

To: Keith Avis[Keith.Avis@ofgem.gov.uk]
From: Mary Smith
Sent: 2012-11-27T15:19:48Z
Importance: Normal
Subject: RE: NIRHI: Administrative Arrangements
Received: 2012-11-27T15:19:50Z

Thanks for the update Keith – are you able to get any further detail from Marcus whilst we await something via email? We really need to understand from him how problematic these additions might be. If he's able to respond first thing tomorrow with a clear view which we can then discuss with DETI tomorrow morning that's one thing, if his email is not going to be providing clear direction and we won't be receiving it until end of tomorrow we clearly can't wait that long.

Thanks
Mary

From: Keith Avis
Sent: 27 November 2012 14:57
To: Mary Smith
Subject: FW: NIRHI: Administrative Arrangements

Mary
Just so that you are aware, I chased legal for an answer by phone, to no avail – Marcus was not answering his calls. So I walked round to Marcus to ask what was happening. I got a pretty terse response in as much that Marcus said he was drafting an email to me, but a full response wouldn't be coming our way until tomorrow. I'm not particularly bothered by the terse response but two days to respond to two small additions to two paras when we need to nail this asap is not at all helpful and indeed doesn't help in how DETI perceive us more generally. I fear that the response we get will serve only to put us between a rock and a hard place in our dealings with DETI and Legal but I may be pleasantly surprised.

Of course, happy to discuss, although I imagine that FITs in concentrating your efforts today.
Keith

From: Keith Avis
Sent: 27 November 2012 11:17
To: Marcus Porter
Cc: Mary Smith
Subject: RE: NIRHI: Administrative Arrangements

Morning Marcus. If you could give me an idea of when you are likely to be able to discuss this with Ruth and get back to me that would be much appreciated.

Thanks
Keith

From: Marcus Porter
Sent: 26 November 2012 14:53
To: Keith Avis
Cc: Mary Smith
Subject: RE: NIRHI: Administrative Arrangements

Keith
I am discussing with Ruth and will get back to you.
Marcus

From: Keith Avis
Sent: 26 November 2012 14:24
To: Marcus Porter
Cc: Mary Smith
Subject: NIRHI: Administrative Arrangements

Marcus cc: Mary

I understand that you spoke to Mary last week with regards progress on signing off the NIRHI Administrative Arrangements. The latest is that the final sticking point is around the ownership of data. Key issues around this are DETI's need to have access to data upon termination. They have our previous line that all that we are legally able to let them have we will provide. However, they have asked for some extra wording in the relevant para, making clear reference to installer data and the type of thing that this could include. We are, therefore, minded to add something to the existing text along the following lines:

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. **This would include**

all data that the installer had provided, such as application forms, meter readings and original drawings on condition that at least one week's notice is provided in advance to GEMA by DETI.

Equally DETI would like to include something that ensures that they are aware when we share information to third parties. Again we suggest a small change to accommodate this:

GEMA may disclose Confidential Information to any relevant governmental or other authority or regulatory body, and to any employees or contractors of GEMA or of any of the above, provided that before any such disclosure GEMA will make those persons aware that the information is confidential and of these Arrangements. Where GEMA discloses such Confidential Information to another body under this paragraph, it will have notified DETI prior to doing so, subject to any legal constraints on its ability to do so.

If you are able to let me have your view on the suggested text changes here that would be much appreciated. Suffice to say, the pressure is on to sign off the arrangements so if you are able to turn this around quickly that would be great. Of course, I should say I am aware of your views on Ofgem's position while the sign-off of the arrangements remains outstanding. If you wish to discuss any of this, more than happy to do so.

Regards

Keith

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