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Dear Mr Fare

Which? response to Ofgem consultation on the implementation of the CMA's Whole of Market recommendation

Which? supports the proposal to remove the Whole of Market requirement from the Confidence Code. This will remove artificial barriers to competition and provide more flexibility to Price Comparison Websites (PCWs). For example, it will avoid the initial results page of a PCW becoming 'crowded out' by a supplier with numerous tariffs, and will allow PCWs to work with suppliers to offer more competitive rates. Additionally, The Behavioural Insights Team noted in their 2016 report *Applying Behavioural Insights to Regulated Markets* that 'choice overload' in energy switching, and the complexity of PCWs, equates to poorer decisions.

Ofgem's minded-to option includes a requirement for PCWs that only have a partial view to link to the Citizen's Advice Comparison Tool (CACT). This may have unintended consequences; Citizen's Advice are not under a legal obligation to maintain the CACT and may alter or remove it.

Additionally, the CACT does not allow for direct switching. This could be a barrier to PCW users actually completing a switch. While the minded-to approach was tested by Ofgem in 2017, the results are not publicly available. The only conclusion that Ofgem have made public from this testing is that the approach would not undermine PCW investment.

We think that consumers would be better served by a requirement for PCWs that only have a partial view to link to any PCW that defaults to a wide results view, rather than specifically to the CACT. If Ofgem maintain the proposed prescriptive approach, further testing should be undertaken on whether a PCW that does not enable direct switching affects the number of successful switches.

A robust audit approach may be more appropriate than an ongoing testing requirement, but it would be necessary to maintain confidence that consumers eligible for 'social tariffs' (including the Warm Home Discount) are aware of how to access these if they are not shown on a PCW. Similarly, customers with restricted meters, for which PCWs do not currently support switching, should still be provided with clear information on how they can switch. It is important that Ofgem maintains confidence this is the case. Ofgem should release the results of testing already undertaken to allow for informed feedback ahead of coming to a final decision.

The logo for 'Which?' is displayed in white text on a red square background.

An evaluation of recent changes to the energy sector against the CMAs proposals should be initiated by Ofgem to test and measure if remedies are achieving their proposed aims, in particular if competition and consumer engagement are increasing.

Yours sincerely,

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