

Charles McRobert

From: Stewart, Susan <Susan.Stewart@detini.gov.uk>
Sent: 06 September 2012 10:34
To: Alan Bissett
Cc: McCutcheon, Joanne; Hutchinson, Peter; Shortt, Alison; David Trethowan; Thompson, Sandra
Subject: RE: ACX/RHI 004 - Legal Request on Ofgem Administrative Arrangemnts
Attachments: ACX RHI 004 - Legal advice pertaining to ASA with Ofgem.DOC

Alan

Many thanks for your quote. We have passed this on to the Director of Energy for her approval and she has approved pending your agreement that the estimate for this work will not go beyond the upper limit. It should be noted that the Department would also expect to only pay 'actuals' for the legal work carried out.

Happy to discuss

Many thanks

Susan

Susan Stewart

Sustainable Energy
Department of Enterprise, Trade & Investment
Netherleigh
Massey Avenue
Belfast, BT4 2JP
Tel: 028 9052 9212 (ext: 29212)
Textphone: 028 9052 9304
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www.ni2012.com

Please consider the environment - do you really need to print this e-mail?

From: Alan Bissett [<mailto:alan.bissett@arthurcox.com>]
Sent: 05 September 2012 20:28
To: Stewart, Susan
Cc: McCutcheon, Joanne; Hutchinson, Peter; Shortt, Alison; David Trethowan
Subject: RE: ACX/RHI 004 - Legal Request on Ofgem Administrative Arrangemnts

Susan

I have now had an opportunity to consider the work involved in this matter.

The Team

We would propose to staff this matter as follows:

Alan Bissett (Partner); and

David Trethowan (Associate).

Time spent

I note from the Work Request Form that there is likely to be iterative communication between the Department, this firm and Ofgem in order to finalise the agreement. As requested, I have taken this into account for our estimate and I would anticipate that the team will spend the following time on this matter:

Fee-Earner	Hourly Rate (£)	Estimate of time (Hrs)	Estimate of Cost (excluding VAT) (£)
Alan Bissett (Partner)			
David Trethowan (Associate)			

Fee estimate

This equates to a fee estimate of Sensitive commercial information redacted by the RHI Inquiry for the work to be carried out.

I hope that the above is in order - if you would like to discuss the above or require any further information, please do not hesitate to contact me.

Kind regards

Alan

ALAN BISSETT
Partner
Arthur Cox
Capital House
3 Upper Queen Street
Belfast
BT1 6PU

DD: 028 9026 5528

T: 028 9023 0007

M: Personal information redacted by the RHI Inquiry

E: alan.bissett@arthurcox.com

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From: Stewart, Susan [mailto:Susan.Stewart@detini.gov.uk]

Sent: 03 September 2012 13:53

To: Alan Bissett

Cc: McCutcheon, Joanne; Hutchinson, Peter; Shortt, Alison; David Trethowan

Subject: ACX/RHI 004 - Legal Request on Ofgem Administrative Arrangemnts

Alan

Please see attached a work request for legal advice on the draft Ofgem Administrative Arrangements document which is attached for your convenience. You will also note in the email below from Ofgem that

they have asked not to share this document beyond or legal advisers. I would appreciate if you could therefore keep this document within the confines of your company.

This is a first draft of this document and would ask that you factor in that there is likely to be iterative communication and re-drafts concerning this document between DETI, Ofgem and DSO. We are requesting a quote only at this stage and once you have considered the estimated cost will need to obtain the necessary approval from the Director of Energy for you to proceed with this work.

If you require any further information, please do not hesitate to contact me

Thanks

Susan

Susan Stewart

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Please consider the environment - do you really need to print this e-mail?

From: William Elliott [<mailto:William.Elliott@ofgem.gov.uk>]
Sent: 22 August 2012 20:31
To: Hutchinson, Peter; McCutcheon, Joanne
Subject: NI RHI Arrangements

Strictly in confidence/restricted

Dear Joanne, Peter

Further to Paul's email below I attach a copy of the draft Administrative Arrangements for your review. I apologise that it has taken longer than anticipated to get this to you.

At this stage, I would ask you not to share this beyond DETI and DETI's legal advisers as the Arrangements are only being provided in draft. In particular, they are still subject to our own internal review processes and therefore may not represent the Authority's final position on the issues that are addressed. You will also, of course, have your own comments on the Arrangements that will need to be incorporated before the Arrangements can be agreed.

DFE - 20370

Please note that there are a number of draft provisions that remain intentionally incomplete. The majority of such instances are where we have felt that it was unhelpful to proceed further with your input, or where we are awaiting input internally. I understand that we have a conference call scheduled for next week, but if you have any queries about the intended operation of the Arrangements in the meantime, please do let me know.

Kind regards

Will

DETI ENERGY DIVISION (Renewable Heat Branch)
Work Request Form

Departmental Contact Name and tel: Joanne McCutcheon (028) 9052 9425
Date: September 2012

Work request Ref no:	ACX/RHI 004														
Issue:	<p>The introduction of a NI RHI requires an administrative system capable of managing enquiries and applications, ensuring participants meet ongoing obligations throughout the life of the scheme, processing payments as outlined above, preventing fraud and providing management information. Ofgem has carried out this function for DECC over the last 2 years.</p> <p>DETI is currently finalising arrangements to enter into an Agency Services Agreement (ASA) with Ofgem for the delivery of the administration of the NI Renewable Heat Incentive. This is pursuant to Section 114(1) of the Energy Act 2011.</p>														
Action required:	Request to review the draft Administrative Arrangements. Ofgem has requested us not to share this beyond DETI and DETI's legal advisers as the Arrangements are only being provided in draft. In particular, they are still subject to our own internal review processes and therefore may not represent the Authority's final position on the issues that are addressed.														
Date Required By:	<p>The Department intends to begin the legislation process to make these Regulations in October subject to DSO approval. Therefore Legal adviser comments will be required by w/c Monday 10th September 2012</p> <p>It should be noted that DSO will need to vet and clear the final draft ASA.</p> <p>There is likely to be iterative communication between the Department, Arthur Cox and Ofgem to reach a final resolution on this agreement and the estimate should reflect this.</p>														
Service Provider comment if appropriate:	<p>I note from the Work Request Form that there is likely to be iterative communication between the Department, this firm and Ofgem in order to finalise the agreement. As requested, I have taken this into account for our estimate and I would anticipate that the team will spend the following time on this matter:</p> <table border="1"> <thead> <tr> <th>Fee-Earner</th> <th>Hourly Rate (£)</th> <th>Estimate of time (Hrs)</th> <th>Estimate of Cost (excluding VAT) (£)</th> </tr> </thead> <tbody> <tr> <td>Alan Bissett (Partner)</td> <td></td> <td></td> <td></td> </tr> <tr> <td>David Trethowan (Associate)</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>			Fee-Earner	Hourly Rate (£)	Estimate of time (Hrs)	Estimate of Cost (excluding VAT) (£)	Alan Bissett (Partner)				David Trethowan (Associate)			
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Alan Bissett (Partner)															
David Trethowan (Associate)															
Service Provider (Company name):	Arthur Cox														
Service Provider Contact Name	Alan Bissett														

Estimated Cost:	£ Sensitive commercial information redacted by the RHI Inquiry
HOD Approval	Fiona Hepper
HOD Approval Date	6 September 2012