.uk/government/collections/competition-and-consumer-law-compliance-guidance-for-businesses>

## **iii) Conditions of Appointment**

Company Instrument of Appointment

## **iv) Other relevant documents**

DWI Information Letter 13/04 Common Carriage: Guidance on the Water Quality Aspects of Common Carriage

<http://www.dwi.gov.uk/stakeholders/guidance-and-codes-of-practice/common%20carriage.pdf>

DWI Guidance on the implementation of the Water supply (Water Quality) Regulations 2000 (as amended) in England September 2010

[http://dwi.defra.gov.uk/stakeholders/guidance-and-codes-of-practice/WS\(WQ\)-regs-england2010.pdf](http://dwi.defra.gov.uk/stakeholders/guidance-and-codes-of-practice/WS(WQ)-regs-england2010.pdf)

DWI Guidance on the Notification of Events

<http://www.dwi.gov.uk/stakeholders/guidance-and-codes-of-practice/notification%20of%20events.pdf>

DWI Guidance to the Water Suppliers (Information) Direction 2012 (09/2012)

<http://dwi.gov.uk/stakeholders/guidance-and-codes-of-practice/info-directive.pdf>

Civil Engineering Specification for the Water Industry (CESWI) 7<sup>th</sup> Edition available from WRC

<http://sfa.wrcplc.co.uk/ceswi-7th-edition.aspx>

BS6700

<http://shop.bsigroup.com/ProductDetail/?pid=000000000030188215>

04/WM/03/9 Pipe materials selection and specification for use in contaminated land

<http://www.ukwir.org/ukwirlibrary/358>

## **5) Other relevant website**

Department for Food and Rural Affairs

<https://www.gov.uk/government/organisations/department-for-environment-food-rural-affairs>

### **1.3 About the access code documents**

Underpinning the development of UUW's Access Code is a willingness to reach agreement with licensees. UUW will review each application on an individual basis. However, it will adopt an approach that will be common to all licensees. The framework is detailed in section 2 of this document.

UUW's Access Code conforms to the following high level principles, which will also govern its approach to negotiating access agreements:

- a) UUW has a duty under the Water Industry Act 1991 to supply water to premises in its area. The activities of the licensee shall not prejudice this duty.
- b) UUW will retain ownership, management and control of its supply system, including the ability to control flows received from the licensee. Licensees must co-operate with UUW in its role as supply system operator. Licensees must also behave in a responsible manner that does not put at risk UUW's ability to manage the supply system.
- c) The licensee will not become the owner of any of the supply system, even where the licensee has contributed to the construction or improvement of the supply system.
- d) UUW will retain primary responsibility for managing emergency procedures relating to all of its system.
- e) UUW operates its system over a number of resource zones. Inputs of water will normally only be allowed where UUW is able to balance flows within each of these zones with due regard to the current operating regime as well as long term investment proposals.
- f) Inflows will normally be measured for quality and pressure. Inflows and outflows will normally be metered.
- g) The use of the supply system should be at no detriment to any of the customers of the supply system and should not have an adverse impact on the environment or the community. This includes compliance with statutory parameters, and aesthetic issues such as taste and odour.
- h) The supply to the licensee's customers (up to the Point of Exit) will normally be subject to the same conditions in terms of interruptions, pressure and other conditions as is the supply to UUW's customers.
- i) UUW shall provide water to the Point of Exit that is consistent with the quality in the local area in which the licensee's customers are connected.
- j) The Licensee will pay UUW the appropriate charges for access to the UUW water supply system. These charges include ongoing monthly charges as detailed within the Agreement between UUW and the Licensee.

UUW will require agreement from the licensee that its current business, operational and regulatory standards will not be jeopardised. UUW will treat the licensee and its customers on a fair, reasonable and non-discriminatory basis.

## **1.4 Role of key industry players**

The application for access to U UW's supply system is the first step in a potentially long relationship between U UW and the licensee. It is in the interests of all customers for U UW and the licensee to work together in the negotiation of an access agreement that allows this relationship to be co-operative and constructive. U UW will comply with its duties and obligations under its appointment conditions and relevant legislation, and expects that licensees will act in a similarly responsible manner.

### **1.4.1 Water undertaker**

U UW is the appointed water undertaker covering the majority of the North West. It is responsible for the public water supply network in this area. Chapter 2A of Part III WIA91 places duties and obligations on water undertakers subject to certain conditions. U UW is obliged to provide the following services subject to the conditions detailed below:

#### **Primary undertaker**

##### **Introduction of water into water undertaker's supply system**

Where a licensee requests U UW's permission to introduce water into its supply system, under section 66B WIA91, and in line with the requirements of the retail authorisation aspects of the combined license, U UW has a duty to take steps to enable the licensee to make the introduction of water into the supply system and having taken such steps, to permit the introduction of water into its supply system.

Where a combined licensee requests U UW to permit the introduction of water, as supplied by a neighbouring secondary undertaker, into its supply system for the purposes of supplying its customers within U UW's area, U UW has a duty to take steps to enable the licensee to make the introduction of the water into its system. This is in accordance with section 66C WIA91. These steps may include connecting U UW's supply system to the neighbouring secondary undertaker's supply system. Having taken such steps, U UW has a duty to permit the introduction of water into its supply system, as requested. The licensee and the primary water undertaker will need to agree bilaterally the terms and conditions of access.

The terms and conditions on which U UW carries out these duties are agreed with the licensee in accordance with Ofwat's access code guidance and the costs principle.

#### **Secondary undertaker**

Where a combined licensee requests U UW to provide a supply of water to enable it to supply its customers' premises by using a neighbouring primary water undertaker's supply system, under section 66C and in accordance with its retail authorisation, U UW has a duty to take steps to enable the provision of the supply, and having taken those steps to provide that supply.

The terms and conditions on which U UW carries out these duties in its capacity as a primary or secondary undertaker are agreed with the licensee in accordance with Ofwat's Access Code Guidance the Costs Principle and Secondary Supplies



Guidance. The introduction by a licensee into UUW's water supply system, of a supply obtained from a secondary undertaker involves two transactions, governed by separate agreements:

1. The secondary undertaker sells water to the licensee
2. The licensee introduces that water into the primary water undertaker's water supply system.

Where appropriate, the licensee, primary water undertaker and secondary undertaker may agree trilaterally the terms and conditions of access.

Licensees shall identify and communicate at the earliest stages if a secondary undertaker is likely to be included within an application. This will enable potential secondary undertakers to consult at the earliest opportunity with relevant parties including the primary undertaker, the EA and the DWI, if necessary.

The secondary undertaker will need to understand the demand requirements of the licensee and an indication of the point to which connection to the primary undertaker's supply system is required. It will also need to discuss with the primary undertaker details of the transfer, including the design of pipework and any pumping arrangements that may be required, any water quality issues and whether any facilities need to be constructed.

If UUW is identified as a secondary undertaker within an access application, UUW expects to be involved as necessary in discussions with the licensee and the primary undertaker. UUW expects to receive copies of relevant details during the initial and detailed application stages for comment and to be able to request further details as necessary.

#### **1.4.2 Conditions under which duties do not apply**

Under sections 66B and 66C WIA91, a primary undertaker has no duty to permit the introduction of water by a combined licensee into its supply system, and under section 66C WIA91 a secondary undertaker has no obligation to provide a wholesale supply of water, if either the first or second condition below is satisfied:

The first condition is that providing the supply or allowing the introduction of the water into the primary water undertakers supply system:

- would require UUW in order to meet all its existing obligations to supply water for domestic or other purposes, together with its probable future obligations to supply buildings and parts of buildings with water for domestic purposes, to incur unreasonable expenditure in carrying out works; or
- would otherwise put at risk its ability to meet any of those existing or probable future obligations.

The second condition is that there is a contravention of the prescribed requirements of regulations made under section 74 WIA91 in relation to the water fittings used or to be used in connection with:

- the supply of water to the premises to be supplied by the licensee; or
- the use of water in those premises.

### 1.4.3 Licensees

Licensees are the entrant suppliers under this regime. Licensees are responsible for obtaining a licence appropriate to the activities to be undertaken and will have undergone an assessment of their financial and technical compliance by the appropriate regulatory bodies (Ofwat/DWI). Licensees must comply with the terms of their licence, relevant legislation and the contractual arrangements as set out in access agreements.

Section 66I WIA91 prohibits unauthorised use of a water undertaker's supply system for the purpose of supplying water to a customer's premises, unless done so by the water undertaker or by a licensee under the terms of its licence. Under section 66I (3) WIA91, unauthorised use for the purpose of supplying water to a customer's premises is a criminal offence. Licensees have a duty to assure themselves that the terms of their licence allow for the use of U UW's supply system.

Section 66J WIA91 prohibits unauthorised introduction of water into a water undertaker's supply system. Introduction of water is only permitted by the primary water undertaker itself, or by a licensee under the terms of its licence, or by another water undertaker under an agreement for a bulk water supply. Under 66J WIA91, contravention of this prohibition is a criminal offence. Licensees have a duty to assure themselves that the terms of their licence allow for the introduction of water into U UW's system.

Licensees share responsibility with U UW for compliance with the Water Quality Regulations for the water they input in the supply system and for the wholesale supply of water to the customer's tap.

Licensees have a duty to comply with the eligibility requirements as amended by time to time by legislation originally specified in section 17A (3) WIA91 relating to non-household premises, the threshold requirement, or supply by only one licensee. See Ofwat guidance on eligibility.

### 1.4.4. Ofwat

The Water Services Regulation Authority (Ofwat) is the economic regulator of the water industry in England and Wales. Under the Water Industry Act 1991 (as amended) Ofwat has a duty to "further the consumer objective". This is "to protect the interests of consumers, wherever appropriate by promoting effective competition between persons engaged in, or in commercial activities connected with, the provision of water and sewerage services."

Ofwat has a role in issuing guidance to cover various aspects of the competitive regime, and undertakers and licensees will comply with this. Under section 66D WIA91 Ofwat has the power to modify or terminate an access agreement if it has not been made in accordance with Ofwat's guidance or with the costs principle set out in section 66E WIA91.

Ofwat is required to publish guidance on the operation of the WSL regime.

Ofwat is responsible for granting water supply licences for wholesale and combined services. In doing so, Ofwat will assess whether the applicant has the appropriate skills and competencies required.

Ofwat also has powers to determine disputes about the eligibility of premises, the terms and conditions of proposed customer specific access agreements and the conditions for refusing supplies. Further information is available on Ofwat's website under Water Supply Licensing:

<https://www.ofwat.gov.uk/regulated-companies/markets/business-retail-market/water-supply-sewerage-licences/>

#### **1.4.5 Drinking Water Inspectorate**

Ofwat and DWI have a role in ensuring that licensees are fit and proper persons to access a water supply system, and that they fully understand their responsibilities in doing so.

DWI has requested that it be given between two and three months warning prior to its involvement in a combined application. Licensees are encouraged to inform DWI as early as possible of a proposed combined supply.

DWI will need to be satisfied that the licensee is aware of, and understands, its regulatory duties and responsibilities in respect of drinking water quality at the initial licence application stage. Where a combined licensee intends to treat a source of water for potable supply, the treated water cannot be introduced into the public supply system until the DWI is satisfied that the treatment processes meet the relevant regulatory requirements and the works is being operated in a competent manner. DWI has provided guidance on its role, and its expectations of both undertakers and licensees, which can currently be found the Water Industry (Suppliers Information) Direction 2012<sup>iii</sup>, or any such document which supersedes this.

<http://dwi.defra.gov.uk/stakeholders/guidance-and-codes-of-practice/info-directive.pdf>

During access negotiations DWI will advise Ofwat as necessary on drinking water quality issues relating to the use of common carriage, particularly in respect of dispute resolution.

Overall, Licensees will be subject to the same level of regulation as Undertakers. Further information can be found in the Water Supply Licensing section of the DWI's website at [www.dwi.gov.uk](http://www.dwi.gov.uk).

#### **1.4.6 Environment Agency**

The Environment Agency has a duty to secure the proper use of water resources in England and Wales. They are responsible for issuing 'abstraction licences' to regulate who can take water from the environment and how much they can take (See Section 2.3.1 for further details).

#### **1.4.7 Department for the Environment, Food and Rural Affairs (DEFRA)**

The Department for the Environment, Food and Rural Affairs (DEFRA)<sup>iv</sup> is the government department responsible for Water Supply Licensing legislation. The Secretary of State has issued statutory instruments which govern the competitive regime and may issue further instruments in the future. UUW will amend this code to reflect any relevant changes.

UUW will retain responsibility for ensuring compliance with the Water Supply (Water Fittings) Regulations 1999<sup>v</sup> on any premises connected to its supply system, and under the WIA91 may refuse to make a supply to premises which contravene the regulations.

### **1.5 Definition of services**

UUW will offer services to a licensee for the purposes of supplying water to the licensee's eligible customers, subject to terms and conditions agreed with the licensee in accordance with Ofwat's Access Code Guidance and the Costs Principle. These services are defined in terms of UUW being either the primary undertaker (section 66B of the WIA91) or as a secondary undertaker (section 66C of the WIA91).

#### **1.5.1 Primary water undertaker**

- i) Section 66B WIA91 places a duty on UUW (as the primary undertaker) to allow the introduction of water by a combined licensee into UUW's supply system for supply to an eligible customer in UUW's area of appointment. The extent of the supply system will be determined by the definition of treatment works issued by DWI from time to time, and the UUW Trading Manager can advise on the legality of a proposed introduction point at the initial contact stage.

The WIA91 requires a physical link between the combined licensee's point of entry and its eligible customers' premises. The UUW Trading Manager can advise on the presence of such a physical link at the initial contact stage.

The supply may be for either a potable or a non-potable supply as UUW operates both potable and non-potable networks.

- ii) Section 66A WIA91 places a duty on UUW to make available wholesale supplies of water to a licensee within UUW's area of appointment for supply to an eligible customer within that area.

#### **1.5.2 Secondary undertaker**

- i) Section 66C WIA91 places a duty on UUW (as secondary undertaker) to make available wholesale supplies of water to a combined licensee for use in the area of appointment of another water undertaker (the primary undertaker). UUW will lay such pipes as are necessary to enable the supply to the primary undertaker's area.

### **1.5.3 Conditions under which the above duties do not arise**

- Sections 66A-66C WIA91 contain conditions which, if satisfied, remove the duties set out above

Under sections 66B and 66C WIA91, a primary water undertaker has no duty to permit the introduction of water by a combined licensee into its supply system, and under section 66C WIA91 a secondary water undertaker has no obligation to provide a wholesale supply of water, if either the first or second condition below is satisfied:

The first condition is that providing the supply or allowing the introduction of the water into the primary water undertaker's supply system:

- would require the water undertaker, in order to meet all its existing obligations to supply water for domestic or other purposes, together with its probable future obligations to supply buildings and parts of buildings with water for domestic purposes, to incur unreasonable expenditure in carrying out works; or would otherwise put at risk its ability to meet any of those existing or probable future obligations.

The second condition is that there is a contravention of the prescribed requirements of regulations made under section 74 WIA91 in relation to the water fittings used or to be used in connection with:

- the supply of water to the premises to be supplied by the licensee; or
- the use of water in those premises.

## **2. Application for access to the water undertaker's supply system**

This section of the Access Code provides guidance on the information requirements to enable UUW to process an application.

### **2.1 Process requirements**

#### **2.1.1 Confidentiality agreements**

A Confidentiality Agreement is required prior to the application stage. Failure to submit a completed document may result in delays in the processing of an application.

#### **2.1.2 Information requirements**

In order for us to process an application we will require:

Initial contact

- Licensee details
- a signed confidentiality agreement.

Application stage

- a fully completed application form,
- a customer consent form signed by an appropriate representative of the customer,

All of these documents are appended to this Access Code.

#### **2.1.3 Timescales**

On receipt of the application form, either by e-mail or letter, and the signed complete valid customer consent form and confidentiality agreement, we will then comply with the deadlines, as stipulated by Ofwat, for each part of the process.

Please see section 2.3 for a breakdown of each of the steps involved and their timescales.

#### **2.1.5 Credit provisions and credit limits**

UUW has a policy in place to credit check non-household customers and secure security deposits from customers whose payment history or credit status falls below UUW requirements. This policy is practised in order to minimise the risk to UUW, and its other customers, where a company goes into liquidation or closes. This policy will apply equally to licensees and will be operated in a non-discriminatory manner.

### **2.2 Confirming eligibility**

Section 17A(3) WIA91 sets out the following requirements that must be satisfied in relation to each of the premises supplied by a licensee:

- the customer's premises are not household premises;
- when the licensee first enters into an undertaking with a customer to give the supply, the total quantity of water estimated to be supplied to the premises annually by the licensee is not less than the volume set within the WIA91 17D (2) or subsequent amendments, (the 'threshold requirement'); and
- the premises are not being supplied by another licensee (but may be supplied by a licensee and one or more water undertakers).

For further information please refer to Ofwat's Guidance on Eligibility<sup>vi</sup>.

### **2.2.1 Responsibilities**

In all cases and for all aspects of eligibility, it is the responsibility of the licensee to ensure that the premises of a potential customer are eligible. Unless doing so in pursuance of its licence, it is a criminal offence for a licensee to use a water undertaker's supply system for the purpose of supplying water to any premises of a customer or for a licensee to introduce water into a water undertaker's supply system<sup>3</sup>. It is therefore a criminal offence for a licensee to breach any of the eligibility requirements set out in the WIA91. In addition, any licensee that contravenes the eligibility requirements may face enforcement action by Ofwat under section 18 WIA91 and may incur financial penalties. Alternatively, a licensee could face revocation of its licence in accordance with the Standard Conditions of Water Supply Licences.

A set of premises may change in such a way as to require the threshold to be satisfied a further time. For example, a customer may sell part of its premises so that the original premises is split and is occupied by different customers. Regarding the threshold requirement, as long as the requirement is met at the time the licensee first enters into the undertaking to supply a set of premises, and those premises do not change, those premises can continue to be supplied by the same licensee for the duration of the undertaking even if consumption falls below the threshold.

A licensee should seek its own legal advice if it is unsure whether a customer's premises are eligible.

### **2.2.2 Boundary definition**

The WIA91 does not define 'premises' for the purpose of assessing eligibility. Premises can include buildings or land. Licensees can only supply customers at individual eligible premises. Each of the premises supplied must be eligible. Customers cannot aggregate consumption at more than one set of premises in order to achieve eligibility, although some groups of properties may constitute a single set of premises in certain circumstances. Please refer to the Ofwat WSL guidance on eligibility

<https://www.ofwat.gov.uk/regulated-companies/markets/business-retail-market/who-is-eligible/>

There will be a single set of premises in the following circumstances:

- i. The premises are located within a single boundary and a single customer occupies the premise and is liable for water bills in respect of those premises (single boundary premises);
- ii. The premises consist of co-located buildings, other similar structures and/or land which have adjoining boundaries or which are separated only by transport infrastructure and a single customer occupies the premises and is liable for water bills in respect of those premises (common occupation co-located premises); or

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<sup>3</sup> See sections 66I and 66J WIA91.

iii. The premises consist of a single building or co-located, separately occupied buildings, other similar structures and/or land with all four of the following characteristics:

- They have a common landlord or managing agent in respect of the totality of the premises;
- They have adjoining boundaries or are separated only by transport infrastructure;
- They are served by a self-contained common water supply system that does not belong to a water undertaker; and
- A single customer is liable for water bills in respect of the totality of the premises (common management co-located premises).

If premises meet the criteria in paragraphs ii and iii, the criterion in paragraph i cannot be applied to any part of the premises as a means of reducing the area in order to bring the reduced premises within the eligibility requirements.

### **2.2.3 Household / non household premises**

Premises that satisfy the single set of premises eligibility requirement must also satisfy the requirements in section 17A (3) (a) WIA91 that the premises are not household premises.

The meaning of ‘household premises’ is set out in section 17C WIA91, and further clarified in Ofwat’s Guidance on Eligibility. Section 17C WIA91 defines household premises as those in which, or in any part of which, a person has his home. The fact that a person has his home in, or in part of, any premises does not mean that the premises are household premises unless the principal use of the premises is as a home. In its guidance on eligibility Ofwat sets out what it considers to be household and non-household premises for the purpose of the WSL regime.

Licensees should note that if a site is capable of being defined as a single premises under Ofwat’s Guidance on Eligibility, then parts of the site cannot be excluded in order to satisfy the non-household requirement.

### **2.2.4 Volume threshold**

The threshold requirement is that, at the time the licensee first enters into an undertaking with a customer to supply the premises, the total quantity of water estimated to be supplied annually to the premises by the licensee pursuant to the undertaking is not less than the volume set within the WIA91 17D (2) or subsequent amendments,. The threshold requirement relates to the amount of water that is supplied by the licensee using one or more water undertakers’ supply systems. The amount of water that a customer receives by means of private supplies does not count towards assessing whether the threshold requirement is satisfied.

The threshold requirement is set out in section 17D WIA91, and further details of how it is to be applied are contained in Ofwat’s Guidance on Eligibility.



### **2.2.5 Supply arrangements for licensees**

Section 17A WIA91 prohibits the supply of a single premises by more than one licensee. However, a premises may be supplied by a single licensee and one or more undertakers.

### **2.2.6 Attachment to the supply system**

Customers can only be supplied by licensees if they are connected to the supply system. The supply system is defined in section 17B (5) WIA91. It can be summarised as any water mains and other pipes used for the purpose of conveying potable water from a water undertaker's treatment works to customer's premises and any water mains and other pipes used to convey non potable water from any source to premises that are not connected directly or indirectly to any water mains or pipes connected to those treatment works.

Section 17A (5) provides that the supplementary authorisation is an authorisation to the licensee to introduce water into a water undertaker's supply system, by means of which any particular retail supply of water is to take place. In its access code guidance, Ofwat interpret this to mean that a physical link is required between the combined licensee's introduction point and its customer's premises.

### **2.2.7 Customers in debt**

The customer's old supplier may object to the customer's transfer to a licensee if there is any debt associated with the supply of water to the customer. Debt is defined in Condition S and Standard Licence Condition 6 as charges in relation to water supplied to the premises of a customer, which have remained unpaid for 30 days or more after the date that the old supplier has served notice on the customer demanding payment.

If there is outstanding debt and arrangements are not in place for the repayment of any outstanding water debt, an objection to the customer transfer can be raised by the old supplier in accordance with the Customer Transfer Protocol. Please refer to Ofwat's Customer Transfer Protocol<sup>vii</sup>.

## **2.3 Application process**

### **2.3.1 Combined supply arrangements**

Figure 1 shows the combined supply application process.

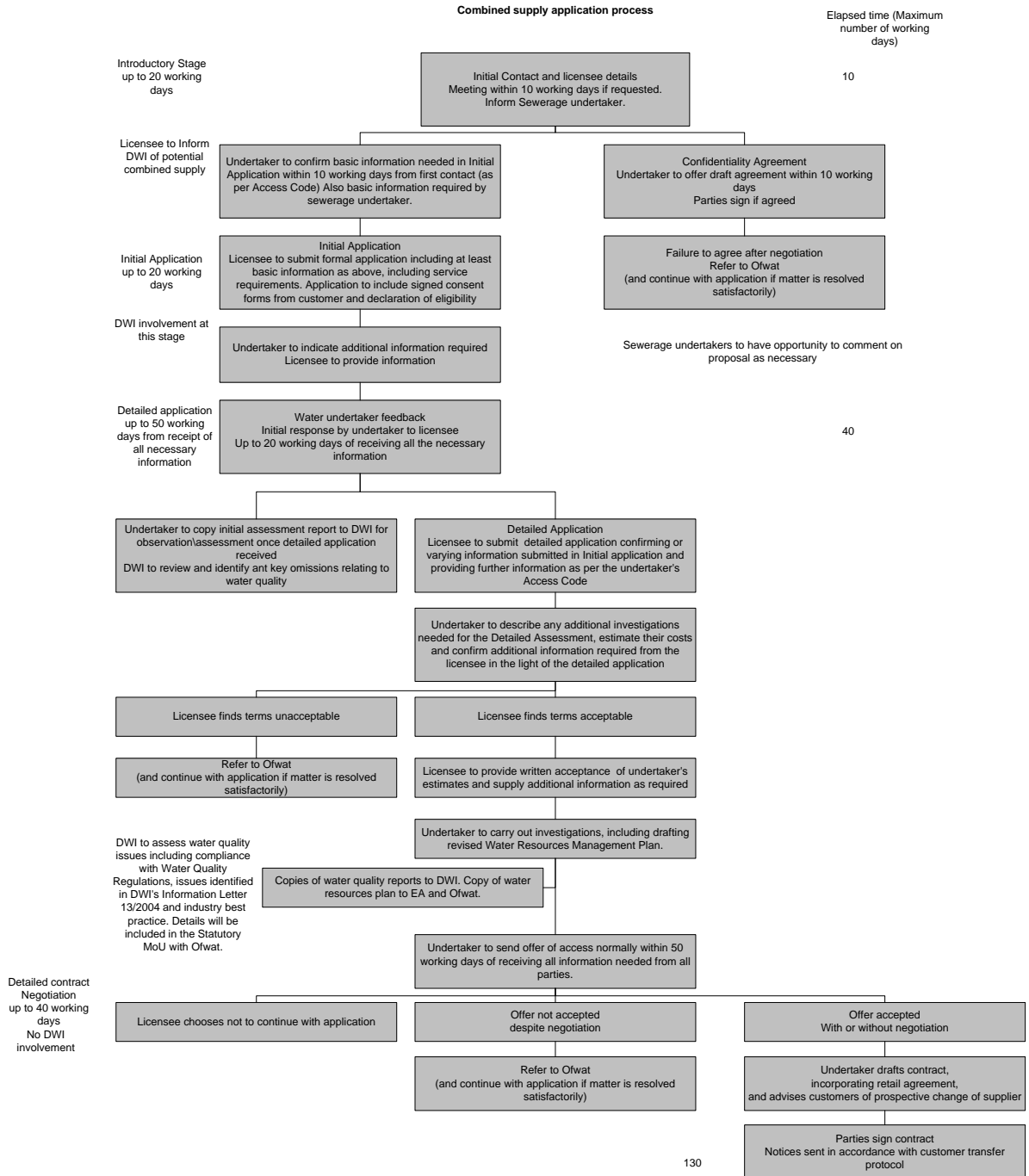
#### **i) Stage 1: Initial contact**

Contact at the initial stage will be either by e-mail to:

[trading.manager@uuplc.co.uk](mailto:trading.manager@uuplc.co.uk) or by post to:

The Trading Manager  
United Utilities Water Limited  
Haweswater House  
Lingley Mere Business Park  
Lingley Green Avenue  
Great Sankey  
Warrington  
WA5 3LP

Figure 1: Combined supply application process



The licensee should inform UUW of the type of licence it holds and its contact details. UUW will confirm the basic information requirements outlined in this access code. The appointed sewerage company should also confirm its information requirements at this stage, either directly to the licensee or via UUW.

If the licensee requires a meeting with the appointed water company to discuss its request for a combined supply, UUW will arrange a meeting within 10 working days of the request. At this stage, the licensee will not be expected to reveal the identity of its customers, their consumption or location.

UUW will not proceed to the next stage of negotiations until there is a signed confidentiality agreement.

ii) Stage 2: Initial application

Licensee to submit a formal application containing basic information including a completed signed consent form dated no more than two months before an initial application, or otherwise verified by the customer as being in force as at the licensee's initial application.

The licensee will set out in detail what it will require from UUW in order to provide its specified level of service to its customers. The licensee and UUW will agree how frequently information will pass between the two parties.

It is the Licensee's ongoing responsibility to monitor and ensure that any premises it supplies are eligible.

Based on the information provided, UUW will as far as possible confirm the basic feasibility of the licensee's proposal, and will provide feedback, which will be as accurate as possible, including indicative price and preliminary non-price terms proposed, which will not be binding.

UUW will reply within the timescales as set down by Ofwat, but will inform the licensee of any delays as soon as they are known.

iii) Stage 3: Detailed application

The submission of the detailed application form by post or email to the address as set out above. This application form requires more detailed information to enable UUW to complete a comprehensive feasibility study.

The licensee is required to keep the DWI fully informed and to ensure compliance with the relevant DWI guidance. The licensee will keep UUW informed of any change or any other relevant information that becomes available.

Once the feasibility study has been completed and it has been agreed that the application will be taken forward, UUW will make a firm offer of access prices and terms, in writing, to the licensee, normally within ten working days.

UUW will aim to complete an assessment within the timescales as set down by Ofwat, on receipt of all the relevant information from the licensee and any other

parties such as DWI and the Environment Agency, but will inform the licensee of any delays as soon as they are known.

iv) Stage 4: Detailed contract negotiation

The access agreement will comply with UUW's access code and will set out terms, which may be specific to that agreement. If discussions result in changes to any terms proposed by UUW this may delay contract negotiations and result in changes to the price offered.

On final acceptance of the terms by both parties, UUW will send the licensee a signed agreement, normally within ten working days. The licensee should sign the agreement and return it within ten working days.

v) Role of DWI

DWI will need to be satisfied that the licensee is aware of, and understands, its regulatory duties and responsibilities in respect of drinking water quality at the initial licence application stage. Where a combined licensee intends to treat a source of water for potable supply, the treated water cannot be introduced into the public supply system until the DWI is satisfied that the treatment processes meet the relevant regulatory requirements and the works is being operated in a competent manner.

During access negotiations DWI will advise Ofwat as necessary on drinking water quality issues relating to the use of common carriage, particularly in respect of dispute resolution.

Overall, licensees will be subject to the same level of regulation as undertakers. Further information can be found in the Water Supply Licensing section of the DWI's website at [www.dwi.gov.uk](http://www.dwi.gov.uk).

vi) Role of the Environment Agency

The Environment Agency has a duty to secure the proper use of water resources in England and Wales. They monitor water in the environment and issue 'abstraction licences' to regulate who can take water from the environment and how much they can take.

Water undertakers produce Drought Plans every 3 years, which identify how, during a period of drought, they will continue to meet their duties with as little recourse as possible to drought orders or drought permits. From October 2005 the production and publication of these plans became a legal requirement. The Environment Agency reviews these plans and advises the Government on their adequacy.

Water undertakers also produce Water Resources Management Plans every 5 years; which identify available resources, forecast demand and set out how future deficits may be addressed through either resource development or demand management options. The Environment Agency also reviews these plans and advises the Government on their adequacy. The production and publication of the Water Resources Management Plans is a statutory requirement.

There is a duty on water supply licensees to provide information to water undertakers for both Drought Plans and Water Resources Management Plans.

In most cases, combined water supply licence applicants will require a water abstraction licence from the Environment Agency to take water from surface water or groundwater. Every new proposal to abstract or impound water undergoes extensive scrutiny and investigation before a decision is made to grant or refuse an abstraction licence application. There is a need to ensure that water resources are safeguarded and that abstractions do not damage the environment.

UUW will comply with the relevant guidance issued from time to time by Ofwat regarding Secondary Supplies. Secondary supplies (under section 66C of the Water Industry Act 1991) are meant to encourage use of 'spare water', UUW, as the secondary water undertaker will begin any consideration of 'spare' water as follows:

- Where the dry year target headroom is equal to or greater than the dry year available headroom, then there will be no 'spare' water in that water resource zone (WRZ);
- If the dry year target headroom is less than the dry year available headroom, then UUW as the secondary water undertaker will start considering its critical period obligations and the impact on its customers, in order to complete its assessment of whether it has any 'spare' water.

If the undertaker and the licensee are not able to agree on how much water the undertaker has 'spare' Ofwat may be asked to determine whether a supply under 66C should be made, and if so the terms of that supply.

In these instances, the Environment Agency will also play a role in advising Ofwat on whether the criteria for rejecting a proposal for a secondary supply under sections 66C(5) or (6) of the Water Industry Act 1991 are satisfied. Ofwat will then make a determination.

Further information is available on the Environment Agency's website. [http://webarchive.nationalarchives.gov.uk/20140328084622/http://www.environment-agency.gov.uk/static/documents/Research/eaofwatmou\\_1901043.pdf](http://webarchive.nationalarchives.gov.uk/20140328084622/http://www.environment-agency.gov.uk/static/documents/Research/eaofwatmou_1901043.pdf)

vii) Role of the secondary undertaker (where applicable)

If an application is made to UUW as a primary undertaker, which involves the input of water from a secondary undertaker, the secondary undertaker will be required to provide the same information as would a licensee with its own source. It will be for the licensee to liaise with the secondary undertaker to arrange this, and the secondary undertaker will be entitled to charge the licensee for any costs incurred. UUW may need to negotiate with the secondary undertaker directly over technical aspects of, for example, the connection, flow regime, monitoring arrangements and water quality.

Where UUW is requested to act as the secondary undertaker, it will assist the licensee in meeting any information requirements of the primary undertaker. UUW will require a separate agreement with the licensee covering the licensee's purchase of water under section 66C WIA91, and that agreement will comply with Ofwat's Guidance on Secondary Supplies.

viii) Provision of information to the sewerage undertaker

The relevant sewerage undertaker will continue to maintain a relationship with any customers to whom it provides a sewerage service. A licensee will have an obligation under the WIA91 to provide accurate and timely meter readings and customer

information to enable the sewerage undertaker to bill its customer in an accurate and timely manner. In order to ensure that these obligations are met, the sewerage undertaker will need to be informed of the licensee's application, and to make arrangements with the licensee.

For the vast majority of eligible customers in UUW's appointed area for water, UUW will also be the sewerage undertaker, and arrangements for the transfer of relevant information will be part of the access agreement. If UUW is not the sewerage undertaker, it will inform the relevant sewerage undertaker of the application for a combined supply.

It is the licensee's ongoing responsibility to monitor and ensure that any premises it supplies are eligible.

The licensee will set out in detail what it will require from UUW in order to provide its specified level of service to its customers. The licensee and UUW will agree how frequently data and other information will pass between the two parties.

UUW will reply within the timescales as set down by Ofwat, but will inform the Licensee of any delays as soon as they are known.

### **2.3.3 Objections and rejection process**

UUW, a licensee (in the case of a customer transferring from one licensee to another), DWI and secondary undertakers may discover during any part of the application stage that an application for access by the licensee cannot be progressed. As well as statutory provisions in sections 66A-C, the list below outlines the types of objection that might arise during an application for access to UUW's supply system.

- the incoming supplier has provided insufficient or incorrect details to the relevant parties to allow the customer to transfer;
- licensee's refusal to supply the necessary information;
- UUW considers that the customer's premises are not eligible (the licensee should declare eligibility at the initial application stage);
- an application by another licensee to supply the customer has been accepted;
- impractical proposals e.g. infeasible hydraulic conditions;
- unacceptable water quality implications;
- concerns over source risk assessment; or
- national security reasons.

This list is for guidance only and is not necessarily exhaustive.

Full reasons for objection will be given in writing to the applicant as soon as possible after UUW becomes aware of a problem. UUW will in most circumstances be prepared to meet to discuss the objections and where appropriate be prepared to seek to negotiate solutions to enable the application to progress to the next stage.

### **2.3.4 Application process arbitration and disputes resolution**

A licensee may ask Ofwat for a determination where a customer specific agreement cannot be reached or they remain dissatisfied with the application process. A licensee may refer issues to Ofwat at any stage of the application process. Please refer to Ofwat's Procedure for handling water supply licensing determinations<sup>viii</sup>.

## 2.4 Access criteria

These criteria apply to water input to UUW's supply system by a licensee under a combined supply agreement.

### 2.4.1 Water quality input specification

The principles that will be followed in relation to water quality are as follows.

- a) Water input quality must be maintained at or better than the standard required by the Water Supply (Water Quality) Regulations 2000 (amended 2001)<sup>ix</sup> (the regulations) in all respects.
- b) Impact on customers of a water input should be undetectable e.g. avoiding changes in chemical character such as hardness. Blending of sources of different chemical character must take place in service reservoirs or over long pipeline distances without impacting customers.
- c) Water quality assessments must be undertaken on water directly supplied by the licensee as well as the consequential impact that the product may have on UUW's ability to produce wholesome water.
- d) The licensee will be required to carry out water quality sampling and monitoring in accordance with the UUW operational sampling programme in addition to regulatory requirements.
- e) The licensee will be required to meet UUW specified water quality targets at the Point of Entry. The licensee must meet operating and monitoring practices at least equivalent to those utilised by UUW. The licensee will have a policy and procedures for investigation and elimination of breaches of these operational standards.
- f) The licensee will be required to form an appropriate working partnership with UUW and on an ongoing basis to work proactively to avoid water quality issues and reduce the risk of supplying unwholesome water.
- g) The licensee must agree the content of detailed contingency plans with UUW that will be initiated in the event of shortfalls in water quality that may impact on customers.

The specification for quality of water input to the UUW network is set out in the following paragraphs.

- i) UUW sets performance criteria to achieve quality standards on the water leaving treatment works and entering distribution systems to ensure that customers receive water that is wholesome as defined by the Water Supply (Water Quality) Regulations 2000 (amended 2010). The licensee shall meet all UUW water quality standards and monitoring requirements.
- ii) The minimum water quality requirements will be assessed on a case-by-case basis, taking into account the current water quality in a bulk or local distribution system. Some of UUW's customers have production processes that are particularly sensitive to changes in the source of the water supply or to fluctuation in water quality. This sensitivity shall be taken into account when agreeing a combined supply. When appraising an application by the licensee to use the supply system, a number of water quality issues will be considered in addition to those specified in the regulations. These include (without limitation): discolouration; taste and odour; hardness; water age; potential for biofilm growth; the effect of velocity changes; corrosivity; fluoridation; free chlorine residual; nitrates; plumbosolvency optimisation; formation of trihalomethanes. In addition to the quality of the

supplied water, the consequential impact the product may have on UU's ability to produce wholesome and fit water will also be taken into account.

- iii) U UW shall take into account the connection between the final water treatment and the Point of Entry. The licensee shall provide U UW with details of all segments of the connecting main, its historical use, and the results of soil analysis to determine whether or not the main passes through contaminated land.
- iv) If the water supplied is deemed plumboaggressive then plumbosolvency treatment (phosphate addition, pH adjustment) will be required and U UW will specify the pH requirements, and phosphate dose required, and if necessary suitable monitoring arrangements.
- v) If the supply is one that requires fluoridation then U UW will require the licensee to fluoridate the input water, and will provide details of the required type of treatment and dose.
- vi) In order to determine whether additional monitoring is required the licensee will provide a list of treatment processes and chemicals used in treatment, including any used in waste processing if water is recovered or recycled.
- vii) Hardness and alkalinity data will be required in order to assess the compatibility of the waters and potential impact on customers and how the licensee will mitigate these.
- viii) The licensee will need to provide U UW with a list of pesticides and related products, as defined in regulation 2 of the Water Supply (Water Quality) Regulations 2000 (amended 2010), that have potential to be present in the licensee's supply, and therefore must be monitored.
- ix) For the licensee to have exemption from alpha, beta or tritium regulatory monitoring, it needs to obtain an exemption certificate from DWI and provide to U UW.
- x) For existing water treatment facilities U UW will require as much historical data as is available (up to a maximum of three years), of both raw and treated water, in order to assess water quality. For new treatment facilities U UW will require data from at least 14 days of daily sampling, which demonstrates that the water meets the regulations and U UW water quality standards.
- xi) In order to ensure that the water quality standards laid down in the Water Supply (Water Quality) Regulations 2000 (amended 2010) are met at all times at the consumer's tap, U UW requires that water entering supply must achieve the following upper limits for at least 99 % of the time.

Colour	5	Hazen
Iron	50	ug/l
Manganese	25	ug/l
Aluminium	50	ug/l
Arsenic	7.5	ug/l
TOC	2	mg/l
Turbidity	0.4	NTU (if lime dosing used for pH correction)
	0.2	NTU (otherwise)

- xii) The licensee shall carry out a full water quality risk assessment of the water supplied to the Point of Entry, including a *Cryptosporidium* risk assessment, and have sufficient contingency measures in place to mitigate any identified risk. The frequency at which these assessment and contingency measures are reviewed shall be agreed between U UW and the licensee. Where there is a significant



- Cryptosporidium* risk, *Cryptosporidium* monitoring will also be required at the Point of Entry. The cost of this will be borne by the licensee.
- xiii) The licensee shall produce a Catchment Plan comparable to UUW Plans, update this on an annual basis and make it available to UUW. This plan shall address all potential contamination risks and identify suitable mitigation measures.
  - xiv) The licensee will provide adequate residual disinfection to the Point of Entry. If non-chlorine (e.g. chloramine) based methods are employed, considerations to compatibility and taste and odour issues will be given. Target disinfectant residual values for the Point of Entry will be set by UUW.
  - xv) The Point of Entry will be treated as a supply point for regulatory monitoring purposes and the cost of additional sampling and analysis shall be borne by the licensee.
  - xvi) Where water for both domestic and non-domestic use is supplied through the same infrastructure, the conveyed water shall be fit for domestic use within the meaning in Section 218 of the Water Industry Act 1991. UUW has adopted quality assured procedures to ensure that the quality of the water for domestic use and food preparation does not deteriorate or fluctuate outside specified parameters. The licensee's supply shall not lead to deterioration in the quality of water supplied to existing customers using the supply system. The acceptability of the quality of the water will be assessed during any negotiation or agreement period.
  - xvii) The licensee may seek temporary derogations to water quality parameter standards in the event of emergencies. UUW will give due consideration to any such requests bearing in mind the likely impact on customers of the supply system.

#### **2.4.2 Water flow and pressure**

- i) UUW will install a control valve on the licensee's supply at the Point of Entry in order to stop the inflow if required and prevent backflow. This will be charged to the licensee.
- ii) The inflow at the Point of Entry shall not change at a rate faster than the rate specified by UUW in order to limit surge pressures or disturbance of mains sediments.
- iii) Water shall not be allowed to flow from the UUW network to a point upstream of the Point of Entry.

#### **2.4.3 Water quality sampling and monitoring**

- i) To help achieve the safe and efficient management of UUW's supply system, the licensee shall meet any monitoring requirements of UUW.
- ii) In order to maintain standards and meet water quality regulations, UUW undertakes sampling and monitoring programmes at water treatment works, strategic points in the supply system and at customers' taps. The licensee and UUW shall agree a sampling and monitoring programme of the licensee's supply that the licensee shall be responsible for carrying out. UUW can provide this service to the licensee, subject to the agreement of appropriate commercial terms.
- iii) The licensee shall carry out regulatory sampling as required by the Water Supply (Water Quality) Regulations 2000 (amended 2010) at water treatment works, service reservoirs and supply points as appropriate.
- iv) The licensee must ensure that all water quality sampling and analysis is carried out through a UKAS accredited laboratory. The licensee may choose to use the UUW Laboratory for this service. All costs of water quality sampling and analysis for

water supplied by the licensee up to the Point of Entry will be borne by the licensee.

- v) Analytical methods must meet the performance requirements of the Water Supply (Water Quality) Regulations 2000 (amended 2010), and the licensee will make all information available to U UW including all Analytical Quality Control (AQC) results.
- vi) The licensee will have an operational water quality sampling programme for raw water, treated water, and water at the Point of Entry in accordance with U UW operational monitoring requirements. At the current time the following determinands and minimum sampling frequencies, over and above that required for regulatory purposes, are specified and are subject to annual review.

<b>Determinand</b>	<b>Sampling frequency (per year)</b>
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**Raw surface water**

Algae	6
Alkalinity	26
Aluminium	26
Ammonium	12
Calcium	26
Chloride	4
Chlorophyll-A	6
Coliform bacteria (presumptive count)	4
Colour	26
Conductivity	26
E. coli (presumptive count)	4
GCMS	4
Iron	26
Lead	12
Magnesium	26
Manganese	26
Nitrate	12
Nitrite	12
Hydrogen ion (pH)	26
Phosphorus	26
Temperature	26
Total Hardness	26
Total Organic Carbon	26
Turbidity	26

**Raw ground water**

Alkalinity	12
Aluminium	12
Ammonium	12
Antimony	4
Arsenic	52
Boron	4

<b>Determinand</b>	<b>Sampling frequency (per year)</b>
Cadmium	4
Calcium	12
Chloride	4
Chromium	4
Coliform bacteria (presumptive count)	12
Colour	12
Conductivity	12
Copper	4
E. coli (presumptive count)	12
GCMS	4
Iron	12
Lead	52
Magnesium	12
Manganese	12
Mercury	4
Nickel	4
Nitrate	12
Nitrite	12
Hydrogen ion (pH)	12
Phosphorus	12
Potassium	4
Selenium	4
Silicate (reactive)	4
Sodium	4
Sulphate	4
Temperature	12
Total Hardness	12
Turbidity	12

**Treated surface water**

Alkalinity	12
Aluminium	26
Ammonia	12
Calcium	12
Colour	26
Conductivity	48
GCMS	4
Iron	26
Lead	12
Magnesium	12
Manganese	26
Nitrate	12
Nitrite	8
Hydrogen ion (pH)	52
Phosphorus	26
Quantitative Odour	6

<b>Determinand</b>	<b>Sampling frequency (per year)</b>
Quantitative Taste	6
Temperature	52
TOC	22
Total Hardness	12

**Treated ground water**

Alkalinity	12
Aluminium	12
Ammonia	12
Calcium	12
Colour	12
Conductivity	8
GCMS	4
Iron	12
Lead	52
Magnesium	12
Manganese	12
Nitrate	12
Nitrite	8
Hydrogen ion (pH)	52
Phosphorus	12
Temperature	52
Total Hardness	12

**Point of Entry (treat as supply point)**

Aluminium	52
Colour	52
E. coli	52
Free chlorine	52
Iron	52
Manganese	52
Hydrogen ion (pH)	52
Phosphorus	52
Total chlorine	52
Coliform bacteria	52
Turbidity	52

- vii) The frequency of sampling of the licensee's supply will take into account the risk of contamination and/ or other known water quality problems.
- viii) In addition, the licensee is required to assess the source, and treatment for any risk that might lead to contravention of the Water Supply (Water Quality) Regulations 2000 (amended 2010).
- ix) The licensee shall report on water quality performance at the stated frequency in the access agreement. The reports shall be sent to an agreed single point of contact and shall provide full disclosure of the data upon request from U UW. The format for the report, and the transfer mechanism, shall be agreed as part of the access agreement. In addition the licensee shall agree to notify U UW Operations

Response Centre immediately of any contravention of the standard from its compliance and operational sampling programme.

- x) UUW and the licensee shall agree a schedule of information and data on water quality and asset performance that shall be kept by each party, and the period for which that data shall be held.

#### **2.4.4 Volume measurement**

- i) UUW will determine whether a flow meter and pressure gauge, complying with UUW standards is required. The equipment if required shall be provided by the licensee at the Point of Entry. Flow meter and pressure gauge readings shall be provided as real-time on-line information to the UUW Operations Response Centre, or as otherwise agreed depending on the sensitivity of the supply.

### **3. Customer Transfer Protocol (CTP)**

For detailed information refer to the Ofwat Customer Transfer Protocol<sup>vii</sup> which is available from Ofwat's website.

<https://www.ofwat.gov.uk/regulated-companies/markets/business-retail-market/negotiating-with-new-entrants/>

#### **3.1 Principles**

Standard licence condition (SLC) 6 and condition of appointment S require licensees and water undertakers, respectively, to comply with Ofwat's CTP. Relevant sections of the Water Industry Act 1991 (as amended by the Water Act 2003), condition of appointment R and SLC 4 also place a duty on licensees and water undertakers to exchange certain information.

Ofwat has developed the CTP with the assistance of customer representatives, potential licensees and water undertakers. The CTP provides a clear, simple and standardised process for the timely and efficient transfer of customers between:

- a) any water undertaker and any licensee; and
- b) any two licensees.

#### **3.2 Rules of behaviour**

All licensees and water undertakers are required to comply with the rules of behaviour of the CTP, as specified in the CTP as issued by Ofwat and as amended from time to time. (Copies will be available from the Ofwat website.)

#### **3.3 Data transfer**

The CTP specifies the data flows, the data items required within each data flow and the timescales that apply for transmission of those data flows. All licensees and water undertakers must comply with those requirements.

All licensees and water undertakers must give details of the name and contact details (which must include an email address) of the person to whom licensees and water undertakers should send all CTP data flows in the data format prescribed by the CTP. For UUW these are:

Company details: United Utilities Water Limited  
Contact Name: CTP Manager  
Email: [WholesaleServiceDesk@uuplc.co.uk](mailto:WholesaleServiceDesk@uuplc.co.uk)

#### **3.4 Registration and operational processes**

All water undertakers and licensees must follow the operational processes in the CTP for effective customer transfer and the resolution of disputes on transfer.

## **4. Control and balancing of supply system**

### **4.1 Supply system management**

#### **4.1.1 Unbilled water**

This section defines the processes to address unbilled water issues.

##### **i) Leakage**

Generally, leakage and other water taken unbilled from the U UW supply system is provided by U UW and the associated costs reflected in the access charges. Leakage and other unbilled water taken from the system operated by the licensee's customer(s) is an issue between the licensee and their customer(s).

##### **ii) Unauthorised use of water**

The licensee should ensure that there are no illegal unmetered connections to their customer(s) premises. Any theft/illegal use of water will be charged to the licensee.

##### **iii) Fire water**

U UW is responsible for the provision of water for fire fighting purposes and will not charge licensees for water used for the purpose of fire fighting (including the testing of appliances). The licensee must ensure that provision is made by their customer to identify water used separately for such purposes.

Additional special requests for fire hydrants on U UW's supply system will be dealt with under section 58 of the WIA91. The cost of installation will be recoverable in accordance with section 147 of the WIA91.

#### **4.1.2 Security of supply**

##### **i) Drought and Water Resources Plans**

U UW remains solely responsible for the production of statutory drought and water resources plans. Licensees must co-operate with U UW in its duty to produce robust drought and water resources plans. This will be achieved by meeting all reasonable information requests from U UW in a timely manner. In particular, for the period of the proposed agreement, the licensee will be required to provide details of:

- The deployable output of the water source(s) used to supply their customer;
- The abstraction licence conditions of the water source(s) used to supply their customer;
- Any other abstractions from the same water source(s) being used by the licensee to supply their customer that may have precedent over the licensee's abstractions; and
- The customer's forecast demand (including annual average, peak day and peak week).

A licensee's supply assets should be capable of meeting all the forecast demand conditions of the licensee's customer(s) for the period of the agreement, to the level determined by the agreement in place between the Licensee and its customer(s).

Where the above is not the case U UW may, where requested, be able to provide stand-by/top-up supplies on a case by case basis. The provision of such supplies will be subject to U UW's Charges Scheme.

ii) Risk Assessment.

As part of the detailed application stage, licensees must provide a thorough outage risk assessment of their supply assets and give details of the criteria used. Licensees must comply with all reasonable requests from U UW for information on outage risk that is necessary for U UW to fulfil its statutory and regulatory responsibilities.

#### **4.1.3 Telemetry requirements for supply system control**

U UW requires the licensee to provide Point of Entry telemetry data consistent with U UW design specifications in a format compatible with current telemetry specification and infrastructure. This would include loss of process alarms, final water quality such as pH, colour, turbidity, chlorine and flow. U UW may also require the licensee to provide Point of Exit telemetry data in circumstances where additional controls are necessary to avoid adverse impact upon the U UW network or the ability of U UW to supply its customers.

Where there is on-line monitoring at Point of Entry and Point of Exit U UW would also expect this data to be made available in the format stated above.

The licensee should have telemetry emergency procedures comparable to U UW procedures and they will be made available to U UW. The emergency procedure should include establishment of communications with U UW Operations Response Centre.

#### **4.1.4 Secondary connections**

The licensee must not allow a third party to connect into the licensee's system such that the third party's supply would enter the U UW network.

The licensee must not connect customers directly to its own system such that it would be using U UW's supply system to supply those customers, without following the procedures laid out in this Access Code for obtaining an agreement with U UW regarding the supply of those customers.

#### **4.1.5 Supply system maps and plans**

U UW will provide sufficient information to enable the licensee to assess the viability of their proposals. The licensee will be required to provide sufficient information to U UW to enable U UW to assess the impact of the licensee's proposals on U UW's supply system.

U UW will share relevant maps and plans with the licensee, normally at the detailed application stage subject to security and copyright considerations. Information from supply system modelling will be shared as required, for example to clarify the negotiation of connection costs, such as the need for mains reinforcement, or for agreeing operational practices such as regular flushing programmes.



Maps, plans and modelling information supplied to the licensee shall not be shared with a third party without written consent from UUW. Similarly UUW will not share information provided by the licensee with a third party, without the written consent of the licensee.

UUW will require details of the licensee's final "as laid" drawings for all assets connected to UUW's supply system.

#### **4.1.6 Point of Entry controls and failure modes**

##### *Point of Entry controls*

The licensee shall ensure that flow from UUW's supply system into the licensee's assets is prevented at the Point of Entry, and that no zero flow or pressure imbalance areas are created at the Point of Entry.

Point of Entry Emergency Values and Ranges, Point of Entry Failure Values and Ranges, Point of Exit Emergency Values and Ranges, and Point of Exit Failure Values and Ranges will be agreed between UUW and the licensee, prior to the Day of Change.

The Emergency and Failure Values and Ranges will include water quality, flow, rate of change of flow, pressure, rate of change of pressure, and any other parameter deemed appropriate by UUW to ensure that the supply from the licensee does not have a detrimental effect on the supply system, or the level of service provided to customers.

UUW reserve the right to install a control valve on the licensee's supply at the Point of Entry in order to stop the inflow if required and prevent backflow. The cost of this work shall be paid for by the licensee.

If any parameter exceeds its Point of Entry or Point of Exit Emergency Value or Range then it is the responsibility of the licensee to stop the inflow at the Point of Entry. The licensee should immediately inform UUW of this action and the reasons for it. In such cases, UUW also reserves the right to stop the inflow at the Point of Entry, having offered where possible immediate prior notice, and to prevent inflow until satisfied that suitable remedial measures have been taken.

UUW may install a sample tap conforming to UUW standards on the licensee's supply at the Point of Entry for the purpose of monitoring. The licensee will meet the costs of installation and operation of this facility.

##### *Failure modes*

For the licensee's supply at the Point of Entry: Any parameter exceeding its Point of Entry Emergency Value or Range agreed by UUW and the licensee.

For the licensee's supply at the Point of Entry: Any parameter persistently exceeding its Point of Entry Failure Value or Range agreed by UUW and the licensee.

For the Point of Exit: Any parameter exceeding its Point of Exit Emergency Value or Range agreed by UUW and the licensee.

For the Point of Exit: Demand from the licensee's customer, which persistently exceeds Point of Exit Failure Value or Range as specified by U UW.

## **4.2 Metering Services**

### **4.2.1 Meter asset management**

U UW will require a licensee who plans to introduce water into its system to install a meter at the Point of Entry. The meter should meet U UW's specification as per its "Water Metering Policy"<sup>x</sup>. U UW reserves the right to charge the licensee for the costs associated with checking the compliance of the input meter installation and its subsequent operation and accuracy.

U UW may request that the meter is incorporated into U UW's process monitoring system. However, if agreed with the licensee, U UW will own and maintain this meter.

U UW will provide customer metering data (location, meter type) to the licensee during transfer of the customer in accordance with the Customer Transfer Protocol.

#### **i) Metering solutions available**

Metering solutions available are specified in the U UW Water Metering Policy.

#### **ii) Meter installation**

Any requests received by U UW from a licensee's customer to become metered will be forwarded to the licensee for processing. A meter on U UW's supply system will remain the property of U UW. U UW will continue to own the meter (or meters) at a customer premises, where this is the case. If the licensee wishes to change the customer meter the licensee shall pay for the change.

#### **iii) Meter maintenance**

U UW will operate and maintain its water meters as per its "Water Metering Policy". This document covers the following areas;

- Metering solutions
- Meter installation
- Meter maintenance
- Meter calibration/verification.

The licensee must ensure that U UW can have reasonable access to its own meters so that U UW can carry out its responsibilities. The licensee should notify U UW if it becomes aware that a meter stops, is faulty or is damaged in any way.

### **4.2.2 Meter calibration / verification**

U UW will verify meter accuracy at the request of the licensee. Requests received by the licensee's customer will be forwarded to the licensee for processing. If a meter is found to be reading within tolerance, there will be a charge for this service. Details can be found in the U UW Water Metering Policy.

### **4.2.3 Meter reading and meter reading verification**

UUW will expect the licensee to read input and customer meters at an agreed frequency and to provide meter readings promptly to UUW for use in system charging, balancing and top-up requirements. UUW retains the right to have access to and read both input and customer meters at any time.

If meter readings cannot be obtained, estimates based on historical data will be utilised. At the next scheduled meter reading date, providing that actual readings are obtained, any under or over estimating will be set right within the subsequent account.

Disputes with regard to meter readings will be resolved between UUW and the licensee based on the Water (Meters) Regulations 1988<sup>xi</sup>. The licensee will be expected to pay the undisputed amount within their agreed payment terms.

A licensee will have an obligation under the WIA91 to provide accurate and timely meter readings and customer information to enable the sewerage undertaker to bill its customer in an accurate and timely manner. In order to ensure that these obligations are met, the sewerage undertaker will need to be informed of the licensee's application, and to make arrangements with the licensee.

For the vast majority of eligible customers in UUW's appointed area for water, UUW will also be the sewerage undertaker, and arrangements for the transfer of relevant information will be part of the access agreement. If UUW is not the sewerage undertaker, it will inform the relevant sewerage undertaker of the application for a combined supply.

## **4.3 Supply system balancing**

### **4.3.1 Strategic balancing**

Customers can only be supplied by a licensee if they are connected to the supply system. A physical link is required between the licensee's Point of Entry and its customer's premises.

In general, UUW will reject applications where the licensee's proposed supplies are incapable of matching their customer's demand profile or where the water is being introduced into a different Water Resource Zone from the one that supplies their customer.

In addition, applications will not be accepted if the volume to be introduced exceeds the physical capacity of the supply system to receive, transport or deliver that volume to the licensee's customer, unless the licensee agrees to meet the costs necessary to reinforce or enhance the UUW supply system to enable physical connection from the Point of Entry to the licensee's customer (assuming this is technically feasible and all the relevant permissions can be obtained).

Licensees will be required to participate in the UUW operational planning process. The degree of liaison will depend on individual access agreements, and the level of liaison required will form part of this agreement.

UUW will determine the operating regimes to be adopted to ensure that both UUW's and the licensee's assets are operated in an optimum manner.

As a minimum, UUW will require a licensee to participate in the following:

i) Annual supply planning

Licensee to provide by 1<sup>st</sup> October each year an annual assessment for the coming financial year (starting 1<sup>st</sup> April) of:

- The available resources for the coming year;
- The robustness of those resources throughout the year, with respect to reliability of yield and available headroom;
- Possible water quality variations;
- Forecast Customer Demand Profile; and
- Planned outages.

ii) Use of strategic supplies

A licensee's supply will be deemed strategic if there is insufficient water available within the UUW supply systems to immediately, and on a continuing basis, supply its own current customers and the domestic needs of the licensee's customers, in the event that the licensee's supply becomes unavailable.

In such circumstance UUW will apply to OFWAT for designation of the licensee's supply as "strategic" in accordance with sections 66G & 66H of WIA91.

iii) Back-up Supplies

UUW can offer the option of a back up supply at the request of a licensee's customer. This service can be offered to the customer via the licensee during the application stage. There is no "supplier of last resort" duty under the WIA91.

iv) Interim duty to supply

UUW will have an interim duty to supply the licensee's customers under section 63AC WIA91. This duty will not apply if it would put at risk UUW's ability to meet its existing supply obligations for all purposes and its probable future obligations to supply water for domestic purposes, or require unreasonable expenditure to do so.

v) Interruptible customers and interruptions to supply

UUW do not currently offer an interruptible tariff option.

#### **4.3.2 Flow balancing and reconciliation processes**

The specific flow balancing, reporting requirements and reconciliation processes for each licensee's supply will form part of the access agreement. However, in general, UUW may require licensee inputs to be into either a Service Reservoir or Large Diameter Trunk Main (LDTM) to:

- minimize the operational impact of the licensee's supply on UUW's supply system,
- allow both the UUW and licensee's supply assets to be operated in an efficient and optimal manner; and
- increase the options for flow balancing and reconciliation.

i) Supply system usage forecasts for wholesale supplies

Licensees will be required to indicate forecast daily customer demand on a monthly basis, and notify U UW promptly of any unplanned changes in demand if material.

ii) Supply system usage forecast for combined supplies

Regardless of the Point of Entry, combined licensees will be required to participate in the monthly production planning process by providing information on:

- Yield available from their source(s);
- Forecast customer demand;
- Planned maintenance and shutdowns of their supply assets; and
- Supply reconciliation requirements.

Based on this, an operational regime will be agreed for the coming month that makes optimal use of both U UW's and the licensee's sources and supply assets. Operational reporting and liaison requirements will be formalised in the access agreement, dependent on the size of the input in comparison to the existing flows in the relevant parts of the U UW supply system. Licensee will need to record inputs to the U UW supply system at daily intervals for the purposes of reporting and reconciliation.

iii) Imbalance accounting

U UW expects licensees to use reasonable endeavours to balance the input of water into its network with the customer(s) requirements over every 24 hour period, within the constraints of the agreed operational regime. Balancing volumes, and the resultant calculation of charges, will take place each month using readings from input and customer meters that are taken as close as practical to the end of each calendar month.

The process for calculating balancing and other network charges will be as follows:-

- The monthly volumes from timed input readings will be normalised to give an equivalent volume for the period to the timed reading of the customer's consumption.
- If this normalised volume is within 5% (equivalent to approximately 1.5 days consumption), any excess will be carried forward to the next month's calculation of charges and any shortfall will be able to be made up in the next month, at no additional balancing charge.
- If the licensee's normalised input is more than 5% of their customer's consumption, U UW will normally accept this water at no charge to the licensee. If the licensees' normalised input shortfall is greater than 5% of the customer's consumption, this shortfall will be provided by U UW and charged at the appropriate tariff rate. The 5% shortfall will be expected to be delivered the following month by adding it to that month's requirements.
- Network charges will be made based on the customer's meter readings and volumes.

The normal method of balancing outlined above is dependent on the network associated with the water input connection being able to accept, without restriction, the volume of water determined by the customer's requirement. In some circumstances, restrictions may be necessary to protect other customers and the network and these will normally be agreed at the time of the access agreement negotiation. They may vary from a requirement to notify U UW on an ongoing basis of volumes delivered to the network, to restricting when water can be introduced into

the network. If such restrictions make it difficult for the licensee to achieve a balance within 5% of the customer's consumption, alternative charging arrangements will be considered.

UUW reserves the right to restrict the input to the network for operational reasons e.g. to maintain or repair the network. If such a restriction is applied on the licensee's input within a calendar month, any shortfall will normally be allowed to be made up in the following month without balancing charges being applied in the month in which the restriction was imposed by UUW. This relaxation will not apply where UUW restricts the licensee's input due to failure to meet agreed Point of Entry criteria.

If UUW wishes to increase the input of water from the licensee's source beyond that required to meet their customer's requirements, such arrangements will be subject to a separate agreement.

The detailed mechanism for applying the above balancing, top-up and standby charges, and exceptions will be agreed and specified in the access agreement.

iv) Reconciliation process

See above.

v) Peak season / off peak reconciliation

Not applicable.

## 5. Supply system maintenance and Emergency Procedures

### 5.1 Diagnosis of system issues

#### 5.1.1 Obligations with respect to diagnosis of supply system problems

UUW and the licensee shall co-operate to implement timely changes to operations in order to meet regulatory, customer and/ or operational requirements at any time during the negotiation or performance of the agreement, due to an operational event or incident.

Decisions with respect to water supplied into the network during an operational event or incident will be the responsibility of UUW.

Depending on the nature of the problem, UUW reserve the right to prevent inflow at the Point of Entry provided that the Point of Entry Emergency/ Failure values have been exceeded or that there is a risk to UUW's customer service obligations, having given, where possible, prior notice to the licensee. In such circumstances inflow will be prevented until UUW are satisfied that suitable remedial measures have been undertaken. Similarly, UUW reserves the right to prevent inflow at the Point of Entry in the event of an operational event or incident on the UUW supply system.

#### i) Responsibility of water undertaker

Where any parameter exceeds, or UUW believes that a parameter is at risk of exceeding, the Point of Entry or Point of Exit Emergency/ Failure Values or Ranges, or the licensee's performance is outside the terms of the agreement then UUW will notify the licensee.

A notification of shortfall in performance will be made using a Corrective Action Request (CAR), at one of the following three levels:

- Advice note requesting improvement in the licensee's level of performance.
- Formal notice to implement corrective actions, to improve the licensee's level of performance.
- Prohibition notice, suspending the licensee's input into the system.

The action taken by UUW will depend on the impact that the shortfall has on UUW's ability to maintain standards of service to its customers.

#### ii) Responsibility of licensee

UUW shall have the right to require implementation of appropriate corrective management actions or otherwise to directly manage and control the licensee's supply, in so far as it affects the operation of the supply system, or affects the level of service delivered to UUW's customers, in exactly the same way as it is able to control its own supplies.

The licensee shall send reports to UUW on key performance parameters, and asset performance identified by UUW during contract negotiation at intervals specified by UUW.

### **5.1.2 Quality issues**

The licensee shall not cause detriment to levels of service to any customers supplied by U UW.

The licensee shall be required to provide adequate water quality monitoring facilities to ensure that the water supplied into the network is maintained within the Point of Entry Emergency/ Failure Values or Ranges. Water quality monitoring requirements shall be agreed between U UW and the licensee as part of the access agreement.

#### **i) On-Line Water Quality Monitoring**

The licensee shall ensure that there is adequate on-line water quality monitoring provided for its facilities, to provide information that will allow:

- Routine day-to-day operational management of the licensee's assets, and of the U UW supply network
- U UW to manage incidents that impact on the operation of the water supply network
- Operational reviews for routine performance monitoring and planning purposes to be carried out between U UW and the licensee.

On-line water quality monitoring requirements shall depend on the nature of the source and the nature of the treatment process, and be consistent with the standards that U UW adopt for its own activities. The licensee is expected to provide adequate monitoring facilities for each stage of its treatment process (where applicable) to ensure that compliance with the standards set out in the access agreement are maintained.

The following water quality monitors shall always be provided for final water quality monitoring:

- Turbidity
- pH
- Free Chlorine
- Conductivity.

The following water quality monitors may be required depending on the source or treatment process employed. This shall be agreed between U UW and the licensee as part of the access agreement:

- Final Water
- Colour/ Dissolved Organic Carbon
- Iron
- Aluminium
- Manganese
- *Cryptosporidium* (as per the Water Supply (Water Quality) Regulations as amended)
- Fluoride
- Phosphate.

### **5.1.3 Hydraulic issues**

The licensee shall provide details of any instances of pressure and flow failing to conform to agreed standards, by exception, to enable U UW to fulfil its reporting



requirements.

#### **5.1.4 Real time information capture systems**

All on-line water quality, flow and pressure monitors must be monitored continuously. The licensee may choose to employ U UW's Operations Response Centre for this, which may be agreed subject to commercial terms, details of which can be discussed with the Trading Manager. In any event, as a minimum the final water quality instruments prior to the Point of Entry shall be relayed to the U UW Operations Response Centre to allow timely management of water quality issues in the network. This shall be at the cost of the licensee.

Warning and action limits shall be agreed for all on-line water quality parameters, which will be linked to responses agreed between U UW and the licensee. In the event that any water quality parameter breaches the Warning or Action Limits, the licensee must contact U UW's Operations Response Centre and inform U UW of the nature and extent of the problem, and the predicted time for resolution. Contact details will be agreed during contract negotiations.

#### **5.1.5 Reporting procedures**

##### **i) Routine Reporting**

The licensee shall send reports to U UW on key performance parameters, and asset performance identified by U UW during negotiation of the agreement, at intervals specified by U UW. The mechanism for reporting data shall be agreed between the licensee and U UW.

All data are to be provided to U UW and the licensee in electronic format as required and at intervals specified by U UW. A sample report format is included in Appendix C.

##### **ii) Non-Routine reporting**

The licensee shall inform U UW (via the Operations Response Centre) at the earliest possible opportunity of any issue with the water supply or treatment process upstream of the Point of Entry that may impact on the water quality, quantity or pressure supplied into the network. The licensee must describe in full the nature and extent of the problem, and the estimated time to resolve the problem.

U UW and the licensee (combined or retail) are required to notify the relevant bodies, as detailed in the Water Undertakers (Information) Direction 2004<sup>xii</sup>, of any incident that may affect drinking water quality or sufficiency of supplies.

## **5.2 Planned system maintenance**

### **5.2.1 Obligations with respect to planned maintenance**

#### **i) Responsibility of water undertaker**

System outages for planned maintenance purposes will be agreed with the licensee and scheduled to minimise the impact on the licensee's customers.

U UW will maintain all assets from, and inclusive of, the U UW valve at Point of Entry, up to and inclusive of the valve at Point of Exit.

U UW shall agree with the licensee the period of notice that U UW will give to the licensee for planned maintenance work.

There may be exceptional circumstances where critical, essential maintenance is required in order to safeguard the integrity of U UW's supply system. Under these circumstances U UW reserves the right to carry out planned maintenance without the

prior agreement of the licensee. UUW will take account of the impact on both UUW's and the licensees' customers when planning and carrying out such work.

ii) **Responsibility of licensee**

System outages for planned maintenance purposes will be agreed with UUW and scheduled to minimise the impact on UUW's customers.

The licensee will maintain all of its assets upstream of the UUW valve at Point of Entry.

The licensee shall agree with UUW the period of notice that the licensee will give to UUW for planned maintenance work.

### **5.2.2 Specification of assets**

UUW and the licensee will provide each other with details of any assets that if taken out of service for planned maintenance, would impact on the licensee's ability to input water into UUW's network.

Assets should be constructed and maintained to a recognised Industry standard (e.g. CESWI 7th edition) <sup>xiii</sup> to ensure a reliable supply of wholesome water when commissioned.

The design and construction methods for any assets that are required to be adopted by UUW, shall comply with UUW Asset Standards.

### **5.2.3 Maintenance standards**

The licensee shall demonstrate to UUW's satisfaction, prior to the transfer date, that its proposed maintenance strategy is adequate for ensuring the integrity and reliability of the supply at the Point of Entry to UUW's supply system.

### **5.2.4 Risk assessment processes**

UUW and the licensee will carry out joint risk assessments in advance of any major planned work being undertaken as appropriate.

The licensee shall conduct a risk assessment, jointly with UUW, to identify the range of credible risks arising from their joint activities. This assessment shall address all appropriate business risks in accordance with UUW's business risk model.

The licensee shall prepare and maintain business continuity plans, emergency procedures, contingency plans and management controls for those risks and issues that UUW require to be addressed. The licensee shall obtain UUW's written approval of these plans, procedures and controls before inflow is allowed at the Point of Entry.

UUW may require the adequacy of the plans, procedures and controls to be demonstrated through exercise before approval is given. Where the exercises involve only the licensee's employees, UUW may require to observe such exercises.

The licensee shall implement any risk removal or mitigation measures reasonably required by UUW, as a consequence of the risk assessment, with due diligence and to a programme agreed with UUW.

The licensee shall review the adequacy of its current risk assessment at least annually, and more frequently where proposed or actual changes require it. The licensee shall conduct further or updated risk assessments and amend contingency plans or risk mitigation measures where necessary. The licensee shall promptly communicate notification of proposed or actual changes to U UW that may reasonably be foreseen to affect U UW's risk exposure.

U UW shall promptly communicate notification of proposed or actual changes that may reasonably be foreseen to affect the licensee's risk exposure.

### **5.3 Unplanned system maintenance**

#### **5.3.1 Obligations with respect to unplanned maintenance**

i) Network Operator

There may be occasions where U UW has to undertake unplanned or emergency work due to an unforeseen event, such as a water main burst.

Where such an event impacts on the input to the distribution system provided by the licensee, U UW shall communicate with the licensee as soon as practicable, and request the licensee to modify its operations. U UW and the licensee shall agree a response time for altering the input at the Point of Entry as part of the access agreement. U UW shall be able to direct the licensee's actions until such time as the emergency or unplanned maintenance is complete.

Where an unforeseen event impacts on the water supplied to the Point of Exit, U UW will inform the licensee as soon as practicable. The licensee shall be dealt with in the same way as any customer of U UW.

ii) Licensee

Where an emergency or unforeseen circumstance impacts on the licensee's supply at the Point of Entry, the licensee shall inform U UW as soon as practicable. U UW shall have the right to require implementation of appropriate corrective management actions or otherwise to directly manage and control the licensee's supply, in so far as it affects the operation of the supply system, or affects the level of service delivered to U UW customers, in exactly the same way as it is able to control its own supplies.

Where an unforeseen event impacts on the demand at the Point of Exit, the licensee shall inform U UW as soon as practicable. U UW shall have the right to require implementation of appropriate corrective management actions or otherwise to control or stop the flow at the Point of Exit, in so far as it affects the operation of the supply system, or affects the level of service delivered to U UW customers, in exactly the same way as it is able to control its own supplies.

#### **5.3.2 Risk assessment processes**

The licensee shall conduct a risk assessment, jointly with U UW, to identify the range of credible risks arising from their joint activities. This assessment shall address all appropriate business risks in accordance with U UW's business risk model.

The licensee shall prepare and maintain business continuity plans, emergency procedures, contingency plans and management controls for those risks and issues

that U UW require to be addressed. The licensee shall obtain U UW's written approval of these plans, procedures and controls before inflow is allowed at the Point of Entry.

U UW may require the adequacy of the plans, procedures and controls to be demonstrated through exercise before approval is given. Where the exercises involve only the licensee's employees, U UW may require to observe such exercises.

The licensee shall implement any risk removal or mitigation measures reasonably required by U UW, as a consequence of the risk assessment, with due diligence and to a programme agreed with U UW.

The licensee shall review the adequacy of its current risk assessment at least annually, and more frequently where proposed or actual changes require it. The licensee shall conduct further or updated risk assessments and amend contingency plans or risk mitigation measures where necessary. The licensee shall promptly communicate notification of proposed or actual changes to U UW that may reasonably be foreseen to affect U UW's risk exposure.

U UW shall promptly communicate notification of proposed or actual changes that may reasonably be foreseen to affect the licensee's risk exposure.

### **5.3.3 Emergency notices**

The licensee shall notify U UW as soon as possible of any situation or event that has the potential to affect the U UW network or U UW customers. The licensee and U UW shall agree the procedure for communication with customers (including Special Consumers) on the supply system in the event of an emergency. See also Section 5.5.

## **5.4 Safety aspects of unplanned and emergency work**

U UW has comprehensive Health & Safety Policies and Procedures which must be adhered to by all parties, including the licensee, U UW and any Contractors engaged by either party, at all times when engaged on activities on or around U UW's assets. It is the responsibility of the licensee to ensure full understanding of, and compliance with, U UW's Health & Safety Policies and Procedures. These policies and procedures are available from the Trading Manager.

### **5.4.1 Status classification**

Unplanned work is any work which arises immediately following notification of a particular requirement to do work and generally will be work that has not been pre-scheduled at least one day in advance.

Emergency work arises from any situation where U UW requires immediate activity by the licensee (or itself) to protect health, safety, the environment, drinking water quality, quantity and / or U UW's assets. Occurrences of less severity shall be classed as planned or reactive maintenance.

### **5.4.2 Standard emergency reporting procedures**

U UW has an Incident Management Procedure (CO 100/01)<sup>xiv</sup> which details the procedures to be taken to report any situation which has the potential to, or has already led to, the declaration of an incident as defined by the Drinking Water Inspectorate or other Regulators. The obligations of the licensee and U UW shall be identical when both parties, individually or together, are operating assets at any stage

during the collection, production or delivery of water at, before or after the Points of Entry and Exit.

#### **5.4.3 Major emergency reporting procedures**

The procedure referred to in the previous paragraph addresses all aspects of reporting independent of the severity of the situation.

### **5.5 Emergency procedures for dealing with specific events, issues and incidents**

The responsibility for managing emergency procedures for the supply system lies with U UW. The licensee and U UW shall agree the responsibilities for managing emergency procedures beyond the supply system, prior to the transfer date.

The licensee will respond immediately to resolve any failures that arise from the licensee's assets or activities, which put health, safety, the environment, drinking water quality, quantity and / or U UW's assets at risk.

The licensee and U UW shall agree between them notification and response procedures to circumstances that can put health, safety, the environment, drinking water quality, quantity and / or U UW's assets at risk.

Where appropriate, the licensee and U UW shall co-operate to resolve any failures which arise from the actions of either party, or a third party or other cause, which put health, safety, the environment, drinking water quality, quantity and / or U UW's assets at risk.

The licensee and U UW shall agree the procedure for communication with customers (including Special Consumers) on the supply system in the event of an emergency.

The licensee shall ensure that maintenance of its emergency procedures is undertaken promptly to maintain alignment with U UW's emergency procedures.

The licensee will be required to take part in joint exercising of the Emergency Procedures and Contingency Plans.

For any incident affecting the supply system, U UW shall determine the need for any post incident review and the responsibility for preparing such reports. U UW shall involve the licensee as necessary and determine respective responsibilities and action plans for the remedial measures required. U UW shall determine the respective elements of the appropriate costs to be borne by U UW and the licensee.

The licensee shall cooperate with U UW in the preparation of any post incident reviews required by U UW. The licensee shall implement any Action Plans agreed with U UW arising out of the reviews as required.

### **5.6 Customer protection**

#### **5.6.1 Special Consumers**

U UW will require details of any customers who may require a special response in the event of an incident, in order to ensure that such a response is provided promptly. A special customer as defined in Condition R 8(6) of U UW's Condition of Appointment is a person or a member of a class of persons who –

- (i) the Appointee and the relevant licensed water supplier agree; or
- (ii) the Authority specifically or generally determines by relevant notice, regularly requires water urgently on medical or other grounds.

Processes to handle special consumers will be agreed between the licensee and U UW once an agreement has been entered into.

See also section 6.2.1.

### **5.6.2 Large scale customer warning procedures**

U UW may carry out large scale customer warning procedures (e.g. carding a wide area or using local media) which will by their nature encompass both U UW's customers and the licensee's customers. U UW will endeavour to keep the licensee informed of such warning. It will be clear to the customer that such warnings originate from U UW as the operator of the supply system.

### **5.6.3 Emergency operational planning exercises**

The licensee will be expected to take part in any emergency operational planning exercises that would cover either its assets or its customers.

## **5.7 Support processes**

### **5.7.1 Arrangements for press liaisons**

In the event of a major incident on the supply system, press liaison will be the responsibility of U UW.

### **5.7.2 Arrangements for the dissemination of severe weather warnings**

It may be possible for U UW to provide severe weather warnings to the licensee. This will be subject to the appropriate fee and agreement from the information provider.

### **5.7.3 Emergency contacts**

#### **i) Responsibility of water undertakers**

U UW will be responsible for any incident on its supply system or other assets, and will notify the licensee promptly of any incident that could affect their assets or customers. The licensee will provide U UW with a 24 hour contact number.

#### **ii) Responsibility of licensees**

Licensees are responsible for any incidents on their assets, or incidents on their customer's sites that could affect the supply system. The licensee should contact the U UW Operations Response Centre promptly if they become aware of an incident that could affect U UW's assets, or any information that might indicate an incident on U UW's assets.

## **5.8 Reportable situations**

U UW Incident Management Procedure (CO 100/01) details the procedures to be taken to report any situation which has the potential to, or has already led to, the declaration of an incident as defined by the Drinking Water Inspectorate or other Regulators. The obligations of the licensee and U UW shall be identical when both parties, individually or together, are operating assets at any stage during the collection, production or delivery of water at, before or after the Points of Supply and Entry.

## **6. Customer Contact Arrangements**

### **6.1 Customer contact arrangements for operational queries and complaints**

#### **6.1.1 Customer meter reading**

Disputes with regard to meter readings will be resolved between U UW and the licensee based on the Water (Meters) Regulations 1988<sup>xv</sup>. The licensee will be expected to pay the undisputed amount within their agreed payment terms.

#### **6.1.2 Billing and Debt Collection**

Responsibility for billing, collection and debt associated with the licensee's customers for water services rests solely with the licensee. A licensee may ask U UW to provide billing services on their behalf. This will be by agreement between the licensee and U UW and charged accordingly.

The licensee is required to provide up to date data regarding its customer's data. Any change of occupier or occupier status must be promptly notified to U UW. Examples are: -

- Name and Address
- Date a property becomes empty, the licensee will inform U UW giving the date the property becomes empty, reasons and an indication of the duration the property will be empty if known.
- Where a customer alters a property or if the property is split or merged, especially where a customer makes alterations to its activities such that its demand for water alters significantly.

Under its conditions of appointment, U UW may not allow a customer to switch to a licensee where there is an existing debt with the old supplier (U UW or another licensee). Debt is defined as charges for water supplied to a customer having been demanded in writing (e.g. an invoice for payment) by the old supplier and which has remained owing for more than 30 days at the time of the registration request, and which is not subject to query or dispute at the time of the request.

Following a transfer from the old supplier to a licensee, the customer will receive a final water invoice from the old supplier showing a final consumption reading at the point at which the change to the licensee took place.

U UW as the old supplier will take appropriate action against the customer if the customer does not pay the final invoice.

#### **6.1.3 Operational Issues**

##### **i) Water supply queries**

The licensee has full responsibility for the relationship with its customers.

The licensee is responsible for handling all enquiries or complaints relating to billing (and collection of revenues) and water supply activities for its customers. The licensee is the first point of contact for these types of queries. Any queries relating to U UW's supply system received by the licensee shall be forwarded promptly to U UW for resolution.

Should the licensee's customers contact UUW regarding a billing or water supply query, they will be referred to the licensee. If an emergency has occurred and UUW has been notified by the licensee of the relevant details UUW will endeavour to answer calls. In the case of emergencies where there are health and safety issues or risk to supply system integrity, then UUW should be able to contact licensees' customers (and licensees' customers should be able to contact UUW).

ii) Sewerage queries

UUW will generally retain its existing relationships with its sewerage customers. However, by exception, UUW and the licensee (with the customers involvement) may agree a commercial arrangement for the licensee to conduct some or all of the contact on behalf of UUW.

#### **6.1.4 Complaint handling processes**

UUW will handle complaints in a timely and responsive manner as set out in sections 6.1.2, 6.1.3 and 6.14. Should the licensee's customer(s) feel that their complaint has not been resolved they then may refer to the Consumer Council for Water who may take up the complaint on their behalf.

#### **6.1.5 Obligations on water undertaker**

UUW will retain responsibility for administering the Water Supply (Water Fittings) Regulations 1999, and may audit the customer's premises in accordance with its planned work schedule. The customer must ensure that any remedial works are undertaken in accordance with notices issued.

#### **6.1.6 Obligations on licensees**

The licensee should comply with any reasonable requests for information made by UUW, which arise as a result of its duty to comply with the requirements of regulatory bodies. Any disclosure of customer data will be done so in accordance with the Data Protection Act. If the licensee requests data from UUW to comply with any regulation, UUW will endeavour to provide such information as requested.

#### **6.1.7 Disconnection**

UUW can disconnect customers premises when it is necessary for the purpose of carrying out works where it is reasonable to do so (section 60 WIA91), at the request of the consumer (section 62 WIA91) and to prevent contamination or waste (section 75 WIA91).

If UUW terminate the access agreement with the licensee then the interim supply duty provisions (section 63AC WIA91) would immediately apply, ensuring that the customer continues to receive water for up to 3 months. The interim supply duty does not apply if it would put at risk the UUW's ability to meet its existing supply obligations and its probable future obligations to supply water for domestic purposes or require unreasonable expenditure to do so.

## **6.2 Customer contact arrangements for emergencies and events**

### **6.2.1 Special Consumers**

The licensee and UUW shall agree the relevant categories of Special Consumers. If the licensee's categories differ from UUW's then the former shall be capable of mapping onto the latter in a manner approved by UUW. The term Special Consumers is defined in Appointment Condition R and standard licence Condition 5. The



licensee should note that UUW may have additional categories as part of its own Customer Commitments.

### **6.2.2 Large scale customer warning procedures**

UUW may carry out large scale customer warning procedures (e.g. carding a wide area or using local media) which will by their nature encompass both UUW's customers and the licensee's customers. UUW will endeavour to keep the licensee informed of such warning. It will be clear to the customer that such warnings originate from UUW as the operator of the supply system.

### **6.2.3 Obligations on water undertakers**

UUW will provide special response to the licensee's Special Consumers in exactly the same way as it would for its own customers.

The licensee and UUW shall agree the procedure for communication with customers (including Special Consumers) on the supply system in the event of an emergency. However, if the licensee's Special Consumers contact UUW during an emergency, this contact will be processed by UUW in order to ensure a swift response, and the licensee shall be informed of the contact and the UUW response.

The licensee will be required to take part in joint exercising of the Emergency Procedures and Contingency Plans, which may test the agreed procedures for dealing with Special Consumers.

### **6.2.4 Obligations on licensees**

UUW will require the licensee to provide contact details of any Special Consumers to be used in the event of an incident, in order to ensure that a response is provided promptly. The licensee will also be required to provide its own 24 hour contact details, to enable UUW to contact the licensee.

## **7. Supply system Connections**

### **7.1 Connection of licensee's source to the supply system**

UUW will establish the feasibility of connecting to the licensee's supply and will determine the point of connection and any reinforcement that may be required to UUW's supply system.

The licensee will make arrangements for laying their main up to the point of connection.

UUW will make the final connection from the licensee's network to UUW's supply system.

UUW's supply system may be protected by a valve at the point of connection.

UUW will, in discussion with the licensee, agree the scope and programme of work to be undertaken in order to connect the licensee's main to UUW's supply system.

UUW will provide sufficient information to enable licensees to assess the viability of their proposals. Preliminary connection costs will be provided during the initial application stage. Firm prices covering connection costs will be provided during the detailed application stage. Licensees will be required to provide sufficient information about their proposals to enable UUW to establish these costs.

The installation and connection of new mains, services and fittings to UUW's supply system represent a potential opportunity for contamination to enter the supply system. Accordingly, specific precautions are needed to minimise this risk.

#### **i) Hygiene Practices and Mains Disinfection**

The licensee will comply with UUW's mains hygiene requirements.

All staff employed by a licensee working on Restricted Operations, must be in possession of a current UUW Medical Assessment Card, or equivalent, which is duly authorised prior to commencement of work. Procedures for issuing and maintaining the Medical Assessment Card are described in the UUW document TI 02-01 "Medical Assessment for Restricted Operations"<sup>xvi</sup> which must be adhered to in all instances.

Restricted Operations are defined as work which may involve direct contact with untreated sources of underground water, with partially or fully treated water within water treatment works or with treated water at any stage in its distribution to the point where it is made available to consumers. Employees and contractors of the licensee must be trained in the hygiene implications before undertaking such work.

All persons should have attended an approved mains hygiene course.

Upon completion of the new main, the licensee must comply with the procedures laid down in UUW Mains Hygiene Practices Document (Reference COD 09/11/04)<sup>xvii</sup> dated July 2000. Section 7 of the Mains Hygiene document specifies the procedure for preparation and disinfection of new mains below ground.

All persons engaged in disinfection of the main should have completed training in chlorination procedures for water pipelines.

The main shall be chlorinated in accordance with BS6700<sup>xviii</sup> and a bacteriological sample taken and tested by an accredited laboratory.

UUW reserves the right to witness the bacteriological sample being taken. The licensee will notify UUW of the proposed date for sampling.

UUW will not connect the licensee's main to the supply system until it receives a satisfactory bacteriological sample result.

Failure during service of the licensee's assets connected to UUW's supply system also represents a potential risk for contamination and/or supply failure.

The licensee shall ensure that any persons employed (directly or indirectly) in the design, construction and installation of the main are suitably qualified and competent for the specific tasks that they are engaged in. The licensee will provide UUW with a statement of competence confirming this.

The licensee shall also put in place quality control processes and procedures to ensure that the main is designed, constructed and installed in accordance with the relevant standards and specifications.

ii) Pressure Testing

The licensee shall ensure that the main to be connected to UUW's supply system is pressure tested.

The pressure test results shall be submitted to UUW for assessment. The standard policy for pressure testing is contained in "Specification for Pressure Testing of Installed Pressure Pipes and Fittings" (August 1998)<sup>xix</sup> (or CESWI, Section 7)<sup>xiii</sup>.

Staff engaged in pressure testing activities should have received training in pressure testing of water pipelines.

UUW reserves the right to witness the pressure test. The licensee will notify UUW of the proposed date for pressure testing.

UUW will not connect the licensee's main to the supply system until the main has been satisfactorily pressure tested.

iii) Contaminated land

Where the licensee's proposals involve laying the licensee's main in contaminated land then the licensee should refer to the current UKWIR guidance<sup>xx</sup>.

The licensee shall notify UUW of any contaminated land information and provide a completed risk assessment. The licensee shall be required to demonstrate that pipes have been laid in accordance with the UKWIR guidance appropriate at the time<sup>4</sup>.

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<sup>4</sup> Document available from <http://www.ukwir.org>

When pipes are to be laid in areas of contaminated land, the interpretation of site survey information, and the subsequent design, specification and method of installation of water mains and services may be carried out by an independent consultant appointed by U UW. The cost of the consultant will be included within the financial terms offered to the licensee.

## **7.2 Connection of qualifying premises to the supply system**

Where applicable (i.e. where the premise is a new premise not currently connected to the U UW supply system), the licensee will make arrangements for laying the main from the premises back to the point of connection. U UW will make the final connection to U UW's water supply network. The clauses set out in section 7.1 "Connection of licensee's source to the supply system" shall generally apply to the connection of a qualifying premise to the supply system.

For a premise that is required to be connected to U UW's supply system the licensee shall request the customer to notify U UW when work is ready for inspection under the Water Supply (Water Fittings) Regulations 1999, or submit an Approved Plumber's certificate to U UW for the work. U UW will carry out inspections under the Water Supply (Water Fittings) Regulations 1999 or process certificates from the Approved Plumbers as appropriate.

The licensee shall inform the local Sewerage Undertaker of its intentions to supply water to a qualifying premises.

## **7.3 Connection of secondary water undertaker's supply system to the primary water undertaker's supply system**

The clauses set out in section 7.1 "Connection of licensee's source to the supply system" shall generally apply to the connection of secondary water undertakers.

## 8. Legal contract, arbitration and disputes resolution

Contract negotiations for a Combined Access Agreement may begin at any stage during the application procedure but the final contract terms will only be agreed after the successful completion by the licensee of the detailed application stage.

The final terms and conditions of each access agreement will be specific to the facts and circumstances of each application taking into account UUW's Supply System, the needs of UUW's customers and UUW's statutory obligations. The terms and conditions of each access agreement will be negotiated by UUW with due regard to the costs principles set out in UUW's Access Code and to UUW's duty not to show undue preference to, or undue discrimination against, any actual or potential licensee or customer.

By signing an access agreement both parties agree to be bound by the terms of this Access Code. For Combined Access a new access agreement will be negotiated for each application.

The list below at 8.1 is not exhaustive and UUW reserves the right to include additional clauses or alternative clauses or to omit some of the listed clauses if the circumstances of any application by a licensee require it.

### 8.1 Contract terms

#### 8.1.1 Contents

##### ii) Definitions

*This will contain a list of all defined terms used in the contract.*

##### Commencement and Term

*Defines the period that the contract will begin and terminate*

##### Access Conditions

*Conditions which are required to be met before access may be granted*

##### Admission of LWS to the Supply System

*The terms by which the LWS will be granted access to the supply system*

##### Charges

*The charges payable under the contract or any document incorporated therewith*

##### Metering, meter reading, billing and payment

*Policies of UUW with which LWS will be required to comply with in providing meter readings*

##### Entitlements under the Act

*The legal rights of either party under the Act*

##### Ownership of the supply system

*Details responsibility and ownership of the supply system*

##### Force Majeure

*Unforeseeable circumstances that prevent a contract from being fulfilled*

##### Insurance

*The levels of insurance required by UUW or by the LWS*

##### Liability

*Defines where responsibility will sit as between UUW and LWS*

##### Dispute Resolution

*Sets out the processes for resolving disputes*

##### Intellectual Property Rights

*Protection of UUW IPR*

##### Effect of this agreement

*What this Agreement means*  
 Compliance with legal requirements  
*Compliance by LWS with relevant requirements*  
 Suspension  
*Reasons for and the processes for suspending the agreement*  
 Termination  
*Reasons for and the processes for terminating the agreement*  
 Consequences of Termination  
*Liabilities following termination of the agreement*  
 Interim supplier  
*Provisions for when LWS ceases to be a supplier for their customer*  
 Information and confidentiality  
*Use of and other provision about confidential information*  
 EIR  
*Disclosure of information under The Environmental Information regulations 2004*  
 Notices  
*Requirements to give notices in writing under the Act, other legislation or this Agreement*  
 Assignment  
*The assignment of Rights and obligations under the contract*  
 UUW Performance  
*The performance levels which UUW is expected to meet*  
 Modification  
*Modification of this Agreement, or of UUW's Appointment, or of the LWS's licence, under the Act*  
 Security deposit  
*Any deposit which UUW requires from the LWS or from a customer*  
 General Operating process (Schedule)  
*The processes for operating the contract*  
 Contact Details (Schedule)  
*Details the key contacts for UUW and the LWS and any other relevant parties*

## **8.2 Arbitration and disputes resolution processes**

In addition to the list of clauses above that may be included in any access agreement, UUW will require one or more of the following dispute resolution procedures to be included in every access agreement.

### **8.2.1 Negotiation**

Between appointed representatives of both parties within set timescales with a view to reaching an amicable resolution of any dispute arising during the contract term. To be utilised as an initial informal resolution process. Other procedures can be followed if agreement cannot be reached.

### **8.2.2 Conciliation**

A form of alternative dispute resolution process in which the parties use a neutral third party to improve communication and explore possible solutions to disputes. It is similar to mediation but can be less formal. It is a non-binding resolution process.

### **8.2.3 Mediation**

A form of alternative dispute resolution process utilising a trained mediator who is a neutral third party. Its aim is to reach a solution that both parties agree on. It is more formal than conciliation but is also non-binding.

#### **8.2.4 Arbitration**

A formal method of alternative dispute resolution that allows the parties to settle any dispute without court action. A neutral third party arbitrator is appointed by agreement or on application to a recognised organisation of arbitrators. Decisions should be seen as final as there is very limited scope for appeals.

Unless the arbitration route is chosen to settle any dispute either party may resort to appropriate court action.

Ofwat also has powers to determine disputes about the eligibility of premises, the terms and conditions of proposed access agreements and the conditions for refusing supplies. Further information is available on Ofwat's website under Water Supply Licensing: <http://www.ofwat.gov.uk/> Licensees may refer their dispute to Ofwat for determination at any stage if they believe that the customer specific agreement does not conform with the Costs Principle or Ofwat's Guidance on Access Codes.

## 9. Access Pricing

This section of the U UW Access Code provides guidance on the calculation of the indicative and case specific access prices.

### 9.1 Indicative access prices

Indicative access prices for each Water Resource Zone are included in Appendix B. These prices are calculated in accordance with Ofwat's Guidance on Access Codes.

### 9.2 Case specific access prices

U UW will set case specific access prices following the methodology set out in Ofwat's Guidance on Access Codes, and in accordance with the following principles.

#### i) Non-discrimination

U UW will set its access terms and conditions in accordance with Ofwat's Guidance on Access Codes and the costs principle. Water undertakers must not unduly discriminate when granting access, which means that like situations must be treated alike.

All licensees must be charged in accordance with the costs principles as set out in Ofwat's Guidance on Access Codes. This does not mean that all licensees will necessarily pay the same price, as various factors will influence the actual price (including point of entry and exit, the timing of entry and the relevant charge for the licensee's customer). Charges will be case-specific.

#### ii) Costs principle

In setting access prices U UW will comply with Section 66E WIA91, which sets out the costs principle by which undertakers must set their access prices. The aim of the costs principle is to produce prices that fully compensate each undertaker for the net costs (or expenses) that it unavoidably incurs when providing a combined or wholesale supply as compared with continuing to supply the final customer. This should ensure that

- customers ineligible for competition do not subsidise the competitive market; and
- licensees are treated fairly.

The costs principle allows the undertaker to recover the following cost elements from the licensee:

- (a) any expenses reasonably incurred in providing wholesale water supplies or allowing water to be introduced into its system;
- (b) the appropriate amount (defined as being an amount equivalent to the revenue that the undertaker would reasonably have expected to recover from the relevant customer had it not lost that customer to the licensee) in respect of "qualifying expenses" and a reasonable return on that amount, to the extent that those sums exceed any financial benefits which the undertaker receives as a result of the supplier supplying water to the premises of the relevant customers.



‘Qualifying expenses’ are those that the undertaker has reasonably incurred or will reasonably incur in performing its statutory functions (excluding any return). ‘Relevant customers’ are the licensee’s customers under the agreement in question.

The costs principle also makes an adjustment in the amount that the undertaker can recover from the licensee by taking account of costs that the undertaker will no longer face because the licensee supplies water to the customer. These costs are expenses that can be avoided or reduced; or any amount that is recoverable in some other way (other than from other customers of the undertaker). These costs are referred to by the acronym ARROW costs.

For access under sections 66A and 66B, the costs principle offers a ‘retail-minus’ approach to setting access prices. For supplies under section 66C, the method for setting prices is based on actual expenses incurred.

iii) Connection charges

Connection charges (one-off and/or ongoing) will recover the cost of constructing and maintaining assets used solely by the licensee (or jointly by more than one licensee, but not by U UW). Where assets are used jointly the licensees will be required to negotiate between themselves an acceptable method of apportionment of the charges made by U UW.

Where the licensee’s use of U UW’s supply system will require the upgrade or replacement of parts of the supply system or other shared assets, the costs of this will be recovered through the Connection Charges.

iv) Other charges

Charges to the licensee will reflect all direct costs attributable to the use of U UW’s supply system by the licensee and his customers. Therefore other charges will be made to recover the cost of U UW activities that are necessitated by the licensee’s use of U UW’s supply system. These will be covered in the access agreement.

v) Standby

If agreed by U UW and the licensee at the time of agreement negotiation, U UW shall supply the licensee’s customers with U UW supply in the event of partial or complete failure of the licensee’s supply.

In this case standby charges will be set annually to recover the annual costs of maintaining standby capacity sufficient to provide a standby supply to the licensee’s customers.

In addition charges will be levied for any water supplied under this agreement.

vi) Accounts/Payments

Charges will be invoiced monthly, and accounts will be payable within 14 days. Interest will be charged for late payment.

vii) Other services

Other services may be provided by agreement between the licensee and U UW, and charged for accordingly. These will be outside the scope of the access agreement.

## 10. Glossary of defined terms

**Access:** The wholesale supply of water by a water undertaker to a licensee for the purpose of making a retail supply of water to the premises of the licensee's customer; and the introduction of water by the licensee into a water undertaker's supply system for that purpose (common carriage).

**Access agreement:** An agreement between a water undertaker and a licensee for access by a licensee to a water undertaker's supply system pursuant to the Retail Authorisation and/or Supplementary Authorisation.

**Access code:** A water undertaker's document that sets out all principal aspects of access to its supply system and the terms and conditions on which it will grant access to its supply system by a licensee. The access code comprises the standard terms and conditions common to all water undertakers and the terms and conditions specific to that water undertaker.

**Access terms:** The terms under which a water undertaker and a licensee agree access to a water undertaker's supply system.

**Adjoining supply system:** Supply systems of other water undertakers with direct physical connections to the water undertaker's own supply system.

**ARROW costs:** Expenses that can be Avoided or Reduced, or any amount that is Recoverable in some Other Way (other than from other customers of the water undertaker) (see section 66E(3) WIA91).

**Backflow:** Unwanted syphoning of water into the supply system.

**Boil Water Advice:** A notice issued by the undertaker as a warning that water should be boiled before drinking as a precautionary measure.

**Borehole:** A hole for abstracting groundwater constructed by boring.

**Chemical parameters:** Limits for the level of chemicals found in water. Examples are iron, chlorine, sulphates, pesticides, ammonium compounds.

**Chlorination:** The use of chlorine to disinfect water.

**Coliform bacteria:** A group of bacteria found in the intestine and faeces of most animals. Coliforms can sometimes be found in untreated water. The treatment process removes them and disinfection prevents their reappearance in the distribution system.

**Combined Licence:** A Retail Licence with the Supplementary Authorisation, authorising the holder to introduce water into a water undertaker's supply system and to retail that water to a customer's eligible premises (section 17A(6) WIA91).

**Combined supply:** A supply made pursuant to a combined licence.

**Compensation water:** Water released to the environment to offset impacts of abstraction or to comply with Appointment Conditions (or both).

**Costs principle:** As defined in section 66E of the WIA91.

**Cryptosporidium:** A waterborne micro-organism, single celled protozoan parasite, which causes disease and illness.

**Deployable output:** The sustainable output of a commissioned water supply source, group of sources or bulk supply under worst historic drought conditions, as constrained by: abstraction licence, if applicable; environment; treatment; raw water mains and/or aquifers; pumping plant and/or well/aquifer properties; transfer and/or output main; water quality.

**Disinfection:** The process of treating water in order to remove or kill harmful organisms.

**Diurnal variations:** Variations occurring within a daily (24 hrs) cycle.

**Drought:** A prolonged period of dry weather that reduces river flows, reservoir inflows or groundwater levels to unusually low levels.

**E.coli:** A bacterium taken as an indicator of faecal contamination.

**Eligible premises:** Premises that satisfy the eligibility requirements in section 17A(3) WIA91. Each of the following three requirements must be satisfied in relation to each of the premises in order for a customer's premises to be eligible:

- The customer's premises must not be "household premises" (as defined in section 17C WIA91).
- When the licensee first enters into an undertaking with a customer to give the supply, the total quantity of water estimated to be supplied to the premises annually by the licensee must be not less than the volume set within the WIA91 17D (2) or subsequent amendments (the "threshold requirement", section 17D WIA91).
- The premises may only be supplied by one licensee (but may also be supplied by one or more water undertakers).

**Fit and proper person:** For the purpose of making an access agreement, a person or party will not be deemed fit and proper if there are any relevant convictions, concerns over technical ability, insufficient financial resources available.

**Fluoridation:** Application of fluoride to drinking water at the request of regional health authorities as a preventative measure against dental decay.

**Groundwater:** For the purposes of an access agreement groundwater is defined as water abstracted directly from an aquifer by means of a well, borehole or spring.

**Hardness:** Characteristics of waters containing dissolved calcium and magnesium salts.

**HSE:** Health and Safety Executive a government agency responsible for administering all regulations pertaining to health and safety and public security.

**Instrument of Appointment:** The water (and sewerage) companies operate under Instruments of Appointment, granted by the then Secretaries of State for the Environment and for Wales, or by the Director, to provide water and sewerage services in England and Wales. The Instrument of Appointment imposes conditions on the companies, which the Director is required to enforce.

**Interruptible supply points:** These are supply points where a continuous water supply is not necessary.

**Leakage:** The loss of water from the supply network which escapes other than through a controlled action.

**Licensee:** A company holding either a retail licence or a combined licence.

**Major Emergency Procedures:** The Major Emergency Procedures are invoked when the situation or the number of people affected is in excess of those that can be dealt with by the Standard Emergency Procedures.

**Mandatory Parameters:** Levels of chemical or biological indicators that must be measured by law. Examples for drinking water are E coli, nitrates, chlorides.

**Microbiological parameters:** Levels of bacteria for example E coli, coliforms, enterococci, whose presence indicate that the water may be polluted and therefore should not be used as drinking water.

**Non-potable water:** Water which is not intended for domestic or food production purposes.

**Outage:** A temporary loss of water supply due to planned or unplanned events.

**Pathogen:** An organism which is capable of producing disease.

**Point of Entry:** The point at which treated water enters the supply system as defined by the isolation valve provided by UUW.

**Point of Exit:** The point at which treated water leaves the supply system. In general this will be either be to specific premises or to the supply system of an adjoining water company.

**Potable Water:** Water for domestic and food production purposes which is wholesome at the time of supply. This is defined in section 68 of the WIA91 and section 4 of the Water Supply (Water Quality) Regulations 2000.

**Primary water undertaker:** For the purposes of section 66A WIA91 (wholesale water supply by primary water undertaker) and section 66C WIA91 (wholesale water supply by secondary water undertaker), a water undertaker is the primary water undertaker if the undertaker's supply system is to be used for the purposes of making the supply to the premises of the licensee's customer.

**Priority supply points:** Supply points as specified by Defra.

**Reconciliation process:** The balancing of actual demand against actual water supplied into the supply system and the associated financial implications.

**Regulatory Compliance Sampling Programme:** This is the annual programme of drinking water sampling which the Water Companies must undertake to comply with the requirements of the Water Supply (Water Quality) Regulations 2000 (for England) and 2001 (for Wales) and subsequent amendments.

**Retail authorisation:** An authorisation to a company to use a water undertaker's supply system for the purpose of supplying water to the eligible premises of customers of the company (section 17A(2) of the WIA91).

**Retail Licence:** A Water Supply Licence giving the holder the Retail Authorisation, entitling the holder to purchase wholesale a supply of water from the water undertaker and to supply it retail to a customer's eligible premises (section 17A(4) of the WIA91).

**Secondary chlorination:** Usually applied to injection of chlorine to drinking water in the distribution system after it has left the treatment works. Often used to boost chlorine levels at a service reservoir.

**Secondary water undertaker:** A water undertaker other than the relevant primary water undertaker (section 66C(1)(a)(I) WIA91).

**Security of supply:** The extent to which water supplies to customers are reliable and not subject to possible restrictions because of a lack of rainfall over a period of time.

**Service reservoirs:** Any reservoir, statutory or otherwise, which is used to store, treated drinking water.

**Sewerage undertaker:** A company appointed under the WIA91 to provide sewerage services in respect of a geographical area of England and Wales.

**Special Consumers:** As defined in Condition R 8(6). A Special Consumer is a person or a member of a class of persons who –

(i) the Appointee and the relevant licensed water supplier agree; or

(ii) the Authority specifically or generally determines by relevant notice, regularly requires water urgently on medical or other grounds.

**Standard Emergency Procedure:** These are a set of procedures for dealing with an emergency. The full or partial implementation of the procedures is dependant on the degree of seriousness of the emergency.

**Standby supplies:** These are supplies that can be called into operation in the event of failure of the 'duty' supply.

**Supplementary Authorisation:** An authorisation to a company to introduce water into a water undertaker's supply system for the purpose of making a retail supply of water to a customer.

**Supply system:** Any water mains and other pipes used for the purposes of conveying water from a water undertaker's treatment works to its customer's premises and any water mains and other pipes used to convey non-domestic water from any source to premises that are not connected directly or indirectly to any water mains or pipes connected to those treatment works. This term is defined in section 17B(5) WIA91.

**Supply system balancing:** The process of matching the 'water in' against the 'water out' from the supply system.

**Telemetry:** The technology for automatically measuring and transmitting data by radio or other means from remote sources to receiving stations.

**Treated water:** Water of a suitable quality for input to the treated water distribution system and that which results in satisfactory DWI compliance at the customer's tap.

**Treated water quality monitoring:** Regular sampling and analysis of untreated and treated water. Examples include daily measurement of free chlorine at treatment works or annual sampling for mercury at customers' taps.

**Treatment works:** Works where raw water from groundwater, rivers or reservoirs is treated to produce drinking water. Treatment typically includes coagulation, filtration and disinfection.

**Trihalomethanes:** A group of chemicals produced by the reaction of chlorine with natural organic matter present in the raw water. Current limit is 100 ug/l for the total of four compounds.

**Turbidity:** A measure of the optical clarity of water.

**UKWIR:** UK Water Industry Research Limited.

**Ultra-violet disinfection:** Inactivation of microbiological organisms by ultra-violet radiation.

**Untreated water:** Raw water not of a suitable quality to enter the supply system.

**Water Fittings Regulations:** The Water Supply (Water Fittings) Regulations 1999. These Regulations replaced the Water Bylaws in England and Wales and are largely enforced by the water undertakers.

**Water resources management plan:** A water undertaker's long term strategic plan for water resource development in its area (see section 37A WIA91).

**Water Supply Licence:** A licence granted to a company giving it the Retail Authorisation, or both the Retail Authorisation and the Supplementary Authorisation.

**Water Supply (Water Quality) Regulations:** The Water Supply (Water Quality) Regulations, as amended 2010, which apply to water undertakers whose area of supply is wholly or mainly in England; The Water Supply (Water Quality) Regulations 2001, which apply to water undertakers whose area of supply is wholly or mainly in Wales. These Regulations specify the standards used to define wholesomeness of drinking water, the level of monitoring required, treatment requirements, reporting requirements and also specify the requirements for using approved substances and products. The DWI enforces these Regulations.

**Water undertaker:** A company appointed under the WIA91 to provide water services to a defined geographical area of England and Wales, and which owns the supply system and other infrastructure.

**Wholesale supplies:** Supply of water to a licensee by a water undertaker for the purposes of retail by the licensee to its customer's premises.

## **Appendix A - Application Forms**

*Please contact the trading manager should you require copies of the combined supply application forms, or draft customer consent form or confidentiality agreement.*

Appendix B - Indicative Access Charges

*Indicative Access Prices*

<https://www.unitedutilities.com/accesscodes>

## Appendix C - Example Summary Monthly Performance Report

Point of Entry		Daily Flow (Mld)	Pressure (bar)	Coliform bacteria (no./100ml)	E. coli (no./100ml)	Turbidity (NTU)	Colour (deg Hazen)	Iron (µg/l)	Aluminium (µg/l)	Manganese (µg/l)	pH	Free Chlorine (mg/l)	Phosphate (µg/l)	Fluoride (mg/l)
Emergency Value Max			5.5	0	0	1.5	7	75	75	40	8.2	1.2	2400	1.2
Warning Limit Max		3	5	0	0	1	5	50	50	25	7.8	1	2200	1.1
Warning Limit Min		1	4	0	0						7.3	0.7	1800	0.9
Emergency Limit Min			3.5	0	0						7	0.5	1500	0.8
Date	Time													
1-Jan-05	10:40	2.15	4.23	0.00	0.00	0.65	0.09	13.05	10.31	5.24	7.49	0.88	1869.86	1.08
2-Jan-05	10:40	1.72	4.41	0.00	0.00	0.55	2.11	32.21	45.47	15.40	7.64	0.95	2221.73	1.00
3-Jan-05	10:40	2.60	4.77	0.00	0.00	0.62	1.30	23.44	17.82	19.18	7.94	0.86	2157.69	1.08
4-Jan-05	10:40	2.53	5.02	0.00	0.00	0.63	2.20	4.34	5.75	22.51	7.66	1.00	1913.29	1.09
5-Jan-05	10:40	2.44	4.49	0.00	0.00	0.53	0.57	21.38	4.48	15.13	7.71	0.75	1883.57	1.03
6-Jan-05	10:40	2.89	4.85	0.00	0.00	0.54	0.43	25.90	30.98	15.83	7.71	0.92	1957.84	1.04
7-Jan-05	10:40	2.72	4.66	0.00	0.00	0.20	1.54	9.25	9.81	3.88	7.55	0.93	1954.14	0.93
8-Jan-05	10:40	1.56	4.49	0.00	0.00	0.64	1.79	40.70	44.87	10.14	7.90	0.89	1884.08	1.11
9-Jan-05	10:40	2.60	4.52	0.00	0.00	0.93	3.83	14.57	11.32	5.82	7.58	0.86	2122.62	0.99
10-Jan-05	10:40	1.90	4.96	0.00	0.00	0.57	2.69	21.15	41.46	23.52	7.93	0.94	1918.42	0.99
11-Jan-05	10:40	1.15	4.19	0.00	0.00	0.73	0.54	43.22	19.32	23.07	7.55	0.88	2207.71	0.93
12-Jan-05	10:40	1.94	4.87	0.00	0.00	0.16	2.05	5.39	47.20	15.29	7.55	0.84	1900.93	1.02
13-Jan-05	10:40	1.41	4.65	0.00	0.00	0.21	0.19	5.75	34.50	14.36	7.79	0.89	1893.00	1.09
14-Jan-05	10:40	2.55	4.09	0.00	0.00	0.63	3.40	34.57	2.72	18.45	7.86	0.99	2166.34	1.04
15-Jan-05	10:40	2.44	4.60	0.00	0.00	0.94	2.43	25.84	20.19	21.88	7.80	0.97	2046.15	0.95
16-Jan-05	10:40	1.09	4.33	0.00	0.00	0.11	3.10	21.26	0.66	9.97	7.54	0.95	2156.89	1.01
17-Jan-05	10:40	1.72	4.67	0.00	0.00	0.43	1.65	31.81	6.08	7.25	7.76	0.80	1970.53	1.12
18-Jan-05	10:40	1.59	4.69	0.00	0.00	0.46	1.69	3.05	11.88	23.78	7.76	0.90	1853.41	0.96
19-Jan-05	10:40	2.51	5.03	0.00	0.00	0.45	3.82	36.60	41.39	12.32	7.47	0.76	1931.02	1.00



20-Jan-05	10:40	2.59	4.75	0.00	0.00	0.54	2.07	39.55	9.60	6.82	7.72	0.74	2107.29	0.99
21-Jan-05	10:40	2.41	4.66	0.00	0.00	0.46	2.77	18.01	40.28	23.83	7.74	0.84	2159.68	1.11
22-Jan-05	10:40	1.40	4.87	0.00	0.00	0.94	1.80	10.50	35.78	4.41	7.55	0.86	2068.09	0.93
23-Jan-05	10:40	2.21	4.45	0.00	0.00	0.66	4.18	43.38	26.30	8.17	7.58	0.84	1954.33	1.06
24-Jan-05	10:40	1.76	4.92	0.00	0.00	0.34	1.70	37.47	46.66	11.42	7.53	0.92	2089.31	0.93
25-Jan-05	10:40	1.80	4.61	0.00	0.00	0.50	3.16	24.39	29.24	2.00	7.68	0.78	2002.38	1.10
26-Jan-05	10:40	1.82	4.36	0.00	0.00	0.55	4.72	14.03	6.73	13.36	7.59	0.78	2170.92	1.08
27-Jan-05	10:40	1.36	4.81	0.00	0.00	0.04	4.31	19.35	3.70	9.82	7.79	0.96	1857.57	0.93
28-Jan-05	10:40	2.87	4.53	0.00	0.00	0.20	3.82	28.76	34.51	13.24	7.45	1.01	2181.45	1.10
29-Jan-05	10:40	1.31	4.85	0.00	0.00	0.87	1.98	4.30	24.40	19.30	7.62	0.90	1993.31	0.93
30-Jan-05	10:40	1.14	4.30	0.00	0.00	0.59	4.00	19.66	0.08	13.05	7.68	1.00	2174.49	0.95
31-Jan-05	10:40	1.03	4.44	0.00	0.00	0.88	3.39	46.65	11.35	1.11	7.79	0.75	2058.34	1.06
<b>Average</b>		<b>1.97</b>	<b>4.61</b>	<b>0.00</b>	<b>0.00</b>	<b>0.53</b>	<b>2.36</b>	<b>23.21</b>	<b>21.77</b>	<b>13.21</b>	<b>7.68</b>	<b>0.88</b>	<b>2026.66</b>	<b>1.02</b>
<b>Maximum</b>		<b>2.89</b>	<b>5.03</b>	<b>0.00</b>	<b>0.00</b>	<b>0.94</b>	<b>4.72</b>	<b>46.65</b>	<b>47.20</b>	<b>23.83</b>	<b>7.94</b>	<b>1.01</b>	<b>2221.73</b>	<b>1.12</b>
<b>Minimum</b>		<b>1.03</b>	<b>4.09</b>	<b>0.00</b>	<b>0.00</b>	<b>0.04</b>	<b>0.09</b>	<b>3.05</b>	<b>0.08</b>	<b>1.11</b>	<b>7.45</b>	<b>0.74</b>	<b>1853.41</b>	<b>0.93</b>

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