

To: norman@etpni.com[norman@etpni.com]
From: Edmund Ward
Sent: 2014-11-06T18:14:49Z
Importance: Normal
Subject: RE: [Personal information redacted by the RHI Inquiry]
Received: 2014-11-06T18:14:49Z

Norman
 Thanks for your time on the phone.
 A formal signed letter will follow tomorrow as an email attachment and also sent by post, but please see text of the letter below for your reference.
 Edmund

Dear Norman Blair

RE: [Personal information redacted by the RHI Inquiry] **Eglinton (Timber Products) Ltd**

We regret to inform you that the current regulations underpinning the Renewable Heat Incentive Scheme (RHI scheme) mean that your installation falls under an exception to the duty to accredit.

In Regulation 23 of the Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2012 (NIRHI Regulation), there is an exception to the Department's duty to accredit installations that are eligible for the RHI which is set out below. We have consulted the Department who have confirmed that, based on the evidence you have provided with regard to your 0% interest Carbon Trust loan paid towards your installation, an exception to a duty to accredit under Regulation 23 of NIRHI Regulation will apply in your case as you have exceeded the state aid de minimis threshold as set out in Commission Regulation EC 1998/2006. As your installation was completed and commissioned after 1st November 2012 you do not have the option to repay the loan to access RHI support.

Regulation 23 of NIRHI Regulation - Exceptions to duty to accredit:

23.—(1) The Department must not accredit an eligible installation unless the applicant has given notice (which the Department has no reason to believe is incorrect) that, as applicable—

- (a) no grant from public funds has been paid or will be paid or other public support has been provided or will be provided in respect of any of the costs of purchasing or installing the eligible installation; or
 - (b) such a grant or support was paid in respect of an eligible installation which was completed and first commissioned between 1st September 2010 and the date on which these Regulations come into force, and has been repaid to the person or authority who made it.
- (2) In this regulation, "grant from public funds" means a grant made by a public authority or by any person distributing funds on behalf of a public authority and "public support" means any financial advantage provided by a public authority

Eligibility checks have been completed on your application, and at this stage we are minded to reject your application. You would then have the option either to request a review of this decision, (following the process as set out in Chapter 12 of Volume Two of the NIRHI Guidance), and/or to reapply in the future, for example if there were a future change in legislation.

However, we understand from DETI that there is a possibility that the legislation may be changed in the future to enable the repayment of a grant from public funds or other public support paid towards an installation, without the current restriction regarding completion and commissioning dates.

I understand from our conversation that, as an administrative concession and while you seek further clarity on possible future amendments to the legislation, you would request your application to be placed on hold. I can confirm that I will, at your request, suspend formal processing of this application at this stage, and wait for your instruction. I would appreciate if you could confirm in writing, perhaps by email to RHI.accreditation@ofgem.gov.uk, that you do not wish for your application to be fully processed at this stage. I can confirm that holding your application cannot provide any guarantee of the decision that we might take at any point in the future, which would depend on the situation at the time and would be dictated by the appropriate legislation.

If you have any queries on the timescales or impacts of any possible legislative changes we would suggest you contact DETI in the first instance: Seamus Hughes (028 9052 9532, seamus.hughes@detini.gov.uk) or Stuart Wightman (028 9052 9425, stuart.wightman@detini.gov.uk).

Yours sincerely
 Edmund Ward

**Head of Technical, Non-Domestic Renewable Heat Incentive
 Ofgem E-Serve**

From: Edmund Ward
Sent: 04 November 2014 17:38
To: 'norman@etpni.com'
Subject: [Personal information redacted by the RHI Inquiry]

Dear Norman Blair,

I write regarding your RHI application, and would like to start by apologising for the delay in getting a formal decision to you on this. I am

Received from OFGEM on 22.05.2017

Annotated by RHI Inquiry

now in a position to do so, but would like to give you the opportunity for a short phone call before I send a letter. In terms of managing your expectations, you should be aware that this will not affect the decision we are taking, but might enable us to discuss your possible options going forward, and may reflect the immediate actions as set out in the letter.

I just tried to call and missed you; I will try you again tomorrow. If we are not able to talk before Friday, I will send the letter at that stage in its current form.

Kind regards,

Edmund

Edmund Ward

Head of Technical, Development and Continuous Improvement

Non Domestic Renewable Heat Incentive

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