

To: Marcus Porter[Marcus.Porter@ofgem.gov.uk]; Keith Avis[Keith.Avis@ofgem.gov.uk]
Cc: Mary Smith[Mary.Smith@ofgem.gov.uk]; Michelle Murdoch[Michelle.Murdoch@ofgem.gov.uk]
From: Lindsay Goater
Sent: 2012-10-23T09:08:10Z
Importance: Normal
Subject: RE: draft 2012-13 funding request
Received: 2012-10-23T09:08:19Z

I think the TV campaign is 2 weeks – if so, I suggest no more than 4 weeks (as some people may “make a note”, and call later), with a review at 2 & 3 weeks on call volumes?

Thx
Lindsay

From: Marcus Porter
Sent: 22 October 2012 16:06
To: Keith Avis
Cc: Lindsay Goater; Mary Smith; Michelle Murdoch
Subject: RE: draft 2012-13 funding request

Thanks Keith

I note that I’ll have sight of this. Thanks. Nevertheless:

You refer to “general calls”, I’m taking it that it won’t go beyond those listed below. Please correct me if I’m wrong.

I’m also taking it that, if eligibility is included as one of the items, it will be taboo to discuss *individual* as opposed to general eligibility.

Again, correct me if I’m wrong.

You don’t say for how long these arrangements will be in place but just refer to them being “short term”.

Marcus

From: Keith Avis
Sent: 22 October 2012 15:57
To: Marcus Porter
Cc: Lindsay Goater; Mary Smith; Michelle Murdoch
Subject: RE: draft 2012-13 funding request

Marcus

Thanks very much for your reply. I note your reservations and the view that we need to take these into account before deciding on how best to proceed. Having discussed this at length with both Jacqueline and Lindsay, and as I say noting your comments, we are of the view that, to avoid a potential spike in calls at the start of the scheme that we may struggle to manage, we should advise DETI that we are content with them taking general calls in the short term. This will be based around a call script that we will give them with the very strong caveat that the enquiry line handlers **MUST NOT** deviate from the detail of the script.

I will respond to DETI this afternoon accordingly, and of course will make sure that you have full sight of the script and the opportunity to comment before it goes to DETI.

Regards
Keith

From: Marcus Porter
Sent: 22 October 2012 14:56
To: Keith Avis
Cc: Lindsay Goater; Mary Smith; Michelle Murdoch
Subject: RE: draft 2012-13 funding request

Keith

This doesn’t of course arise until the draft arrangements are signed up to by both sides because, until that occurs, there is no legal basis for the Authority to carry out *any* of the functions conferred on DETI by the (still draft) NI RHI Regulations and no authority for anyone else to either, other than DETI themselves. This is probably an opportune point at which to remind DETI of that fact.

Conversely, once the arrangements *are* in place, the position will be largely reversed. I.e. there will be no legal authority for DETI to carry out what the draft arrangements term “the conferred functions”, i.e. the substantive functions that are conferred on DETI in the Regulations.

That leaves the concept of “ancillary activities”, which the arrangements also provide for us to carry out, the term essentially denoting those activities which are ancillary to the conferred functions and which we consider to be “necessary or desirable”.

Again, once the arrangements are in place DETI can’t lawfully do anything which comes under the umbrella of “ancillary arrangements”. Assuming that we do ourselves at some point assume responsibility for answering the questions below, in my view that will amount to ancillary activities rather than conferred functions, at any rate assuming they are in the form it appears from the below that they would be and, in particular, providing responding to the question relating to eligibility does not stray into any consideration at all of whether or not the person making the enquiry might be eligible (if it did it I believe it would step over the line into the territory of conferred

functions).

It should be apparent from the above that a major difference between ancillary activities and conferred functions is that, in the case of the former, as the arrangements are currently drafted, it is up to us (within the bounds of reasonableness) to decide which activities (a) are ancillary (in the ordinary sense of the word) in nature and (b) it would be either necessary or desirable for us to undertake.

Theoretically, therefore, we could decide, in relation to particular (potentially ancillary) activities, that it was neither necessary or desirable for us to carry them out, in which case, needless to say, they would not be classed as ancillary for the purposes of the arrangements.

It appears to follow that we could likewise decide that, during a specified period, we should not carry out certain activities, in which case they would not be ancillary until such time (if ever) as we *did* carry them out.

In principle that should be true of dealing with the questions below in my opinion. However I would like to qualify that statement in the following important respects:

- The fact that something can lawfully be done doesn't of course necessarily make it a good idea and I am instinctively uneasy at the prospect of the boundaries becoming blurred in this way, even if only for a limited period and so would prefer if it could be avoided.
- In particular, there is the risk that, despite the injunction to "keep to the script", individual members of DETI's staff may in practice go beyond what has been agreed, due to inadvertence, persistence on the part of the enquirer or whatever. This could lead to confusion on the part of applicants if different advice is subsequently given by Ofgem and even to disputes as to who said what when;
- If we begin in this way, it could be thin end of the wedge because it may quickly become known generally that there is a "mini-helpline" in place in NI and the longer that were in place the more likely it would become that there would be calls for the duration, and perhaps even the scope, of the arrangement to be extended – bearing in mind that at least one important consultee has included in their response to the consultation on the guidance the view that Ofgem should open up a local office in Belfast! This would be a serious concern because, were the ambit of these "short term" arrangements to be enlarged to embrace responding to individual eligibility and/or ongoing obligation and/or enforcement queries then that would cut across our role unacceptably and, frankly, probably make the relationship with DETI unworkable.
- Assuming that, despite my misgivings, this proposal is to be adopted, it should be on the strict understanding that it is for a specified and limited period (a period of a couple of weeks has been mentioned to me);
- Assuming the availability of this temporary service is to be publicised, it should be made plain that it will be in being only for that specified period
- The script should provide answers as well as questions;
- I would wish to have the opportunity to comment on the overall "package";
- The eligibility question is not really suitable for inclusion, given that the requirements (even in general terms) as regards who is and who is not eligible are quite complex – e.g. reg 12 contains 4 separate requirements, compliance with two of which turns on the commissioning date of the plant and what activity was taking place at the plant at an earlier date. It shouldn't be forgotten either that metering is part and parcel of eligibility and that ensuring compliance with the metering requirements has proved a major headache in GB;
- To avoid the consequence mentioned in the second bullet point above, if this interim measure is put in place it might be better if callers were routed to an automated message rather than an to an individual.

Marcus

From: Keith Avis

Sent: 22 October 2012 13:11

To: Marcus Porter

Cc: Lindsay Goater; Mary Smith; Michelle Murdoch

Subject: FW: draft 2012-13 funding request

Marcus

Grateful for your views on the point raised by Joanne with regards the use of an initial DETI point of contact before access to the Ofgem enquiry line. I should initially say that DETI are relaxed either way, but if they do go with their initial enquiry resource they will need a script from us. I have touched base with Lindsay, and having talked this through our view is that we should have a three tier approach. The first contact for high level GENERAL enquiries would be with DETI's enquiry resource. They would be working to A short script from us which they **MUST NOT** deviate from. If the enquirer want to go to the next step they should be referred to the Ofgem website with advice to read the guidance before contacting the Ofgem enquiry line.

The key reason why we want to go with this approach initially is that DETI are undertaking TV and press advertising and we want to avoid any initial spike when we will get inundated with calls. So we would propose providing DETI with a script on very general questions which, as I say, they must keep to. The questions that we are thinking of are:

What is the scheme about?

Who is eligible?

What technologies are eligible?

How do I apply?

Where can I get more information on the scheme?

Received from OFGEM on 18.10.2017

Annotated by RHI Inquiry

Grateful if you could let me know that you are happy with this approach. DETI need an answer on this by COP today, so your reply as soon as you are able would be much appreciated.

Michelle – if Marcus is happy with this approach, grateful if you could pick up on the script please.

Thanks

Keith

From: McCutcheon, Joanne [<mailto:Joanne.McCutcheon@detini.gov.uk>]

Sent: 22 October 2012 11:04

To: Keith Avis

Cc: Hutchinson, Peter; Mary Smith

Subject: FW: draft 2012-13 funding request

Keith

We've not free in the morning but should be free around 2pm?

If you could send us over the comments you refer to in para 1 below that would be helpful - just conscious time is moving on.

In our meeting re Guidance Notes on Friday the question of the Ofgem Helpdesk came up. When Michelle was over at the Stakeholder event she had indicated that the Ofgem Helpdesk was only for use when customers were ready to make an application. From discussions on Friday it appears that the Helpdesk is available to answer all queries on the administration of the NI RHI (obviously DETI will need to deal with Policy). Can you confirm today that that is definitely the case as we are meeting tomorrow is to finalise the NIDirect call centre approach.

Thanks

Joanne

From: Keith Avis [<mailto:Keith.Avis@ofgem.gov.uk>]

Sent: 18 October 2012 17:12

To: McCutcheon, Joanne

Cc: Paul Heigl; Hepper, Fiona; Hutchinson, Peter; Mary Smith

Subject: RE: draft 2012-13 funding request

Joanne

Thanks, Paul and I have some comments in response to yours which we will pass on and then suggest that we have a meeting to talk these through.

As regards the Admin Arrangements. Mary Smith, my boss, is meeting with Bob Hull early tomorrow morning to discuss the performance issue, so we will be able to respond to you with a view after that.

Rgds

Keith

From: McCutcheon, Joanne [<mailto:Joanne.McCutcheon@detini.gov.uk>]

Sent: 18 October 2012 12:30

To: Keith Avis

Cc: Paul Heigl; Hepper, Fiona; Hutchinson, Peter

Subject: FW: draft 2012-13 funding request

Importance: High

Keith

I have tracked a number of questions/comments into the update to the feasibility study. I apologise for the number but I am trying to anticipate any queries Fiona might have when she returns, as I know the turnaround will be very tight.

The letter outlines the costs that Fiona and Matthew discussed at the time we submitted our bid for extra money. On that basis, I would presume she will be content with it provided she is satisfied with the rationale behind the changes in costs, as outlined in the update document.

I am very happy to discuss with Paul if my comments/questions are not clear.

Thanks

Joanne

Joanne McCutcheon

Renewable Heat

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