

# PUBLIC VERSION

We are writing in relation to the above consultation, referenced [here](#).

We were not aware of the previous consultation and are pleased to have the opportunity to respond to this one, before final decisions are made.

We wish to oppose the proposed revocation of the Order on 2 grounds.

Before we detail the 2 grounds, it is worth recapping on the intention behind the original Order. The CMA found adverse effects on competition (AECs) that related to Weak Customer Response. Part of the cause of that was Customers facing actual and perceived barriers to accessing and assessing information. At the time of the Orders, the competition in the market that was primarily considered was between energy suppliers and the supply of gas and electricity. Since then, however, energy products and services have started to expand in scope. We now have, for example, Demand Flexibility Services (DFS) that can be provided to Consumers either via energy suppliers or Registered DFS Providers. You can see these [here](#).

This has meant that the purposes for which Consumers need energy information is now broader than what was originally considered by the CMA and that the role of the Third Party Intermediary (TPI) is no longer just between the Consumer and Energy Supplier but can be between the Consumer and other market participants, such as the National Grid ESO.

In this context, our 2 grounds are as follows:

## Ground 1

RECCo has incorporated your Order into the REC Code on a literal basis rather than being “in the spirit” of what the Order was seeking to solve. This means that data access is only provided to a Price Comparison Website (PCW) for the purposes of comparison and switching and/ or only to a TPI who is sitting between a Consumer and an energy supplier.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

If the Order remains as it is, we feel that this puts pressure on RECCo and other industry parties to act and make decisions in accordance ***with the intention*** of the Order - to unlock access to industry data for Consumers to enable them to engage in the energy market, all products and services related to managing and optimising their energy requirements, and to create and support a competitive market.

**Ground 2**

ECOES and Elexon data can be obtained from sources other than RECCo. [REDACTED]

[REDACTED]

[REDACTED]

For these reasons, we would be grateful if you would leave the Order in place at this time.