

Symbio Energy Limited: Provisional Order

To: Symbio Energy Limited, company number 07999360 of Integer Millennium House Bre Innovation Campus, Bucknalls Lane, Watford, Hertfordshire, England, WD25 9XX

WHEREAS:

A. Symbio Energy Limited ("Symbio") is a designated electricity supplier ("supplier") and the holder of a licence to supply electricity. As such, it is subject to the requirement to comply with the standard licence conditions ("SLCs") of its electricity supply licence.

B. Symbio is a licenced electricity supplier and is required to comply with the conditions of SLC 33. SLC 33.3 provides that licensees shall comply with Part 3 of Schedule A (FIT obligations applicable to all licensees) with effect on and after 1 April 2010. Condition 3.1 of Part 3 of Schedule A to SLC 33 provides that licensees shall participate in the Levelisation Process as set out in Part 6 of the Feed-In Tariffs Order 2012, in accordance with the Authority's instructions. Condition 3.1.2 of Part 3 of Schedule A, further provides that licensees will make FIT Levelisation Payments in accordance with the Authority's instructions. SLC 33.5 states that Section C and Schedule A to Standard Condition 33 are "relevant conditions" for the purposes of section 25(8) of the Act and a non-complying licensee shall be subject to the enforcement powers of the Gas and Electricity Markets Authority ("the Authority") under the Act.

C. Where a supplier has failed to make a Levelisation Payment by a date specified by the Authority it will breach the requirements of SLC 33.3 and conditions 3.1 and 3.1.2 of Schedule A, Part 3 of SLC 33.

D. Symbio has a poor history of compliance with its FIT obligations, and with other regulatory obligations such as the Renewables Obligation ("RO").

E. Symbio was required to make its FIT Year 12 Quarter 1 payment of £449,025.79 ("the payment") on or before 11 August 2021. The Year 12 levelisation schedule was published on 19 February 2021, outlining the deadlines of each levelisation payment. Symbio was sent an invoice for the payment on 28 July 2021.

F. Symbio has refused or failed to make the payment.

G: Symbio has stated that it intends to make the payment on 3 September 2021, which is not in accordance with the scheme obligations and is not acceptable to the Authority. The Authority is not a commercial credit facility.

H: It appears to the Authority that Symbio is contravening its obligations under SLC 33 as outlined above and that it is requisite to make a provisional order to secure Symbio's immediate compliance with these obligations.

NOW THEREFORE:

The Authority, pursuant to section 25(2) of the Electricity Act 1989, makes a provisional order requiring Symbio to:

- (1) make the payment of £449,025.79 to the Authority forthwith; and,
- (2) Notify the Authority by email to megan.pickard@ofgem.gov.uk of the payment immediately after it has been made.

This provisional order will cease to have effect on 18 November 2021, unless confirmed (or revoked) by the Authority on or before that date.

Dated 18 August 2021

Signed

Charles Hargreaves

Deputy Director, Enforcement

Duly Authorised on behalf of the Gas & Electricity Markets Authority