

To: Utilita Energy Limited

**DIRECTION ISSUED BY THE GAS AND ELECTRICITY MARKETS AUTHORITY
PURSUANT TO PARAGRAPH 4.22 OF SCHEDULE 2 TO THE RETAIL ENERGY CODE
VERSION 1.1 IN RESPECT OF ELECTRICITY SUPPLY LICENCE GRANTED OR
TREATED AS GRANTED UNDER SECTION 6(1)(d) OF THE ELECTRICITY ACT 1989**

WHEREAS:

1. Utilita Energy Limited ("the **Licensee**") (company number 04849181) whose registered office is situated at Hutwood Court, Bournemouth Road, Chandler's Ford, Eastleigh, Hampshire, SO53 3QB is the holder of an electricity supply licence issued by the Authority on 6 November 2003 under section 6(1)(d) of the Electricity Act 1989, in respect of which electricity supply Standard Licence Condition 11B (Retail Energy Code) ("**SLC 11B**") has effect ("the **Licence**").
2. Pursuant to SLC 11B, the Licensee must be a party to, comply with and maintain the Retail Energy Code ("the **Code**") as may be designated by the Gas and Electricity Markets Authority ("the **Authority**") for the purposes of SLC 11B. The Authority designated the Code on 1 February 2019,¹ and subsequently approved a modified version 1.1 of the Code to take effect from 15 January 2021.² Capitalised terms used in this Direction which are not defined in this Direction shall have the meaning given to them in the Code.
3. Clause 4.3 of the Code³ provides that if a REC Schedule is Mandatory for a Party Category, each Party in that Party Category shall be obliged to comply with that REC Schedule. Schedule 2 to the Code is the Transition Schedule,⁴ compliance with which is Mandatory for, among others, Domestic Suppliers and Non-Domestic Suppliers. Paragraph 4.22 of Schedule 2 to the Code provides that each Large Supplier shall ensure that it is, and that its Interfacing System is, ready to commence the User Entry Process Testing ("**UEPT**") as soon as the User Entry Process Testing is made available.
4. The Authority has the power pursuant to paragraph 4.22 of Schedule 2 to the Code to grant any Large Supplier a derogation from compliance with paragraph 4.22 of Schedule 2 to the Code, subject to such conditions as the Authority may impose. The Authority may retract any such derogation, or amend or add to the conditions applicable to any such derogation, on notice to the relevant Large Supplier.
5. Following an application by the Licensee, and having considered relevant factors and guidance, the Authority has decided to grant the Licensee a temporary Derogation in respect of its compliance with paragraph 4.22 of Schedule 2 to the Code. This temporary Derogation shall apply from the commencement of milestone TE160 UEPT (Tranche 1 of UEPT for the Switching Programme) and shall remain in force until the commencement of milestone TE770 UEPT (Tranche 2 of UEPT for the Switching Programme). This temporary Derogation is therefore granted on the condition that the Licensee shall instead comply with with paragraph 4.22 of Schedule 2 to the Code

¹ <https://www.ofgem.gov.uk/publications-and-updates/retail-energy-code-designation>

² [Decision on proposals for Retail Energy Code v1.1 | Ofgem](#)

³ [REC v1.1 Main Body \(ofgem.gov.uk\)](#)

⁴ [REC v1.1 Transition Schedule \(ofgem.gov.uk\)](#)

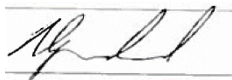
on commencement of milestone TE770 UEPT (Tranche 2 of UEPT for the Switching Programme).

6. The considerations relating to, and reasons for, the Authority's decision are set out in the accompanying letter to the Licensee, dated 08 March 2021.

NOW THEREFORE:

7. Subject to the conditions and timescales specified at paragraph 5 above, the Authority hereby directs that the Licensee is relieved on a temporary basis of its obligations under paragraph 4.22 of Schedule 2 (Transition Schedule) to the Retail Energy Code version 1.1.
8. This Direction shall be effective from the date of commencement of milestone TE160 UEPT (Tranche 1 of UEPT for the Switching Programme) and shall remain in force until the date of commencement of milestone TE770 UEPT (Tranche 2 of UEPT for the Switching Programme), unless revoked earlier or varied in writing by the Authority.

Dated: 08 March 2021



Nicola Garland
Acting Head of Delivery
Switching Programme

To: Utilita Energy Limited

**DIRECTION ISSUED BY THE GAS AND ELECTRICITY MARKETS AUTHORITY
PURSUANT TO PARAGRAPH 4.22 OF SCHEDULE 2 TO THE RETAIL ENERGY CODE
VERSION 1.1 IN RESPECT OF GAS SUPPLY LICENCE GRANTED OR TREATED AS
GRANTED UNDER SECTION 7A OF THE GAS ACT 1986**

WHEREAS:

1. Utilita Energy Limited ("the **Licensee**") (company number 04849181) whose registered office is situated at Hutwood Court, Bournemouth Road, Chandler's Ford, Eastleigh, Hampshire, SO53 3QB is the holder of a gas supply licence issued by the Authority on 30 November 2010 under section 7A(1) of the Gas Act 1986, in respect of which gas supply Standard Licence Condition 11 (Retail Energy Code) ("**SLC 11**") has effect ("the **Licence**").
2. Pursuant to SLC 11, the Licensee must be a party to, comply with and maintain the Retail Energy Code ("the **Code**") as may be designated by the Gas and Electricity Markets Authority ("the **Authority**") for the purposes of SLC 11B. The Authority designated the Code on 1 February 2019,⁵ and subsequently approved a modified version 1.1 of the Code to take effect from 15 January 2021.⁶ Capitalised terms used in this Direction which are not defined in this Direction shall have the meaning given to them in the Code.
3. Clause 4.3 of the Code⁷ provides that if a REC Schedule is Mandatory for a Party Category, each Party in that Party Category shall be obliged to comply with that REC Schedule. Schedule 2 to the Code is the Transition Schedule,⁸ compliance with which is Mandatory for, among others, Domestic Suppliers and Non-Domestic Suppliers. Paragraph 4.22 of Schedule 2 to the Code provides that each Large Supplier shall ensure that it is, and that its Interfacing System is, ready to commence the User Entry Process Testing ("**UEPT**") as soon as the User Entry Process Testing is made available.
4. The Authority has the power pursuant to paragraph 4.22 of Schedule 2 to the Code to grant any Large Supplier a derogation from compliance with paragraph 4.22 of Schedule 2 to the Code, subject to such conditions as the Authority may impose. The Authority may retract any such derogation, or amend or add to the conditions applicable to any such derogation, on notice to the relevant Large Supplier.
5. Following an application by the Licensee, and having considered relevant factors and guidance, the Authority has decided to grant the Licensee a temporary Derogation in respect of its compliance with paragraph 4.22 of Schedule 2 to the Code. This temporary Derogation shall apply from the commencement of milestone TE160 UEPT (Tranche 1 of UEPT for the Switching Programme) and shall remain in force until the commencement of milestone TE770 UEPT (Tranche 2 of UEPT for the Switching Programme). This temporary Derogation is therefore granted on the condition that the Licensee shall instead comply with with paragraph 4.22 of Schedule 2 to the Code

⁵ <https://www.ofgem.gov.uk/publications-and-updates/retail-energy-code-designation>

⁶ [Decision on proposals for Retail Energy Code v1.1 | Ofgem](#)

⁷ [REC v1.1 Main Body \(ofgem.gov.uk\)](#)

⁸ [REC v1.1 Transition Schedule \(ofgem.gov.uk\)](#)

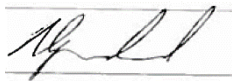
on commencement of milestone TE770 UEPT (Tranche 2 of UEPT for the Switching Programme).

6. The considerations relating to, and reasons for, the Authority's decision are set out in the accompanying letter to the Licensee, dated 08 March 2021.

NOW THEREFORE:

7. Subject to the conditions and timescales specified at paragraph 5 above, the Authority hereby directs that the Licensee is relieved on a temporary basis of its obligations under paragraph 4.22 of Schedule 2 (Transition Schedule) to the Retail Energy Code version 1.1.
8. This Direction shall be effective from the date of commencement of milestone TE160 UEPT (Tranche 1 of UEPT for the Switching Programme) and shall remain in force until the date of commencement of milestone TE770 UEPT (Tranche 2 of UEPT for the Switching Programme), unless revoked earlier or varied in writing by the Authority.

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