



Minutes

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	Keith Avis	19 th July 2012
	Date and time of Meeting	3 July 09:30 – 10:30	
	Location	9 Millbank	

1. Those Present

Ofgem	DETI
Keith Avis (KA)	Peter Hutchinson (PeH)
Rita Chohan (RC)	
Paul Heigl (PaH)	
Marcus Porter (MP)	
William Elliot (WE)	

2. Regulation 23, provisions 1 & 2

- 2.1. There is a risk at present that this regulation exposes the GB scheme to infraction by the EU due to its terminology and wording. MP pointed out that there has not to date been any hint of infraction proceedings being brought against GB.
- 2.2. MP also offered to send over a note previously written informing DECC of the deficiencies with Regulation 23. MP also stated that the note does not offer a solution to those deficiencies as this may not be appropriate and would be for DECC/DETI lawyers to devise.

Action: Ofgem Legal to send a note to DETI spelling out our concerns with Regulation 23 as soon as possible.

3. Timings

- 3.1. DETI have informed us that their legal advice has been that they will now need to notify the EU regarding any technical standards within the legislation.
- 3.2. The result of this is that the earliest that DETI could affirm their legislation would be around 23rd October. The upside of this is that it aligns more closely the launch date for the scheme and Ofgem's forecast for delivery of an operational online register.

4. Guidance

- 4.1. Ofgem's new starter at Band C level (Michelle) will start from Friday 20th July. Michelle's primary role will be to focus on the scheme user guidance and Ofgem's internal operational processes.
- 4.2. DETI consider the current GB guidance to be acceptable as a baseline level for a guidance document as it is a functioning document – albeit not a perfect product.
- 4.3. Michelle's first deliverable in post will be to assess what sections of the GB guidance require amendment to be appropriate for the NI scheme, what sections require improvement and what resources could be required to do that. This will be an iterative process to ensure that the appropriate level of work can be completed without the deadline for delivery being affected.

Action: New Band C to draw up a plan of potential amendments to the GB guidance document for presentation to DETI in early August. This plan will include the resources required, timelines for delivery, risks and options for proceeding.

5. Stakeholder Engagement

- 5.1. DETI and Ofgem will both go away and consult internally on the best way to proceed regarding consultation on the guidance. DETI are to primarily address whether consultation on the guidance can take place during the standstill period for the EU to consider the legislation under the TSD. Ofgem are to consider primarily whether it is appropriate for Ofgem to lead or DETI to host the consultation. Ofgem will also rework our project plans to ensure consultation does not affect the scheme launch.
- 5.2. DETI informed Ofgem that they are broadly happy with the need to consult their stakeholders in order to raise awareness of the scheme and develop greater understanding of the requirements.

Action: DETI to investigate whether they can consult on the guidance document during the legislative standstill imposed by the EU TSD. Ofgem to consider whether it is appropriate for them to be involved in the consultation and to rework project plans to ensure the consultation period does not impact on scheme delivery.

6. Administrative Agreement Format

- 6.1. Ofgem informed DETI that we are consulting our Director this afternoon on the best way to proceed with the arrangement between Ofgem and DETI with regards to our administrative agreement.
- 6.2. DETI informed Ofgem that they will be broadly happy with either format of agreement and will expect to consult further when they see a first draft.

Paul Heigl

3rd July 2012