

18 November 2024

Karen Shiels and Liz Wilkin
Utility Regulator
Queens House
14 Queen Street
Belfast
BT1 6ED

Dear Karen and Liz,

firmus energy welcome the opportunity to respond to the Consultation on Licence Modification for Provision of Information by electricity and gas supply licence holders.

firmus energy entirely supports the Utility Regulator's goal to enhance transparency and promote the interests of consumers.

firmus energy recognise that promotion of consumer interests is at the forefront of the Utility Regulator's Corporate Strategy and the ability to request and publish information is an important element of this undertaking, however, we have concerns about the possible publication of commercially sensitive data without supplier approval. Although the protections under Article 7(2) of the Energy Order provide some safeguards, we believe the removal of publication restrictions could result in supply companies' commercial considerations being compromised. To safeguard the commercial interests of suppliers, firmus energy suggest more clarity is provided around the circumstances in which information may be published. A balance must be struck between promoting transparency and protecting competition within the market, as both will benefit consumers. Article 7(3) of the Energy Order specifies suppliers should be consulted before the Utility Regulator decides to publish any related information. firmus energy believe this requirement should be clarified by the licence modification. Specifically, the licence should provide that when the Utility Regulator requests information, it must clearly state the request is intended for publication. This clarification would enable suppliers to assess the request and its implications and thereby raise any concerns and provide upfront feedback to the Utility Regulator on the potential impact of publication of the information.

firmus energy note that Condition 1.3.1 sets out that information should be provided by the Licensee "... when and in the form requested". We understand the Utility Regulator requires timely provision of data, however, consideration must be given to the licensee's capacity to respond, especially to requests involving complex or detailed information. Provision of a comprehensive response may require additional time or there may be resource constraints due to other business priorities.

We encourage the Utility Regulator to establish flexible response timelines, allowing for sufficient time, when necessary, for suppliers to collate and review the requested information. This flexibility would help mitigate the risk of breaching licence despite the licensee's best endeavours. We note that Section 2.3 of the recent Consultation on proposed Utility Regulator (Support for Decarbonisation Preparation) Bill¹ acknowledges situations when the Utility Regulator may not have the resource to meet a demand from the Department. We believe suppliers should be afforded the same consideration. The Consultation paper states the Bill *"has been drafted in this way to allow for different*

¹ <https://www.economy-ni.gov.uk/consultations/utility-regulator-support-decarbonisation-preparation-bill>

circumstances ... secondly, a duty which is qualified, i.e. rather than using 'must', to allow for times when the Utility Regulator may be unable to meet from the Department, for example when it considers that it has insufficient resource to practically meet a demand."

Implementing a similar degree of flexibility for suppliers will help ensure accuracy of data and reduce pressure on suppliers to meet challenging deadlines.

firmus energy supports the Utility Regulator's intention to standardise the 'Provision of Information' condition across all energy supply licences. Consistency in regulation will help ensure all licensees operate under the same expectations, reducing potential ambiguities. We believe consistency and transparency are essential components of effective regulation, benefitting both consumers and licensees and enhancing trust between the regulator, licensees and consumers.

In conclusion, firmus energy recognise the importance of the proposed modification however, we would ask that the Utility Regulator considers the points raised above to ensure a balance is reached between transparency, consumer protection and the quality of data provision and publication.

We look forward to continued engagement with the Utility Regulator on this matter and trust you find these comments useful. If there are any aspects to this response you would like to discuss further, please do not hesitate to contact me.

Kindest regards,

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