The Freedom of Information Officer
FOI Unit
Department of Communications, Energy and Natural Resources
Elm House
Earlsvale Road
Cavan


Dear Sir/Madam

We are instructed by our client in relation to the European Union (Energy Efficiency Obligation Scheme) Regulations 2014 (SI 131 of 2014) and related matters.

In accordance with the Freedom of Information Act 2014 and the AIE Regulations, we hereby request that the Department of Communications, Energy and Natural Resources furnish us with:

1. each and every Energy Efficiency Notice issued by the Minister for Communications, Energy and Natural Resources ("EEN") since 11 March 2014 pursuant to SI 131 of 2014;

2. in the alternative, a list of all the recipients of EENs issued since 11 March 2014 pursuant to SI 131 of 2014, and the energy savings that each such recipient is required to achieve.

Our client has a material interest, within the meaning of section 10 of the Freedom of Information Act 2014, in knowing which energy suppliers, as defined in SI 131 of 2014, received EENs and the energy savings that each such energy supplier is required to achieve as it directly affects the liability of our client under SI 131 of 2014. On this basis we hereby request, to the extent that this is not provided pursuant to the request for records in paragraphs 1 and 2, above, a statement listing all the recipients of EENs issued since 11 March 2014 pursuant to SI 131 of 2014, and the energy savings that each such recipient is required to achieve, together with the findings of fact underpinning the identification of each such energy supplier and the calculation of the energy savings that each such energy supplier is required to achieve.

We look forward to the early receipt of this information and we are happy to receive it in hard copy or by way of attachment to an email sent to the following address:
I refer to your request which was received by this office on 13/01/2015 which you have made under the Freedom of Information Act 2014 for records held by this FOI body. Your request sought information in relation to the European Union (Energy Efficiency Obligation Scheme) Regulations 2014.

The decision maker handling your request is Mr Kenneth Cleary, Energy Efficiency and Affordability Division, Department of Communications, Energy and Natural Resources, 29-31 Adelaide Road, Dublin 2 and he can be contacted at 01 6783212. A final decision on your request would normally be sent to you within 4 weeks, where a week is defined as 5 working day excluding the weekend and public holidays. This means that you can expect a decision letter to issue not later than 10/02/2015.

There are some limited situations under the FOI Act which could mean that the period for a final decision may be longer than this 4 week period. If this occurs in the case of your request, you will be advised promptly in writing setting out the reason and the new decision date.

Should your final decision not reach you on time, please feel free to contact the decision maker named above to discuss any problems that may have arisen. If you have not heard from us once the allotted time has expired, you are automatically entitled to appeal for a review of the matter. This review proceeds on the legal basis that the initial request is considered to be refused once the specified time for responding to it has expired. The review is a full and new examination of the matter carried out by a more senior member of staff.

In the event that you need to request such a review, you can do so by writing to FOI Unit, Department of Communications, Energy and Natural Resources, Elm House, Earlsvale Rd, Cavan, Co Cavan or alternatively by sending an e-mail to FOI.UNIT@dcenr.gov.ie. You should state that you are seeking this review because an initial decision was not sent to you within the time allowed for a response. In that event, you would normally have 4 weeks (after the initial decision should have been sent to you) in which to make the appeal. Consideration will be given to late applications in appropriate circumstances.

Should you wish to discuss the above, please contact me by telephone at 01 6782903.

Yours sincerely,

Carmel Conaty
FOI Unit

Fáiltithear roimh comhshreagrás i nGaeilge

Teach Léamhán, Bóthar Ghileann an lárla, An Cubhán
+353 1 6782000, LóGhla 1890 049900 LoCall, Feáis +353 1 6783057 Fax
Elm House, Earlsvale Road, Cavan
I refer to the request you have made under the Freedom of Information Act 2014, concerning Requesting information in relation to the European Union (Energy Efficiency Obligation Scheme) Regulations 2014.

1. Kenneth Cleary, have made a final decision to Refuse your request on the grounds that the material requested is commercially sensitive.

The purpose of this letter is to explain that decision. This explanation has the following parts:

1. a schedule of all of the records covered by your request;
2. an explanation of the relevant findings concerning the records to which access is denied, and
3. a statement of how you can appeal this decision should you wish to do so.

This letter addresses each of these three parts in turn.

1. Schedule of records

A schedule is enclosed with this letter, it shows the documents that this body considers relevant to your request. It describes each document and refers to the sections of the FOI Act which apply to prevent release. The schedule also refers you to sections of the detailed explanation given under heading 2 below, which are relevant to the document in question. It also gives you a summary and overview of the decision as a whole.

2. Findings, particulars and reasons for decisions to deny access

The sections of the Act which can apply to deny access to documents are known as its exemption provisions. Under Section 36 of the Freedom of Information Act 2014, information which falls into the following categories must not be released:

36. (1) Subject to subsection (2), a head shall refuse to grant an FOI request if the record concerned contains—
(a) trade secrets of a person other than the requester concerned,
(b) financial, commercial, scientific or technical or other information whose disclosure could reasonably be expected to result in a material financial loss or gain to the person to whom the information relates, or could prejudice the competitive position of that person in the conduct of his or her profession or business or otherwise in his or her occupation, or
(c) information whose disclosure could prejudice the conduct or outcome of contractual or other negotiations of the person to whom the information relates.

It is my opinion that the information you have sought falls into this category.

3. Rights of appeal

In the event that you are unhappy with this decision you may appeal this it. In the event that you need to make such an appeal, you can do so by writing to the Freedom of Information Unit, Department of Communications, Energy and Natural Resources, Elm House, Earlsvale Rd, Cavan, Co Cavan or by e-mail to [Insert Contact details]. You should make your appeal within 4 weeks from the date of this notification, where a day is defined as a working day excluding, the weekend and public holidays. However, the making
of a late appeal may be permitted in appropriate circumstances. The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of this body.

Yours sincerely,

[Signature]
Kenneth Cleary

Department of Communications, Energy and Natural Resources
FOI Request Reference: FOI/2015/6
Schedule of Records:

<table>
<thead>
<tr>
<th>Record No.</th>
<th>Brief Description of Record</th>
<th>No. of Pages</th>
<th>Grant/refuse/part-grant</th>
<th>Record edited/Identifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Energy Efficiency Notice – Airtricity</td>
<td></td>
<td>Refuse</td>
<td>Section 36 – Commercial Confidentiality</td>
</tr>
<tr>
<td>2</td>
<td>Energy Efficiency Notice – Bord Gais Energy</td>
<td></td>
<td>Refuse</td>
<td>Section 36 – Commercial Confidentiality</td>
</tr>
<tr>
<td>3</td>
<td>Energy Efficiency Notice – Bord na Mona</td>
<td></td>
<td>Refuse</td>
<td>Section 36 – Commercial Confidentiality</td>
</tr>
<tr>
<td>4</td>
<td>Energy Efficiency Notice – Calor Gas</td>
<td></td>
<td>Refuse</td>
<td>Section 36 – Commercial Confidentiality</td>
</tr>
<tr>
<td>5</td>
<td>Energy Efficiency Notice – Electric Ireland</td>
<td></td>
<td>Refuse</td>
<td>Section 36 – Commercial Confidentiality</td>
</tr>
<tr>
<td>6</td>
<td>Energy Efficiency Notice – Energia</td>
<td></td>
<td>Refuse</td>
<td>Section 36 – Commercial Confidentiality</td>
</tr>
<tr>
<td>7</td>
<td>Energy Efficiency Notice – Flogas</td>
<td></td>
<td>Refuse</td>
<td>Section 36 – Commercial Confidentiality</td>
</tr>
<tr>
<td>8</td>
<td>Energy Efficiency Notice – Gazprom</td>
<td></td>
<td>Refuse</td>
<td>Section 36 – Commercial Confidentiality</td>
</tr>
<tr>
<td>9</td>
<td>Energy Efficiency Notice – IPIA</td>
<td></td>
<td>Refuse</td>
<td>Section 36 – Commercial Confidentiality</td>
</tr>
<tr>
<td>10</td>
<td>Energy Efficiency Notice – Lissan</td>
<td></td>
<td>Refuse</td>
<td>Section 36 – Commercial Confidentiality</td>
</tr>
<tr>
<td>11</td>
<td>Energy Efficiency Notice – Vayu</td>
<td></td>
<td>Refuse</td>
<td>Section 36 – Commercial Confidentiality</td>
</tr>
</tbody>
</table>