

Delta Gas and Power Limited
Gas Act 1986 & Electricity Act 1989
Provisional Order made under section 25(2) of the Electricity Act 1989 and
28(2) of the Gas Act 1986

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") under section 6(1)(d) of the Electricity Act 1989 and holder of a gas supply licence issued by the Authority under section 7A(1) of the Gas Act 1986.

WHEREAS:

- A) Delta is the holder of gas and electricity supply licences granted by the Authority and is subject to the usual conditions thereunder, which are "relevant conditions" for the purposes of the Electricity Act 1989 and the Gas Act 1986 ("the Acts").
- B) On 2 September 2022, the Authority issued a request for information to Delta for information necessary for the performance of its functions relating to the revocation of a supply licence, its functions relating to the issue of a Last Resort Supply Direction, or its functions relating to applications for an Energy Supply Company Special Administration Order, seeking the provision of the information specified in the annexes, appendices and attachments thereto.
- C) Standard Licence Condition ("SLC") 5 of the gas and electricity supply licenses requires the provision of information to the Authority upon request, and relevantly provides:

"5.1 After receiving a request from the Authority for Information that it may reasonably require or that it considers may be necessary to enable it to perform any functions given or transferred to it by or under any legislation, including any functions conferred on the Authority by or under the Regulation, the licensee must give that Information to the Authority when and in the form requested.

5.2 The licensee is not required to comply with paragraph 5.1 if the licensee could not be compelled to produce or give the Information in evidence in civil proceedings before a court."

Delta has failed to provide all of the relevant information requested by the Authority, having only provided part of the information requested. The information which Delta has failed to provide includes: Appendix 1: Hedging books, balance sheets, cashflows, profits and loss, and granular customer meter data and balances, Appendix 2: Customers' emails and additional meter profile data for electricity, Appendix 3: Credit balances, Appendix 4: Tariffs.

- D) Delta has offered no satisfactory explanation for its failure to provide all of the information requested by the Authority.
- E) It appears to the Authority that Delta is contravening (and is likely to continue contravening) its obligations under SLC 5.
- F) The Authority considers it is requisite to make a Provisional Order in exercise of the powers in section 25(2) of the Electricity Act and section 28(2) of the Gas Act in order to secure compliance by Delta with its obligations under SLC 5.

NOW THEREFORE:

The Authority, pursuant to section 25(2) of the Electricity Act and section 28(2) of the Gas Act, and for the purpose of securing compliance with SLC 5 of the gas and electricity supply licences, makes a Provisional Order requiring Delta to, by no later than 5pm on Monday 5 December 2022, comply with the Authority's request for information issued on 2 September 2022, notifying the Authority of this to sophia.mcguigan@ofgem.gov.uk and russell.ogilvie@ofgem.gov.uk.

Pursuant to section 27(7) of the Act and section 30(8) of the Gas Act 1986, the Authority may seek to enforce this Provisional Order by application to the High Court for injunctive or other relief without further notice to Delta.

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

Dated: 29 November 2022



Making a positive difference
for energy consumers

Signed

Charles Hargreaves

Deputy Director, Enforcement

Duly Authorised on behalf of the Gas & Electricity Markets Authority.