

## Media Release

### OUR Mourns Passing of First Director-General, Winston Hay

**(KINGSTON, Jamaica; 2024 December 10):** The Office of Utilities Regulation (OUR) mourns the passing of its first Director-General, Winston Hay, who died on 2024 December 5.

In reacting to his passing, OUR's Director-General, Ansord Hewitt said:

*"Winston was, for many of us - including me - a great mentor, a humble intellectual giant, the epitome of integrity and a patriot. Those of us who benefited from his tutelage and guidance can attest to his contribution to our growth and development. I can say of him that while he took his obligations to Jamaica seriously, he never took himself seriously. The country owes him a debt of gratitude that I am not convinced has ever been fittingly paid. To his family, the OUR expresses its deepest condolences. Please know that he made a significant mark in enhancing the development of his country."*

Hay, who was appointed Director-General in 1996, oversaw the official opening of the OUR on 1997 January 6, the chartering of its organizational infrastructure, and the interpretation of its mandate. During his 6-year stint, he presided over a host of milestone utilities regulatory activities and decisions which contributed to establishing Jamaica as the model for utilities regulation best practice.

Under his direction, the OUR's powers in regulating the utility sectors were expanded through an amendment to the OUR Act in 2000 to include the addition of transmission and generation of electricity as a prescribed utility service. This enabled the OUR to give directions to and require remedial measures by regulated entities for, among other requirements, the protection of consumer interests and encouragement of competition.

Perhaps his most seminal achievement in the development of the OUR as an independent regulator was his decision to institute legal proceedings against a Minister of Commerce, Science, and Technology. He had challenged the Minister's authority to give a particular direction to the OUR, which he considered to be *ultra vires*. The OUR's position was subsequently upheld by the Privy Council in a judgment that cited the position taken by him with clear approval. This frequently cited judgment is regarded as a landmark ruling on the independence of the utility regulator.

Among other notable and pathbreaking accomplishments was the introduction of Guaranteed Service Standards for the National Water Commission (NWC) and the Jamaica Public Service Company Limited (JPS), which saw the establishment of customer compensation for service quality failings.

Hay also oversaw the regulatory activities involved in the liberalization of the telecommunications sector. This included but was not limited to, issuing the first invitation in 2000 August for telecommunications licences, consulting on, and declaring a carrier or service provider dominant, and introducing a price cap regime applicable to Cable and Wireless Jamaica's (now FLOW) fixed line service. The regime incorporated a plan for timely rebalancing of some basic services, including residential and business customers' line rental.

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#### QUALITY POLICY STATEMENT

**OUR RULES:** The management and staff of the OUR are committed to Regulating Utility services in accordance with our Legislative powers and to the Enhancement of customer Satisfaction through continual improvement of our quality management system.

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In both the electricity and water sectors, Hay's tenure was impactful. Within electricity, he saw the beginning of the initiative to introduce private participation and made critical input into JPS's privatization and its subsequent regulation as a privately owned, fully integrated single-buyer electricity operator. His purposeful support of private sector participation within the power sector led to OUR's first review of a Power Purchase Agreement. Within the water sector, his leadership demonstrated that a publicly-owned monopoly such as the NWC could be subject to independent regulation. He also introduced private participation in the water and sewerage utilities sectors with at least two such entities applying for licences under his watch.

Following his retirement in 2002, Hay served in various advisory capacities to the government and practiced as an independent Consultant advising governments and regulators across the world, including in Dominica, Gambia, Guyana, and the Cayman Islands. Among his final public acts was to provide expert advice to Jamaica's Electricity Sector Enterprise Team (ESET).

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