

## To all holders of an electricity supply licence

### Electricity Act 1989

#### Section 11A(1)(b)

#### Modification of the standard conditions of all electricity supply licences

1. Each of the licensees to whom this document is addressed has an electricity supply licence which has been granted or treated as granted under section 6 of the Electricity Act 1989 ('the Act') to supply electricity.
2. Under section 11A(2) of the Act the Gas and Electricity Markets Authority ('the Authority')<sup>1</sup> gave notice on 29<sup>th</sup> of April of 2022 ('the Notice') that we propose to introduce a new standard condition 25E. *Power to direct Energy Bill Support Scheme grant payments to Domestic Customers*. We stated that any representations to the modification proposal must be made on or before 28<sup>th</sup> of May 2022.  
  
A copy of the Notice was sent to the Secretary of State in accordance with section 11A(4)(b) of the Act, and we have not received a direction that the change should not be made.
3. We received 5 responses to the Notice, which we carefully considered. We have placed all non-confidential responses on our website. Our response to these comments is set out in the accompanying decision document, published alongside this notice and available on our website.
4. The Authority's reason for making the licence modifications is to support the implementation of the Government's Energy Bill Support Scheme (EBSS) . We are of the view that the EBSS is, on balance, in consumers' interests o, as set out in the Secretary of State for Business, Energy and Industrial Strategy (BEIS) policy consultation. Further details of the reasons for the licence modification have been published by the Authority in our statutory consultation on the modification of standard conditions of electricity supply licences to enable the delivery of the EBSS and the accompanying decision document, both available on our website.
5. The effect of this proposed modification is to place an obligation on all electricity supply licencees to (i) provide and deliver a support payment to eligible domestic customers in accordance with the direction to be issued by the Secretary of State; and (ii) provide the Authority or Secretary of State with specified information relevant to the licensee's compliance with the direction.
6. It is necessary to make minor alterations to the modifications set out in the Notice. These alterations are shown in cyan highlight in the modification text which can be found in Schedule 1 attached to this notice. The reasons for the differences between the modifications set out in the Notice and the modifications are to correct errors in the modifications proposed, improve the modifications proposed and to address minor issues raised since the issuing of the Notice.
7. A copy of the modifications introduced, and other documents referred to in this Notice have been published on our website ([www.ofgem.gov.uk](http://www.ofgem.gov.uk)). Alternatively, they are available from [foi@ofgem.gov.uk](mailto:foi@ofgem.gov.uk).

<sup>1</sup> The terms "the Authority", "we" and "us" are used interchangeably in this document.

8. Where an application for permission to appeal our decision is made to the Competition and Markets Authority (CMA) under section 11C of the Act, Rule 5.7 of the Energy Licence Modification Appeals: Competition and Markets Authority Rules<sup>4</sup> requires that the appellant must send to any relevant licence holders who are not parties to the appeal a non-sensitive notice setting out the matters required in Rule 5.2. The attached Schedule 2 provides a list of the relevant licence holders in relation to this modification. Section 11A(10) of the Act sets out the meaning of “relevant licence holder”.

Under the powers set out in section 11A(1)(b) of the Act, we hereby modify the standard licence conditions for all electricity supply licences in the manner specified in attached Schedule 1. This decision will take effect from 25th of September 2022.

This document is notice of the reasons for the decision to modify the electricity supply licences as required by section 49A(2) of the Act.

**Maureen Paul**

**Deputy Director, Retail Market Policy**

Duly authorised on behalf of the Gas and Electricity Markets Authority

**29 July 2022**

## SCHEDULE 1

### MODIFICATIONS PURSUANT TO SECTION 11A OF THE ELECTRICITY ACT 1989 OF THE STANDARD CONDITIONS OF THE ELECTRICITY SUPPLY LICENCE GRANTED OR TREATED AS GRANTED UNDER SECTION 6(1)(d) OF THE ELECTRICITY ACT 1989

Insertion of new standard condition 25E. The text set out below in black (with cyan highlight showing amendment to the original text included within the Notice) is to be inserted after existing standard condition 25D of the electricity supply licence.

#### **Standard Condition 25E. Power to direct Energy Bill Support Scheme ~~grant~~ ~~p~~Payments to Domestic Customers.**

**25E.1** The licensee must comply with any direction issued pursuant to s.7(3)(a) and s.107 of the Electricity Act 1989 and relating to Relevant Matters for Standard Condition 25E which, following consultation ~~and subject to the Secretary of State's duty to have regard to the Statutory Considerations~~, the Secretary of State may issue and may from time to time revise (following further consultation).

**25E.2** The licensee must provide the Authority or the Secretary of State with information specified by the Authority or Secretary of State in relation to matters that ~~the Authority or Secretary of State~~ reasonably considers are relevant to the licensee's compliance with any direction issued pursuant to pursuant to Standard Condition 25E.1 s.7(3)(a) and s.107 of the Electricity Act 1989.

**25E.3** The Authority or Secretary of State may direct the licensee to comply with paragraph **25E.2** by providing to the Authority or the Secretary of State information:

- a. in a particular form or medium by a particular date;
- b. in a particular form or medium at such reoccurring intervals of time as the Authority ~~or Secretary of State~~ considers appropriate; and
- c. of any description specified by the Authority or Secretary of State, including any documents, accounts, estimates, returns, records or reports and data of any kind that it or they reasonably consider are relevant to the licensee's compliance with any direction issued pursuant to Standard Condition 25E.1, without limitation. whether or not prepared specifically at the request of the Authority or the Secretary of State and without limitation.

**25E.4** The licensee is not required to comply with paragraph 25E.2 if it could not be compelled to produce or give the information in evidence in civil proceedings before a court.

#### Definitions for Conditions

**25E.5** For the purposes of this condition:

"Relevant Matters for Standard Condition 25E" means:

- a. a requirement to ~~provide and~~ deliver ~~the government an~~ Energy Bill Support Scheme ~~grant~~ Payment.
- b. the time and manner in which an Energy Bill Support Scheme ~~grant~~ Payment is to be ~~provided and~~ delivered.

- c. a requirement to display or provide any information relating to ~~the government-an~~ Energy Bill Support Scheme ~~Payment~~-on or with a Bill or statement of account ~~(or otherwise in Writing)~~; and
- d. the format of any information relating to ~~the-an~~ Energy Bill Support Scheme ~~Payment-made available to domestic customers which must be displayed on or provided with a Bill or statement of account~~ ~~(or otherwise notified in Writing)~~.

"Energy Bill Support Scheme ~~Payment grant payment~~" means a ~~rebate-support payment~~ equal to the value specified in the direction, which the Secretary of State may in accordance with this condition direct the licensee to deliver to a Domestic Customer.

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**SCHEDULE 2****LIST OF RELEVANT LICENCE HOLDERS**

Affect Energy Ltd  
Arto.Energy Limited  
AXPO UK Limited  
British Gas Trading Limited  
Brook Green Trading Limited  
Bryt Energy Limited  
Bulb Energy Ltd  
Business Power and Gas Limited  
Cilleni Energy Supply Limited  
Constellation Generation Limited  
Co-Operative Energy Limited  
Corona Energy Retail 4 Limited  
Coulomb Energy Supply Limited  
Delta Gas and Power Limited  
D-Energi Trading Limited  
Drax Energy Solutions Limited  
Ecotricity Limited  
EDF Energy Customers Limited  
E (Gas and Electricity) Limited  
Electricity Plus Supply Limited  
ElectroRoute Energy Limited  
Eneco Energy Trade BV  
Energise Britain Gas & Electric Ltd  
ENGIE Power Limited  
E.ON Energy Solutions Limited  
E.ON Next Energy Limited  
ESB Energy limited  
Farmoor Energy Limited  
Foxglove Energy Supply Limited  
Good Energy Limited  
Green Energy (UK) plc  
Hartree Partners Supply (UK) Limited  
Home Energy Trading Ltd  
Limejump Energy Limited  
Logicor Energy Limited  
Marble Power Limited  
Maxen Power Supply Limited  
Mississippi Energy Limited  
MVV Environment Services Limited  
Neas Energy Limited  
Npower Commercial Gas Limited  
Npower Limited  
Npower Northern Limited  
Npower Northern Supply Limited  
Npower Yorkshire Limited  
Npower Yorkshire Supply Limited  
Octopus Energy Limited  
Opus Energy (Corporate) Limited  
Opus Energy Limited

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Opus Energy Renewables Limited  
Orsted Power Sales (UK) Limited  
OVO Electricity Limited  
Paddington Power Limited  
Planet 9 Energy Limited  
Pozitive Energy Ltd  
Scottish Power Energy Retail Limited  
Shell Energy Retail Limited  
Shell Energy UK Limited  
Sinq Power Limited  
SmartestEnergy Business Limited  
So Energy Trading Limited  
SQUARE1 ENERGY LIMITED  
Squeaky Clean Energy Limited  
Switch Business Gas and Power Ltd  
Toucan Energy Limited  
Tru Energy Limited  
UK Energy Incubator Hub Limited  
Unify Energy Limited  
United Gas & Power Trading Ltd  
Utilita Energy Limited  
Valda Energy Limited  
Yu Energy Retail Limited