

To: Marcus Porter[Marcus.Porter@ofgem.gov.uk]; Keith Avis[Keith.Avis@ofgem.gov.uk]
Cc: Paul Heigl[Paul.Heigl@ofgem.gov.uk]; William Elliott[William.Elliott@ofgem.gov.uk]
From: Luis Castro
Sent: 2012-06-29T09:35:48Z
Importance: Normal
Subject: RE: NIRHI teleconference Minutes
Received: 2012-06-29T09:35:49Z

Marcus,
I meant that we need to discuss the matter with Matthew to try and get to a common position. I didn't want to say anything to DETI until we have sufficient time to discuss internally. I understand your position but let's discuss in the meeting I just set up for next week
Thanks,
Luis

From: Marcus Porter
Sent: 29 June 2012 10:33
To: Luis Castro; Keith Avis
Cc: Paul Heigl; William Elliott
Subject: RE: NIRHI teleconference Minutes

Luis
Do you mean pick it up in the minutes? I assume not because you and Keith, quite understandably, were of the view that it was preferable not to mention it at the meeting and so it wasn't raised.
If you mean simply that we need to decide whether to inform the Authority, as you know it's my view that we ought to do so, given the additional legal and reputational risks that will arise from making the NI Scheme initially without incorporating DECC's fixes and associated administrative complications arising from such areas of difficulty as metering.
I agree that in one sense at least nothing has changed: The GB Regs were deficient before and they are still deficient now.
They have changed in as much as, so far as anyone closely associated with the GB Scheme can tell, DECC have a firm intention to enact amendments, including "fixes" to perceived deficiencies, which they aim to bring into force between January and March next year. They are much closer to doing so when the Authority last considered this project.
That some fixes will be included in the Regs appears almost certain. Whether they will cover all of them remains unclear as at today's date but should become clearer soon. By my count there are around fifty that need to be considered, some relatively minor and others not so minor.
Marcus

From: Luis Castro
Sent: 29 June 2012 10:07
To: Keith Avis; Marcus Porter
Cc: Paul Heigl
Subject: RE: NIRHI teleconference Minutes

Marcus,
We also need to pick up the point of whether we need to inform the authority.
Matthew's view is that nothing has changed since we last updated them but he wants to make sure we get a common position. I'll set something up next week to discuss
Luis

From: Keith Avis
Sent: 29 June 2012 09:50
To: Marcus Porter
Cc: Paul Heigl; Luis Castro
Subject: RE: NIRHI teleconference Minutes

Marcus
A few changes on top of yours. Key point here is that I am nervous about stating in the minutes that we think the GB regs are deficient and/or present a legal risk, so I have just reworked the text slightly. Otherwise your comments look good. I am happy to discuss further this morning as you wish (I am sitting at Luis' desk today), otherwise I'll aim to send the minutes off around midday.
Keith

From: Marcus Porter
Sent: 28 June 2012 19:45
To: Marcus Porter; Keith Avis; Luis Castro; Andrew Amato; William Elliott; Paul Heigl; Rita Chohan
Subject: RE: NIRHI teleconference Minutes

Keith
Having just sent the below I have bestirred myself and looked at the minutes this evening after all! I attach a further copy, showing with
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track changes my suggested amendments. I hear what you say re not producing a blow by blow account but I do think it necessary that all the most significant points raised be reflected in the minutes and I have tried to ensure that via my amendments.

Can I just clarify, as regards technical standards, that we are not going to be able to obtain Commission confirmation that DETI's timetable can be met, as the draft minutes suggested. The notification has to go to MS and the Commission and what happens next is laid down by the directive. In particular, the draft Regs have to accompany the notification so that it is apparent that they are still in draft and that they could therefore be altered depending on the outcome of the notification process. The notification isn't a rubber stamp job, though the outcome may be that no comment is attracted from any MS or the Commission. In that case the Regs can lawfully be made once the 3 months is up. In the meantime, there is no scope to shorten the 3 months. Alternatively there may be "comments" from an MS or the Commission, in which case DETI would have to take those into consideration before making their Regs (which may or may not mean that some change has to be made) but, subject to that, the timetable wouldn't be further affected). Or a "detailed opinion" could be received from the C or an MS maintaining that the Regs would give rise to a barrier to trade. In that case the 3 months becomes 6 and DETI would have to convince Brussels that, in reality, there was no such barrier – an uphill task.

Hopefully notification will attract no reply and I believe that happens quite often, but the outcome of technical standards notifications is always uncertain I'm afraid and I thought I should make that clear. Of course its' past history if the procedure has already been carried out without mishap.

Marcus

From: Marcus Porter

Sent: 28 June 2012 18:50

To: Keith Avis; Luis Castro; Andrew Amato; William Elliott; Paul Heigl; Rita Chohan

Subject: RE: NIRHI teleconference Minutes

Keith

Sorry but I shall have to overshoot your deadline slightly as I've had to spend the day looking at the latest version of DECC's consultation package – which is now 89 pages in length!

Marrcus

From: Keith Avis

Sent: 28 June 2012 11:20

To: Keith Avis; Luis Castro; Andrew Amato; William Elliott; Marcus Porter; Paul Heigl; Rita Chohan

Subject: RE: NIRHI teleconference Minutes

Apologies for the deliberate mistake - Paul and Rita are, of course, part of the NI RHI development team rather than the FITs development team

From: Keith Avis

Sent: 28 June 2012 11:18

To: Luis Castro; Andrew Amato; William Elliott; Marcus Porter; Paul Heigl; Rita Chohan

Subject: NIRHI teleconference Minutes

All

Please find attached the draft minutes from the teleconference with DETI on Tuesday. Happy to take on comments, by 10:00 tomorrow (29/06) so that I can finalise and send to DETI. Suffice to say, I appreciate that there was a lot discussed at the meeting but I don't want to offer a blow by blow account on each issue – just a high level summary of the issue.

I should also confirm that we now have Paul Heigl and Rita Chohan on the FITs development team, which is great news. As the Project Manager Rita is setting up checkpoint meeting each week to ensure we keep on track.

Rgds

Keith

Keith Avis

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