

The Electricity Act 1989 and Gas Act 1986

Notice of decision not to take further action

RE: Better Energy Supply 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. Better Energy Supply Limited (“Better Energy”) (company number 07176401) whose registered office is situated at 10 Castle Quay, Castle Boulevard, Nottingham, NG7 1FW is the holder of an electricity supply licence issued by the Authority on 9 September 2011 under section 6(1)(d) of the EA89 and a gas supply licence issued by the Authority on 16 August 2010 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 Better Energy 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 Better Energy because the Authority was satisfied that Better Energy was contravening the Relevant Condition, namely the obligation to be a DCC User by 25 November 2017. This is an obligation

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

enforceable by the Authority as a relevant condition under section 25 of the EA89 and section 28 of the GA89.

- 1.5. On 3 February 2020, Better Energy provided a written representation to the Authority, in which Better Energy stated that Better Energy had recently sold its entire customer portfolio and no longer supplies electricity or gas to domestic customers.
- 1.6. By a letter dated 27 January 2020 addressed to the Authority, Better Energy requested the revocation of their electricity and gas licences. On 19 February 2020 the Authority issued a notice of revocation of an [electricity supply licence](#) and a notice of revocation of a [gas supply licence](#), giving notice that with effect from 20 March 2020 the electricity supply licence and the gas supply licence held by Better Energy shall be revoked.
- 1.7. 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”.
- 1.8. The Authority is not satisfied that Better Energy is contravening any relevant condition or requirement in that it is not supplying electricity or gas to any Domestic Premises. In view of the revocation of the electricity supply and gas supply licences that will take effect from 20 March 2020, the Authority is not satisfied that Better Energy is likely to contravene any relevant condition or requirement. In light of this, the Authority will take no further action against Better Energy.

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