

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 Tonik Energy Limited (“Tonik”) (company number 09812673) whose registered office was situated at Fifth Floor, Lombard House, 145 Great Charles Street, Birmingham B3 3LP.
- 1.2. Tonik was the holder of an electricity supply licence granted or treated as granted under section 6(1)(d) of the Electricity Act 1989.
- 1.3. A copy of the Notice of Proposal can be found at:
<https://www.ofgem.gov.uk/publications-and-updates/tonik-energy-limited-final-order>
- 1.4. The Notice of Proposal to issue a Final Order to Tonik was issued as the Authority was satisfied that Tonik 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”) and that Tonik has contravened the Feed-in Tariff (FIT) under the requirements of of SLC 33.3, conditions 3.1 and 3.1.2 of Schedule A, Part 3 of SLC 33 and the Feed-In Tariff Order 2012 by not making its Levelisation Payment by the specified deadline of 21 September 2020. The Notice of Proposal explained in particular how Tonik 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 2019-20 by the relevant deadlines and has failed to make its FIT Levelisation payment.

The Authority believed that Tonik was likely to fail to make the necessary payment before the 31 October 2020 late payment deadline.

- 1.5. On 06 October 2020, Tonik ceased to trade. Its licences to supply gas and electricity were duly revoked shortly thereafter.
- 1.6. In light of this, the Authority has decided not to proceed with issuing a Final Order to Tonik.

Dated: 29 October 2020

Signed

Megan Forbes (Chair)

Peter Hinchliffe

Dr Philip Marsden

Enforcement Decision Panel

Duly authorised on behalf of the Gas and Electricity Markets Authority