

Fiona Cochrane-Williams and Katherine Harris  
Ofgem  
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London  
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15 June 2018

Dear Fiona and Katherine,

**Consultation on domestic supplier-customer communications rulebook reforms – ESB Energy response**

ESB Energy welcomes the opportunity to respond to [your consultation](#) on communications rulebook reforms. Our understanding of your overall intention is to provide suppliers with more flexibility in how they communicate with their customers in order to deliver better outcomes for them. Our response provides some suggestions as to your proposed package of changes, as set out in [Annex 1](#), which we believe will better deliver improved outcomes.

Your 'Encourage and Enable' requirements ask that we encourage consumers to consider certain actions throughout the year while also requiring us to take into account their characteristics and preferences. These requirements appear to be contradictory in certain circumstances. For example, a digitally-enabled consumer may have a preference to receive as few communications as possible from their supplier with the understanding that can retrieve key information from the supplier's website or app, should they need it. However, the requirement to provide encouragement 'throughout the year' implies that we should override their preferences and provide that key information to the consumer through emails or push notifications. If a supplier provides information to a consumer against their preferences on a regular basis, it risks important communications being treated as 'spam' and ignored.

We suggest that you replace 'throughout each year' with 'as appropriate'. This wording would allow suppliers greater flexibility to be responsive to customers preferences while at the same time making clear that engagement outside key engagement points should occur where necessary.

There may be information that should always be provided to consumers on a regular basis, regardless of the customer's characteristics. We suggest that this be explicitly set out in a separate requirement in order to make clear that the information should be provided regardless of the customer's stated communications preferences.

We would be more than happy to engage with you further on your proposals and licence drafting. Please don't hesitate to get in touch.

Yours Sincerely,

Paul Fuller  
Regulation Manager