

Anna Stacey
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Ofgem
9 Millbank
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By email only to enforcementguidelines@ofgem.gov.uk

28 February 2012

Dear Anna

Consultation – Ofgem’s Draft Enforcement Guidelines on Complaints and Investigations (“the Enforcement Guidelines”)

Thank you for the opportunity to respond to the above consultation. This response should be regarded as a consolidated response on behalf of UK Power Networks’ four electricity distribution licence holding companies: Eastern Power Networks plc, London Power Networks plc, South Eastern Power Networks plc, and UK Power Networks (IDNO) Ltd. I can confirm that this response is non-confidential and can be published via the Ofgem website.

We are broadly comfortable with the draft enforcement guidelines and have only identified a small number of potential areas for further clarity which are as follows:

- Section 4.2 refers to how a prompt response at the early stage of a complaint may help prevent the need to use formal powers. We consider that it may be beneficial to confirm that should a prompt response be provided, then this may also be taken as a mitigating factor should formal powers be used.
- Section 4.9 confirms that Ofgem will keep parties updated on progress in the investigation every quarter and on request, however no timescale for providing an update on receipt of a request is provided. We propose that one is specified and that this is four weeks from receipt of the request from either party.
- Section 4.20 refers to the process surrounding written representations and how that interacts with a Provisional Order. We believe that Ofgem should confirm if written representations can be accepted in each case, and if so, on what timeframe.
- Section 4.25 deals with the delegation of powers of the Authority to a senior Ofgem official in respect of an investigation. We believe that further clarity should be given in this area to ensure that matters that are of a more serious nature remain in the remit of the Authority, or a Committee of the Authority, rather than in the hands of an individual person.
- Section 4 also covers the Settlement process. We support the settlement discussions being on a without prejudice basis; however, to encourage such discussions, we believe that Ofgem should confirm that the existence of an offer to settle would be on a without prejudice basis.

I hope that you will find our comments helpful. If you have any questions please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'K Hutton', written in a cursive style.

Keith Hutton
Head of Regulation

Copy: Paul Measday, Regulatory Returns & Compliance Manager