



Non-Domestic Retail Policy Team

Ofgem

10 South Colonnade

Canary Wharf

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E14 4PU

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Dear Non-Domestic Retail Policy Team ,

We are pleased to share with you the responses of 100Green regarding the non-domestic market review consultation.

In general, we are confident that we can meet the proposed license changes that would be placed upon us should the proposed license conditions come into force.

However, it's important to note that we have raised a few concerns and issues that we believe are important for further consideration by Ofgem.

Below, you will find a concise overview of our key responses.

If you have any questions or concerns, please get in contact with us.

Yours sincerely,

Antonis Lamaj

Energy Regulation & Compliance Manager

A handwritten signature in black ink, appearing to read "Antonis Lamaj", with a stylized flourish at the end.

1. Consultation questions and responses

- a. (Q1) Alongside this consultation document we have published a draft impact assessment. Do you have any comments on the draft impact assessment published alongside this document, including the costs and benefits, competition impacts, and unintended consequences?

As reiterated throughout this consultation, it is noteworthy that 100Green has already integrated the majority of the proposals. We do not have any further comments regarding costs and benefits, competition impacts, and unintended consequences.

- b. (Q2) Is there anything that has not been included in the impact assessment that you believe should be included?

We do not have any additional comments regarding the impact assessment.

- c. (Q3) Do you agree with our proposal to expand the Standards of Conduct to all Non-Domestic Consumers? Please provide a reason for your view.

100Green has no objection to expanding the SoC to all Non-Domestic Consumers. We have the capability to implement the proposed changes in both domestic and non-domestic markets.

(Q4) Do you have any comments on our proposed draft licence text for SLC OA?

Following the review of the draft licence text for SLC OA we do not have any objections or comments on the proposed text.

- d. (Q5) Do you agree with our proposal to implement the SoC as soon as the updated licence condition takes effect? Please provide a reason for your view.

We already have the capability to differentiate and implement changes between domestic and non-domestic consumers. We do not have any objections or further comments on moving forward with the proposed timescales.

- e. (Q6) Do you have any views on the updated draft Standards of Conduct Guidance?

Following the review of the draft licence text for Standards of Conduct Guidance we do not have any objections or comments on the proposed text.

- f. (Q7) Do you agree with our proposal to align with government proposals and expand the Gas and Electricity (Consumer Complaints Handling Standards) Regulations 2008(CHS) to apply to Small Business Consumers? Please provide a reason for your view.

We are already treating all business as micro business regardless of their size and we do have systems and processes in place to efficiently show performance, therefore we agree with Ofgem's proposals to expand the Gas and Electricity (Consumer Complaints Handling Standards) Regulations 2008(CHS) to apply to Small Business Consumers

- g. (Q8) Do you have any further comments on the proposed drafting CHS Statutory Instrument Text

Following the review of the draft licence text for Standards of Conduct Guidance we do not have any objections or comments on the proposed text.

- h. (Q9) Do you have any comments on the proposed implementation timeline of 3 months from the date of decision?

We do not have any objections or further comments on moving forward with the proposed timescales. We already have systems, processes, and the capability to implement the changes.

- i. (Q10) Do you agree with our proposal to require suppliers to inform their Micro and Small Business Consumers (if this is applied) that they can access, and how to contact, Citizens Advice and Citizens Advice Scotland? Please provide a reason for your view.

100Green is already implementing the above proposal to both domestic and non-domestic consumers regardless of their size as we recognize the importance of treating all customers fairly.

- j. (Q11) What measures would suppliers intend to take to meet the obligation to signpost Small Business Consumers to Citizens Advice, and how would this impact costs?

We are already signposting to relevant customer support services for all our consumers, regardless of the domestic or non-domestic market. We have tailored our communication methods to consumers' needs, as we strongly believe in treating all customers fairly.

Our internal teams regularly conduct reviews of our communication methods and make any necessary changes accordingly.

- k. (Q12) Do you have any comments on our proposed draft licence text for SLC 20.5A and 20.4A in the gas and electricity supply licences respectively? This proposed definition of Small Business Consumer includes Micro Business Consumers. However, do you think it would be preferable to explicitly set out in the licence condition that suppliers should signpost Micro Business Consumers and Small Business Consumers to Citizens Advice for the avoidance of doubt?

We are treating all business consumers as micro-businesses, regardless of their size. The proposed changes would not affect us; therefore, we do not have any views or further comments.

- l. (Q13) Do you agree with our proposed implementation timeframe of 3 months from the date of our final decision?

We do not have any objections or further comments on moving forward with the proposed timescales. We already have systems, processes, and the capability to implement the changes.

- m. (Q14) Do you agree with our proposed change? Please provide comments to support your answer.

The proposed changes aim to support the non-domestic market, ensuring that customers receive better services, pay fair prices, and rely on stable suppliers. At 100Green, we believe in treating all customers fairly; therefore, we agree that the proposed changes would be beneficial for all consumers.

- n. (Q15) Do you agree with the wording of the proposed licence condition changes outlined in Appendix 1?

Following the review of the wording outlined in Appendix 1 we do not have any objections or comments on the proposed text.

- o. (Q16) Do you have any comments on the suggested implementation timescale of 8 months?

We do not have any objections or further comments on moving forward with the proposed timescales. We already have systems, processes, and the capability to implement the changes.

- p. (Q17) Do you agree with our proposed expansion of Third-Party Cost transparency to all non-domestic customers? Please explain your answer.

The proposed expansion of Third-Party Cost transparency to all non-domestic customers does not directly affect us, as we do not proactively engage with TPI services. In the event we deal with TPIs, those are the situations where customers pay the costs directly.

- q. (Q18) Do you agree with our proposed methodology of displaying Third Party Costs? Please explain your answer.

We do not have any objections to the proposed methodology, and we will implement the proposals accordingly if they apply to us.

- r. (Q19) Do you agree that our proposed timescale for implementation is achievable? Please explain your answer.

We do not have any objections or further comments on moving forward with the proposed timescales. We already have systems, processes, and the capability to implement the changes.

- s. (Q20) Do you have any views on whether to retain the presentation of a lump sum for Micro Business Consumers and to have only a cost per unit for all non-domestic consumers?

We do not have any views or recommendations regarding whether to retain the presentation of a lump sum for Micro Business Consumers and to have only a cost per unit for all non-domestic consumers.

- t. (Q21) Do you have any views on the proposed wording of the supply licence conditions, in relation to this policy? Note that is SLC20.6 in the electricity supply licence and SLC20.7 in the gas supply licence.

Following the review of the proposed wording we do not have any objections or comments on the proposed text.

- u. (Q22) Do you have any other comments on our proposals not asked specifically elsewhere in this document?

We would like to bring to Ofgem's attention the following concerns and issues:

Change of Tenancy (CoT) process.

One significant challenge observed within the industry, which also affects us, is that consumers sometimes fail to inform us about the CoT, leading to a multitude of issues.

As already mentioned, we welcome all positive steps taken to protect consumers regardless the domestic or non-domestic market. However, we feel that energy suppliers that are already implementing several proposals from the consultation are left unprotected in CoT processes when the fault is not on their side.

We strongly believe that there is a need for Ofgem to review and further the relevant license conditions, as we are restricted from objecting when a consumer leaves, especially when it is not the supplier's fault.

We diligently monitor and appreciate the ongoing CoT streamline work managed by RECCo to identify and implement effective solutions without causing any unintended side effects, but we would welcome and invite Ofgem to take further steps, considerations, and effective solutions regarding this matter.

Ombudsman Service:

We would like to mention that, while we understand the importance of introducing Ombudsman services to the non-domestic market, ensuring that customers are able to access the Ombudsman after 8 weeks, we would like to understand on how this would be beneficial for large business consumers, including corporations and retail businesses, who may not necessarily require such services.

Based on our market experience and Ofgem's review, it is evident that such businesses do not necessarily require Ombudsman services, as they already have an internal team that handles relevant issues when they occur. Therefore, the systems and procedures are already in place for large businesses.

Moreover, as stated in the consultation, the Energy Ombudsman is required to have the right resources in place to handle complaints efficiently and in a timely manner. However, this statement does not instil the necessary confidence among industry parties regarding timelines, creating uncertainty that could result in higher costs, increased time consumption, and additional resource allocation on the supplier's side. Furthermore, we are also not fully satisfied with the Energy Ombudsman's capability to successfully address and deliver the expected outcomes anticipated by Ofgem and the Government.

In summary, we fully support this proposal for micro-business customers and comprehend the logic behind it. However, we disagree with the implementation of this proposal for larger businesses, as explained above. We would like to invite

and encourage Ofgem and the Government to consider the concerns raised by industry members.

Standard Licence Conditions Restrictions – Need for review:

While acknowledging and understanding Ofgem's role and responsibilities in addressing the challenges that a significant number of consumers have faced in recent years, we would like to bring to Ofgem's attention the need for a review of the relevant SLCs when issues arise between energy suppliers and businesses, especially in cases where suppliers may not be at fault.

The SLCs should be reviewed without necessarily affecting the Ofgem principal objective to protect the interests of existing and future energy consumers, regardless of whether they belong to the non-domestic or domestic market.

We would like to bring to Ofgem's attention a trend observed among business energy consumers and suppliers. Currently, the license allows business customers who have never signed a contract to switch suppliers without paying the charges accrued during their supply period with the initial supplier. In practice, this means that business customers can move into a property, refuse to sign a contract, or pay their bills, and then switch, making debt recovery significantly harder. This practice introduces significant risk into Out-of-Contract pricing, an area we know Ofgem is keen to understand, and it is a protection that is not enjoyed by domestic customers.

This practice creates significant challenges, resulting in increased administrative and legal processing times and costs for us. Simultaneously, it is favourable for energy business consumers but unfair for suppliers.

In relation to the above, when suppliers are required to report relevant data or submit evidence as requested by the Regulatory Authority and relevant Government departments, the data and evidence might not always meet the expected level due to ongoing issues with those businesses. This will result in increased administrative costs, time consumption, insufficient data and evidence, more restrictions on the suppliers' side, and overall will make the process challenging.

Furthermore, we would like to mention some recurring issues and concerns that suppliers often raise including the above but are frequently overlooked by the Regulatory Authority and relevant Government departments. When large businesses fail to pay their costs to energy suppliers, several risks may arise, including financial losses, increased bad debt, operational disruption, and more.

Despite our understanding and appreciation for the positive steps taken to protect consumers in both domestic and non-domestic markets, it is essential to consider all reasonable challenges raised and faced by energy suppliers and not overlook them to avoid any potential collapse, as observed in previous years, which created a domino effect within the energy industry landscape.

The review of the SLCs is crucial to ensure that the journey to reach net zero is achieved as smoothly as possible and at the lowest possible cost to households, businesses, energy suppliers and everyone involved.

We would like to invite and encourage Ofgem to further review and be more flexible on a more streamlined reporting process, establish proactive communication channels, develop clear protocols for dispute resolution between energy consumers and energy suppliers and create the field of a transparent and fair market for all parties involved.

In summary, it is essential for Ofgem to consider future measures for energy suppliers that can effectively address the above and recurring issues raised by suppliers. It appears that we are left unprotected in situations where we are not necessarily at fault, without compromising the principal objective of protecting the interests of existing and future energy consumers, particularly those in vulnerable situations.