

Delta Gas and Power Limited
Electricity Act 1989
Provisional Order made under section 25(2) of the Electricity Act 1989

To: Delta Gas and Power Limited [formerly known as Lily Energy Supply Limited] ("Delta"), (company number 09933244) of 344-354 Gray's Inn Road, London, England, WC1X 8BP, holder of an electricity supply licence issued by the Gas and Electricity Authority ("the Authority") on 27 April 2016 under section 6(1)(d) of the Electricity Act 1989 ("the Act").

WHEREAS:

- A. Delta is a designated electricity supplier ("supplier") subject to the requirement to comply with the standard licence conditions ("SLCs") of its electricity supply licence.
- B. As a licenced electricity supplier, Delta is required to comply with SLC 33 (Feed-in Tariffs). 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 1st April 2010. Condition 3.1 of Part 3 to Schedule A of SLC 33 provides that licensees shall participate in levelisation 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 provides that Section C and Schedule A of SLC 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 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 to Schedule A, Part 3 of SLC 33.
- D. Delta was required to make its FIT Year 12 Quarter 2 payment of £46,701.23 ("the payment") on or before 10 November 2021. The Year 12 levelisation schedule was

published on 19 February 2021¹, outlining the deadlines of each levelisation payment. Delta was sent an invoice for the payment on 27 October 2021.

E. Delta has refused or failed to make the payment.

F. It appears to the Authority that Delta is contravening its obligations under SLC 33 as outlined above and that it is requisite to make a Provisional Order to secure Delta immediate compliance with these obligations.

NOW THEREFORE:

The Authority, pursuant to section 25(2) of the Act, makes a Provisional Order requiring Delta to:

- 1) make a payment to the Authority in full settlement of its Year 12 Quarter 2 levelisation payment in the sum of £46,701.23 forthwith; and
- 2) notify the Authority by email to megan.pickard@ofgem.gov.uk and melissa.granger@ofgem.gov.uk of the payment immediately after it has been made.

This Provisional Order will cease to have effect on 11 February 2022 unless confirmed by the Authority on or before that date.

Dated: 12 November 2021

Signed:

Charles Hargreaves

Deputy Director, Enforcement

Duly Authorised on behalf of the Gas & Electricity Markets Authority

¹ [Feed-in Tariff Levelisation Schedule Year 12 | Ofgem](#)