

[REDACTED]
23rd October 2023

Dear Sir/Madam,

CPCoP Tranche 1 Consultation

Thank you for providing us an opportunity to comment on Ofwat's proposed amendments to the Customer Protection Code of Practice ("CPCoP"). The CPCoP represents a critical aspect of the regulatory framework in the Non-Household Retail Market, and therefore we welcome the opportunity to consider potential changes and provide relevant feedback and assessment. We have considered the changes included within the Tranche 1 consultation, and broadly support all proposals with only some concern regarding one proposed change.

We strongly support the proposals to 'update the email address Change Proposals should be sent to', remove 'requirements linked to COVID-19' and providing 'clarification that "the Authority" and "the Council" are Ofwat and the Consumer Council for Water respectively'. These changes represent clear improvement to the existing CPCoP, with minimal potential for unintended consequences. In particular, we would note that the amendment to remove references to COVID-19 will provide clear benefit to the market and Customers as its continued inclusion in the CPCoP has led to some recent confusion.

Our slight reservations amongst the proposals appear in relation to the proposal to remove the requirement for a formal consultation when making 'non-substantive changes' to the CPCoP. In principle, there are clear cases when such an outcome would be appropriate (for example, the updating of the appropriate email address above) however it is not certain that any definition of 'non-substantive' would align to market expectation and it is possible that a non material change for most in the market might have a more material impact on others. We welcome the consideration of a process to enable Retailers to challenge any such change within 20 calendar days of the decision notices publication, however we remain concerned that following any such challenge remains subject to Ofwat's decision making. We believe there should be some process whereby Trading Party challenge automatically leads to a consultation period (provided that the claim is not vexatious), particularly where multiple entities identify that a change is substantive.

We would note that there will need to be a higher level of visibility and communication of changes made outside of a consultation process, as currently these consultations additionally act as notice of potentially upcoming change. For example following the 20 calendar day period of 'challenge' then a further notice is given that the change is to come into effect. It is critical that Trading Parties remain well informed on any upcoming changes to such a critical market document, and clear communication and sign-posting will be required to ensure there is opportunity to raise any challenge on the substantiveness of proposals.

We remain keen to engage with Ofwat throughout the review of the CPCoP, and in particular are eager to discuss the wider and more complex changes that will be considered in Tranche 2 of this process. Do not hesitate to get in contact with myself or the Regulation Team (Regulation@waterplus.co.uk) if you wish to discuss any aspect our response in any greater detail.

Thank you and regards,

[REDACTED]
Regulation Manager
[REDACTED]