

To: Mary Smith[Mary.Smith@ofgem.gov.uk]
Cc: Keith Avis[Keith.Avis@ofgem.gov.uk]; Ruth Lancaster[Ruth.Lancaster@ofgem.gov.uk]; Paul Heigl[Paul.Heigl@ofgem.gov.uk]
From: Marcus Porter
Sent: 2012-10-24T14:20:44Z
Importance: Normal
Subject: RE: NIRHI: Sitrep - Actions Over Next Couple of Days
Received: 2012-10-24T14:20:47Z
secondarrangementsx.doc

Mary

Ruth is currently considering.

As to changes, I think I've been copying you in on the various iterations of the "second draft" as it currently stands, but I'm attaching it again above for ease of reference.

There are quite a number of "small" changes some of which, conceivably, could be dispensed with, but that would entail spending time considering which they were and, besides they are individually and collectively worth making as otherwise I wouldn't be suggesting them.

Apart from that, the changes highlighted in yellow are as agreed with DETI, so I take it it's not suggested that *they* should be removed!

The provisions relating to "drawdown" replace those previously relating to "periodic payments". This is on the advice of Finance so, again, it wouldn't be appropriate to go back to the first draft. Moreover, as mentioned in my email this morning, we still await hearing from Finance as to whether they are now content in this regard and as to the outstanding point re interest.

As you know, I have also added provisions to cover what happens if the NI Regs are amended but, for whatever reason, we don't reach agreement with DETI, by the time the amendments come into force, as to updating the arrangements to provide that we should administer the amended scheme as opposed to the scheme in its un-amended state. That is clearly necessary.

Finally, if we were to backtrack significantly now then quite a lot of expensive Legal time would have been wasted!

In short, I don't see that there is scope to go back to the first draft and, if anything, further changes *might* be required, though hopefully not and hopefully not extensive ones.

Don't forget that the arrangements are important, as they provide the only legal basis for us to act on DETI's behalf and rushing the finalisation of them for the sake of avoiding what, if it occurred would almost certainly be only slight slippage in the timetable makes no sense whatever.

Marcus

From: Mary Smith

Sent: 24 October 2012 14:55

To: Marcus Porter

Cc: Keith Avis; Ruth Lancaster; Paul Heigl

Subject: RE: NIRHI: Sitrep - Actions Over Next Couple of Days

Hi Marcus,

Please can you let me know if you/ Ruth had any comments on the DPA and cover letter? We're keen to issue these to DETI as soon as possible.

As you're probably aware, these have been shared in draft with DETI before so we would only be wanting to amend them if changes are absolutely vital - I'd also hope that as you've reviewed them previously there wouldn't be too many/ if any comments to add in.

Many thanks

Mary

From: Marcus Porter

Sent: 23 October 2012 17:05

To: Rita Chohan

Cc: Keith Avis; Ruth Lancaster; Paul Heigl; Mary Smith

Subject: RE: NIRHI: Sitrep - Actions Over Next Couple of Days

Rita

In answer to your question, I'm copying this email to Ruth so she can let us know.

Ruth: Rita's question relates to the latest iteration of the draft arrangements. Also, grateful if you could indicate whether you have any comments on the latest version of the DPA, on which I have just commented (copied to you). I understand that the intention is that the intention is that these be sent across to DETI by lunchtime tomorrow.

It appears that the latest version of the arrangements will go in advance of the covering letter for it as Keith is seeking comments on the latter by COP tomorrow. I will copy you in separately on his email on that.

Marcus

From: Rita Chohan

Sent: 23 October 2012 14:24

To: Marcus Porter

Cc: Keith Avis

Received from OFGEM on 18.10.2017

Annotated by RHI Inquiry

Subject: RE: NIRHI: Sitrep - Actions Over Next Couple of Days

Thanks for your comments Marcus. Do you know when Ruth will be able to review properly, or shall I contact her directly? R

From: Marcus Porter

Sent: 23 October 2012 14:20

To: Keith Avis; Michelle Murdoch; Paul Heigl; Rita Chohan; Mavreen Ananura; Sophie Jubb

Cc: Mary Smith; Lindsay Goater; Jacqueline Balian; Ruth Lancaster

Subject: RE: NIRHI: Sitrep - Actions Over Next Couple of Days

Keith

Bold below.

Marcus

From: Keith Avis

Sent: 23 October 2012 11:08

To: Michelle Murdoch; Paul Heigl; Rita Chohan; Mavreen Ananura; Sophie Jubb

Cc: Mary Smith; Marcus Porter; Lindsay Goater; Jacqueline Balian

Subject: NIRHI: Sitrep - Actions Over Next Couple of Days

Michelle, Paul, Rita, Sophie, Mav cc: as above

Following the meeting with Bob this morning I want to summarise the latest and make clear the action we have over the next couple of days:

Admin Arrangement

Keith and Nary to speak to Joanne McCutcheon at DETI key points to make on performance are

- **Subject to overriding legal requirements, We** we have no problem in sharing data on the scheme with DETI...in the same way that we do for **DETI/DECC in relation to the GB scheme.**
- We are not able to agree targets with them, we haven't done this for DECC and cannot do this for DETI [key point is that the nature and dynamics of the scheme are evolving and we cannot set targets when we are unsure whether they will be relevant/achievable further down the line] **Agree it is "key" in the sense that it is arguably the consideration which is most likely to persuade DETI that they have no basis for persisting in their demand for KPIs, but it is not the only consideration. It's also a matter of law, as Ruth and I have already explained and that ought to be mentioned as part of the reasoning.**
- **The Corporate Plan indicators are** is currently up for review – **while they are our own targets, anyone and all consultees (including DETI) will be** are free to feed into the consultation, **but we cannot at this stage say what will be the content of the revised plan.**

We will check with DETI where they are on the issue of right to audit.

Following the discussion with DETI Admin Arrangement to be sent to DETI today, using Marcus' latest version. The Performance and audit issue will be outside the boundary of the AA text. **No: as mentioned earlier, Ruth has advised this should not go yet. In particular, I believe, she has not yet had the opportunity to finalise here own review of this version.**

Admin Arrangement letter

Paul to update the letter to include 3% cost assumptions, make clear that costs are our introductory offer **seems an odd way to describe it!** and this may change as we know more about the scheme. Have at the annex the change request mechanism (forms etc.) and cost schedule. **NB that, though I offered a few off the cuff comments at the meeting this morning, neither I nor Ruth has yet had the chance to review this properly.**

DPA (Document formerly known as)

Waiting for Marcus to comment on latest version and send back to Paul before this goes back to DETI today. **Will do my best but I am taking it email by email** DETI already happy with covering letter. This will be reviewed by Fiona Hepper at DETI when she returns on Monday.

Guidance

Michelle waiting for final comments on updates. **Not from me. I have supplied mine.** Once agreed, submission needs to be put to Bob, copied to Matthew, ready for surgery slot.

External documents

Michelle to secure agreement from Comms, legal and GB RHI and put to Matthew's surgery for Thursday.

Internal Documents / Manual Solution

Paul to summarise in short brief for Matthew with appropriate links, asking him to confirm that he is content before cop Friday.

Training Documents

Paul –working with Mav and Michelle – working with Barbara on the training slides. Michelle to book a slot on Thursday so that we can have a dry run through this. Can Barbara/Mav can have the slide set ready for Thursday to consider.

IT Manual/standalone solution

Mary has mentioned to Matthew, so he is aware that submission will be coming. His suggestion is to hold this until after go-live as we have so much else to concentrate on. However, I appreciate the need to move this forward quickly so I will look at this, this week when I have a spare moment.

OK, so there is loads to do here, and I appreciate that there are some other smaller issues as well. What I need you to do is shout out

now if there are workstreams/timelines that are not achievable. We can pick up on this at checkpoint, but I'd rather you discuss with me beforehand if you have major concerns. I am out of the office recruiting tomorrow, so we need to speak today if there are any problems.

Rgds

Keith

Keith Avis

Senior Manager

New Scheme Development

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