

Department of Communications, Energy & Natural Resources,
FOI Unit,
Elm House,
Earlsvale Road,
Cavan.

[REDACTED]
[REDACTED]
4 May, 2010
[REDACTED]

Dear Sir/Madam,

Under the Freedom of Information Act, 1997, I am making the request below in relation to the following semi-state bodies that fall under the Department's aegis:

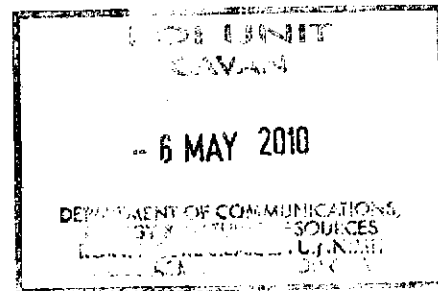
Electricity Supply Board
Bord Gais
Eirgrid
Bord na Mona
Coillte

I request copies of all correspondence between the above semi-state bodies and Department of Communications, Energy and Natural Resources (and its predecessor) between 2003 and the current date that relate to discussions regarding dividends, and between the Department of Communications, Energy and Natural Resources and the Department of Finance regarding same. I do not require copies of, or extracts from, publicly available accounts for the above bodies for the period in question.

I enclose the relevant application fee.

Yours sincerely,


John Mulligan
The Irish Independent



[REDACTED]

14th May, 2010

Mr. John Mulligan,
The Irish Independent,



FOI Request Reference: FOI/2010/19

Dear Mr. Mulligan,

I refer to your FOI request under Section 7 of the Freedom of Information Acts, 1997 and 2003, received in this office on 6th May, 2010 requesting records relating to the semi-state bodies under the Department's aegis. The application was received along with the associated fee.

Your request has been circulated to 4 divisions within the department and listed beneath are the designated decision-makers;

FOI/2010/19a Paul Bolger, Electricity Corporate Division. Ext 2936
FOI/2010/19b Karen Egan, Oil Supply, Oil, Gas, Grid and Peat Corporate Division. Ext. 2278
FOI/2010/19c Breda Holly, Oil Supply, Oil, Gas, Grid and Peat Corporate Division. Ext. 2963
FOI/2010/19d Ken Cleary, Electricity and Gas Regulation Division. Ext 2933

Each decision-maker will send their reply to the FOI Unit, the FOI Unit will collate the responses and forward them to you. If you have any questions to ask in relation to this matter please contact me at the number below.

A final decision on your request will normally be sent to you within 4 weeks of receipt of your request. This means that you can expect to receive your decision by the 3rd June, 2010.

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,

A handwritten signature in cursive script, appearing to read "Mary Rabbitte".

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

Phone: 01 6782903



8th July 2010

Mr John Mulligan
The Irish Independent



FOI Request Reference: FOI/2010/19

Dear Mr Mulligan,

I refer to the request you have made under the Freedom of Information Acts, 1997 and 2003, requesting records relating to the semi-state bodies under the Department's aegis.

Your request was circulated to 4 divisions within the Department and they have made a final decision to part-grant your request and I attach all relevant schedules and documents with this letter. If you have any queries regarding this correspondence you can contact me by telephone at the number below.

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. 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".

Yours sincerely,

Frank O'Brien
Frank O'Brien

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



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

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

18/06/2010

Mr John Mulligan,


FOI Request Reference: FOI/2010/19a

Dear Mr Mulligan,,

I refer to the request you have made under the Freedom of Information Acts, 1997 and 2003, concerning Requesting correspondence between the semi-state bodies and DCENR regarding dividends and between DCENR and DOF..

I have made a final decision to your request and I attach all relevant information with this letter. 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,

Carmel Fields
Phone: 01 6782941

June 2006

Mr Pádraig McManus
Chief Executive Officer
Electricity Supply Board
Fitzwilliam Square
Dublin 2

Re: Proposed Dividend

Dear Pádraig,

Many thanks for ESB's Annual Report and Accounts for the year ended December 2005, which we are currently considering. In the course of our analysis of the Accounts and Report, it came to our attention that the Dividend proposed stands at 30%.

As you will be aware, the agreed position between the Minister for Finance and the ESB Chairman was a dividend of 33.3% for 2005.

This position was reflected:

- (a) in correspondence between this Department and ESB between November 2003 and March 2004,
- (b) in ESB's Corporate Plan covering 2005 (i.e. 2004 to 2008, dated September 2004),
- (c) and most importantly, in the presentation of draft accounts to DCMNR/DOF officials on 10th May 2006

We are, of course, fully aware that the accounts were presented in draft format and in that context expected to see some presentational or classification changes in the final Report and Accounts, particularly in the light of the migration to IFRS.

However, a material change to the dividend percentage, a key number for the shareholder, which contravenes an agreed position with a Government Minister, does not fall into that category of change.

In the context of discharging our role to Government, this Department will be required to explain the departure from the agreed position to the Minister, in the first instance and in advance of his presentation of the Accounts to Government, and secondly to Government by way of a Memorandum. I would greatly appreciate a response from you at your earliest convenience to expedite presentation of the Report and Memorandum to Government.

With best wishes,

Yours sincerely,

Schedule of Records - Summary of Decision Making

FOI Request Reference: FOI/2010/19

Brief description and date of record	File Ref	No. of pages	Decision: Grant/Part Grant/ Refuse	Basis of Refusal: Section of Act	Reason for Decision	Record Edited/ Identify Deletions
December 2006: Letter from Deputy Secretary, DCENR to CEO, ESB	01/10/003/001 - Payment of Dividend to the Exchequer	2	Grant			
December 2006: Letter from Chairman, ESB Minister, CENR	01/10/003/001 - Payment of Dividend to the Exchequer	1	Grant			
December 2006: Letter from Dept. of Finance DCENR	01/10/003/001 - Payment of Dividend to the Exchequer	1	Grant			
January 2007: Note of meeting between Dept. of Finance and DCENR	G:\Electricity Corporate\ESB\Corporate Governance\Dividends	2	Grant			
February 2007: Emails between Dept. of Finance and DCENR	G:\Electricity Corporate\ESB\Corporate Governance\Dividends	5	Grant			
October 2008: Emails between Dept. of Finance and DCENR	G:\Electricity Corporate\FINANCE\Dividend	3	Refuse	21c	Commercial Sensitivity	
November 2009: Letter from Minister/CENR to Chairman, ESB	G:\Electricity Corporate\ESB\Corporate Governance\Dividends	2	Grant			

ESB Dividend

Electricity Supply Board

Lower Fitzwilliam Street, Dublin 2, Ireland.
Phone: 353-1-702 7032 Fax: 353-1-702 6680
Email: tadhg.odonoghue@mail.esb.ie www.esb.ie



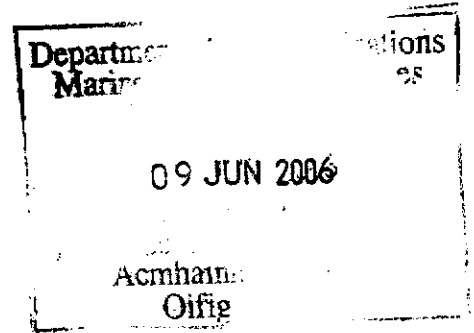
Tadhg O'Donoghue
Chairman

2

esb/dividend/2006

9 June 2006

Mr Noel Dempsey TD
Minister for Communications,
Marine & Natural Resources
29-31 Adelaide Road
Dublin 2



Dear Minister,

I refer to your concerns for the proposed dividends to be paid by ESB in respect of 2005.

The one-third that you mentioned was never part of the discussions which I had some years ago with the then Minister for Finance, Mr. Charlie McCreevy. What was agreed at the time was that ESB would start paying a dividend of 25% and work up over four to five years to the norm paid by large companies quoted on the Irish Stock Exchange. At the time the dividend paid by large companies quoted on the Irish Stock Exchange was nearly 33%.

The latest survey of the twelve largest companies quoted on the Irish Stock Exchange shows dividends of 29% and we have rounded this up to 30

You should also be aware that it was also agreed at that time that the ESB dividends could be substantially less in some years due to adverse factors such as lower profitability and other trading circumstances.

The 2005 CER price review has had a major adverse impact on the long-term profitability of the Networks business. We estimate that will adversely affect our cash flow by nearly €1 billion in the period 2006 – 2010.

We also need to provide for a major overhaul of our Power Generation business. Many of these issues will be familiar to you and your Department officials.

Despite all these financial problems, we are still proposing a dividend of 30% for 2005, marginally in excess of the top twelve quoted companies.

I trust that this explains the position for 2005.

I will also bring your concerns to the Board at next Thursday's meeting.

Yours sincerely,

Tadhg
Tadhg O'Donoghue
CHAIRMAN

cc Ms. Sara White

FAO (M, SW, BT, EOC, TH)
For Observations _____
For Action _____
For Follow Up _____
For Information _____
C.C. _____



An Roinn Airgeadais
Department of Finance

03/10/08/001

✓
3

28 September 2006

Sráid Mhuirfean Uacht,
Baile Átha Cliath 2,
Éire.

Upper Merrion Street,
Dublin 2,
Ireland

Telephone: 353-1 676 7571
Facsimile: 353-1 678 9936
LoCall: 1890 66 10 10
VPN: 8109
<http://www.ir.gov.ie/finance>

Mr Eanna O'Conghaile
Principal
Department of Communications, Marine
and Natural Resources
29-31 Adelaide Road
Dublin 2

Dear Eanna

ESB Dividend Payments

As you are no doubt aware, the existing arrangement whereby ESB pays a dividend to the Exchequer, has been in place since early 2003.

The matter of the appropriate size of dividend that a shareholder might expect should, I think, be reviewed in the light of the experience to date and the projected company borrowings, investment strategy, profitability, etc. over the next 3/5 years.

I would be grateful for your views on this and perhaps at that stage we could discuss the matter.

Yours sincerely

Pat Ring
Principal

Note of Meeting

Purpose: Preliminary discussion on ESB dividend policy post-2005

Date: 17/01/2007

Time: 11:30 – 12:30

Venue: Secretary General's Conference Room, Adelaide Rd.

Attendance

Pat Ring, D/Finance

Tom Ryan, D/Finance

Jenny O'Hora, D/CMNR

Michael Spillane, D/CMNR

Apologies

Eanna Ó Conghaile

The following points were raised as being pertinent to determining both Department's position in relation to dividend policy relating to ESB, following on from the 2002 to 2005 policy.

Reduced profit levels in ESB currently, comparison with comparable national/international companies useful (D/Finance initial comparison attached), any drop from current 30% level not desirable (possibility of increasing this level over time/ possibility of not declaring dividend for a period should compelling reasons be put forward by ESB), current return on capital is low in comparison to other companies, flexibility on duration of new policy (possibly 3 to 5 years), possibly based on average dividend from weighted basket of companies (banks etc.), effect of CER determinations on profits, level of dividend not to have negative effect on company going forward (now operating in a competitive market, ability to invest in infrastructure etc)

Enhanced communication with company to be sought, with prior notification from ESB of any deviation from agreed dividend targets.

Action

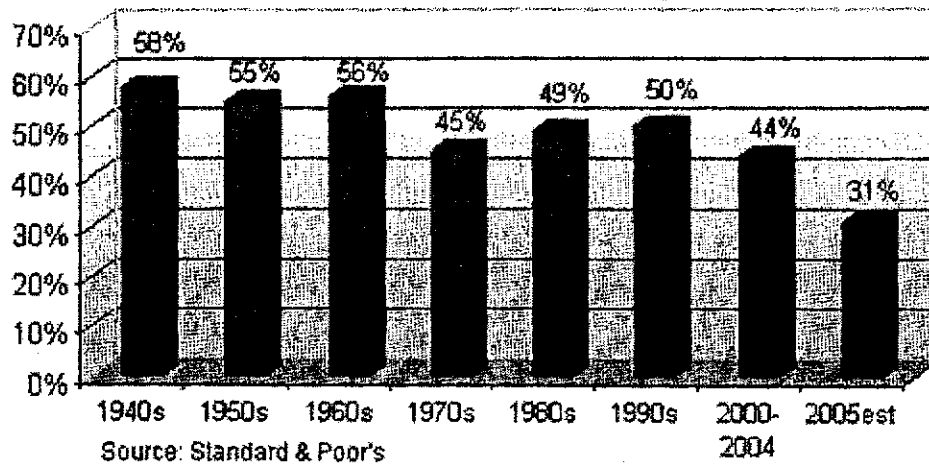
- More detailed national/international comparison data (Pat Keane, D/Finance).
- Views of Stephen O'Connor sought (Jenny O'Hora, D/CMNR).
- Current position relating to Bord Gais & Bord na Mona obtained (Jenny O'Hora, D/CMNR).
- Informal views of ESB sought (Jenny O'Hora, D/CMNR).
- Revert to Pat Ring following progress (Jenny O'Hora).
- Formal letter to ESB setting out Department's views, when finalised (D/CMNR)

Target Completion Date: March 2007

Pay -Out Ratios

The average payout ratio of stocks in the S&P 500 Index is an estimated 30%. This is the lowest point it has been in 65 years.

S&P 500 - Average Dividend Payout Ratio



Why have payout ratios reached historical lows. In recent years dividend growth hasn't kept pace with earnings growth. Dividend-payers in the S&P increased earnings an estimated +20% last year but only boosted their dividends about 12%, according to Standard & Poor's.

✓ (5)

From: Jennifer O'Hora
Sent: 16 February 2007 16:11
To: 'Ring, Pat'; Ryan, Tom
Cc: Eanna O'Conghaile
Subject: RE: ESB Corporate Plan

Pat,
ESB's initial reaction was that they would expect to be paying in and around the same as last year i.e. in keeping with the top ISEC companies.
My own thoughts to date are that this seems reasonable, provided no analysis of the figures renders it unrealistic.
We'll continue to give it some thought and provisionally aim for 1 March.
Regards
Jenny

From: Ring, Pat [mailto:Pat.Ring@finance.gov.ie]
Sent: 16 February 2007 16:01
To: Ryan, Tom
Cc: Jennifer O'Hora
Subject: RE: ESB Corporate Plan

Jenny
1 March may be ok but before we confirm have you or Eanna had any further thoughts on your preferred approach and any thoughts from ESB?

The decision on this could also be affected by things in the White paper so come back to me next week - I will be talking to Sara on Tues
Pat

From: Ryan, Tom
Sent: 16 February 2007 15:16
To: Ring, Pat
Subject: FW: ESB Corporate Plan

Pat

To see

Tom

From: Jennifer O'Hora [mailto:Jennifer.O'Hora@dcmnr.gov.ie]
Sent: 16 February 2007 14:31
To: Ryan, Tom
Subject: RE: ESB Corporate Plan

Thanks Tom,
I've cancelled Tuesday's meeting on Dividend Policy. In order to reschedule, how does Thurs 1 March suit your side?
Thanks
Jenny

From: Ryan, Tom [mailto:Tom.Ryan@finance.gov.ie]
Sent: 16 February 2007 13:57
To: Jennifer O'Hora
Subject: RE: ESB Corporate Plan

Thanks Jenny

Just to remind you that next Tuesday's meeting between yourself/Eanna and Pat Ring will have to be deferred owing to Pat's non availability.

Regards

Tom

From: Jennifer O'Hora [mailto:Jennifer.O'Hora@dcmnr.gov.ie]
Sent: 16 February 2007 11:30
To: Keane, Pat; Ryan, Tom; Ring, Pat
Subject: RE: ESB Corporate Plan

Pat,
Apologies if you didn't get the attachment; I'll try again. The Annual Capex submission is en route also, I believe and I will forward that upon receipt.
When both documents have been received, I'll arrange with ESB for a presentation to the two Departments.
Best regards
Jenny

From: Keane, Pat [mailto:Pat.Keane@finance.gov.ie]
Sent: 14 February 2007 10:08
To: Jennifer O'Hora
Subject: FW: ESB Corporate Plan

Jenny,

We don't appear to have received the attachment – could you send it on to me, Tom and Pat Ring please?

Thanks,

Pat

From: Ring, Pat
Sent: 14 February 2007 09:31
To: Ryan, Tom; Keane, Pat
Subject: FW: ESB Corporate Plan

From: Sara White [mailto:Sara.White@dcmnr.gov.ie]
Sent: 14 February 2007 09:05
To: Jennifer O'Hora; Stephen O'Connor; Ring, Pat; Ryan, Tom
Subject: RE: ESB Corporate Plan

Thanks jenny. Important that we have a further session with bernard byrne et al.
Sara

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

From: Jennifer O'Hora
Sent: Thursday, February 08, 2007 3:17 PM
To: Sara White; Stephen O'Connor; 'pat.ring@finance.gov.ie';
'tom.ryan@finance.gov.ie'
Subject: FW: ESB Corporate Plan

Please find attached, ESB's Corporate Plan for 2007 – 2011.
I will revert re suitable times for a presentation by ESB on the Corporate Plan to take place over the coming fortnight or so.
Regards
Jenny

From: Aherne, Michael (Corporate Centre) [mailto:Michael.Aherne@esb.ie]
Sent: 08 February 2007 13:45
To: Eanna O'Conghaile; Jennifer O'Hora
Cc: Redmond, John; Byrne, Bernard (Group Finance); Collins, Mary
Subject: ESB Corporate Plan

Eanna / Jenny

Here is soft copy of corporate plan. Please note this is commercially sensitive.

We are available to present this at your request. If you have queries if you would like to send these to me before we present that would be most helpful.

Kind Regards

Michael

* * * * *

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed.

Any views or opinions presented are solely those of the author, and do not necessarily represent those of ESB.

If you have received this email in error please notify the sender.

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* * * * *

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you are not the intended recipient be aware that any disclosure, copying, distribution or use of the contents of this information and or files is prohibited. If you have received this electronic message in error, please notify the sender immediately.

This is also to certify that this mail has been scanned for viruses.

Tá eolas sa teachtaireacht leictreonach seo (agus b'fhéidir sa chomhaid ceangaithe leis) a d'fhléadfadh bheith príobháideach nó faoi rún. Is le h-aghaidh an duine/na ndaoine nó le h-aghaidh an aonáin atá ainmnithe thuas agus le haghaidh an duine/na ndaoine sin amháin atá an t-eolas. Murab ionann tusa agus an té a bhfuil an teachtaireacht ceaptha dó bíodh a fhios agat nach gceadaítear nochtadh, cóipeáil, scaipeadh nó úsáid an eolais agus/nó an chomhaid seo. Más trí earráid a fuair tú an teachtaireacht leictreonach seo cuir, más é do thoil é, an té ar sheol an teachtaireacht ar an eolas láithreach.

Deimhnítear leis seo freisin nár aimsíodh víreas sa phost seo tar éis a scanadh.

Attention:

This e-mail is privileged and confidential. If you are not the intended recipient please delete the message and notify the sender. Any views or opinions presented are solely those of the author.

This email was scanned by NetIQ MailMarshal and has been certified virus free with the pattern file currently in use. This however cannot guarantee that it does not contain malicious content.

Tá an r-phost seo faoi phribhléid agus faoi rún.

Mura tusa an duine a bhí beartaithe leis an teachtaireacht seo a fháil, scríos é le do thoil agus cuir an seoltóir ar an eolas. Is leis an údar amháin aon dearcaí nó tuairimí a léirítear.

Scanadh an r-phost seo le NetIQ MailMarshal agus deimhníodh go raibh sé saor ó víoras leis an bpatrúnchomhad atá in úsáid faoi láthair. Ní féidir a ráthú leis seo áfach nach bhfuil ábhar mailíseach ann.

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

Office of the Minister
Oifig an Aire

13 October 2009

29-31 Adelaide Road
Dublin 2

29-31 Bóthar Adelaide
Baile Átha Cliath 2

Chairman
ESB
27 Lower FitzWilliam Street
Dublin 2

Re: Request for Special Interim Dividend

Dear Chairman

I am writing further to the Government's Decision of 15th July to put in place the necessary steps to ensure that Large Energy Users (LEUs) face no increase in their network charges in the tariff period 1st October 2009 to 30th September 2010.

While I appreciate that the decision to declare and pay dividends is a matter for ESB's Board under Regulation 62 of ESB's Regulations, I am requesting, on behalf of the Minister for Finance and myself in our capacities as holders (on a combined basis) of 95% of the issued Stock of ESB, that the ESB Board agree to declare and pay a special interim dividend, of which the Ministerial Stockholders would receive €176m, in respect of the exceptional profits earned by ESB arising from the sale of ESB Power Generation assets in January 2009.

I would note that this special interim dividend would be in addition to the usual final dividend of 30% of non-exceptional profits of ESB payable in accordance with the general dividend policy agreed between the Ministerial Stockholders and ESB.

I am also requesting, on the direction of the Minister for Finance, that the proceeds of the special interim dividend payable to the Ministerial Stockholders would be paid on our behalf into a special fund established by

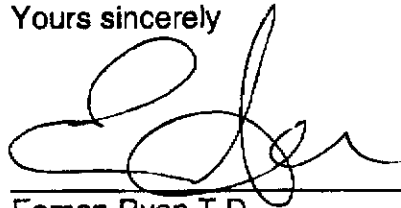
ESB from which the Large Energy User Credit can be drawn down by ESB in order to finance this credit.

I would like to take this opportunity to record my appreciation, and that of the Government, of the ongoing contribution of the ESB Board, management and staff to the Government's strategies for economic recovery and building the new smart economy.

I look forward to your response.

With best regards

Yours sincerely

A handwritten signature in black ink, appearing to read 'E. Ryan', written over a horizontal line.

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

08/06/2010

Mr John Mulligan,
The Irish Independent,



FOI Request Reference: FOI/2010/19b

Dear Mr Mulligan,,

I refer to the request you have made under the Freedom of Information Acts, 1997 and 2003, concerning Requesting correspondence between the semi-state bodies and DCENR regarding dividends and between DCENR and DOF.

I have made a final decision to Grant your request and I attach all relevant information with this letter. 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.

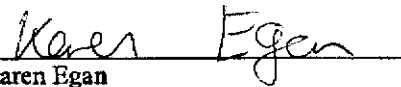
If claiming a reduced application fee, the request must also be accompanied by

- 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,


Karen Egan

Department of Communications, Energy and Natural Resources
29-31 Adelaide Road
Dublin 2

Phone: 016782278

Schedule of Records - Summary of Decision Making

FOI Request Reference:

Rec. No	Brief description and date of record	File Ref	No. of page	Decision: Grant/Part Grant/ Refuse	Basis of Refusal: Section of Act	Reason for Decision (for and against release)	Public Interest Considerations	Record Edited/ Identify Deletions
1.	Email from Aidan Skelly to Kilda Taylor 7.08.2008	EIR 2/11	1	Granted				

From: Aidan.Skelly@Eirgrid.com
Sent: 07 August 2008 15:32
To: Kilda Taylor
Subject: RE: Dividend policy
Kilda

The EirGrid Corporate Plan for 2008-2012 included an assumption that no dividends would be payable for the duration of the plan.

In the case of 2008 the forecast Operating Profit is €5.8m. We believe that it is reasonable that no dividend should be payable on the basis that:

- The level of profits out of which any dividend would be payable is relatively low
- EirGrid is a thinly capitalised company with Retained Earnings at 31 December 2008 forecast to be only €31.2m
- EirGrid is committed to investing €30m of its own equity in the East West Interconnector.
- The company is currently undertaking a major funding exercise in respect of the East West Interconnector. This may involve taking on bank debt in the order of €500m.

I am away on annual leave from tomorrow until 27 August. However if you have any questions in the meantime please let me know.

Regards
Aidan

From: Kilda Taylor [mailto:Kilda.Taylor@dccnr.gov.ie]
Sent: 07 August 2008 12:39
To: Skelly, Aidan - EirGrid
Subject: Dividend policy

Hi Aidan

Further to our conversation, what I need is EirGrid's view on paying up to 30% of expected profits in 2009 as a dividend to the Exchequer. D/Finance is putting the squeeze on all commercial state companies!

I'd be grateful if you could get a note to me by early next week so I can meet D/Finance's deadline.

Regards

*Kilda Taylor
Assistant Principal
Oil Supply/EirGrid (Corporate) Division
Department of Communications, Energy and Natural Resources
Adelaide Road
Dublin 2*

Ph. 6782962

EirGrid plc - Transmission System Operator, Ireland.
The Oval, 160 Shelbourne Road, Ballsbridge, Dublin 4.

Oibrítheoir Eangach Leictreachais na hÉireann.
160 Bóthar Shíol Bhroin, Droichead na Dothra, Baile Átha Cliath 4.

Registered Office
The Oval, 160 Shelbourne Road, Ballsbridge, Dublin 4.
Registered in Ireland No. 338522 V.A.T. No. IE 6358522H
TELEPHONE + 353 (0)1 677 1700



22/06/2010

Mr John Mulligan,
The Irish Independent,



FOI Request Reference: FOI/2010/19c

Dear Mr. Mulligan,

I refer to the request you have made under the Freedom of Information Acts, 1997 and 2003, concerning Requesting correspondence between the semi-state bodies and DCENR regarding dividends and between DCENR and DOF.

I have responsibility in dealing with your request insofar as Bord Gáis Éireann and Bord na Mona are concerned. I have made a final decision to your request and I attach all relevant information with this letter. 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.

As you can see from the Schedules most of the documents which I am not prepared to release contain commercially sensitive information or deals with the day to day functions of the bodies concerned. Bord na Mona and Bord Gáis Éireann are two commercial state bodies operating in a competitive environment. Neither company receives any state funding. It is important that the companies can carry out their functions and engage with its Shareholders in this role on a confidential basis without being concerned about sensitive information being released to the public. It is also important that the Shareholders can engage with the companies, request information, financial scenarios etc and that that the companies, in supplying this information are confident that it will be treated as commercial sensitive.

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.

For further information please contact the FOI Unit

FOI Unit

2010/06/22

Mr John Mulligan

1000/06/22

Mr Mulligan

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,

Breda Holly

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

Phone: 01 6782963

FOI Request Reference: FOI/2010/19c

Schedule of Records: Summary of Decision Making

Requesting correspondence between the semi-state body (Bord na Móna plc) and DCENR regarding dividends and between DCENR and DOF.

Record No.	Brief Description & Date of Record	File Ref.	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	E Mail from DCENR to DOF 30 May 2006 16.32	FP 3/32	1	Outlines position in relation to Dividend Payments from BnM		Refuse	Section 21 and Section 27	
2	E Mail IDCENR to BnM 30 May 2006 16.45	FP 3/32	1	Requests to Board to consider payment of Dividend		Refuse	Section 21 and Section 27	
3	E Mail from BnM to DCENR 8 June 2006 15.07	FP 3/32	1	Board resolved to pay dividend		Refuse	Section 21 and Section 27	
4	E Mail from DCENR to BnM 8 June 2006 16.56	FP 3/32	1	Dividend Payment Details		Refuse	Section 21 and Section 27	
5	E Mail from BnM to DCENR 8 June 2006 16.22	FP 3/32	1	Dividend Payment details		Refuse	Section 21 and Section 27	
6	E Mail from DCENR 22 June 2006 15.39 Email from DOF 22 June 2006 15.48	FP 3/32	1	Dividend payment details Detail of div		In 2006/2007 Annual Report	Section 21 and Section 27	

7	E Mail from DCENR to BnM 4 Dec 2006 17.24	FP 3/32	1	Dividend Policy and Payments		Refuse	Section 21 and Section 27		
8	E Mail from BnM to DCENR 4 Dec 2006 17.32	FP 3/32	1	Dividend Policy and Payments		Refuse	Section 21 and Section 27		
9	E Mail from DCENR to BnM 23 March 2007 14.58	FP 3/32	1	Bord na Mona ESOP/Divid end		Refuse	Section 21 and Section 27		
10	Letter to DCENR from BnM 4 April 2007	FP 3/32	2	Payment of Dividends		Refuse	Section 21 and Section 27		
11	Letter from DCENR to BnM 5 June 2007	FP 3/32	2	Proposed Dividend Policy		Refuse	Section 21 and Section 27		
12	E Mail from DCENR to BnM 10 Dec 2007 15.23 E Mail from BnM to DCENR 10 Dec 2007 12.54	FP 3/32	1	Bank Details for Dividend payment Board approval of Dividend		Refuse	Section 21 and Section 27		
13	E Mail DOF to DCENR 19 Dec 2007 10.06 Reply from DCENR to DOF 19 Dec 2007 14.30	FP 3/32	1	Dividend amount details		Amount details in 2007/2008 Annual Report	Section 21 and Section 27		
14	E Mail DCENR to DOF 19 Dec 2007 16.16	FP 3/32	1	Dividend amt and payment details		Refuse	Section 21 and Section 27		
15	E Mail DCENR to DOF 30 Nov 2007		2	Briefing for appearance of Sec Gen Dept of Fin at PAC		Refuse	Section 21 and Section 27		

16	Letter from DOF to DCENR July 2008		1	Dividend position of SSB's		Granted	Internal notes removed	
17	Letter from DCENR to BnM August 2008	FP 3/32	2	Seeking confirmation of Dividend Payments		Refuse	Section 21 and Section 27	
18	E mail from DCENR to BnM 11 Aug 2008 17.04	FP 3/32	1	Outlining letter of above		Refuse	Section 21 and Section 27	
19	Letter from BnM to DCENR 12 Aug 2008	FP 3/32	1	Reply to letter above, outlining BnM position on Dividends		Refuse	Section 21 and Section 27	
20	E Mail DCENR to BnM 20 Aug 2008 14.59	FP 3/32	1	Expected Dividend payment		Refuse	Section 21 and Section 27	
21	E Mail from DOF to DCENR 29 Sept 2008 17.33 E Mail DCENR to DOF 30 Sept 2008 10.48 E Mail DCENR to DOF 30 Sept 2008 17.14	FP 3/32	3	Query re payment of Dividend Answer to query Outline of BnM dividend payment		Refuse	Section 21 and Section 27	
22	Email from DOF to DCENR 10 Oct 2008 15.29 E Mail from DOF to DCENR	FP 3/32	2	Dividend Position to Central Budget Section		Refuse	Section 21 and Section 27	

	10 Oct 2008 16.49 E Mail from DCENR to DOF 10 Oct 2008 17.19				Query re Dividend for 2009 Info re estimated Div amt				
23	E Mail from DCENR to BnM 19 Dec 2008 11.44	FP 3/32	1		Bank details for payment of Div for 2007 and 2008	Refuse	Section 21 and Section 27		
24	E Mail from DCENR to DOF 19 Dec 2008 15.16	FP 3/32	1		Payment details	Refuse	Section 21 and Section 27		
25	E Mail from BnM to DCENR 16 Dec 2009 16.40 E Mail from DCENR to BnM 16 Dec 2009 17.17 E Mail from DCENR to BnM 16 Dec 2009 17.24	FP 3/32	1		Query re EFT details	Refuse	Section 21 and Section 27		
26	E Mail from DOF to DCENR 17 Dec 2009 9.27 E Mail DCENR to BnM 17 Dec 2009 10.27	FP 3/32	1		Account no details	Refuse	Section 21 and Section 27		
27	E Mail from BnM to DCENR 17 Dec 2009 10.59 E Mail from DCENR to DOF 17 Dec 2009 11.15	FP 3/32	1		Dividend details	Refuse	Section 21 and Section 27		
28	E Mail from BnM to DCENR 18 Dec 2009 E Mail DOF to DCENR 18 Dec 2009 15.24 E Mail BnM to DCENR	FP 3/32	4		Confirmation of account no Account confirmation Details of	Refuse	Section 21 and Section 27		

	21 Dec 2009 11.47 E mail to DOF from DCENR 22 Dec 2009 15.07				released payment				
29	E Mail from BnM to DCENR 5 Jan 2010 16.23	FP 3/32	1		Dividend forecast for 2010		Refuse	Section 21, 26 and Section 27	
30	E Mail DCENR to DOF 16 Dec 2009 17.17 E Mail DOF to DCENR 31 Dec 2009 12.02 Email DCENR to 4 Jan 2010 10.34	FP 3/32	3		Confirmatio n of a/c no Dividend amt query Amt of Div paid		Refuse	Section 21 and Section 27 Will be published in 2009/2010 a/c's	



**An Roinn Airgeadais
Department of Finance**

July 2008

Sráid Mhuirlean Uacht.
Baile Átha Cliath 2,
Éire

Upper Merrion Street,
Dublin 2,
Ireland

Telex / Telephone: 353-1 678 7571
Facsimile / Facsimile: 353-1 678 983
Glas Áit / LoCall: 1890 66 10 10
<http://www.rigov.ie/finance>

Mr. Eamonn Molloy
Department of Communications, Energy and Natural Resources,
29-31 Adelaide Road,
Dublin 2.

Dear Eamonn,

I refer to the recent Government decision (S180/20/10/0964B) that, inter alia, Departments were to seek an increase in dividends from commercial State companies to €300 million in 2009, broadly 30% of expected profits.

The following commercial State bodies are under the aegis of your Department:

- Electricity Supply Board
- Bord Gáis Éireann
- Bord na Móna
- EirGrid
- An Post
- Radio Teilifís Éireann

I would be grateful if, in respect of each of the above, you could indicate the current dividend position for 2009 in respect of each of the companies. In particular, each company should be examined with the objective of securing this level of dividend or, in the case of companies which have not up to now paid a dividend, to examine the capacity for payment of dividends.

We are aware that 30% of expected profits, or close to that, is the case for a number of the above (e.g. ESB, BGE, Bord na Móna) but there may be scope for policy discussions in respect of the others.

We would appreciate a response and the opportunity for a discussion by early September, 2008.

Yours sincerely

Robert Watt
Assistant Secretary

cc: Sara White

FOI Request Reference: FOI/2010/19c

Schedule of Records: Summary of Decision Making

Requesting correspondence between BGE and DCENR regarding dividends and between DCENR and DOF.

Record No.	Brief Description & Date of Record	File Ref.	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	Letter from DCENR to BGE 2 Feb 2006	BGF 5 Vol 9	1	Request for views on Dividend Policy		Refuse	Section 21 and Section 27	
2	Letter from BGE to DCENR 3 March 2006	BGF 5 Vol 9	1	Ack of above letter		Refuse	Section 21 and Section 27	
3	Letter from DOF to DCENR 22 May 2006	BGF 5 Vol 9	1	Request for Review of Div payment		Refuse	Section 21 and Section 27	
4	Letter from DCENR to BGE 1 June 2006	BGF 5 Vol 9	1	Views on revised Dividend Payment req		Refuse	Section 21 and Section 27	
5	Letter from BGE to DCENR 28 June 2006	BGF 5 Vol 9	1	Letter re above		Refuse	Section 21 and Section 27	
6	Letter from DOF to DCENR 25 Sept 2006	BGF 5 Vol 9	1	Further req for dividend review		Refuse	Section 21 and Section 27	
7	Letter from DCENR to BGE 3 Oct 2006	BGF 5 Vol 9	1	Further req for dividend review		Grant		
8	Letter from DCENR to BGE	BGF 5	1	Request				

	13 Nov 2006	Vol 9			Dividend payment for the financial year				
9	E Mail BGE to DCENR 10 Nov 2006 14.59 E Mail DCENR to BGE 10 Nov 2006 15.47	BGF 5 Vol 9	2		Meeting re Dividend issue req Meeting req accepted			Section 21 and Section 27	
10	E Mail from BGE to DCENR 1 Dec 2006 14.39	BGF 5 Vol 9	1		Confirmed Div amt paid			In annual report	
11	E Mail DCENR to DOF 5 Dec 2006 14.34	BGF 5 Vol 9	1		Confirmed Div amt paid			Refuse	Section 21 and Section 27
12	DRAFT FOR DISSCUSSION ONLY Letter from BGE to DCENR 12 Dec 2006	BGF 5 Vol 10	5		Proposed BGE Div Payment			Refuse	Section 21 and Section 27
13	E Mail from DCENR to DOF 31 Jan 2007 18.43 E Mail from DOF to DCENR 1 Feb 2007 9.22 E Mail from DCENR to DOF 1 Feb 2007 15.29	BGF 5 Vol 10	2		BGE dividend Meeting arrangement re draft discussion document			Refuse	Section 21 and Section 27
14	E Mail DCENR to DOF 5 March 2007 14.02	BGF 5 Vol 10	1		Request for spreadsheet on dividends % 's scenarios			Refuse	Section 21 and Section 27
15	E Mail from DCENR to DOF 6 March 2007 16.55	BGF 5 Vol 10	1		Update on progress re BGE dividend proposals			Refuse	Section 21 and Section 27

16	Email from BGE to DCENR 12 March 2007 11.10	BGF 5 Vol 10	1	BGE Div % scenarios	Refuse	Section 21 and Section 27
17	Letter to BGE from DCENR 17 May 2007	BGF 5 Vol 10	4	Proposal by Dept on div policy for 5 years	Refuse	Section 21 and Section 27
18	Email from DCENR to DOF 17 May 2007 12.28	BGF 5 Vol 10	4	Draft report on Div BGE	Refuse	Section 21 and Section 27
19	E Mail from DOF to DCENR 3 Aug 2007 14.31 E Mail from DCENR to DOF 3 Aug 2007 15.04 Email from DOF to DCENR 3 Aug 2007 15.09 Email from DCENR to DOF 3 Aug 2007 15.38	BGF 5 Vol 10	3	Req update on Div issue Dividend position BGE ESOP	Refuse	Section 21 and Section 27
20	Letter from BGE to DCENR 8 Aug 2007	BGF 5 Vol 10	5	Proposed Div policy 2007 - 2011	Refuse	Section 21 and Section 27
21	E mail from BGE to DCENR 8 Aug 2007 16.05 E Mail from DCENR to DOF 10 Aug 2007 10.11	BGF 5 Vol 10	1	Electronic version of above letter Electronic version of above letter sent to DOF	Refuse	Section 21 and Section 27
22	Letter from DOF to DCENR 16 Aug 2007	BGF 5 Vol 10	1	Arrangemen t of above BGE div policy 2007/2011	Refuse	Section 21 and Section 27
23	E mail DCENR to DOF 20 Aug 2007 15.45 21 Aug 2007 14.35	BGF 5 Vol 10	2	Meeting arrangement	Refuse	Section 21 and Section 27

24	E Mail DCENR to DOF 30 Aug 2007 17.42	BGF 5 Vol 10	1	Note on 5 Year Corp plan and div policy		Refuse	Section 21and Section 27	
25	E mail from DCENR to DOF 7 Sept 2007 11.30	BGF 5 Vol 10	1	BGE Corp plan meeting		Refuse	Section 21and Section 27	
26	E Mail from DCENR to DOF 26 Nov 2007 17.13	BGF 5 Vol 10	2	Re BGE dividend		Refuse	Section 21and Section 27	
27	Letter from DCENR to BGE 30 Nov 2007	BGF 5 Vol 10	1	Requesting Payment of Div for 2006		Refuse	Section 21and Section 27	
28	E Mail from BGE to DOF 4 Dec 2007 16.33 E Mail from DCENR to DOF 4 Dec 2007 16.41 E Mail from DOF to DCENR 4 Dec 2007 17.22 E Mail DCENR to DOF 4 Dec 2007 17.35 E Mail from DCENR to BGE 11 Dec 2007 10.31	BGF 5 Vol 10	4	Div aml Div Details Bank a/c Details Bank a/c Details Request confirmation of payment Payment confirmed		Refuse	Section 21and Section 27	
29	Letter from DCENR to BGE 16 May 2008	BGF 5 Vol 10	1	Dividend Policy		Refuse	Section 21and Section 27	
30	Letter from BGE to DCENR 19 May 2008	BGF 5 Vol 10	1	Ack of above letter		Refuse	Section 21and Section 27	
31	E Mail from DCENR to DOF 20 May 2008 14.45	BGF 5 Vol 10	1	Dividend position		Refuse	Section 21and Section 27	
32	Letter from BGE to DCENR 29 May 2008	BGF 5 Vol 10	2	Div Policy 2008-2012		Refuse	Section 21and Section 27	
33	E Mail from BGE to DCENR	BGF 5	1	Dividend		Refuse	Section 21and	

	27 May 2008 16.39	Vol 10			Policy				
34	E Mail from DOF to DCENR 29 May 2008 14.37	BGF 5 Vol 10	2		Re BGE revised div rate Reply to above BGE dividend Projected div figures	Refuse	Section 21 and Section 27		
	E Mail DCENR to DOF 29 May 2008 18.20 E Mail DCENR to DOF 6 June 2008 16.24 E Mail DCENR to DOF 11 June 2008 12.57								
35	Letter from DOF to DCENR 19 June 2008	BGF 5 Vol 10	1		Div Policy 2008-12	Refuse	Section 21 and Section 27		
36	Letter from DOF to DCENR July 2008	BGF 5 Vol 10	1		Dividend policy	Refuse	Section 21 and Section 27		
37	Letter to BGE 12 Aug 2008	BGF 5 Vol 10	1		Dividend payment	Refuse	Section 21 and Section 27		
38	Email from DCENR to BGE 12 Aug 2008 17.25	BGF 5 Vol 10	1		E Mail of above	Refuse	Section 21 and Section 27		
39	Letter from DCENR to BGE Sept 2008	BGF 5 Vol 10	2		Dividend Policy 2008- 2012	Refuse	Section 21 and Section 27		
40	E Mail from DOF to DCENR 29 Sept 2008 17.33 E mail from DCENR to DOF 30 Sept 10.48 E mail from DCENR to DOF 30 Sept 17.14 E Mail from DOF to DCENR 30 Sept 2008 17.28 E mail from DCENR to DOF 30 Sept 17.41	BGF 5 Vol 10	3		Series of e mails re BGE Financials and Dividend	Refuse	Section 21 and Section 27		

41	Letter from BGE to DCENR 13 Oct 2008		1	Revised Div proposal		Refuse	Section 21 and Section 27	
42	Letter from DCENR to BGE 18 Nov 2008		1	Div payment for 2008		Refuse	Section 21 and Section 27	
43	E Mail from BGE to DCENR 24 Nov 2008 13.32 E Mail from DCENR to DOF 24 Nov 2008 15.00 E Mail from BGE to DCENR 28 Nov 2008 15.31 Email from DCENR to DOF 2 Dec 2008 9.45 E Mail from DOF to DCENR 2 Dec 2008 11.55 E Mail from DCENR to BGE 9 Dec 2008 11.29		4	Physical arrangement for Dividend payment		Refuse	Section 21 and Section 27	
44	E Mail from BGE to DCENR 29 Sept 2009 21.17 E mail from DCENR to DOF 30 Sept 2009 9.24 E Mail from DOF to DCENR 30 Sept 2009 9.46		2	Timing of div payment		Refuse	Section 21 and Section 27	
45	E Mail from BGE to DCENR 28 Oct 2009 16.39 E Mail from DCENR to BGE 29 Oct 2009 16.40 Letter from DCENR to BGE 4 Nov 2009 E Mail from BGE to DCENR 23 Nov 2009 12.10 Email from DCENR to BGE		11	Physical arrangement for the payment		Refuse	Section 21 and Section 27	

	<p>23 Nov 2009 12.47 E Mail DOF to DCENR 23 Nov 2009 14.28 Email DCENR to BGE 23 Nov 2009 14.36 Email BGE to DCENR 23 Nov 2009 14.52 E Mail from DCENR to DOF 23 Nov 2009 15.04 E Mail from BGE to DCENR 25 Nov 2009 10.01 E mail from BGE to DOF 25 Nov 2009 9.14 E mail from DOF to BGE 25 Nov 2009 10.31 E mail from BGE to DCENR 25 Nov 2009 16.54 E Mail from DCENR to DOF 25 Nov 2009 17.04</p>									
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An Roinn Cumarsáide,
Fuinnimh agus Acmhainní Nádirtha
Baile Átha Cliath 2.

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

02/07/2010

Mr John Mulligan,


FOI Request Reference: FOI/2010/19d

Dear Mr Mulligan,

I refer to the request you have made under the Freedom of Information Acts, 1997 and 2003, concerning Requesting correspondence between the semi-state bodies and DCENR regarding dividends and between DCENR and DOF.

I have made a final decision to your request and I attach all relevant information with this letter. 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.

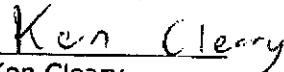
If claiming a reduced application fee, the request must also be accompanied by

- 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,


Ken Cleary
Phone: 01 6782933

FOI Request Reference:

Schedule of Records: Summary of Decision Making

Rec. No.	Brief description and date of record	File Ref	No. of Pages	Decision: Grant/Part Grant/Refuse	Basis of Refusal: Section of Act	Reason for Decision	Public Interest Consideration	Record Edited/Identify Deletions
1	Letter from Minister Ryan to ESB Chairman re Special Dividend 13/10/09	G:\Energy Markets\Prices\LE U Rebate	2	Grant				
2	E-mails to/from ESB regarding the letter from Minister Ryan to ESB Chairman Sept/Oct 2009	G:\Energy Markets\Prices\LE U Rebate	6	Grant				
3	E-mails to/from Dept of Finance re letter from Minister Ryan to ESB Chairman Nov 2009	G:\Energy Markets\Prices\LE U Rebate	2	Grant				
4	Observations from the Department of	e-Cabinet		Refuse	Subsection (1) of	Records prepared for the purpose of a		

	Finance on Memo to Govt 14/07/09					Section 19	meeting of Government		
5	E-mail to the Dept of Finance re letter to ESB Chairman from Minister Ryan 11/09/09	G:\Energy Markets\Prices\LE U Rebate	1	Grant					
6	E-mail from the Dept of Finance re letter to ESB Chairman from Minister Ryan 15/09/09	G:\Energy Markets\Prices\LE U Rebate	2	Grant					
7	E-mails to the Dept of Finance re letter to ESB Chairman from Minister Ryan	G:\Energy Markets\Prices\LE U Rebate	3	Grant					
8	E-mail to the Dept of Finance re letter to ESB Chairman from Minister Ryan 1/10/09	G:\Energy Markets\Prices\LE U Rebate		Refuse	Section 22		The e-mail contains legal advice and is thus legally privileged		
9	E-mails between the Dept and the Dept of Finance	G:\Energy Markets\Prices\Car bon Levy		Refuse	Section 20		The e-mails relate to the inclusion of provisions in the		

	<p>regarding provisions in the Electricity Regulation (Amendment) (Carbon Revenue Levy) Bill 2010 April 2010</p>					<p>Electricity Regulation (Amendment) (Carbon Revenue Levy) Bill 2010 regarding dividends from the state energy companies. This legislation is before the Oirachtas at the moment and is hence a part of the deliberative process of the Department.</p>		
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Department of Communications, Energy and Natural Resources
Roinn Cumarsáide, Fuinnimh agus Acmhainní Nádurtha

29-31 Adelaide Road
Dublin 2

Office of the Minister
Oifig an Aire

29-31 Bóthar Adelaide
Baile Átha Cliath 2

13 October 2009

Chairman
ESB
27 Lower FitzWilliam Street
Dublin 2

Re: Request for Special Interim Dividend

Dear Chairman

I am writing further to the Government's Decision of 15th July to put in place the necessary steps to ensure that Large Energy Users (LEUs) face no increase in their network charges in the tariff period 1st October 2009 to 30th September 2010.

While I appreciate that the decision to declare and pay dividends is a matter for ESB's Board under Regulation 62 of ESB's Regulations, I am requesting, on behalf of the Minister for Finance and myself in our capacities as holders (on a combined basis) of 95% of the issued Stock of ESB, that the ESB Board agree to declare and pay a special interim dividend, of which the Ministerial Stockholders would receive €176m, in respect of the exceptional profits earned by ESB arising from the sale of ESB Power Generation assets in January 2009.

I would note that this special interim dividend would be in addition to the usual final dividend of 30% of non-exceptional profits of ESB payable in accordance with the general dividend policy agreed between the Ministerial Stockholders and ESB.

I am also requesting, on the direction of the Minister for Finance, that the proceeds of the special interim dividend payable to the Ministerial Stockholders would be paid on our behalf into a special fund established by

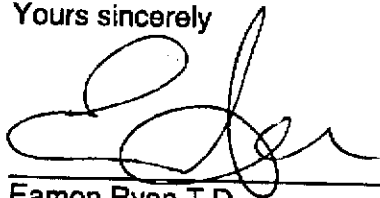
ESB from which the Large Energy User Credit can be drawn down by ESB in order to finance this credit.

I would like to take this opportunity to record my appreciation, and that of the Government, of the ongoing contribution of the ESB Board, management and staff to the Government's strategies for economic recovery and building the new smart economy.

I look forward to your response.

With best regards

Yours sincerely

A handwritten signature in black ink, appearing to read 'E. Ryan', written over a horizontal line.

Eamon Ryan T.D.

Minister for Communications, Energy and Natural Resources

**Kenneth Cleary**

From: Ronan Sheehy [ronan.sheehy@esb.ie]
Sent: 09 October 2009 13:16
To: Aoife MacEvilly
Subject: RE: Letter to ESB Chair
Attachments: ATT44970351.txt

Aoife,

Just checking in to see if any progress on letter issuing.

Regards

Ronan

From: Aoife MacEvilly [mailto:Aoife.MacEvilly@dcenr.gov.ie]
Sent: 07 October 2009 13:09
To: Sheehy, Ronan (Corporate Centre)
Subject: Letter to ESB Chair

Ronan,

Just to update you on this issue, following receipt of the AG advice, the Minister for Finance has now agreed to the proposal for the special interim dividend and funding arrangements for the LEU rebate. The letter (as attached) has been given to our Minister for signature and we expect it to issue shortly – it is just taking a little longer because he is tied up in the programme for government negotiations.

If you have any queries, please let me know.

Thanks and kind regards,

Aoife MacEvilly
Electricity & Gas Regulation Division
Dept. of Communications, Energy
and Natural Resources
29/31 Adelaide Road
Dublin 2
Ireland

Tel: 01 678 2237
Fax: 01 678 3139

Kenneth Cleary

From: Ronan Sheehy [ronan.sheehy@esb.ie]
Sent: 13 October 2009 16:35
To: Aoife MacEivilly
Subject: Re: ESB - Special Interim Dividend

Aoife,

Thank you for passing this on.

Regards

Ronan

From: Aoife MacEivilly
To: Sheehy, Ronan (Corporate Centre)
Cc: Carmel Fields ; Michael Daly ; Sara White ; Kenneth Cleary ; Byrne, Bernard (Corporate Centre)
Sent: Tue Oct 13 16:08:21 2009
Subject: FW: ESB - Special Interim Dividend

Ronan

As per my earlier message, the letter on the Special Interim Dividend has now been signed by the Minister. A scanned copy of the original signed letter is attached to this email and we will hand deliver the original to your offices tomorrow morning.

Thanks and kind regards,

Aoife MacEivilly
Electricity & Gas Regulation Division
Dept. of Communications, Energy
and Natural Resources
29/31 Adelaide Road
Dublin 2
Ireland

Tel: 01 678 2237
Fax: 01 678 3139

An timpeallacht? - Smaoinigh air sula bpriontáileann tú an r-phost seo.
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* ** *** ** * ** *** ** * ** *** ** *

Tá an t-eolas sa ríomhphost seo agus in aon chomhad a ghabhann leis rúnda agus ce
Is tuairimí nó dearcthaí an údair amháin aon tuairimí nó dearcthaí ann, agus ní g
Má bhfuair tú an ríomhphost seo trí earráid, ar mhiste leat é sin a chur in iúl d
Scanann ESB ríomhphoist agus ceangaltáin le haghaidh víreas, ach ní ráthaíonn sé
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* * * * *

Kenneth Cleary

From: Aoife MacEvilly
Sent: 06 October 2009 13:21
To: Ronan Sheehy
Subject: Draft letter

Ronan,

To take account of legal advice we are working with D/Finance on a slight amendment to the letter on the LEU rebate. The change is in bold below – it previously said "with the concurrence of..."

I am also requesting, **on the direction** of the Minister for Finance, that the proceeds of the special interim dividend payable to the Ministerial Stockholders would be paid on our behalf into a special fund established by ESB from which the Large Energy User Credit can be drawn down by ESB in order to finance this credit.

I just want to ensure that this does not create issues for your side. We are still requesting the Board to agree to the Dividend, the slight change reflects the Minister for Finance's role in directing how these dividends be used. We hope to get this resolved shortly – I understand you are not in the office today but if you have the opportunity to look at this, I would appreciate it. Otherwise, maybe we can discuss tomorrow.

Thanks

Aoife MacEvilly
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and Natural Resources
29/31 Adelaide Road
Dublin 2
Ireland

Tel: 01 678 2237
Fax: 01 678 3139

Kenneth Cleary

From: Aoife MacEvilly
Sent: 13 October 2009 16:08
To: 'Ronan Sheehy'
Cc: Carmel Fields; Michael Daly; Sara White; Kenneth Cleary; 'bernard.byrne@esb.ie'
Subject: FW: ESB - Special Interim Dividend
Importance: High
Attachments: Chairman ESB Special Interim Dividend 131009.pdf

Ronan

As per my earlier message, the letter on the Special Interim Dividend has now been signed by the Minister. A scanned copy of the original signed letter is attached to this email and we will hand deliver the original to your offices tomorrow morning.

Thanks and kind regards,

Aoife MacEvilly
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and Natural Resources
29/31 Adelaide Road
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Ireland

Tel: 01 678 2237
Fax: 01 678 3139

Kenneth Cleary

From: Aoife MacEvilly
Sent: 07 October 2009 13:09
To: 'Ronan Sheehy'
Subject: Letter to ESB Chair
Attachments: Letter to ESB Chair 24 september 2009.doc

Ronan,

Just to update you on this issue, following receipt of the AG advice, the Minister for Finance has now agreed to the proposal for the special interim dividend and funding arrangements for the LEU rebate. The letter (as attached) has been given to our Minister for signature and we expect it to issue shortly – it is just taking a little longer because he is tied up in the programme for government negotiations.

If you have any queries, please let me know.

Thanks and kind regards,

Aoife MacEvilly
Electricity & Gas Regulation Division
Dept. of Communications, Energy
and Natural Resources
29/31 Adelaide Road
Dublin 2
Ireland

Tel: 01 678 2237
Fax: 01 678 3139



Kenneth Cleary

From: Kenneth Cleary
Sent: 06 November 2009 15:27
To: 'Finneran, Adrian'; Aoife MacEvilly
Cc: 'Keane, Pat'
Subject: RE: Special dividend

Tracking:

Recipient	Read
'Finneran, Adrian'	
Aoife MacEvilly	Read: 06/11/2009 15:30
'Keane, Pat'	

Adrian,

We've confirmed with ESB that it was just an unfortunate turn of phrase in the letter, the money is being used to fund the LEU rebate. As per your mail below we won't ask them to resend the letter.

Regards,
Ken.

From: Finneran, Adrian [mailto:Adrian.Finneran@finance.gov.ie]
Sent: 06 November 2009 14:11
To: Aoife MacEvilly
Cc: Keane, Pat; Kenneth Cleary
Subject: RE: Special dividend

Aoife

The letter does not actually say that that it was paid to the Exchequer and, assuming that that is the case, I don't see any need for them to revise the letter.

Regards

adrian

From: Aoife MacEvilly [mailto:Aoife.MacEvilly@dcenr.gov.ie]
Sent: 06 November 2009 14:07
To: Finneran, Adrian
Cc: Keane, Pat; Kenneth Cleary
Subject: RE: Special dividend

Hi Adrian,

I will check back with ESB and ask them to provide a more accurate letter. Unless of course ESB is feeling generous and want to pay another €176 m into the Exchequer...

Thanks

Aoife

From: Finneran, Adrian [mailto:Adrian.Finneran@finance.gov.ie]
Sent: 06 November 2009 12:02
To: Aoife MacEvilly; Kenneth Cleary
Cc: Keane, Pat

Subject: Special dividend

Aoife, Ken

We have received a letter from ESB (dated 4 Nov) which says that a recent dividend payment of €176m was made to the Minister for Finance.

We are checking with Exchequer section here to ensure that they did not receive a cheque/ payment.

Can you check to see that the payment was made in accordance with the request from your Minister ie that it be made to a special fund under the control of the ESB, for the purposes set out in his letter.

Regards

Adrian

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Kenneth Cleary

From: Kenneth Cleary
Sent: 11 September 2009 14:37
To: 'Adrian.Finneran@finance.gov.ie'; 'Stephanie.O'Donnell@finance.gov.ie'
Subject: Letter to ESB Chair re LEU Rebate
Attachments: Letter to ESB Chair 10 september 2009.doc

Adrian, Stephanie,

Arising from the July 15th Government decision on energy prices we have agreed a process with ESB through which they will fund the proposed LEU rebate and Minister Ryan intends to write to the ESB Chairman shortly to put the Government decision formally to the ESB board. As joint shareholder we thought that Finance should be aware of the letter and agree its contents before we issue to ESB. As such, I'd be grateful if you could please take a look at the attached letter and let me know if you're happy for it to issue to ESB.

If you have questions please don't hesitate to contact me.

Regards,
Ken.

Ken Cleary

Electricity & Gas Regulation Division

Department of Communications, Energy and Natural Resources

29-31 Adelaide Road

Dublin 2

Tel: +353-1-678 2933

Fax: +353-1-678 2939

E-Mail: kenneth.cleary@dcenr.gov.ie

Website: <http://www.dcenr.gov.ie/>

Kenneth Cleary

From: Finneran, Adrian [Adrian.Finneran@finance.gov.ie]
Sent: 15 September 2009 10:38
To: Kenneth Cleary
Cc: Keane, Pat
Subject: RE: Letter to ESB Chair re LEU Rebate

Ken

One thing occurs, in addition to our conversation yesterday.

The Electricity Supply Act, 2001, states:

7.—All amounts representing dividends or other money received by the Minister for Finance in respect of capital stock held by him or her shall be paid into or disposed of for the benefit of the Exchequer in such manner as he or she may direct.

Is this consistent with the suggestion in the letter that the payment be made into an account controlled by the ESB? Is there anything in, for example, the ESB's Memo and Arts which would preclude the dividend being paid into such an account? Have you got legal advice on the matter?

REgards

Adrian

From: Kenneth Cleary [mailto:Kenneth.Cleary@dcenr.gov.ie]
Sent: 11 September 2009 14:37
To: Finneran, Adrian; O'Donnell, Stephanie
Subject: Letter to ESB Chair re LEU Rebate

Adrian, Stephanie,

Arising from the July 15th Government decision on energy prices we have agreed a process with ESB through which they will fund the proposed LEU rebate and Minister Ryan intends to write to the ESB Chairman shortly to put the Government decision formally to the ESB board. As joint shareholder we thought that Finance should be aware of the letter and agree its contents before we issue to ESB. As such, I'd be grateful if you could please take a look at the attached letter and let me know if you're happy for it to issue to ESB.

If you have questions please don't hesitate to contact me.

Regards,
Ken.

Ken Cleary

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Kenneth Cleary

From: Aoife MacEilly
Sent: 23 September 2009 11:02
To: 'Finneran, Adrian'
Subject: LEU Rebate

Adrian,

The excerpt you referred to comes from Section 7 of the Electricity (Supply)(Amendment) Act 2001. It was substituted by section 21(3) of the Energy (Miscellaneous Provisions) Act 2006), and now provides as follows:

"All amounts representing dividends or other money received by the Minister for Finance or the Minister for Communications, [Energy] and Natural Resources in respect of capital stock held by either of them shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance may direct"

Thanks

Aoife MacEilly
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29/31 Adelaide Road
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Ireland

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Fax: 01 678 3139

Kenneth Cleary

From: Aoife MacEvilly
Sent: 24 September 2009 12:14
To: 'Finneran, Adrian'
Subject: FW: LEU Rebate

Adrian,

As mentioned, I am trying to think of some all-embracing wording to cover the requirement for a direction by the Minister for Finance as to how the funds should be used. If our Minister confirms that deposing of the funds in this manner is in accordance with the Government Decision, would this be sufficient? See draft wording below.

I will give you a call to discuss.

Thanks
Aoife

"I am also requesting, with the concurrence of the Minister for Finance, that the proceeds of the special interim dividend payable to the Ministerial Stockholders would be paid on our behalf into a special fund established by ESB from which the Large Energy User Credit can be drawn down by ESB in order to finance this credit. I can confirm that it is in accordance with the Government Decision that the funds be used in this manner. "

From: Aoife MacEvilly
Sent: 23 September 2009 11:02
To: 'Finneran, Adrian'
Subject: LEU Rebate

Adrian,

The excerpt you referred to comes from Section 7 of the Electricity (Supply)(Amendment) Act 2001. It was substituted by section 21(3) of the Energy (Miscellaneous Provisions) Act 2006), and now provides as follows:

"All amounts representing dividends or other money received by the Minister for Finance or the Minister for Communications, [Energy] and Natural Resources in respect of capital stock held by either of them shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance may direct"

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