

The Electricity Act 1989

Notice of Proposal to revoke a confirmed provisional order Proposal of the Gas and Electricity Markets Authority to revoke confirmed provisional order pursuant to section 26(6) of the Electricity Act 1989

1. Background

- 1.1. 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, is the holder of an electricity supply licence issued by the Gas and Electricity Markets Authority ("the Authority") under section 6(1)(d) of the Electricity Act 1989 ("the Act").
- 1.2. The Authority issued a provisional order to Delta on 28 October 2021 ("the Order") requiring Delta to discharge its Renewable Obligation by making the payment set out in the Order by 31st October 2021. The Order can be found at: <https://www.ofgem.gov.uk/publications/delta-gas-and-power-limited-provisional-order>
- 1.3. Delta failed to discharge its Renewable Obligations in accordance with the terms of the Orders and, after consultation, the Authority decided on 24 January 2022 to confirm the Order with modifications ("the Confirmed Order"). The Confirmed Order can be found at: <https://www.ofgem.gov.uk/publications/delta-gas-and-power-limited-provisional-order>

2. Reasons for the Authority's proposal to revoke the Confirmed Order

- 2.1. For the reasons set out below, the Authority now proposes to revoke the Confirmed Order.
- 2.2. On 18 February 2022 Delta paid the outstanding sums due to the Authority in full, in accordance with the terms of the Confirmed Order. Accordingly, the Confirmed Order is no longer required for the purposes of securing Delta's Renewable Obligation for the year 2020/2021.

- 2.3. The Authority is disappointed with Delta's conduct throughout this matter, which it hopes never to see repeated. The Authority expects future payments to be made on time in accordance with the requirements of the Renewable Obligation and will not hesitate to take action again if it appears to the Authority that Delta is likely to contravene its Renewable Obligations.
- 2.4. Pursuant to section 26(6) of the Act, the Authority is satisfied that the Confirmed Order is no longer requisite for the purposes of securing Delta's Renewable Obligation for the year 2020/2021.

3. Representation or Objections

- 3.1. The Authority invites representations or objections in relation to its proposal to revoke the Confirmed Order.
- 3.2. Any representations or objections with respect to this proposed notice to revoke the Confirmed Order must be made in writing on or before 5pm, 22 April 2022 and sent to Marcus Clubb, OFGEM, 10 South Colonnade Canary Wharf London E14 4PU1 or by email to: marcus.clubb@ofgem.gov.uk. Should you have any questions about this notice you can contact Marcus Clubb on marcus.clubb@ofgem.gov.uk.
- 3.3. If a respondent does not wish its response or part of its response to be published, it should clearly mark its response or the relevant parts "not for publication" and give reasons. The Authority will consider such requests on case by case basis.

¹ Due to the Covid pandemic, staffing and arrangements for the handling of postal mail at Ofgem's offices are currently very limited. There is also a risk that postal mail may be delayed. Accordingly, it is strongly preferred and recommended that representations are made by email if at all possible. If you need to make a representation by post, please notify the contact person above by email or telephone and ensure you allow sufficient time for the representation to reach the Authority before the deadline.

3.4. Any representations or objections which are made within the timeframe specified above and not withdrawn will be duly considered by the Authority.

Dated: 24 March 2022

Name: Hamish Finlay, Deputy Head of Governance and Secretariat

Signed for and on behalf of:

MEGAN FORBES

PETER HINCHLIFFE

Enforcement Decision Panel

Duly authorised on behalf of the Gas and Electricity Markets Authority