

Electricity Act 1989 and Gas Act 1986

Provisional order confirmed under section 25(4) of the Electricity Act 1989 and section 28(4) of the Gas Act 1986

TO:

Npower Direct Limited (company number 03782443), Npower Limited (company number 03653277), Npower Northern Limited (company number 03432100), Npower Northern Supply Limited (company number 02845740), Npower Yorkshire Limited (company number 03937808), Npower Yorkshire Supply Limited (company number 04212116) (together, 'npower'), all of Windmill Hill Business Park, Whitehill Way, Wiltshire, SN5 6PB.

WHEREAS:

A: On 31 August 2018 the Gas and Electricity Markets Authority ("Authority") issued a direction to npower pursuant to Standard Licence Condition 32A of the gas and electricity supply licences ("the Direction").

B: The Direction required npower to participate in a consumer engagement trial known as the Active Choice Collective Switch Autumn Trial.

C: On 20 September 2018 npower failed to comply with paragraph 14 of the Direction in that it refused or failed to send particular communications to a number of its customers.

D: On 24 September 2018 the Authority made a provisional order under Section 28(2) of the Gas Act and Section 25(2) of the Electricity Act requiring npower to comply with the terms of the Direction and SLC 32A ('the PO').

E: The Authority made a proposal to confirm the PO with modifications on 29 October 2018 under Section 26(1) and 26(2) of the Electricity Act 1986 and Section 29(1) and 29(2) of the Gas Act ('the Proposal to Confirm').

F: Having considered a representation made to the Authority in response to the Proposal to Confirm and having had regard to the matters set out in Section 25 of the Electricity Act and Section 28 of the Gas Act, the Authority is satisfied that npower is likely to contravene SLC 32A, which is a relevant requirement for the purposes of section 25 of the Electricity Act 1989 and section 28 of the Gas Act 1986, and that the provisions of the PO are requisite for the purposes of securing npower's compliance with the terms of the Direction and SLC32A

NOW THEREFORE:

The Authority, pursuant to section 25(4) of the Electricity Act and section 28(4) of the Gas Act, and for the purpose of securing compliance with SLC 32A of the gas and electricity supply licences, confirms the provisional order requiring npower to:

1. Comply in all respects with the Direction issued on 31 August 2018, save for where compliance has become impossible because the relevant deadline has already passed; and
2. Where the time for compliance with any action specified in the Direction has already passed, remediate its non-compliance with that provision as soon as reasonably practicable.

JOHN SWIFT QC

TREVOR JONES

ANDREW LONG

Enforcement Decision Panel

Duly authorised on behalf of the Gas and Electricity Markets Authority

26 November 2018