

**IN THE MATTER OF APPEALS UNDER SECTION 11C ELECTRICITY ACT 1989  
AND 23B GAS ACT 1986**

**BETWEEN**

**UTILITA ENERGY LIMITED (“UTILITA”)**

**Appellant**

**-and-**

**GAS AND ELECTRICITY MARKETS AUTHORITY (“GEMA”)**

**Respondent**

**OVO ENERGY LIMITED (“OVO”)**

**EDF ENERGY CUSTOMERS LIMITED (“EDFE”)**

**Interveners**

---

**COSTS ORDER**

---

**UPON** the application brought by the Appellant on 23 August 2023 for permission to appeal GEMA’s decision of 26 July 2023 to modify the standard licence conditions that apply to all holders of a licence (the ‘Decision’)

**AND UPON** the grant of permission to appeal on 21 September 2023

**AND UPON** the CMA granting permission to intervene in respect of Ground 1 and 3 to EDFE and Ovo on 19 October 2023

**AND UPON** the CMA considering the appeal and the representations and submissions made by the Parties and the Interveners

**AND UPON** the CMA having issued its Final Determination on 19 January 2024 dismissing the appeal and the Decision was confirmed to that extent

**AND UPON** considering the submissions made on the matter of costs incurred in connection with the appeal, including responses to the CMA’s provisional determination on costs, including inter partes costs, and the CMA having made a final determination on costs (Costs Determination) on 17 2024.

**IT IS ORDERED THAT:**

**Commencement and interpretation**

1. This Order shall take effect on the date it is made.
2. Terms and expressions used in this Order have the same meaning as in the Final Determination and the Costs Determination except where otherwise indicated.

**Costs incurred by the CMA**

3. The CMA's costs incurred in connection with the appeal being £472,369 shall be paid by Utilita.

**Inter partes costs**

4. In respect of costs reasonably incurred by GEMA in connection with the appeal, £[~~8~~] shall be paid by Utilita.

**Time for payment of costs**

5. A person required by this Order to make a payment of costs must do so before the end of the period of 28 days beginning with the day after this Order is made.
6. In default of payment within the period prescribed in paragraph 5 of this Order, interest shall be payable on the sums unpaid at one percentage point above the Bank of England's base rate from time to time in force.

Richard Feasey  
CMA Appeal Chair  
19 April 2024