

# Press Statement



Monday September 9, 2024 - For Immediate Release  
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## **PM Philip “Brave” Davis is breaking the law with current BPL deal. Here is the evidence according to The URCA Act 2009, and The Electricity Act 2024**

The Bahamas Constitution Party has come forward to inform the Bahamian public that Prime Minister Philip “Brave” Davis is breaking the law by entering the current BPL deal. Here is the evidence according to the URCA Act 2009, and the Electricity Act 2024.

Local media outlets reported the Prime Minister as saying, “*as soon as the ink is dry on those agreements, the details will be shared with the Bahamian people.*” This is a violation of the law which states that URCA has a “Duty to Consult” the Bahamian public “**prior to**” regulatory changes not “**as soon as the ink is dry**” as stated by Prime Minister Davis. The government held no wide public consultation prior to signing the BPL deal, or making regulatory changes.

### **POINT #1 (VIOLATION #1)**

THE URCA ACT 2009 Section 9 has the heading “Duty to Consult” on page 8 of the URCA Act. The Government of the Bahamas has a duty to consult, and URCA has a duty to consult the Bahamian public before making regulatory changes. The Act reads as follows;

#### **Duty To Consult Section 9 Subsection (1)**

- (a) URCA shall allow persons with sufficient interest a **reasonable opportunity to comment** on proposed regulatory and other measures which, in the reasonable opinion of URCA, are of **public significance**; and
- (b) URCA shall give **due consideration** to those comments **prior to introducing** those measures.

Source: URCA ACT 2009 (Amended 2015)

### **POINT #2 (VIOLATION #2)**

THE ELECTRICITY ACT 2024 Section 19 heading “Duty to Consult” found on page 23 of the Act. Here again the Government of the Bahamas has a duty and responsibility to consult with the Bahamian public before making regulatory changes. The Act reads as follows;

Section 19 Subsection (2) URCA shall where no specific procedures are provided for in this Act

- (a) allow persons with sufficient interest a **reasonable opportunity to comment** on proposed regulatory and other measures which, in the opinion of URCA, are of public significance; and
- (b) accept as having sufficient interest for the purpose of paragraph (a), **persons whose rights or interests may be materially adversely affected or prejudiced** by the proposed regulatory and other measures; and
- (c) give **due consideration** to the comments of persons having sufficient interest **prior to introducing** the regulatory and other measures concerned.

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### **POINT #3 (VIOLATION #3)**

When Prime Minister Philip Davis said “*as soon as the ink is dry on those agreements, the details will be shared with the Bahamian people,*” he was also in direct violation of the first goal of the Bahamas National Energy Policy as stated on the URCA website:

*Goal #1. to foster dynamic and appropriate governance, institutional, legal and regulatory framework advancing future developments in the energy sector underpinned by **high levels of consultation, citizen participation, and public-private partnership.***

Source: URCA website <http://urcabahamas.bs/consultation/energy>

These are three points of violation that we bring forward to the media, to URCA, to the BPL staff and to the Bahamian public. Prime Minister Philip “Brave” Davis is clearly violating the law and violating the guidelines of the Bahamas National Energy Policy 2013-2033 and it could possibly lead to irreversible damage or costly litigation should things go awry with this BPL deal as they did with prior BPL deals.

The Bahamas National Energy Policy 2013-2033 calls for **“high levels of consultation, and citizen participation”** and ironically it was Prime Minister Davis who introduced this same national energy policy when he was the Minister of Works and Deputy Prime Minister under former Prime Minister Perry Christie from 2012 to 2017. This is the same man and same plan, but instead of **“high levels of consultation, and citizen participation”** the Prime Minister is now operating with **“high levels of secrecy, and misconduct.”**

The lack of transparency, and absence of checks and balances make the BPL deal susceptible to corruption. The optics are terrible and legally this is a disaster waiting to happen. Why make laws if you are not going to follow them Prime Minister Davis? Why present a beautifully written national energy policy if we are not going to follow the guidelines?

The Bahamian people own BPL, and the Bahamian people had no say. BPL unions had no say. BPL managers had no say. BPL workers had no say. This is all wrong. Prime Minister Davis is wrong on this BPL deal. And to sign a 25 year BPL deal with no open and transparent consultation with the Bahamian People is also wrong and illegal according to the law and the national energy policy guidelines. We may have another OBAN on our hands.

As it relates to The Utilities Regulations and Competition Authority (URCA), it is the view of the Bahamas Constitution Party that URCA has been derelict in it's duty and negligent in this BPL debacle by allowing this oversight to occur and to continue. We are calling on URCA to address this matter urgently, and to carry out it's duty and due diligence as the energy sector authority.

URCA needs no further evidence to take action against this controversial and illegal BPL deal. The facts are out in the open. BPL union leaders stated that they were kept “in the dark” so there was no **“high level of consultation, or citizen participation.”**

The Bahamas Electric Workers Union said “Outright No” to the prime ministers BPL deal. The Bahamas Chamber of Commerce expressed that the cost of living could increase as a result of this BPL deal. Bahamian economist Zhivago Laing expressed that the government appears to be privatizing BPL. What more do we need to see or hear? We can not allow the ink to dry on this BPL deal especially now that we know that the Prime Minister is violating the URCA Act and the new Electricity Act 2024.

May God bless you all, and may God continue to bless the Commonwealth of the Bahamas.

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