

**To:** Keith Avis[Keith.Avis@ofgem.gov.uk]; Mary Smith[Mary.Smith@ofgem.gov.uk]  
**From:** Matthew Harnack  
**Sent:** 2012-11-21T19:41:16Z  
**Importance:** Normal  
**Subject:** RE: NIRHI: Admin Agreement  
**Received:** 2012-11-21T19:41:19Z

Also, you should be aware (and you should let DETI know when you speak with them) that because of recent legal advice we feel we cannot process applications until the agreement is signed. There is even a question about whether we can accept receipt of applications. We will of course continue to take enquiries and to send out application forms, but this does reinforce the need to finalise the agreement urgently (and address the data ownership question separately if needed).

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**From:** Matthew Harnack  
**Sent:** 21 November 2012 19:31  
**To:** Keith Avis; Mary Smith  
**Subject:** RE: NIRHI: Admin Agreement

Thanks. Are DETI coming back to us tomorrow on the data ownership question? If not, when are we expecting this? And can we try again to separate that question from the admin arrangements signoff? Bob suggested that he's happy to acknowledge that ongoing work in the cover letter if that helps. We really need to get the agreement signed off ASAP given the legal advice received.

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**From:** Keith Avis  
**Sent:** 21 November 2012 16:24  
**To:** Mary Smith  
**Cc:** Matthew Harnack  
**Subject:** NIRHI: Admin Agreement

Mary cc: Matthew

As discussed, pending DETI coming back to us with their legal view on the question of data ownership, the baseline scope document has been updated. The Sharepoint link, along with those for the Admin Arrangements and covering letter, are below. For ease of reference I have kept them in track changes mode for now:

**Admin Arrangements**

[http://sharepoint/Ops/Environ/New\\_Scheme\\_Development\\_Lib/New%20Projects/NIRHI/Development%20phase/NIRHI%20admin%20arrangements%2020Nov2012.docx](http://sharepoint/Ops/Environ/New_Scheme_Development_Lib/New%20Projects/NIRHI/Development%20phase/NIRHI%20admin%20arrangements%2020Nov2012.docx)

**Baseline Scope**

[http://sharepoint/Ops/Environ/New\\_Scheme\\_Development\\_Lib/New%20Projects/NIRHI/Development%20phase/NIRHI%20Baseline%20Scope%2020%20Nov.docx](http://sharepoint/Ops/Environ/New_Scheme_Development_Lib/New%20Projects/NIRHI/Development%20phase/NIRHI%20Baseline%20Scope%2020%20Nov.docx)

**Covering letter**

[http://sharepoint/Ops/Environ/New\\_Scheme\\_Development\\_Lib/New%20Projects/NIRHI/Development%20phase/NIRHIletter%2020%20Nov.docx](http://sharepoint/Ops/Environ/New_Scheme_Development_Lib/New%20Projects/NIRHI/Development%20phase/NIRHIletter%2020%20Nov.docx)

You also asked me to update the recent email exchange with DETI so that we are in a position to paste this into a covering email with the final admin arrangements when the time comes. I have done this as follows:

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**From:** McCutcheon, Joanne [mailto:Joanne.McCutcheon@detini.gov.uk]  
**Sent:** 13 November 2012 10:56  
**To:** Keith Avis  
**Cc:** Hutchinson, Peter; Hepper, Fiona  
**Subject:** Admin Agreement

Keith

I met with Fiona yesterday to look at the revised letter, Admin Agreement and Scoping document. I think we are nearly there – just a few points.

Firstly ,we urgently need clarification on who is considered to own the data/documentation provided by the installer. Matthew was to come back to us on this point once he had sought the legal opinion. We believe this is an important issue which impacts on the Admin Agreement in a number of places. In addition, we have the following questions/suggestions:-

**[awaiting legal view from DETI]**

**Letter**

Para 3 – ‘additional costs which we may need to agree with you’ – we would prefer this read ‘additional costs which we would agree with you in advance’

Wording had been changed

Para 4 - you say the KPI's are ‘internal performance measures’ just wondering how are they internal if they are published on the web? Wording has been changed to reflect that these are ‘internal performance measures’ that Ofgem have decided are appropriate for the scheme

As regards the KPI – how regularly will you provide management us with info on these indicators? – don't need this in the letter just for info.

Received from OFGEM on 18.10.2017

Annotated by RHI Inquiry

We agreed that we can provide you with monthly reports on the scheme. Michelle Murdoch, who has moved over to be the Operations Manager for the scheme will contact you to discuss the detail of the reports that we can provide.

#### **Admin Agreement**

4.2 h still causes us some concern. Just not sure how this is going to work going forward. We may not even be aware of what regulations you use never mind any changes to them. Is there some way you can provide us with a list of regulations that you use and highlight when GB changes take place – in much the same way as Marcus did on the gas safety issue? Think we need to discuss this further.

We agreed that no change to the wording is necessary. Going forward, you have said you will endeavour to inform you of the appropriate local legislation (and any changes). We will make DETI aware of any new legislation we use (over and above the NI Regs) in administering the scheme.

5.2 Can you just clarify what the last sentence means – created doubt rather than avoided it!

You were happy with our clarification that if either party are aware of anything that would require a change to the regulations or guidance as they currently stand we should let each other know.

7.1 What do you mean by assets – presumably ip rights database etc but not data, paperwork, documentation etc?

You wanted to be sure that DETI are entitled to the data and all associated documentation. We can give you assurance that you will have all information that you need that we are legally able to pass onto you.

#### **Baseline Scope**

Exec Summary para4 – doesn't make sense – you have used £5k of contingency

We have made small amendments to the Executive Summary to make clear that there is a £5k cost increase on the original legal forecast, but we have reallocated this from another line item rather than use contingency funding.

1.2 – 7<sup>th</sup> bullet – can you clarify what this means – as it reads it would appear that if you get any other work our costs could change?

You expressed that you were content with the clarification that we will not be required to meet the requirements of other schemes that will interact with the NIRHI. Should an instance occur we will approach you to discuss the implications of any cross Government and/or scheme requirement and enact the change request process as agreed between us, if this is deemed necessary.

5.17(a) the 'Accounting Officer' is a specific role within the NICS. Can we change this to read 'first be discussed by the Project Managers? Branch Head? Or something else?

Wording has been changed

Somewhere in this document we need clarity on the £47K contingency. We understand that you need assurance that this is available to you. However, from discussions with Matthew and Paul I have been given to understand that as things stand at the moment this £47K would be available to cover the costs if we need to go it alone come Jan/Feb i.e 30-35K although this might change as the project moves forward.

Wording has been changed

New wording has also been added to baseline scope to provide additional clarity on the make-up of operational cost funding until the end of this financial year.

Think these are the main points – hopefully we can get this signed off soon

Regards

Joanne

**Joanne McCutcheon**

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*The new website for the European Sustainable Competitiveness Programme for NI is now available - visit [www.eucompni.gov.uk](http://www.eucompni.gov.uk)*



[www.ni2012.com](http://www.ni2012.com)

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