

Phil Sumner  
Ofgem  
9 Millbank  
London  
SW1P 3GE

25<sup>th</sup> March 2013

Dear Phil,

**GEMA gaining enforcement powers under The Business Protection from Misleading Marketing Regulations 2008**

Please find following our response to the above referenced consultation, published on the 4<sup>th</sup> February 2013.

On the whole, we welcome the arrangements proposed in the document and consider that they are a pragmatic way forward. We particularly welcome the proposals relating to the regulation of TPIs. If implemented as proposed, these should significantly enhance the customer experience and resolve many of the TPI related issues that arise across the industry.

**Evidence of detriment to business customers**

**Question 1:** Do stakeholders have further evidence of the impacts of mis-selling by brokers on business customers?

No.

**The powers we seek**

**Question 2:** Do you agree with the identified gap in Ofgem's powers?

Yes.

**Question 3:** Do you agree the exercise of the powers we are seeking will help address the issues we have identified with TPI's?

Yes.

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## **Regulatory benefits and impacts**

**Question 4:** Do stakeholders have further evidence on the impact of Ofgem gaining BPR powers on TPI's, including details of the number of TPI firms operating in this market and their size and revenues?

The number of TPI firms that Opus have a relationship with is approximately 450 (live and currently inactive) ranging from independent consultants working on their own through to large call centres. Our estimation is that there are potentially over 2,000 TPI firms operating in the market place at this time.

**Question 5:** Do stakeholders have further views on our assessment of the regulatory impacts of Ofgem gaining these powers in terms of costs to TPI firms of Ofgem taking action under the powers requested?

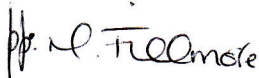
We note the comment that exercising these powers will add burden to non-compliant businesses whilst compliant businesses in the sector are likely to benefit as a result due to ensuring they are operating on a level basis. We would highlight that costs incurred by smaller players in the market could be too detrimental, which could narrow the diversity of players and reduce competition.

**Question 6:** Do stakeholders have further information on the expected impact on the Court of Ofgem gaining these powers?

We do not have the information to provide an answer on this.

I trust that our comments are clear but please do not hesitate to contact either me if you require anything further.

Yours sincerely



Gemma Trembecki  
Regulations Manager

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