

The Retail Market Review: Non Domestic Proposals

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1. Introduction

	Question	Y/N	Comments
1	Are there other key issues that we should be looking into in the non-domestic sector?	N	
2	What would stakeholders like to see on our website to help business customers and support a competitive supply market?		no comment

2. Standard Licence Condition 7A: Protections for smaller businesses

	Question	Y/N	Comments
3	Do stakeholders agree with our proposals to extend the scope of SLC 7A to include a wider small business definition, and do you agree with our proposed definition?	Y	
4	Do stakeholders foresee significant costs of complications if we were to introduce our proposals? If so, please provide details and cost estimates.	N	Many suppliers already offer this condition on small businesses.
5	Do stakeholders agree with our estimates on the number of extra businesses covered by our proposed definition?	?	Cannot properly be assessed as many suppliers already cover some of this as per above
6	Do stakeholders agree that we should review termination procedures and our current position that allows automatic rollovers?	Y	Removal of rollovers and termination procedures, would eliminate many of the problems caused (particularly around objections and consumer confidence in the market)
7	Are there other clauses that stakeholders believe we should be reviewing, in light of our expanded definition proposal?	Y	Some of the content of SLC 7A would be superfluous if rollovers and terminations procedures are removed. Feel that rollovers should be addressed before SLC 7A

3. Customer transfer blocking – objections

	Question	Y/N	Comments
8	Do stakeholders agree with the conclusions we have drawn?	Y	
9	Do stakeholders agree that we do not need to make changes to SLC 14 governing objections to supply transfer for non-domestic suppliers?	N	Some changes are needed in regard to informing of an objection to the new tenant in a COT situation as the old tenant has already vacated the property. Suppliers have informed us that there are issues around data protection which prevent them from notifying the new tenant. Therefore new tenant is powerless to resolve objection.
10	Do stakeholders believe that we should publish our data relating to supplier objections on a regular basis?	Y	
11	Are there other issues with the objections procedure, other than the obligations of the licence condition, which stakeholders consider need to be addressed?	Y	Suppliers are ignoring advice on COTs from Elexon. There should be a standard document in regard to proving that there has been a COT and there should be no artificial restrictions such as not recognising a LOA off a TPI imposed by Suppliers.
12	Do suppliers who have voluntarily sent data have views on whether the data we currently ask for on a monthly basis needs to change and why?		N/A

4. Third party intermediaries

	Question	Y/N	Comments
13	Do stakeholders agree that the introduction of a new supply licence condition focussed on sales activities is a suitable method to prevent harmful sales and marketing activities in the non-domestic sector?	N	Concerned that this would give suppliers ultimate control over the customer's independent representative. How would this be enforced where a supplier has no contract with the TPI? Would advocate that such issues should be addressed by a TPI CoP which should be a mandatory requirement of the TPI. It should be a mandatory requirement that Suppliers work only with TPI's who are signed up to this.
14	Do stakeholders agree that this licence condition is necessary if Ofgem decides not to proceed with its Standards of Conducts Proposals?	N	Would not be necessary because TPI CoP should work with the legal measures applied for by Ofgem and call recording for verbal contracts.
15	Do stakeholders consider the introduction of an accreditation scheme to TPI Codes of Practice will reduce harmful TPI activities across the whole market?	Y	Only if accreditation is made compulsory and that TPI's sign to one code.
16	What do stakeholders consider to be the		That this should be OFT compliant and

	key criteria for an accreditation scheme for TPI Codes of Practice?		managed by a representative for TPI's. It must not be sponsored by a Supplier who has a vested interest in retaining business and therefore a conflict of interest.
17	Do stakeholders believe it is necessary for TPIs to disclose their actual fee, or would make clear the fact that the customer is paying a fee for their services be sufficient?	N	Disclosing that a customer is paying a fee should be sufficient. Disclosing the actual amount is unfair in a competitive market and could damage the vital role TPI's play in creating competition

5. Standards of Conduct

	Question	Y/N	Comments
18	Do you consider the revised SOC's will help to achieve our objectives?	N	This would only govern supplier activity and not address issues with TPIs.
19	Do you agree that the SOC's should be in a licence condition and enforceable?	Y	But only as far as a Supplier can control. This must not be used by Suppliers as a means to control/dictate to TPI's.
20	Do you agree the revised SOC's should apply to all interactions between suppliers and consumers?	N	How can this work where TPI is working on behalf of the consumer?
21	Do you have information regarding potential costs this may impose on suppliers?	N	
22	Do you think these proposals should apply to the whole non-domestic market, or only a sub-set of it, e.g. small business?	Y	Should apply to the whole market.
22	Given your answers to the questions above, do we still need the licence changes proposed elsewhere in this document?		There seems to be an element of "overkill" in respect of using both licence conditions and SOC's.

Modifications to both the licence conditions and enforcing SOC's will not eliminate the problems of rogue TPI's. It should be a mandatory requirement that Suppliers work only with accredited TPI's who subscribe to one CoP which has been approved by OFT and carries the Ofgem Kitemark. This TPI CoP should cover the same principles as proposed by Ofgem on Suppliers with regards to SOC's but be completely independent of suppliers to ensure fairness and improve consumer confidence. As Council members of the UIA, I would strongly support their desire to be responsible for such a CoP.