

Consultation on Licence Modification for Provision of Information (excluding Supply Licences)

Phoenix Energy response

Phoenix Energy¹ welcomes the opportunity to respond to the Utility Regulator's (UR) consultation on "Licence Modification for Provision of Information (excluding Supply Licences)" (**the consultation**).

We understand UR's need for, and have supported UR in the provision of, information to allow it to fulfil its regulatory functions. We also welcome the opportunity to review Licence Condition 1.4 to ensure that it remains transparent and reflective of current regulatory arrangements.

The current drafting of Licence Condition 1.4 is cumbersome and we welcome the transparency that the proposed amendments will bring. There are however some points that we would welcome clarification from UR on:

1. Paragraph 1.7 of the consultation states that Article 7 of the Energy Order provides that where it appears to UR *"that the publication of any advice and information would promote the interests of consumers it may publish that advice and information in such manner as it thinks fit"*.

Our understanding is that Article 7 of the Energy Order provides that where it appears to UR *"that the publication of any advice and information would promote the interests of consumers in relation to gas or electricity supplied by authorised suppliers,"* UR may publish that advice or information in such manner as it thinks fit.

As a gas conveyance licence holder, we therefore envisage that any information requested from Phoenix under Article 7 of the Energy Order, will be limited.

2. Our Licence has two additional exclusions. Licence Condition 1.4.2 begins *"This Condition shall not apply in respect of any function of the Authority under **Articles 14(1)(a) and 27 of the Order** or under Article 7 of the Energy Order"*. However, the consultation is silent on the removal of these exclusions under the Gas Order. We would therefore welcome guidance from UR on the reasons and effects of removing these exclusions from our Licence.

Finally, we would highlight that although Phoenix Energy shares with UR an abundance of information, both required under other Conditions of our Licence and to address specific queries from UR on a

¹ Phoenix Energy Group Ltd is trading as Phoenix Energy

current workstream, this is rarely requested under Licence Condition 1.4. We do not believe that this has lessened UR's ability to obtain information from us or to use it as it deems necessary.

We would therefore add caution that the increased focus on Licence Condition 1.4 does not lead to its overuse, such that it becomes a catchall for information gathering by UR directorates with no internal coordination on the timelines for each. The timelines for Licence Condition 1.4 requests must therefore be coordinated, reasonable and proportionate to the information requested and should:

- not lead to an unnecessary regulatory burden on us, and other utilities, that have small regulatory teams working across multiple UR directorates.
- take into account that information may not be readily available in the format requested by UR and therefore require us longer to collate.

Furthermore, Licence Condition 1.4.1 references information that UR "**may reasonably require**" and therefore we envisage that this will be considered by UR in the making of any information request under this Condition.