

## **Notice of decision not to make Final Order**

### **The Electricity Act 1989**

## **Decision of the Gas and Electricity Markets Authority (“the Authority”) not to make a Final Order**

**29 October 2019**

- 1.1. On 1 October 2019 under section 26(1) and (2) of the Electricity Act 1989 (“Electricity Act”) the Authority issued a Notice of Proposal to issue a Final Order on TOTO Energy Ltd (company number 09256482) of 1<sup>st</sup> Floor Locksview, East Lockside, Brighton Marina Village, Brighton, East Sussex, England, BN2 5HA, the holder of an electricity supply licence granted or treated as granted under section 6(1)(d) of the Electricity Act 1989.
- 1.2. A copy of the Notice of Proposal can be found at:  
<https://www.ofgem.gov.uk/publications-and-updates/toto-energy-limited-final-order>.
- 1.3. The Notice of Proposal to issue a Final Order to TOTO Energy Ltd was issued as the Authority was satisfied that TOTO Energy Ltd was likely to contravene the Renewables Obligations (“RO”) under article 7 of the Renewables Obligation Order 2015 (“ROO”) and article 5 of the Renewables Obligation (Scotland) Order 2009 (“ROS”). The Notice of Proposal explained in particular how TOTO Energy Ltd failed to present Renewables Obligation Certificates (“ROCs”), and in the alternative to make payments, to the Authority in relation to the ROO and ROS obligation period 2018-19 by the relevant deadlines. The Authority believed that TOTO Energy Ltd was likely to fail to make the necessary payment before the 31 October late payment deadline.
- 1.4. On 23 October 2019, TOTO Energy Ltd ceased to trade.

1.5. In light of this the Authority has taken the decision not to proceed with issuing a Final Order to TOTO Energy Ltd.

Dated: 29 October 2019

Signed

**Megan Forbes (Chair)**

**Dr Ulrike Hotopp**

**Dr Philip Marsden**

**Enforcement Decision Panel**

**Duly authorised on behalf of the Gas and Electricity Markets Authority**