



Document Reference: 2023/001/D

DECISION

Transfer
of
GENERATION LICENCE

from the

Dominica Geothermal Development Company (DGDC) Ltd.

to

**GEOHERMAL POWER COMPANY OF DOMINICA (GPCD)
(2023) Ltd.**

INDEPENDENT REGULATORY COMMISSION

Decision

Electricity Supply Act No 10 of 2006

This document sets out the Decision of the Independent Regulatory Commission **2023/001/D** for the transfer of the Generation license from the Dominica Geothermal Development Company (DGDC) Limited to the Geothermal Power Company of Dominica (GPCD) 2023 Ltd. - taken by the Commission at its meeting on December 21st, 2023.

The Commission now **ORDERS** that this transfer of Licence, granted pursuant to Condition 7 of the Licence agreement and will become effective on the date given below.

Effective date: January 01, 2021

By Order


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JUSTINN KASE
EXECUTIVE DIRECTOR
On Behalf of the Commission
December 22nd, 2023

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Transfer of Generation License from the DGDC to the GPCD 2023 Ltd.

Introduction and Background

The Electricity Supply Act 10 of 2006 (ESA) establishes a regime of licensing for business sectors of public electricity supply undertakings to include generation. The Act provides a function for the Commission to issue, monitor and amend licences in the context of a general duty to promote competition. All of this however is set within an overarching duty to encourage the expansion of electricity supply and to ensure the security and efficiency of the supply of electricity in Dominica.

This ESA effectively places the Geothermal Power Company of Dominica (GPCD) 2023 Ltd. as an IPP under the regulatory jurisdiction of the IRC, and thus establishing regulatory certainty through the legislated independence of the Commission which ensures the long term security and efficiency of the electricity system.

In the next section, the Commission highlights certain key features of the Licence and the Licence itself is attached as Attachment 1.

Key features of the Generation Licence

Transfer of Licence

The Commission, in compliance with Condition 7 (inclusive the relevant sections of the ESA#10 of 2006) of the DGDC's Generation License, hereby transfers the said licence to the GPCD 2023 Ltd.

Commencement Date

The Commencement date will remain as January 1, 2021.

Term

The term of the Licence shall be 25 years as originally granted to the DGDC Ltd.

In deciding on this period, the Commission had due regard to the provisions of Section 31 (1) (c) which requires that the "duration" of the Licence shall be related to the useful life of the generation facilities, and feedback given by participants during the public consultation period.

Reconsideration and Appeal of Commission Decisions

The Licence makes provision for the licensee to appeal the Commission's decisions taken in regard to the licence. The process is a two stage one where the licensee firstly requests the Commission to reconsider the decision and, if not satisfied with the Commission's reconsideration, the licensee may file an appeal to the High Court. Either party has the right of appeal to the Court of Appeal if dissatisfied with the outcome at the level of the High Court.

Transitional Arrangements

On the Commencement Date, in order to enable a smooth transition to the full force and effect of this Licence, all conditions which would normally have effect under the ESA and Rules, Directives or Determinations of the Commission shall remain in effect until such time when these are logically and practically superseded by the actions taken under the Licence.

Amendments to License

Any amendments to the license can be effected in compliance with Section 35 of the Electricity Supply Act #10 of 2006. This can be initiated upon application of the licensee, or otherwise with the Licensee's written consent and where the public interest so permits.

Attachment 1 - Generation Licence