

Delta Gas and Power Limited
Electricity Act 1989
Provisional Order made under section 25(2) of the Electricity Act 1989

To: Delta Gas and Power Limited ("Delta"), (company number 09933244) of 344-354 Gray's Inn Road, London, England, WC1X 8BP, holder of an electricity supply licence issued by the Gas and Electricity Authority ("the Authority") on 27 April 2016 under section 6(1)(d) of the Electricity Act 1989 ("the Act").

WHEREAS:

- A. Delta is the holder of an electricity supply licence and is subject to the requirement to comply with the standard licence conditions ("SLCs") of its electricity supply licence, which are "relevant conditions" for the purposes of the Electricity Act 1989.
- B. As a licensed electricity supplier, Delta is required to comply with SLC 33 (Feed-in Tariffs). SLC 33.3 provides that licensees shall comply with Part 3 of Schedule A (FIT obligations applicable to all licensees) with effect on and after 1st April 2010. SLC 33.5 provides that Section C and Schedule A of SLC 33 are "relevant conditions" for the purposes of section 25(8) of the Act and a non-complying licensee shall be subject to the enforcement powers of the Authority under the Act. Condition 3.1 of Part 3 to Schedule A of SLC 33 provides that licensees shall participate in levelisation as set out in Part 6 of the Feed-in Tariffs Order 2012, in accordance with the Authority's instructions. Condition 3.1.2 of Part 3 of Schedule A, further provides that licensees will make FIT levelisation payments in accordance with the Authority's instructions.
- C. Where a supplier has failed to make a levelisation payment by a date specified by the Authority it will breach the requirements of SLC 33.3 and conditions 3.1 and 3.1.2 to Schedule A, Part 3 of SLC 33.
- D. Delta was required to make a FIT levelisation payment in respect of the period 1 July to 30 September 2022 (Year 13 Quarter 2) of £56,707.09 ("the Payment") on or before 10 November 2022. The Year 13 levelisation schedule was published by the Authority on 21

February 2022¹, outlining the deadlines of each levelisation payment. Delta was sent an invoice for the FIT levelisation payment due in respect of Year 13 Quarter 2 on 27 October 2022, which required Delta to make payment by 10 November 2022.

E. Delta has failed to make the payment.

F. It appears to the Authority that Delta is contravening its obligations under SLC 33 as outlined above and that it is requisite to make a Provisional Order to secure Delta's immediate compliance with these obligations.

NOW THEREFORE:

The Authority, pursuant to section 25(2) of the Act, makes a Provisional Order requiring Delta to:

- 1) make a payment to the Authority in full settlement of its Year 13 Quarter 2 levelisation payment in the sum of £56,707.09 forthwith; and
- 2) notify the Authority by email to sophia.mcquigan@ofgem.gov.uk and russell.ogilvie@ofgem.gov.uk of the payment immediately after it has been made.

Pursuant to section 27(7) of the Act, the Authority may seek to enforce the Order by application to the High Court for injunctive or other relief without further notice to Delta.

This Provisional Order will cease to have effect on 28 February 2023 unless confirmed by the Authority on or before that date.

Dated: 29 November 2022

Signed:

Charles Hargreaves

Deputy Director, Enforcement

Duly Authorised on behalf of the Gas & Electricity Markets Authority

¹ [Feed-in Tariff Levelisation Schedule Year 13 | Ofgem](#)