
An appeal under Section 173 Energy Act 2004

UTILITA ELECTRICITY LIMITED

– and –

GEMA

Decision of the Competition Commission on Conditional Permission

- 1. At paragraphs 15 to 17 of the Competition Commission’s decision on permission to appeal the following directions were issued to Utilita Electricity Limited (“Utilita”) for the future conduct of the appeal**

“...the Commission grants Utilita permission to appeal subject to the satisfaction of the following two conditions by 4.00pm on Thursday 4 May 2006.

First, Utilita must submit a further form ECM001 with a comprehensive statement of case setting out in detail all the facts and reasons upon which Utilita relies in support of the grounds of application and the arguments advanced in the form ECM001 filed with the Commission on 13 April 2006...

Secondly, Utilita’s form ECM001 should show why Utilita is materially affected by GEMA’s decision, together with any necessary supporting evidence.”

- 2. Utilita wrote to the Competition Commission on 4 May 2006 stating that it did not intend to proceed with its appeal and would not comply with the directions. Consequently, Utilita’s conditional permission to appeal is withdrawn.**

Christopher Clarke
Authorised member of the Commission