



**Board of Directors Meeting of the
Utility Regulation and Competition Office (“OfReg”)
held on Thursday, 14th June 2018,
at its Offices, 3rd Floor Alissta Towers
Meeting 6 of 2018**

Minutes

In attendance:

Dr. the Hon. Linford Pierson, Chair (Chair)
Mr. Ronnie Dunn, Deputy Chair (RD)
Mr. Frank Balderamos, Non-executive Director (FB)
Ms. Melissa Lim, Non-executive Director (ML)
Mr. Rudy Ebanks, Non-executive Director (RE)
Mr. J Paul Morgan, Chief Executive Officer (CEO)
Mr. Alee Fa’amoe, Deputy CEO, Executive Director ICT, (DCEO/EDICT)
Mr. Duke Munroe, Chief Fuels Inspector/Director Fuels Markets (CFI)
Mr. Louis Boucher, Deputy Executive Director Energy & Utilities (DEDEU)
Dr. John Epp, General Counsel/ Secretary (GC/S)
Ms. Alison Maxwell, Assistant General Counsel/ Assistant Secretary (AGC/AS)

Start: 10:45 AM End: 3.30PM

1. General

- 1.1 Welcome, Prayer, Chair’s Remarks
The Chairman welcomed the attendees.
DEDEU tendered apologies for EDEU.
The CFI offered the opening prayer.
The Chairman provided an update on the process to be used in the recruitment of the next CEO.
The Chairman advised that he had been in written communication with the office of the Cabinet Secretary, regarding the need for Cabinet to have a better understanding of the work of OfReg. However the Cabinet Secretary’s office indicated that in view of the previous meetings held between OfReg and ‘Caucus’, Cabinet was now looking for positive results from OfReg prior to any further meetings.
- 1.2 Approval of Agenda
Motion RD, seconded by RE: The draft agenda as amended (item 3.2.1 add ‘Improvement of Website’; item 4.2 remove word ‘competition’ replace with ‘recruitment’; add item 5.1.4 ‘CUC Demand Rates’; and item 8.1 remove word ‘paper’ and replace with ‘summary’) be approved as the agenda for this meeting. CARRIED



2. Declarations of Interest None

3. Minutes of Previous Meeting

3.1 The following corrections were made to the draft minutes of 10 May 2018 as circulated by GC/S:

Item 8.1, the final sentence was amended to read "OfReg, as a sister regulator, was to meet with CIMA due to its technology remit."

Item 8.1 (Action), the action was amended to read "ML to draft a summary describing the activities the multi-sector Working Group and OfReg's involvement."

Motion RD and seconded by RE: The draft minutes as amended be accepted as the official minutes of the last meeting. CARRIED.

3.2 Matters Arising From Previous Minutes not Covered in Agenda

3.2.1 Actions Arising out of the Previous Minutes

• From the meeting of 12 April 2018:

• DCEO reported on the progress made toward the improvement of OfReg website. DCEO will provide an update at the next Board Meeting.

• From the meeting 10 May 2018:

• EDEU has written to the Water Authority to obtain records from the early years.

• Discussion of the travel policy and vehicle policy (found in board documents).

New Action item: develop vehicle use and branding policy.

• Chair of Risk and Audit Committee: Mr. [REDACTED] declined to let his name stand for the post. No one else had been identified to serve. [REDACTED] to be approached by DCEO. Redacted under Sec 23 (1) of FOI law 2020 revision Personal Info.

New Action item: DCEO to contact [REDACTED] concerning letting his name stand for the position of Chair of the Risk and Audit Committee.

Redacted Sec 23 (1) FOI law 2020 revision Personal information.

• The Procurement Policy is stricter than the Procurement Law. The CEO agreed that the Office will work within the Procurement Policy.

• Reference was made to The Procurement Law s11 (3): "Where the entity is a statutory authority or government company, the Chief Executive Officer shall include the respective Chief Officer's nominee as a member of the entity procurement committee, provided that the nominee meets the criteria for appointment set out in this Law".



New Action item: CEO to contact Chief Officer to seek the Chief Officer's nomination to the OfReg Procurement Committee.

- GC reported that proposed amendments to the Public Authorities Law, 2017 (PAL) and sector laws were written in conjunction with Ms. Mary Rodrigues. RD reported that PAL s 39(2) was unworkable and that the Financial Secretary had agreed to amend it. The agenda for the next meeting of the Legislative Assembly had not be set.
- Participation in CIMA Digital Assets Working Group. ML clarified the role of OfReg in this matter. OfReg was not a member of the working group. OfReg, as a sister regulator met with CIMA due to its technology remit. The meeting was attended by DCEO, GC and ML. It served to open dialogue and to begin a discussion of the proposed amendments to the Electronic Transaction Law (2003 R). It was agreed that OfReg would share the proposed amendments to the ETL.

New Action item: ML to provide a short update on FinTech developments.

4. Board Matters

- 4.1 Board Administration: The Board discussed and amended the document 'Directives and Policy for Secretary'. Motion FB, and seconded by RE: To approve the 'Directives and Policy for Secretary' as amended. CARRIED.
- 4.2 Update on Recruitment for post of CEO: The Chairman provided update as a part of his opening remarks.
- 4.3 Risk and Audit Committee: Discussed the qualifications necessary for the Chair of the Risk and Audit Committee.
- 4.4 Annual Report 2017: The published version was placed by the CEO in board papers.

5. Regulatory

General – Monitoring Quality across all sectors? An overview of efforts made to monitor quality over all sectors was provided by the CEO and DCEO.

5.1 Energy and Utilities

5.1.1 Funding – Cabinet Paper, The CEO reported that the Premier was consulting advisors on the proposals.

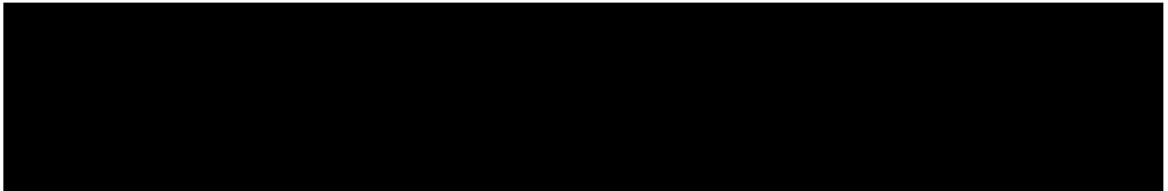
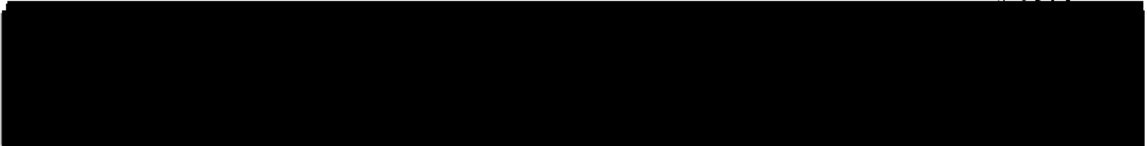
5.1.2

Redacted under Sec 19 PAL



5.1.3 National Energy Policy, DEDEU provided an update in his presentation "E&U PPT Board June 14 2018", which was found in the board papers.

5.1.4



New Action item: DEDEU to notify CUC of Board decision.

Redacted under Sec 19 PAL

5.2 Fuels

5.2.1 Funding – Cabinet Paper, CFI reported that some funding was received. Details were in his report in board papers "Sustainable Fuel Sector Funding".

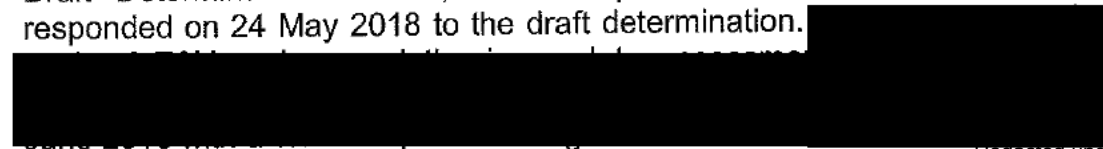
5.2.2 Invitation to Consultants to give an Expression of Interest concerning Fuel Market Review, CFI referenced his report in the board papers "Fuels 2018 -1-Expression of Interest".

5.2.3 Fuels Standards Committee, CFI referenced his report in the board papers "Fuel Standards Stakeholders Presentation".

5.3 ICT

5.3.1 Funding – Cabinet Paper, DCEO reported that part of the funding given by Cabinet was earmarked for the 911 Upgrade Project.

5.3.2 Draft Determination CWCIL, DCEO reported that the Licensee had responded on 24 May 2018 to the draft determination.



5.3.3 911 Upgrade Project, DCEO reported that the project was moving forward. See the report in board papers "911 Upgrade Project?".

5.3.4 Fibre Optic Cable Rollout and OfReg's Role, DCEO reported that it may be necessary to establish a new company for the government's proposed rollout. See the report in board papers "EDIFI Overview".

6. Chief Executive's Report and Administration

CEO report. The CEO highlighted his report which was included in the Board Papers for the meeting. It included the following topics.

6.1 Financial Administration.

6.2 Human Resources Management.



- 6.2.1 CEO confirmed that Mr. Louis Boucher's contract was signed by both parties.
- 6.2.2 DCEO agreed to contact other SAGCs to obtain copies of their vehicle use policies for both executives and fleet vehicles. A new vehicle use policy may need to be drafted for OfReg.
New action item: DCEO to contact other SAGCs to obtain copies of their vehicle use policies.

6.3 Smith Road relocation update

- 6.3.1 CEO to drive project forward forthwith and to present at the next meeting a full cost estimate of the office fit out so that a final decision can be made.
New action item: CEO to present at the next meeting a full cost estimate of the office fit out so that a final decision can be made.

6.4 PAL/URC Law Conflicts

6.5 Data Protection Law

DCEO reported also that Uniregistry was to issue a letter of compliance to OfReg re GDPR. OfReg was conducting a series of reviews and process design work to comply with DPL.

6.6 Statutory Obligations

6.7 Annual Plan – Implementation

6.8 OfReg's Role in Hazzard Management

6.9 Relationship with the media

- 6.9.1 DCEO provided a report on the PR Campaign Schedule for 2018 made in association with Fountain Head.

6.10 Judicial Review re Data Link

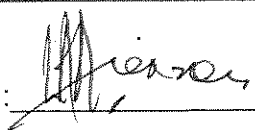
- 6.10.1 GC and AGC provided an overview of the hearing which concluded on 8 June 2018.

7. Consumer Affairs

DCEO reported on a meeting with Savage Consulting and the emerging plan to measure consumer satisfaction within the sectors.

8. Any Other Business: None

9. Date of next meeting: 12 July 2018

Chairman: 

Secretary: 