

Edmund Ward

Subject: FW: NI RHI minutes 03.07.12.docx
Attachments: NIRHI minutes 03.07.12.docx

From: Paul Heigl
Sent: 04 July 2012 10:48
To: (Joanne.McCutcheon@detini.gov.uk); DETI (Peter.Hutchinson@detini.gov.uk); Andrew Amato; Keith Avis; Luis Castro; Marcus Porter; Rita Chohan; William Elliott
Subject: NI RHI minutes 03.07.12.docx

Dear All

Please find attached the minutes, representing a record of our teleconference on Tuesday 3rd July 2012. Please let me know if you have any amendments to these.

Kind Regards,

Paul

[Internal Only]

Northern Ireland RHI Ofgem / DETI Meeting

Teleconference between officials from DETI and Ofgem to discuss the development of the NI Renewable Heat Incentive Scheme	From Date and time of Meeting Location	Keith Avis 3 July 10:00 – 11:00 9 Millbank	3 rd July 2012
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1. Those Present

Ofgem	DETI
Luis Castro	Joanne McCutcheon
Keith Avis	Peter Hutchinson
Andrew Amato	
Sophie Jubb	
Paul Heigl	
Marcus Porter	
William Elliot	

2. Minutes of 26 June Teleconference

- 2.1. DETI wanted to clarify in paragraph 2.1 that although they will be making amendments to their legislation in summer 2013 to align with DECC's planned changes in January 2013, the main objective of those amendments is to bring in Phase II of the NI RHI.
- 2.2. DETI also wanted to update Ofgem that the SL1 has been signed off by their Minister. There is a meeting this Thursday to see if wider Ministers are content with the SL1.

Action: DETI will inform Ofgem on the outcomes from the Enterprise, Trade and Investment Committee meeting by COP Friday 06/07/12

3. Draft Regulations

- 3.1. DETI have asked their external legal consultants to take on board the last round of Ofgem comments. DETI informed the group that next week is a national holiday week, but even with that they hope that their consultants can turn that piece of work round within 1-2 weeks.
- 3.2. Ofgem legal stated that they have a few more comments on one provision.

Action: Marcus Porter to send DETI comments on that one provision ASAP so it can be passed onto DETI's external legal consultants for consideration and inclusion in any amendments being made.

4. Technical Standards Directive (TSD)

- 4.1. DETI have asked DECC for their notification documentation to see what DECC's reasoning was for the necessity to notify the EC under the TSD. DETI are still waiting on a response from DECC. DETI believe currently that the standards within their legislation are already European standards and not new national standards so won't need to notify. Marcus Porter commented that the draft regulations would not implement EU

requirements and was of the view that the obligations and standards they imposed appeared "national" in nature

- 4.2. DETI informed Ofgem that for the NIRO they didn't need to notify the EC and see little difference is needed in approach. However DETI will seek external legal advice to clarify. Marcus Porter cautioned against assuming that there might be any read across between the 2 schemes in this respect and made the point that the NI scheme will be a discrete piece of legislation which falls to be assessed in its own right as regards technical standards compliance.
- 4.3. Keith Avis observed that, in the event that a technical standards notification proved necessary, there would be a minimum 3 months standstill period which could impact on the delivery timetable.
- 4.4. DETI acknowledged this but pointed out that if they do need to notify the EC and there is a 3 month standstill process, then their launch date of the scheme and Ofgem's ideal go-live date would be much more aligned.
- 4.5. DETI observed also that, even if there is a standstill time under the TSD, work towards delivery at the end of October 2012 can continue in the interim.

Action: DETI will inform Ofgem as soon as they receive any further information concerning the NI RHI and the TSD.

5. Administrative Agreement

- 5.1. Ofgem are currently working on this document and will send over a draft to DETI as soon as it is ready. This is expected to be during week beginning 09/07/12. ~~It was noted that it was likely that there would be some blank spaces initially.~~
- 5.2. DETI informed Ofgem that they would need to seek legal advice on the content of that draft and send comments back.

6. Development Phase Agreement

- 6.1. Ofgem are currently working on this document and will send over a draft to DETI as soon as it is ready. This is expected to be during week beginning 09/07/12.
- 6.2. Ofgem have secured an IT business analyst who is currently working on revising the IT costs and resource requirements to inform this first draft.
- 6.3. Ofgem pointed out again that when DECC make amendments to the GB RHI in January 2013, there may be a significant difference in the way the GB and NI schemes are administered which will add complexity to the schemes and costs.
- 6.4. Ofgem pointed out that synergies between IT system releases between RHI GB and NI are now unlikely. The impact of this will be assessed as part of the on-going work to revise IT and resource requirements.

7. Development Team Staffing

- 7.1. Ofgem have a new 50% Band C Policy Development Manager (Paul Heigl), a new 30% Project Manager (Rita Chohan) and are currently recruiting a 100% Band C to be based in Glasgow and hope to have that person in place during week beginning 16/07/12.

8. DETI Visit to London

- 8.1. Ofgem stated that this would be ideally used to discuss in person the administrative agreement and revised development phase agreement and potentially to meet the new 100% Band C as well.
- 8.2. Joanne is on holiday from 6 July, returning on 30 July and Peter on holiday during August (w/c 13 August and then between 27 July and 10 September) so either just Peter to visit during July or we will delay this visit until September.
- 8.3. DETI asked to see drafts of these two documents before we arrange the visit.

9. AOB

- 9.1. DETI asked about payment arrangements and when the 1st payment would be invoiced. Ofgem informed DETI that costs accrued during June would be rolled into the July invoice and would be sent to DETI at the beginning of August to be paid retrospectively.
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- 9.2. Ofgem will proceed with next week's teleconference, but it may only be attended by Peter Hutchinson from DETI. Meeting to be held on Tuesday 10th July at 10am.

Action: Luis Castro to check with Ofgem finance that the above statement is correct and inform DETI.

Paul Heigl

3rd July 2012