

MINUTES of the Meeting of the Board of Commissioners of the Regulatory Authority of Bermuda held on the 21<sup>st</sup> August 2020 via teleconference at 4:25 PM.

Present: Mark Fields (Chairman)  
Gregory Swan (Commissioner)  
Philip Perinchief (Commissioner)  
Dion Smith (Commissioner)  
Michael Wells (Commissioner)  
Denton Williams (Chief Executive)

In Attendance: Richard Ambrosio (Senior Legal Advisor)

1. QUORUM

The Chairman called the meeting to order and reported that a quorum was met.

2. CONFIRMATION OF MINUTES

The Minutes of the meeting held on 18 August 2020 were confirmed.

3. ICOL/COL EMERGENCY GENERAL DETERMINATION

It was RESOLVED (with Commissioner Wells in dissension) to approve making of the REGULATORY AUTHORITY (EXPOSURE TO 5G RADIOFREQUENCY ELECTROMAGNETIC FIELDS) EMERGENCY GENERAL DETERMINATION 2020, a copy of which annexed hereto, and to approve the release and publication of the same.

4. ICOL/COL APPLICATION ASSESSMENT FINAL REPORT, DECISIONS AND ORDERS

It was UNANIMOUSLY RESOLVED to approve the release of the FINAL REPORT, DECISIONS AND ORDERS for Grant of New Integrated Communications Operating Licences and Other Types of Communications Operating Licences.

IT WAS FURTHER RESOLVED to issue an Integrated Communications Operating Licence to Paradise Mobile Ltd, an Integrated Communications Operating Licence to Wave Bermuda Ltd and a Submarine Cable Communications Operating Licence to Cable and Wireless Network Services Limited.

5. RESPONSE TO MINISTERIAL DIRECTION REGARDING THE ICOL/COL APPLICATION ASSESSMENT FINAL REPORT, DECISIONS AND ORDERS

It was UNANIMOUSLY RESOLVED to approve the issue of the annexed response to the Minister of Home Affairs pursuant to the latter's request for a report contained in his Direction issued on 14 August 2020.

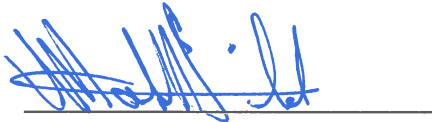
6. COMMISSIONERS' HONORARIA

It was RESOLVED (with Chairman Fields in abstention) to note the following:

"It is unfortunate that the Minister has not approved the BOC's duly and lawfully presented August 13, 2020 request under section 10 and pursuant to section 24 of the RAA. Matters must now take their natural course. It is also most unfortunate that the Minister has either been misled on, or has inadvertently misconstrued, or both, the facts and the law surrounding this issue. It is certainly against the facts, and an almighty stretch, for the Minister to attempt in his August 19, 2020 reply to this Board, to 'legally clothe' Chairman Mark Fields as an "ostensible authority" in this matter, thus equating him to the RA nomenclature found in section 24 of the RAA. The Chairman upon his own admission, found in both the minutes of the Board Executive Committee and Board proper; categorically states that he knew nothing of the 'honoraria changes' under section 24 of the RAA and that the Board should direct its inquiries to PS Azhar of the Ministry of Home Affairs and the CE Denton Williams. Indeed, this very same Chairman whom the Minister has couched as an "ostensible authority", apologized to Commissioner Smith, the only other Commissioner of the Board on May 1, 2020 and May 27, 2020, for not informing him of an amendment to his honorarium remuneration from his heretofore \$9,000 per month to \$6,000 per month. Indeed the CE, who wrote and delivered the purported May 1, 2020 request, and stated that sections 10 and 24 of the RAA had not been engaged at the time of such writing; also apologized to Commissioner Smith for not informing him of, and including him in, the 'change' to his honorarium remuneration. Commissioner Smith corroborates this 'omission' of the Board's, and therefore the RA's involvement, by stating that a Board meeting was never held on the 'change to the BOC's honoraria issue'. The absence of minutes in this regard appear to bear out the truth of Commissioner Smith's statement. Both the CE and Chairman Fields together, and separately, also confirm the truth of Commissioner Smith's statements. Accordingly, there is, with the greatest of respect, no weight nor reliable credence, to the Minister's conclusion that Chairman Fields, or indeed CE Williams, individually or jointly, could be categorized in law or otherwise, as an "ostensible authority" to or for the RA or this Board when the aforementioned May 1, 2020 correspondence was penned and delivered to him. No public or constitutional law attorney worthy of such a name, or court for that matter, would in all good conscience and without chagrin, float or support that view."

It was FURTHER RESOLVED (with Chairman Fields in dissension) that the Board defers further discussion of the 'honoraria issue' to a date to be determined in the near or far future, at which time and date any Commissioner, current or future, may move to bring such discussion back onto the agenda of this Board.

It was FURTHER RESOLVED (with Chairman Fields in dissension), pursuant to statute, that the Board's August 13, 2020 request correspondence to the Minister, the Minister's August 19, 2020 reply correspondence "not approving" such request to the Board, and today's minutes in their entirety, be published forthwith in or on the RA's website and/or the Official Gazette.

A handwritten signature in blue ink, consisting of several overlapping loops and strokes, positioned above a horizontal line.

Chairman