

Anna Stacey
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Dear Anna,

Consultation on Revised Enforcement Guidelines

Thank you for the opportunity to comment upon the above consultation.

We are broadly agree with the guidelines as drafted and have only a couple of comments:

- We agree that as part of settlement a company must agree a breach has taken place but this should be done as part of the settlement discussions rather than in advance of those discussions taking place which is what could be implied from paragraph 5.3. If this is not the case it is likely to discourage the likelihood of settlements and the positive policy outcome they seek to deliver.
- Paragraph 5.35 should make clear that in contested cases failure to request an oral hearing should not be prejudicial to the outcome. Given the restrictions on introducing new evidence it may legitimately be the case that an oral hearing would serve little value. There is a danger that a company might be perceived as not being fully convinced of the merits of its case if it does not request an oral hearing and consequently requests a hearing just to be seen to be as having conviction on the merits of its case.

If you have any questions on this response, please do not hesitate to contact me. Our response can be regarded as non-confidential.

Yours sincerely,



Stephen Parker
Regulation Director