

United Utilities response - Draft rules of procedure and guidance for water redetermination references. September 2024

United Utilities welcomes the proposal to publish industry specific guidance as this provides within the draft additional clarity and greater flexibility. Given the potential complications relating to the timescales of any challenge to PR24 final determinations anything that can be done to clarify and streamline the process is to be supported. Nearly all facets of the proposed guidance appear to either maintain the previous position or improve clarity.

One element of the rules that seems to be a change allows some flexibility on whether to publish provisional findings for consultation. CMA17 appears to require that provisional findings are published and that they will be consulted upon. The draft water redetermination reference rules CMA204con states that the group will “normally issue” provisional determinations for consultation, therefore giving scope for the provisional determination not to be published and consulted upon.

While we appreciate that there could be circumstances where a provisional publication and consultation may not be appropriate, we strongly support the publication of provisional findings, allowing consultation, in nearly all circumstances. Therefore, we would suggest that within the rules, or accompanying guidance, it be made clear that it would only be in rare circumstances, particularly if there were little complexity, or challenge to the conclusions, that there would be no consultation prior to final determination. Consultation at this stage provides an opportunity to identify any material inaccuracies that can occur following such a concentrated and complex process.