

27 January 2022

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Email: [Alisonrussell@utilita.co.uk](mailto:Alisonrussell@utilita.co.uk)

Dear Simon,

**RE: Statutory consultation on modifications regarding Last Resort Supply Payment Claims for electricity supply, gas supply, electricity distribution and gas transportation licence conditions**

Thank you for the opportunity to respond to the above Statutory Consultation. While we would normally oppose the approach of moving straight to the Statutory Consultation stage, we appreciate that the circumstances are unusual. In addition, we acknowledge that the drafting changes provide flexibility and options rather than imposing an immediate requirement on parties, and hence the unusual approach can be justified.

We are supportive of the approach proposed in the document and we agree that the textual changes contained in the Statutory Consultation Notices achieve the proposed approach. We note that there were minor omissions in the identification of the changes, for example, while LRSP Permitted Assignee was underlined as an addition in the definitions in the DNO Notice, the insertion of the new Term into the accompanying Claimant definition was not underlined. As the text was included, although not underlined, we do not believe this causes an issue for the consultation.

In addition, we believe that further clarity over the period of payments would be beneficial. For example, in 38.9A in the same Notice, there is recognition that amounts may be paid over periods longer than a single Regulatory Year. We believe it would be helpful to recognise that the period might reasonably extend over more than one RIIO period, not just Regulatory Years. While we do not believe that the current drafting would preclude this, it would be useful to make it explicit.

We are concerned that the timelines for utilising these provisions may be very tight, but we are happy to support the inclusion of the necessary flexibility.

Kind regards

By email

Alison Russell  
Director of Policy & Regulatory Affairs