



RENEWABLE HEAT
INCENTIVE INQUIRY

WIT-160017

RHI Inquiry
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E: general@rhiinquiry.org
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Eoin Rooney
Sinn Féin
Connolly House
147 Andersonstown Road
Belfast
BT11 9BW

By post and email: eoin.rooney@sinnfein.ie

31 May 2017

Dear Sir

Re: The Independent Public Inquiry into the Non Domestic Renewable Heat Incentive (RHI) Scheme
Provision of a Section 21 Notice requiring the provision of evidence in the form of a written statement

I am writing to you in my capacity as Solicitor to the Independent Public Inquiry into the Non Domestic Renewable Heat Incentive (RHI) Scheme (known as 'the RHI Inquiry') which has been set up under the Inquiries Act 2005 ('the Act').

I enclose a copy of the RHI Inquiry's Terms of Reference for your information.

You will also be aware that the RHI Inquiry is conducting its investigations into the matters set out in its Terms of Reference.

From documentation received by the Inquiry it would appear that you received information relevant to the matters the Inquiry is investigating from an individual raising concerns about Ofgem. A copy of the relevant communication is attached for your convenience.

In keeping with the approach we are taking with other individuals, the RHI Inquiry

Chairman: Rt Hon Sir Patrick Coghlin | Secretary: Andrew Browne | Solicitor: Patrick Butler

is now issuing to you a Statutory Notice (known as a 'Section 21 Notice') pursuant to its powers to compel the provision of evidence in the form of a written statement in relation to the information you received.

The Section 21 Notice enclosed with this letter requires you to provide evidence to the RHI Inquiry Panel in the form of a written statement addressing the matters identified in the Schedule to the Section 21 Notice. As the text of the Section 21 Notice explains, you are required by law to comply with it.

If it would assist you, I am happy to meet with you (or, if you have one, your legal representative) to discuss the requirements of the Section 21 Notice and what evidence you may be able to provide which is within the scope of the Section 21 Notice.

You will also find attached to the Section 21 Notice a Guidance Note explaining the nature of a Section 21 Notice and the procedures that the RHI Inquiry has adopted in relation to such a notice.

Given the tight time-frame within which the RHI Inquiry must operate, the Chairman of the Inquiry would be grateful if you would comply with the requirements of the Section 21 Notice as soon as possible and, in any event, by the date set out for compliance in the Notice itself.

Please do not hesitate to contact me to discuss any matter arising.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Patrick Butler', written in a cursive style.

Patrick Butler

Solicitor to the RHI Inquiry

02890408928

SCHEDULE

[No 252 of 2017]

1. On 20 January 2017 you received an email forwarding you information from a Mr Edd Fyfe (a copy of which is enclosed with this Notice for convenience). As to that, please explain:
 - a. What you did with the information contained within that email;
 - b. In what way, if at all, the information was used;
 - c. Whether you provided the information to the Comptroller and Auditor General (or any other relevant authority);
 - d. If you did so, when you did so;
 - e. If you did not do so, why you did not do so;
 - f. Whether you provided the information to anyone else;
 - g. If you did so, who else you provided it to and when; and
 - h. If you did not do so, why you did not do so.

2. Given the Terms of Reference of the RHI Inquiry, please set out any further relevant information that you have, or that you are aware of;

INQUIRY INTO THE RENEWABLE HEAT INCENTIVE SCHEME

RHI REF: Notice 252 of 2017

Date: 19 June 2017

Witness statement of Eoin Rooney

In relation to the following questions asked in Notice 252 of 2017 I, Eoin Rooney, will say as follows:-

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a. What you did with the information contained within that email.

I discussed the information contained within the e-mail with Aidan McAteer and the Finance Minister, Máirtín Ó Muilleoir.

b. In what way, if at all, the information was used.

The information was used to ensure that the Public Inquiry's Terms of Reference specifically covered OFGEM's role in the scheme. Section 1d requires the Inquiry to "Examine the work on the RHI scheme by ... the Office for Gas and Electricity Markets ... with a view to determining what if anything went wrong". In relation to the allegation in the email that "Ofgem allowed one company to dominate the biomass installations (ECO Green Capital Ltd)" section 1i requires the Public Inquiry to "Examine any real or perceived conflicts of interest, including whether any individual ... acted in a way incompatible with their duties ... and/or intentionally or dishonestly sought gain from the RHI scheme or the supply chain (including the installation of boilers) for themselves or others".

c. Whether you provided the information to the Comptroller and Auditor General (or any other relevant authority).

No.

d. If you did so, when you did so.

Not applicable.

e. If you did not do so, why you did not do so.

I did not provide the information to the Comptroller and Auditor General (or any other relevant authority) for two reasons, First, the sender was explicit that he did not want the information to be passed on to anyone, stating in the Subject box "Please keep private" and reiterating in the text of the e-mail to "please respect my privacy". Secondly, because I was satisfied that the Public Inquiry's Terms of Reference ensured that the role of OFGEM would be fully examined.

f. Whether you provided the information to anyone else.

No.

g. If you did so, who else you provided it to and when.

Not applicable.

h. If you did not do so, why you did not do so.

As per my answer at e. I did not provide the information to anyone else because the sender had asked for his privacy to be protected and because I was satisfied OFGEM's role would be fully examined as part of the Public Inquiry.

2. Given the Terms of Reference of the RHI Inquiry, please set out any further relevant information that you have, or that you are aware of.

I have no, and am not aware of, any further relevant information.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed:

Eoin Rooney

Dated:

19 June 2017