From: [REDACTED]
Address: [REDACTED]

7 September 2026

Sent by email from [REDACTED] to: MarketsRemediesStrategicReview@cma.gov.uk

Dear Sir/Madam,

Domestic Bulk LPG Market Investigation (Metered Estates) Order 2009

I am writing in response to the CMA's provisional decision, published 12 August 2026, to retain the Domestic Bulk LPG Market Investigation (Metered Estates) Order 2009 without amendment.

As a Metered Estate Manager, I have raised concerns about the 2009 Order since September 2023 (CMA231757-1). In particular, the unanimity requirement at paragraph 22.6(d) is an undemocratic barrier to the switching process that works against the best interest of consumers. As set out in my letter to the CMA Chief Executive of 18 June 2026 (attached), it means 40 residents cannot switch to a cheaper supplier, because two have declined to agree, based on a misunderstanding of legal process. Over two years, this will add £250 on average to gas bills, with some social housing residents unable to afford winter heating. I ask you to find a way to address the issue within your October decision.

1. The provisional decision does not engage with the specific issue raised

Section 22 of the provisional decision records only two consultation responses — from Calor Gas and Liquid Gas UK, both representing suppliers. No other resident, estate manager, or consumer body responded within the original March timescale. The analysis at paragraphs 22.8–22.10 addresses tank-transfer logistics and investment incentives; it does not mention the unanimity requirement at all. I would ask that my correspondence with the CMA between June and 27 July 2026 (attached) now be treated as a substantive submission to this consultation, and that the unanimity mechanism specifically — not just the Order as a whole — be assessed on its merits.

2. The Order is being treated as monolithic, unlike other remedies in this review

Elsewhere in the same review, the CMA has varied specific Parts and Articles of other Orders while retaining the rest. No equivalent provision-specific assessment has been applied to the 2009 Order's unanimity requirement.

3. The evidential basis for retention is one-sided and limited

The only evidence considered comes from parties with a commercial interest in the status quo. Following my initial request under the Freedom of Information Act on 29 April 2026 for outcomes of switching requests, declined on grounds that identifying specific companies is prohibited (ref IAT-FOIA-1764), I appealed, asking for anonymised, aggregate switching statistics. This was declined on similar grounds (ref IR/136-26) despite section 241 of the Enterprise Act 2002, which enables voluntary and public-interest disclosure in carrying out CMA functions. Even if disclosure under section 241 remains discretionary, the CMA has given no public-interest justification for declining to exercise that discretion, despite the data being directly relevant to whether this Order is achieving its purpose. It stretches belief that there is no public avenue to test whether the Order is effective in stimulating competition and enabling supplier switching. I ask again that this data be considered, and made available in anonymised form, both for the final decision and in future.

4. The CMA's power to act, and the Government's position

Paragraph 1.9 of the provisional decision confirms the CMA's power for this review derives from sections 162(1)–(3) of the Enterprise Act 2002 — a different, and on its face broader, basis than section 162A(7)–(8), which the CMA's Director of Markets cited to me on 5 August 2026 as the reason it could not vary the unanimity requirement.

I separately wrote to the Department for Energy Security and Net Zero on 16 April 2026, raising whether a majority threshold could be introduced to permit switching on metered estates. DESNZ's response of 7 May 2026 (attached) confirmed there are no plans for legislative change, and that competition and consumer protection matters, including this Order, are for the independent CMA. DESNZ is separately funding £53m in targeted support for low-income households heating with oil or LPG — so the Government's inaction here is not from a lack of concern for this group, but a view that the tools to fix it already sit with the CMA.

Given this, I would ask the CMA to confirm:

(a) whether it considers section 162(4)(bc) of the Enterprise Act 2002 (as inserted by the DMCC Act 2024) gives it the power to vary the unanimity requirement, and if not, why not; and

(b) if the CMA considers it lacks the power under any provision, whether it intends to raise this with DESNZ, given DESNZ's position that this is a matter for the CMA.

Conclusion

I ask that the final decision specifically address the unanimity requirement on its own merits, taking into account the correspondence and evidence gaps referred to above. Given that the CMA's position to date appears to rest on its interpretation of its legal powers rather than the merits of the switching question itself, I reserve the right to pursue this matter further, including by way of an application to the Competition Appeal Tribunal, should the final decision not engage with this issue.

Yours faithfully,

[REDACTED]

Appendix 1 Emailed submissions to the CMA