

**To:** 'Wightman, Stuart'[Stuart.Wightman@detini.gov.uk]  
**Cc:** 'Hughes, Seamus'[Seamus.Hughes@detini.gov.uk]; Katy Read[Katy.Read@ofgem.gov.uk]; Teri Clifton[teri.clifton@ofgem.gov.uk]  
**From:** Edmund Ward  
**Sent:** 2015-07-20T11:40:01Z  
**Importance:** Normal  
**Subject:** RE: NI RHI applications processing update - last month and this month  
**Received:** 2015-07-20T11:40:02Z

Hi Stuart

Apologies for the delayed reply.

On your grace period point:

From my perspective, you may wish to consider a provision in the regulations holding the current benefits for:

- (a) those systems which have been **installed and commissioned** (but not yet applied) in advance of the cut-off date (say 5 October), and/or
- (b) those applicants who have been granted **preliminary accreditation**.

However, there are some factors to be aware of on this – happy to pick up on our call on Tuesday but in brief:

- (a) You would need to accept that administratively this could end up being a relatively permissive approach. While our normal evidence requirement would be a commissioning certificate, there are other ways in which applicants may seek to demonstrate commissioning, and after the fact it is relatively difficult to obtain independent assurance/evidence that would identify possible abuses of this. That said, **it's a position that's been employed by DECC** when referencing the dates of policy changes in regulations
- (b) Note that **current regulations only allow preliminary accreditation for biomass boilers with a capacity of 200kW or above**.

So while do hold records of those applying for preliminary, this may be of limited use here.

Our experience in the past suggests defining 'commitments' is difficult and can be a hostage to fortune; happy to discuss but it may prove hard to distinguish in regulations between the commitments of one party who had got past Final Investment Decision, versus another who'd had an internal meeting or bought the notepad to start writing down the project plan etc...

I guess (not something I have direct experience of, but just a thought based on how schemes have been run more widely) you could advertise as part of the final policy announcement a limited window for stakeholders to make a case to DETI for your issuance of a 'certificate of material investment' or similar, which could then be referenced in the regulations – but then you would be left with the challenge of setting criteria and ruling on those cases.

As mentioned above, happy to discuss further tomorrow.

Kind regards

Edmund

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**From:** Wightman, Stuart [mailto:Stuart.Wightman@detini.gov.uk]

**Sent:** 10 July 2015 12:21

**To:** Edmund Ward

**Cc:** Hughes, Seamus

**Subject:** RE: NI RHI applications processing update - last month and this month

Edmund

Thanks very much for your assistance on this. We're already beginning to receive telephone queries from the poultry industry about our plans to change tariffs. The biggest issue being raised is whether we can make allowance for businesses who have already entered into financial commitments based on the current rates but that their installations will not be completed until after the changes have been made. I would welcome your views on whether we could potentially stand over the current rates for a short grace period (after 1 Oct) for applicants who have already entered into commitments (possibly with their banks) when the final policy is published later this month. Or alternatively, does Ofgem keep a record of applicants who go through the pre-application process. If so, we might be able to stand over the rates for everyone who had completed the pre-application process when the final policy is announced.

I would welcome your thoughts, because whatever we decide it has to be workable in terms of administration.

Stuart

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**From:** Edmund Ward [mailto:Edmund.Ward@ofgem.gov.uk]

**Sent:** 10 July 2015 11:56

**To:** Hughes, Seamus; Wightman, Stuart

**Subject:** NI RHI applications processing update - last month and this month

Stuart, Seamus

Further to my voicemail last month, I can confirm that in line with our proportionate administrative approach to reviewing cases in order of submission and date of accreditation, we didn't accredit any applications last month (June 2015) with a date of accreditation after 31 March 2015.

I should also confirm that, given further cases submitted and reviewed, under current circumstances I cannot expect that same position to hold for the remainder of this calendar month.

Annotated by RHI Inquiry