

Research & Information Centre
Ofgem
9 Millbank
London
SW1P 3GE

17th March 2014

Dear Mr Latrémolière

Freedom of Information Request

I am writing to advise you that Ofgem has decided not to disclose the information you requested on 15 January.

The information you requested is being withheld as it falls under several exemptions within the Freedom of Information Act, in this case sections 43 and 44 apply. The attached annex to this letter sets out the exemptions in full, as well as the factors considered when deciding where the public interest lay. It also includes a schedule of documents analysed by Ofgem when considering your request.

If you are unhappy with the decisions made in relation to your request from Ofgem, you may ask for an internal review. You should contact me via the foi@ofgem.gov.uk email box if you wish to complain.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

Yours sincerely



Keith Smith
Ofgem
Research and Information

Annex A

Exemption in Full

43 Commercial interests

- (1) Information is exempt information if it constitutes a trade secret.
- (2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).
- (3) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice the interests mentioned in subsection (2).

Factors for Disclosure	Factors for Withholding
<ul style="list-style-type: none"> • Interest in business plan expenditure. 	Information supplied by the DNOs amounts to a trade secret

Reasons why public interest favours withholding information

- The interest in withholding this information is in the public interest as its release may damage the competitiveness of the companies that own those trade secrets.

Type of Document	Applicable Exemption
Dataset of Regression Results of the document "RIIO-ED1 business plan expenditure assessment – methodology and results (Supplementary annex)"	Section 43 (1) and (2)

Exemption in Full

44 Prohibitions on disclosure

(1) Information is exempt information if its disclosure (otherwise than under this Act) by the public authority holding it—

- (a) is prohibited by or under any enactment,
- (b) is incompatible with any Community obligation, or
- (c) would constitute or be punishable as a contempt of court.

(2) The duty to confirm or deny does not arise if the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) fall within any of paragraphs (a) to (c) of subsection (1).

Factors for Disclosure	Factors for Withholding
<ul style="list-style-type: none"> • Interest in business plan expenditure. 	<p>Some information in this case was requested from the DNOs using Ofgem's statutory powers under the Utilities Act. It would be unlawful to make a public release of this information without permission from the DNOs under statutory bar under section 105 of the Utilities Act. This permission has not been granted by the DNOs.</p>

Reasons why public interest favours withholding information

- Not applicable – absolute exemption

Type of Document	Applicable Exemption
<p>Dataset of Regression Results of the document "RIIO-ED1 business plan expenditure assessment – methodology and results (Supplementary annex)"</p>	<p>Section 44 (1) a</p>