

Confirmed Provisional Order

The Energy (Northern Ireland) Order 2003

Provisional Order confirmed (with modifications) under Article 42(4) of The Energy (Northern Ireland) Order 2003

To: Project Plug Limited (company number NI626418) having its registered office at 1st Floor Timberquay, 100-114 Strand Road, Derry, BT48 7NR (and trading as Click Energy).

Whereas:

- (A) Project Plug Limited is the holder of an electricity supply licence granted under Article 10(1)(c) of the Electricity (Northern Ireland) Order 1992 (the **Licensee**).
- (B) The Licensee failed to submit the requisite number (being 17,918) of Renewables Obligation Certificates in accordance with the requirements of Article 5 of the Renewables Obligation Order (Northern Ireland) 2009 (the **2009 Order**) or to make a payment to the Authority before 1 September 2018 in accordance with the requirements of Article 40 of the 2009 Order, for the obligation period 1 April 2017 to 31 March 2018 (the '**relevant period**').
- (C) In accordance with Article 41 of the 2009 Order, on 29 October 2018 the Northern Ireland Authority for Utility Regulation (the **Authority**) notified the Licensee of the extent of the Licensee's default in respect of its failure to discharge its renewables obligation for the relevant period.
- (D) The Licensee failed to make payment to the Authority under Article 41 of the 2009 Order the amount referred to in the Authority's notification of 29 October 2018 and all interest required to be paid on that amount under paragraph (3) of Article 41 of the 2009 Order by 31 October 2018.
- (E) The Licensee is continuing to fail to discharge its renewables obligation for the relevant period and accordingly is contravening a requirement imposed on it by or under a provision in Part VII of the Energy (Northern Ireland) Order 2003 (the **Energy Order**) (a 'relevant requirement' pursuant to Article 41A(1)(4)(e) of the Energy Order).
- (F) On 2 July 2019, the Authority made a provisional order in exercise of its powers in Article 42(2) of the Energy Order requiring the Licensee to make the required payment by no later than 9 July 2019 (the **Provisional Order**).
- (G) The Licensee made a part payment of the amount it was required to pay in accordance with the Provisional Order on 5 July 2019 (being a part payment amount of £206,000.00). The Licensee made further part payments in the total sum of £206,000.00 on 23 August 2019.

- (H) The Licensee has failed to comply with the Provisional Order and has not discharged its renewables obligation for the relevant period.
- (I) The Authority gave notice, in accordance with Article 43(1) and also Article 43(4) of the Energy Order, on 2 August 2019 of its proposal to confirm the provisional order with modifications (the **Proposal to Confirm**).
- (J) The Authority did not receive any representations or objections in response to the Proposal to Confirm. Having had regard to the matters set out in Article 42 of the Energy Order, the Authority is satisfied that the Licensee is contravening Article 41 of the 2009 Order which is a relevant requirement and that the provision made by the Provisional Order (with modifications) is requisite for the purposes of securing the Licensee's compliance with the relevant requirement.
- (K) The confirming of the Provisional Order does not preclude the Authority from imposing a financial penalty on the Licensee for the same contravention under Article 45(1) of the Energy Order.

Now therefore:

The Authority, pursuant to Article 42(4) of the Energy Order and for the purposes of securing compliance with the 2009 Order, confirms the Provisional Order requiring Project Plug Limited to:

- (i) Discharge its renewables obligation for the relevant period by making a payment to the Authority of £412,550.61; and
- (ii) Notify the Authority by email to sarah.maybin@uregni.gov.uk of such payment immediately after it has been made.

Signed



Name

JENNY PUGH, CEO

For and on behalf of the Northern Ireland Authority for Utility Regulation

5 September 2019