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18th May, 2012

Mr. Lancelot McCaskey
Executive Director
Independent Regulatory Commission
42 Kennedy Avenue
ROSEAU



Dear Mr. McCaskey

In response to the Amendment to Decision 2009/001/D – “Regulatory Policy and Procedure – Licensing Procedures” DOMLEC offers the following comments. For ease of reference the headings used will indicate the part of the Commission’s response issued on 11th May 2012 to which the comments refer.

2.0 Comments on Responses

A. DOMLEC’S Responses

1. Can some clarification be given on the statement that *‘these provisions will be specially codified and treated outside of the norm of general licensing procedures’*? This statement seems to conflict with the earlier statement that the procedures would be codified and inserted as a new section 2.11.

Additionally, the references in that section to Domlec ‘licences’ should be corrected to ‘licence’ as Domlec currently has one integrated licence.

2 (c) The Commission’s proposal requires valuations to be conducted by parties other than the panel of valuers. Domlec’s proposal seeks to correct this and to have the valuation conducted only by the panel of valuers and incorporated into the timetable. Domlec’s proposal removes the vague term “probable estimates” and replaces it with the precise term “average”. This addresses both substance and form.

2 (d) The ESA empowers the Commission to issue single as well as integrated licences. It is both unfair and unreasonable for the Commission to set out a policy statement making a determination on the type of licence it will issue to Domlec even before Domlec has applied for a licence or had the opportunity to negotiate the terms of the new licence it requires.

Other Comments

B 2. The substantive legislation does not permit the Commission to write special conditions into the individual licences which supersede the provisions in its published rules unless the rules and /or the substantive legislation have been amended to provide for these special conditions.

Yours sincerely



COLLIN COVER
General Manager