

**To:** Edmund Ward[Edmund.Ward@ofgem.gov.uk]; Teri Clifton[teri.clifton@ofgem.gov.uk]  
**Cc:** Hutchinson, Peter[Peter.Hutchinson@detini.gov.uk]  
**From:** McCutcheon, Joanne  
**Sent:** 2014-01-15T11:15:24Z  
**Importance:** Normal  
**Subject:** FW: NIRHI/Carbon Trust Matter - Query on Invest NI control over Carbon Trust funds  
**Received:** 2014-01-15T11:15:51Z  
[NIRHI - Request for State Aid Declaration.docx](#)

Can you please provide an update of where you are on issues raised below.

Thanks  
 Joanne

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**From:** McCutcheon, Joanne  
**Sent:** 06 January 2014 15:12  
**To:** 'Edmund Ward'; Teri Clifton  
**Cc:** Hutchinson, Peter  
**Subject:** RE: NIRHI/Carbon Trust Matter - Query on Invest NI control over Carbon Trust funds

Edmund

Hope you had a good Christmas and New Year.

Regarding your e-mail below, can you please clarify why this information is required? Given that we had agreed that we would proceed by treating the CT loan as 'de minimis' aid and the RHI (for those that had received the CT loan) as 'de minimis' aid, I'm not exactly clear where this request is going. Is Ofgem no longer content with the proposed solution?

We have also received an e-mail this morning from an applicant containing the attached form. I am assuming you are now issuing this to applicants as part of revised procedures? I didn't realise you had started to do this. Can you perhaps advise on state of play in terms of how you are currently handling the issue from an operational point of view?

As I have mentioned before (and indicated in my e-mail of 4/12) we DO NOT have budget Ofgem legal. I am very concerned at the ongoing legal input that appears to be involved. You have not provided any indication of charges to date and indeed (as we have indicated previously) we need to be agreeing any costs BEFORE they are incurred NOT afterwards. Are there costs to date and if so what is the total?

Teri – we are still waiting for the change control request in relation to the admin costs – as agreed at our meeting on 6 November.

Grateful if these questions could be addressed by cop tomorrow. Our new Director (Fiona's replacement), John Mills, started this morning and I have a briefing with him first thing on Wednesday.

Regards  
 Joanne

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**From:** Edmund Ward [<mailto:Edmund.Ward@ofgem.gov.uk>]  
**Sent:** 19 December 2013 16:00  
**To:** Hutchinson, Peter; McCutcheon, Joanne  
**Cc:** Teri Clifton  
**Subject:** NIRHI/Carbon Trust Matter - Query on Invest NI control over Carbon Trust funds

Peter,

As discussed, in determining the approach to any state aid analysis to be performed, our lawyers have identified that it may be important to note the extent of control Invest NI exerts over the funds it provides to the Carbon Trust. This may inform our decision on whether or under what conditions the Carbon Trust loans would constitute state aid. Our lawyers have outlined a query as follows:

Request for a DETI response:

It would be useful to ascertain DETI's view on the extent to which (if at all) Invest NI attaches conditions/controls over the funds it provides to the Carbon Trust.

Depending on the response, we would be able to provide further information on our proposed approach and costs. We would also be happy to engage with you on this further, if that would be appropriate, and to discuss this via our usual channels or, (if necessary), via lawyer-lawyer discussions.

I note also that when I discussed the web statement with Joanne on Monday, we committed to provide any suggested update for clarity. Given that the statement has now been published, we don't feel it would be appropriate to suggest any changes at this stage. Many thanks for offering to consider any changes.

With thanks for all your work on this, and best wishes for Christmas,

Edmund  
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**RENEWABLE HEAT INCENTIVE (RHI)**

**STATE AID DECLARATION**

To proceed with your RHI application we request you complete a declaration, by your completing and signing the document below, that your undertaking has not received ‘de minimis’ aid exceeding €200,000 in the previous three years and will not, as a result of any Renewable Heat Incentive funding, receive ‘de minimis’ aid exceeding €200,000 in any 3 year rolling period that overlaps the period of the funding.

**To help assess if your undertaking will exceed the €200,000 (c.£170,000) limit, please complete the following calculation to determine the maximum amount of aid that your Renewable Heat Incentive payments may represent:**

RHI Installation Capacity (kW)	C	_____	kW
Anticipated RHI tariff at date of accreditation (p/kWh)	T	_____	p/kWh
Number of hours for which payments could be made over one year (hours)	H	8640	hours
Maximum RHI payment amount per year (£)	$A = C \times T \times H \times 0.01$	£ _____	
Maximum RHI payment amount over 3 years (£)	$P = A \times 3$	£ _____	
Maximum RHI payment amount over 3 years (€)	$E = P \times \text{current } \text{€}/\text{£ exchange rate}$	€ _____	

Note: If you have already had a 0% loan from the Carbon Trust, you will have received information on the value of the De-minimis state aid in the loan agreement.

Please complete the State Aid Declaration on the following page:

## Non-Domestic Renewable Heat Incentive (RHI)

### STATE AID DECLARATION

1. Has your undertaking received any publicly funded financial support that has been identified as 'de minimis' State Aid within the last 3 fiscal years or are you about to receive any such support?

Yes   
No

*(If you don't know if the financial support received was 'de minimis' State Aid, please contact the body who provided the support).*

2. If you answered Yes to the question above please identify all 'de minimis' State Aid received in the last three fiscal years:

Item	Amount (£)	Body Providing Aid	Date received
1			
2			

*(NB: You should only include here the amount of aid which was assessed as 'de minimis'. Please provide supporting evidence alongside this declaration).*

3. Is your undertaking categorised as involved in any of the following sectors: coal sector, agricultural production, fisheries or aquaculture products, or export related activities?

Yes   
No

*If you answered Yes to the question above, please indicate which sector and nature of activity in that sector:*

4. Please note that if your organisation has received financial support under the General Block Exemption Regulation No. 800/2008 ('GBER') or under an individual decision of the European Commission ('Commission Decision') it will not be eligible for *de minimis* aid from the Renewable Heat Incentive covering the same costs if this would result in the total sum of all the financial assistance received being above the approved threshold under the GBER or Commission Decision (and the excess could be recovered).

Please indicate whether the receipt of funding provided by the Renewable Heat Incentive would result in the approved threshold under an approved GBER scheme or Commission Decision being exceeded

Yes   
No

5. **Statement:** I confirm that the information I have provided above is complete and accurate. I understand that failure to disclose relevant information may lead to a requirement to refund the value of the aid provided plus interest at the rate set by the European Commission for the period from the date that the aid was received. I also understand that I must keep any Energy-Efficiency Loan offer letter for 10 years and produce it on request from a UK public authority or the European Commission.

Signed: \_\_\_\_\_

RHI application number (NIRHlxxx): \_\_\_\_\_

#### If you need help

**Telephone:** 0845 200 2122 **Email:** rhi.enquiry@ofgem.gov.uk

RHI enquiry line open Monday to Thursday 9am-5pm and to 4.30pm on Fridays  
Received from Ofgem Form 11.03.2017  
Annotated by RHI Inquiry

Ofgem.gov.uk/RHI

Non-Domestic Renewable Heat Incentive (RHI)

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