



Philip Cullum  
Partner Consumer Policy and Demand Side Insight  
The Office of Gas and Electricity Markets  
9 Millbank  
London  
SW1P 3GE

04 April 2013

Dear Philip

**Consultation: GEMA gaining enforcement powers under the Business Protection from Misleading Marketing Regulations 2008**

We support this move.

We agree that Third Party Intermediaries deserving and gaining consumer confidence is essential to support a vibrant market.

Many TPIs are small and/or new entrants. This presents challenges to suppliers in controlling and enforcing their TPIs compliance with BPMMRs, supply licence conditions and standards of conduct generally. We see Ofgem's inability to "reach through" the licence conditions to the TPIs directly, as a regulatory gap that needs solution. It is also important to note that many TPIs act on behalf of the consumers directly and here Ofgem's role is even more remote.

We acknowledge that no single measure will, by itself, achieve that goal, but believe that in taking these powers (which are limited), then Ofgem can take direct action with a censure where appropriate, that is more effective than the suppliers' powers, which are limited to cessation of business and contractual litigation (neither of which are of direct help to consumers).

We operate our own internal code of practice and are working with suppliers, TPIs and Ofgem to construct a wider code that is in effect an application of the BPMMRs in the context of TPIs and energy supply. We firmly believe that the best result for consumers is for Ofgem to take on this code and require all energy supply sales via TPIs to be conducted according to it.

Please do not hesitate to contact me if you would require further clarification of this response

Yours Sincerely,

A handwritten signature in black ink, appearing to read "Chris Harris".

Chris Harris  
Regulation Director  
[Chris.Harris@RWEpower.com](mailto:Chris.Harris@RWEpower.com)  
07989 493912