

3 September 2007

Pamela Taylor
Competition Policy and Enforcement Team
Ofgem
9 Millbank
London
SW1P 3GE

Dear Pamela

Proposed Enforcement Guidelines on Complaints and Investigations

Thank you for the opportunity to comment on the above document. Whilst the context of the document refers to the energy supply companies only we have reviewed the document more generally as applicable to energy distribution and transportation companies. It would be helpful if this could be set out specifically in the final guidelines.

Views were requested on three questions:

Do you have any views on the information that Ofgem will require complainants to provide when making complaints?

The guidelines set out in paragraph 2.4 are appropriate. It may also be helpful at this stage if the complainant explains why any action or remedy taken or proposed by the subject of complaint has been rejected or is considered inadequate.

Do you have any views on the criteria that Ofgem is proposing to use to decide whether to commence an investigation?

It should also be set out in paragraph 3.5 that where legislation provides for a specific remedy to a particular complaint against an energy company (e.g. the Gas (Standards of Performance) Regulations 2005) then a separate investigation will not be launched into the complaint. Any disputes in such cases would be dealt with through the dispute provisions within the relevant legislation. Interaction with the proposed ombudsman arrangements under the Consumers, Estate Agents and Redress Bill also needs to be considered.

Do you have any views on the process or timescales for investigation?

Whilst we recognise that each individual case will vary it would be helpful to all parties if Ofgem could provide an outline timeline for the various stages of the process that will be followed for the particular case being investigated. This would give all parties an indication of when they will be required to provide input and plan accordingly. We recognise that such a timeline will evolve as the investigation develops.

If you require any further information or wish to discuss any of the points raised in this response please do not hesitate to give me a ring on 0113 397 5324.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Parker', with a stylized flourish.

Stephen Parker
Regulation Manager