



## Proposals for regulating non-domestic Third Party Intermediaries (TPIs)

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Meghna Tewari,  
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London  
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Dear Meghna,

Please find enclosed with this letter our response in relation to the Proposals for regulating non-domestic Third Party Intermediaries (TPIs) issued by Ofgem on 14th February 2014. While this document does not need to be treated as confidential we would appreciate notification if any of the content is going to be published.

Firstly may we take this opportunity to confirm our support for Ofgem in bringing the concept of a code of conduct for business energy sales closer to fruition.

It is our belief however that this can only be beneficial to competition and the consumer if the proposed Code is extended to cover all business energy sales transactions and not just those involving TPIs.

We are greatly concerned that the narrow focus of application of any Code will mean that a business energy customer will be forced to experience a market of two-tier standards whereby some parties will be subject to governance, control and transparency whilst others will not.

We do not believe this is an acceptable situation.

In light of our support for a Code, we call on Ofgem to immediately extend the reach of the proposed code to cover all business energy sale transactions regardless of the parties involved.

Anything less we believe will have a severely detrimental effect on business energy customers' experience of the market and the competitive landscape.

We feel confident that this outcome is not what Ofgem had intended, however meaningful action to prevent the inevitable consequences of the proposals in their current form is essential.

Ofgem should grasp this opportunity with vigour.

Yours sincerely,

James Constant

CEO  
Business Juice

**Executive Summary**

**Business Juice** fully supports the implementation of an independent governance board for business energy sales.

As a founder member of the E.ON TPI Code of Conduct, **Business Juice** believes this Code represents a strong foundation upon which any independent governance body should be built.

However, while the E.ON TPI Code of Conduct is centric to a single supplier it is unable to deliver to its true potential.

**Business Juice** therefore believes the onus is on all business energy suppliers to sign up to the E.ON TPI Code of Conduct, to allow E.ON to relinquish control to an independent third party, and to allow the code to become the independent arbiter of appropriate sales behaviour within the business energy market.

**It is essential however that a two-tier standard of service is not allowed to develop in the business energy market.**

For this reason, any organization that participates in business energy sales should be subject to this independent governance board whether they are a TPI; a supplier's direct sales team or any other organization actively involved in energy procurement.

Without this safeguard, a business energy customer will not be able to access the market with any certainty of the minimum standards of service they can expect from their business energy sales partner.

It is on this basis that we approach the Ofgem consultation on 'Proposals for regulating non-domestic Third Party Intermediaries (TPIs)'.

We accept that suppliers have a series of licence conditions that they are required to abide by however these are not a substitute for an all encompassing code that regulates all business energy sales interactions to one fair and fit for purpose standard.

We believe the failure of this consultation to be extended to 'Proposals for regulating non-domestic sales in the energy market' would be a distracting and ultimately damaging step for business energy customers' confidence in the market.

In our discussions with DECC and as part of the No.10 Downing Street SME Energy Working Group we have raised these concerns and highlighted the dangers of the narrow focus and intent of the regulation.

We do not feel we need to justify the existence of TPIs, brokers or consultants in the market. Whilst we recognize that some well known, indeed infamous, players are operating in a manner that is not acceptable, we know that the vast majority of participants operate with the best interests of their customers and as such should be allowed to continue to operate, without undue encumbrance whilst delivering strong standards of service in line with those expected from the suppliers themselves.

As an industry we would be failing our customers if we failed to ensure a level playing field across all sales interactions in the business energy market.

2013 saw a great many achievements in improving the market for all with the long overdue printing of contract end dates on invoices and the moves by the Big 6 energy suppliers to remove or change their practices around rollover contracts.

We now, collectively, have an opportunity to build on these positive changes by implementing a universal sales code, covering all business energy sales interactions.

Anything less would be totally unacceptable and would enshrine a two-tier sales standard in the industry.

### **About Business Juice**

**Business Juice**, the business formerly known as uSwitch for Business is a non-domestic TPI in the UK energy market. We offer an all-comers service where we support the smallest SoHo to the largest FTSE companies. We operate on a philosophy of education and change working with our customers to extract the best possible experience from the business energy market.

In 2009 Forward Internet Group acquired uSwitch Limited

In 2010 our CEO, James Constant, was invited by Forward to establish the business arm of uSwitch Limited and uSwitch for Business was born

In 2011, James spun uSwitch for Business out of uSwitch, whilst remaining a 100% owned entity by Forward

In 2012, we launched the co-brand **Business Juice** to operate alongside uSwitch for Business

In 2013, we rebranded as **Business Juice**; James appointed as founder member of the Number 10 SME Energy Working Group;

In 2014, James led a management buy out of **Business Juice** from Forward

**CHAPTER: 2**

**Question 1:** Do you agree with the definition of TPIs? Please provide any suggestions along with supporting information.

KEY STATEMENTS RELEVANT TO THIS ANSWER

- The definition is appropriate
- The scope of the code is too narrow
- The code must cover all sales interactions in the business energy market
- The code must cover suppliers, their direct sales arms and partners
- A two-tier sales standard must not be allowed to develop

We believe that Ofgem’s definition of TPIs as:

“a non-domestic TPI is an intermediary engaged in direct or indirect activities between a non-domestic consumer and an active energy supplier”

is fit for purpose within the narrow approach that Ofgem are taking towards a code of conduct for business energy sales.

Indeed we believe that this definition is only necessary because of Ofgem’s intent to create a business energy market with a two-tier service level between those governed by a Code of Conduct (TPIs) and those not covered by a Code of Conduct (Suppliers’ direct sales teams and external partners).

This concerns us greatly.

Whilst under the supply licence, Suppliers have a series of standards that need to be met; none of these are directly comparable with those proposed under the ‘TPI’ Code of Conduct.

In continuing down this route, Ofgem are effectively creating a two tier system, whereby a business energy customer will not be aware of the governance that exists or otherwise in their interactions with their supplier, its representative or a TPI.

This cannot be an acceptable outcome of this review.

As a bare minimum Ofgem must extend the focus of the TPI Code of Conduct to cover all sales interactions involving business energy customers, regardless of the parties involved.

Without this action Ofgem are doing a serious mis-service to business energy customers.

There can be no justification for this arbitrary approach to customer protection.

We call on Ofgem to do the right thing and enshrine a business energy customer’s rights to expect fair, open and transparent treatment in the market whatever conduit they use to enter their energy contract.

**CHAPTER: 2**

**Question 2:** Do you agree with our list of proposed TPIs that could be covered by any regulation we introduce?

KEY STATEMENTS RELEVANT TO THIS ANSWER

- The categorisations are sufficient
- TPIs are not easily pigeon-holed however and are multi-faceted
- No one model is bad
- The scope of the code is too narrow
- The code must cover all sales interactions in the business energy market
- The code must cover suppliers, their direct sales arms and partners
- A two-tier sales standard must not be allowed to develop

We believe that Ofgem’s attempt at categorisation of the various ‘shades’ of TPIs in the energy market is a good one and covers most scenarios.

It should however be noted that many TPIs can and do cross over categories and/or defy the attempt to be simply categorized.

As a result we believe this definition model should only be used to ensure there is full market coverage of any Code of Conduct rather than an attempt to ‘pigeon-hole’ a particular TPI category as good or bad.

Not all is positive however. Ofgem fails to ensure “full market coverage” of any Code of Conduct by recommending a two-tier experience for business customers in the energy market.

Ofgem are limiting the implementation of a code to govern business energy customers’ sales interactions to TPIs.

This is whilst the wider energy industry, and particularly the direct sales departments of the energy suppliers, or their outsourced sales partners are subject to no such standards.

This situation is unacceptable.

To enshrine this two-tier standard of service is wrong, and at the earliest possible opportunity Ofgem must extend both the definition, and focus of, the Code of Conduct to ALL sales interactions involving business energy customers, regardless of the parties involved.

Only then will the business energy customer have a market they can trust and a regulator they can rely on.

We call on Ofgem to do the right thing and enshrine a business energy customer’s rights to expect fair, open and transparent treatment in the market whatever conduit they use to enter their energy contract.

**CHAPTER: 2**

**Question 3:** What types of organisations should be exempt from our TPI scope definition and why?

KEY STATEMENTS RELEVANT TO THIS ANSWER

- The question itself is an unfortunate sign of the intent of Ofgem’s proposals
- No party, TPI or otherwise should be exempt from the code
- The scope of the code is too narrow
- The code must cover all sales interactions in the business energy market
- The code must cover suppliers, their direct sales arms and partners
- A two-tier sales standard must not be allowed to develop

We find it difficult to understand why this question is being asked.

It is surely the minimum expectation of any code of conduct that a customer can expect the organisation that they are dealing with to be subject to the same standards of conduct as any other.

Any other approach causes a market operating to two-tier standards to the detriment of customers.

It is unequivocal that no TPI or any other party involved in business energy contract sales should be exempt from the scope definition or by extension the Code of Conduct.

We call on Ofgem to immediately extend the ‘scope definition’ of the Code of Conduct to cover ALL sales interactions involving business energy customers, regardless of the parties involved.

The Code of Conduct must apply to be all TPIs, regardless of definition; all business energy suppliers’ direct sales departments and any external or internal partners of energy suppliers who play a role, however small, in securing business energy contracts.

It is simply wrong for this not to be the case.

For Ofgem to enshrine a two-tier market, where a business energy customer will not be aware of the governance that exists or otherwise in their sales interactions cannot be acceptable.

We call on Ofgem to do the right thing and enshrine a business energy customer’s rights to expect fair, open and transparent treatment in the market whatever conduit they use to enter their energy contract.

**CHAPTER: 3****Question 4:** Do you agree with our recommended option for regulating non-domestic TPIs?

## KEY STATEMENTS RELEVANT TO THIS ANSWER

- We fully support the introduction of a mandatory code of conduct
- This must be a universal code covering all sales interaction not just TPIs
- The scope of the code is too narrow
- The code must cover suppliers, their direct sales arms and partners
- A two-tier sales standard must not be allowed to develop

We fully support the introduction of a mandatory code of conduct.

We cannot support however the mandating of a code that only focuses on a proportion of the sales interactions in the business energy market.

We believe that it is unequivocal that no TPI or any other party involved in business energy contract sales should be exempt from the scope definition or by extension the Code of Conduct.

We call on Ofgem to immediately extend the 'scope definition' of the Code of Conduct to cover ALL sales interactions involving business energy customers, regardless of the parties involved.

**CHAPTER: 3**

**Question 5:** Do you agree with our proposed governance recommendations?

KEY STATEMENTS RELEVANT TO THIS ANSWER

- We support Ofgem’s choice of option 3
- We support Ofgem’s choice of governance option B
- However the justification is not borne out in practice
- The intent to catch-all is ironic given the failure of Ofgem’s proposal to cover the market
- The code must be universal covering all sales interaction not just TPIs
- The scope of the code is too narrow
- The code must cover suppliers, their direct sales arms and partners
- A two-tier sales standard must not be allowed to develop

We believe that the justification for Ofgem’s decision to pursue option 3 is sound.

We are however greatly concerned that this ‘catch-all’ justification does anything but.

It is essential that in the spirit of the proposed governance recommendations that Ofgem extends the narrow focus of the TPI code of conduct to all sales interactions in the business energy market.

We believe that the decision by Ofgem to pursue governance option B is sensible and that it is essential that Ofgem take a strong lead role in any code of practice.

We are mindful however that a fit for purpose code already exists in the industry, this is the E.ON sponsored TPI Code of Conduct.

As founder members of this code we believe that it is the foundation upon which any future, universal code should be being built.

That being said there are two critical issues to address.

Firstly, all suppliers, not just E.ON must be mandated to sign up to this, or any other, code in relation to their TPI relationships

Secondly, all suppliers, and their partners, must be mandated to sign up to this, or any other, code in relation to their direct sales activities with business energy customers.

We call on Ofgem to immediately extend the ‘scope definition’ of the Code of Conduct to cover ALL sales interactions involving business energy customers, regardless of the parties involved.



**CHAPTER: 3**

**Question 6:** Please provide your views on the appropriate representation for members of the proposed independent code board.

KEY STATEMENTS RELEVANT TO THIS ANSWER

- We are mindful that a strong foundation for the Code already exists
- Suppliers must sign up on two levels: as TPI employers and as direct sales arms
- Cross market engagement is key
- Cross market representation is essential to success
- The code must be universal covering all sales interaction not just TPIs
- The scope of the code is too narrow
- The code must cover suppliers, their direct sales arms and partners
- A two-tier sales standard must not be allowed to develop

We are mindful that a fit for purpose code already exists in the industry, this is the E.ON sponsored TPI Code of Conduct.

As founder members of this code we believe that it is the foundation upon which any future, universal code should be being built.

That being said there are two critical issues to address.

Firstly, all suppliers, not just E.ON must be mandated to sign up to this, or any other, code in relation to their TPI relationships

Secondly, all suppliers, and their partners, must be mandated to sign up to this, or any other, code in relation to their direct sales activities with business energy customers.

Underpinning this, there are two critical phases of engagement.

In setting up the final code of conduct, a cross industry group should be established including representatives of:

- Suppliers,
- Suppliers' Direct sales teams (acting independently of the Supplier representative),
- TPIs
- The existing code operator
- DECC and/or
- Ofgem.

The second phase will be post set-up.

Once established the independent governance board should contain a representative from each of the following groups:

- Suppliers,
- Suppliers' Direct sales teams (acting independently of the Supplier representative),
- TPIs
- Representatives from DECC and/or Ofgem.

These should collectively sit as the 'Code Board' with an independent code manager presiding over affairs.

**To engage a balanced board on a universal code is essential for success.**

A situation where suppliers could sit on an independent governance board without TPI representation or with their own activities not covered by the standards of conduct would be an unacceptable outcome and ultimately damaging for business energy customers' ability to access the market.

The opportunity is there to make a real difference to businesses however they choose to access the energy market. Anything less would be failure.

With regards the other roles recommended by Ofgem, namely:

- Code administrator
- Code of practice chair
- Change Advisory group
- Ofgem's controlling role

Whilst we recognise their potential contribution to the success and longevity of a fit for purpose and universal code of conduct they are less important appointments than those that will provide a genuine balance to the overall code.

It is therefore essential that Ofgem clearly, transparently and fairly address:

a) Extending the Code of Conduct to cover ALL sales interactions involving business energy customers, regardless of the parties involved.

b) Appointing, or enabling election of, representatives of the four main constituencies:

- Suppliers,
- Suppliers' Direct sales teams (acting independently of the Supplier representative),
- TPIs
- Representatives of DECC and/or Ofgem.

Without this extension, and fair representation, the 'Proposals for regulating non-domestic sales in the energy market' will be a lost opportunity that endangers the competitive market.

**CHAPTER: 4**

**Question 7:** Do you agree that there is scope for improving complaints monitoring and information sharing? Do you have any further views?

KEY STATEMENTS RELEVANT TO THIS ANSWER

- We note the lessons from other market issues with regards reporting
- Selective focuses for punishment are unacceptable
- The 'who' must be the critical focus, currently Ofgem is failing on this
- The code must be universal covering all sales interaction not just TPIs
- The scope of the code is too narrow
- The code must cover suppliers, their direct sales arms and partners
- A two-tier sales standard must not be allowed to develop
- We cannot support the Code in its current format

We note with interest that the questions posed here are similar to those that remain unresolved with regards supplier objection practices and other market issues.

It is with this in mind that we call for the extension of this Code to all sales interactions in the business energy market and not just those involving TPIs.

To mandate publishing of complaints about one sector of the market and not another is not an unacceptable situation for a regulator to create.

Before focusing on the what, where, when and how, it is absolutely essential that Ofgem focus on the 'who'.

The 'who' should be all parties that undertake sales interactions in the business energy market whether they are TPIs, suppliers' direct sales teams, other supplier internal terms or their external partners.

The what, where, when and how can then take care of itself.

Our recommendation would be that the independent code board would monitor the universal 'who', collate the what – in this instance complaints, categorise the how – in this instance the source or reason for the complaint, recognize and report the when – in this instance the resolution or otherwise of the complaint and audit the where – in this instance the propensity for the individual organization to 'offend'.

To make arbitrary decisions on who is allowed to work with whom with only a selective market in punishment focus is wrong.

It would therefore be totally unacceptable for Ofgem to enshrine the right to publish 'complaint' statistics from one part of the market whilst allowing the wider

market anonymity and no consequences for below standard sales practices.

It is therefore our belief that a selective code, as is being promoted by Ofgem, would be as unworkable as it is unacceptable and unfair.

Only in the event of the extension of this code to all sales interactions in the business energy market would it be acceptable for Ofgem, as the ultimate code arbiter, to monitor, report, publish and sanction organisations for undertaking below standard sales practices.

Whilst we continue to fully support the concept of a code, we cannot accept it in its current form.

The piecemeal and selective basis on which it is being implemented and the inherent dangers it will bring to customers' confidence in the wider business energy market is too big a price to pay.

**APPENDIX: 1**

**Question 1:** Do you agree with our assessment of likely impact on consumers? Is there any other issue/s we should be considering?

KEY STATEMENTS RELEVANT TO THIS ANSWER

- Ofgem have not undertaken sufficient diligence
- Selective focuses for punishment are unacceptable
- The continued operation of TPIs and therefore wide market engagement is at risk
- The code must be universal covering all sales interaction not just TPIs
- The scope of the code is too narrow
- The code must cover suppliers, their direct sales arms and partners
- A two-tier sales standard must not be allowed to develop
- Ofgem risks punishing the very people they are trying to help, the customers

We do not believe that Ofgem have undertaken anything like the diligence required to understand the commercial, economic and political impact of implementing this selective code.

It is clear that a selective code, governing the sales practices of TPIs whilst suppliers and their direct sales team are subject to no such principles and the willingness for Ofgem to name and shame transgressors in the TPI market but not on the same basis in the supplier market will mean that the continued role of TPIs in the market must be in doubt.

This must have a detrimental impact on customer experience. Indeed given the importance of TPIs to customer engagement in the business energy market it is clear that the risks inherent in this currently flawed model of selective regulation are being greatly under estimated by Ofgem.

It is difficult to believe that Ofgem have considered the wider market impact on consumer confidence from this selective application of the code and the two-tier standards of behaviour it enables.

For the good of the customer, the market and competition, Ofgem must extend this code to ALL sales interactions in the business energy market.

A failure to do so will detrimentally impact the experience of the very people that Ofgem are trying to protect, the customer.

**APPENDIX: 1**

**Question 2:** Do you agree with our assessment of likely impact on industry? Is there any other issue/s we should be considering?

KEY STATEMENTS RELEVANT TO THIS ANSWER

- Ofgem have not undertaken sufficient diligence
- Selective focuses for punishment are unacceptable
- The continued operation of TPIs and therefore wide market engagement is at risk
- Preventing transgressing TPIs from working with suppliers is reasonable
- Allowing transgressing suppliers to operate with impunity is not reasonable
- The code must be universal covering all sales interaction not just TPIs
- The scope of the code is too narrow
- The code must cover suppliers, their direct sales arms and partners
- A two-tier sales standard must not be allowed to develop
- Ofgem risks punishing the very people they are trying to help, the customers

We do not believe that Ofgem have undertaken anything like the diligence required to understand the commercial, economic and political impact of implementing this selective code.

It is clear that a selective code, governing the sales practices of TPIs whilst suppliers and their direct sales team are subject to no such principles and the willingness for Ofgem to name and shame transgressors in the TPI market but not on the same basis in the supplier market will mean that the continued role of TPIs in the market must be in doubt.

It is difficult to believe that Ofgem have considered the wider market impact on the TPI industry from this selective application of the code and the two-tier standards of behaviour it enables.

It is clear that Ofgem have approached this assessment from a position of potential cost, this is sensible, as it is clear that any regulation will naturally increase costs however the far wider issue and one that is to all intents and purposes ignored is the ongoing willingness for the business energy customer to engage in a market (TPIs) that is unilaterally called to task for the poor behaviours of a few.

This lack of balance in applying the code is not likely to end, as appears to be Ofgem's assumption, in some bad TPIs suffering but the good prospering.

Rather in direct contrast to the suppliers' direct sales teams, unfettered by code concerns, the TPI market as a whole will be seen in a negative light.

Ofgem's proposal that TPIs who fail to meet accreditation requirements should be

unable to operate with suppliers is reasonable.

However the perversity of this is that the very organisation they are prevented from working with, the supplier, could well be equally guilty of transgressing the principles of the code, a code that they are not held to, and for which no sanction is taken.

It is clearly an unhappy anomaly that Ofgem has pushed this far with the selective implementation of the code without taking heed of this advice and warnings.

The impact on customer confidence, the continued operation of TPIs in the market and competition in general is clear. Ofgem's impact assessment has failed to recognize this.

**APPENDIX: 1**

**Question 3:** Do you agree with our assessment of likely impact on competition? Is there any other issue/s we should be considering?

KEY STATEMENTS RELEVANT TO THIS ANSWER

- Ofgem have not undertaken sufficient diligence
- Selective focuses for punishment are unacceptable
- The continued operation of TPIs and therefore wide market engagement is at risk
- The code must be universal covering all sales interaction not just TPIs
- The scope of the code is too narrow
- The code must cover suppliers, their direct sales arms and partners
- A two-tier sales standard must not be allowed to develop
- Ofgem risks punishing the very people they are trying to help, the customers
- A universal implementation will prevent the destruction of the one area of the business energy market that is encouraging competition, TPIs

We do not believe that Ofgem have undertaken anything like the diligence required to understand the competitive impact of implementing this selective code.

It is clear that a selective code, governing the sales practices of TPIs alone whilst suppliers and their direct sales team are subject to no such principles and the willingness for Ofgem to name and shame transgressors in the TPI market but not to do so in the supplier market will mean that the continued role of TPIs in the market must be in doubt.

It is difficult to believe that Ofgem have considered the wider market impact on the TPI industry from this selective application of the code and the two-tier standards of behaviour it enables.

The negative impact on customer confidence, the continued operation of TPIs and competition is clear. Ofgem's impact assessment has failed to recognize this.

We call on Ofgem to immediately extend this code to all sales interactions in the business energy market whether undertaken by a TPI; a suppliers' direct sales team or other internal teams and external partners.

In doing so we can operate in a market with a single operating standard, where customer experience is upheld across the board and where the impact of regulation is greater confidence and engagement and not the selective destruction of the one area of the business energy market that is currently working for customers.



**APPENDIX: 1**

**Question 4:** Are there any distributional effects that our policy proposals could cause?

## KEY STATEMENTS RELEVANT TO THIS ANSWER

- Distributional effects are not an issue
- Ofgem have underplayed the strategic importance of TPIs to the market
- TPIs encourage a more commercial and customer centric approach from suppliers
- This catalyst will be lost by the selective implementation of the Code
- The code must be universal covering all sales interaction not just TPIs
- The scope of the code is too narrow
- The code must cover suppliers, their direct sales arms and partners
- A two-tier sales standard must not be allowed to develop
- Ofgem risks punishing the very people they are trying to help, the customers

We do not believe the market is subject to supply chain issues and therefore distributional effects are not a major concern.

However we do believe that Ofgem in their research have underplayed the strategic importance of TPIs in the energy market to not only facilitate competition but also to drive innovation for the benefit of the consumer.

The presence of TPIs encourages suppliers to become more commercial and customer centric in a market of engaged businesses.

It is the loss of this catalyst that is likely to result from the selective regulation of TPIs under the code of conduct.

It is essential therefore that Ofgem immediately extends the scope of this Code to cover all sales interaction in the business energy market.

**APPENDIX: 1**

**Question 5:** To better inform our cost-benefit analysis, please provide us with financial/costs data on the following:

Initial (one-off) costs: including costs to your business models and costs for familiarisation to the code of practice (this includes, costs to understand your obligations and relevant staff training and any costs to change internal processes as necessary);

On-going costs: this includes resourcing implications of the introduction of a code of practice to your organisation and any other expense that you think may be incurred (for example, monitoring compliance).

KEY STATEMENTS RELEVANT TO THIS ANSWER

- Costs cannot be predicted
- Ofgem must build on the foundations of the E.ON sponsored TPI Code of Conduct to minimise cost
- The code must be universal covering all sales interaction not just TPIs
- The scope of the code is too narrow
- The code must cover suppliers, their direct sales arms and partners
- A two-tier sales standard must not be allowed to develop
- Ofgem risks punishing the very people they are trying to help, the customers

A precedent does not exist whereby an accurate 'cost' can be confidently attributed to the implementation of the Code.

From our experience of the E.ON sponsored TPI Code of Conduct the costs have been focused in three areas:

- 1) The cost of revising literature and websites to meet compliance
- 2) The cost of employing or redirecting resource to support compliance
- 3) The cost of enabling the annual audits undertaken under the Code

These costs have proved acceptable to our business as we voluntarily wished to lead the way in driving forward a code of conduct.

That however has no bearing on the likely cost impact of Ofgem's exercise.

It would concern us greatly if Ofgem moved to unnecessarily recreate a Code from scratch when the foundations already exists within the E.ON sponsored TPI Code of Conduct. This profligacy when it comes to cost would not be acceptable.

It is essential therefore that Ofgem build upon what is already in existence and work to extend its reach so that, all suppliers, not just E.ON are mandated to sign up to the code in relation to their TPI relationships and that all suppliers, and their partners, must also be mandated to sign up in relation to their direct sales activities with business energy customers.

Proposals for regulating non-domestic Third Party Intermediaries (TPIs)

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Placing an unfair, selective burden on one segment of the market to the benefit of another would be an extremely inappropriate action from Ofgem.

Only a universal code, covering all sales interactions in the business energy market, can be acceptable, although costs may naturally rise off the back of this, it is a price worth paying to avoid the current misguided creation of a two-tier sales market in business energy.

Customers deserve better.