

**Title:**

Mr

**Forename:**

David

**Surname:**

Mooney

**Representing:**

Self

**Organisation (if applicable):**

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**What do you want Ofcom to keep confidential?:**

Keep nothing confidential

**If you want part of your response kept confidential, which parts?:**

**Ofcom may publish a response summary:**

Yes

**I confirm that I have read the declaration:**

Yes

**Ofcom should only publish this response after the consultation has ended:**

You may publish my response on receipt

**Additional comments:**

I currently contract to BSI as a Metering and Billing Specialist performing audits against the Metering and Billing Direction. I previously worked to NQA in a similar capacity prior to their withdrawal from the scheme. I was a member of the Ofcom Experts Working Group that developed the 2008 Metering and Billing Direction. I am responding as an individual not as a member of an organisation.

**Question 1: Do you agree with our proposal to appoint Enigma as an Approval Body? If not, please provide your reasons:**

No. I have reservations regarding the proposal to appoint enigma as an Approval Body on the grounds of Independence and Approval Body commercial viability.

1. Independence. The Ofcom criteria state that ABs must be "independent of CPs and avoid direct involvement in design". The Enigma QPM web site states "Designers - Enigma QPM has developed a successful approach to supporting design consultants in developing their processes in a manner that satisfies the requirements of these standards." Enigma appear to have a conflict of interest in the design of solutions to meet regulatory requirements and the subsequent adjudication of those solutions as an AB.

2 Commercial Viability. It is true that choice is good for CPs and provides a stronger negotiating position in the appointment of ABs. It also provides motivation for ABs to provide good service to the CPs. However, the scheme exists to protect consumers and Ofcom should consider the commercial viability of 3 ABs post-transition to the 2008 Direction. The recent lesson of NQAs withdrawal from the scheme should not be ignored.