

**To:** Marcus Porter[Marcus.Porter@ofgem.gov.uk]  
**From:** Edmund Ward  
**Sent:** 2012-08-08T10:57:56Z  
**Importance:** Normal  
**Subject:** RE: Legal queries.  
**Received:** 2012-08-08T10:57:57Z

Thanks Marcus. Sorry, I didn't mean to pounce!  
 Edmund

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**From:** Marcus Porter  
**Sent:** 08 August 2012 11:52  
**To:** Marcus Porter; Lindsay Goater; Michelle Murdoch  
**Cc:** Keith Avis; William Elliott; Edmund Ward; Oliver More; Rita Chohan  
**Subject:** RE: Legal queries.

Sorry I misread it. As Edmund has just pointed out, 7.30 applies only to the outside 12 months scenario and is O.K as it stands.  
 Marcus

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**From:** Marcus Porter  
**Sent:** 08 August 2012 11:39  
**To:** Lindsay Goater; Michelle Murdoch  
**Cc:** Keith Avis; William Elliott; Edmund Ward; Oliver More; Rita Chohan  
**Subject:** RE: Legal queries.

Hi Lindsay  
 I wasn't seeking to imply below that the GB Guidance, but rather that it may be a bit bewildering in parts to the uninitiated!  
 That said, my eye has just alighted on para 7.30 in Vol 2 of the Guidance. In relation to "tariff lifetime" I take that to be saying that the periodic payments clock starts all over again from the date of accreditation of the additional capacity. However it's not clear to me that that can be squared with the reference to the tariff end date in reg 43(5)(e). Or am I missing something? If not, it's a significant error that certainly requires amendment.  
 Marcus

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**From:** Lindsay Goater  
**Sent:** 08 August 2012 10:16  
**To:** Marcus Porter; Michelle Murdoch  
**Cc:** Keith Avis; William Elliott; Edmund Ward; Oliver More; Rita Chohan  
**Subject:** RE: Legal queries.

Just to note on Additional Capacity – it is treated differently within 12 months (I think in effect as one installation) vs after 12 months (separate installation)  
 (That said, AC and its Reg are horrible...)  
 I think the GB guidance is correct, so hopefully does not mislead – if it does, then surely needs to be flagged for amendment?  
 Lindsay

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**From:** Marcus Porter  
**Sent:** 07 August 2012 15:31  
**To:** Michelle Murdoch  
**Cc:** Keith Avis; Lindsay Goater; William Elliott; Edmund Ward; Oliver More; Rita Chohan  
**Subject:** RE: Legal queries.

Michelle  
 Comments below in purple.  
 Marcus

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**From:** Michelle Murdoch  
**Sent:** 06 August 2012 15:41  
**To:** Marcus Porter  
**Cc:** Keith Avis  
**Subject:** Legal queries.

Dear Marcus,  
 Please could you look at these policy issues which were thrown up on my first perusal of the GB guidance? I would appreciate your comments so that I can modify the guidance accordingly. I hope to hear back from you in the next 24 hours.  
 Thanks in advance

Michelle  
 Edited from OFGEM on 18.10.2017  
 Annotated by RHI Inquiry

<p>Enhancing compliance to the scheme          with an increased focus on the conditions for granting accreditation to biomass plants.</p>	<p>OFGEM provides the role for the accreditation of biomass plants.</p>
<p>Fossil fuel and fossil fuel contaminated Biomass</p>	<p>5.51 (vol 1 p52). "The Regulations do not provide that plants of this scale are permitted to burn any fossil fuel or biomass contaminated with fossil fuel (in the same boiler). It will therefore be a condition of accreditation that biomass plants must use 100 percent biomass fuels."</p>
<p>Energy and Gas Acts</p>	<p>8.7 Vol 1 p91. "Biomethane is defined in the Energy Act 2008 as 'biogas suitable for conveyance through pipes to premises in accordance with a licence under section 7 of the Gas Act 1986'."</p>
<p></p>	<p>8.7 Vol 1 p91. "Biomethane is defined in the Energy Act 2008 as 'biogas suitable for conveyance through pipes to premises in accordance with a licence under section 7 of the Gas Act 1986'."</p>

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