

**To:** Marcus Porter[Marcus.Porter@ofgem.gov.uk]  
**Cc:** Lindsay Goater[Lindsay.Goater@ofgem.gov.uk]; Nadia Carpenter[Nadia.Carpenter@ofgem.gov.uk]; Michelle Murdoch[Michelle.Murdoch@ofgem.gov.uk]; Oliver More[Oliver.More@ofgem.gov.uk]  
**From:** Berta Paniagua  
**Sent:** 2012-12-05T16:19:33Z  
**Importance:** Normal  
**Subject:** Enquiry 2x800kW boilers NIRHI  
**Received:** 2012-12-05T16:19:34Z

Hi Marcus,

We have received an enquiry regarding capacity of biomass boilers and eligibility under NIRHI (however, we might see similar cases in future under either GB and NI). I raised this to Lindsay in our Issues and Precedents meeting but we would like to receive your confirmation on this.

The case is an installation with 2 biomass boilers of 800kW capacity each. Assuming that both boilers meet the criteria for both being regarded as part of the same installation (Reg 14(2) and (3)) then this plant is ineligible under NIRHI as total capacity is higher than 1MW. In order to make the installation eligible, they would be looking to claim the second boiler as ineligible. They would propose to do this by commissioning the boilers at different dates i.e. commissioning one of the boilers 12 months later. Therefore, they would apply for accreditation for an initial capacity of 800kW and then for a later 'additional capacity' to the installation to declare the second boiler. From this scenario we have come up with the following questions.

- Can they make the second boiler non eligible 'in purpose'? They might claim this under Reg 14(3) "*where each component meets the eligibility criteria...*"
- If accepted and accreditation granted for one of the boilers, would they be able to claim RHI payments for the heat generated before commissioning the second boiler?

The other scenario would be where both boilers are commissioning at the same time therefore it is our understanding that the installation would be ineligible for the NIRHI scheme as they would not be able to apply for only one of the boilers (following Reg 14).

Thanks

Regards

Berta

**Berta Paniagua**

Assistant Manager RHI  
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**To:** Marcus Porter[Marcus.Porter@ofgem.gov.uk]  
**Cc:** Keith Avis[Keith.Avis@ofgem.gov.uk]; Lindsay Goater[Lindsay.Goater@ofgem.gov.uk]  
**From:** Michelle Murdoch  
**Sent:** 2012-12-10T12:11:40Z  
**Importance:** Normal  
**Subject:** RE: Enquiry 2x800kW boilers NIRHI  
**Received:** 2012-12-10T12:11:42Z

Hi Marcus

This is an internal KPI and wouldn't actually be relevant to this query as it covers enquiries direct from the potential applicant. Just wanted to start as we mean to go on as well as maintain good working relations, however appreciate the legal position as you have set it out.

If I do hear from Peter (DETI) again regarding this query and before the AA is signed, then I will need to come back to yourself and Keith for an 'official' statement as to what to say to DETI in the interim.

Kind Regards

Michelle

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**From:** Marcus Porter  
**Sent:** 10 December 2012 12:01  
**To:** Michelle Murdoch  
**Cc:** Lindsay Goater; Nadia Carpenter; Oliver More; Berta Paniagua; Mary Smith; Keith Avis; Ruth Lancaster  
**Subject:** RE: Enquiry 2x800kW boilers NIRHI

Michelle

I am a bit under the cosh at the moment with other things. So there may be a little further delay before I could look at this I'm afraid, quite apart from the considerations below.

I ought also to make the point that, so far as I am aware, we still currently have no arrangements that we have entered into with DETI for us to administer the scheme on their behalf – so legally, as at today's date, we have no role to play in connection with the scheme and, in law, it is for DETI to administer it.

Also, part and parcel of the arrangements and associated documents are what we are agreeing with DETI as to payment for our services and as to being indemnified by them in the event that any claim is brought against us. As all this documentation has yet to be finalised it's not at all clear that we will be paid for any work I may do or that we will be able to rely on DETI's support should a legal challenge result from our involvement.

As for KPIs, legal advice has been given repeatedly in the context of RHI NI and GB RHI and otherwise that they ought to be an internal procedure only and should not be shared with DECC/DETI for the purpose of enabling them to check on the standard of our performance. It is not clear to what extent that advice has been/will be taken on board in the case of NI RHI. I suspect it will not be but, of course, the absence of any arrangements cuts both ways and, assuming I'm right in thinking that as yet there are no arrangements (**am I Keith?**) we have not yet committed ourselves to any KPIs with DETI.

Marcus

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**From:** Michelle Murdoch  
**Sent:** 10 December 2012 11:33  
**To:** Marcus Porter  
**Cc:** Lindsay Goater; Nadia Carpenter; Oliver More; Berta Paniagua  
**Subject:** RE: Enquiry 2x800kW boilers NIRHI  
**Importance:** High

Good Morning Marcus,

Hope you had an excellent weekend. Just wanted to know where you are with the below query as DETI asked me this question on 3<sup>d</sup> Dec. KPI's indicate that enquiries should be answered within 10 working days, which brings us to Friday this week. I appreciate we have not received this query direct from an applicant, however DETI obviously has!

Kind Regards

Michelle

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**From:** Berta Paniagua  
**Sent:** 05 December 2012 16:20  
**To:** Marcus Porter  
**Cc:** Lindsay Goater; Nadia Carpenter; Michelle Murdoch; Oliver More  
**Subject:** Enquiry 2x800kW boilers NIRHI

Hi Marcus,

We have received an enquiry regarding capacity of biomass boilers and eligibility under NIRHI (however, we might see similar cases in future under either GB and NI). I raised this to Lindsay in our Issues and Precedents meeting but we would like to receive your confirmation on this.

Received from OFGEM on 18.10.2017

Annotated by RHI Inquiry

The case is an installation with 2 biomass boilers of 800kW capacity each. Assuming that both boilers meet the criteria for both being regarded as part of the same installation (Reg 14(2) and (3)) then this plant is ineligible under NIRHI as total capacity is higher than 1MW. In order to make the installation eligible, they would be looking to claim the second boiler as ineligible. They would propose to do this by commissioning the boilers at different dates i.e. commissioning one of the boilers 12 months later. Therefore, they would apply for accreditation for an initial capacity of 800kW and then for a later 'additional capacity' to the installation to declare the second boiler. From this scenario we have come up with the following questions.

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