



Louise Friel
Sutherland Tables

Personal Information redacted by the
RHI Inquiry

By post and email: info@sutherlandtables.co.uk

22 August 2017

Dear Madam

**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 refer to your email of 21 August 2017 in which you confirmed that you are the person responsible for creating and publishing the Sutherland Tables.

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 no doubt be aware that the RHI Inquiry is conducting its investigations into the matters set out in its Terms of Reference.

In addition to gathering in relevant documents, the Inquiry is engaged in the process of requiring individuals who may be able to provide evidence in respect of matters which come within the Inquiry's Terms of Reference to provide written statements to the Inquiry Panel.

In keeping with the approach we are taking with other individuals, the RHI Inquiry is now issuing to you, in your capacity as the creator and publisher of the Sutherland Tables, 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 matters falling within its Terms of Reference.

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.

The aim of the enclosed Notice is to require you to provide all relevant evidence you have within your knowledge, information or belief which is pertinent to the Inquiry's Terms of Reference. The Schedule to the enclosed Section 21 Notice provides further detail as to the matters which should be covered in the written evidence which is required from you. In the event that there is a category of information in respect of which you have no evidence which you can provide, please state this in your response. Where you can provide evidence, the more comprehensive your statement is, the less likely it may be that the Inquiry will have to revert to you at a later stage for clarification, although in many cases this is likely to be necessary to some degree.

It is vital that the witness statement you provide to the Inquiry is your own evidence, absent the influence of others; that it is comprehensive; and that it fully explains the matters about which you have been asked.

Receipt of this correspondence and its enclosures places you under a duty of confidentiality to the RHI Inquiry in respect of them. You may share the correspondence and the enclosed Notice with your legal representative(s), but neither you nor they may show, communicate the contents of, nor provide this correspondence or the Notice to any other person or organisation without the express permission of the RHI Inquiry. Any breach of this duty of confidentiality is actionable at the suit of the Inquiry Chairman.

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. In particular, you are asked to provide your evidence in the form of the template witness statement which is also enclosed with this correspondence.

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.

I would be grateful if you could acknowledge receipt of this correspondence and the enclosed notice by email to Patrick.Butler@rhiinquiry.org.

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', with a stylized flourish at the end.

Patrick Butler

Solicitor to the RHI Inquiry

02890408928

SCHEDULE**[No 396 of 2017]**

1. In respect of the Heating Cost Tables known as 'Sutherland Tables' please address the following issues (*including, where appropriate, a full explanation of any technical terms or concepts*):

- a. Clarify when the Tables first included Northern Ireland;
- b. Clarify when the Tables first included information regarding biomass fuel and, in particular, wood chips and wood pellets;
- c. (*only if different from the answer to the preceding question*) Clarify when the Tables first included information regarding biomass fuel and, in particular, wood chips and wood pellets, in respect of Northern Ireland;

In respect of the period 2010 to 2016 (inclusive) in particular -

- d. Clarify whether the information in the Tables in respect of biomass fuel (in particular, wood chips and wood pellets) in Northern Ireland included any of the following details:
 - i. The cost of each fuel per unit (e.g. per kilo or per litre of fuel);
 - ii. The cost of producing a unit of heat (e.g. a kWh) with each fuel (and, if it did, clarify whether or not this cost takes any account of the typical efficiency of the plant used to burn the fuel to create the heat);
 - iii. Information from which the cost of each fuel per unit and/or the cost of producing a unit of heat with each fuel could be calculated (in the event that the Tables do not expressly include details of such costs);
- e. Clarify whether all costs figures included in the Tables were based upon *average prices* for each fuel type.

If any of the answers to questions 1.d or 1.e above would change depending upon the point in the period 2010 to 2016 (inclusive) which is being considered, please fully address such changes in the answers that you provide

2. With reference to the period 2010 to 2016 (inclusive), please address the following issues in respect of access to the Sutherland Tables:
 - a. Clarify where it was possible to access the Tables;
 - b. Clarify whether the Tables were only available in return for payment and, if that is the case, provide details of the cost;
 - c. On the assumption that payment was required, clarify whether the Tables could be accessed in return for a one-off payment or whether some form of periodic subscription was required;
 - d. On the basis of the same assumption, clarify whether registration was required prior to payment and / or Table access;
 - e. Clarify whether any United Kingdom or Northern Ireland government bodies (including, in particular, the former NI Department for Enterprise, Trade and Investment [DETI] or the former NI Department of Finance and Personnel [DFP] [now, respectively, the Department for the Economy and the Department of Finance]) had access to the Tables (either electronically or in hard copy) and, if they did, identify each such body and the period during which it had access;
 - f. Clarify whether, by reference to your records or those under your control, you are able to advise whether, and if so when, any United Kingdom or Northern Ireland government body actually accessed the Tables (e.g. by reference to a record of such a body 'logging on' to the Tables website to view or download the Tables and/or by reference to a record of hard copy Tables being sent to such a body);

- g. Without prejudice to the foregoing requests, please provide details of any information actually provided by you to DETI and/or DFP that comprised or included information in respect of biomass fuel and/or heating costs (including details of the date of provision of same, the person to whom it was provided, and the precise information provided).
- 3. In respect of the period 2010 to 2016 (inclusive), and to the best of your knowledge, clarify whether information of any of the classes listed at paragraph 1.d of this Schedule was available in any readily accessible format *other than* the Sutherland Tables and, if it was, please identify where, from whom, and on what terms (if known) such information was available.
- 4. Provide any other evidence within your knowledge or belief which is relevant to the matters which the RHI Inquiry is investigating as set out in the RHI Inquiry's Terms of Reference.

NOTE:

It is important for the efficiency of the RHI Inquiry that the issues identified above are addressed as fully as possible and by reference, where available, to the dates and locations of specific incidents to which reference is made. The statement should be broken down into paragraphs, which should be numbered sequentially from '1' to the end. The use of appropriate section headings or sub-headings is also encouraged. A template witness statement is provided with this Notice for your assistance and should be used as the format for your response.



INQUIRY INTO THE RENEWABLE HEAT INCENTIVE SCHEME

RHI REF: Notice 396 of 2017

DATE:

Witness Statement of: LOUISE FRIEL

1. Louise Friel, will say as follows: -

1.

a. 1988

b. May 2004

c. April 2008

d.

i. Yes, cost per tonne wood pellets

ii. Yes, taking into account system efficiency

iii. assumed average system efficiency of 80%
for wood pellet boiler and 40% for
hot water cylinder

e.

• Until Oct 2006 costs were based on average price per fuel type in that month

• from April 2007, costs were based on average price of preceding 6 months

• from 2010, costs were based on average price of preceding 3 months



If any of the answers to questions 1.d or 1.e above would change depending upon the point in the period 2010 to 2016 (inclusive) which is being considered, please fully address such changes in the answers that you provide

2.

- a. Normally accessed as a download from www.sutherlandtables.co.uk
- b. see electronic form of this statement
- c. Annual subscription, plus on-off archive purchases
- d. registration is required
- e. DETI had access from 2012 - 2015
- f. DETI accessed tables as laid out in electronic form of this statement
- g. see electronic form of this statement

3. see electronic form of this statement

4. —

Statement of Truth

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

- Further details contained on memory stick

Signed: Louise Friel

Dated: 4th September 2017