

THIRD PARTY INTERMEDIARIES IN THE ENERGY MARKET

**Position Paper
May 2026**

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**Utility
Regulator** 

About the Utility Regulator

The Utility Regulator is the independent non-ministerial government department responsible for regulating Northern Ireland's electricity, gas, water and sewerage industries, to promote the short and long-term interests of consumers.

We are not a policy-making department of government, but we make sure that the energy and water utility industries in Northern Ireland are regulated and developed within ministerial policy as set out in our statutory duties.

We are governed by a Board of Directors and are accountable to the Northern Ireland Assembly through financial and annual reporting obligations.

We are based at Millennium House in the centre of Belfast. The Chief Executive and two Executive Directors lead teams in each of the main functional areas in the organisation: CEO Office; Price Controls; Networks and Energy Futures; and Markets and Consumer Protection and Enforcement. The staff team includes economists, engineers, accountants, utility specialists, legal advisors and administration professionals.

A graphic with a dark blue background and a green geometric shape in the top right corner. It contains the Utility Regulator logo and text describing its mission, vision, and values.

Utility Regulator

OUR MISSION
To protect the short and long-term interests of consumers of electricity, gas and water.

OUR VISION
To ensure value and sustainability in energy and water.

OUR VALUES

ACCOUNTABLE:
We take ownership of our actions.

TRANSPARENT:
Ensuring trust through openness and honesty.

COLLABORATIVE:
Connecting and working with others for a shared purpose.

DILIGENT:
Working with care and rigour.

RESPECTFUL:
Treating everyone with dignity and fairness.

ABSTRACT

In the Utility Regulator's (UR's) Consumer Protection Programme 2024-29 (CPP24), we committed to undertaking a project with the aim of developing an understanding of Third Party Intermediary (TPI) operations in Northern Ireland energy markets in order to ensure both non-domestic consumers and micro/small-scale generators engaging with TPIs are adequately protected, and to consider if any regulatory intervention or protections may be required.

In August 2025, a Consultation Paper was published, seeking (a) views on the introduction of potential measures applicable to Retail TPI operations and (b) further information to support exploration of Wholesale TPI operations (to include relevant concerns/issues). This paper sets out UR positions following consideration of the responses to the consultation.

AUDIENCE

This document is likely to be of interest to a wide range of stakeholders, including non-domestic consumers, advice and consumer representative agencies, non-domestic representative organisations, energy suppliers, electricity generators and the wider energy industry.

CONSUMER IMPACT

This project will positively impact non-domestic consumers that are engaging with TPIs.

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Executive Summary

In the Utility Regulator's (UR's) Consumer Protection Programme 2024-29 (CPP24), we committed to a renewed focus on consumer protection for all consumers which included, for the first time, the inclusion of a programme of work aimed at non-domestic consumers. As part of this programme of work, we identified a need to undertake a project to develop an understanding of Third Party Intermediary (TPI) operations in Northern Ireland energy markets. The project aimed to ensure both non-domestic consumers and micro/small-scale generators, engaging with Retail TPIs and Wholesale TPIs respectively, are adequately protected, and to consider if any regulatory intervention or protections may be required.

During January and February 2025 we issued supplier information requests and hosted information gathering sessions with all electricity and gas suppliers. The aim of these sessions was to gather information and evidence on TPI activity in Northern Ireland, to understand the supplier perspective of the TPI market here and to aid the development of a Consultation Paper.

In order to understand non-domestic consumer knowledge, experience and attitudes we conducted our annual 'Non-domestic Consumer Insight Tracker Survey' with results published in June 2025. One of the sections of the survey explored questions in relation to energy brokers. The results found that one quarter of non-domestic consumers that had heard of energy brokers were unaware that brokers typically earn a commission for their service. The findings highlighted that there is a gap in consumer knowledge around TPIs which could potentially lead to consumer detriment.

The following is a summary of the key findings from the above research and engagement which were shared within our Consultation Paper:

- Retail TPI usage in Northern Ireland has increased in recent years, but still remains below that occurring in Great Britain (GB);
- A broad range of stakeholders expressed some concerns and provided examples of risks associated with TPI activity, particularly regarding sales commission structures, price transparency, and the potential for customer detriment; and
- Despite these concerns, there is limited evidence of widespread issues. This is especially the case regarding Wholesale TPIs, where both market activity and stakeholder awareness appears low.

In August 2025, we published our 'Third Party Intermediaries in the Energy Market' Consultation Paper (**the Consultation Paper**) which consulted on the aim, objectives and scope of this project alongside six potential modifications to

the regulatory framework to enhance protections in the Retail TPI field. We also posed questions in relation to Wholesale TPIs to improve our understanding of the circumstances in this area.

Following consideration of the 13 responses received to the Consultation Paper, the positions of UR are summarised as follows.

First, the proposed aim, objectives and scope of the TPI project will be maintained (as set out in Section 1 of this Position Paper).

Second, so far as Retail TPI operations are concerned:

1. A programme of information and awareness will be established which will include publication of TPI information and advice on our website by Quarter 2 2026 and subsequent promotion of this information through collaboration with appropriate stakeholders;
2. We will not proceed with the implementation of enhanced monitoring and reporting of TPI activity to include supplier reporting and stakeholder engagement at this stage. Current monitoring and reporting processes will be maintained;
3. A licence condition will be implemented requiring energy suppliers to publish Third Party Costs on a customer's Principal Terms and upon request. This will require publication of Third Party Costs both as a lump sum for contract duration and i) as a cost per unit, where the commission forms part of the unit price of energy, or ii) a cost per day where it forms part of a daily standing charge; and
4. Measures 4-6 (Code of Practice (CoP), Alternate Dispute Resolution (ADR) scheme and General Authorisation Regime) will remain excluded. These measures have been excluded as they are considered to be unsuitable for implementation in Northern Ireland due to limitations in our vires, constraints within the existing market framework, or a view that the measure would not constitute a proportionate initial response.

We are required to consult and give notice to the relevant licensees of our intention to introduce licence modifications (in accordance with Article 14(2) of both the Electricity Order and the Gas Order). Compliant legal notices are being published alongside this Position Paper.

Third, with respect to Wholesale TPI operations, we have decided to take no steps other than to continue to monitor the general situation through a repeat supplier information request in 2027.

Our position in this regard is based on our assessment that there exists, at present, no convincing case (identified from the consultation (or supplier information) responses regarding Wholesale TPIs) for regulatory intervention at

this time. We have been unable (for now) to identify in the current arrangements the absence of suitable protection for micro/small-scale generators, meaning that there is no need to explore potential measures that might otherwise be considered (within the aims of the TPI project). Further details are provided in Section 3 of this paper.

Table 1: Summary of Measures and UR positions (Retail TPIs)

Measure	Proposal to progress	Implementation methods
Proposed strategic aim, objectives and scope in relation to this TPI project (as set out in Section 1 of this Position Paper).	✓	N/A
Measure 1: Development, publication and promotion of relevant Retail TPI information on UR's website.	✓	Publication of TPI information on UR's website by Quarter 2 2026.
Measure 2: Implementation of enhanced monitoring and reporting of TPI activity to include supplier reporting and stakeholder engagement.	✗	Current monitoring and reporting processes are deemed sufficient and will remain in place.
Measure 3: Suppliers to publish information on Third Party Costs (in an appropriate format such as on consumer bills and/or in Principal Terms of the contract or both).	✓	New licence requirement for suppliers to publish Third Party Costs on a customer's Principal Terms and upon request. A combined publication cost structure will require publication of both a lump sum for contract duration and i) as a cost per unit, where the commission forms part of the unit price of energy, or ii) a cost per day where it forms part of a daily standing charge.
Measures 4 – 6: Exclusion of the potential measures (4-6); CoP, ADR scheme and General Authorisation Regime.	✓	N/A

1. Introduction and Background

- 1.1 The Utility Regulator's (UR's) Consumer Protection Programme¹ (CPP24) plays a pivotal role in ensuring Northern Ireland consumers are protected. The CPP24 is a central element of UR's Corporate Strategy² and is our principal vehicle to deliver positive outcomes for electricity, gas and water consumers in Northern Ireland. The inclusion of a programme of work aimed at non-domestic consumers highlighted UR's commitment to enhancing protection for non-domestic consumers as well as domestic consumers, consumers in vulnerable circumstances and 'future' consumers.
- 1.2 To enable this, CPP24 included a project to develop our understanding of the operation of Third Party Intermediaries (TPIs) in the Northern Ireland non-domestic energy retail market. We committed to exploring a range of potential measures to increase consumer understanding of TPIs as well as ensuring a sufficient and consistent level of protection. As there is also TPI activity within the wholesale market in Northern Ireland, which may have similarities to TPI operations in the non-domestic energy retail market, we included this area to help develop our understanding.
- 1.3 TPIs play an important role in helping customers negotiate energy contracts by operating as an interface between energy suppliers and their customers. A positive experience with TPIs has the potential to encourage confidence and activity in the energy market for non-domestic consumers in Northern Ireland.
- 1.4 Whilst UR has the statutory vires to regulate the activities of licensed energy suppliers, it has no such power when it comes to TPIs. UR does not directly regulate TPIs and direct regulation would require legislative changes. However, there remains a need to better understand the current operation of TPIs in Northern Ireland and to explore potential issues and available interventions within UR's existing legal powers.
- 1.5 In 2023/24, we undertook a programme of research as part of our 'Review of the Regulation of the Non-domestic Energy Retail Market'³ to explore consumer knowledge, experience and attitudes to the energy market in Northern Ireland. This research identified several areas requiring further investigation, one of which was the operation of TPIs. Whilst TPIs were found to continue to play a role in assisting non-domestic consumers to negotiate energy contracts, some respondents to our 2023 Call for Input

¹ [CPP 2024-2029 Decision Paper.pdf](#)

² [Corporate Strategy final published.pdf](#)

³ [Review of the Regulation of the Non-Domestic Energy Retail Market - Position Paper.pdf](#)

(Cfi)⁴ highlighted concerns such as lack of transparency in pricing and commission earned by TPIs.

1.6 In January 2025, we issued an information request to all electricity and gas suppliers which included templates for data collection in relation to TPI operations, designed to gather information and evidence around their experiences with TPIs to aid the development of our consultation. We also conducted a programme of engagement in January and February 2025, speaking with a range of stakeholders including suppliers and business representative organisations to understand the awareness and experiences of non-domestic consumers with TPIs. Having this consumer input was an essential part of the delivery of this project.

1.7 Key findings included:

- Retail TPI⁵ usage in Northern Ireland has increased in recent years but remains low when compared with Great Britain (GB)⁶. In 2018, the TPI data for individual market segments found that TPI activity in Northern Ireland energy markets was at a relatively low level. However, our 2025 research has indicated that this activity has had a slight overall increase in recent years. In the electricity market, the total percentage of customers obtained via TPIs increased slightly from 8.1% in 2018 to 9.3% in 2025. In the gas market, it increased slightly from 4.1% in 2018 to 4.7% in 2025;
- A broad range of stakeholders expressed concerns about potential risks associated with Retail TPI activity, particularly regarding commission structures, price transparency, and the potential for customer detriment; and
- Despite these concerns, there was limited evidence of widespread issues. For example, Trading Standards Service (TSS) confirmed that it logged no complaints or enquiries over the last five years related to TPIs in relation to mis-selling. This is especially the case regarding Wholesale TPIs⁷, where both market activity and stakeholder awareness appears minimal. In response to our supplier information request, only one supplier reported having contracts with micro generators that were acquired via the TPI channel and a low percentage of their demand/consumption was met by this contract type.

⁴ [Review of the Regulation of the Non-Domestic Energy Retail market - Call for Input final.pdf](#)

⁵ As defined in Section 1.15.

⁶ [Ofgem's 2023 GB Non-domestic market review](#) stated that, "TPIs work with most business customers to secure contracts (around 60% of larger customers, and about 25-30% smaller customers)".

⁷ As defined in Section 1.16.

- 1.8 In July 2025, we published our annual ‘Non-domestic Consumer Insight Tracker Survey’⁸. One section of the survey explored questions in relation to energy brokers⁹. The results found that despite overall awareness of energy brokers increasing, the number of non-domestic consumers who reported using brokers decreased. One quarter of non-domestic consumers that had heard of energy brokers were unaware that they would typically earn a commission for their service.
- 1.9 In August 2025, we published a Consultation Paper¹⁰ (**the Consultation Paper**) examining potential measures concerning TPIs in the energy retail market and invited views on these options. These measures aim to increase consumer understanding of TPIs and to ensure a sufficient and consistent level of protection.
- 1.10 The consultation also aimed to develop our understanding of the activity of TPIs operating in the wholesale market between suppliers and micro/small-scale generators¹¹, specifically in relation to Power Purchase Agreements (PPAs)¹². For this project, Wholesale TPIs are as defined in Section 1.16, and the definition does not include intermediaries in the context of Single Electricity Market (SEM) as defined in the Trading and Settlement Code (TSC B.11¹³).

Strategic Aim

- 1.11 The strategic aim of this project is to:

Ensure that both non-domestic consumers and micro/small-scale generators engaging with TPIs are adequately informed and protected.

- 1.12 This aim aligns with UR’s Corporate Strategy 2024-2029¹⁴: ‘Strategic Objective 4 - Providing the highest level of consumer service and protection’.

⁸ [NIAUR Non-Domestic Tracker - Final Report_0.pdf](#)

⁹ The term ‘energy broker’ was used in the survey as it would be more widely understood than the term ‘TPI’

¹⁰ [Third Party Intermediaries in the Energy Market - Consultation -final_0.pdf](#)

¹¹ NIEN define Micro renewable generation as 3.68kW or less (single phase) or up to 11.04kW (three phase). Small-scale renewable generation is classed as greater than 3.68kW and up to 17kW (single phase) and greater than 11.04kW and up to 5MW (three phase).

¹² Supply Licence defines a Power Purchase Agreement as a contract for the provision to the Licensee or any other authorised electricity operator of the whole or any part of the available capacity and/or the sale or other disposal to the Licensee or any other authorised electricity operator of the whole or any part of the output of a generation set or combination of generation sets.

¹³ Intermediary means the person appointed by a Unit Owner under a Form of Authority set out in Appendix C: “Form of Authority”, for the purposes of registration of, and participation in the SEM in respect of, any of the Unit Owner’s Units in accordance with Sections B.7 to B.11.

¹⁴ [UR Corporate Strategy 2024 – 2029](#)

Objectives

- 1.13 In order to achieve the strategic aim, the TPI project has the following objectives:
- a) **GATHER** a broad spectrum of information relating to the current TPI operations in Northern Ireland in both of the markets below:
 - (i) in the non-domestic energy retail market between consumers and suppliers; and
 - (ii) in the wholesale market between suppliers and micro/small-scale generators.
 - b) **INFORM** stakeholders of the high-level findings of our recent research (gathered via supplier information request and stakeholder engagement) related to TPIs operating in Northern Ireland;
 - c) **IDENTIFY** any areas of concern and any requirement for regulatory interventions to provide sufficient protections to non-domestic consumers and micro/small-scale generators;
 - d) **EXPLORE** a range of potential measures which could be implemented to strengthen the protections identified above for consumers and micro/small-scale generators (if required). Also present to government any findings and issues in policy areas where UR does not have power to implement measures;
 - e) **CONSIDER** the regulatory policy implications of any such measure (such as the requirement for consultations, licence modifications, and/or amendments to Codes of Practice (CoPs); and
 - f) **IMPLEMENT** any required changes and monitor outcomes.

Scope

- 1.14 This project covers TPIs operating in the following areas:
- (i) in the non-domestic energy retail electricity and gas markets (Retail TPIs as defined below); and
 - (ii) in the wholesale electricity market (Wholesale TPIs as defined below).
- 1.15 For the purpose of this project, **'Retail TPI'** is defined as 'a third-party organisation or individual that, either on its own or through arrangements with other organisations or individuals, provides information and/or advice to a non-domestic consumer about the energy supplier's charges

and/or other terms and conditions and whose payment or other consideration for doing so is made or processed by the supplier’.

- 1.16 For the purpose of this project, **‘Wholesale TPI’** is defined as ‘a third-party organisation or individual that, either on its own or through arrangements with other organisations or individuals, provides information and/or advice to a micro/small-scale generator about the sale of its generation to a supplier and/or other terms and conditions with regard to PPAs and whose payment or other consideration for doing so is made or processed by the supplier’. This project does not include intermediaries in the context of SEM as defined in TSC B.11.
- 1.17 By application of these micro/small-scale generation definitions, a significant proportion of the generation that is not participating in the SEM is captured within the project scope. Under current SEM arrangements, the threshold for mandatory participation is 10MW Maximum Export Capacity (MEC) and for any generators below this threshold participation would be voluntary. We have limited the scope to micro/small-scale generators at this stage as this cohort of generators is considered likely more vulnerable to any identified absence of appropriate regulatory protections (given it is more likely that there be financial and market expertise imbalances between relevant commercial actors)¹⁵.

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- 1.18 Overall, we received 13 written responses to the August 2025 Consultation Paper, with representations from industry (gas and electricity suppliers and consumer bodies), TPIs and micro/small-scale generators.
- 1.19 Non-confidential submissions (or, in the case of the last-named respondent, a partially confidential submission) were received from the following organisations:
- Advance Energy;
 - Budget Energy;
 - Click Energy;
 - The Consumer Council for Northern Ireland (The Consumer Council);
 - Electric Ireland;

¹⁵ Although the level of potential imbalance can (generally) be expected to be more pronounced for micro generators than for small-scale generators.

- Electricity Association of Ireland (EAI);
- firmus energy;
- Power 2 Business (P2B);
- Power NI;
- SSE Airtricity;
- an individual micro/small-scale generator; and
- a law firm representing a consortium of small-scale generators.¹⁶

1.20 All non-confidential responses have been published¹⁷ as annexes to this paper and can be found on our website – www.uregni.gov.uk.

Structure of this paper

1.21 Section 1 outlines the background, strategic aim, objectives, and scope of the ‘Third Party Intermediaries in the Energy Market’ project.

1.22 Section 2 provides background to the measures consulted upon in relation to Retail TPIs, a summary of responses received, UR comments on responses received and subsequent UR proposals.¹⁸

1.23 Section 3 provides background to the questions consulted upon in relation to Wholesale TPIs, a summary of responses received, UR comments on responses received¹⁹ and subsequent UR proposal.

1.24 Section 4 provides further information on the next steps for implementation of the Retail TPI measures and intended next steps in relation to monitoring for Wholesale TPIs.

¹⁶ Again, this consultation response was partially confidential.

¹⁷ The (partially confidential) response from the law firm representing the consortium of small-scale generators is published with the confidential parts redacted. All responses (confidential or otherwise) to the consultation have been considered in arriving at the positions outlined in this Position Paper.

¹⁸ Whilst respecting the claims for confidentiality made in two of the consultation responses.

¹⁹ Again, whilst respecting the claims for confidentiality made in two of the consultation responses.

2. Retail TPIs - Consultation Responses

- 2.1 This Section provides an overview of each question posed in the Consultation Paper followed by a summary of the responses received in relation to each. Subsequently, 'UR Comment' provides a view on the responses received and 'UR Proposal' provides further information on intended next steps.

Aim, objectives and scope

Background

- 2.2 The aim, objectives and scope as set out in Section 1 were consulted upon.

Question 1. Do you agree with our proposed strategic aim, objectives and scope in relation to this TPI project? If no, please provide reasoning.

Responses

- 2.3 The majority of respondents (nine out of 11 that addressed this question) supported the proposed strategic aim, objectives and scope.
- 2.4 Power NI referenced that, "whilst in the most part non-domestic consumers have a different level of commerciality than residential consumers, they still should be afforded a level of consumer protection and treated accordingly".
- 2.5 The Consumer Council highlighted that the majority of businesses in Northern Ireland are microbusinesses (89%), and their needs are often similar to those of domestic consumers.
- 2.6 Four suppliers (Budget Energy, Electric Ireland, firmus energy and Power NI) stated that the responsibility for ensuring transparency and/or implementing associated measures should rest with the TPIs themselves, and that any resulting regulatory burden should not fall on the suppliers.
- 2.7 Although Click Energy broadly supported the proposed aim, objectives and scope, it suggested that Wholesale TPIs should not be within scope due to the much higher prevalence of Retail TPIs.
- 2.8 SSE Airtricity supported the proposed aim, objectives and scope but also noted, "Where evidence of potential harm is not present, then no action is required".

- 2.9 Only two respondents (P2B and EAI) did not agree with the proposed aim, objectives and scope and were of the view that there is limited evidence to suggest that regulatory intervention is warranted at this time.

UR Comment

- 2.10 The majority of respondents supported the proposed aim, objectives and scope, and we are of the view that there is currently insufficient evidence provided in responses to indicate that any changes are required at this time.
- 2.11 We recognise that some stakeholders consider there to be insufficient evidence at present to support regulatory intervention. The purpose of this consultation, however, is to identify any areas of concern to enable a more informed assessment of the need for such intervention in order to ensure positive outcomes for consumers.
- 2.12 We will only consider implementing measures that are proportionate and targeted, that address the areas of concern identified through this consultation process and that will have material positive impact for non-domestic customers.

UR PROPOSAL: UR will maintain the aim, objectives and scope as detailed in Section 1 of this Position Paper.

Section A - Potential measures

Measure 1: Information and Awareness

Background

- 2.13 This measure would entail establishment of a programme of information and awareness by UR (and/or consumer representative groups). This would include publication of TPI information on the UR website, aiming to boost consumer awareness and understanding of TPI operations while informing consumers of their rights and available support.
- 2.14 This TPI information on the UR website could then be promoted through collaboration with appropriate stakeholders such as suppliers, business and consumer representative organisations and advice agencies, to ensure that TPI information is provided to relevant consumers and shared widely. The aim of this approach would be to promote transparency by ensuring that key information on TPIs is readily accessible and clearly presented to consumers.

2.15 Some examples of TPI information that could be provided to consumers on the UR website include:

- an explanation of what TPIs are and how they operate in the market;
- how TPIs are paid for their services;
- important questions to ask a TPI before considering using their services;
- relevant consumer protection laws;
- where to go for support (advice agencies); and
- FAQs and answers.

Question 2a. Do you think development, publication and promotion of relevant Retail TPI information on the UR's website would be beneficial to consumers? Please provide a clear rationale for your answer.

Question 2b. Do you suggest any alternative/additional methods of sharing this TPI information with non-domestic consumers? If so, please describe.

Responses

- 2.16 The majority of respondents (nine out of 11 that addressed this question) were in favour of the development, publication and promotion of relevant Retail TPI information on the UR's website.
- 2.17 The Consumer Council and Click Energy commented that the implementation of this measure would increase transparency and allow consumers to make more well-informed decisions about their energy bill.
- 2.18 P2B emphasised that such information should be promoted "via collaboration with appropriate stakeholders such as suppliers, business and consumer representative organisations, and advice agencies, to ensure that TPI information is provided to relevant consumers and shared widely in a fair and consistent manner".
- 2.19 SSE Airtricity recommended that the UR's website "serves as a single source of truth, with industry echoing this message to ensure broad dissemination of clear information".
- 2.20 The law firm representing a consortium of small-scale generators did not support this measure. The law firm stated that the reach of the UR website was limited.

- 2.21 Respondents suggested a number of alternative/additional methods of sharing information.
- 2.22 Both the Consumer Council and Budget Energy suggested that there is an opportunity to develop a public engagement initiative. Budget Energy described a UR-hosted public education initiative to support non-domestic consumers engaging with TPIs such as targeted outreach campaigns, consumer checklists or guidance and partnerships with business groups.
- 2.23 Both Power NI and the Consumer Council proposed that the information should be placed on the Consumer Council's website. Power NI reasoned that this would be advantageous as the Consumer Council already has a Non-domestic Price Comparison Tool for energy. While the Consumer Council highlight that in GB, Citizens Advice provide a range of TPI information such as "TPI performance, customer complaints and contract and pricing transparency," on their website.
- 2.24 Power NI also proposed that this information could be shared at the UR's Non-Domestic Energy Market Forum. This regular market forum has a focus on non-domestic matters and provides relevant stakeholders with the opportunity to discuss ongoing and emerging issues. These stakeholders would then be in the position to share this information with their members and across networks.
- 2.25 Electric Ireland suggested that it already has mechanisms in place to share TPI information, for example an Energy Sales Checklists (required to be completed/signed by customer), valid Letter of Authority (LOAs), and TPI commission rates clearly visible in its supply contract.

UR Comment

- 2.26 UR welcomes the support for this measure which could enhance transparency by providing consumers with clear information on how TPIs operate within the retail market enabling them to make well-informed decisions.
- 2.27 We acknowledge the suggestions provided for additional places to publish such information. We will engage and collaborate with stakeholders including suppliers, consumer representative organisations, business representative organisations (via our Non-domestic Energy Market Forum) and advice agencies to develop this information and ensure that it is shared as widely as possible.
- 2.28 As suggested in responses, we will also engage with stakeholders to see if they would like to co-host the information on their websites, in particular on consumer representative organisations' sites. We will also explore

opportunities, including with stakeholders, for further communication and education initiatives to engage directly with non-domestic consumers through targeted campaigns aiming to raise awareness about TPI operations.

- 2.29 We aim for the TPI information to be published on the UR website by Quarter 2 2026. Publication aims to boost consumer awareness and understanding of TPI operations, informing consumers of their rights and available support.
- 2.30 This TPI information will subsequently be promoted from Quarter 2 2026 onwards using various communication channels such as social media platforms and relevant stakeholder engagement sessions such as the Non-domestic Energy Market Forum. We will periodically review and revise the information as required.

UR PROPOSAL: UR will establish a programme of information and awareness which will include publication of TPI information on our website by Quarter 2 2026 and subsequent promotion of this information via collaboration with appropriate stakeholders.

Measure 2: Enhanced Monitoring and Reporting

Background

- 2.31 In order to gather insight into how the TPI market is developing, how operations may have changed over time and to ensure that consumers are protected, we presented the option of enhancing our monitoring of TPI activity. This measure would be implemented through supplier reporting and a programme of engagement.
- 2.32 Supplier reporting would entail regular information submissions from suppliers to UR and the results being published, with the aim of monitoring how the TPI market has developed and reporting of any new concerns that are shared by suppliers.
- 2.33 Stakeholder engagement and reporting would involve establishment of new, regular engagement sessions with relevant consumer representative organisations and stakeholders in order to monitor and report on TPI activity. This would ensure a structured approach to facilitate interaction and collaboration.

Question 3a. Would you consider enhanced monitoring and reporting (to include i) regular supplier information submission and ii) a programme of engagement) to be beneficial in ensuring that consumers are adequately protected? Please provide clear rationale for your answer.

Question 3b. Should a regular supplier information submission be voluntary or implemented through a licence requirement?

Question 3c. Can you suggest any alternative methods of monitoring and reporting TPI activity?

Question 3d. Would it be beneficial for the TPI information gathered by UR to be anonymised and published (in addition to being used internally by UR for market monitoring)?

Responses

i) Regular supplier information submission

- 2.34 The majority of respondents opposed the implementation of a regular supplier information submission. Only four respondents out of 11 that addressed this question (a law firm representing a consortium of small-scale generators, the Consumer Council, Click and P2B) supported the measure.
- 2.35 Electric Ireland did not support a regular supplier information submission, commenting that enhanced reporting and information provision from suppliers will not create a more transparent market for the customer as there are different charging structures applied by TPIs for different types of non-domestic consumers.
- 2.36 Four respondents (Power NI, Budget Energy, SSE Airtricity and the Consumer Council) advised against placing unnecessary regulatory burden on suppliers. Power NI stated that: "The UR need to be mindful of the existing regulatory burden placed on suppliers and the significant amount of reporting already submitted to the UR on a regular basis". The Consumer Council noted, "it is important that measures implemented are not overly burdensome for suppliers, striking a balance between regulatory effectiveness and operational feasibility".
- 2.37 Additionally, Budget Energy was not supportive of this measure due to "unrealistic resource implications" such as "process overhauls and substantial staffing" and SSE Airtricity stated that implementing this measure "will create an ongoing administrative burden on industry".

- 2.38 Two respondents (EAI and SSE Airtricity) warned that there is limited evidence to support regulatory intervention. EAI stated, "Given the current rate of growth and scale of TPIs operating in Northern Ireland, one-off requests over a comparable period, similar to the 2018 versus 2025 assessments, remains adequate to monitor the market and assess scale of TPI activity". SSE Airtricity stated that limited quantitative metrics "is not an indicator alone of bad practice or need for intervention".
- 2.39 In terms of support for the implementation of enhanced monitoring and reporting, the Consumer Council said it would allow UR to "identify potential issues such as high-pressure sales tactics or hidden fees at an early stage before they cause widespread consumer detriment". Similarly, Click Energy commented that it "would allow UR to keep track of developments with regards to TPIs and how they operate".
- 2.40 Respondents provided views on the implementation method if such a measure were to proceed (including respondents that did not support the measure overall):
- Three respondents (a law firm representing a consortium of small-scale generators, Click Energy and P2B) suggested that the preferred method would be through a licence condition;
 - Two suppliers (Power NI and SSE Airtricity) suggested that the current 'Provision of Information' licence requirement should be sufficient for requesting information from suppliers when needed; and
 - Two respondents supported voluntary submissions (Budget Energy and the Consumer Council). The Consumer Council commented that it would be "simpler and quicker" to implement.
- 2.41 Three respondents (Electric Ireland, Budget Energy and EAI) suggested that TPIs should provide the information directly to UR, if UR was given such powers to regulate TPIs.
- 2.42 Suggestions for alternative methods of monitoring and reporting TPI activity were provided such as:
- gaining a consumer perspective; for example, via the Non-Domestic Consumer Insight Tracker Survey (Power NI, P2B and EAI);
 - monitoring and reporting of TPI activities carried out directly with the TPIs (firmus energy);

- The Consumer Council to provide a dispute resolution scheme and monitoring of complaints (P2B); and
- encouragement of voluntary TPI self-reporting, accreditation or registration (Click Energy and Budget Energy).

2.43 SSE Airtricity shared that it currently encourages best practice from TPIs, via a voluntary Code of Practice, to enhance transparency and fair practices.

2.44 Responding to the subsequent question, the majority of respondents (nine out of 11 that addressed this question) indicated that it would be beneficial for the TPI information gathered by UR to be anonymised and published (again, this included respondents that did not support implementation of the overall measure).

2.45 EAI and firmus energy stated the publication of anonymised information would not be beneficial as they did not consider the current level of TPI activity in Northern Ireland to warrant regulatory intervention. firmus energy commented that “as the data is anonymised, we are unsure how this would assist a customer with making an informed decision”.

2.46 SSE Airtricity commented, “If it is deemed beneficial to publish, [it] must be anonymised to protect the identities and commercial interests of individual TPIs. Given that TPIs are separate business entities, the UR should remain mindful of the potential sensitivities and commercial implications associated with publishing such information”.

2.47 The Consumer Council supported the publication, commenting: “While we believe that publishing anonymised data would be positive [...] publishing attributable data would be more effective. Full disclosure would mean individual TPIs would need to be more accountable for their fees and contracting practices, providing a stronger incentive for fair conduct”.

ii) a programme of engagement

2.48 Seven respondents (a law firm representing a consortium of small-scale generators, the Consumer Council, Click Energy, P2B, Electric Ireland, Power NI and SSE Airtricity) supported implementation of a programme of engagement.

2.49 SSE Airtricity noted that a “stakeholder engagement programme could provide a more effective route for ongoing monitoring and identifying evolving areas of concern”.

2.50 Two respondents (P2B and Electric Ireland) commented that TPIs themselves should be involved in this programme of engagement. P2B

stated that this would enable, “a balanced view on whether consumers are being adequately protected if any changes are brought about due to this and any future consultations”. Additionally, Electric Ireland proposed a “voluntary TPI charter of commitments”.

- 2.51 Power NI commented that “UR would need to have the right people in the room who are willing to engage and share insights into the TPI activity,” however, warned of “commercial sensitivity”.

UR Comment

- 2.52 Overall, we note the lack of support for a regular supplier information submission. TPI activity is considered to be small-scale in the retail market and little evidence of issues was presented through the consultation responses, our supplier information request and programme of engagement. Therefore, UR does not consider formalising enhanced monitoring and reporting requirements to be proportionate or necessary at this stage.
- 2.53 As noted in our Consultation Paper, existing ‘Provision of Information’ supplier licence conditions provide UR with sufficient powers to request information when required. Therefore, supplier reporting will be requested via a repeat of our information request in 2027. This will be done via Electricity Supply Licence Condition 10 and Gas Supply Licence Condition 1.3: Provision of information to the Authority. This is in accordance with our statutory duties to monitor the market and keep the development of the retail energy sector in Northern Ireland under review.
- 2.54 We recognise the general support for a programme of engagement. However, we consider continuing to monitor activity through our current stakeholder engagement channels, such as our Non-domestic Energy Market Forum, to be a proportionate response at present rather than establishment of any new forum or channel.
- 2.55 We will also continue to work closely with relevant consumer representative organisations (including the Consumer Council and TSS) and stakeholders in order to monitor and report on TPI activity. This communication with stakeholders remains essential to understanding their needs, to gather feedback, foster collaboration and continue to place positive consumer outcomes as a focus of our work.

UR PROPOSAL: UR will not implement enhanced monitoring and reporting of TPI activity to include supplier reporting and stakeholder engagement. Current monitoring and reporting processes will continue.

Measure 3: Information on Third Party Costs

Background

- 2.56 Any fee, commissions or other benefits, processed by the supplier and paid to the third party in connection with a supply contract, that are passed on to the customer are referred to as Third Party Costs.
- 2.57 This measure would involve publication of Third Party Costs (in an appropriate format such as on consumer bills and/or in Principal Terms²⁰ of the contract or both) in order to increase transparency and knowledge around fees and costs being applied, to empower consumers to compare supplier costs, and increase consumer awareness of any Third Party Costs being added to their energy costs.
- 2.58 We also sought to gather further information on the best publication cost structure for Third Party Costs to be made available to non-domestic consumers. For example, the costs could be displayed as a total annual cost in pounds/pence (lump sum) covering the duration of the contract or presented as a cost per unit where the commission forms part of the unit price of energy, or a cost per day where it forms part of a daily standing charge.

Question 4a. Are you of the view that TPI commissions being published would increase levels of transparency and benefit consumers? Please provide clear rationale for your answer.

Responses

- 2.59 The majority (six out of 10 respondents that addressed this question) were of the view that TPI commissions being published would increase levels of transparency and benefit consumers.
- 2.60 In its response, Power NI shared examples of large differences in the level of commission/fees being charged. These differences can be seen both between various TPIs and also at a customer level under particular TPIs. It reported that TPIs may operate with limited pricing transparency and there is little evidence of commissions being agreed with the customer. It therefore would “strongly advocate” for publication of commissions.

²⁰ Principal terms are defined in Northern Ireland electricity supply licences as meaning in respect of any Contract or Deemed Contract, the terms and conditions that relate to: (i) the duration of the Contract or Deemed Contract; (ii) the Charges for the Supply of Electricity, including the applicable tariff and the unit rate, expressed in “pence per kWh” of the applicable tariff; (iii) any requirement to pay Charges for the Supply of Electricity through a prepayment meter; (iv) any requirement for a Security Deposit; (v) the termination of the Contract (including any requirement to pay a termination fee) or the circumstances in which the Deemed Contract will terminate, and any other term or condition that may reasonably be considered to significantly affect the evaluation by the consumer of the Contract.

- 2.61 Two respondents (the Consumer Council and Click Energy) noted that implementing this measure would allow consumers to make more well-informed decisions regarding their energy contracts.
- 2.62 Electric Ireland commented that this information could become, “best practice along with LOAs being used to outline all services being provided by TPIs”. Electric Ireland noted that it already incorporates TPI commission rates into consumer contracts for mass market non-domestic consumers.
- 2.63 However, whilst firmus energy commented that it agrees, “that consumers should receive full and transparent details of any commission that the TPI is charging for the service provided in advance of entering any agreement,” it also warned that, “providing a like for like comparison could prove difficult due to the range of services that TPIs can offer”.
- 2.64 Other respondents disagreed (P2B, Budget Energy and SSE Airtricity) that TPI commissions being published would increase transparency and benefit consumers. Three of which referred to the commercial sensitivity of contracts as their reasoning.
- 2.65 SSE Airtricity stated that “suppliers do not always have access to this information and therefore [are] unable to accurately disclose this, as we are not party to the commercial agreement between the TPI and the customer at the point of sign up”.

Question 4b. Which publication format should be used for Third Party Costs: i) consumer bills and on request, ii) a customer’s Principal Terms and upon request iii) both i and ii or iv) another publication? Please provide information to support your answer.

Responses

- 2.66 In relation to the publication format of Third Party Costs, five respondents shared their view on a preferred format:
- Principal Terms - The majority of respondents (a law firm representing a consortium of small-scale generators, firmus energy, Click Energy and P2B) supported publication on a customer’s Principal Terms and upon request.
 - Bills - No respondents supported publication on bills alone and four suppliers explicitly stated that they do not think changes to supplier bills would be appropriate for reasons described in Sections 2.70-2.75 (Power NI, firmus energy, SSE Airtricity and Budget Energy).

- Combined Approach - One respondent, the Consumer Council, supported a combined approach (publication on both a customer's Principal Terms, consumer bills and on request) since "it addresses the need for proactive disclosure at contract commitment and ongoing transparency throughout its duration".

2.67 Four respondents suggested inclusion of Third Party Costs on alternative publications. Power NI and Electric Ireland both suggested inclusion on LOAs. Budget Energy suggested inclusion of a generic statement on Principal Terms and Conditions or similar contract documents. Finally, the Consumer Council suggested adding the information to annual statements as an alternative to including information on every bill, if suppliers should find every bill too burdensome.

Question 4c. Which publication cost structure would be most beneficial to consumers: i) a lump sum for contract duration ii) a cost per unit iii) combined approach (both i&ii) iv) other? Please provide information to support your answer.

Responses

- 2.68 In relation to the publication of Third Party Costs, respondents shared their views on publication cost structure:
- Lump sum for contract duration - No respondents suggested lump sum only.
 - Cost per unit - One respondent (P2B) supported a 'cost per unit' approach only since "any lump sum figure has the potential to be erroneous and potentially overinflate what would actually be paid in the term of the contract".
 - Combined Approach - Two respondents (the Consumer Council and a law firm representing a consortium of small-scale generators) supported a combined approach of both a 'lump sum for contract duration' and a 'cost per unit'. The law firm commented that it would "make the information meaningful for consumers" who may not appreciate how many units they are likely to consume over a typical contract term and that suppliers should only be obliged to give a best estimate of the lump sum for contract duration given pricing uncertainty. The Consumer Council supported a combined approach as, "by offering both options, businesses can choose the structure that best aligns

with their operational needs, accounting practices, and preferred method of cost evaluation".

- Other - Four suppliers (Power NI, firmus energy, SSE Airtricity and Electric Ireland) remarked that any cost structure publication should be in line with the structure agreed between the two parties and will depend on the contract itself.

2.69 Other respondents (Budget Energy and EAI) commented that none of the proposed cost structures were appropriate. Budget Energy commented that each format has risks of its own such as a lump sum format may appear disproportionately large without context and mislead customers, a per unit format may understate total costs for higher usage consumers distorting perceptions of value and a combined format adds complexity and customer confusion, especially where usage or contract terms vary.

Question 4d. What changes to billing systems—or wider systems and processes—would be required in order to enable the publication of TPI commissions on a customer’s bill? Do respondents have any view of the difficulty and cost of these changes?

Responses

- 2.70 Respondents highlighted a number of practical, technical, and cost-related challenges associated with enabling the publication of TPI commission information on customer bills. Five suppliers (Power NI, firmus energy, Click Energy, SSE Airtricity and Budget Energy) indicated that changes would be required to billing systems (or wider systems and processes).
- 2.71 Three suppliers (Power NI, Budget Energy and SSE Airtricity) referred to complex and significant system changes. Click Energy remarked that implementation feasibility and cost implications would vary between suppliers and would require detailed evaluation.
- 2.72 Power NI also said that such a measure would require a substantial amount of lead time.
- 2.73 Power NI and Budget Energy added that requirements for including such information on the bill would be challenging given the complexities around the various pricing structures.
- 2.74 Budget Energy commented, “Given the highly bespoke and varied nature of TPI/broker agreements, including differing fee structures, contract durations and customer usage patterns, there is no standard format that

can be reliably implemented in billing systems without creating significant complexity, cost, and operational risk”.

- 2.75 Two suppliers (Budget Energy and SSE Airtricity) referred to significant costs. SSE Airtricity stated that the estimated cost for this change is a minimum of £160,000 and would “ultimately end up driving up costs for all customers, regardless of their interaction with TPIs”.

UR Comment

- 2.76 We are of the view that implementation of a requirement for suppliers to publish Third Party Costs will ensure consistency in information provided by all suppliers. UR welcomes that the majority of respondents shared the view that TPI commissions being clearly set out would increase levels of transparency and benefit consumers. The requirement will aim to reduce the risk of consumer harm and support wider regulatory objectives of fairness, transparency, accountability, promoting confidence in the non-domestic retail energy market.
- 2.77 In response to the comment from SSE Airtricity regarding suppliers not having access to this information, we acknowledge that where commission is directly agreed between a TPI and customer, and the supplier is unaware, the commission would not fall within our definition of Third Party Costs and therefore would be outside the scope of this measure.
- 2.78 UR notes that it does not consider the publication of commission to have inappropriate adverse competition effects. We view transparency as a tool that strengthens competition by giving market participants clear, comparable information on how charges are calculated. Publication requirements would help address information asymmetry, enabling consumers to make better-informed choices and reducing the scope for hidden fees.
- 2.79 There are distinctive benefits associated with each of the publication format options, but mandating disclosure directly on Principal Terms will ensure that consumers obtain the Third Party Costs information at the point when a business is considering entering into a new contract, where this information can be used to help fully evaluate a purchasing decision. We consider that this approach will allow consumers to have more meaningful engagement with TPIs and obtain better outcomes.
- 2.80 We recognise the lack of support for modifications to billing systems and processes, which were indicated by suppliers to be both costly and require a lengthy implementation timeframe. Therefore, we will not be proposing a modification to bills at this stage.

- 2.81 In terms of publication cost structure, we consider a combined publication cost structure to be the most beneficial to consumers, so that consumers can compare both a lump sum for contract duration and a cost per unit.
- 2.82 Some respondents commented that publication format should be in line with the structure agreed between the supplier and TPI parties and will depend on the contract itself. However, the majority of TPI service fees are charged on a cost per unit basis. Our supplier information request found that the majority of TPI service fees that are charged by suppliers (and within our definition of Third Party Costs) are charged commission on a cost per unit (pence per kWh) basis. The average proportion of customers paying TPI commission to suppliers on a pence per kWh basis was 79% for electricity and 76% for gas.
- 2.83 A fixed fee payment was less common. The average proportion of customers paying via a fixed fee to TPIs was 21% for electricity and 24% for gas.
- 2.84 Where the customer agrees a fixed fee with the TPI (and it fits within the definition of Third Party Costs), we expect that it would be possible for the fee to be reasonably converted by the supplier to a cost per unit (pence per kWh) and displayed clearly. We are aware that at least one supplier already operates this way.
- 2.85 Requiring disclosure to be in the cost per unit format will allow easier comparison between contracts and consistency for customers. Third Party Costs will be presented as a cost per unit, where the commission forms part of the unit price of energy, or a cost per day where it forms part of a daily standing charge.
- 2.86 We acknowledge that a lump sum may need to be estimated based on forecast information (for example consumption, contract term) available at the time.
- 2.87 Including both formats reduces the risks of misrepresentation of information which exist if showing a lump sum alone and increases comparability while providing benefits for customers who like to see the total they can expect to pay.

UR PROPOSAL: UR will implement a licence requirement for suppliers to publish Third Party Costs on a customer's Principal Terms and upon request. A combined publication cost structure will require publication of both a lump sum for contract duration and a cost per unit, where the commission forms part of the unit price of energy, or a cost per day where it forms part of a daily standing charge.

Section B - Measures considered but not being taken forward

Measure 4: Code of Practice (CoP)

Measure 5: Alternative Dispute Resolution (ADR) scheme

Measure 6: General Authorisation Regime

Background

- 2.88 Measures 4 – 6 explored alternative approaches that we considered but determined to be unsuitable for implementation in Northern Ireland at this stage. This determination was based on limitations in our vires, constraints within the existing market framework, or a view that the measure would not constitute a proportionate initial response (that is, alternative less interventionist measures should be considered and their implementation monitored first). Further detail can be found in the Consultation Paper.

Question 5a. Do you agree with the exclusion of the potential measures (4-6) for the reasons described above? If not, please provide reasoning.

Question 5b. Are there any alternative measures, not discussed that you think should be considered? If so, please provide a description.

Responses

- 2.89 10 of the 11 respondents that addressed this question agreed with the exclusion of the potential measures 4–6 (CoP, ADR scheme and General Authorisation Regime)²¹.
- 2.90 One respondent, P2B, did not agree with the exclusions and commented “the correct approach should be what is ultimately the best end result solution for consumers and all stakeholders and not just what is currently within the vires of the UR”. It suggested further voluntary CoP and ADR scheme exploration.
- 2.91 Respondents suggested alternative measures, not previously discussed within the consultation that should be considered in relation to Retail TPIs. These include:

²¹ The respondent law firm (for the consortium of small-scale generators) responded to Question 5b in the Consultation Paper by making a submission as to measures that could affect Wholesale TPIs. Question 5(b) is about Retail TPI measures. We have included the respondent’s response in our deliberations on Wholesale TPI, and the matter will be specifically addressed at Section 3 of this paper.

- maintaining the status quo (no change) and continue market monitoring as there is a lack of subjective information presented to date detailing any harm being caused to consumers by involvement of TPIs acting on their behalf;
- TPI/Customer Terms of Engagement/TPI Charter provided by the UR (should sit outside of any supplier requirements); and
- direct oversight of TPIs including UR-led TPI registration scheme, a mandatory (or at the very least voluntary) TPI Code of Conduct, and TPI-led commission disclosure directly to customers.

UR Comment

- 2.92 The vast majority of respondents supported the exclusion of Measures 4–6, citing limitations in our vires and constraints within the current market framework.
- 2.93 Whilst it is our intention that the proposed measures introduced through this process will offer a sufficient initial support, we will continue to keep the relevance of the excluded measures under review as the market develops.
- 2.94 We acknowledge that alternative measures suggested by respondents may warrant further consideration if deemed to be within our vires. We continue to engage with government departments and stakeholders to ensure that our powers remain appropriate and that the role of the UR continues to evolve as required, maintaining the powers necessary to operate effectively.
- 2.95 We continue to monitor developments in neighbouring jurisdictions and note that subsequent to our Consultation Paper in October 2025, the Department for Energy Security and Net Zero (DESNZ) published its statement²² following last year’s consultation on regulating Third-Party Intermediaries (TPIs). DESNZ confirmed its intention to introduce direct regulation for TPIs, appointing Ofgem as the dedicated regulator once parliamentary time allows.
- 2.96 We also note that in December 2025, a TPI contacted UR to inform us of its intention to develop an industry-led Energy TPI Trade Association in Northern Ireland. It stipulated that it would work alongside a number of TPIs (and provided letters from nine TPIs).
- 2.97 The group met with UR in February 2026 to present its proposals for a CoP for TPIs operating in the retail commercial energy market in

²² [Written statements - Written questions, answers and statements - UK Parliament](#)

Northern Ireland. The group aims to involve all stakeholders including TPIs and suppliers and will continue to keep UR informed of progress.

- 2.98 As part of our engagement, alongside the publication of this paper we have issued a letter to the Department for the Economy identifying the results of this consultation process including the limitations of UR's vires in relation to TPIs, with a specific focus on the areas where these differ from the GB framework.

UR PROPOSAL: UR maintains that measures 4-6 (CoP, ADR scheme and General Authorisation Regime) would be unsuitable for implementation in Northern Ireland at this time.

3. Wholesale TPIs - Consultation Responses

Background

- 3.1 This Section explores micro/small-scale generators' interaction with Wholesale TPIs as defined in Section 1.16.
- 3.2 This is a new area of exploration. Our Consultation Paper explained that we wanted to develop our understanding of this activity to facilitate consideration of appropriate regulatory interventions (if any).
- 3.3 We now set out the responses to the (relevant) questions asked in our Consultation Paper and our position in respect of relevant matters.²³

Question 6. Are you aware of any issues/concerns impacting micro/small-scale generators through their arrangements with TPIs? If yes, please specify.

Responses

- 3.4 Eight respondents answered this question. Five of the non-confidential respondents stated that they had no knowledge of any issues or concerns with Wholesale TPIs (Click Energy, P2B, Electric Ireland, Advance Energy and Power NI).
- 3.5 Another respondent (Power NI) referred to the limited activity in this Wholesale TPI area.
- 3.6 Other respondents, such as Budget Energy, declined to provide a view and suggested that UR should engage directly with micro and small-scale generators to determine what actions are required.
- 3.7 Two respondents shared concerns in relation to TPIs; one (a law firm representing a "consortium" of small-scale generators) responded directly to this question while another individual small-scale generator provided general comments.
- 3.8 The law firm respondent stated (non-confidentially) that UR was "very aware" of relevant concerns about the conduct of parties to the Market Registration Code (MRC). It expressed surprise that these were not more fully referenced in the Consultation Paper. It further referred to failures in current marketplace arrangements and/or the degree to which these

²³ A summary of responses has been set out under the (Consultation Paper) question considered most apt, noting that all (consultation) respondents may not have followed this presentation format. Non-Confidential Responses have been published alongside this Position Paper. All aspects of consultation responses have been considered even if not specifically mentioned in this Position Paper.

mechanisms were being “proactively” enforced by the UR; making the case that the claimed failures would not be addressed by the measures being proposed in the Consultation Paper (for Retail TPIs).

- 3.9 The law firm’s response to Question 6 has been read in conjunction with the same law firm’s answer to Question 5B. In that Question 5B answer, the law firm claimed that while the MRC “provides for this to some degree” there were “significant” issues with the ability of a small-scale generator to switch supplier (so far as its export through the generator’s Meter Point Reference Number (MPRN) was concerned).
- 3.10 Reference was made to the claimed ability of a licensed supplier to “veto” a switch to a new supplier (taking the small-scale generator “offtake”). A claim was made that the small-scale generator would have to take the relevant supplier to court to compel the transfer of the MPRN where, for example the small-scale generator is not being paid by the supplier or otherwise had no “lawful basis” to “hold” the generator MPRN.
- 3.11 It was suggested that a viable option would be to afford the small-scale generator the entitlement to “switch” with the onus being put on the supplier to challenge that entitlement to “redress the balance”.
- 3.12 One small-scale generator respondent raised concerns regarding Wholesale TPIs, suggesting that suppliers are not adhering to licence conditions or the MRC as they are not entering into a contract directly with generators. It also suggested issues about a generator’s ability to switch noting that “generators should have full control of their MPRN and [...] should be allowed to terminate if we so wish and not at the mercy of the licensed supplier in case they decide not to release us”.

UR Comment

- 3.13 We deal here with the reference to the law firm’s consultation response to the concerns raised by the consortium of small-scale generators about the conduct of parties to the MRC.
- 3.14 UR has engaged in comprehensive correspondence (over a period of years) on the concerns raised by these small-scale generators. This has resulted in a final decision with which the generators do not agree.
- 3.15 UR has also engaged in detail with political representatives (of the small-scale generators) on the matter of the concerns raised by these small-scale generators.
- 3.16 We recognise that the represented small-scale generators are not satisfied with how UR has addressed their concerns. It is not appropriate to make further comment on the subject in this position paper.

- 3.17 Moving to the representations on “market failures”, we do not consider that the relevant arrangements demonstrate an identified lack of appropriate regulatory protections.
- 3.18 We do not accept that the licensed supplier has a “veto” over MPRN “switching” between suppliers. The law firm’s consultation response admits as much when it states that a relevant action is available in court proceedings (albeit at a cost).
- 3.19 Furthermore, we consider that our general enforcement powers²⁴ would be available in circumstances where it was established to UR’s satisfaction that a licensed supplier was (or appeared to be) holding on to a generator nomination in circumstances where it has no “lawful basis” to do so. We note here the provisions of Section 18.2 of MRC and the associated provision in the related Market Procedure (MP NI 7²⁵).
- 3.20 We do not consider that a small-scale generator should be allowed to “terminate” a supplier nomination of the generator’s MPRN “if they wish”. General commercial obligations should be respected. The case for the grant of a unilateral entitlement of the type mentioned is not made out or justified.
- 3.21 For clarity, we see no merit in pursuing the suggested option of granting the small-scale generator a presumptive right to switch, leaving the aggrieved supplier to establish its entitlement to nominate. Any change of this type would introduce the potential for confusion and material uncertainty into nomination arrangements.
- 3.22 Overall, we consider that the present arrangements reflect an appropriate balance of arrangements/protections when viewed in the context of our available enforcement powers.

²⁴ To include our power to issue a timely provisional (enforcement) order under Art 45 of the Energy (NI) Order 2003 (where satisfied that the statutory conditions for making such an order are in place).

²⁵ [Market Procedure \(MP NI 7\)- Generator Nominations](#)

Question 7. Do micro/small-scale generators require regulatory protection when engaging with TPIs in the energy market in Northern Ireland? Please provide any information to support your answer.

Question 8. If you answered yes to Q7, what regulatory protections do you feel would benefit micro/small-scale generators in Northern Ireland? Please provide examples to support your answer where necessary.

Question 9. Do you think that any of the potential measures outlined in Section 3 in relation to Retail TPIs could or should be considered for application to Wholesale TPI operations? Please provide any information to support your answer.

Responses

- 3.23 Certain respondents did not support additional regulation (Power NI, Click Energy, P2B, and Advance Energy), nor did they think that any of the potential measures outlined in Section 3 in relation to Retail TPIs could or should be considered for application to Wholesale TPI operations.
- 3.24 One respondent (Power NI) referred to the limited activity in this Wholesale TPI area.
- 3.25 Advance Energy stated that owners of small-scale generators are “generally well-informed and tend to compare offers between TPIs and power companies to secure the best terms”.
- 3.26 P2B commented on the importance of the TPI role and that it “should be encouraged and supported and would encourage UREGNI to not place barriers to entry through unnecessary regulation”.
- 3.27 Two suppliers indicated that they would support regulatory intervention if deemed necessary, despite being unaware of any issues or concerns impacting micro/small-scale generators.
- 3.28 SSE Airtricity commented that the principle of evidence-based intervention should apply equally to micro/small-scale generators: “the Trading Standards Service (TSS) holds vires to directly intervene to promote fair trading, protect consumers and ensure compliance with the law[...]where there is evidence that these consumers are affected by malpractice, proportionate action should be taken directly with the TPI through the TSS under the current regulatory framework”.
- 3.29 Electric Ireland shared that although it doesn't engage with TPIs in this space, it welcomes the regulatory protection for all customers engaging with TPIs.
- 3.30 Budget Energy suggested that UR should engage directly with micro and small-scale generators to determine whether additional regulatory

protections are required as “suppliers are not involved in, nor do they have oversight of, TPI arrangements and therefore cannot be responsible for enforcing or monitoring compliance in this area”. However, it would support consideration of potential measures 1-3 (Information on Third Party Costs, information and awareness, monitoring and reporting) that we have presented for Retail TPIs provided that regulatory focus remains on TPIs themselves.

- 3.31 The law firm representing a consortium of small-scale generators stated that micro/small-scale generators currently require regulatory protection when engaging with TPIs in the energy market in Northern Ireland. It referred back to its response to Question 6.
- 3.32 Reference was again made to the concerns about the conduct of participants to the MRC. It was contended that many TPIs typically have much more industry experience and are capable of misleading small-scale generators by offering fixed or opaque pricing mechanisms without price visibility.
- 3.33 Several suggested changes were proposed to deal with the claimed circumstances:
- (a) Prohibiting Agency Agreements for small-scale generation:*
- 3.34 Introducing a licence obligation to prohibit suppliers from contracting micro/small-scale generation through TPIs where the TPI is acting as a “commercial agent” (with “broker” engagement remaining permitted and commission payable to brokers being directly set out on broker contracts).
- (b) More rigorous enforcement of existing MRC provisions:*
- 3.35 Reference was made to Northern Ireland Electricity Network’s (NIEN’s) obligation under the MP NI 7 to notify an affected generator that its MPRN export has been “switched” to a new supplier.
- 3.36 It was claimed that Wholesale TPIs can have their MPRN switched without their “knowledge or approval” if notification of “switch” is not performed by NIEN. It was suggested that “direct” contact details for generators should be collected as part of a “generator nomination” so that generators can be contacted and can be “notified directly” (so increasing transparency). It was further suggested that UR should take steps to “more rigidly” require NIEN to meet its notification obligations under MP NI 7.
- 3.37 A related amendment to the current MRC was also proposed to require generators’ express consent for switching.

- 3.38 A further claim was made in respect of conduct by parties to the MRC that was alleged to be outside that allowed by the MRC arrangements²⁶.
- (c) Considering the current mechanisms for supplier switching:*
- 3.39 Reference was made again to the claimed “veto” enjoyed by “bad actor” suppliers. It was conceded that this issue went beyond small-scale generator interactions with Wholesale TPIs.
- 3.40 It was further claimed that the time lag between an aggrieved small-scale generator acting (in legal proceedings) against a bad actor supplier (facing financial difficulties) could result in the generator dealing with an insolvent supplier.
- 3.41 It was suggested that an urgent dispute mechanism could be established potentially through a licence modification to the supplier licence. It was accepted that this – if pursued – would require a separate consultation.
- 3.42 Another means of addressing things would be the amendment to the MRC already mentioned hereby the generator would be presumptively entitled to nominate a switch with the supplier being left to “challenge” that.
- 3.43 It was suggested that suppliers have an ‘effective veto’ over the switching of small-scale generation between suppliers which leaves a situation where the only option a small-scale generator, who is not being paid for their power (by the supplier as agreed contractually), has in terms of effecting that switch is to bring legal proceedings. Implementation of a separate mechanism was suggested for generators to raise urgent disputes with UR and make appropriate amendments to licence conditions. It also suggested an amendment to the MRC to allow generators to switch by initiating the process and placing a nomination (which suppliers could then challenge).
- 3.44 One small-scale generator respondent made general comments which indicated that micro/small-scale generators currently require regulatory protection when engaging with TPIs.

UR Comment

- 3.45 Responses to both our supplier information request and our Consultation Paper showed that Wholesale TPI operations appear to be at a low level within Northern Ireland. Only one supplier²⁷ said that it engaged in this type of contract and it accounts for only a small amount of its demand.

²⁶ UR is aware of these matters.

²⁷ Not all licensees responded to the Information Request and therefore we are unaware if they are also using TPI arrangements.

Responses to the Consultation provided limited evidence of concerns or support for additional regulatory protections.

- 3.46 Most consultation responses did not identify the requirement for any additional regulatory protections for micro/small-scale generators dealing with Wholesale TPIs.
- 3.47 Concerns, including an associated proposal for additional regulation, were raised by the respondent law firm (representing the consortium of small-scale generators) and (in less detail) by the single respondent small-scale generator.
- 3.48 We respond to the detailed responses made by the respondent law firm in response to Question 7 (through Question 9²⁸) as follows (tracking each of the changes proposed) followed by a brief comment in response to the short consultation response(s) of the single small-scale generator.

(a) Prohibiting Agency Agreements (and related broker commissions)

- 3.49 We do not consider it appropriate to progress this proposal. MRC 18.2 permits (relevant) contracts between small-scale generators and licensed suppliers (for MPRN offtake) to be arranged with the assistance (i.e. through the agency) of a Wholesale TPI. We see no basis upon which we should preclude small-scale generators and suppliers from using the commercial services of TPIs as agents for small-scale generators; arrangements that might commercially benefit small-scale generators. It is not clear to us how imposing any such requirement would align with our principal objective to protect the interests of consumers.
- 3.50 As we have noted above, we consider that if suppliers are nominating where they have no lawful basis to do so (when arrangements are made through the agency of a Wholesale TPI) this can be suitably addressed by normal private law actions and/or requisite exercise of our enforcement powers so that there is no identified gap in suitable protection for small-scale generators in interactions with TPIs.
- 3.51 It follows that we see no proper basis in pursuing the suggested (related) restrictions on “broker” commissions.

(b) More rigorous enforcement of existing MRC provisions

- 3.52 We do not consider it appropriate to comment in detail (here) as to the suggestion that UR is not being rigorous (or “rigid”) enough in enforcing MRC obligations.

²⁸ The law firm responses to Question 8 and Question 9 referred to the answer to Question 8 and made no comment (respectively).

- 3.53 However, we would disagree with the suggestion that relevant (MRC) obligations are not being “enforced” with sufficient rigor. No evidence is provided to support this suggestion. We have a robust system of compliance and enforcement arrangements in place and expect all licensed entities to comply with regulatory obligations. That includes the obligations placed on participants (like NIEN) to the MRC arrangements (to include the MP arrangements).
- 3.54 We can confirm that changes were made in Spring 2025 to the nomination forms (associated with MP NI 7) used by NIEN, providing for enhanced contact arrangements between NIEN and relevant small-scale generators in relation to the processing of MPRN export nominations made by suppliers. Those changes will add to the protections available under MRC related procedures.
- (c) Express consent for switching*
- 3.55 We do not consider that we should progress this proposal.
- 3.56 The current Section 18.2 of MRC (when read with MP NI 7) does not require the express consent of the small-scale generators to switch as part of the notification requirements under MP NI 7.
- 3.57 We have not identified a relevant gap in protection in the call for express small-scale generators consent to “switching”. We refer to our comments (above) about (a) the ability of an aggrieved small-scale generators to take court action where it is asserted that a nomination of MPRN (offtake) has been made by a supplier (absent a lawful basis to do so) and (b) the potential exercise of our enforcement powers (to include the potential making of a provisional enforcement order).
- (d) Current mechanism for supplier switching*
- 3.58 We have addressed the claimed “veto” above. We do not (for the reasons expressed) consider there to be an identified gap in protection.
- 3.59 We assess there to be no need to identify the proposed urgent dispute resolution facility. We consider that commercial disputes of this type are and can be best resolved through litigation and, where considered appropriate, by the exercise of our enforcement powers as referred to above.
- 3.60 We also assess – for the reasons given above – that there is also no need to “reverse²⁹ the power dynamics” (by introducing a presumptive entitlement) by amendment to the MRC to require a small-scale

²⁹ We note the use of the word “reverse” which we observe seems to suggest that the law firm respondent is not arguing for a balanced set of arrangements but instead one that is tilted in favour of the small-scale generators.

generator to nominate a new supplier (which an aggrieved supplier could then challenge). There is no gap in protection in this regard.

- 3.61 We agree with the single small-scale generator respondent where they state that a licensed supplier must (as per MRC 18.2) be in contract with the licensed generator (providing for relevant offtake via the MPRN). However, we also consider (as stated above) that the MRC permits relevant contracts to be made through the agency of a Wholesale TPI and there is no need to preclude such a commercial arrangement through regulatory intervention.
- 3.62 We disagree with the statement made by the single respondent that UR carried out “no checks”. We have a robust compliance framework and monitoring arrangements in place across all licensees³⁰.

(e) The MRC arrangements

- 3.63 We should note, for completeness and information, that changes to the MRC (where considered appropriate) can only be made in accordance with Condition 29 of the distribution licence held by NIEN and where appropriate the change provisions of schedule 5 to the Code (in each case involving a wider consultation where appropriate). Our Position Paper conclusions mean that UR sees no need to institute a review of any related change to the MRC or motivate consideration or discussion (by the Participants to the MRC) of schedule 5 type changes to the MP documents (like MP NI 7).

Next Steps regarding Wholesale TPIs

- 3.64 We are for the reasons explained unable to identify gaps in the regulatory protections available to small-scale generators engaging with Wholesale TPIs that need to be further considered for potential regulatory intervention. Instead, we propose to monitor how the Wholesale TPI market develops and further ensure that micro/small-scale generators engaging with TPIs remain adequately protected. Supplier reporting will be requested via a repeat of our supplier information request in 2027.
- 3.65 This is in accordance with our statutory duties to monitor the wholesale market and keep the development of the retail energy sector in Northern Ireland under review. This information will allow us to make comparisons as to how the TPI market has developed in recent years and monitor changes over the coming years.

UR PROPOSAL: UR does not propose any regulatory change but will repeat a supplier information request in 2027 in order to monitor how Wholesale TPI operations have changed over time.

³⁰ [Utility Regulator compliance framework licensee instructions and guidance | Utility Regulator](#)

4. Next Steps

- 4.1 This Section sets out our proposed next steps in relation to both Retail TPIs and Wholesale TPIs, followed by summary table of the measures being implemented. We consider that the implementation of these measures will empower consumers to engage with TPIs with confidence.

Retail TPIs

Implementation of Measure 1: Information and Awareness

- 4.2 UR will establish a programme of information and awareness which will include publication of TPI information on our website in Quarter 2 2026, aiming to boost consumer awareness and understanding of TPI operations, informing consumers of their rights and support that is available. This information would be subject to review periodically and updated/revised when required.
- 4.3 This TPI information on the UR website will then be promoted via collaboration with appropriate stakeholders such as suppliers, business and consumer representative organisations, and advice agencies, to ensure that TPI information is provided to relevant consumers and shared widely. This information will be promoted throughout using social media platforms and relevant stakeholder engagement sessions such as the Non-domestic Energy Forum which is held quarterly.

Implementation of Measure 3: Information on Third Party Costs

- 4.4 Implementation of Measure 3: Publication of information on Third Party Costs will be implemented via licence requirement for suppliers to publish Third Party Costs on a customer's Principal Terms and upon request.
- 4.5 A combined publication cost structure will require publication of both a lump sum for contract duration and a cost per unit, where the commission forms part of the unit price of energy, or a cost per day where it forms part of a daily standing charge.
- 4.6 Therefore, alongside this Position Paper, we have published our statutory notices for electricity and gas suppliers with the proposed new licence conditions under Article 14(2) of the Electricity (Northern Ireland) Order 1992 and Article 14(2) of the Gas (Northern Ireland) Order 1996.
- 4.7 These notices will consult on a licence modification which implements a requirement for suppliers to publish Third Party Costs on a customer's Principal Terms and upon request. This will be published in a combined

publication cost structure and will require publication of both a lump sum for contract duration and a cost per unit.

- 4.8 These notices are issued as part of the statutory consultation process and we intend to publish our final licence modification decisions in Q3 2026 to implement the new licence conditions by Q4 2026. Following this, we will be monitoring suppliers' compliance with this licence condition and intend to take enforcement action should suppliers fail to comply.
- 4.9 We will monitor the effectiveness of the licence changes in delivering fair and appropriate protections to consumers on an ongoing basis. If we identify any gaps or areas for improvement, then a consultation will be carried out on any potential changes.

Wholesale TPIs

- 4.10 UR does not propose any regulatory change but will repeat a supplier information request in 2027.

Table 1: Summary of Measures and UR positions (Retail TPIs)

Measure	Proposal to progress	Implementation methods
Proposed strategic aim, objectives and scope in relation to this TPI project (as set out in Section 1 of this Position Paper).	✓	N/A
Measure 1: Development, publication and promotion of relevant Retail TPI information on UR's website.	✓	Publication of TPI information on UR's website by Quarter 2 2026.
Measure 2: Implementation of enhanced monitoring and reporting of TPI activity to include supplier reporting and stakeholder engagement.	✗	Current monitoring and reporting processes are deemed sufficient and will remain in place.
Measure 3: Suppliers to publish information on Third Party Costs (in an appropriate format such as on consumer bills and/or in Principal Terms of the contract or both).	✓	New licence requirement for suppliers to publish Third Party Costs on a customer's Principal Terms and upon request. A combined publication cost structure will require publication of

		both a lump sum for contract duration and i) as a cost per unit, where the commission forms part of the unit price of energy, or ii) a cost per day where it forms part of a daily standing charge.
Measures 4 – 6: Exclusion of the potential measures (4-6); CoP, ADR scheme and General Authorisation Regime.	✓	N/A

Glossary

Term	Description
ADR	Alternative Dispute Resolution
CfE	Call for Evidence
CfI	Call for Input
CoP	Code of Practice
CPP24	Consumer Protection Programme 2024-29
FAQs	Frequently Asked Questions
FOIA	Freedom of Information Act
GB	Great Britain
LOA	Letter of Authority
MEC	Maximum Export Capacity
MP	Market Procedures
MRC	Market Registration Code
NIEN	Northern Ireland Electricity Networks
P2B	Power 2 Business
PPA	Power Purchase Agreement
QDSS	Qualifying Dispute Settlement Scheme
SEM	Single Electricity Market
TSC	Trading and Settlement Code
TSS	Trading Standards Service
The Consumer Council	The Consumer Council for Northern Ireland
TPI	Third Party Intermediary
UIA	The Utilities Intermediaries Association
UR	The Utility Regulator