

**Guidelines for the Public  
Consultation Process of the  
Regulated Industries  
Commission**

**October  
2017**

Consultative Document  
October 2017

**Deadline Date for Submission of Comments:  
Monday 6<sup>th</sup> November, 2017**

## **Table of Contents**

<b>1. Background .....</b>	<b>1</b>
<b>1.1 Structure of Document .....</b>	<b>2</b>
<b>1.2 Responding to the Consultative Document.....</b>	<b>2</b>
<b>2. Consultation Principles .....</b>	<b>3</b>
<b>3. Objectives of the Consultation Process.....</b>	<b>3</b>
<b>4. RIC’s Consultation Process .....</b>	<b>4</b>
<b>5. Setting the Consultation Period .....</b>	<b>7</b>
<b>6. Publication of the Consultation Notice .....</b>	<b>8</b>
<b>7. Stakeholder Involvement and Engagement Methods .....</b>	<b>9</b>
<b>8. Evaluation of Process.....</b>	<b>12</b>

## 1. Background

The Regulated Industries Commission (RIC) is a body corporate established under the Regulated Industries Commission Act, No. 26 of 1998. The RIC is the economic regulator for the Water, Wastewater and Electricity sectors in Trinidad and Tobago, having wide regulatory power and responsibilities. Consultation is a legal requirement under Section 6. (2)<sup>1</sup> of the RIC Act and the RIC is of the view that it is also a critical component of effective regulation as it facilitates a meaningful engagement between the RIC and all of its Stakeholders<sup>2</sup>.

The RIC's first consultative document for conducting Public Consultation entitled "Code of Practice – Governing the Public Consultative Process of the RIC" was published in February 2005. In June 2005, based on the comments received and its own practical experience in conducting consultation, the RIC published its Final Decision on Conducting Public Consultation<sup>3</sup>. The RIC is of the view that sufficient time has passed to warrant another review and revision of its consultation policy, procedures and practices to ensure that it is in keeping with best practices.

This document sets out the RIC's proposed guidelines which it expects to utilise when conducting future consultation with its stakeholders. These guidelines have been informed by the RIC's practical experience as well as the policies and procedures utilised by other regulators.

---

<sup>1</sup> Section 6 (2) of RIC Act " In the performance of its functions under subsections (1)(e), (g), (h) and (j), the Commission shall consult with service providers and representatives of consumer interest groups and any other parties it considers as having an interest in the matters before it."

<sup>2</sup> The RIC's Stakeholders include the following: the Government of Trinidad and Tobago, service providers, utility consumers, consumer interests groups, non-governmental organisations, business groups and any other parties having interest in the electricity, water and wastewater sectors in Trinidad and Tobago.

<sup>3</sup> <http://www.ric.org.tt/conducting-public-consultation-ric-position/>

## 1.1 Structure of Document

The remainder of this document is structured as follows:

- Section 2 sets out the Consultation Principles that will guide the RIC's Consultations;
- Section 3 details the Objectives of the Consultation Process;
- Section 4 sets out the Consultation Process;
- Section 5 outlines the Setting of the Consultation Period;
- Section 6 sets out the approach to the Publication of the Consultation Notice;
- Section 7 set out Stakeholder Involvement and Engagement Methods; and
- Section 8 sets out the Evaluation of the Consultation Process.

## 1.2 Responding to the Consultative Document

All persons wishing to express opinions/suggestions on this **Consultative Document** are invited to submit their comments in writing to the RIC. Responses should be sent by post, fax or e-mail to:

Executive Director  
Regulated Industries Commission  
Furness House – 3<sup>rd</sup> Floor  
Cor. Wrightson Road and Independence Square  
Port-of-Spain, Trinidad  
P.O. Box 1001 Port of Spain

**Tel.** : 1-868-625-5384; 627-7820/0821/0503

**Fax** : 1-868-624-2027

**Email** : [ricoffice@ric.org.tt](mailto:ricoffice@ric.org.tt)

**Website** : [www.ric.org.tt](http://www.ric.org.tt)

All responses will normally be published on the RIC's website unless there are good reasons why they must remain confidential. Any requests for confidentiality must be indicated. A copy of this document is available from the RIC's website at [www.ric.org.tt](http://www.ric.org.tt).

## **2. Consultation Principles**

Consultation in the context of the RIC's regulatory decision making process is not an exercise in consensus-building or arriving at an agreement; rather it is a way of building understanding of the RIC's regulatory goals and objectives while seeking a range of views from different stakeholders . Those views, where appropriate, would be integrated into the decision-making process in a way that best achieves the regulatory objectives and remit of the RIC. In light of this the RIC aims to be:

- Independent, fair and balanced by ensuring its decisions and processes are free from undue influences;
- Accessible to stakeholders by providing opportunities for participation in its consultative process and involving civil society and other stakeholders;
- Open and transparent by consulting and explaining reasons for its decisions; and
- Relevant by ensuring that its consultation practices are dynamic and flexible.

**Question No. 1:**

*Do respondents agree with the consultation principles outlined above?*

## **3. Objectives of the Consultation Process**

Consultation usually enables the best possible regulatory outcomes. In this regard, the RIC would work towards ensuring that:

- All Stakeholders are afforded the opportunity to express their views;
- Adequate and accurate information is shared between stakeholders and the RIC;

- Input, information and feedback is obtained from persons whose rights or interests may be materially affected or prejudiced by the proposed regulatory measure or decision;
- The Commission fosters regulatory transparency and objectivity;
- Stakeholders' understanding, participation and confidence in the regulatory process is strengthened; and
- Information from the public, service providers, stakeholders and industry professionals on any issue is obtained in order for RIC to make informed decisions.

#### **4. RIC's Consultation Process**

The RIC's consultation process involves the interrelationship of the following discrete components:

- Pre-Consultation.
- Initial Consultation.
- Comment and Reply
- Final Decision.

##### **4.1 Pre-Consultation**

Pre-consultation is recognised as an important component in effective policy decision making, especially at the early policy design stage. This is particularly helpful in gaining an understanding of all issues that will need to be addressed at the consultation. This component normally involve seeking the advice and technical expertise of external parties such as, but not limited to, industry groups and other such persons the RIC considers as having an interest in matters before it. The RIC proposes to retain the use of pre-consultation where it is necessary and expedient in the consultation process to develop the consultation document.

##### **4.2 Initial Consultation**

Involves the releasing of a consultation document and formal invitations for written submission from stakeholders including the public. The consultation document will clearly define all relevant

issues, provide background information on these issues, and set out the RIC's preliminary views on the issues. This component of the process may be favoured in circumstance where the proposed regulatory decision is technically complicated, with important legal implications and especially where the proposed regulatory decision will have a significant impact on the service providers and the public.

### **4.3 Comment and Reply**

The RIC's primary method for the collection of responses/comments is through written submission as indicated above. The RIC may also use the oral comments and feedback received (which will be reduced to writing) from the RIC's stakeholder involvement and engagement opportunities.

The key consideration in this component would be as follows:

- The RIC may, depending on the complexity of the particular issues, have two (2) rounds of Public Consultation;
- Effective and appropriate avenues for stakeholder and public participation will be provided and stakeholder responses would be considered with an open mind and dialogue may be facilitated;
- Stakeholders can submit written responses to consultations, which includes email responses;
- Responses would be carefully analysed, in particular for:
  - Possible new approaches to the issue consulted on;
  - Further evidence of the impact of the proposals; and
  - Levels of support among particular groups.
- Accurate records will be kept of discussions held during the consultative period. However, where confidentiality has been requested, the RIC will honour those specific requests or the RIC will request that an abridged version be submitted for circulation publicly;
- To maintain transparency throughout the process, comments would be published online. A summary may be prepared within a few weeks of the consultation closing and made available at the RIC's office, upon request, so that they are publicly accessible;

- Opportunities would be provided for parties affected to view and comment on submissions made by other parties for correcting factual errors or for putting forward counter arguments;
- A schedule (timeframes) for the submission of comments will be included in each consultative document;
- The RIC will not accept unsolicited comments outside the period of consultation; and
- Comments submitted by any party will not be used against that party in any decision of the RIC.

#### **4.4 Final Decision**

Where appropriate, the views expressed would be integrated into the decision-making process in a way that best achieves the regulatory objectives and remit of the RIC. The RIC will ensure that:

- After the conclusion of the consultation period, the RIC would publish its final decision on RIC's website; and
- Where appropriate, the RIC's final decision will be based on information collected and the RIC will present and justify its decision on the issues identified in the consultative document.

Where appropriate, the final decision may also be published in the newspapers. Further, in considering responses and comments, the RIC shall not be under any obligation to respond to, follow, use or be guided by any particular response or comment.

The RIC reserves the right to adjust the application of its consultation process as it deems necessary, which would take into consideration the nature of the proposed regulatory decision or activity, any legislative requirements, and the implications for the regulated industry and other stakeholders.



**Question No. 2:**

*Do respondents agree with the RIC's four stage Consultation Process, namely: -*

- *Pre-Consultation;*
- *Initial Consultation;*
- *Comment and Reply Period; and*
- *Final Decision?*

## **5. Setting the Consultation Period**

The RIC recognises the need to allow stakeholders sufficient time to consider the consultation document and prepare their response. The RIC proposes to modify the duration of the consultation period from 4-8 weeks to between 4-12 weeks, depending on the level of importance in the conduct of the core functions of the RIC, the complexity of the subject matter, the impact on and likely interest in the proposal by stakeholders and the urgency required.

The durations may be considered as outlined below:

- a) **Twelve weeks-** for consultations on issues which are expected to be of wide significance and interest. This is the maximum consultation period that the RIC would normally expect to allow;
- b) **Eight weeks-** for consultations on issues which are less likely to have a very wide impact or be the subject of substantial interest.
- c) **Four weeks-** for consultations on issues that are urgent, or which represent minor changes to existing policies, or where we are working to a timescale which is constrained by a regulatory or statutory requirement, or set by a third party.

In the instance where the stakeholder may require an extension of the submission deadline, they shall be required to submit a formal request in writing to the RIC to extend the consultation deadline. This request should be submitted no later than one (1) week prior to the published consultation deadline. The RIC reserves the right to determine whether the extension will be

granted, the length of the extension period and if the initial deadline should be extended for all stakeholders.

**Question No. 3:**

*Consultation Period*

*Do respondents agree with the RIC's proposal of a four (4) to twelve (12) week consultation period?*

**6. Publication of the Consultation Notice**

The publication of a notification typically indicates the start of the consultation period and informs stakeholders, of the availability of the consultation document. The notification process may include the following:

- a) Notification at least once per week over a two (2) week period in the daily newspaper which may be extended throughout the consultation period as the RIC deems appropriate;
- b) The RIC may also decide to notify the public through public service announcements via broadcasting media. This method of notification may be used where the RIC considers that the consultation document may have a significant impact on the national community;
- c) Notification of the consultation would also be published on the homepage of the RIC's website for the duration of the consultation period;
- d) The RIC may directly inform key stakeholders of the publication of the consultation document; and
- e) Consideration would also be given to the use of social media, where appropriate, to promote the proposed regulatory decisions under consideration.

**Question No. 4:**

*Do respondents agree with the RIC's notification process for the commencement of public consultations?*

## **7. Stakeholder Involvement And Engagement Methods**

The stakeholder involvement opportunities would include the following:

- Ad hoc Working Groups/Committees – representatives of service providers, customers and other interest groups;
- Independent Advisors – these may be consulted on matters of a technical nature;
- Regulatory Professionals and Institutions – professional/institutions from other jurisdictions with whom discussions and consultations will be held;
- Shareholder/Government – Government sets an overall sector policy and will be consulted;
- Panels/Committees– these are essentially independent stakeholder interest groups which may be set up by the RIC to ensure that the interests/views of consumers in particular, are fully considered and taken into account when framing regulatory policy; and
- Private Sector - Open dialogue may be sought as a direct form of interaction (e.g. Industrial Customer Group, Business Consumer Group, etc.).

The RIC's existing suite of tools and the new forms of engagement methods will include:

- Invitations for Written Submission;
- Producing shorter non-technical consultation documents that are accessible to a broader set of stakeholders and reader-friendly;
- Workshops, seminars, panel discussions and public meetings with representative groups and other interested parties including rural communities;
- Media Interviews;
- Research including in-depth interviews and Focused Group Discussions, Surveys and Opinion Polls;

- Website Discussion Forum or Web Chats;
- Live Online Consultation – enables the involvement of large numbers of stakeholders in real-time;
- Newspaper Column & Radio Programmes; and
- Social Media – capitalizing on the popularity of social media sites like **Facebook** & **Twitter** to create awareness.

**Question No. 5:**

*Do respondents agree with the RIC's proposed Stakeholder Involvement and Engagement Methods?*

## **8. Evaluation of the Consultation Process**

The RIC is committed to the process of continuous improvement. Consequently, the RIC may evaluate the consultation session and update the process, as necessary, based on best practices and feedback received from interested parties.