



TotalEnergies

TotalEnergies Gas & Power Ltd

Future Consumers Team
Ofgem
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Email: FutureConsumers@ofgem.gov.uk

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Dear Future Consumer 's Team,

Reviewing the supplier Guaranteed Standards of Performance (GSoP)

TotalEnergies Gas & Power is one of the leading energy suppliers to industrial, commercial, and business customers within the UK – TotalEnergies Gas & Power has been an established energy supplier since 1987.

Thank you for inviting TotalEnergies to contribute to this consultation. The non-domestic market has operated positively for 30 years with the level of oversight Ofgem provide and competition providing positive outcomes for customers. Ofgem is right to look at options on how to further improve customers energy experience, but we do not believe GSoPs provide what customers want, certainly not in a cost effective way.

We wish to express our concern that any future expansion of the Guaranteed Standards of Performance (GSoP) within the non-domestic market risks imposing additional regulatory burdens that will ultimately be borne by customers. Our customers have consistently voiced that their primary concern is the persistent rise in non-commodity prices within energy bills. We strongly urge Ofgem to prioritize the creation of a low-cost environment that fosters UK business competitiveness and encourages supplier innovation. Rather than introducing new regulatory barriers, which have not been necessary for the past 30 years, particularly as complaint volumes are declining Ofgem should focus on measures that avoid further cost increases for customers.

We do note customer satisfaction is highest in the I&C market where there is the lowest level of regulation and no GSoPs.

Please refer to the appendix of this letter for our detailed responses to your specific questions

Should you wish to any part of our response please contact andrew-e.jones@totalenergies.com.

Yours sincerely,

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Role

Q1. Do you have any views on how the GSOP should be used to deliver good consumer outcomes as part of our wider regulatory toolbox?

Customers deserve a good quality outcome from their energy experience, and in the non-domestic market we have to provide a positive service, or they will move to competitors. While cost is very important, businesses also don't want to have to spend time dealing with their energy provider as that takes them away from their core business operations and making money. The regulatory oversight and competitive nature of the non-domestic market has provided for customers for the last 30 years. Ofgem is right to look at options on how to further improve customers energy experience, but we do not believe GSoPs provide what customers want, certainly cost effectively.

In the non-domestic market, the predominant challenge our customers face is the persistently high energy prices, particularly the approximately 30% increase in non-commodity costs they are currently experiencing. This is compounded by the continual introduction of new charges by both the Government and Ofgem, which further escalate costs. What our customers—and the UK as a whole—require is a low-cost, efficient energy system that supports national needs and environmental objectives, rather than additional layers of complexity and expense. The most effective way to deliver positive outcomes for customers is to focus on reducing costs and enhancing the UK's global competitiveness, not by increasing regulatory burdens.

Historically, the non-domestic market functioned effectively until the recent energy crisis, and it weathered that crisis more robustly than the domestic sector. Following the crisis, a comprehensive review of the non-domestic market was conducted and successfully addressed the issues that emerged. Notably, there is no price cap in the non-domestic market, meaning that any costs associated with implementing GSoPs and any compensation paid to customers will inevitably be recovered through higher bills for all, including Energy Intensive Industries (EII) customers whom Ofgem and the Government are keen to support. Restricting GSoPs to micro-businesses will not prevent these costs from being distributed across the entire customer base.

Suppliers in the UK are already among the most heavily regulated in Europe, operating within a highly competitive environment. Existing licence conditions, such as SLC0A, are in place to ensure good customer outcomes, and Ofgem already possesses the necessary tools to address issues as they arise, as demonstrated by the recent non-domestic market review. It is also worth noting that Ofgem's review, conducted just two years ago, did not recommend the introduction of additional GSoPs.

In the non-domestic market there are also issues that suppliers have less control over the customers end to end journey compared to domestic. The best example of this is direct metering contracts between non-domestic customers and metering companies.

We do note customer satisfaction is highest in the I&C market where there is the lowest level of regulation and no GSoPs.

Q2. Do you have any comments on our proposed objectives for the GSOP mechanism?

Ofgem's first objective, promoting a competitive market and fostering customer confidence and trust, stands in stark contrast to the introducing new GSoPs. Our customers are increasingly vocal about their lack of confidence and trust, driven by the continual rise in their bills due to new charges introduced by both the Government and Ofgem. This consultation proposes further costs that customers will ultimately bear. Instead of devising new mechanisms that increase bills, Ofgem should focus on cultivating a competitive UK business environment that supports growth and international opportunities. Achieving this requires a concerted effort to reduce costs wherever possible, rather than seeking new ways to add to customer expenses.

The proposed Smart GSoP 4 for non-working meters exemplifies the issue: suppliers are faced with additional costs over which they have limited control, particularly given the role of the DCC and the prevalence of direct metering contracts with non-domestic customers. These arrangements often bypass the supplier, resulting in costs that simply get passed on to customers. GSoPs are not a universal solution, especially as supplier control over the end-to-end process has diminished significantly.

Recent experiences, such as the P434 implementation for unmetered MHHS migration, further highlight these challenges. Although suppliers were tasked with migrating all MPANs to MHHS, it became evident that some MPANs could not be migrated due to poor data exchange between DNO and BSC systems, issues that suppliers were powerless to resolve. This demonstrates that Ofgem's assumptions about supplier capabilities do not always align with operational realities

Q3. Do you have any comments on our proposed criteria for the design of any new Guaranteed Standards, or how we intend to use the criteria?

The criteria should be how do we reduce customer bills, not adding complexity and costs.

Q4. How effective is the current GSOP framework and individual standards in delivering good consumer outcomes? Please provide evidence where possible.

This is a very poor way to go about providing good consumer outcomes, especially at a time the biggest customer challenge is cost.

Scope

Q5. Do you have any views on what would determine if a GSOP or a licence condition is the best tool to improve supplier performance?

If the Government strategy is to reduce customer regulatory burden by 25%, how does introducing licence conditions or GSOP's not needed for the last 30 years be the answer.

Q6. Are there any supplier service areas where it would be appropriate for us to explore new GSOPs, or move an existing licence condition into the GSOP framework?

Given it is a mechanism barely used in 30 years in a functioning market and adds cost and complexity it seems odd Ofgem now deem it important to look at if it should be introduced at a larger scale.

Q7. Should any of the current GSOPs be removed, or replaced with a licence condition to better achieve its policy aim?

Both the Smart GSoPs and the proposed Ombudsman GSoP should be considered for removal. It is essential for suppliers that all customers have functioning smart or advanced meters, especially with the rollout of MHHS. Introducing additional Ombudsman requirements at a time when customer complaints are declining risks overburdening the Ombudsman with complex non-domestic cases involving multi-site operations and intricate metering arrangements. This could ultimately lead to poorer outcomes for customers and increased costs across the market

Q8. Should we consider expanding the GSOP mechanism to cover non-domestic customers, or a sub-section of non-domestic customers? If so, which existing or potential future standards would be most appropriate?

We strongly oppose the GSoP mechanism to cover non-domestic customers or a sub-section of non-domestic customers. They have not been seen as a priority to put into the market for 30 years, falling customer complaints across suppliers, a real and significant customer energy cost issue and the complexity of the market (metering arrangements, complicated contracts, multisite scenarios etc). We don't see the need and can only see the outcome being additional cost and regulatory burden for customers.

With no price cap in the non-domestic market the costs will only be put on to customer bills. There is also the issue of brokers, who may look to make GSoPs into a money making scheme, especially if the GSoPs are not fully in the control of suppliers, for example with Smart GSoP 4 and the DCC / direct metering contracts.

Design

Q9. Do you have any views on what the underlying rationale for the payment level and mechanism should be to best achieve the GSOP objectives?

There is a strong case given the industry reaction to Smart GSoPs, that more GSoPs will have unintended consequences and just increase bills and reduce innovation in the non-domestic market.

Q10. Do you have any views on specific changes to the payment mechanism we should consider, including the examples included in this paper?

We don't have any view's on specific changes to the payment mechanism.

Q11. Are there any issues we should consider with introducing repeat payments for ongoing breaches?

Complexity and cost that will be added to customer bills. Also, in the non-domestic market there is less control over the service customers are provided, as most clearly demonstrated by direct metering contracts between the customer and meter operator.

Q12. Are there any issues we should consider with introducing variable payment levels for different consumer groups or severity?

It will be more complexity and costs that gets added to customer bills.

Q13. Are there any specific changes to the current set of exemptions that we should consider?

Please see the answer to Q7.

Q14. Are there any specific changes to the target levels of existing standards that we should consider?

Please see the answer to Q7.

Q15. Are there any improvements we can make to the way we collect data from suppliers specifically on their compliance with the GSOP?

The existing reporting requirements we view as fit for purpose.

Q16. Are there any additional risks that we should consider when exploring our approach to monitoring and ensuring supplier compliance with the GSOP?

Too much complexity and monitoring costs, this just adds to customer bills. Customer bill costs being the main issue we as a non-domestic supplier are having to deal with. Ofgem does need to monitor any GSoPs within the market but at the minimum regulatory burden for suppliers and customers.

Q17. Is there a need for any supporting guidance, either aimed at suppliers or consumers, to improve the effectiveness of the GSOP?

Where the GSoP is not in control of the supplier. For example smart metering appointments where the customer directly contracts their metering arrangements or ensuring a smart meter works when the customer has direct metering arrangements or the meter issue is related to the DCC not the supplier. Also gaining data flows from metering agents where the supplier has little control has to be considered and may impact areas such as change of supplier or tenancy.

Q18. Is it important that consumers are aware of GSOPs?

Suppliers have obligations to pay directly the customer's money, so adding awareness costs to supplier's regulatory burden are not going to add any benefits to customers, just again raise bills.

Why?

Q19. Are there any actions that Ofgem or suppliers should take to improve consumer awareness of the Guaranteed Standards?

When non-domestic customers find out their bills are rising again due to non-energy related regulatory costs Ofgem have conjured up to reduce their competitiveness they will be very aware of them.