

From: [Hughes, Seamus](#)
To: [Wightman, Stuart](#)
Subject: FW: Issue 1: Seanne McNaughton, RHI application Personal information
Date: 21 January 2016 15:02:31
Attachments: [Issue 2 Outstanding applications \(37.0 KB\).msg](#)
Importance: High

Stuart

Please see below and attached for info.

This is the case I spoke to you about recently where Action Renewables had difficulties in submitting an RHI application to Ofgem. I have as you know spoken to Teri Clifton about this issue and she and her colleagues are investigating. I am advised by Teri that Ofgem treats matters such as this on a case by case basis. I have indicated to Action Renewables that we are sympathetic to their difficulty here and I have made the same point to Ofgem but it is obviously a call for Ofgem to make.

In my last conversation with Mark I had advised of our teleconference with Ofgem on Monday coming and that we would raise the issue again in that meeting. The second email from Mark which I have attached focuses on other issues where Ofgem, (in the view of Action Renewables), have not met their obligations to them, but it not really of any direct bearing on the application problem at issue.

If you are content we can touch base with Teri in the meeting and see where they are with this.

Regards

Seamus

Seamus Hughes

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From: Mark Compston [mailto:Mark.Compston@actionrenewables.co.uk]
Sent: 21 January 2016 14:04
To: Hughes, Seamus
Cc: Jonathan Buick
Subject: Issue 1: Seanne McNaughton, RHI application Personal information
Importance: High

Hi Seamus

Further to our conversations this week and in advance of your conference call with Teri (Ofgem) on Monday, I would greatly appreciate if you could raise two issues in relation to the administration of the RHI applications.

Firstly please see below information regarding the specific issue of an application which was not submitted back in October. I heard back from Gregor in Ofgem yesterday and it seems that I may get speaking to Teri on Friday to brief her on this issue in advance of the conference call. Ofgems response has been that they administer RHI contract on behalf of DETI and as such they are not permitted any discretion in doing so.

However, my counter argument to Ofgems position is substantiated in a separate email which I will forward and I would appeal for some discretion in this matter so that the client is not penalised.

See email below for details of the issue. Discretion in this case would resolve the issue and still uphold the spirit of the RHI.

Please contact me if you require further information.

Kind regards
Mark

From: Mark Compston
Sent: 19 January 2016 10:49
To: 'rhi.enquiry@ofgem.gov.uk' <rhi.enquiry@ofgem.gov.uk>
Cc: Mark Corrigan <Mark.Corrigan@actionrenewables.co.uk>; Terry Waugh <Terry.Waugh@actionrenewables.co.uk>
Subject: DETI: RHI [Personal information redacted]
Importance: High

Dear Sir/Madam

You may be aware of an ongoing issue Action Renewables has been having in relation to application [Personal information redacted] ([Personal information redacted by the RHI Inquiry]), for Mr Seanne McNaughton. I have recently taken responsibility for managing the RHI team and am very keen to resolve this issue quickly.

The application was uploaded and supposed to be submitted on 14th October 2015. The customer was therefore eligible for the higher rate of incentive. However, of approximately 500 total RHI applications successfully submitted by Action Renewables, it appears that application [Personal information redacted] was not submitted correctly. We only became aware of this situation very recently and appeal to you to consider it for review so that the customer is able to benefit from the incentive at the higher rate, as intended.

In anticipation of you reviewing this, I asked my team to double check the information on this application last week in order to minimise any queries which could arise.

As I understand it, you should be able to view that the application was uploaded on time but unfortunately not submitted. Therefore we are not setting any precedent for future applications but asking for your understanding in this one instance; also bearing in mind the potential financial implication this has for our business if the client comes back to us for the shortfall.

I would appreciate if someone could please discuss this issue with great urgency and please contact me by email or preferably a phone call to the number below.

Kind regards
Mark

Mark Compston

Senior Project Manager

Tel: 028 9072 7760

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From: [Mark Compston](#)
To: [Hughes, Seamus](#)
Cc: [Jonathan Buick](#)
Subject: Issue 2: Outstanding applications
Date: 21 January 2016 14:04:50
Importance: High

Hi Seamus

I provide further information in support of my previous email if needed to persuade Ofgem to apply some discretion to Mr McNaughtons application.

As you know, Ofgem have a huge backlog of Northern Ireland RHI applications. Despite stating they are strictly following the DETI guidelines in the case of Mr McNaughton, it could be argued that they are operating outside the guidelines' timescales and service levels. This is understandable due to the deluge of applications submitted to Ofgem before the tariff reduction. However, on one hand I am informed that Ofgem are not permitted to be flexible, on the other hand Action Renewables and its clients are expected to be flexible, with over 30 outstanding applications from October and 69 applications from November stuck at 'submitted' status i.e. not even in review. We then have a further 20 applications from this same period which are only now at 'in review status'. Therefore presumably Ofgem are allowed some discretion around the contract delivery, otherwise they would clearly be in breach of the contract.

I support the above statement with figures below using one example which is further along the process but not yet accredited, dating back to last January.

RHI ref Personal information redacted by the RHI Irrelevant information redacted by the RHI Inquiry

This client and others are now withholding payment to us, in one case the outstanding application (and payment) dates back to last January. This client is withholding payment on all his outstanding applications, the value to Action Renewables is £20,000. On one of these applications which after some legitimate queries should have been accredited during last year, the client should have received RHI payments to an actual value of £39,244 (based on his meter readings) and should also now be receiving his second payment for the next period of a similar value, we can assume a value of £80,000 he is outstanding. So in addition to withholding the £20,000 payment to us, he has threatened to take legal action against us and/or the installer for the outstanding RHI payments.

This is only one example and is the most extreme but they are all relative to the size of the installation and client. This situation is having huge cash flow implications for Action Renewables which has submitted approximately 500 RHI applications to Ofgem, successfully with the exception of Mr McNaughton from my previous email.

Please kindly use this information as you see fit during the conference call to Ofgem and kindly advise us of a positive outcome.

Kind regards
Mark

Mark Compston

Senior Project Manager

Tel: 028 9072 7760

Email: mark.compston@actionrenewables.co.uk

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