

An Roinn Cumarsáide,
Fuinneamh agus Aerhainní Mádúirthe,
Baile Átha Cliath 2.

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

Ref: FOI/00001/2008

12 February 2008

Dear

I refer to your request, cited below, which you made under the Freedom of Information Acts 1997 and 2003 for records held by this Department:

I am requesting some information under the Freedom of Information Act in respect of Net 1 Communications, Donovan House, Adelphi Court, Dundalk, Co. Louth and enclose a cheque for €15 for this service.

I understand that this company has been in receipt of several grants for the provision of wireless broadband services in the Monaghan region since 2005 and I would like to know:

1. How much this company has received in government subvention,
2. What geographical areas this subvention was intended to cover,
3. What service (in terms of broadband speeds) the provider was expected to provide,
4. What steps the Department of Communications, Energy and Natural Resources, formerly DCMNR has taken to audit the provision of these services and,
5. What arrangements are in place to claw back these payments in the event that the provider fails to provide the service as specified?

I have made a final decision to part grant your request on 12th February 2008. If you have any queries regarding this correspondence you can contact me by telephone at 01 6782931.

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

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

1. Schedule of Records

A schedule is attached at the end of this letter. It shows the documents that this Department considers relevant to your request. It also gives you a summary and overview of the decision as a whole. The schedule describes each document and indicates whether the document is released in full, released with deletions or not released. The schedule refers to the sections of the FOI Act which apply to prevent release. As to these documents, the schedule also provides brief reasons for the decision which are meant to supplement the fuller and more detailed explanation given under heading 3 below.

2. Access Arrangements

You have not indicated the form of access to records held by this Department but I have deemed that photocopies of the records to be an appropriate form of access in this case.

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

Five records contain the information you requested and these are detailed in the enclosed schedule of records. I have decided to grant your request on a partial release basis and I have relied on Section 27.1(b) of the FOI Act, a copy of which is enclosed for ease of reference.

Record 1 is a spreadsheet containing the information requested in the first three points of your request and it is released in full.

Records 2 and 3 deal with the fourth point in your request and access to these records is being refused under section 27 (1)(b) of the FOI Act as the records contain financial and commercially sensitive material.

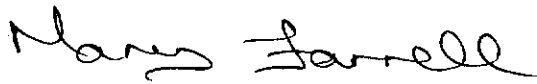
Records 4 and 5 deal with the fifth point in your request and these documents are published on the Department's website at www.dcenr.gov.ie under the group broadband scheme in the Communications section. Copies of these documents are enclosed with this letter for your ease of reference.

4. Rights of appeal

You should be aware that you are entitled to a review of the decision if you are for any reason dissatisfied with the outcome of your request. The review is a full and new examination of the matter carried out by a more senior member of staff of this Department. In the event that you need to make an appeal, you can do so in writing to Mr. Frank O'Brien, FOI Unit, Department of Communications, Energy and Natural Resources, Elm House, Earlsvale Road, Cavan, Co. Cavan. Please note that there is a charge for all appeals of FOI requests. This charge is currently €75. A reduced fee of €25 applies if you are the holder of a medical card.

Please note that the Department of Communications, Energy and Natural Resources has a policy of posting a summary of your request, your name and address and the subsequent reply on the Department's website for reference purposes.

Yours sincerely,

A handwritten signature in cursive script that reads "Mary Farrell". The signature is written in dark ink and is positioned above a horizontal line.

Mary Farrell
Communications Development Division

Tel: 01 6782931

Schedule of Records: Summary of Decision Making

Record No.	Brief Description & Date of Record	File Ref.	No. of Pages	Decision: Grant/Part Grant/Refuse	Basis of Refusal: Section of Act	Reason for Decision	Public Interest Considerations (for and against release)	Record edited/Identify deletions
1	GBS excel spreadsheet – December 2007	GBS "XLS"	3	Grant				
2	Mazars financial audit report – 1 August 2007		3	Refused	Sections 27.1(b)	Financial and Commercial sensitive Information	Disclosure could prejudice the competitive position of that person	
3	Technical audit report – 9 January 2008		1	Refused	Sections 27.1(b)	Financial and Commercial sensitive Information	Disclosure could prejudice the competitive position of that person	
4	Group Broadband Scheme Reporting and Financial Control Procedures – May 2005		11	Published on www.dcent.gov.ie				
5	Group Broadband Scheme Terms and Conditions 2 nd Call - undated		12	Published on www.dcent.gov.ie				

