



Appendices (unaudited)

Appendix I

Key Performance Indicators

Effective Competition			
Metric (KPI's)	Details of what is being measured	Annual targets for 2021-22	Actual
Offshore transmission processing	Licence grants within 70 days of commencement of Section 8A5 consultations	70 days	47.5 days
Offshore transmission processing	Preferred Bidder selection within 120 days of the "Invitation to Tender" submission (excluding "Best" and "Final" offer)	120 days	78.5 days
Licence applications	Make decisions on Licence Applications within 45 days	100%	100% ³¹
Code modifications	Made code modification decisions within 25 days (or three months, if "minded to" consultation / impact assessment is needed)	90%	
Customer contacts	Time taken for first response to customer contacts	80% - 10 working days	85.47%
Whistle-blowers	Time taken for first response to whistle-blower contacts	100% - 1 working day to receive initial engagement	100%

Key performance indicators for our environmental and social schemes are set with the Department for Business, Energy and Industrial Strategy and the Northern Ireland Department for the Economy, for whom they are delivered. Every year, Ofgem commits to upholding specific service levels for the GB Domestic and Non-Domestic RHI, Feed-In-Tariffs, Renewables Obligation, Energy Company Obligation and Warm Home Discount schemes. Results against these for 2021-22 are set out below.

³¹ The specified time periods vary for different application types and are published in the guidance for [gas and electricity licence applications](#). The specified time period for supply licence applications was amended during the year. The specified time period for individual applications may be extended by Ofgem once when justified by the complexity of the issue.



Environmental and Social Scheme KPIs			
Metric (KPI's)	Details of what is being measured	Annual targets for 2021-22	Actual
Domestic Renewable Heat Incentive (DRHI)	Responding to enquiries within 10 working days	80%	99%
Non domestic RHI	Responding to enquiries within 10 working days	80%	98.7%
Renewable Obligation	Responding to enquiries within 10 working days	80%	99.7%
Feed in Tariffs (FIT)	Responding to enquiries within 10 working days	80%	99.7%
Energy Company Obligation (ECO)	Responding to enquiries within 10 working days	80%	99.3%
Warm Home Discount	Responding to enquiries within 10 working days	80%	95.1%
Warm Home Discount	Responding to obligated party submitted Warm Homes Discount	100%	100%
DRHI	Maintaining system availability during business hours	99%	99.9%
Non domestic RHI	Maintaining system availability during business hours	99%	99.4%
RO	Maintaining system availability during business hours	99%	99.8%
FIT	Maintaining system availability during business hours	99%	99.8%
ECO	Maintaining system availability during business hours	99%	99.8%
DRHI	Making payments within 30 working days	95%	98.20
Non domestic RHI	Making payments within 40 working days	90%	96.5%
Northern Ireland non domestic RHI	Making payments within 40 working days	95%	93.4%
RO	Issuing the main batch of Renewables Obligations Certificates following the generators' output data reporting deadline, within 17 working days (Apr-Jun) and 12 working days (Jul-Mar)	95%	98.3%
FIT	Completing the "levelisation" process within 22 working days	100%	100%
ECO	Processing the measures submitted in one calendar month by the end of the following month	100%	100%

The value of payments made in error during 2021-22 under the GB Renewable Heat Incentive Schemes is estimated at £10.4 million (1.1 per cent of total payments) within a 95 per cent confidence interval of £6.2 million to £14.6 million. This will also be disclosed in BEIS's 2021-22 annual report and accounts.

Appendix II - Investigations and Enforcement Action 2021-22

Details of our cases are available on our website³² in accordance with our policy as set out in our Enforcement Guidelines.³³ We will usually publish brief details of the facts and nature of the investigations on our website,³⁴ although policy is different for cases relating to the Regulation³⁵ on Wholesale Energy Market Integrity and Transparency (REMIT)³⁶ and the Network and Information Systems Regulations 2018.³⁷ Below you can find details of the investigations that we have completed this year. In investigations where we secured redress, the companies made payments either directly to consumers and/or to programmes and funds that would benefit consumers.

Company	Issue	Decision	Date of decision
Utility Warehouse Ltd	Investigation into Utility Warehouse's compliance with Standard Licence conditions 25C/0, 27.5, 27.8, 28B and 32.	No formal finding of breach, closed through alternative action, redress of £1.5m paid to the Voluntary Redress Fund. Utility Warehouse took satisfactory improvement actions during the course of the investigation.	November 2021
PayPoint plc	Investigation into whether there had been an infringement of Chapter II of the Competition Act 1998, concerning potential abuse of a dominant position by a company providing services to the energy industry.	No formal finding of breach, closed through the acceptance of commitments, including the removal of exclusivity clauses. Redress of £12.5m paid to the Voluntary Redress Fund.	November 2021
National Grid Electricity Transmission plc (NGET) and Scottish Power Transmission plc (SPT)	Investigation into whether NGET and SPT breached licence conditions and statutory obligations relating to the delivery and operation of the Western High Voltage Direct Current ("WHVDC") subsea link between Scotland and Wales.	No formal finding of breach, closed through alternative action. NGET and SPT agreed to a redress package totalling £158m, £15m of which was paid into the Voluntary Redress Fund. The remainder will be returned to consumers via reduced transmission charges.	November 2021

³² [Compliance and enforcement](#) - Investigations, orders and penalties | Ofgem ; [Compliance and enforcement - Compliance and enforcement - REMIT compliance and enforcement](#) | Ofgem

³³ [The Enforcement Guidelines](#) | Ofgem

³⁴ The fact that we have opened an investigation does not imply that the companies involved have breached licence conditions or other obligations.

³⁵ Regulation No 1227/2011 of the European Parliament and of the Council of 25 October 2011

³⁶ Our Remit Procedural Guidelines can be found at: Decision on changes to [REMIT Penalties Statement and REMIT Procedural Guidelines](#) | Ofgem

³⁷ Consultation on Ofgem's proposed new [NIS Enforcement Guidelines and Penalty Policy](#) | Ofgem



Company	Issue	Decision	Date of decision
National Grid Electricity Transmission plc (NGET) / National Grid Electricity System Operator (NGESO)*	Investigation into NGET and its compliance with its obligations under the Standard Licence Condition 16 of the Transmission Licence.	Case closed, formal finding of breach. We imposed a fine of £1 on National Grid Electricity System Operator (NGESO). This in addition to a payment of £1,499,999 made by NGESO to the Voluntary Redress Fund.	May 2021
*NGESO legally separated from NGET on 1 April 2019.			
Symbio Energy Ltd	Investigation into Symbio Energy's compliance with Standard Licence Condition ("SLC") 33 of the Electricity Supply Licence, the Feed-In Tariff (FIT) Order 2012, Articles 68 and 74 of the Renewable Obligation Order 2015 (as amended) (ROO) and Article 49 of the Renewable Obligation (Scotland) Order 2009 (ROS).	Case closed, formal finding of breach. We imposed a financial penalty of £100,000 on Symbio. However Symbio ceased trading on 29 September 2021 and did not make this payment prior to exiting the market and entering Administration.	May 2021

Below are details of redress that Ofgem has secured through alternative action or compliance work. This gives a company a chance to swiftly put things right for consumers without us exercising our statutory enforcement powers.

Company	Issue	Decision	Date of decision
EDF Energy	Supplier Licence Conditions (SLCs) 0 and 25.4 require suppliers (and their representatives) to not mislead consumers when marketing or selling their products, in order to allow customers to make informed (switching) choices and decisions. Selectra is a representative of supplier, EDF Energy, and it sells EDF Energy supply products. Concerns in relation to SLC 0 and 25.4 were raised to EDF Energy, regarding Selectra's selling processes implemented between June 2020 and March 2021.	Alternative action, no formal finding of breach. EDF implemented requested improvements to sales processes and agreed to provide £163,500 to the Energy Industry Voluntary Redress fund, in recognition of possible financial detriment to customers.	October 2021
ESB Independent Generation Trading Ltd and Carrington Power Ltd	Submission of inaccurate data to National Grid Electricity System Operator ('NGESO') on Carrington power plant's 'dynamic parameters', which gave false or misleading signals as to the supply of wholesale energy.	Alternative action. ESB Independent Generation Trading and Carrington Power admitted to inadvertently breaching Article 5 REMIT and Grid Code obligations to submit accurate data to NGESO. The companies acknowledged that their actions sometimes led to NGESO purchasing a larger volume of power and spending higher amounts to balance the system than was necessary and agreed to make a £6m collective payment to the Voluntary Redress Fund.	August 2021



Company	Issue	Decision	Date of decision
Green Star Energy Ltd (Shell Energy UK Ltd)	As part of Shell's business review, Shell uncovered that approximately 97,000 customers had not been sent statements of account and/or Final Bills, or, if sent, these had been inaccurate.	Alternative action, no formal finding of breach. Shell has offered a package of redress totalling £1,532,000. Shell paid £1,215,000 as refunds to customers and £317,000 as compensation to customers.	August 2021
SSE Energy Services (now part of Ovo Energy Ltd)	SSE (now Ovo) identified some provisional status 'pending accounts', where accounts were set up and direct debits were taken, however, no energy had been supplied. This was identified as a historic issue following an audit of the system.	Alternative action, no formal finding of breach. SSE (now Ovo) offered a package of redress totalling £589,754.84. Ovo paid £281,085.73 as direct refunds to customers; £77,845.93 in compensation to customers; and £230,823.18 was paid to the Voluntary Redress Fund.	July 2021
Utilita Energy Ltd	Utilita self-reported that they had overcharged some gas customers due to applying the wrong calorific value as a result of a calculation fix not being automatically applied.	Alternative action, no formal finding of breach. Utilita offered a package of redress totalling £821,560.36. Utilita paid £776,607.54 as direct refunds to customers; £775 was paid in compensation to customers; and £44,177.82 was paid to the Voluntary Redress Fund.	June 2021
EON UK plc	EON took Direct Debit payments earlier than agreed from 1.6 million customers. Payments were due to be taken in early January but E.ON erroneously took these Direct Debit payments on 24 December 2020. E.ON self-reported this issue.	Alternative action, no formal finding of breach. E.ON told us that they had made redress and goodwill payments totalling £55,039 to customers who suffered additional bank charges or expenses as a result of their error. E.ON estimated the maximum detriment that this error could have caused customers and paid the equivalent amount of £427,312 into the Voluntary Redress Fund. E.ON also paid £200,000 into the fund in recognition of its failure to address underlying system and governance weaknesses. The total payment made to the Voluntary Redress Fund payment was £627,312.	April 2021

In addition to the cases shown in the table, other compliance engagements resulted in the following.

Type of impact	Value
Refunds paid to customers	£115,000
Compensation payments to consumers	£51,000
Redress payments to the Voluntary Redress Fund	£91,000
Total	£257,000



Open cases

Below are the open investigations as at the end of March 2022. Please note, the opening of an investigation does not imply that we have made any finding(s) about non-compliance. Ofgem does not publish information on all open investigations, in particular when Ofgem is conducting investigations into potential failures to comply with REMIT requirements and the Network and Information Systems Regulations 2018. As a general rule, we do not comment further on these investigations, including who we are investigating, unless we consider it necessary to do so in the interests of consumers or market confidence.

Company	Date Opened	Issue
National Grid Electricity Transmission plc (NGET)	March 2022	Investigation into NGET and its compliance with section 9 of the Electricity Act 1989 and SLC B7 of its Electricity Transmission Licence in relation to the Harker substation.
Energetický a průmyslový South Humberside Bank (EP SHB)	October 2021	Investigation into whether EP SHB has failed to comply with the requirements of condition 20A of the Electricity Generation Standard Licence Conditions (referred to as the Transmission Constraint Licence Condition, or "TCLC").
SSE Generation Ltd	October 2021	Investigation into whether SSE Generation Ltd has failed to comply with the requirements of condition 20A of the Electricity Generation Standard Licence Conditions (referred to as the Transmission Constraint Licence Condition, or "TCLC").
Community Energy Scheme (CES) UK Ltd	August 2021	Investigation into whether CES has contravened consumer protection legislation through its sales and customer service practices.
Scottish Power Ltd	November 2020	Investigation into Scottish Power's compliance with Standard Licence Conditions ("SLC") 38 of the Gas Supply Licence and SLC 44 of the Electricity Supply Licence. These SLCs require a licensee to set and achieve Annual Milestones for the installation of Smart Meters.
United Gas and Power Ltd	July 2020	Investigation into United Gas and Power Ltd's billing and communications activities.
Hudson Energy Supply UK Ltd	July 2020	Investigation into whether Hudson Energy Supply UK Ltd breached rules around billing, meter reading and communications in relation to the actions taken on its behalf by United Gas and Power Ltd.
Western Power Distribution plc	February 2020	Investigation into Western Power Distribution plc and its compliance with obligations relating to the Priority Services Register.

Final orders

Below you can find details of the final orders imposed during the year from April 2021 to March 2022. We issued two final orders for the suppliers detailed below.

Final Order issued	Company	Concern
October 2021	Whoop Energy Ltd	Failure to make Renewables Obligation (RO) payment for the obligation period of 1 April 2020 to 31 March 2021, for the sum of £56,306.25.
October 2021	AmpowerUK Ltd	Failure to make an RO payment for the obligation period of 1 April 2020 to 31 March 2021, for the sum of £3,590,236.65.

In addition to this, details of the notices of consultation for a final order where we did not proceed to issue a final order are listed below.

Date consultation raised	Company	Concern	Outcome
October 2021	Colorado Energy Ltd	Failure to make RO payment for the obligation period from 1 April 2020 to 31 March 2021, for the sum £858,357.50 in relation to its RO and £24,824.80 in relation to its ROS.	Colorado Energy ceased trading on 13 October 2021 and its licences were revoked. The RO payment remains outstanding.
October 2021	GoTo Energy Ltd	Failure to make RO payment for the obligation period from 1 April 2020 to 31 March 2021, for the sum of £2,124,372.25 in relation to its RO and £347,997.65 in relation to its ROS.	GoTo Energy Ltd ceased trading on 18 October 2021 and its licences were revoked. The RO payment remains outstanding.
October 2021	Home Energy Trading Ltd	Failure to make RO payment for the obligation period from 1 April 2020 to 31 March 2021, for the sum of £2,202.20 in relation to its RO and £50.05 in relation to its ROS.	Home Energy made full payment of its RO 2020-21 obligation on 5 October 2021. The Authority ³⁸ made the decision not to make a final order.
August 2021	Symbio Energy Ltd	Symbio refused to provide financial information requested by Ofgem under SLC 5. SLC 5 gives the Authority the power to request information from licensees.	Symbio Energy ceased trading on 29 September 2021 and its licences were revoked.

³⁸ Ofgem's governing body - the Gas and Electricity Markets Authority (GEMA; "The Authority").



Final Order (FO) ended	Company	Outcome from FO
October 2021	Whoop Energy Ltd	Failure to make Renewables Obligation (RO) payment for the obligation period of 1 April 2020 to 31 March 2021, for the sum of £56,306.25. Whoop Energy ceased trading on 18 February 2022 and its licence to supply electricity was subsequently revoked. As a result, the final order issued to Whoop Energy on 28 October 2021 ceased to have effect. The RO payment remains outstanding (plus interest accrued).
September 2021	Nabuh Energy Ltd	Failure to make RO payments for the obligation period from 1 April 2019 to 31 March 2020, for the sum of £2,683,631.70. Nabuh Energy transferred all its customers to Centrica PLC. The Authority revoked Nabuh Energy's licences on 17 September 2021. As a result the final order ceased to have effect. The RO payments remain outstanding (plus interest accrued).
April 2021	Robin Hood Energy Ltd	Failure to make RO payment for the obligation period from 1 April 2019 to 31 March 2020, for the sum of £12,057,879.42 and to make the Annual Levelisation Payment for FIT Year 10 in the sum of £33,945.51. Robin Hood ceased trading on 5 January 2021 and their licences were revoked on 12 April 2021. As result the final order ceased to have effect. The RO payment remains outstanding (plus interest accrued).
November 2021	AmpowerUK Ltd	Failure to make an RO payment for the obligation period of 1 April 2020 to 31 March 2021, for the sum of £3,590,236.65. Ampower ceased trading on 8 November 2021 and its licences were revoked. As result the final order ceased to have effect. The RO payment remains outstanding (plus interest accrued).

We have also detailed the outcomes of the final orders that have concluded during this year. The final orders for Nabuh Energy and Robin Hood were issued during the previous year but concluded within this year.

Provisional orders

Below you can find details of the provisional orders imposed during the year from April 2021 to March 2022. We issued 18 provisional orders. We saw a continuation in the instances of non-compliance with the Feed In Tariff (FIT) and the Renewables Obligation (RO), with a number of suppliers who subsequently ceased to trade and left the market.

Provisional order issued	Company	Concern
March 2022	UK Energy Incubator Hub Ltd	UK Energy Incubator Hub Ltd failed to provide information requested by Ofgem under SLC 5. SLC 5 gives Ofgem the power to request information from licensees.
November 2021	Delta Gas and Power Ltd	Failure to make FIT Year 12 Quarter 2 Levelisation Payment, for the sum of £46,701.23. Delta made payment of its FIT Year 12 Quarter 2 payment in full on 17 January 2022. As a result, the Authority has taken the decision not to confirm the provisional order.
November 2021	Social Energy Supply Ltd	Failure to make FIT Year 12 Quarter 2 Levelisation Payment, for the sum of £28,735.97. Social Energy Supply Ltd ceased trading on 16 November 2021 and its licences to supply gas and electricity were subsequently revoked. As a result, the provisional order issued to Social Energy Supply Ltd on 12 November 2021 ceased to have effect.
November 2021	Whoop Energy Ltd	Failure to make FIT Year 12 Quarter 2 Levelisation Payment, for the sum of £19,013.51. Whoop Energy ceased trading on 18 February 2022 and its licence to supply electricity was subsequently revoked. As a result, the provisional order issued to Whoop Energy on 12 November 2021 ceased to have effect. The FIT levelisation payment remains outstanding.
October 2021	Entice Energy Supply Ltd	Failure to make RO payment for the obligation period from 1 April 2020 to 31 March 2021, for the sum of £152,252.10 for its RO; and £21,671.65 for its ROS. Entice Energy ceased trading on 25 November 2021 and its licences to supply gas and electricity were subsequently revoked. As a result, the provisional order issued to Entice on 28 October 2021 ceased to have effect.
October 2021	Simply Your Energy Ltd (trading as Entice Energy Supply Ltd)	Failure to make FIT Year 12 Quarter 2 Levelisation Payment of £28,353.75 by the deadline of 10 November 2021. Simply Your Energy Ltd (trading as Entice Energy Supply Ltd) ceased trading on 25 November 2021 and its licences to supply gas and electricity were subsequently revoked. As a result, the provisional order issued to Entice on 12 November 2021 ceased to have effect.
October 2021	Orbit Energy Ltd	Failure to make FIT Year 12 Quarter 2 Levelisation Payment, for the sum of £451,296.14. Orbit Energy ceased trading on 25 November 2021 and its licences to supply gas and electricity were subsequently revoked. As a result, the provisional order issued to Orbit Energy on 12 November 2021 ceased to have effect.
October 2021	Neon Reef Ltd	Failure to make RO payment for the obligation period from 1 April 2020 to 31 March 2021, for the sum of £349,148.80. Neon Reef Ltd ceased trading on 16 November 2021 and its licences to supply gas and electricity were subsequently revoked. As a result, the provisional order issued to Neon Reef Ltd on 28 October 2021 ceased to have effect.



Provisional order issued	Company	Concern
October 2021	MA Energy Ltd	Failure to make RO payment for the obligation period from 1 April 2020 to 31 March 2021, for the sum of £941,835.25. MA Energy Ltd ceased trading on 8 November 2021 and its licences to supply gas and electricity were subsequently revoked. As a result, the provisional order issued to MA Energy Ltd on 28 October 2021 ceased to have effect.
October 2021	Together Energy (Retail) Ltd	Failure to make RO payment for the obligation period from 1 April 2020 to 31 March 2021, for the sum of £11,440,979.55 in relation to its RO obligation and the sum of £961,410.45 in relation to its ROS obligation. Together ceased trading on 18 January 2022 and its licence to supply electricity was subsequently revoked. As a result the Authority took the decision not to confirm the provisional order.
October 2021	Igloo Energy Supply Ltd	Failure to make FIT Year 12 Quarter 2 Levelisation Payment, for the sum of £316,582.44. Igloo ceased trading on 29 September 2021 and its licences to supply gas and electricity were revoked as of 3 October 2021. As a result, the provisional order issued to Igloo on 21 September 2021 ceased to have effect.
October 2021	Delta Gas and Power Ltd	Failure to pay the RO payment for the obligation period of 1 April 2020 to 31 March 2021, for the outstanding amount of £78,664.29. Delta Gas and Power made the payment, and the provisional order is to be revoked shortly.
October 2021	Symbio Energy Ltd	Failure to make its FIT Year 11 annual Levelisation Payment of £146,238.66 by the deadline of 17 September 2021. Symbio Energy ceased trading on 29 September 2021 and its licences were revoked. As a result, the provisional order issued to Symbio Energy on 21 September 2021 ceased to have effect.
September 2021	Colorado Energy Ltd	Failure to make FIT Year 11 Levelisation Payment, for the sum of £261,406.12. Colorado ceased trading on 13 October 2021 and subsequently its licences to supply gas and electricity were revoked. As a result, the provisional order issued to Colorado on 21 September 2021 ceased to have effect.
September 2021	Avro Energy Ltd	Failure to provide information under SLC 5. Avro ceased trading on 22 September 2021 and its licences to supply gas and electricity were revoked as of 26 September 2021. As a result, the provisional order issued to Avro on 14 September 2021 ceased to have effect.
September 2021	Whoop Energy Ltd	Failure to make FIT Year 11 Annual Levelisation Payment, for the sum of £3,780.22. Whoop Energy ceased trading on 18 February 2022 and its licence to supply electricity was subsequently revoked. As a result, the provisional order issued to Whoop Energy on 21 September 2021 ceased to have effect. The FIT annual levelisation payment remains outstanding.
September 2021	Neon Reef Ltd	Failure to make its FIT Year 11 Annual Levelisation Payment of £37,350.76 by the deadline of 17 September 2021. Neon Reef paid the outstanding sum and consequently the requirements of the provisional order are no longer in place.
August 2021	Symbio Energy Ltd	Failure to make FIT Year 12 Quarter 1 Levelisation Payment, for the sum of £449,025.79. Symbio Energy ceased trading on 29 September 2021 and its licences were revoked. As a result, the provisional order issued to Symbio Energy on 18 August 2021 ceased to have effect.

Appendix III - Statutory arrangements under Section V of the Utilities Act 2000

Section 5(1) of the Utilities Act 2000 requires that the Authority makes a report to the Secretary of State each year on:

- the activities of the Authority during the year; and
- the activities of the CMA during that year in respect of any reference made to it by the Authority.

The activities of the Authority during the year are reported on throughout this report. [There have been no references made by the Authority to the CMA on which to report]

Section 5(2) of the Utilities Act 2000 requires that the annual report of the Authority includes the following:

- A general survey of developments in respect of matters falling within the Authority's functions, including in particular developments in competition between persons engaged in, or in commercial activities connected with:
 - the shipping, transportation or supply of gas conveyed through pipes; and
 - the generation, transmission, distribution or supply of electricity;
(These developments are referred to in the Performance Report)
- A report on the progress of the projects described in the forward work programme for that year;
(Progress is reported in the Performance Report)
- A summary of final and provisional orders made by GEMA in that year;
(This can be found in Appendix II)
- A summary of the penalties imposed by GEMA during that year;
(This can be found in Appendix II)
- A summary of any final notices given by GEMA under REMIT in that year;
(This can be found in Appendix II)
- A report on such other matters as the Secretary of State from time to time may require.

Section 5(2A) of the Utilities Act 2000 requires the Authority to include in its annual report a report on

- (a) the ways in which the Authority has carried out its duties under section 132(1) and (2) of the Energy Act 2013 in relation to a strategy and policy statement designated by the Secretary of State (so far as the statements designation was in effect during the whole or any part of the year); and
- (b) the extent to which the Authority has done the things set out in a forward work programme or other document as the things the Authority proposed to do during that year in implementing its strategy for furthering the delivery of the policy outcomes contained in the strategy and policy statement.

(The Secretary of State has not designated a strategy and policy statement applicable to this reporting year)

Section 5(3) of the Utilities Act requires the Authority to set out in its annual report any general directions given by the Secretary of State under s34(3) of the Gas Act 1986 or s47(2) of the Electricity Act 1989.

(The Secretary of State has not made any such general directions)

