

To: Edmund Ward[Edmund.Ward@ofgem.gov.uk]
Cc: Hutchinson, Peter[Peter.Hutchinson@detini.gsi.gov.uk]; Moore, Stephen (DETI)[Stephen.Moore@detini.gsi.gov.uk]; Teri Clifton[teri.clifton@ofgem.gov.uk]
From: McCutcheon, Joanne
Sent: 2013-12-04T12:11:49Z
Importance: Normal
Subject: RE: Carbon Trust de minimis loans and the Renewable Heat Incentive
Received: 2013-12-04T12:13:15Z

Edmund

Thanks for your e-mail this morning – I note the proposal in written form will be here by 2pm today.

Regarding Kate's e-mail below, could you please clarify with your legal team exactly what else is required from BIS. I'd be grateful if you could respond to Kate today so that she can take this forward.

Also, am I right in thinking that the SR decision is solely for DETI to make? I am conscious that the decision is due with the applicant next Thurs and given that I need to brief our under Secretary (now that Fiona has gone) time is rapidly running out. We were first informed of this problem 8 weeks ago and since then have had numerous exchanges with yourself and others. I know that you in turn have had to engage with your legal team but Stephen Moore now appears to have found a solution with which DETI is content and which Kate Porter does not see a problem with.

As I have mentioned before, our Minister is receiving correspondence cases and Assembly Questions plus the department has had numerous phone calls and e-mails. This is very bad publicity for the scheme and there is considerable frustration being expressed over Ofgem's conflicting position (between advice given and decision) and Ofgem/DETI's delay in resolving the situation. Therefore DETI does not wish to issue a holding reply next week.

Therefore, just to make you aware - I will be seeking a slot in the Secretary's diary - Mon or Tues of next week. I will therefore need an update of Ofgem's position, first thing Monday morning, that I can include in my briefing.

Finally, we previously discussed the issue of the legal costs that might arise as a result of dealing with this issue. I advised that DETI was unhappy to be incurring costs that had come about as the result of the wrong advice being given by Ofgem staff ; I noted that you did not share this view. However, I understand that under the Agreement, Ofgem needs to advise DETI and get approval before incurring any additional costs. To date I have not received any proper notification of additional costs so grateful if you can clarify the position.

Thanks for your help with these actions.

Regards

Joanne

From: Porter Kate (CCP) [mailto:Kate.Porter@bis.gsi.gov.uk]
Sent: 04 December 2013 11:16
To: Moore Stephen ()
Cc: Pauley, Alberta; Hutchinson, Peter; Edmund.Ward@ofgem.gov.uk; Cathryn.Scott@ofgem.gov.uk; Ruth.Lancaster@ofgem.gov.uk; Omolade.Barker@ofgem.gov.uk; teri.clifton@ofgem.gov.uk; Ryan, Damien; McCutcheon, Joanne
Subject: RE: Carbon Trust de minimis loans and the Renewable Heat Incentive

I discussed with Ross Jones who is leading on their current state aid approval process (and works with Andy I believe).

Elizabeth O'Neill heads up the legal team responsible for state aid here. Could you let me know what more is needed from them so I can flag this up?

Kate

Kate Porter | State Aid | Department for Business, Innovation & Skills | 1 Victoria Street | London | SW1H 0ET | Tel: 44 (0) 20 7215 2298 | Fax: 44 (0) 20 7215 0357 | kate.porter@bis.gsi.gov.uk | <https://www.gov.uk/government/organisations/department-for-business-innovation-skills>

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