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Sent by email to EMR_DR@ofgem.gov.uk

24 July 2014

Dear Emma,

Re: Consultation on the draft Electricity Market Reform dispute resolution guidance

Thank you for the opportunity to review and respond to the consultation on the draft Electricity Market Reform dispute resolution guidance document. E.ON welcomes the proposed guidance as it helpfully clarifies the process that Ofgem will follow in the event that a dispute is escalated to the Tier 2 stage. We have the following observations on the draft guidance document itself:

1. Submission of appeal notice

The draft guidance states that appeal notices should be submitted electronically via Ofgem's online portal. We understand that the portal is currently in development. We think it would be helpful if appeal notices could also be submitted to a dedicated email address and by hard copy. This will provide alternative routes in the event that a notice cannot be submitted to the portal for whatever reason. It does not prevent a notice, with supporting documents, subsequently being submitted to the portal but recognising the limited time to submit an appeal there should be other available avenues to enable parties to lodge an appeal notice to meet the deadline.

2. Disclosure of Tier 1 information to the appellant

With reference to the information referenced in paragraph's 2.26, 2.27 and 3.13; with the potential complexity of some of the information required under the capacity market and contract for difference mechanisms, in the event that National Grid has used sources of information other than

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information submitted by the appellant in making its original decision or in conducting its Tier 1 review, this information should be made available to the appellant to enable it to review and if necessary counter that information. If this information is not made available to the appellant, and its inclusion is necessary in reaching the original, Tier 1 or Tier 2 Ofgem decision, then it is hard to envisage how any dispute of this kind will not result in an appeal to the courts, in order for that additional information to be disclosed to the appellant.

In this regard it would also be helpful to clarify the final bullet point in paragraphs 2.19 and 3.5, as unless the additional information used by National Grid is provided to the appellant it cannot know with certainty what information was before NGET when the Tier 1 review was made.

3. Verbal representation during Tier 2 review

It would be helpful if the guidance could clarify whether in undertaking its Tier 2 review Ofgem will only rely on written evidence or if there may be the potential requirement for appellants to make verbal representations as well.

We hope that you find our response of help. Should you wish to discuss any aspect of our response further please do not hesitate to contact me.

Yours sincerely

Guy Phillips
Grid Interface Executive
E.ON UK plc