

Foxglove Energy Supply Ltd

Notice of Decision not to make a Final Order

Decision of the Gas and Electricity Markets Authority ("the Authority") not to make a Final Order

21 July 2023

- 1.1. On 9 June 2023 under section 26(1) and (2) of the Electricity Act 1989 (the "Electricity Act") and section 29(1) and (2) of the Gas Act 1986 (the "Gas Act") the Authority issued a Notice of Proposal to issue a Final Order on Foxglove Energy Supply Ltd ("Foxglove") (company number 09689035), having its registered office at 16 North Mills, Frog Island, Leicester, Leicestershire, England, LE3 5DL, the holder of an electricity supply licence granted or treated as granted under section 6(1)(d) of the Electricity Act and holder of a gas supply licence granted or treated as granted under section 7A(1) of the Gas Act.
- 1.2. A copy of the Notice of Proposal can be found at: [Foxglove Energy Supply Ltd: Proposal to make a Final Order | Ofgem](#)
- 1.3. The Notice of Proposal to issue a Final Order to Foxglove was issued as the Authority was satisfied that Foxglove was contravening or was likely to continue to contravene Standard Licence Condition ("SLC") 4A. The Notice of Proposal explained that Foxglove had consistently failed to respond accurately or on time to the Authority's Requests for Information issued under SLC 5 of the electricity and gas supply licences.
- 1.4. Section 25(1) of the Electricity Act and Section 28(1) of the Gas Act provides that the Authority shall issue a Final Order if it "*is satisfied that the regulated person is contravening, or is likely to contravene, any relevant condition or requirement*".

1.5. After considering the representations made, on 21 July 2023, the Authority concluded that Foxglove had improved its operational capability such that it appeared more likely to be able to respond accurately and on time to any Requests for Information from the Authority in relation to its financial position and arrangements or otherwise than before the changes described in the representations. However, the Authority will continue to monitor Foxglove's responsiveness.

1.6. Therefore, because the Authority is satisfied that Foxglove is no longer in contravention of, or likely to contravene, SLC 4A, the Authority has decided not to proceed with issuing a Final Order to Foxglove on this occasion.

Dated:

Name:

Signed for and on behalf of:

MEGHAN FORBES (Chair)

ULRIKE HOTOPP

Enforcement Decision Panel

Duly authorised on behalf of the Gas and Electricity Markets Authority