

REGULATORY AUTHORITY BOARD

MINUTES of the Meeting of the Board of Commissioners of the
Regulatory Authority of Bermuda (the "RA") held on August 30 2023, at 10:00 a.m.

Present: Mark Fields, Interim Chairman, Commissioner

Wayne Carey, Commissioner

Michael Scott, Commissioner

Francis Mussenden, Commissioner

Apologies: Cheryl-Ann Mapp, Commissioner

In Attendance: Abayomi Carmichael, Chief Executive

Deborah Trott, Executive Assistant

1. CONVENE MEETING

The Interim Chairman called the meeting to order at 10:05 a.m.

2. CONFLICTS OF INTEREST

No conflicts of interest were reported.

3. CONFIRMATION OF BOARD MEETING MINUTES

The Board meeting minutes of the meeting held August 16 2023 were accepted by Commissioner Mussenden and seconded by Commissioner Carey.

The Board meeting minutes of the meeting held August 9 2023 were accepted by Commissioner Scott and seconded by Commissioner Scott.

4. MATTERS ARISING

The date set for the first Panel Committee to take place is to be determined. The sub-committee will be comprised of members from the technical team at the RA and technical officers.

5. INTERIM CHAIRMAN REPORT

Review the BoC position on presentation to the public

Meetings are ongoing with the Ministry of Home Affairs and an update of a scheduled date for a presentation to the public is to be determined.

6. CHIEF EXECUTIVE ADMINISTRATION REPORT

6.1 Q4 Report, RA Projects 2022 – 2023

The report was taken as read by the Board. The report was presented, and projects were highlighted to the Board. International funding from the British Government has been sought for the wind study feasibility study and a decision whether the RA will receive the grant is pending. The Electronic Communications (EC) report was published June 9 2023 on the RA's website and in-house technical officers drafted and prepared the report.

Radiofrequency Monitoring Network

The RA has equipment available for studies to be conducted throughout the island. A study of 5G was carried out in July 2021 to determine any detrimental effects to the public. An equipment and transportation costs evaluation need to be compiled for the purchase of up-to-date equipment for use by the RA Technical Officers to conduct research and studies.

Cyber Security improvement

The RA are currently conducting studies for improvements to the current level of cyber security island wide.

Privacy Information Protection Act (PIPA)

This project has been delayed until 2025 and will tie in with the cyber security project.

Draft Financial Statements for FY 2022-2023

Unaudited Financial Statements for the fiscal year 2022-2023 will be posted on the RA's website on August 31 2023.

6.2 Sub-Committee set-up for Belco emissions

The Chief Executive (CE) proposed inviting the Chair and Commissioner Carey to join the sub-committee with the CE and Head of Regulation. The CE was directed to source Engineers from the private sector to be invited to be on the sub-committee panel.

IT WAS RESOLVED by the Board to set up a sub-committee consisting of the Chief Executive, Technical Officers from the RA, Technical Officers from Belco. The Chief Executive was approved to source Engineers from the private sector to join the sub-committee panel.

6.3 Sub Committee set-up, Submarine Cable new entrant

The sub-committee met August 28 2023 to review proposed sites on the island to for proposed sites as new entrant points. Research for consultants is undertaken for areas outside the expertise of the RA.

6.4 Report on Fuel Retail Pricing methodology to meet timeline September 30, 2023

The RA held a meeting with Ricardo Energy & Environments on July 21 2023 to discuss the three work streams, pricing methodology, develop licensing types and conditions, and licensing process to proceed with the restructuring of the Fuel Retail Pricing currently in place. The proposed amendments by the RA are in preparation for the RA to include the fuels sector under its remit. An introductory meeting with the fuels sector is to be scheduled for early September 2023.

6.5 Report on Belco Outage, February 2023, and August 2023

The request for reporting by Belco of the February 2023 Island wide “blackout” and August 2023 “brown” out on island have been received at the RA for review. The cost analysis report of the February 2023 blackout was received at the RA and is being reviewed by the Technical Officers and the February 2023 brown out report was received. The outcome of the reports received will be presented at the next Board meeting.

6.6 Set date for presentation to the BOC on Wind Power

The presentation to the Board of Commissioners on Wind Power will be scheduled along with the RMI and the Board will be advised.

Ricardo Energy & Environmental consultant will be giving the Wind Study presentation following up from June 28 2023 town hall meeting is scheduled for September 6 2023 at BUEI and September 7 2023 at Willowbank.

6.7 Report on the response from RMI for presentation to the BOC re: Wind Power

A date will be scheduled for the presentation to be made to the Board in due course.

6.8 Report on discussions with the Ministry on Solar Panel Installation sites

Information will be circulated to the Board for consideration and approval in preparation to make a presentation to the Ministry on solar panel installation site recommendations. A position paper is being drafted on the implications of the solar panel installation being implemented on the island.

6.9 Legal

BELCo Update

The Belco Hearing closing arguments from the RA and Belco took place on August 28 2023. The Judgement is anticipated to be issued in the month of November 2023.

Telecommunications Agreement

External legal counsel was sought for recommendations for the RA to consider imposing conditions in relation to reporting of outstanding legal requirements. The RA, under the Regulatory Authority Act 2011 and the Electronic Communications Act 2011, have conditions of control which the vendor must address according to statutory legislation.

6.9.1 Regulatory Authority Corporate Governance Policy

The main change proposed by the Administration Committee was page 18 of the Corporate Governance Policy. A motion to approve in the Governance, Commissioner Carey and seconded by Commissioner Scott.

The Board extended thanks to the Chief Executive for the presentations given to the Board of Commissioners with the new board reporting format. A schedule is being drafted for the board reporting of quarterly and monthly reporting presentations by the Senior Team will be circulated in the upcoming board meeting agendas.

7 ANY OTHER BUSINESS

7.1 Code of Conduct

The RA's Code of Conduct will be reviewed and edited by the Chief Executive and Business Processes & Human Resource Manager for presentation to the Administrative Committee for review and consideration. Once the Administration Committee approves the Code of Conduct policy, it will be presented to this forum for consideration.

All policies will be reviewed by the Chief Executive and Business Processes & Human Resource Manager to determine whether any amendments need to be considered to bring the existing policies up to date. All policies that are identified from this exercise will be presented to the Administration Committee for consideration and approval before a presentation is made to the Board of Commissioners.

Chief Executive Updates

The Forward Job Plan (FJP) for the Chief Executive refers to an upcoming small Electronic Communications conference scheduled for October 16 – 18 2023, being held in Cologne, Germany.

Strategic Planning 2024-2025

The current Strategic Plan is due to expire on April 1 2024. Quotes have been received at the RA from proposed facilitators of Strategic Planning for discussion and consideration with the Senior Team. Once a facilitator has been agreed upon, the Strategic Planning session be scheduled for January 2024.

The Workplan 2024-25 deadline for submission for public consultation will be circulated to the Board in advance for review and consideration for publishing on the RA's website by the statutory deadline of September 30 2023.

There being no further business to discuss, the meeting concluded at 1:10 p.m.

-Ends-



Interim Chairman