
Provisional Order made under section 25(2) of the Electricity Act 1989 and 28(2) of the Gas Act 1986

To: Maxen Power Supply Limited ("Maxen Power"), company number 10298693, having its registered office at Olympic House, 28-42 Clements Road, Ilford, Essex, England, holder of an electricity supply licence granted or treated as granted under section 6(1)(d) of the Electricity Act 1989 ("the Electricity Act") and a gas supply licence granted or treated as granted under section 7A(1) of the Gas Act 1986 ("the Gas Act").

WHEREAS:

- A. Maxen Power is the holder of gas and electricity supply licences granted by the Gas and Electricity Markets Authority ("the Authority") and is subject to the standard conditions thereunder, which are "relevant conditions" for the purposes of the Electricity Act and the Gas Act.
- B. Based on the information received by the Authority and its engagement with Maxen Power regarding its compliance with its obligations under the Standard Licence Conditions of the gas and electricity supply licences (collectively referred to as "SLCs") it appears to the Authority that Maxen Power is contravening, or is likely to contravene, SLCs 12A.12(g), of the gas supply licence, and 12.A.11(h), of the electricity supply licence (the "relevant SLCs").
- C. The relevant SLCs provides the following:
- 12A.12(g): The licensee must provide (and ensure that any Representative provides) in plain and intelligible language, clear, timely and accurate information and advice to the Customer about:*
- (i) the basis of any assessment made by the licensee (or its Representative) that Theft of Gas occurred;*
 - (ii) the basis for the calculation of any Charges for the Supply of Gas associated with the Theft of Gas made to the Customer;*
 - (iii) what steps the Customer should take if they wish to dispute that Theft of Gas occurred; and*
 - (iv) the steps a Customer may take to reinstate supply if the licensee (or its Representative) has exercised the Statutory Disconnection Power.*

12.A.11(h): The licensee must provide (and ensure that any Representative provides) in plain and intelligible language, clear, timely and accurate information and advice to the Customer about:

- (i) the basis of any assessment made by the licensee (or its Representative) that Theft of Electricity occurred;*
- (ii) the basis for the calculation of any Charges for the Supply of Electricity associated with the Theft of Electricity made to the Customer;*
- (iii) what steps the Customer should take if they wish to dispute that Theft of Electricity occurred; and*
- (iv) the steps a Customer may take to reinstate supply if the licensee (or its Representative) has exercised the Statutory Disconnection Power.*

- D. On 24 June 2024, the Authority conducted a site visit to Maxen Power's offices. During this visit, and as part of an examination of Maxen Power's Customer Records System ("CRM"), it was noted that Revenue Protection ("RP") fees had been applied to customer accounts without any recorded evidence of an energy theft referral, an energy theft investigation or correspondence notifying customers of any RP charge and a basis for its calculation.
- E. The Authority issued an Information Request ("IR") to Maxen Power on 1 July 2025 requesting further information relating to the application and administration of RP fees. Maxen Power's response, and the information enclosed, did not provide substantial evidence to show that Maxen Power had undertaken all actions required under the relevant SLCs when administering RP fees.
- F. The Authority opened an enforcement investigation into Maxen Power in respect of this likely contravention of the relevant SLCs on 16 July 2025.
- G. The Authority issued an IR to Maxen Power on 16 July 2025. This required Maxen Power to commission an independent audit the terms of which included the examination of customer accounts for which RP fees had been applied.
- H. The results of this audit show that Maxen Power is contravening, or is likely to contravene, SLC 12A.12(g) of the gas supply licence and SLC 12.A.11(h) of the electricity supply licence.
- I. The Authority is also in receipt of information from a third party in response to our information request to show that, after 15 July 2025 and following the requirement for an independent audit, Maxen Power made changes to 4,589 RP fee transaction

references for 2,910 accounts removing any reference to “RP” or “Revenue Protection”.

- J. This update to Maxen Power’s systems has prevented the independent auditor from being able to conduct a full and transparent assessment of Maxen Power’s compliance with the requirements set out under the relevant SLCs.
- K. Based on the information received by the Authority, and its engagement with Maxen Power, it appears to the Authority that Maxen Power is contravening, or is likely to contravene, SLC 12A of the gas supply licence and SLC 12.A of the electricity supply licence.
- L. Where non-compliance remains, the Authority cannot have confidence that Maxen Power is applying, administering and communicating to customers RP fees in a fair, transparent and consistent manner. This non-compliance can lead to the illegitimate application of RP fees with consumers being unfairly penalised. Vulnerable customers may be disproportionately affected.
- M. The Authority considers that the issuance of a Provisional Order is requisite for the purposes of section 25(2) of the Electricity Act 1989 and section 28(2) of the Gas Act 1986 in order to secure ongoing compliance with SLC 12A of the gas supply licence and SLC 12.A of the electricity supply licence at the earliest opportunity.
- N. Having had regard to the matters set out in section 25 of the Electricity Act 1989 and section 28 of the Gas Act 1986, the Authority considers it is requisite to make a provisional order in exercise of the power in section 25(2) of the Electricity Act 1989 and section 28(2) of the Gas Act 1986.

NOW THEREFORE:

The Authority, pursuant to section 25(2) of the Electricity Act and section 28(2) of the Gas Act, and for the purpose of securing compliance with the relevant Standard License Conditions, makes a provisional order requiring Maxen Power to:

- (i) By no later than **4pm on 19 September 2025**, reinstate records for the 2,910 accounts for which RP transaction fee references were changed after 15 July 2025. Each of the RP transaction fee references changed are to be reinstated on Maxen Power’s systems to as they were on 15 July 2025. Maxen Power must provide the

Authority with each of the account numbers for which an RP transaction fee reference was changed and provide evidence of the corrections in 'before' and 'after' screenshots to allow an independent audit to make a full and complete assessment of Maxen Power's compliance with SLCs 12A.11(g) and 12.A.12(g) and 12A.13.

- (ii) Upon the completion of requirement (i) and therefore by no later than **4pm on 19 September 2025**, commission an independent audit under SLC 5B from an auditor with forensic accounting capabilities to assess Maxen Power's compliance and ongoing ability to comply with SLC 12A.12(g) of the gas supply licence and SLC 12.A.11(h) of the electricity supply licence. Maxen Power must consult with the Authority prior to a) engaging an independent auditor to provide the report, and b) providing its appointed auditor with the scope for the audit. The Authority will provide Maxen Power with information about what the scope of the audit must cover.
- (iii) By no later than **4pm on 20 October 2025** provide the Authority with the independent audit report arising as result of requirement (ii). The report must also outline recommendations, if any, of what remedial actions Maxen Power should take to obtain and maintain compliance with its obligations under SLC 12A.12(g) of the gas supply licence and SLC 12.A.11(h) of the electricity supply licence.
- (iv) By no later than **4pm on 20 October 2025**, provide the Authority with a detailed remedial plan relating to the calculation, application and communication of all fees detailing how Maxen Power will achieve ongoing compliance with its obligations under SLCs 12A.12(g) and 12.A.11(h). Any remedial plan to be implemented must include a timeline for implementation and be approved, signed and submitted to the Authority in writing by an individual or director with significant managerial responsibility or influence.
- (v) Until compliance with SLC 12A.12(g) and SLC 12.A.11(h) is achieved, in accordance with the preceding paragraphs, and the Authority has confirmed in writing to Maxen Power that compliance has been achieved, Maxen Power must:
 - a) refrain from all sales, marketing and customer acquisition activity, including the acquisition of any new domestic and non-domestic customers ("Sales Ban").

- b) refrain from making any payment, providing any loan or transferring any asset to any third party unless that payment, loan or transfer is one that: i) it is required to make by virtue of a statutory requirement, court order or by virtue of a contractual requirement where making that payment is essential to enable Maxen Power to run its business; ii) is essential to Maxen Power's operation as a supplier of electricity and gas to consumers; or iii) is otherwise approved in writing by the Authority ("Non-essential Payments Ban").

Pursuant to section 27(7) of the Electricity Act 1989 and section 30(8) of the Gas Act 1986, the Authority may seek to enforce compliance with the Provisional Order by application to the High Court (in England and Wales) or the Court of Session (in Scotland) for injunctive or other relief.

This provisional order will lapse on **12 December 2025** unless confirmed by the Authority on or before that date.

Dated: 12 September 2025

Dominic Alexander (Deputy Director for Enforcement)

Duly authorised on behalf of the Gas & Electricity Markets Authority