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Market Monitoring Consultation
Ofwat
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10th February 2017

Dear Ofwat,

Monitoring the Business Retail Market from April 2017

Thank you for the opportunity to respond to this consultation.

As a wholesaler participating in the market, we will be interested in the performance of the retail market and how it works for customers and market participants. We remain committed to ensure we do everything we need to facilitate the business retail market operation and maintain a level playing field for all of our retail customers. We consider that most of the issues raised in the consultation are primarily matters for Ofwat and participating retailers, and as such we do not offer opinions on the best way to proceed.

We will be particularly impacted by the issues raised in question 8, on the sharing of relevant information in line with confidential and competition law requirements. We agree that it is important to balance the benefits of making information about the market available in a transparent way against the need to protect personal data, confidential data and commercially sensitive information, as well as ensuring that the method in which it is shared is competition law compliant. As Ofwat acknowledges, it is appropriate to take into account the potential for increased transparency to facilitate anti-competitive outcomes within the market, including potential collusion.

To achieve this, Ofwat should consider that any monitoring data made publically available should be aggregated and anonymised in accordance with the standard principles typically applied to cross-industry information exchange and publication. The way in which the data sets might be used by market participants should also be taken into account as part of the risk assessment, including in relation to individual pieces of data, as well as the data set as a whole.

Whilst we can see the benefits in having live and up-to-date data, we note that in previous competition law decisions the sharing of current data has been more problematic than the sharing

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of historic data. Obviously, this is also influenced by the nature of the data in question, but this should form part of Ofwat's considerations.

Providing that Ofwat is satisfied that these risks can be adequately addressed, then we are supportive of the range of means for publication of the information.

We hope this response is helpful, please let us know if you would like to discuss further.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'K. Hutton', with a long horizontal flourish extending to the right.

Keith Hutton
Director of Strategy and Regulation