

REGULATORY AUTHORITY BOARD

MINUTES of the Meeting of the Board of Commissioners of the

Regulatory Authority of Bermuda (the "RA") held on September 27, 2023, at 10:15 a.m.

Present: Mark Fields, 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 10:00 a.m. and reported that a quorum was met.

2. CONFLICTS OF INTEREST

No conflicts of interest were reported.

3. CONFIRMATION OF BOARD MEETING MINUTES

The Board meeting minutes for the meeting held August 30, 2023, were motioned for approval by Commissioner Mussenden and seconded by Commissioner Scott following amendments being made as agreed in the Board meeting of September 27, 2023.

4. MATTERS ARISING FROM MINUTES

It was noted that suitably qualified Engineers and a community representative would be invited to join the North Power Station (NPS) Operations Advisory Panel.

5. INTERIM CHAIRMAN REPORT

The Interim Chair advised he had nothing substantive to report, only noting the announcement was in the newspaper of Google's intended Submarine cable application. A meeting may be scheduled with Google Submarine Cable Project's lead person and the Board.

6. Administrative Sub-Committee Report

6.1 Global Research Employee Satisfaction Qualitative Research Report, March 2023

The Global Research Employee Satisfaction Qualitative Research Report, March 2023, will be discussed at the next scheduled meeting.

7. CHIEF EXECUTIVE ADMINISTRATION REPORT

7.1 Litigation Update Report

Discussions were held regarding due payments from a telecoms provider now in receivership.

A memorandum was previously circulated to the Board in relation to the internal compliance review currently being carried out by the legal team. One minor amendment was made.

The Finance, Audit and Risk Committee (FARC) will review the RA's Risk Profile noting the Legal Team and Financial Controller will collaborate with respect to the Legal Compliance Schedule and the Risk Profile.

7.2 RA Corporate Governance Policy Amendment

The Director of Legal Affairs & Enforcement was thanked for the thorough review toward updating the Corporate Governance Policy. Software toward assisting with managing compliance will be considered at a future date.

7.3 Supreme Court Hearing

It was noted that the BELCO litigation Hearing submissions ended on August 31, 2023, and judgement was pending. The taxation and relevant contribution of legal fees was discussed with an update likely following the reading of the judgement.

7.4 Dignity at Work proposal from KPMG

KPMG, the local provider of the Dignity at Work program, will be queried regarding pre-requisites to undertake the program. The Board of Commissioners recommended also considering alternate providers of equivalent programs.

8. **CHIEF EXECUTIVE REGULATION REPORT**

8.1 2024-25 RA Workplan

The 2024-25 proposed Workplan was discussed including the major drivers for modified budgetary figures, chiefly litigation costs. The workplan document was approved subject to minor language amendments and certain footnotes being added.

IT WAS RESOLVED by the Board to approve in principle, the Workplan 2024-25 for public consultation, pending all amendments agreed upon being made to the final Workplan 2024-25, then circulated to the Board before 12:00pm, September 29, 2023. Following Board approval of the final amended Workplan 2024-25, the Workplan 2024-25 will be published for public consultation on the RA website by the deadline of September 30, 2023.

8.2 Review of Feed-in-Tariff (FiT) Final Report and General Determination (GD) and Briefing Note (BN) (for approval)

The Board of Commissioners reviewed and approved the General Determination report and proposed Feed-in-Tariff Methodology update. The Feed-in-Tariff will now be forward looking (largely based on the forecast fuel adjustment rate) and updated quarterly with periodic true ups to reconcile any differences between forecast and actual.

IT WAS RESOLVED by the Board to approve the Feed-in-Tariff (FIT) Final Report and General Determination (GD).

8.3 Feed-in-Tariff (FIT) Rate Review Report, Order and Briefing Notes

The Board of Commissioners reviewed the proposed Feed-in-Tariff for October 1, 2023. Based on the Electricity Act 2016's provisions, the recently updated Feed-in Tariff methodology, the true up that was anticipated in the Emergency General Determination that froze the FiT during the

review period was indeed found to be required. The Board considered and approved the reduction of the current rate of approximately 0.22 cents to a new rate of 0.26 cents per kWh effective October 1, 2023.

IT WAS RESOLVED by the Board to approve the Q4 Feed-in-Tariff (FIT) Rate to the amount of 13.1 cents per kWh as of October 1, 2023.

9. ANY OTHER BUSINESS

Due to time constraints, it was agreed by the Board to defer items 8.4 through to 8.15 to the next Board meeting scheduled.

Commissioner Scott motioned for the Board of Commissioners to confirm Interim Chairman Mark Fields as the Chairman of the Regulatory Authority of Bermuda Board with effect as of September 27, 2023.

IT WAS RESOLVED by the Board to approve Mark Fields, Commission Member, as the Chairman of the Regulatory Authority of Bermuda Board of Commissioners effective September 27, 2023.

There being no further business to discuss, the meeting concluded at 12:29 p.m.

-Ends-



Chairman