

To: Keith Avis[Keith.Avis@ofgem.gov.uk]
Cc: Hutchinson, Peter[Peter.Hutchinson@detini.gov.uk]; Hepper, Fiona[Fiona.Hepper@detini.gov.uk]
From: McCutcheon, Joanne
Sent: 2012-10-04T10:09:03Z
Importance: Normal
Subject: FW: RHI NI Meeting on 26 June
Received: 2012-10-04T10:10:02Z
RHI (NI) Administration Arrangement v1.docx

Keith

Further to my previous e-mail.

I was looking through the initial broad framework you sent to us (attached above) and I notice that some of what we are now seeking was contained in it – particularly items 4, 6-9,12 and 19 & 20 – not sure why the draft you sent doesn't include them but if they could be reinstated I think that would go some way to addressing many of our issues.

Hope this is helpful

Regards

Joanne

Joanne McCutcheon

Renewable Heat

Department of Enterprise, Trade & Investment

Netherleigh

Massey Avenue

Belfast, BT4 2JP

Tel: 028 9052 9425 (ext: 29425)

Textphone: 028 9052 9304

Web: www.detini.gov.uk

The new website for the European Sustainable Competitiveness Programme for NI is now available - visit www.eucompni.gov.uk



www.ni2012.com

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

From: Keith Avis [mailto:Keith.Avis@ofgem.gov.uk]
Sent: 22 June 2012 10:05
To: McCutcheon, Joanne
Cc: Hutchinson, Peter; Luis Castro; William Elliott; Marcus Porter; Andrew Amato
Subject: RHI NI Meeting on 26 June

Joanne cc: Peter and as above

In preparation for our meeting on Tuesday morning, please find a broad framework for an Administration Agreement, which will underpin the operation of the scheme. This is very much a starting point for discussion, and the development of the agreement will be a key workstream during the development phase. Our legal team have also been reviewing the latest draft of your regulations, and I am aiming to send those comments shortly – certainly before we meet next week.

The agenda that I had envisaged for the meeting is as follows:

- Views on Regulations
- GB RHI Legislative Amendments
- Administration Agreement
- Timescales
- State Aids Approval
- AoB

Do let me know if you are happy with this, or if there is anything else you would like to cover. To confirm, for the meeting I will call you on your usual number to get through to both Peter and yourself.

Rgds

Keith

Keith Avis
 Sent from OFGEM on 11.05.2017
 Annotated by RHI Inquiry

Senior Manager
New Scheme Development
9 Millbank
London
SW1P 3GE
Tel: 020 7901 3077
www.ofgem.gov.uk

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The Northern Ireland Renewable Heat Incentive Scheme

Draft framework for an Administration Agreement

From	Ofgem
To	DETI
cc	
Date	21 June 2012

1. Introduction

- 1.1 The following headings are intended to facilitate discussions with the Department of Enterprise, Trade and Investment ("**DETI**") about the content of, and issues arising from, any arrangement made between GEMA and DETI pursuant to section 114 of the Energy Act 2011, under which GEMA would administer the Northern Ireland Renewable Heat Incentive Scheme (the "**NI Scheme**").
- 1.2 For the avoidance of doubt, none of the headings or explanatory text shall be incorporated (either by reference, or impliedly) into any arrangement made between GEMA and DETI for the administration of the NI Scheme, and this document shall not otherwise form evidence of the parties' intentions when interpreting the terms of any such arrangement.

2. Framework for Administration Agreement

1 Background to the arrangement

2 Definition and Interpretation

- "Commencement date" – Scope for migration from DETI to GEMA following go-live date?
- "Functions": Primary functions under the Regulations (Section 3 below) and ancillary functions (Section 4 below)
- Retained functions (see Section 5 below)

3 Appointment (appointment of GEMA)

4 GEMA's Obligations

- Obligations must be such as to avoid conflicts of interests and to preserve GEMA's independence

5 DETI's Obligations

- Adoption of GB amendments?

6 Indemnity

- Scope

7 Calculation of Administration fee

- Development costs
- Operational costs

8 Amendment to the Services and Administration fee

- Likely cost dependencies:
Changes to scope of administrative functions
Divergence from GB Scheme (timing and process)

9 Payments

- Timing of first instalment to provide for development costs.
- Separate dispute resolution procedure?

10 Compliance with laws and regulations

11 Duration and Termination

- Fixed/until terminated?
- Use of long-stop date?
- Run-off period?

12 Effects of Termination

- Assets
- Disposal of confidential information

The Northern Ireland Renewable Heat Incentive Scheme

Memo

- Access to, and migration of, information (subject to applicable legislation)
- 13 Confidentiality**
 - Freedom of Information requests
 - Data security requirements
- 14 Force Majeure**
- 15 Entire Agreement**
- 16 Amendments**
- 17 Assignment**
 - Prohibition on sub-contracting carve-outs
- 18 Freedom of Contract**
- 19 Waiver**
- 20 Severability**
- 21 Rights of Third Parties**
- 22 Notices**
- 23 Dispute Resolution**
 - Use of Counsel's opinion
- 24 Governing Law and Jurisdiction**

3. Primary functions under the NI Scheme

1. Establishing and maintaining a central information database
2. Preliminary accreditation of eligible installations
3. Accreditation of eligible installations
4. Registration of producers of biomethane for injection
5. Payments Processing - Calculating and administering payment of periodic support payments; administering overpayments and offsetting.
6. Determining fuel use, including fuel sampling
7. Ownership transfers
8. Notifications
9. Enforcement
10. Site inspections
11. Review procedures
12. Publication of statutory guidance
13. Reporting to DETI
14. Other?

4. Ancillary functions/activities

1. Auditing compliance with ongoing obligations
2. Customer Relationship Management, including a telephone and/or email-based customer support service and advice.
3. (Sub-)Contract management
4. Establishing and maintaining information input/output systems, including:
 - consumer website(s); and
 - software for data/payment processing.
5. Advising in connection with consultation exercises; feedback to DETI generally on operation of the scheme.
6. Establishing and complying with DPA/cookie and privacy policies
7. Resolving FOIA requests
8. Other?

5. Functions retained by DETI

1. Calculation and publication of tariffs?
2. Publication of anonymised information/data
3. Other?