

Guidance

Selling Electricity to Consumers: What Are Your Options?

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Ofgem’s Innovation Link team frequently speak to people who want to enter the retail electricity market with non-traditional business models to sell electricity to customers. This guide, replacing guidance initially issued in 2017, provides an overview of the main options available for selling electricity and the key regulatory issues which they need to consider.

Normally, supplying electricity requires a licence and to do so without one is illegal. However, in certain circumstances, which we cover in this guide, you may not need a supply licence. The guide explains key aspects of electricity supply and licensing rules and where to find more information.

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Using this Guide

1. This guide is for early-stage innovators considering entering the electricity supply market.
2. We recommend that everyone starts by reading the setting the scene section. You may then wish to focus on the particular sections relevant to you as set out in the table below.
3. Everyone looking to sell energy to domestic consumers should read the section on What and How Much You Can Charge a Customer.

What do you want to do?		Look at these sections
Sell electricity over the public network to consumers		<ul style="list-style-type: none"> • Licensed supply • Licence Lite • White Labels
Sell electricity as part of a community energy scheme		<ul style="list-style-type: none"> • Exempt supply • Licensed supply • Licence Lite • White Labels
Supply electricity you generate to a single building or site		<ul style="list-style-type: none"> • Exempt supply • Licence Lite • Slewing
Re-sell electricity which you have bought from a licensed supplier		<ul style="list-style-type: none"> • Exempt supply
Supply less than 5MW of energy you generate to your own sites		<ul style="list-style-type: none"> • Exempt supply • Slewing
Facilitate Peer to peer trading		<ul style="list-style-type: none"> • Licensed supply • Licence Lite • Exempt supply • Slewing
Provide electric vehicle charging services		<ul style="list-style-type: none"> • Licensed supply • Licence Lite • Exempt supply • Non-supply activities

Setting the Scene

4. The GB electricity system is a complex, real-time arrangement of participants generating, transmitting, distributing, storing, supplying and consuming power. The system is established to provide a competitive electricity market. Many of the arrangements focus on financial operations as well as physical infrastructure.
5. Market participants, such as electricity suppliers, are supported by a wide array of actors building, maintaining and servicing the physical and virtual infrastructures necessary for the system's successful and continued operation. In order to protect consumers, energy system participants who want to sell electricity to consumers are generally required to hold an electricity supply licence under the Electricity Act 1989. Ofgem oversees and administers the granting of supply licences in GB. We and government set the rules which suppliers must follow.

What is Supply

6. Supply is defined in the Electricity Act 1989 as the "supply to premises in cases where - (a) it is conveyed to the premises wholly or partly by means of a distribution system, or (b) (without being so conveyed) it is supplied to the premises from a substation to which it has been conveyed by means of a transmission system."
7. The key considerations here are that supply is undertaken across electrical lines (wires) to a consumer's premises. The Act goes on to define 'premises' as any "land, building or structure".
8. Anyone looking to supply or sell electricity to consumers needs to understand that the regulatory framework and the roles of retailers flow from these definitions. These definitions apply to the different types of supply allowed by law (licensed and exempt), and affect the commercial models available to businesses that don't want to become suppliers but do want a retail relationship with consumers.

The Role of Suppliers and Who They Work With

9. The GB electricity retail market operates on a "supplier hub" model. This means that electricity suppliers are the primary interface between electricity consumers and the electricity system. Suppliers are responsible for ensuring that consumers' energy needs are met. This means buying electricity and billing them for the total costs of supply.
10. Suppliers need to ensure that the right contracts are in place to provide services to their customers. Suppliers must appoint qualified agents to maintain metering systems and to process customer data. Suppliers are responsible for registering a meter point with the Distribution Network Operator (DNO) who provides the infrastructure that conveys power to and from the national Transmission Network.
11. Because suppliers sit at the centre of this system, whenever a meter point is connected to the distribution network, and therefore through to the national electricity system, a licensed supplier needs to be involved in the arrangement. Depending on which route you choose for your operations, this could be you if you hold a licence, or could be a supplier you contract with.

12. The supplier is responsible for ensuring that a customer's consumption is properly accounted for by the system, and that the cost of providing electricity to that consumer is paid for. This includes the cost of the actual electricity, a fair share of the costs of transportation and management of the system on a day-to-day basis, and for government mandated environmental and social programmes.
13. The range of obligations a supplier has will also depend on the type and number of customers they have. Many of the rules apply only when supplying electricity to households (domestic consumers), others only apply when selling to micro-businesses, or apply differently when selling to large industrial and commercial users.
14. Suppliers who operate under the electricity exemptions regime have fewer obligations than those required of licensed suppliers. However, in some scenarios exempt suppliers may need to buy services from licensed suppliers to make their supply happen. White Labels and those using Sleeving arrangements need to be mindful that the licensed supplier providing services remains subject to the obligations of the supply licence and will likely want to ensure that these obligations are covered in the commercial arrangements: for example, passing on the costs of government schemes.

Selling Electricity to Consumers

15. There are a range of options available to organisations that are looking to sell electricity to consumers. You should make sure you understand which category you will fall into, as each has different rules and obligations attached to it. The options are summarised in the table below.

Option	Features
Licensed supply	<ul style="list-style-type: none"> • If you became a licensed supplier you would need a licence granted by Ofgem to permit the supply of electricity to domestic and / or non-domestic premises in GB. • As a licensee you must become a party to and comply with the relevant industry codes. • Your responsibilities include consumer protection, social and environmental obligations. • Suppliers with a domestic supply licence are required to offer terms to all domestic consumers that make a valid request. • You may apply for a restricted supply licence (by geography or premises type).
Licence Lite supply	<ul style="list-style-type: none"> • As a Licence Lite supplier you would apply for a supply licence and request Ofgem approval <u>not</u> to become party to <u>some</u> of the industry codes. • Some of your code responsibilities would be delivered via a commercial relationship with another licensed supplier. • As a Licence Lite supplier you remain fully licensed and responsible for compliance with all other elements of your licence.
Licence exempt supply	<ul style="list-style-type: none"> • Legislation allows supply without a licence up to certain thresholds and in particular circumstances. • As an exempt supplier you may need to make arrangements with a licensed supplier to perform industry-compliant functions relating to connecting to the wider network.
White Label	<ul style="list-style-type: none"> • Under a White Label arrangement you would partner with a licensed electricity supplier for them to offer branded tariffs on your behalf. • Licence requirements, including code compliance and consumer protection, sit with the licensed supplier.
Sleeving	<ul style="list-style-type: none"> • The licensed supplier provides commercial peer-to-peer services, allowing you and your partners and / or customers to trade energy over the public network (both as generator and consumer(s)). • Often used by organisation with own-generation on one site seeking to supply load on another site across the public network.
Non-supply activities	<ul style="list-style-type: none"> • There may be circumstances where your organisation sells electricity but this does not involve “supplying electricity via electrical wire to a premises” and therefore does not meet the definition of supply in the Electricity Act 1989.

Licensed Supply

16. The option which allows you to do the most in the market is becoming a licensed supplier. This also comes with the most obligations.
17. The standard electricity supply licence is available [here](#). We have also produced [a series of licence guides](#), summarising the key requirements for suppliers broken down into key areas for compliance.
18. An electricity supply licence can be given for non-domestic premises (e.g. businesses) or both non-domestic and domestic premises (i.e. households). The electricity supply licence is designed to ensure that licensed suppliers operate within the electricity market in ways that treat customers fairly, facilitate wholesale market trading, deliver real-time system balancing of supply and demand and enable retail competition. Ofgem is responsible for monitoring and enforcing your obligations under the supply licence.
19. The supply licence covers activities including (but not limited to) the sale of electricity to consumers and conditions attached to the licence include both operational and customer-facing requirements.
20. As a supplier, your licence will require you to sign up (“accede”) to a number of industry codes of practice. These codes set out operational and financial requirements on suppliers. Some codes govern how market participants transact financially. In order to ensure that market players will be paid many of these codes have credit cover and collateral requirements.
21. The supply licence is not a static document and is subject to change. Suppliers must ensure they keep abreast of all changes and understand how they could impact their business.

Applying for a Licence

22. Details of how to apply, including guidance for applicants and links to the application forms, can be found [here](#). The guidance sets out the time it may take to process a licence application and the information we need in order to process an application.
23. When a supply licence is applied for we will consider whether the applicant has demonstrated:
 - They have appropriate resources for their proposal to enter the market.
 - They understand their regulatory obligations and have appropriate plans in place to meet these.
 - They are fit and proper to hold a supply licence.
24. It is your responsibility to demonstrate that you meet our criteria for being granted a supply licence. When you apply for a supply licence we will require detailed information from you covering your financial backing, your key people, and your planned operations. We will make a qualitative assessment of this information.

Market Entry Process

25. To begin operating as licensed energy you will also need to qualify under various codes. The key codes with entry requirements are:
 - The Master Registration Agreement - MRA (administered by MRASCo) which requires you to undertake a process called Controlled Market Entry. More information is provided [here](#).
 - The Balancing and Settlement Code - BSC (administered by Elexon) which requires you to undertake a process called SVA Qualification. More information is provided [here](#).
 - The Smart Energy Code - SEC (administered by SECAS) which requires you to undertake a process called DCC User Entry. More information is provided [here](#).
26. All of these entry requirements test that you have the knowledge, IT systems, contracts and business processes to fulfil key obligations under these codes and operate in the energy market. Controlled Market Entry under the MRA includes a period of intensive monitoring of a supplier's activity during which you can only take on a small number of customers, agreed in advance with MRASCo.
27. The process of qualifying under these codes can take up to a year. It is therefore very important that you engage with the relevant code administrators (MRASCo, Elexon and SECAS respectively) well before applying for a licence. You should speak to these bodies as early as possible once you have decided your route to market, and at least a year before you plan to go to market.
28. If you intend to operate under a Licence Lite arrangement (explained below) you will need to speak to your Third Party Licensed Supplier (TPLS) about your expectations for market entry.

Codes

29. The licence sets out your obligations as a supplier in relation to industry codes. The codes underpin the wholesale and retail electricity markets. The table below sets out all current industry codes required by the licence. As shown below, licensed suppliers are required to either become a party to and comply with the codes, or just comply with the codes. Each code has its own code administrator and may have specific market entry requirements:

Codes (party & comply)	Description
Balancing and Settlement Code (BSC)	Governs the arrangements for electricity balancing and settlement.
Connection and Use of System Code (CUSC)	Arrangements and charging methodologies for connection to and use of the national electricity transmission system.
Distribution Connection and Use of System Agreement (DCUSA)	Arrangements and charging methodologies for connection to and use of the electricity distribution networks.
Master Registration Agreement (MRA)	Mechanisms to enable suppliers to transfer customers, including terms for the provision of Metering Point Administration Services Registrations. The provision of the MRA are currently being transferred to the Retail Energy code (REC)
Smart Energy Code (SEC)	Sets out provisions to govern the management of smart metering and terms for the provision of the Data Communication Company's (DCC's) services.
Retail Energy Code (REC)	A new code which will bring together various industry codes across both the gas and electricity sector. It will incorporate both the MRA and SMICoP in due course.

Codes (comply)	Description
Distribution Code	Covers the technical aspects of the connection and use of distribution networks, including relationship between a distribution licensee and users of its system.
Grid Code	Covers all material technical aspects relating to connections to, operation and use of the national electricity transmission system.
Smart Metering Installation Code of Practice (SMICoP)	Sets out the rules relating to customer protection when marketing, installing and maintaining smart metering systems.

Licence Lite Supply

30. Licence Lite allows a licensed electricity supplier to enter into an agreement with another supplier, known as a third party licensed supplier (TPLS), to take care of complying with some of the more costly and technically-challenging elements of the supply licence.
31. Licence Lite was originally developed for independent generators seeking to enter the retail electricity supply market. It was designed to help new (often smaller) parties meet the high-cost and high-competency elements of the supply licence. The regulatory costs of complying with the industry codes are not scalable, as they often require significant up-front investment and ongoing resourcing which, for small entrants, adds major overheads.
32. A Licence Lite factsheet is available [here](#). The Licence Lite operating guidance is available [here](#). We intend to review the guidance in 2020/21; please check our website for updates.
33. If you want to become a Licence Lite supplier (LLS) you would apply for an electricity supply licence along with a request for a Licence Lite direction. The direction relieves the LLS of the obligation to be a party to the industry codes set out at SLC11.2 of the supply licence (MRA, DCUSA, CUSC and BSC - see codes section for more information). As an LLS you are required to comply with all other licence conditions and obligations.
34. Please note that the following codes are not listed in SLC11.2 therefore you will need to accede to, and fully comply with, these codes themselves.
 - The Distribution Code (required by SLC 11.1).
 - The Grid Code (required by SLC 11.1).
 - The Smart Energy Code (required by SLC 48.1).
 - The Smart Metering Installation Code of Practice (required by SLC 41).
35. Separate derogations may be sought for these codes, with the exception of SMICoP.
36. The Retail Energy Code is due to replace the MRA. We will update SLC 11.2 to reflect this.
37. As an LLS you will need to have a robust commercial agreement (known as a Supplier Services Agreement – SSA) with a TPLS to deliver your responsibilities under SLC11.2. The requirements it must cover include:
 - Legal basis of the relationship between the suppliers.
 - Duration of the agreement.
 - Service specification.
 - Responsibilities and obligations of both the LLS and TPLS.
 - Arrangements to identify the LLS' supply points / volumes in industry systems.
 - Information exchange and data protection arrangements.
 - Payment arrangements and dispute resolution.

Licence Exempt Supply

38. The Electricity Act 1989 allows organisations who meet certain criteria to be exempt from having an electricity supply licence. You can operate under pre-identified Classes (see below) or apply to the Department for Business, Energy and Industrial Strategy (BEIS) for an individual exemption.
39. You do not need to apply for a Class exemption if the activity you want to undertake meets these requirements. As such, there is no register of projects or businesses undertaking exempt activities. The Electricity Class Exemptions from the Requirement for a Licence Order 2001 is available [here](#). The four classes of exemption are:

Class		Features
A	Small suppliers	Supply of up to 5MW of self-generated electricity, but no more than 2.5MW to domestic premises. Can operate across the public network. Ofgem has power to set the maximum prices charged under these arrangements.
B	Resale	Resale of electricity supplied (by exempt or licensed supplier) to premises (such as a landlord to its tenants). The maximum price at which electricity may be resold to domestic consumers is the same price as that paid for it by the reseller.
C	On-site supply	Allows the supply of self-generated electricity (either exclusively or in combination with power procured from a licensed supplier) to consumers that are on the same site. Ofgem has power to set the maximum prices charged under these arrangements.
D	Off-shore Generation	Off-shore generated power supplied to off-shore premises.

40. If you wish to rely on an exemption you must satisfy yourself that you meet the requirements. The requirements are fairly restrictive and complex, and so getting your own legal and technical advice is highly recommended.
41. BEIS has responsibility for policy and oversight of the exemptions regime. Both BEIS and Ofgem have powers of enforcement for unlicensed supply. Ultimately, it is for the courts to determine what is and is not unlicensed supply. Ofgem has price setting powers under Class A and C. We also have powers to set the maximum reseller price under Class B exemptions.
42. Protections for customers of exempt suppliers are provided for in legislation. The legislation sets out the duties you will have in matters such as change of supplier and switching arrangements, customer contracts, customer information and dispute determination.
43. In addition, although an exempt supplier is not subject to the same consumer protection obligations as in the supply licence, they are subject to general consumer protection law.
44. Where your activities take place over, or connect to, the public electricity network, you could impact the network. This means that you will likely need to have in place suitable arrangements with industry partners to ensure your activities meet required standards.

45. In these circumstances, you need to have an agreement with a licensed energy supplier to carry out certain duties on your behalf. The commercial agreement (often called an Exempt Supply Services Agreement) could include the following types of services:
- **Network use:** making an agreement with the DNO for passing on the costs of using the public network.
 - **Network connection:** affirmation to the DNO of an 'agency relationship' between the exempt and licensed suppliers for purposes of the National Terms of Connection agreement.
 - **Metering:** appointment of meter operator agent and provision of data retrieval, data processing and data aggregation services.
 - **Balancing services:** procuring extra power to make good any shortfall the exempt supplier cannot meet: top-up (the supply / sale of electricity on a continuing or regular basis) and back-up / stand-by (the supply/sale of electricity on a periodic or intermittent basis). In addition, spill arrangements to sell-on any excess generation not used by the exempt supplier's customers.

White Labels

46. A White Label is an organisation which partners with a licensed supplier to offer electricity using its own brand.
47. As a White Label you are not a supplier and do not need to apply for a licence or deal with the industry codes. The licensed supplier must ensure that the White Label does not operate in a way which breaks the rules in the supply licence or industry codes. Ofgem can take enforcement action against a licensed supplier whose White Labels break industry rules.
48. As a White Label, you must make clear to your customers the identity of the licensed electricity supplier you are working with.
49. Arrangements vary, with some White Labels delivering consumer-facing activities (such as billing, communications and customer service), while for others, these services are wholly provided by the partner supplier. Irrespective of the consumer's relationship with the White Label provider, the legal relationship between the customer and the licensed energy supplier is exactly the same as it would be if there were no White Label supplier. It must be made obvious to your customers, from early in the sales process, that it would be the licensed supplier who would actually be supplying electricity.
50. There have been developments in the White Label marketplace in recent years. As well as providing for branded White Label tariffs (the rules for which are set out in the supply licence), the term White Label is now often used to describe a series of innovative services negotiated between an intermediary organisation and a licensed supplier
51. These arrangements often cover specific groups of consumers. These are usually (but not always) domestic consumers, who share common characteristics which can be defined by geography or lifestyle preferences (e.g. local energy, green energy).

52. As well as supply, these arrangements often involve the consumers bringing additional value to the arrangement such as collective ownership of a generation facility or behavioural characteristics that can provide for aggregated demand-side services.
53. This means that emerging White Label relationships could cover both the traditional services covered by a supply contract and additional provisions for power purchase or other services.

Sleeving

54. Sleeving is a form of commercial service offered by some suppliers. It has commonly been used by entities (corporates, public authorities, industrial and commercial facilities) with on-site generation who want to use the public distribution network to supply another of their sites, or other consumer(s). This is sometimes called peer-to-peer trading.
55. The generator and the customer (they can be the same entity) agree terms and then secure the services of a licensed electricity supplier to transport their power over the public network. Suppliers will charge you a fee for this service. Suppliers can also offer other industry services such as providing top-up and back-up / stand-by power if the generator is short (eg, facilities may be off-line), or selling spill if the generator produces more power than their customer needs.
56. As with the White Label model, the peer-to-peer relationship operates within the parameters of the licence and industry obligations of the licensed partner supplier.

Non-supply Activities

57. There may be circumstances where a business sells electricity but this does not meet the definition of supply in the Electricity Act 1989 (see section on “what is supply”).
58. The most notable example to date is where electricity is sold via Electric Vehicle (EV) charging points. Although the charging points themselves would be a premises (or part of a premises), It is our view that EVs do not usually meet the definition of “Premises” under the Electricity Act 1989. This means that supplying electricity to EV charging points would be supply, but selling electricity to EVs from those charging points won’t necessarily be supply. More information can be found in our guide to selling electricity to [EV Users](#).

What and How Much You Can Charge a Customer

59. When establishing your business it is important to understand your revenue model. There are specific rules for domestic supply contracts which set out how and what you can charge. If you use a White Label or Sleeving arrangement these requirements will still apply, due to the licence conditions of your licensed supplier.
60. Electricity is sold to consumers via a tariff. A tariff is set of prices linked to a specific set of terms and conditions. There are specific rules about how a licensed supplier must structure their tariffs for domestic customers. The key licence conditions are under SLC 22 and SLC 22A.
61. For a domestic customer, tariffs will be made up either of a daily charge (known as a standing charge) or a price per kWh (known as a unit rate), or both. If you offer a Time of Use Tariff (such as "Economy 7" tariffs) you may have several unit rates which apply at different times of day, or even days of the week.
62. You need to make sure that your tariffs provide enough revenue to cover all of your costs related to supply, as you cannot have a separate charge for these costs. Charges for supply should cover:
 - a. **Wholesale energy costs:** rates paid to generators and / or traders.
 - b. **Network costs:** charges for using the public networks.
 - c. **Policy Costs:** levies arising from government social and environmental schemes.
 - d. **Operating costs:** cost to serve a customer, including costs of billing and collecting from a customer and processing payments.
 - e. **Metering costs:** including smart metering, traditional metering and prepayment metering.
 - f. **Agent costs:** including the cost of meter reading, data processing and maintenance of a meter.
63. You must not charge domestic customers separately for any of the above activities.
64. SLC22A.9 sets out a limited number of services related to supply for which you can charge a customer fees outside of the tariff. These cover circumstances where:
 - a. you have to disconnect a customer.
 - b. you need to use your statutory powers to gain entry to a customer's premises.
 - c. you have to inspect a meter for safety, accuracy or tampering (not for routine meter reading).
 - d. you move an electricity meter which has already been installed.
 - e. you provide a new connection between the premises and the distribution network.
 - f. the customer has a fixed term contract with you and they leave before the end of that contract then you may charge a termination fee.

- g. a customer doesn't pay their bill or pays late you may sometimes charge a fee.
- h. you have to provide replacement prepayment meter top up cards.
- i. you are asked to provide replacement copies of documents (such as statements) to customer.
- j. there are charges which the licence, a direction from Ofgem or other legislation specifically requires you to make.

Price Caps

- 65. When developing your business models you need to be aware of the price controls which exist when selling electricity to domestic consumers. These are in addition to Ofgem's power to set prices under the exemptions regime, which is covered above.
- 66. There is a [prepayment price cap](#) for prepayment tariffs and [a default tariff cap](#) for 'default' tariffs. Default tariffs are the tariffs which consumers are moved onto if they don't make a choice at the end of their existing contract, or when they move into a new property. The price caps seek to protect consumers by limiting the maximum which can be charged to consumers who can't, or haven't actively engaged with the market.
- 67. The tariff caps set maximum prices, not maximum bills. The amount a consumer pays varies depending on how much energy they use, where they live (as network charges vary by Distribution Network Operator region), and how they pay for their energy. The cap level does not depend on who a customer's supplier is. The price cap does not put price controls on those things which are charged for outside of the tariff.
- 68. Ofgem adjusts the level of the caps twice a year - in February and August, to apply in April and October respectively - to reflect the estimated costs of supplying electricity and gas to homes in the next six-month summer or winter period.
- 69. Before you sell electricity to consumers you need to be clear how the price caps will impact you, and what effect changes to the price caps could have on your business model. Further information for consumers can be found [here](#), and further information for industry can be found [here](#).
- 70. Where you are reselling electricity you have bought from a licensed supplier (eg, a caravan park operator selling electricity to residents on their site) the maximum price you can charge customers is the price (including standing charge) you paid to the licensed supplier you bought the energy from. Further guidance on how to work this out in different resale scenarios is available [here](#).

Contact Us

71. Questions and comments about this guide can be directed to the Innovation Link team. For more information about the Innovation Link, the services we provide and how to contact us, please see our [website](#).
72. We believe that consultation is at the heart of good policy development. We are keen to receive your comments about this guidance. We'd also like to get your answers to these questions:
 - Did you find this guide useful?
 - Was it easy to read and understand? Or could it have been better written?
 - Are there other guides that you think we should provide to support innovation?
 - Do you have any further comments?
73. Please send any feedback to InnovationLink@ofgem.gov.uk

The Small Print

74. This note is presented for information only, provides an overview and is not intended to cover every eventuality. It is designed to help you consider the broad obligations relating to supplying electricity, and point you to further information.
75. Reading it is not a substitute for considering, for example, the supply licence and relevant legislation, or carrying out your own due diligence.
76. This note deals only with regulatory obligations which apply specifically to the supply of electricity. It does not cover wider regulatory obligations relating to, for example Data Protection, Health and Safety, Financial Conduct or Consumer Rights.