

Message # 1

Message Key: 000313814D621A8CA29E339B78B5AA68376CE442

From: Doug Bannister <Doug.Bannister@ports.je>

To: Alan Maclean <A.Maclean@gov.je>, Philip Ozouf <p.ozouf@gov.je>

Addressed To: a.maclean@gov.je, p.ozouf@gov.je, doug.bannister@ports.je

Subject: Fwd: Fuel [REDACTED]

Date: Tuesday, January 26, 2016 13:11 GMT



Hi Alan & Philip,

As shareholder and minister responsible for competition, I just wanted to make certain the you are also aware in case it gets discussed. PoJ have not complained about [REDACTED] nor do we feel the need to make a complaint of [REDACTED]

If I am asked for my opinion on matters, I am always happy to respond.

Best regards,  
Doug

Sent from my iPad

Message # 2

Message Key: 00031381B5852A9252D69B74878BD93FFB12C34B

From: Doug Bannister <Doug.Bannister@ports.je>

To: Alan Maclean <A.Maclean@gov.je>, Ian Gorst <I.Gorst@gov.je>, Lyndon Farnham <L.Farnham@gov.je>, Philip Ozouf <p.ozouf@gov.je>, John Refault <J.Refault@gov.je>, Mike King <M.King@gov.je>

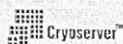
Cc: [REDACTED] Andrew Boustouler <Andrew.Boustouler@ports.je>

Addressed To: i.gorst@gov.je, andrew.boustouler@ports.je, a.maclean@gov.je, m.king@gov.je, l.farnham@gov.je, j.refault@gov.je, p.ozouf@gov.je, [REDACTED] doug.bannister@ports.je

Subject: Fwd: Acquisition and Banking Facility [REDACTED]

Date: Friday, January 08, 2016 07:27 GMT

Attachments: Acquisition and Banking Facility - [REDACTED]



Dear Ministers and Mike,

Attached is an [REDACTED] released by [REDACTED] in relation to their acquisition of [REDACTED]. This is exciting news for us, in that it allows us to accelerate the intended benefits from market growth by securing [REDACTED]

Our new corporate aviation facility, to be constructed on the site of the old cargo centre, has had a signed heads of terms with [REDACTED]. We could not finalise terms until such time as we were confident of the timeline for clearing the old cargo centre site, which with the delivery of the new cargo centre in [REDACTED] we can now proceed to finalise terms. We are not expecting this development to change our approach.

[REDACTED]

Once again, this is exciting news as we move forward into this first year of incorporation.

Best regards,  
Doug

----- End Of Message -----

Message # 3

Message Key: 000313811CB7F2FD428D254C95D26D9ECE0A33F4



From: Doug Bannister <Doug.Bannister@ports.je>  
To: Alan Maclean <A.Maclean@gov.je>, Ian Gorst <I.Gorst@gov.je>, Lyndon Farnham <L.Farnham@gov.je>, John Refault <J.Refault@gov.je>, Philip Ozouf <p.ozouf@gov.je>, Mike King <M.King@gov.je>, Richard Bell <R.Bell@gov.je>, [REDACTED] Andrew Boustouler <Andrew.Boustouler@ports.je>  
Addressed To: i.gorst@gov.je, r.bell@gov.je, andrew.boustouler@ports.je, a.maclean@gov.je, m.king@gov.je, l.farnham@gov.je, j.refault@gov.je, p.ozouf@gov.je, [REDACTED] doug.bannister@ports.je  
Subject: C1117 information request to PoJ 18Jan16106356  
Date: Thursday, January 21, 2016 05:34 GMT  
Attachments: C1117 information request to PoJ 18Jan16106356.pdf (205.8 KB), ATT00001.txt (37 B)

Dear Ministers,

Attached is a notice from CICRA in respect of an ongoing investigation into aviation fuel pricing. We have been pulling together the documentation that they have asked for, and are generating all of the answers. It is fairly easy for us to comply given the process that we have gone through.

What we don't know is the full background to the request for information. We suspect it is largely stemming from the original [REDACTED] complaint.

It feels a rather "heavy" letter, and we have engaged our lawyers, but if you read the questions it is really quite straight forward. I think it may point more to how they work rather than the actual content of the investigation.

We are pulling together the information, and early next week will form a view of how to respond.

The main reasons for alerting you are:

1. We need to comply under the competition law, and we will.
2. We are on top of it, and will provide all of our documentation (which clearly shows PoJ have a clean pitch).
3. As the issue goes back before the date of incorporation, and we came under the EDD minister, there may be a need to obtain separate legal advice and/or adjust our approach. Any advice here appreciated.

Any questions please let me know and we will do our best to respond. I am happy to provide all of the back up to the ministers, but this is likely to be quite weighty. I will circulate our draft letter of reply once compiled (likely early next week).

Given the nature, please treat this as confidential.

Best regards,  
Doug

----- End Of Message -----

Message # 4

Message Key: 000313812AA1AD7BC3702DE20E332A28F8BD1D1F



From: Doug Bannister <Doug.Bannister@ports.je>  
To: Philip Ozouf <p.ozouf@gov.je>  
Cc: Alan Maclean <A.Maclean@gov.je>, Ian Gorst <I.Gorst@gov.je>, Lyndon Farnham <L.Farnham@gov.je>, John Refault <J.Refault@gov.je>, Mike King <M.King@gov.je>, [REDACTED], Andrew Boustouler <Andrew.Boustouler@ports.je>, [REDACTED] Joe Moynihan <J.Moynihan@gov.je>, [REDACTED]  
Addressed To: andrew.boustouler@ports.je, [REDACTED] l.farnham@gov.je, j.refault@gov.je, j.moynihan@gov.je, [REDACTED] doug.bannister@ports.je, i.gorst@gov.je, a.maclean@gov.je, m.king@gov.je, p.ozouf@gov.je, [REDACTED]  
Subject: Re: Acquisition and Banking Facility - [REDACTED]  
Date: Friday, January 08, 2016 17:53 GMT

Hi Philip,

Thanks for this, just a couple of quick points from my side and I am happy to discuss further.

The original appointment of [REDACTED] through the tender process was not down to promoting competition. [REDACTED] business plan was built in providing new products and services into the market (ie [REDACTED] of the planned business was from lines that [REDACTED] did not provide, such as maintenance).

The reason for appointing [REDACTED] was to grow the corporate aviation market in jersey, and not just to create competition in the same (small) market.

This is still the premise around which we will negotiate final terms with [REDACTED]

It is probably important to note that the transaction itself does not change the market competitiveness today. It does depend on how one defines the market, for example booking a charter flight can be done from anywhere in the world, aircraft parking is provided at a number of places around the airport already, with many owners also keep their aircraft off island.

The large hangar for jets is the only one in the island, and whether it is owned by [REDACTED] that does not change.

The development of the old cargo centre site in the future could create a larger base for [REDACTED] but again the competitive landscape from today does not change.

I am currently working on securing very good commercial capability to develop the plans for developing our corporate aviation business in Jersey. The concepts so far are not necessarily tied to bringing in a competitor to [REDACTED] but we could look at different facilities depending on the requirements of our customers.

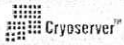
What we do know is that we have demand for hangarage beyond what the current [REDACTED] and the new facility can provide. With such demand and limited space, no doubt we can generate very good returns.

Happy to talk about this at any time.

Best regards,  
Doug

Sent from my iPhone

#### Message # 5

Message Key: 00031381FC8C775B92BB4A0964116761CBA7EBF4 

From: Doug Bannister <Doug.Bannister@ports.je>  
To: Philip Ozouf <p.ozouf@gov.je>  
Cc: Joe Moynihan <J.Moynihan@gov.je>  
Addressed To: p.ozouf@gov.je, j.moynihan@gov.je, doug.bannister@ports.je  
Subject: Fwd: Information request - [REDACTED]  
Date: Monday, January 25, 2016 21:39 GMT  
Attachments: 2015.06.02 - [REDACTED] - 2June2015.pdf (4.2 MB), ATT00001.htm (997 B), 2016.01.25 - [REDACTED] Letter to POJ - 25Jan2016.pdf (1.3 MB), ATT00002.htm (5.6 KB)

Hi Philip,

As per your email, please find attached a letter from [REDACTED] and a timeline of interactions between [REDACTED] and [REDACTED] in respect of accessing [REDACTED]. I had asked [REDACTED] for some insight earlier in the day which I hope is helpful in informing the decisions you face.

Please note the information contained in the letter for comparing the cost of transporting fuel via [REDACTED] versus [REDACTED] independent supply chain is commercially sensitive, but I thought you should see the difference, as it does indicate the level of margin that [REDACTED] are expecting to make.

I can say that I had found the interaction between the Ports and [REDACTED] in respect of the [REDACTED] to resonate with the version of events from [REDACTED] about [REDACTED]. It did change once [REDACTED] really understood we had a contingency for their position concerning the aviation fuel supply at the airport.

In terms of the contingency for [REDACTED] PoJ together with [REDACTED] and technical consultants have produced contingency plans for [REDACTED] operations at our cost (c. 80k), which has two primary contingencies: 1) a parachute team to undertake the operations of [REDACTED] should [REDACTED] unilaterally pull out (such as they did with the airport fuel farm); and 2) bypassing [REDACTED] with a containerised operation via [REDACTED]. These plans have been shared with the negotiating team for SoJ, and I believe have been used to good affect in the negotiations. I can forward these on to you if helpful.

We have a third contingency in development to handle fuel via the fuel berth being developed. I hope to have plans by the end of this week.

Lead time indicated by the reports is c. 5 weeks to get to full flow operations, however we are analysing options for a quicker ramp up. Contingency operations could commence earlier in any event.

With so much at stake, SoJ would want to have a good indication of the likelihood of success of a contingency. I can say from my experience with the airport fuel farm that we had a reasonable expectation of success in ensuring continuous fuel supply, but a contingency can never be 100% guaranteed until it is invoked. To this end, everyone (the same people following the same model as the [REDACTED] contingencies) involved pushed hard to make it happen after [REDACTED] unilaterally withdrew from the market. In the end, we had zero interruption for aviation fuel supply (crucial for an island airport) and the cost to the customers reduced.

I hope this is helpful, and please let me know if we can provide any further assistance.

Best regards,

Doug

Sent from my iPad

Message # 6

**Message Key:** 0003138126E4FBAC81A78CD208181AE80B138112

**From:** Doug Bannister <Doug.Bannister@ports.je>


**To:** Alan Maclean <A.Maclean@gov.je>, Ian Gorst <I.Gorst@gov.je>, Lyndon Farnham <L.Farnham@gov.je>, John Refault <J.Refault@gov.je>, Philip Ozouf <p.ozouf@gov.je>, Mike King <M.King@gov.je>, Richard Bell <R.Bell@gov.je>, [REDACTED] Andrew Boustouler <Andrew.Boustouler@ports.je>

**Addressed To:** i.gorst@gov.je, r.bell@gov.je, andrew.boustouler@ports.je, a.maclean@gov.je, m.king@gov.je, l.farnham@gov.je, j.refault@gov.je, p.ozouf@gov.je, [REDACTED]

**Subject:** RE: C1117 information request to PoJ 18Jan16106356

**Date:** Friday, January 29, 2016 08:35 GMT

**Attachments:** Reply to CICRA C1117 - v 3.1.docx (64.9 KB)



Dear all,

By way of an update. Attached is our final draft response letter. I have not included the hundreds of pages of back up documents we will be providing to them.

We will be delivering this letter, and the supporting paperwork on time Monday 1st Feb.

John, I will look to get some time for us to meet up as per your last email.

Best regards,  
Doug

-----Original Message-----

**From:** Doug Bannister  
**Sent:** 21 January 2016 05:35  
**To:** Alan Maclean <A.Maclean@gov.je>; Ian Gorst <I.Gorst@gov.je>; Lyndon Farnham <L.Farnham@gov.je>; John Refault <J.Refault@gov.je>; Philip Ozouf <p.ozouf@gov.je>; Mike King <M.King@gov.je>; Richard Bell <R.Bell@gov.je>; [REDACTED] Andrew Boustouler <Andrew.Boustouler@ports.je>  
**Subject:** C1117 information request to PoJ 18Jan16106356

Dear Ministers,

Attached is a notice from CICRA in respect of an ongoing investigation into aviation fuel pricing. We have been pulling together the documentation that they have asked for, and are generating all of the answers. It is fairly easy for us to comply given the process that we have gone through.

What we don't know is the full background to the request for information. We suspect it is largely stemming from the original [REDACTED] complaint.

It feels a rather "heavy" letter, and we have engaged our lawyers, but if you read the questions it is really quite straight forward. I think it may point more to how they work rather than the actual content of the investigation.

We are pulling together the information, and early next week will form a view of how to respond.

The main reasons for alerting you are:

1. We need to comply under the competition law, and we will.
2. We are on top of it, and will provide all of our documentation (which clearly shows PoJ have a clean pitch).
3. As the issue goes back before the date of incorporation, and we came under the EDD minister, there may be a need to obtain separate legal advice and/or adjust our approach. Any advice here appreciated.

Any questions please let me know and we will do our best to respond. I am happy to provide all of the back up to the ministers, but this is likely to be quite weighty. I will circulate our draft letter of reply once compiled (likely early next week).

Given the nature, please treat this as confidential.

Best regards,  
Doug

Message # 7

**Message Key:** 000313858C066B30117313C3339AB86AB293CEB2 

**From:** Doug Bannister <Doug.Bannister@ports.je>  
**To:** Alan Maclean <A.Maclean@gov.je>, Lyndon Farnham <L.Farnham@gov.je>, Ian Gorst <I.Gorst@gov.je>, John Refault <J.Refault@gov.je>, Philip Ozouf <p.ozouf@gov.je>  
**Cc:** [REDACTED] John Rogers <J.Rogers@gov.je>, Mike King <M.King@gov.je>  
**Addressed To:** i.gorst@gov.je, [REDACTED] a.maclean@gov.je, l.farnham@gov.je, m.king@gov.je, j.refault@gov.je, p.ozouf@gov.je, j.rogers@gov.je, doug.bannister@ports.je  
**Subject:** [REDACTED]  
**Date:** Friday, May 20, 2016 06:10 BST

Dear Ministers,

I was invited to attend a Public Accounts Committee public hearing on weds in respect of the [REDACTED] fuel farm issue from a few months ago. Largely I didn't have much to say, except around the process of what we had done at the airport. Ray Foster, and I were called to give evidence. We were quite measured, but the last question that was asked was whether we knew of [REDACTED]

[REDACTED] was established back in mid 2014, which led to an [REDACTED] on the extension of the lease. Most, if not all, of the points were captured by those negotiating the lease with [REDACTED] in the fuel operators agreement that accompanied the lease.

The concepts eventually evolved into the contingency plan that we had prepared in the event that negotiations earlier in the year broke down.

Political / public sensitivities may surround the reference to [REDACTED] erroneously reported in the linked bailiwick express article, and generally the process leading to the new agreement with [REDACTED] for [REDACTED]

Link to bailiwick express: [http://www.bailiwickexpress.com/jsy/news/key-date-missed-fuel-farm-farce/?utm\\_medium=email&utm\\_campaign=Bailiwick%20Express%20News%20-%20Thursday%2019%20May&utm\\_content=Bailiwick%20Express%20News%20-%20Thursday%2019%20May&utm\\_source=Email%20marketing%20software&utm\\_term=Read%20More](http://www.bailiwickexpress.com/jsy/news/key-date-missed-fuel-farm-farce/?utm_medium=email&utm_campaign=Bailiwick%20Express%20News%20-%20Thursday%2019%20May&utm_content=Bailiwick%20Express%20News%20-%20Thursday%2019%20May&CID_a1a3bd78ac1290504a59deedf7cc2420&utm_source=Email%20marketing%20software&utm_term=Read%20More)


Please let me know if you would like any further information.

Best regards,  
Doug

Sent from my iPad

----- End Of Message -----

Message # 8

**Message Key:** 00031385A808B7246803C4DCD63CD14C1C563302 

**From:** Doug Bannister <Doug.Bannister@ports.je>  
**To:** Lyndon Farnham <L.Farnham@gov.je>, Murray Norton <M.Norton@gov.je>, John Refault <J.Refault@gov.je>, Alan Maclean <A.Maclean@gov.je>, Philip Ozouf <p.ozouf@gov.je>  
**Cc:** Mike King <M.King@gov.je>, Richard Bell <R.Bell@gov.je>, [REDACTED] (Treasury) [REDACTED]  
**Addressed To:** r.bell@gov.je, a.maclean@gov.je, m.norton@gov.je, l.farnham@gov.je, m.king@gov.je, [REDACTED] j.refault@gov.je, p.ozouf@gov.je  
**Subject:** Airport Fuel Operators Agreement  
**Date:** Thursday, May 26, 2016 10:18 BST  
**Attachments:** [REDACTED]

Dear Ministers,

The Board of Ports of Jersey have approved the letting of the Airport Fuel Operators agreement to [REDACTED]. We will shortly be confirming this to them and the decision will likely be made public from there. I am sending this to you as all of you will have been involved in the discussions to some degree.

I wanted to provide Ministers with:

- The rationale of the decision
- The independent report commissioned by SoJ internal audit and conducted by [REDACTED] into the tender process following an allegation from [REDACTED] that it was unfair. [REDACTED] determined it was a good process
- An exchange of letters between PoJ and [REDACTED] following the CICRA investigation inspired by a complaint by [REDACTED] which satisfied the Board of PoJ that we have carefully considered the CICRA determination in the decision to award the tender.

I understand the new owners of the [REDACTED] facility, [REDACTED] believe the issues which had arisen are legacy and they are moving forward with their negotiations with [REDACTED]. However, the news of the letting of the tender may still spark issues from former [REDACTED] owners.

If you have any questions, please let me know.

Best regards,  
Doug

Doug Bannister  
Group CEO  
Ports of Jersey

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W [www.ports.je](http://www.ports.je)<<http://www.ports.je>>

#### Message # 9

Message Key: 00031385E35BC9EBEADE891684BF174B42D9276 

From: Doug Bannister <[Doug.Bannister@ports.je](mailto:Doug.Bannister@ports.je)>  
To: Lyndon Farnham <[L.Farnham@gov.je](mailto:L.Farnham@gov.je)>  
Cc: Alan Maclean <[A.Maclean@gov.je](mailto:A.Maclean@gov.je)>, [REDACTED] John Rogers <[J.Rogers@gov.je](mailto:J.Rogers@gov.je)>, Mike King <[M.King@gov.je](mailto:M.King@gov.je)>  
Addressed To: i.gorst@gov.je, [REDACTED], a.maclean@gov.je, l.farnham@gov.je, m.king@gov.je, j.refault@gov.je, p.ozouf@gov.je, j.rogers@gov.je  
Subject: RE: [REDACTED]  
Date: Friday, May 20, 2016 08:18 BST

Thanks Lyndon,

At the time it was used and eventually dropped for that reason, but somehow [REDACTED] got a hold of the name from some correspondence I guess.  
Took both [REDACTED] and I by surprise.

The name came from one of the largest fuel terminal on the [REDACTED]

Best regards,  
Doug

-----Original Message-----

From: Lyndon Farnham  
Sent: 20 May 2016 08:16

To: Doug Bannister <[Doug.Bannister@ports.je](mailto:Doug.Bannister@ports.je)>

Cc: Alan Maclean <[A.Maclean@gov.je](mailto:A.Maclean@gov.je)>; Ian Gorst <[I.Gorst@gov.je](mailto:I.Gorst@gov.je)>; John Refault <[J.Refault@gov.je](mailto:J.Refault@gov.je)>; Philip Ozouf <[p.ozouf@gov.je](mailto:p.ozouf@gov.je)>; [REDACTED]

[REDACTED] John Rogers <[J.Rogers@gov.je](mailto:J.Rogers@gov.je)>; Mike King <[M.King@gov.je](mailto:M.King@gov.je)>

Subject: Re: [REDACTED]

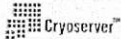
Noted, thanks Doug.

[REDACTED]

KR,

Linden

Senator Lyndon Farnham

**Message Key:** 00031385F7181B77DCF3C0BE8859C460167F98B8 

**From:** Doug Bannister <Doug.Bannister@ports.je>  
**To:** Lyndon Farnham <L.Farnham@gov.je>, Murray Norton <M.Norton@gov.je>, John Refault <J.Refault@gov.je>, Alan Maclean <A.Maclean@gov.je>, Philip Ozouf <p.ozouf@gov.je>  
**Cc:** Mike King <M.King@gov.je>, Richard Bell <R.Bell@gov.je>, [REDACTED]  
**Addressed To:** r.bell@gov.je, a.maclean@gov.je, m.norton@gov.je, l.farnham@gov.je, m.king@gov.je, [REDACTED], j.refault@gov.je, p.ozouf@gov.je [REDACTED]  
**Subject:** RE: Airport Fuel Operators Agreement  
**Date:** Thursday, May 26, 2016 15:24 BST  
**Attachments:** image001.png (7.8 KB)

Dear all,

Following a quick chat with Mike, he thought it would be worthwhile for me to highlight two particular points to Ministers, as follows:

1. Termination provisions for breeches in competition law [REDACTED]

Following Mike's suggestion, we have made provisions in our [REDACTED] similar to the [REDACTED]. There is a difference between the two that if the [REDACTED] Our actual clauses are:

(please note actual clause numbering has gotten out of whack when I copied this in)

1. competition law

- 1.1 The Operator shall at all times:-

1.1.1 provide the Services in such manner so as not to unlawfully discriminate (on price or otherwise) or otherwise be in breach of the Competition Law;

1.1.2 comply with the Competition Law and any directions, orders or requirements made by CICRA.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Other fuel types are the subject of [REDACTED] Any other fuel types could be theoretically considered under a throughput system, and we can create access if needed. To date we have not had any requests, but we would consider them as they were made. [REDACTED]

Anything else that might be helpful, please let me know.

Best regards,  
Doug

From: Doug Bannister

Sent: 26 May 2016 10:18

To: Lyndon Farnham <L.Farnham@gov.je>; Murray Norton <M.Norton@gov.je>; John Refault <J.Refault@gov.je>; Alan Maclean <A.Maclean@gov.je>; Philip Ozouf <p.ozouf@gov.je>

Cc: Mike King <M.King@gov.je>; Richard Bell <R.Bell@gov.je>; [REDACTED]

Subject: Airport Fuel Operators Agreement

Dear Ministers,

The Board of Ports of Jersey have approved the letting of the Airport Fuel Operators agreement to [REDACTED]. We will shortly be confirming this to them and the decision will likely be made public from there. I am sending this to you as all of you will have been involved in the discussions to some degree.

I wanted to provide Ministers with:

- a. The rationale of the decision
- b. The independent report commissioned by SoJ internal audit and conducted by [REDACTED] into the tender process following an allegation from [REDACTED] that it was unfair. [REDACTED] determined it was a good process
- c. An exchange of letters between PoJ and [REDACTED] following the CICRA investigation inspired by a complaint by [REDACTED] which satisfied the Board of PoJ that we have carefully considered the CICRA determination in the decision to award the tender.

I understand the new owners of the [REDACTED] facility, [REDACTED] believe the issues which had arisen are legacy and they are moving forward with their negotiations with [REDACTED]. However, the news of the letting of the tender may still spark issues from former [REDACTED] owners.

If you have any questions, please let me know.

Best regards,

Doug

Doug Bannister

Group CEO

Ports of Jersey

St Peter / Jersey / JE1 1BY

T +44 (0) 1534 446 010

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