

To: Ruth Lancaster[Ruth.Lancaster@ofgem.gov.uk]; Keith Avis[Keith.Avis@ofgem.gov.uk]
Cc: Edward Ntephe[Edward.Ntephe@ofgem.gov.uk]
From: Matthew Harnack
Sent: 2012-06-14T11:59:00Z
Importance: Normal
Subject: RE: Provision of legal support - Urgent
Received: 2012-06-14T11:59:01Z

Ah yes of course. Thanks for clarifying Ruth.

Matthew Harnack

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From: Ruth Lancaster
Sent: 14 June 2012 11:14
To: Matthew Harnack; Keith Avis
Cc: Edward Ntephe
Subject: FW: Provision of legal support - Urgent

Matthew, Keith

Legal aspects of NI RHI sit with my team. Marcus has attended a number of meetings on this. In view of the clashing GB and NI timetables and the volume of work this will entail we have already made arrangements for a secondee starting next week plus law firm support as necessary.

Regards

Ruth

From: Edward Ntephe
Sent: 14 June 2012 10:44
To: Ruth Lancaster
Subject: FW: Provision of legal support - Urgent

Ruth

I think this Q is for you

Edward

From: Matthew Harnack
Sent: 07 June 2012 15:05
To: Keith Avis; Edward Ntephe
Subject: RE: Provision of legal support - Urgent

Any scope to outsource our legal input to the NI RHI ASA?

Matthew Harnack

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From: Keith Avis
Sent: 07 June 2012 10:09
To: Edward Ntephe; Luke Hargreaves; Keith Duncan; Steve McBurney; Denise Smillie; Karen Boyle
Cc: Charles Hargreaves; Matthew Harnack
Subject: RE: Provision of legal support - Urgent

Edward

As you know I am covering two specific areas, namely FITs development and the development phase of Northern Ireland Renewable Heat Incentive. Given the nature of development work, we are pretty much in the hands of DECC and DETI with regards delivery, so there is little, if any, scope for moving workstreams back. Specific details are as follows:

FITs Development

For Phase 2a of the FITs Comprehensive Review, on 24 May DECC laid before Parliament modifications to the Standard Conditions of Electricity Supply Licences (relating to the Feed-In Tariff scheme) and the Feed-in Tariffs (Specified Maximum Capacity and Functions) (Amendment No. 2) Order 2012. These legislative changes are set to come into effect on 1 August. If there are any amendments to the legislation we will need to raise these with Michael Knight urgently during July. The amendments will require minor updates to supplier and generator guidance and updates to the following internal and external documents:

- FIT Fraud Prevention Strategy (internal)
- FIT factsheet (external)
- FIT "Central FIT Register User Guide" (external)
- FIT "Guidance for Licensed Electricity Suppliers" (external)
- FIT "Guidance for Renewable Installations" (external)
- Process document for reviewing ROO-FIT installation data (detailing a clear and robust process for the extraction, validation and official clearance of ROO-FIT installation data that is to be sent to DECC on a monthly basis).
- Process document for the determination of tariff degression (making clear the procedure to be followed to ensure a clear audit trail and appropriate sign off by officials before publication of revised tariff tables on the Ofgem website).
- Timetable for providing ROO-FIT installation data to DECC, including internal deadlines and milestones.
- Timetable for the publication of tariff tables following determination of the level of tariff degression by Ofgem, including internal deadlines and milestones.
- Formal control sheet for ROO-FIT installations report official sign off.
- Formal control sheet for determination of tariff degression official sign off.

I appreciate that some of these documents will require more legal review/input for others, but the first drafts are scheduled to be available for comment on 23 June.

For phase 2b of the FITs Comprehensive Review, we continue to feed into DECC's policy deliberations, the legislative updates could be extensive, and we envisage that DECC will want to lay legislation before Parliamentary Recess (mid-July) so we would certainly envisage broad Legal input on DECC's policy proposals as they are firmed up over the next 2 weeks and then an extensive period of activity on the drafting of the supporting legislation.

Northern Ireland RHI

Immediate priority over the next 2 weeks is to work with DETI on the Agency Services Agreement that will underpin the operation of the scheme and the latest version of the NIRHI Regulations that will come from DETI Legal. Once we have the updated Regulations we can work on the agreement that will support the development phase of the scheme.

I hope that this helps. Of course, very happy to discuss further as you wish.

Keith

From: Edward Ntephe

Sent: 31 May 2012 16:24

To: Luke Hargreaves; Keith Duncan; Keith Avis; Steve McBurney; Denise Smillie; Karen Boyle

Cc: Charles Hargreaves; Matthew Harnack

Subject: Provision of legal support - Urgent

All

I am writing to alert you that my team is currently under resourced & to ask you if there are areas for which your teams would be happy to re-visit timeframes for the provision of legal support?

My team provides legal support to you across a range of schemes. In recent weeks, a team member left Ofgem to graze in other pastures and another team member is currently indisposed, having broken a leg. We are therefore down to 3 persons: Edward/Michael/Elizabeth. Now we are taking steps to arrange for external legal resource, but finalising any arrangement is likely to take some time.

Accordingly, are you able to tell me if over the next four weeks or so, there are any work areas of your teams where flexible timelines for the provision of legal input/advice/support would be achievable?

I am away tomorrow, but will be in on Wednesday. Elizabeth and Michael will be away next week, resuming on 11 June.

Regards

Edward