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Date: 19 August 2026

"Proposed changes to simplify the gas and electricity supply licence" – So Energy Response

Dear Graeme,

We welcome Ofgem's proposal to simplify the Supply Licence Conditions (SLCs). We wish to highlight the following elements of our response:

1. We suggest that all SLCs should have a stated end date and Ofgem have a framework on what they intend to do when SLCs reach their end date. Inserting an end date when SLCs are first drafted would obligate Ofgem to consider whether an SLC should be extended, removed or updated every few years.
2. Formatting should remain consistent and easy to follow.
    a. We encourage Ofgem to reinstate the table of contents page of the document. We deem this necessary, given the size of the document.
    b. Cross referencing should be clear and easy to follow. The licence already has an established naming convention when revering to SLCs. We would recommend retaining the current naming convention instead of inventing a new one.
    c. We highlight the need for Ofgem to keep the historical versions public, for record keeping and referencing purposes.
3. All SLC titles should remain as is, so they remain aligned with the associated consultations or decision.
4. We highlight two errors in existing consolidated licence:
    a. The definition of 'Key Prompt Points' is a one-way reference. The definition of Key Prompt Points explains they must be provided within 4 key documents.[1] However, it is not made clear within the definition of each of the 4 key documents that Key Prompt Points must be provided.
    b. SLC 31BF.11, the definition of 'Tariff Information Label', is missing from the document.
5. Ofgem should link the formal published guidance applicable to each SLC.
    a. This could be either within the document or through a dedicated guidance page that is kept up to date (for FIT, for example).

We provide further detail and context below.

[1] Domestic Statement of Renewal Terms, Relevant Contract Change Notice, 22D.9 Notice and 23.2 Notice.

Question 1: Do you agree with amending the wording of unused SLCs to one consistent term "Not in use" and other proposed minor drafting amendments to SLC titles?

We agree with the amendment of the wording of unused SLCs to be one consistent term, 'not in use'. Along with making this amendment, there are several areas within the document where Ofgem could create greater consistency and clarity.

Entirely inactive SLCs should specify why they remain in the licence but are not in use. For example, the Market Stabilisation Charge (SLC 24A) is an inactive SLC but there is no indication that it is inactive within the document or the reason as to why it is inactive. Applying the term 'not in use' to this example would not clarify the intent of the SLC staying in the document, as opposed to being removed entirely.

All SLC titles should remain as is, so that they remain aligned with the associated consultations and decision. Suppliers often have to refer to not just the SLC itself but also the consultation documents to understand it in full. Breaking that link is unhelpful and makes compliance with the SLCs more difficult.

Applying one consistent term to unused SLCs would make these easier to find within the document.

Question 2: Do you agree SLC 25D of the electricity supply licence and SLC 28A, 28AA and 32A of the electricity and gas supply licences have historic end dates that have not been extended? If so, do you agree that they should be removed?

We agree that SLC 25D, 28A, 28AA and 32A should be removed from their respective supply licences.

Ofgem needs a framework to prevent such 'zombie SLCs' from arising again, causing the licence to bloat. Our suggestion is that all new SLCs should have a stated end date. This would obligate Ofgem to consider whether an SLC should be extended, removed or updated every few years.

Question 3: Do you agree that SLC 25E of the electricity supply licence is no longer relevant and could be removed?

Yes, if an SLC is no longer relevant and could be removed, it should be removed at the point that it became obsolete. SLC 25E, EBSS, was specific to the time and there will not be another EBSS in its exact form. As in response to the previous question, we encourage Ofgem to remove all SLCs which are no longer applicable today, and these SLCs should be reviewed at the point of their expiry on an ongoing basis. Ofgem could seek to consult with suppliers and consumer groups on these at the end of their deadlines, to extend, update or remove entirely.

Question 4: Do you agree that SLC 21A of the electricity and gas supply licences is no longer relevant and could be removed?

Yes. As in response to Question 2, Ofgem should entirely remove SLCs that have surpassed their explicit end dates. These are not applicable after their expiry dates and will not be extended. In future, Ofgem should propose reviewing all licence conditions with the expiry dates at the point of their end dates.

Question 5: Do you agree that SLC 56, of the electricity supply licence & SLC 50 of the gas supply licence, are no longer relevant and could be removed?

As SLC 56 and 50 are not in use and Ofgem does not intend to use these in future, we agree that these should be removed. As we've proposed within Question 2, Ofgem should implement and ongoing framework to review SLCs such as these, closer to the time that they became obsolete. Inserting an end date when the SLCs are first drafted would help with this. Greater thinking has to go into what Ofgem wants to do in future with temporary SLCs; if these are to be reviewed, consulted on, adjusted to be applicable or removed.

Question 6: Do you agree with consolidating definitions within SLC 1, as much as possible?

We agree that the definitions can be consolidated within SLC 1, along with replicating these within the applicable SLC. We foresee an issue with the proposed naming convention, for example through the use 'paragraph 0.1 of condition 0'. This is confusing as the licence already has an established naming convention when revering to SLCs. The naming invention is 'SLC XX.XX' or in this context 'SLC 0.1'. If Ofgem were to search for an SLC within the licence, they would see this convention is already used over 100 times. We would recommend keeping the current naming convention instead of inventing a new one.

Question 7: Do you agree, or have any comments on, our proposed modifications to the licence?

Aside from the exceptions we outline in our response, we agree with the proposed modifications. Where language is used to specifically point to parts of a certain condition, it makes sense to keep it as part of this condition. We highlight the need for Ofgem to keep the historical versions public, for the use of record keeping and referencing.

Ofgem should link to the formal published guidance applicable to each SLC. This could be either within the document or through a dedicated guidance page that is kept up to date (for FIT, for example).

Formatting should remain consistent and easy to follow. We encourage Ofgem to reinstate the table of contents page of the document. We deem this necessary given the size of the document. With the move to HTML, the table of contents could hyperlink to the relevant part of the licence so all the user has to do is glance at the table of contents, click on the hyperlink and they would arrive at the SLC they were looking for. In line with clear formatting, we deem the current standard of direct cross-referencing of SLC numbers to be the clearest way of doing so.

Navigation of the document could further be improved through re-instating the contents page at the beginning of the document. The existing numbering of each SLC and sub-numbering of clauses should be kept for clarity and cross-referencing.

Cross referencing should be clear and easy to follow. We are aware of two areas where this is not the case:

- Within the definition of 'Tariff Information Label', 31BF.11 is cross-referenced as the source of the definition. 31BF.11 does not exist. It appears that Tariff Information Label is not defined within the document at present.
- 'Key Prompt Points' are a one-way reference. The definition of Key Prompt Points explains that they should be provided within 4 key documents but it is not made clear within the definitions of each of those documents that they should include Key Prompt Points.[2]

A benefit of HTML formatting would be the removal of blank pages in cases where SLCs are not in use; such as SLC 22F. Several blank pages within the previous PDF version contributed to the increasing size of the document. Removing these as part of the HTML format condenses the document is an improvement. However, the HTML version has made it harder for users to retain a record of the SLCs. To be able to retain a copy of the SLCs, 500+ pages are needed to be converted into a PDF. This has created a long wait time to manually convert and download a large file. This is to be done if suppliers want to record a historic version of the licence. There is no longer the option to revisit previous versions of the documents, as Ofgem has removed these entirely from the EPR. These are beneficial to track the origin of specific SLCs, evaluate how these have developed over time and examine SLCs that have since been removed. We recommend Ofgem re-instate access to the previous versions of the licence and introduce a log of changes.

We'd be more than happy to discuss this with you further, please don't hesitate to get in touch.

Yours Sincerely,
Raquel Fernandes

[2] Domestic Statement of Renewal Terms, Relevant Contract Change Notice, 22D.9 Notice and 23.2 Notice.