

The Electricity Act 1989 and Gas Act 1986

Notice of decision not to make Final Order

RE: Ampoweruk Limited

Decision of the Gas and Electricity Markets Authority (“the Authority”) not to make a Final Order pursuant to section 25(1) of the Electricity Act 1989 (“the EA89”) and section 28(1) of the Gas Act 1986 (“the GA86”).

3 March 2020

- 1.1. Ampoweruk Ltd (“Ampower”) (company number 09994899) whose registered office is situated at Challenge House, Sherwood Drive, Bletchley, Milton Keynes MK3 6DP is the holder of an electricity supply licence issued by the Authority on 29 April 2016 under section 6(1)(d) of the EA89 and a gas supply licence issued by the Authority on 18 December 2017 under section 7A(1) of the GA86 respectively.
- 1.2. On 10 January 2020 the Authority issued a Notice of Proposal to issue a Final Order (“the Notice of Proposal”) to Ampower pursuant to section 26(1) and (2) of the EA89 and section 29(1) and (2) of the GA86. A copy of the Notice of Proposal can be found on the Authority [website](#).
- 1.3. All domestic suppliers are required, pursuant to standard licence condition (“SLC”) 48.8 and SLC 42.8 of the electricity and gas supply licences (collectively referred to hereinafter as “the Relevant Condition”), to be a DCC User (as defined in SLC 48.11 and SLC 42.11 of the electricity and gas supply licences) by 25 November 2017 or by the date that the supplier exits Controlled Market Entry (“CME”), whichever is later.¹
- 1.4. The Notice of Proposal was issued to Ampower because the Authority was satisfied that Ampower was contravening the Relevant Condition, namely the obligation to be a DCC User by 25 November 2017. This is an obligation enforceable by the Authority as a relevant condition under section 25 of the EA89 and section 28 of the GA89.

¹ In an [open letter](#) dated 1 December 2017, Ofgem stated that it would not take enforcement action against suppliers in CME.

- 1.5. Section 25(1) of the EA89 and section 28(1) of the GA86 provide that the Authority shall issue a Final Order if it “is satisfied that a regulated person is contravening, or is likely to contravene, any relevant condition or requirement”.
- 1.6. On 16 January 2020, Ampower became a DCC User. Ampower has now complied with its obligation to be a DCC User as required under the Relevant Condition.
- 1.7. The Authority is satisfied that Ampower is no longer in contravention of the Relevant Condition and has decided not to proceed to issue a Final Order to Ampower.

Dated: 3 March 2020

Signed

Megan Forbes (Chair)
Elizabeth France
Peter Hinchliffe

Enforcement Decision Panel
Duly authorised on behalf of the Gas and Electricity Markets Authority