



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

26<sup>th</sup> May, 2008

Mr. Richard Oakley,  
The Sunday Times,  
4<sup>th</sup> Floor,  
Bishop's Square,  
Redmond's Hill,  
Dublin 2

FOI/0015/2008

Dear Mr. Oakley,

I refer to your FOI request seeking:

1. Copies of any correspondence between the Department and Deputy Finian McGrath, Deputy Beverly Flynn, Deputy Jackie Healy Rae or Deputy Michael Lowry dating back to May 2007.
2. Copies of any correspondence in which the following Deputy Finian McGrath, Deputy Beverly Flynn, Deputy Jackie Healy Rae or Deputy Michael Lowry are named between the Department and any third party."

Your request has been circulated to all divisions within the Department for consideration by the Decision Makers in each division. Following consideration of the request each Decision Maker has responded to the FOI Unit and stated the decision reached, the reason for reaching their decision and where appropriate a schedule of records and copies of the relevant records to be released. Your request has been part granted and beneath are details of the decisions reached in each division.

The following is a schedule of divisions within the Department that have refused your request under Section 10 (1) (a) of the FOI Acts 1997 and 2003 on the grounds that the records concerned do not exist. No relevant records were found following an examination of the records within the divisions.

Communications Development & Electronic Commerce Division.  
Communications Business & Technology  
Broadcasting Policy Division  
Inland Fisheries Division  
Gas Corporate Peat & Oil Division  
Electricity & Gas Regulation Division  
ESB Corporate & North South Energy Division  
Renewable & Sustainable Energy Division  
Energy Planning & Co-ordination Division  
Energy & Mining Division  
Petroleum Affairs Division  
Geological Survey of Ireland  
Oifigeach na Gailige  
Corporate Planning & Finance Division  
Human Resources Division

Information Systems Division  
Corporate Services Division  
Internal Audit Unit  
Minister of State's office.

The following divisions have part-granted your request;

The Minister's Office (ref: **Record No. 1**).  
Communications (Regulation & Postal Affairs) Division (ref; **Record No. 2**)

The exemptions applied in this case are Section 27 of the FOI Acts 1997 and 2003, on the grounds that the records contain commercially sensitive information and Section 28 of the Acts which state that access to the records concerned would involve the disclosure of personal information.

The following divisions have granted your request in full;

Office of the Secretary General (**Ref; Record No. 3**)  
Eirgrid (Corporate) Division (**Ref; Record No. 4**)

Attached is a schedule of records and copies of the records released.

### **Rights of appeal**

You may appeal this decision within 4 weeks from the date of this notification, the appeal will involve a complete reconsideration of the matter by a more senior member of the staff of this Department. 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. Your correspondence should include a fee of €75.00 for processing the appeal. Payment should be made by way of bank draft, money order, postal order or personal cheque made payable to Department of Communications, Energy & Natural Resources.

Yours sincerely,



Frank O'Brien  
FOI Unit

**RECORD No 1; MINISTER'S  
OFFICE**

**Schedule of Records Table**

**FOI Request Reference: FOI/15/2008**

**Request Details:**

1. Copies of any correspondence between the department and any of the following dating back to May of 2007.
2. Copies of any correspondence in which the following are named between your department and any third parties.
  - A. Deputy Finian McGrath
  - B. Deputy Beverly Flynn
  - C. Deputy Jackie Healy-Rae
  - D. Deputy Michael Lowry

A. Deputy Finian McGrath

Record No.	Brief Description & Date of Record	No. of Pages	Relevant Facts	Findings/Conclusions (Public Interest Considerations, if applicable)	Grant/Refuse/Part-Grant	Basis of Refusal: Section of Act	Record Edited/Identify Deletions
1.	Ref: NG-2007296 Representation 02/11/2007	5	Representation appropriate to the Director of Consumer Affairs		Part Grant	Section 28	Edited Constituent's Personal Details
2.	Ref: AN-2007549 Representation 06/12/2007	2	Representation forwarded to Minister for Agriculture, Fisheries & Food				
3.	Ref: AN-2007535 Representation 31/12/2007	7	Pension Appeal Case		Refuse	Section 28	
4.	Ref: NG-200833 Representation: 04/03/2008	4		Third Party information	Part Grant	Section 28	Edited Constituent's Personal Details

B. Deputy Beverly Flynn

No records

C. Deputy Jackie Healy - Rae

Record No.	Brief Description & Date of Record	No. of Pages	Relevant Facts	Findings/Conclusions (Public Interest Considerations, if applicable)	Grant/Refuse/Part-Grant	Basis of Refusal: Section of Act	Record Edited/Identify Deletions
1.	NG-2007147 Representation 01/05/2007	3	Representation forwarded to Minister of State, Dept of Transport & Marine				
2.	AN-2007261 Representation 29/05/2007	3	Wi-Fi Hotspots - No response issued	Third Party information	Part - Grant		Edited Constituent's Personal Details
3.	AN-2007297 Representation 03/07/2007	4	Grant Application - Greener Homes Scheme		Refuse	Section 28	
4.	AN-2007327 Representation 01/08/2007	4	Grant Application - Greener Homes Scheme		Refuse	Section 27	
5.	NG-2007221 Representation 07/08/2007	40	Fishing Regulations		Refuse	Section 27	

Record No.	Brief Description & Date of Record	No. of Pages	Relevant Facts	Findings/Conclusions (Public Interest Considerations, if applicable)	Grant/Refuse/Part-Grant	Basis of Refusal: Section of Act	Record Edited/Identify Deletions
6.	AN-2007350 Representation 20/09/2007	4	Biofuels		Part - Grant		Edited Constituent's Personal Details
7.	NG-2007273 Representation 25/09/2007	3	Representation forwarded to Minister of Transport & Marine				
8.	AN-2007419 Representation 05/10/2007	2	Representation forwarded to Minister of Agriculture, Fisheries & Food				
9.	NG-2007326 Representation 21/12/2007	12	Grant Application - Greener Homes Scheme		Refuse	Section 28	

Record No.	Brief Description & Date of Record	No. of Pages	Relevant Facts	Findings/Conclusions (Public Interest Considerations, if applicable)	Grant/Refuse/Part-Grant	Basis of Refusal: Section of Act	Record Edited/Identify Deletions
10.	GK-2007354 Representation 27/12/2007	5	Representation forwarded to Minister of Environment, Heritage & Local Government Broadband				
11.	NG-2007220 Representation 10/01/2008	7			Part Grant		Edited Constituent's Personal Details

D. Deputy Michael Lowry

No Records

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

29-31 Adelaide Road  
Dublin 2

Office of the Minister

29-31 Bóthar Adelaide  
Baile Átha Cliath 2

*Óifig an Aire*

Ref:NG-2007296

02 November 2007

Mr Finian McGrath TD  
Dáil Éireann  
Leinster House  
Kildare Street  
Dublin 2



Dear Deputy McGrath

On behalf of the Minister for Communications, Energy & Natural Resources, Mr. Eamon Ryan T.D., I wish to acknowledge receipt of your letter, dated 26 October 2007, regarding the service provided by NTL.

As stated in Minister Martin's response the appropriate channel to resolve this dispute is through the National Consumer Agency. Additionally the Commission for Communications Regulation does not regulate the delivery of broadcasting services at the retail level and as a consequence the Minister has no role in this matter.

Mr McGrath's correspondence has nonetheless been brought to the Minister's attention.

Yours sincerely

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Colm Ó Conaill  
Private Secretary to the  
Minister for Communications, Energy and Natural Resources

26/10/2007

Dear Minister Eamon, Can I send

me a response to the e-mailed  
query from [redacted] ? See details

Thanks again  
F. M. Gall.

Office of the Minister  
Dept. of Communications, Energy And  
Natural Resources  
30 OCT 2007  
Oifig an Aire  
Roinn Cumarsáide,  
Fuinnimh agus Acmhainní Nádirtha

Office of the Minister  
Dept. of Communications, Energy And  
Natural Resources  
30 OCT 2007  
Oifig an Aire  
Roinn Cumarsáide,  
Fuinnimh agus Acmhainní Nádirtha

Dáil Éireann  
Leinster House  
Kildare Street  
Dublin 2

**From:** [REDACTED]  
**Sent:** 22 October 2007 14:45  
**To:** 'finian.mcgrath@oireachtas.ie'  
**Subject:** FW:  
Finian

Have you any progress to report ?  
Have you any advice how we can get NTL to provide the service to my house ?

Please continue to do all in your power to assist me.

Regards

Gary

-----Original Message-----

**From:** [REDACTED]  
**Sent:** 08 October 2007 09:36  
**To:** 'finian.mcgrath@oireachtas.ie'  
**Subject:**

Finian

Thank you for forwarding the response you received from Micheal Martin.  
However there is nothing of use in the letter except his statement that he would forward a copy of my correspondence to the national consumer agency.

I have been in touch with both the small claims court and the national consumer agency. The national consumer agency advised me that they were unable to assist and recommended that I contact the small claims court. The small claims court advised that I could pursue for the return of the fee paid for the service that was not provided but that they could not force NTL to provide a service.

As you are aware what is required from NTL is a restoration of my service with an upgraded cable.

Can you seek the assistance of your colleague Eamon Ryan ?  
Can you request that the national consumer agency pursue this matter with NTL ?  
Can you request that Comreg pursue this matter with NTL ?  
Can you highlight the disgraceful service provided from NTL when interviewed in the media or while you are in the Dail ?

I am without a service from NTL since 4th July 2007 and NTL are not responding to any correspondence I have sent to them.

Please do all in your power to ensure that I receive the service from NTL that should be provided to all of it's customers.

Regards

[REDACTED]



An Roinn Fiontar, Trádála agus Fostaíochta  
Department of Enterprise, Trade and Employment

Oifig an Aire • Office of the Minister

Our ref: 071722/MIN

3 October 2007

Mr. Finian McGrath TD  
Dáil Éireann  
Leinster House  
Kildare St.  
Dublin 2

Dear Finian,

I wish to refer further to your representations on behalf of [REDACTED] regarding the problems he has experienced with the service provided by NTL and your query in relation to the possible role of Comreg and the National Consumer Agency in this area.

First of all, I would wish to point out that Comreg operates under the auspices of the Department of Communications, Energy and National Resources which is the responsibility of my colleague Minister Eamon Ryan.

As regards the National Consumer Agency, I am advised that in the last 12 months the NCA and its predecessor the Office of the Director of Consumer Affairs has received a considerable number of complaints from consumers in relation to the service provided by NTL.

The majority of the complaints experienced/complained of by consumers related to the introduction of a charge per billing period on those customers who did not pay by direct debit, poor reception/technical difficulties, great difficulty in contacting the company to have faults repaired and delays in having queries relating to bills responded to.

I am advised that the NCA has met with the senior management of NTL on three separate occasions since December 2006 to discuss these issues, particularly in relation to the service difficulties being experienced by customers. The NCA has advised that NTL acknowledged from the outset that it was experiencing problems with the result that customers were having difficulties in contacting it in relation to complaints. Following the discussions with the NCA, the company undertook to increase the number of staff in its call centre and to significantly reduce the waiting times for customers seeking to make complaints. The NCA has tested this undertaking on a number of occasions and found no undue delays in being recorded for customers waiting to contact the company at present. In the area of fault repairs, the company further undertook to bring in back up engineers to repair faults when major system faults occur. The net effect of these measures is that the number of complaints received by the NCA in respect of NTL has reduced significantly in the last number of months.

Notwithstanding the foregoing, the NCA continues to meet with NTL in relation to the undertakings it has given. In this regard I have forwarded a copy of [REDACTED] correspondence to the National Consumer Agency and I have asked them to raise Burke's complaints with NTL as a matter of urgency.

Should it be, however, that [REDACTED] remains unhappy with the service provided by NTL, it is also open to him to consider bringing a claim before the Small Claims Court should he be of the view that NTL has not met with its obligation under the Sale of Goods and Supply of Services Act, 1980 to supply its service with due skill, care and diligence. Information on how to use the Small Claims Services is available from the Small Claims Registrar on (01) 8886130 or (01) 8886127. A leaflet explaining the Small Claims procedures is attached for [REDACTED] information.

I hope that the foregoing is of assistance.

Yours sincerely,



Micheál Martin TD  
Minister for Enterprise,  
Trade and Employment

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Department of Communications, Energy and Natural Resources  
*Reim Cumarsáide, Fuinnik agus Acmhaíntí Nádirka*

29-31 Adelaide Road  
Dublin 2

Office of the Minister

29-31 Bóthar Adelaide  
Baile Átha Cliath 2

*Oifig an Aire*

Ref:AN-2007549

06 December 2007

Mr Finian McGrath T.D.  
Dail Eireann  
Leinster House  
Kildare St  
Dublin 2

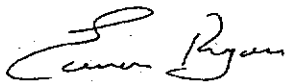
Re: 52 acre infill of Dublin Bay

Dear Finian

I refer to your recent correspondence.

I have forwarded your comments to the Minister for Agriculture, Fisheries and Food Ms Mary Coughlan T.D. who has responsibility in this matter and will respond directly to your enquiry.

Yours sincerely



---

Eamon Ryan T.D.  
Minister for Communications, Energy and Natural Resources



Dear Minister *Eamon*,

I would appreciate your support on the proposed 52 acre infill of Dublin Bay. I am totally opposed to it and the Taoiseach is aware of my position.

The Government is one hundred percent shareholder of Dublin Port Company. The National Spatial Strategy is a 20 year planning framework for all parts of Ireland which aims to achieve a better balance of social, economic and physical development between regions.

How can a 52 acre infill in the centre of Dublin fit into this framework? Surely the current application if flowed and I urge you to reject it.

It would be appreciated if you can send me a written response to this letter?

Thank you.

*F. McGrath*

Yours sincerely

Finian McGrath T.D.  
Independent  
Dublin North Central  
4<sup>th</sup> December 2007

Office of the  
Dept. of Communications  
And Natural Resources  
35-36  
City  
Roimn  
Fuinnimh  
dúrtha

Dáil Éireann  
Kildare Street  
Dublin 2

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Department of Communications, Energy and Natural Resources

*Ream Cumarsáid, Fuinnimh agus Ainbheanna Náisiúna*

Office of the Minister

*Oifig an Aire*

29-31 Adelaide Road  
Dublin 2

29-31 Bóthar Adelaide  
Baile Átha Cliath 2

Ref:NG-200833

04 March 2008

Mr Finian McGrath TD  
Dáil Éireann  
Leinster House  
Kildare Street  
Dublin 2



Dear Deputy McGrath

On behalf of the Minister for Communications, Energy & Natural Resources, Mr. Eamon Ryan T.D., I wish to acknowledge receipt of your letter, dated 27 February 2008, regarding a telephone box in Marino, Dublin 3.

Your letter is currently receiving attention and we will be in contact with you in the near future.

Yours sincerely

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Colm Ó Conaill  
Private Secretary to the  
Minister for Communications, Energy and Natural Resources

Office of the Minister  
for Communications, Energy and  
Natural Resources

28 FEB 2008

Cúig an Aire  
Roinn Cumarsáide,  
Fionnsh agus Acmhainn Nádurtha

27/2/2008

Dear Minister Eamon, I would appreciate  
it if you could request Eircom to remove  
this phone box as its causing major  
problems in the Marino area. See the  
enclosed details.

Can you assist and advise?

Thanks again

Fin M. G. T.V.

[REDACTED]

Finian McGrath TD  
Dail Eireann  
Kildare Street  
Dublin 2

26<sup>th</sup> February 08.

Dear Finian

I am writing to you to raise my concerns in relation to the vandalism and antisocial behaviour that takes place at the phone box on the corner of Brian Road and Philipsburgh Avenue. Unfortunately this is an all too regular occurrence on the street. As the closest resident to the phone box I feel I can speak with some authority on the situation.

From what I have seen the phone box serves the following purposes in descending order.

1. Target for throwing practice- which results in glass shattered all over the street and footpath.
2. Public Toilet
3. Drinking Den and subsequent dumping spot for Vodka bottles
4. Meeting place for drunken youths
5. Phone box

Alone in the past week I have picked up 5 vodka bottles from the phone box, and returned home at 8.30 last evening to see a glass panel smashed over the road and footpath. These acts have been occurring since I moved into the area 4 years ago, and I'm sure they were occurring prior to my arrival.

I feel if this vandalism and antisocial behaviour continues someone is going to get hurt. We have children constantly passing the phone box heading to school or attending the Billy Barrie school in the CY. Young children live in houses not 10 metres from the phone box. I also fear that damage will be inflicted on my property or the property of others by those either throwing items at the phone box or loitering whilst under the influence.

I do not wish to be a killjoy but I feel the phone box adds nothing to our community. Nearly all of the people living in the area have access to a phone, either at home or a mobile. I can honestly say the only individual that used the phone regularly was a young Polish man, whom I have not seen him in many months.

I have initially spoken to my neighbours closest to the phone box (No's 146, 148 & 157 Brian Road) and all would not shed the tiniest tear at the removal of the phone box from the street. I'm sure if I go further along the Brian Road I will get the same response from the vast majority of the residents.

I have spoken to a gentleman in the Eircom engineering department and he advised me to seek the support of my local residents authority and TD. This is why I have contacted you. If your support is obtained, and Eircom verify the lack of economic viability of the phone box (of which they feel there will not be an issue), Eircom will approach COMREG and ask that the phone box be removed.

I feel sad that society forces us to take such actions, and as a home owner and resident of the area I take no joy in putting this before you.

I await your response, and will make myself available to meet you when mutually convenient, if

required.  
Kindest Regards,

[REDACTED]  
[REDACTED]



Department of Communications,  
Marine and Natural Resources

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Ref:NG-2007147

01 May 2007

Mr Jackie Healy-Rae TD  
Main Street  
Kilgarvan  
Co. Kerry

**Re: Mr Aidan Forde, Kerry Mountain Rescue Team, New Road, Killarney,  
Co. Kerry**

Dear Jackie

I refer to your letter dated 25 April 2007, regarding funding for a full-time dedicated mountain rescue team. I believe that the Irish Coast Guard, which is now under the aegis of the Department of Transport, administers a Mountain & Cave Rescue Grant Scheme. Consequently I have forwarded your comments to the Minister of State at the Department of Transport, Mr Pat the Cope Gallagher TD for attention and direct response to your enquiry.

Yours sincerely

Noel Dempsey T.D.  
Minister for Communications, Marine and Natural Resources

