

**To:** Keith Avis[Keith.Avis@ofgem.gov.uk]  
**Cc:** Mary Smith[Mary.Smith@ofgem.gov.uk]  
**From:** Matthew Harnack  
**Sent:** 2012-11-12T18:07:29Z  
**Importance:** Normal  
**Subject:** RE: NIRHI: Administrative Arrangements and Supporting Documentation  
**Received:** 2012-11-12T18:07:31Z

Thanks Keith. Yes she did ask for this but as it would involve bringing lawyers back into the mix (and hence delay things considerably) I had decided not to look into it and instead hoped to dodge the issue when speaking again with Fiona. Perhaps I'll have a quick chat to Marcus so that I can more confidently tow his line on it taking some considerable time to define.

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**From:** Keith Avis  
**Sent:** 12 November 2012 17:00  
**To:** Matthew Harnack  
**Cc:** Mary Smith  
**Subject:** NIRHI: Administrative Arrangements and Supporting Documentation  
 Matthew cc: Mary

I had a catch-up with Joanne McCutcheon at lunchtime. I asked about the Admin Arrangements, she said that she had look through the documents that we provided last week and felt that we had addressed most of their concerns. She is meeting with Fiona this afternoon to go through everything, so we should have a formal response soon. Joanne had a couple of points of clarification on the drawdown of payments wording, which I am taking forward with Morag. The only other point she raised was about the ownership of data in connection with para 6.4, as follows:

6.4 On termination of these Arrangements, the Parties intend that GEMA should (subject to obtaining any necessary approvals from the scheme participants) provide DETI with all information reasonably requested by DETI and held by GEMA on DETI's behalf at GEMA's premises in connection with the carrying out of the Conferred Functions and the Ancillary Activities on condition that at least one week's notice is provided in advance to GEMA by DETI.

Joanne said that you had a discussion with Fiona on this, specifically around the question of who owns the data. DETI are keen for a legal view from us. Marcus' comments on this point are that it would take some considerable time to define who owns what data as this is tied up in contract law, IP law, data protection and the like, so the easier fix would be the wording that we have which basically says that we will supply them with everything that we are lawfully able to let them have. It maybe that Fiona will not pick up on this point, but I thought that I would flag this by way of an update and in case she called you. I will keep you posted on any developments.  
 Keith

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**From:** Keith Avis  
**Sent:** 08 November 2012 14:03  
**To:** Hepper, Fiona  
**Cc:** 'McCutcheon, Joanne'; Matthew Harnack; Robert Hull; Mary Smith  
**Subject:** NIRHI: Administrative Arrangements and Supporting Documentation

Fiona cc: Joanne, Matthew, Bob, Mary

Following the recent ongoing discussion between Fiona and Matthew, we have been working further on the documentation to arrive at a position at which we are hopefully all comfortable. Please find attached drafts of our covering letter, Administrative Arrangements and baseline scope which we believe will address your concerns. We would, however, like to gauge your views on the documents before we finalise any wording.

Covering letter – we have provided further detail in the letter to the right to audit and KPI's, in particular we have added existing KPIs as an attachment which will hopefully make the link that you need. Equally, there is some new wording on auditing that again is designed to pick up on the points that you have raised here.

Admin Arrangements – we have revisited the detail following conversations that you have had with Matthew this week and hopefully have accommodated your key points.

A NIRHI Baseline Scope – this replaces the previous Feasibility Study update document and is designed to clarify assumptions, costs, scope and the change request process that will underpin our operation. You will note that reference is made to this document in our covering letter.

In taking this forward we have made every effort to accommodate your requirements as far as we are able within our designated remit. Of course, we are happy to talk through these documents with you or Joanne, or you may wish to speak to Matthew directly. Suffice to

say we want to move quickly to a position where we are both happy to sign off on the documents, so these latest updates are designed to put us in a position where this is likely. I hope that you agree.

Best regards

Keith

**Keith Avis**

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