



An Roinn Cumarsáide,
Fuinnimh agus Acmhainní Nádurtha
Baile Átha Cliath 2.

Department of Communications,
Energy and Natural Resources,
Dublin 2.

01/09/2009

Meagher Solicitors
Meagher Solicitors
8 Exchange Place,
IFSC,
Dublin 1

FOI Request Reference: FOI/2009/29

Dear Sir/Madam,

I refer to the request you have made under the Freedom of Information Acts, 1997 and 2003, concerning requesting all correspondence exchanged between the Department and the Moriarty Tribunal.

I have made a final decision to refuse your request under the provisions of Sections 22, 23 and 46 of the Freedom of Information Act.

Section 22

Under this section refusal of documents covered by legal privilege is mandatory.

Section 23

This section provides that release of documents may be refused on the grounds that release could reasonably be expected to interfere with the fairness of a tribunal's proceedings.

Section 46

This section excludes all records held or created by the Attorney General and those relating to the general administration of the Office. It also excludes all records held by a Tribunal to which the Tribunal of Inquiry (Evidence) Act 1921 applies.

If you have any queries regarding this correspondence you can contact me by telephone at the number below. A schedule of the records covered by your request is also attached.

I wish to advise you that, if for any reason you are not satisfied with the outcome of your request, you are entitled to seek a review by appealing the decision. To appeal, you need to write to the FOI Unit, Department of Communications, Energy and Natural Resources, Elm House, Earlsvale Rd, Cavan, Co Cavan. You must make your appeal within 4 weeks of the date of this letter, but the making of a late appeal may be permitted in certain circumstances. The review will involve a complete reconsideration of the matter by a more senior member of the staff of this Department.

Please note that an application fee for an appeal is currently €75.00 and a reduced fee of €25.00 applies if you are covered by a Medical Card.

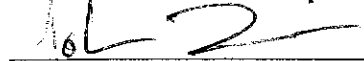
If claiming a reduced application fee, the request must also be accompanied by

- The Medical Card registration number
- The name of the issuing Health Board
- Your consent to the verification of these details with that Health Board.

Payment should be made by way of bank draft, money postal order, or personal cheque made payable to "Department of Communications, Energy and Natural Resources".

On receipt of the fee, you will be advised of when you can expect a decision on your appeal, and the contact details of the person handling the appeal.

Yours sincerely,



John Rice

Department of Communications, Energy and Natural Resources
Elm House, Earlsvale Rd
Cavan
Co Cavan

Phone: 01 6782074



Department of Communications, Energy and Natural Resources
Roinn Cumarsáide, Fuinnimh agus Acmhainní Nádurtha

07/08/2009

Meagher Solicitors
8 Exchange Place,
IFSC,
Dublin 1

FOI Request Reference: FOI/2009/29

Dear Sir/Madam,

I refer to your FOI request under Section 7 of the Freedom of Information Acts, 1997 and 2003, received in this office on 04/08/2009 requesting all correspondence exchanged between the Department and the Moriarty Tribunal. The application was received along with the associated fee.

The officer handling your request will be Mr Matt Shaw, Department of Communications, Energy and Natural Resources, 29-31 Adelaide Road, Dublin 2. Matt can be contacted on 01 6782590.

You can expect to receive your decision by the 01/09/2009.

If you have not received a decision by that time, you are automatically entitled to appeal to the Department 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. A request for a review should be addressed to the undersigned at the address shown.

Please note the Department of Communications, Energy and Natural Resources has a policy of posting a summary of non-personal requests and decisions on the Departments website for reference purposes.

Yours sincerely,


Carmel Cosgrove

FOI Unit
Department of Communications, Energy and Natural Resources
Elm House,
Earlsvale Rd
Cavan

Phone: 01 6782902

Meagher

S O L I C I T O R S

Mr. Eamon Ryan TD
Minister for Communications Energy & Natural Resources
29-31 Adelaide Road
Dublin 2

31 July 2009

Our Ref: PM/MCG/OBR001/0051

Our Client: Denis O'Brien

Request for Access to Records Under the Freedom of Information Act, 1997 - 2003

Dear Sir,

In accordance with Section 7 of the Freedom of Information Act I hereby request access to records which are non-personal in nature.

I request the following records:-

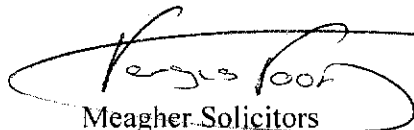
All records (to include all documentation, memoranda, notes, correspondence and any and all other such records) held by the Department pertaining to the Legal Opinion of Richard Law Nesbitt, SC dated 9 May 2006 and the Sole Member's Ruling dated 25 February 2008 regarding such Opinion.

In particular, and without prejudice to the generality of the foregoing, I request all correspondence exchanged between the Department of Communications Energy & Natural Resources and the Moriarty Tribunal in relation to the Opinion and the Sole Member's ruling as aforesaid.

I enclose a cheque in the sum of €50.79 for fees in the matter.

I look forward to hearing from you.

Yours faithfully,


Meagher Solicitors

Office of the Minister
Dept. of Communications, Energy And
Natural Resources

04 AUG 2009

Roinn Cumarsáide,
Fuinnimh agus Acmhaimí Nádurua