

## 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 2019

- 1.1. On 1 October 2019 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 Delta Gas and Power Ltd (company number 09933244) having its registered office at 344-354 Gray’s Inn Road, London, England, WC1X 8BP, the holder of an electricity supply licence granted or treated as granted under section 6(1)(d) of the Electricity Act 1989.
- 1.2. A copy of the Notice of Proposal can be found at:  
<https://www.ofgem.gov.uk/publications-and-updates/delta-gas-and-power-limited-final-order>.
- 1.3. The Notice of Proposal to issue a Final Order to Delta Gas and Power Ltd was issued as the Authority was satisfied that Delta Gas and Power Ltd Ltd was likely to contravene the Renewables Obligations (“RO”) under article 7 of the Renewables Obligation Order 2015 (“ROO”) and article 5 of the Renewables Obligation (Scotland) Order 2009 (“ROS”). The Notice of Proposal explained in particular how Delta Gas and Power Ltd 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 2018-19 by the relevant deadlines. The Authority believed that Delta Gas and Power Ltd was likely to fail to make the necessary payment before the 31 October late payment deadline.
- 1.4. Section 25(1) of the Electricity Act provides that the Authority shall issue a Final Order if it *“is satisfied that the regulated person is contravening, or is likely to contravene, any relevant condition or requirement”*.

- 1.5. On 24 October 2019, Delta Gas and Power Ltd paid the outstanding RO balance, including interest, having already paid £9,963.42 for its ROS on 17 October 2019 and £50,000 for its ROO on 18 October 2019. Delta Gas and Power Ltd has discharged its obligation under the RO by making the remainder of the RO payment in full before the 31 October 2019.
- 1.6. Therefore, because the Authority is satisfied that Delta Gas and Power Ltd is no longer in contravention of, or likely to contravene, the ROO and ROS, the Authority has decided not to proceed with issuing a Final Order to Delta Gas and Power Ltd on this occasion.

Dated: 29 October 2019

Signed

**Megan Forbes (Chair)**

**Dr Ulrike Hotopp**

**Dr Philip Marsden**

**Enforcement Decision Panel**

**Duly authorised on behalf of the Gas and Electricity Markets Authority**