

Francey, David

From: McKernan, Malachy
Sent: 10 July 2008 10:45
To: Yvonne Naughton
Cc: NIRO REFORM 2008
Subject: FW: Changes to the E(NI)O
Attachments: Response_apr08_banding_NorthernIreland.pdf

Yvonne,

received with thanks

Hope all is well with you - we will no doubt be in contact

Malachy

Malachy McKernan

Sustainable Energy
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From: Yvonne Naughton [<mailto:Yvonne.Naughton@ofgem.gov.uk>]
Sent: 09 July 2008 11:35
To: McKernan, Malachy
Cc: Matthew Harnack
Subject: RE: Changes to the E(NI)O

Hi Malachy

I have attached a copy of our response to the consultation on the Proposed reform of the Northern Ireland Renewables Obligation. A signed hard copy is in the post.

I have some comments on the drafting of the Electricity (Amendment) Order (Northern Ireland) 2008. They are:

- , Article 52(b) should read "Paragraph (4) is subject to Articles 53 to 55(f)
- P7 heading for Article 54B seems to be a typing error. Remove "Article 54B" from the heading "Transitional provisions and savings"
- There is a minor typo in Article 55(f) "ar" should be "are".

Best regards

Yvonne

24/09/2008

Yvonne Naughton
Manager, RO Compliance
Ofgem

tel 0141 331 6006
fax 0141 331 2777

From: McKernan, Malachy [mailto:malachy.mckernan@detini.gov.uk]
Sent: 04 July 2008 17:11
To: Yvonne Naughton
Subject: RE: Changes to the E(NI)O

Hi Yvonne,
I'm fine thanks ... hope all is good with you.... it's been a while since we have been in contact. I expect it is a bit late on a Friday PM to call so responding by e-mail and perhaps we can talk soon.

I have answered your queries by tracked change ... none of the articles you mention is different from what are in the Energy Order at present.

Please call if discussion would be helpful

Regards

Malachy

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Please consider the environment - do you really need to print this e-mail?

From: Yvonne Naughton [mailto:Yvonne.Naughton@ofgem.gov.uk]
Sent: 03 July 2008 09:39
To: McKernan, Malachy
Subject: Changes to the E(NI)O

Hi Malachy

I hope things are well with you.

I am preparing our response to the preliminary consultation on changes to the NIRO to introduce banding.

I have a couple of questions on two of the draft clauses in the E(NI)O. Can you please call me when you have a minute to discuss? My questions are:

24/09/2008

Article 54A (8) to (11). Are these articles being included to facilitate the SEM, or something else?

1. This covers NIROCs issued in respect of NFFO generation and continues thru to para (14). The 'relevant person' is NIE who are awarded the NIROCs ('NFFO-NIROCs') and then auction them and you will see that para (12) gives us in DETI the right to take the proceeds
2. You mention the SEM - as I see it the only additional clause that is introduced to accommodate the SEM is 55F(3).

3.

What is the intention behind Article 55D (e)? I am asking as we administer the NIRO on behalf of NIAUR and would like to know what, if any, additional functions may apply in future. I suppose an important point here is that this primary provision just sets the framework of things that the RO Order can do ... and is usually wide and broad to ensure that we do not get hindered when we want to do something in the subordinate legislation. In this specific case there are a number of things that NIAUR must do for OFGEM and these are contained at Art 28 of the NIRO Order (Exchange of information with the GB Authority).

4.

5.

Best regards

Yvonne

Yvonne Naughton
Manager, RO Compliance
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*Promoting choice and
value for all customers*

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Date: 9 July 2008

Dear Malachy

**Ofgem's response to Department of Enterprise, Trade and Investment
consultation on the proposed reform of the Northern Ireland Renewables
Obligation**

1.1. Ofgem welcomes the opportunity to respond to the Department of Enterprise, Trade and Investment (DETI) consultation on the proposed reform of the Northern Ireland Renewables Obligation.

Administering the scheme

1.2. Ofgem administers the Northern Ireland Renewables Obligation on behalf of the Northern Ireland Authority for Electricity Regulation (NIAUR) under an Agency services Agreement. NIAUR continues to retain legislative responsibility for the NIRO.

1.3. From an administrative point of view it is important that the Renewables Obligation is as consistent as possible across the devolved administrations as inconsistency increases the complexity of the scheme and the administrative burden on Ofgem.

1.4. Our response to Department of Business, Enterprise and Regulatory Reform's (BERR) consultation on the reform of the Renewables Obligation highlighted our concerns about the current arrangements for funding our costs of administering the RO. We do not think it appropriate for these costs to be recovered through network businesses through the licence fee procedure. We urge the Government to review the arrangements for funding of the Northern Ireland Renewables Obligation.

Yours sincerely

Roy Field
Chief Operating Officer