

Annex 2:

Schedule of correspondence between Ofgem and Symbio with regard to its payment obligations.

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Correspondence between Ofgem and Symbio

Date	Correspondence
18 December 2019	Email from Ofgem to Symbio advising that mutualisation had been triggered and therefore it required to make certain quarterly payments under the RO scheme. The email attached a schedule noting the dates on which payment was due.
6 May 2020	Letter from Ofgem to all relevant suppliers (including Symbio) summarising key dates and actions with regard to payment obligations under the RO scheme.
28 May 2020	Email from Ofgem to Symbio noting that it had not received a response to the letter of 6 May confirming how Symbio expects to meet its RO Payment for 2019- 2020. The email calls for a response by no later than 29 May 2020.
29 May 2020	Email from Symbio to Ofgem indicating that Symbio is confident that it will be in a position to make the RO Payment by 31 August 2020. It does highlight that the situation caused by Covid-19 has increased its bad debt provisions. Symbio indicates that it had asked Ofgem to put in place a payment plan but then reiterates <i>"we are in a position to meet the payment obligation for RO as per the given deadlines set by Ofgem"</i> .

28 July 2020	Email from Ofgem to Symbio reminding it that the levelisation payment for FIT 1 Payment is due on 11 August 2020.
5 August 2020	Email and letter from Ofgem to Symbio reminding it of its obligations with regard to the RO scheme.
10 August 2020	Email from Ofgem to Symbio noting that its levelisation payment for the FIT 1 Payment is due the next day (11 August 2020) and that Ofgem has not yet received payment.
12 August 2020	Letter from Ofgem to Symbio (sent via email) noting that Symbio has not complied with its obligation to the FIT 1 Payment.
13 August 2020 (timed at 19:03)	Email from Symbio to Ofgem questioning the amount due and citing that query as the reason that Symbio has not made payment. Symbio does not cite cashflow problems caused by Covid-19.
13 August 2020 (timed at 16:42)	Email from Ofgem to Symbio answering Symbio's query with regard to the amount due and confirming that the sum is now late and has been referred to Ofgem's enforcement team for consideration.
26 August 2020	Email from Ofgem to Symbio reminding it of its RO Payment obligations.
28 August 2020	Email from Ofgem to Symbio reminding it that the RO Payment is due by 31 August 2020.
31 August 2020	Email from Ofgem to Symbio noting that it has made a part buy-out payment for the RO Payment and that it assumes that the remainder will be made by late payment but asking for confirmation.
8 September 2020	Letter from Ofgem to Symbio requesting "robust assurance" that Symbio would be in a position to make payment of the RO Payment and FIT 2 payment on time.
9 September 2020	Email from Ofgem to Symbio reminding it of its obligation to make the RO Payment by the late

	payment deadline of 31 October 2020. The letter notes that failure to do so could trigger enforcement action.
9 September 2020	Email from the Deputy Director of enforcement at Ofgem to Symbio confirming that it will issue a Notice of Proposal of Final Order on Friday of that week.
9 September 2020	Email from Symbio to the Deputy Director of enforcement at Ofgem reiterating that it disputes the level of the FIT 1 Payment and indicating that it considers that Ofgem's actions are "abusive".
10 September 2020	Email from Ofgem to Symbio replying to its previous emails regarding the FIT 1 Payment.
10 September 2020	Letter from Ofgem to Symbio formally replying to its complaint with regard to the level of the FIT 1 Payment.
10 September 2020	Email from Symbio to Ofgem responding to Ofgem having intimated that it intended to issue Notice of Proposal to issue a Final Order in relation to the FIT 1 Payment. It confirms that Symbio has now made partial payment of £152,000. It reiterates that Symbio disputes that the remainder is due to be paid and asks Ofgem to confirm that it will not issue the Notice of Proposal of Final Order given the partial payment.
10 September 2020	Email from Symbio to Ofgem reiterating that it disputes the total sum due in respect of the FIT 1 Payment. This email notes that Symbio considers the threat of enforcement action as disproportionate.
10 September 2020	Email from Symbio to Ofgem with regard to anticipated payment of the RO Payment. It also sends draft accounts and notes that the reason for the delay in payment is due to Covid-19 cashflow difficulties.
11 September 2020	Email from Ofgem to Symbio asking for clarification with regard to what Symbio will pay and when.

11 September 2020	Email from Symbio to Ofgem clarifying what payments it intends to make when and asked for forbearance with regard to the RO Payment into November 2020. This email reiterates that delays in payment are a result of cashflow difficulties caused by Covid-19.
18 September 2020	Email from Ofgem to Symbio seeking assurances by close of business that day that it would make the RO Payment on time.
18 September 2020	Email from Symbio to Ofgem explaining what payments it expects to make and when.
21 September 2020	Email from Ofgem to Symbio asking for assurances, by close of business the next day, that Symbio will make the RO Payment on time or Symbio would face enforcement action.
21 September 2020	Email response from Symbio to Ofgem advising that it is attempting to make payment but it is having cashflow difficulties due to Covid-19.
22 September 2020	Email from Symbio to Ofgem with regard to the RO Payment – indicating what it expects to pay and when. It states that it will make the RO Payment by 10 November 2020.

Telephone calls between Ofgem and Symbio with regard to its payment obligations

Date	Call
11 June 2020	Ofgem and Symbio discussed the RO Payment. Symbio explained that it was having cashflow difficulties and they discussed the network deferral charges scheme. Ofgem made clear that the RO Payment must be made on time and that a payment plan was not possible.
6 August 2020	Ofgem and Symbio discussed Symbio's cashflow. Symbio asked if it was able to make the RO Payment

	in installments. Ofgem confirmed that there was no change to usual practices in this regard.
9 September 2020	Symbio explained what it expected to pay toward the RO Payment and when. It appears to indicate that it will make payment in full by the end of October 2020. Symbio reiterates that its biggest cashflow difficulty is customer debt collection.
8 October 2020	Symbio indicated that the “worst case” scenario was that it would make the RO Payment in full by 10 November 2020. Symbio asked how they could be expected to make the RO Payment given the difficulties with customer debt collection. Ofgem referred to the other easements in place to support suppliers during Covid-19 but stressed that its environmental scheme payment obligations were mandatory.
23 October 2020	Symbio reiterated its cashflow difficulties due to Covid-19

Correspondence from Ofgem to all relevant suppliers with regard to their payment obligations:

Date	Correspondence
2 June 2020	Letter from Ofgem to relevant regulated persons setting out the schemes available to them to assist with cashflow given the policy of forbearance on customer debt-collection. The letter does not indicate that Ofgem can defer sums due under the environmental schemes.
16 June 2020	Letter from Ofgem to energy supply companies setting out regulatory expectations given Covid-19. In the

	Annex, Ofgem make clear that suppliers must comply with their obligations to make payments under the environmental schemes.
17 July 2020	Letter from the Director of Conduct and Enforcement to all relevant suppliers (including Symbio) confirming that Ofgem expects them to meet their payment obligations under the environmental schemes and making clear that it is likely to take enforcement action where these obligations are not met.
28 August 2020	Letter from the Deputy Director of Ofgem to Symbio accompanying letter making clear that Ofgem will take enforcement action where timely payment of RO obligations is not made.