

TERMS OF REFERENCE:
Executive Director
Eastern Caribbean Energy Regulators Agency

A. Background Information:

1. At the 12th Meeting of the Regional Energy Committee held on January 27- 29, 2016 it was agreed that ECERA will be established as a not-for profit organisation, registered under the Companies Act in Saint Lucia.
2. The acronym “ECERA” will mean ‘*Eastern Caribbean Energy Regulators Agency*’ instead of the original name ‘*Eastern Caribbean Energy Regulatory Authority*’. It is intended that ECERA could develop into a regional energy regulatory authority in the future if conditions permit, however this new approach acknowledges that the power sector market environment in the Eastern Caribbean is not ready for the implementation of the “regional regulatory authority” approach as outlined in the original ECERA project design.
3. Resources allocated by the World Bank / International Development Association (IDA) for Part B of the ECERA Project will be utilized to operationalise ECERA, and to strengthen the National Utilities Regulatory Commission (NURC) in Saint Lucia and the Public Utilities Regulatory Commission (PURC) in Grenada. ECERA, the regional regulators’ agency, will be established as a not-for-profit organization with a lean staff structure to deliver technical assistance to the NURC and PURC, as well as national regulatory authorities (autonomous or Government line Ministries) that seek membership in ECERA.
4. ECERA will work to *inter alia*: i) develop and disseminate common/harmonized policies and regulatory materials within the Organisation of Eastern Caribbean States (OECS); ii) deliver advisory and technical assistance services; iii) support regulatory studies and provide regulatory recommendations; iv) provide training and capacity building for regulators; v) share knowledge/information on policies, procedures and regulations of the energy / electricity sector in the Eastern Caribbean; vi) promote regional cooperation mechanism; and, vii) and collect, monitor, analysis, benchmark and disseminate data/statistics on the electricity sector industry performance.
5. The terms and conditions governing ECERA’s creation will be reflected in an Agreement to be signed by the Participating Countries (PCs). The agreement will *inter alia*: i) support the flexibility of ECERA for future development (e.g., to allow for eventual expansion of ECERA’s scope and for the increase in the number of members); ii) enable institutional incorporation (via Certificate of Incorporation /Articles of Association); and, iii) provide for the ECERA’s governance system. Following drafting and endorsement by the PCs, the Agreement will be shared with other OECS member and associated states for their review and recommendations.
6. The agreement will serve as the commitment by the Member States to establish ECERA as the agency/association. However, membership in ECERA will be opened to national regulatory authorities (NRAs) within OECS Member and Associate States with mandate that include oversight of the electricity / energy sector. Such NRAs could be independent

statutory agencies or any regulatory arm within a Government line Ministry. In addition, any other regulatory authorities, and regulatory agencies/associations with oversight of the energy / electricity sector, from outside of the OECS should be allowed to participate in ECERA as associate members.

7. The official governing body of ECERA will be made up of a Board of Directors. The Executive Director - ECERA would have an Ex-Officio seat on the Board.

B. Functional Relationships:

The Executive Director will be responsible for the administration of the Eastern Caribbean Energy Regulators' Agency (ECERA) and for ensuring that ECERA effectively discharges its mandate as enshrined in Agreements, Statutes, Bye-Laws and other relevant instruments.

- i. **The position reports directly to:**
The Board of Directors for ECERA (comprised of Chief Executive Officers / Executives Directors or senior functionaries of NRAs).
- ii. **Positions reporting directly to the Executive Director:**
All Staff of ECERA
- iv. **External Contacts include:**
Policy Makers within the OECS vested with responsibility for the energy, electricity or public utilities sectors; World Bank Officials; Project Coordinating Units in PCs, OECS Officials; Consultants; Commercial Bank Representatives and External Auditors.

C. Qualification and Experience Requirements:

- i. **Education:**
 - Master's degree in Engineering /Business Administration/ Economics / Utilities Regulation/ Finance / Accounting or other relevant post graduate qualifications.
 - Bachelor's degree in Electrical Engineering/ Economics/ Financing or any discipline relating to utility regulation.
- ii. **Experience:**
 - Comprehensive knowledge of all regulatory activities related to the electricity industry, including tariff setting, energy policy and strategies aimed at efficiency and renewable energy promotion, industry performance, benchmarking, licensing, data collection and analysis and electric utility expansion plans.
 - Minimum 20 years' experience in an electric utility or in a regulatory authority with at least 10 years in an executive position.
 - Experience in the execution, management and supervision of consultancies, procurement of service / bid process management (preferably World Bank financed).
 - Experience in an area related to corporate governance, including delivering effective corporate governance advice in the private sector, preferably with experience in developing countries.

iii. **Other Competencies:**

- The individual must have thorough knowledge of relevant legislation (primary and secondary) and other statutory instruments governing the electricity sector in all PCs;
- The individual must have exceptionally broad-based corporate governance, financial and management information skills and the intellectual ability to be able to identify wide-ranging key program, budgetary and operational issues quickly and propose thoughtful, workable responses to those issues.
- The incumbent must be able to establish, maintain and broaden an extensive range of contacts with senior key officials of government ministries, non-governmental organizations, private sector entities – including electric utilities, and other donor agencies.
- The incumbent must also have a demonstrated ability to exercise his/her responsibilities and plan and execute work assignments independently, be a skilled communicator in English, be able to work under pressure and produce high-quality results quickly, and be able to predict issues of concern and interact directly at the highest operational levels of the regional governments.
- The incumbent must have strong analytical, communication, interpersonal, networking and leadership skills, and the ability to prepare and present factual and interpretative reports covering complex subject matters.
- Excellent command of software programs for e-mail, word processing, spreadsheets, databases, project and graphics presentations is a highly desirable.

D. Duties and Responsibilities:

- Serve as Advisor to the NRAs on regulatory matters concerning the electricity sector, including industry performance, tariff setting, benchmarking and private sector engagement;
- Prepare the annual work programme, annual operating budget and procurement plan of ECERA for presentation to the Board and, once approved by the Board, implement in a timely manner;
- Organise periodic meetings of the Board and implement the directives;
- Carry out the functions of Corporate Secretary to the Board;
- Subject to the Board approval, enter into contracts on behalf of ECERA;
- Supervise the ECERA staff, and make recommendations to the Board on the hiring and termination of staff members;
- Delegate to the staff of ECERA such of his / her powers as are necessary for the efficient and effective management of ECERA;
- Manage the day-to-day operations of ECERA;
- Ensure the efficient use and management of the resources of ECERA;
- Prepare recommendations, advisories, reports, and other documents on behalf of ECERA on the performance of its functions, including quarterly reports to the World Bank;
- In collaboration with the Project Coordinating Units in Grenada and Saint Lucia, undertake procurement activities including preparation of Terms of Reference and Request for Proposals, select service providers, project manage such service providers, i.e. review and monitor the progress and outputs, establish feedback and evaluation mechanism on behalf of Contracting States and their national regulatory authorities;

- Provide technical and policy assistance related to the energy sector and ensure harmonisation of policies and regulations on a national and regional level and develop technically- and economically-sound projects;
- Co-ordinate with NRAs and collect and disseminate to the NRAs statistics and data required in decision-making for the energy sector;
- Develop best practices standards on regulatory issues for the electricity sector;
- Develop and advise on penalty schemes applicable to violations of standards;
- Recommend for approval criteria/standards for determining qualifications of applicants for licenses to operate in the electricity industry;
- Develop guidelines for minimum reporting standards for electricity providers;
- Develop tools and common procurement documents to promote the introduction and use of RE generation of electricity;
- Develop standards and procedures for the interconnection of IPPs, self-generators generating electricity from RE resources and the network electricity providers to whose grids they supply electricity and assist Contracting States and their national regulator in monitoring compliance;
- Organise jointly with the Board, strategic engagement with other OECS Member States and other organisations to increase membership in ECERA;
- Prepare monthly financial statements for presentation to the Board, exercising financial control and budgetary management and coordinating the preparation of annual financial audits for ECERA;
- Oversee the preparation of, and signing, recommendations, advisories, reports, and other documents on behalf of ECERA in the performance of its functions;
- Prepare the annual reports of ECERA;
- Perform other functions that may be assigned from time to time and any additional functions described in the ECERA Establishment Agreement.

E. PROJECTED COMMENCEMENT DATE AND PLACE OF WORK

- The projected commencement date is January 2017; and
- The Consultant will be required to perform the duties in Saint Lucia and / or Grenada with travel to other OECS Countries.