

MARCH 14, 2024



STRICTLY PRIVATE & CONFIDENTIAL
FINAL MINUTES OF BOARD MEETING HELD
18 JANUARY 2024

BOARD SECRETARY
OFREG



Utility Regulation and Competition Office

Board Meeting Minutes - General Meeting #1 of 2024

Minutes

Meeting Details

Team Name:	Board of Directors
Meeting Date:	18 January 2024
Time:	0930 hrs – 1600 hrs
Venue:	OfReg Conference Room
Attendees:	Samuel Jackson, Chair Frank Balderamos, Deputy Chair Osbert Francis, Member Wrendon Timothy, Member Gavin Baxendale, Member Mike Gibbs, Member Natasha Bodden, Member Bonnie Anglin, Member Stacy-Ann Kelly, Member Peter Gough, ICEO Sonji Myles, EDI – by invitation Christen Suckoo, COO – by invitation for agenda item 7 only Ken Springer, DCFI – by invitation for agenda item 6.1 only Louis Boucher, EDE – by invitation for agenda items 6.3 & 8 John Epp, GC – by invitation for agenda items 5 & 8
Zoom Attendees:	Water Authority, by invitation for item 8 only
Apologies/excused:	None
Minute Taker:	Joanne Conolly (BS)

Agenda Details

AGENDA OVERVIEW
1. Welcome & Chair's Remarks
2. Declarations of Interest
3. Minutes of Previous Meetings
4. ICEO Report
5. Legal Advice
6. Sector Matters
7. Administration Report
8. WAC visit
9. Board Matters
10. AOB

Meeting Minutes

1. Welcome & Chair's Remarks

Chair called the meeting to order at 9.33am.

2. Declarations of interest

Chair declared a conflict in respect of item 6.2.2. Deputy Chair will Chair during that item.

3. Minutes of previous meetings

Approval of the minutes of General Meeting #11 of 2023 held on 14 December 2023

Minutes of previous Board meeting approved by all Members, as amended.

4. ICEO report

PG read through highlights from his report in DB.

Highlights:

- Gave details of Governor's visit. Their Office is happy to facilitate secondment of staff to UK regulators. [REDACTED] has taken over Adrian Stringfellow's role, and he has been contacted, as OfReg are looking to obtain copy documentation they use at Ofgem. Currently awaiting a response. Chair pointed out the Board would need to approve him as a consultant. Also, it was noted OfReg cannot use the new UK-style licence with CUC as too many differences and modernisations, which are for a vastly different market to Cayman.
Note to BS: Energy Committee next meeting should discuss human resources needs for CUC licence, as more technical advisement is required. Chair gave background on the original licence drafted by CUC and confirmed Deputy Chair's question that it is OfReg signing this modernised licence. Note to Chair: contact CF and MJ for date for Energy Committee meeting. Strive to have one Energy Committee between each Board meeting.
- COLA unlikely to be paid to those employees who did not get it in 2018. Staff affected may take legal action. It was understood that as the Ministry was not happy with the leadership of OfReg, Management decided to not take it that year, to enable staff who were not in a management role, to be able to receive it. The conflict with current Government representatives in respect to this matter was acknowledged. NOTE TO CHAIR: separate meeting needed to discuss this matter. ICEO to do board paper for February meeting with stats and figures from FC, as it is a substantial sum. The Board were informed OfReg can afford to pay the figure due, and that it comes from OfReg's budget, not the Government's.
- Jack's Esso II in Northside is still closed.

5. Legal Advice

Dr John Epp provided an overview of his legal advice paper, as contained within the Board folders.

6. Sector Matters

6.1 Fuels

6.1.1 Redacted under PAA (2020 Revision) s19(5)(b)

6.1.1

[Redacted]

6.1.2 Redacted under PAA (2020 Revision) s19(5)(b)

6.1.2

[Redacted]

6.2 ICT

6.2 Redacted under PAA (2020 Revision) S19(4)

6.2.1

[Redacted]

[Redacted]

[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]

[Redacted]

[Chair recused himself, left the meeting, and Deputy Chair now acting]

6.2.2

[Redacted]

[REDACTED]

[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

[REDACTED]

[Chair came back into the meeting]

The meeting recommenced with the full Board, with a general procedural discussion around ICT matters, including discussion in respect of spectrum assignments and confirmation that EDI does not have to appear before the Board again to ask permission to assign spectrum, following speaking with other operators in the sector. Chair confirmed that once the Board has agreed a proposal, EDI can do anything necessary following that Board approval, in order to ensure the spectrum assignment goes ahead.

Further discussion around the Board needing to apply general rules and regulations around buildings, as at least one Licensee is interested in rolling-out networks by deploying transmitters on top of buildings, and EDI was concerned that once that happens, the building owners/occupiers cannot be the ones to control how the service is provided. His thought was that they would need a class licence to confirm once part of the building is leased for this purposes, and a set of rules would apply. EDI confirmed this cannot be done under current legislation, therefore new legislation would have to be written. Member Francis mentioned the Planning Dept having to be consulted; Member Baxendale was concerned about those buildings which currently utilise generators for weekend and evening power.

6.3 E&U

6.3.1 Redacted under PAA (2020 Revision) s19(5)(b)

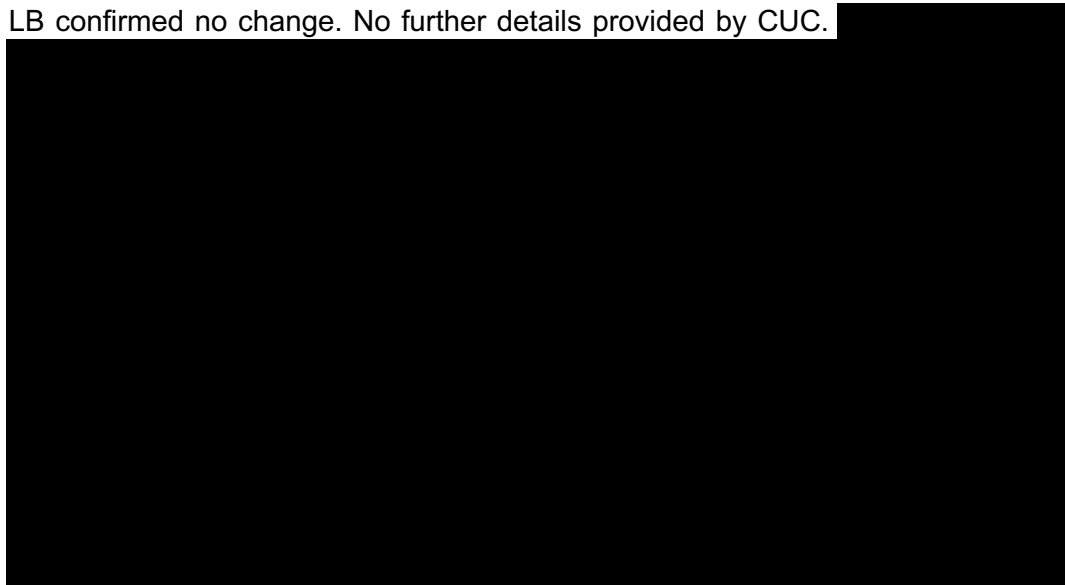
6.3.1



6.3.2 Redacted under PAA (2020 Revision) s19(5)(b)

6.3.2 Fire at CUC – discussion

LB confirmed no change. No further details provided by CUC.



[REDACTED]

7. Administration Report

Christen Suckoo gave highlights of report:

- Recruitment: Human Resources/Operations Management. Two candidates interviewed, neither scored above the threshold so this will be re-advertised. Also looking at potentially restructuring the job description. Way forward will be presented at February's board meeting.
- Board paper submitted for Deputy Water post, to seek permission under s47 of PAA. Discussion around possibility of appointing an ExDir of Water within the current legislation.
- Fuel Inspector's post is a work permit expiry. Two applicants from overseas applied but neither could be short listed therefore the existing employee will have his work permit renewed.
- Ads for the Consumer Council close on 21 January. Two ads out, for regular membership, not the Chair's post.
- Customer service research project to be completed end February. Went out to 62 recipients and a 40% response rate was registered.
- Regulatory impact assessments –an SMT meeting will be called to implement.
- Website project – meetings with vendors in terms of online licence applications going well. Will run the aircraft licensing for another month before finalise, that will dictate the form to use for other licensing. Expected to receive a demo tomorrow of the programming for the real time fuel cost updates. This will run for around a year, and then an app will be developed.

- [REDACTED]

[REDACTED] Redacted under PAA (2020 Revision) s19(5)(b)

8. WAC visit

Gelia Federick-van Genderen, Hendrik-Jan van Genderen and Tom van Zanten of the Water Authority, joined by Zoom.

Introductions were made from OfReg and WA. Discussions around the Water Regulations and primary legislation; the rates and how WAC sets them; water concession and the role

of the Government; assistance from the WA regarding CWC's licence; CWC's licence and the current validity of the licence as a whole; RCAM-type rate mechanisms; OfReg's requirements under current law which governs the statutory authority; and regulating fees across the water sector. It was decided meetings should be set up between OfReg and WA in order to discuss. [WAC representatives left the meeting.]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

9. Board Matters

9.1 Energy Department Separation of Water Sector

Chair gave background to original discussion. BS to place on March 2024 agenda to discuss further.

9.2 Declarations of Interest for 2024

These were handed out in paper form by the BS. All members signed and returned. BS to send these to FC.

9.3 Board Self-Assessments

BS reminded those who had not completed their self-assessments to do so by the end of January 2024.

9.4 OfGem Report

ICEO had placed full report from Aidan Stringfellow in the Board folder.

9.5

[REDACTED]

9.5 Redacted under PAA (2020 Revision) s19(5)(a)

10. AOB

10.1 FOI request on CUC land acquisitions

Board instructed ICEO to revert to Daniel Lee and confirm there are no documents existing for this matter. Discussion on CUC's land acquisitions followed. EDE to search former EDE's e-mails to check nothing had been received in writing in respect to this matter. EDE told the Board there was an email in 2021 when he queried \$5.142M land cost which was added to a balance sheet. CUC responded to say that it was *"land purchased outside of the CIP process for future utility scale renewable energy projects as called for in the IRP, most subject to competitive bid or other process outside CIP we have not included cost in current base rate but at a time we were successful in a bid, would expect the land to be included."* The Chair wished this email to be sent to Daniel Lee, FOI Manager by EDE.

10.2 FOI request on Primitive Greens

Board instructed ICEO to inform Daniel Lee to send the requestor what they asked for. If matters are redacted, BS to speak to Daniel Lee.

10.3 Waste to Energy

Scheduled for February's General meeting. ICEO to respond to correspondence.

10.4 Wind Farm Company request for meeting

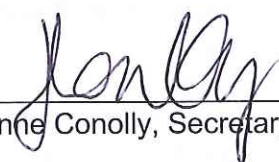
Chair advised there is no space on the next agenda for a meeting. Procedure would dictate the company approach CUC in the first instance so to avoid any perceived bias should the matter go to RFP. ICEO to advise them of that.

11. Adjournment and Date of Next Meeting

Next board meeting Thursday 08 February 2024. BS to send out invitation.

There being no other business, the meeting was brought to a close at 5.29pm.

Signed: 
Samuel Jackson, Chairman

Signed: 
Joanne Conolly, Secretary