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**DIRECTIONS FROM THE WATER SERVICES REGULATION AUTHORITY TO SMARTA WATER LIMITED TO PROVIDE INTERIM SUPPLY TO PREMISES PREVIOUSLY SERVED BY TOR WATER LIMITED ISSUED UNDER SECTION 63AC(3) AND SECTION 110L(3) OF THE WATER INDUSTRY ACT 1991**

**1. Interpretation**

Unless otherwise specified:

- (a) terms capitalised in these directions are defined in the Interim Supply Code; and
- (b) references to sections are references to section in the Interim Supply Code.

**2. Background**

- 2.1. The Authority has issued the Interim Supply Code (the '**Code**') pursuant to sections 63AF and 110O of the 1991 Act.
- 2.2. Under section 63AC of the 1991 Act, the Authority may issue a direction to an Eligible Licensee providing that it is to be the duty of that licensee to continue the supply of water to premises which was made by the previous licensee where:
  - (a) a water supply licensee (the '**Previous Licensee**') ceases to supply any premises with water; and
  - (b) the owner or occupier of the premises has not notified the water undertaker in whose area the premises are that -
    - (i) he has made arrangements for the continuation of the supply of water to the premises, or
    - (ii) he intends any supply of water to the premises to cease.

Where the premises are in a retail exit area the Authority must direct a licensee to continue the supply.

- 2.3. Under section 110L of the 1991 Act, the Authority may issue a direction to an Eligible Licensee providing that it is to be the duty of that licensee to continue to provide sewerage services to premises which were made by the previous licensee where:
  - (a) a sewerage licensee (the '**Previous Licensee**') ceases to provide sewerage services to any premises; and
  - (b) the owner or occupier of the premises has not notified the sewerage undertaker in whose area the premises are that -
    - (i) he has made arrangements for the continuation of the provision of sewerage services to the premises, or
    - (ii) he intends any provision of sewerage services to the premises to cease.

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Where the premises are in a retail exit area the Authority must direct a licensee to continue the service.

- 2.4. The Previous Licensee, Tor Water Limited, ceased to provide Water Retail Services and Sewerage Retail Services to Relevant Premises on 19 February 2020 when the Previous Licensee's Water Supply Licence and Sewerage Licence was revoked (the '**Revocation**'). The '**Relevant Premises**' are those to which the Interim Duty Supply Points relates. The Interim Duty Supply Points are those that were Registered to the Previous Licensee at the time of the Revocation listed in Appendix 1 to this Direction.
- 2.5. The Licensee to whom these directions are addressed is an Eligible Licensee pursuant to Code and therefore for the purposes of section 63AC and section 110L of the 1991 Act. The Licensee has not chosen to Suspend its Election.
- 2.6. In accordance with Section 7 of the Code the Authority decided that the Interim Duty Supply Points should be Allocated by the Market Operator on the basis of the Interim Supplier Allocation Process. The Interim Supplier Allocation Process has been run in accordance with section 4 of CSD 0004 of the Wholesale Retail Code and for the reasons given in the Allocation Notice the Authority has confirmed that the Interim Duty Supply Points shall be Allocated to the Licensee.

### **3. Directions under the 1991 Act**

#### **3.1. Actions for Smarta Water Limited**

- 3.1.1. In accordance with section 63AC(3) of the 1991 Act, the Authority hereby directs that it is to be the duty of Smarta Water Limited to continue the supply of water to the Relevant Premises.
- 3.1.2. In accordance with section 110L(3) of the 1991 Act, the Authority hereby directs that it is to be the duty of Smarta Water Limited to continue to provide sewerage services to the Relevant Premises.

#### **3.2. Commencement and Duration**

- 3.2.1. The Directions shall take effect on 21 February 2020.
- 3.2.2. In accordance with the 1991 Act the duty shall be deemed to have effect from the Date of Relevant Cessation of Supply being 19 February 2020.

#### **Authorised on behalf of the Authority by**



**Emma Kelso, Senior Director of Markets and Enforcement**

**Duly authorised for that purpose by the Authority**

**Date: 21 February 2020**

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## **Appendix 1**

### **Interim Duty Supply Points**

3015008013S12  
3015008013W15  
3015059475S15  
3015059475W18  
3015166328S14  
3015166328W17  
3025401001S1X  
3025401001W12  
302543709XW1X  
302565323XS17  
302565323XW1X  
3025737778S14  
3025737778W17