

Response to consultation

myenergi welcomes the opportunity to respond to Ofgem's consultation on the proposed Load Control licence conditions.

myenergi Ltd is an OEM of ESAs including EV charge points, BESS and solar diverters. We participate in grid flexibility and would be classed as an **FSP** under the licensing regime.

Our responses are **non-confidential** and we are happy for these to be public. We support the introduction of a proportionate licensing regime for entities exercising system-directed load control authority. Our responses below focus on ensuring clarity of scope, proportionality of implementation, and clear role separation between Load Controllers and Flexibility Service Providers (FSPs).

Q2 – Proportionality of the Proposed Conditions

We support the principle of proportionate regulation.

Licence conditions should attach in proportion to the level of system-directed control authority exercised. In particular, obligations relating to system risk, dispatch responsibility and code compliance should apply only where an entity exercises discretion over electricity flow for system, market or network objectives.

Behind-the-meter optimisation systems operating under household objectives should not be treated equivalently.

Q4 – 12-Month Transition Period

A transition period is appropriate. However, implementation safeguards are essential.

Ofgem should provide clarity on:

- Target decision timelines;
- Treatment of complete applications pending determination;
- Mechanisms to avoid compliant applicants being exposed to enforcement risk due to processing delays.

Q9–Q11 – Application Processing & Tacit Authorisation

We agree that regulatory certainty is essential.

Where Ofgem cannot determine an application within its stated service standard, there should be a mechanism (e.g. interim permission or temporary licence) to ensure compliant applicants are not prevented from operating.

Q12, Q14 & Q15 – Monitoring & Reporting Requirements

We support risk-based monitoring. However, quarterly RFI requirements may impose disproportionate fixed overhead, particularly for smaller-scale operators.

We recommend a tiered reporting model:

- Annual reporting for lower-risk or lower-scale operators;
- Quarterly reporting for higher-tier entities;
- Event-driven reporting for material changes.

Compliance cost does not scale linearly with controllable capacity, and fixed governance overhead should be recognised.

Q16 & Q19 – Treating Customers Fairly / Consumer Transparency

We support proportionate consumer protection obligations for FSP activity.

However, clarity would be helpful regarding the interaction between:

- ESA smart capability requirements; and
- FSP exit rights.

It would be helpful for Ofgem to clarify that exit rights relate to withdrawal from commercial flexibility participation, and not to disabling ESA-mandated smart capability or baseline safety functionality.

Clear articulation of layered policy intent will reduce ambiguity and future dispute risk.

Q18–Q20 – Code Compliance

Code accession and compliance obligations should attach clearly to the entity exercising dispatch or system control authority (i.e. the Load Controller).

Obligations should not duplicate across roles or attach to FSPs where they do not exercise direct system-level control.

Q23 & Q24 – Cyber Assessment & Security Governance Group

We support proportionate cyber security oversight.

Where the Security Governance Group is involved in reviewing applications, it is important that:

- Confidentiality safeguards are explicit;
- Commercially sensitive information is protected;
- A clear clarification or response mechanism exists if applicants dispute SGG input.

Transparent governance arrangements will improve confidence in the process.

Q26 – Below 300MW Tiering

We support tiering based on scale.

Clarity is requested on:

- How threshold transitions are managed;
 - Whether licence variation or full reassessment is required;
 - What additional evidence is expected when moving between tiers.
-

Q27 – Licence Modifications

Clear and direct communication to licensees of compliance-impacting changes will be important. A structured notification mechanism would reduce inadvertent non-compliance.

Q31 – Cost Recovery

Cost recovery should reflect proportionality and scale of activity. Fixed administrative overhead should not disproportionately impact smaller licensees.

General Observation – Role Separation

Throughout the regime, clear separation should be maintained between:

- Load Controllers exercising system-directed control authority; and
- FSPs entering into consumer contracts; and
- OEM/HEMS systems performing household optimisation.

Clarity of role allocation will improve enforceability and reduce unintended scope expansion.

We would be pleased to engage further as Ofgem finalises implementation detail.

-

Best regards

Lee Sutton

CIO - Chief Innovation Officer