

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 2020

- 1.1. On 2 October 2020 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 Flow Energy Limited (company number 07489062), having its registered office at Co-Operative House, Warwick Technology Park, Gallows Hill, Warwick, Warwickshire, CV34 6DA, 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/flow-energy-limited-final-order>
- 1.3. The Notice of Proposal to issue a Final Order to Flow Energy Limited was issued as the Authority was satisfied that Flow Energy Limited was likely to contravene the Renewables Obligation (“RO”) under article 7 of the Renewables Obligations Order 2015 (“ROO”) and article 5 of the Renewables Obligation (Scotland) Order 2009 (“ROS”). The Notice of Proposal explained in particular how Flow Energy Limited 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 2019-2020 by the relevant deadlines and failed to make its RO mutualisation payment under Article 74 of the ROO (and the equivalent provision of the ROS). The Authority believed that Flow Energy Limited was likely to fail to make the necessary payment before the 31 October late payment deadline.
- 1.4. Section 25(1) of the Electricity 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. On 26 October 2020, Flow Energy Limited provided satisfactory assurances to the Authority that it will discharge its obligations under the RO by making the full payment of its outstanding RO balance on or before the 31 October 2020 and made its mutualisation payment.
- 1.6. Therefore, because the Authority is satisfied that Flow Energy Limited is no longer likely to contravene the ROO and ROS, the Authority has decided not to proceed with issuing a Final Order to Flow Energy Limited on this occasion.

Dated: 29 October 2020

Signed

MEGAN FORBES
PETER HINCHLIFFE
PHILIP MARSDEN
Enforcement Decision Panel

Duly authorised on behalf of the Gas and Electricity Markets Authority