

DRAFT

REGULATED INDUSTRIES COMMISSION

SOCIAL ACTION PLAN:

INITIAL FRAMEWORK

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EXECUTIVE SUMMARY

In discharging its legal responsibility, the Regulated Industries Commission (RIC) has developed a draft Social Action Plan (SAP). This plan provides the foundation for comprehensive and on-going initiatives by the RIC to protect consumers, concentrating on specific programmes intended for low income and vulnerable groups. Further, it focuses on where priority action will be concentrated by the RIC. The plan also sets out the contributions expected from the Service Providers while seeking to ensure that the social issues are fully considered in both the water and electricity sectors.

The SAP explores two broad areas of concern. They are:

- Initiatives to Improve Benefits from Price Regulation; and
- Development of Codes of Practice.

Under Initiatives to Improve Benefits from Price Regulation - the RIC will design and encourage the development of innovative tariffs and subsidy schemes to assist customers, as well as favour lower-income and vulnerable groups. Some of the specific measures to be included in the design are:

- Stable and Predictable Charges;
- Standing/Consumption Charges; and
- Measured/Unmeasured Tariff.

Other specific measures being considered by the RIC include:

- Continuation of the Hardship Relief Programme and extension of the programme to Tobago;
- Levying standpipe revenues on the regional corporations through a subvention from the Central Government on budgetary allocations;
- Recommendation that WASA undertake a project to meter its domestic customers lasting 48 months;
- Ensure that Regional Corporations continue to finance street lighting; and
- Consideration of special rates for recognized institutions, which provide services for vulnerable groups.

With respect to the Development of Codes of Practice, the RIC has suggested some basic guiding principles for Service Providers to consider when preparing Codes of Practice. Although those guidelines are not exhaustive, they are intended to provide a foundation or minimum level of service on which Service Providers and members of the public can expand. However, each Service Provider would be required to prepare and submit Codes of Practice for RIC's approval.

The following Codes of Practice will be considered:

- Provision of Priority Services for Vulnerable Groups - Vulnerable groups include customers who are physically challenged, visually impaired, hearing impaired, and chronically sick. Service Providers would be required to maintain accurate and current records of customers or members of their household who have expressed a need for specific assistance or service. This register will list details of customers who fall within the vulnerable groups. Some of the services being considered are:
 - Modification of buildings and recreational facilities;
 - Redirecting bills to a nominated third party;
 - Providing bills in an appropriate format; and
 - The provision of facilities for speech and hearing-impaired customers.
- Procedures for dealing with Customers in Default;
- Debt Recovery and Disconnection Procedures and Policies;
- Retroactive Billing Policies;
- The Range and Accessibility of Payment Methods;
- Handling of Complaints; and
- Continuous Consumer Education

Since no single measure can address all the problems of vulnerable customers, the SAP represents one part of a wider strategy involving Government and other groups. In addition, the effectiveness of Codes of Practice will be dependent on the process by which they are developed, the arrangements that are made for publicising their existence, the extent to which the services are made available, and the arrangements made for monitoring compliance. It is therefore imperative that all stakeholders participate in the consultative process of initially defining the Plan.

In order to comply with our agreed process of consultation the RIC proposes to hold various forms of public consultations on the SAP, which would include public meetings. The consultation document will also be available on-line at www.ric.org.tt. Respondents will be given a time frame within to submit their own responses, and view others and provide comments. On completion of the consultation, the RIC will publish a statement, by the end of September 2004. This statement will include the findings of the consultation and the final decisions regarding the implementation of the Social Action Plan.

1 INTRODUCTION

1.1 Background

The Regulated Industries Commission (RIC) Act No. 26 of 1998, established the RIC as a statutory body. Section 6(3) of the RIC Act stipulates that “in the performance of its functions the RIC shall have regard to the public interest thereby ensuring”:

- (1) services are reliable and provided at the lowest possible cost;
- (2) equal access by consumers to service;
- (3) fair treatment of consumers and of Service Providers similarly placed; and
- (4) non-discrimination in relation to access, pricing and quality service.

The RIC in making its proposals for the Social Action Plan is required to consider the dual goals of protecting the interest of customers and the financial sustainability of Service Providers. In protecting the customers with respect to prices, quality and reliability of supply, the RIC has a social responsibility to ensure that regulation provides fair and equitable treatment for all customers, including vulnerable groups.

Additionally, the RIC Act specifically requires the RIC to consult with Service Providers, representatives of consumer interest groups and other stakeholders. It is in keeping with these objectives and responsibilities that this document, **Social Action Plan: Initial Framework**, is being made available to the public.

1.2 Objectives

The objectives of this document are:

- (1) To present issues relevant to the formulation of the RIC’s Social Action Plan such as:
 - a) the establishment and monitoring of the quality of service standards;
 - b) initiatives to improve benefits from price regulation; and
 - c) recommendations for the establishment of priority services for vulnerable groups.

- (2) To provide an opportunity to all stakeholders to participate and to comment at an early stage on the development of all aspects of the Social Action Plan.

1.3 Focus and Underlying Principles of the Plan

The RIC's Social Action Plan aims to lay the foundation for comprehensive and on-going initiatives to protect consumers, concentrating on specific programmes intended for low income and vulnerable groups. The objective is to develop a plan which:

- (1) highlights areas of priority action by the RIC;
- (2) ensures that the social dimension is fully considered in both the water and electricity sectors; and
- (3) sets out the contributions expected from the Service Providers.

The proposed measures focus on areas where assistance is most needed and where action taken by the regulator can be most effective. No single measure is capable of addressing the numerous problems experienced by vulnerable customers. Thus, the action by the regulator represents one part of a wider strategy involving Government and other groups.

The regulator can protect consumer interests and ensure value for money by:

- (1) establishing affordable and efficient tariffs;
- (2) establishing quality of service standards;
- (3) handling complaints effectively and fairly;
- (4) public education and public consultation on all major regulatory issues; and
- (5) paying special attention to matters such as:
 - a) methods for dealing with customers in default;
 - b) debt recovery and disconnection procedures;
 - c) range and accessibility of payment methods;
 - d) retroactive billing policy; and

- e) provision of priority services for vulnerable groups.

1.4 Structure of Document

The remainder of the document is organized into three sections:

- *Section 2* discusses the establishment and monitoring of the quality of service standards;
- *Section 3* details the initiatives to improve the benefits from price regulation; and
- *Section 4* highlights areas for the development of Codes of Practice in Licences.

1.5 Request for Submissions and Confidentiality

The RIC invites submissions on the issues raised in this paper, in particular, the proposals for the establishment of priority services for vulnerable groups. Unless confidentiality is specifically sought, the submissions will be available on-line and for public inspection at the RIC's offices.

All submissions should be sent to:

The Executive Director
Regulated Industries Commission
1st & 3rd Floors Furness House
Corner of Wrightson Road
& Independence Square
PO Box 1001
PORT OF SPAIN

Email : ricoffice@ric.org.tt
Tel.: 1-868-625-5384; 627-7820/0821/0503
Fax : 1-868-624-2027; 624-9396

Copies of this document are available on the RIC's website www.ric.org.tt and the RIC's Information Centre.

1.6 Comments and Responses

Respondents will be given a period to view other responses and provide comments. Corrections to factual errors and counter-arguments are welcome. Photocopies of responses will be provided at a price that reflects the cost of photocopying facilities. In order to encourage full participation, the RIC also proposes to hold public meetings.

On completion of the consultation, the RIC will publish a statement, which will include the findings of the consultation and the final decisions made regarding the implementation of the Social Action Plan.

1.7 Timetable for Consultation

The timetable for the consultation is summarized below

Activity	Original Completion Dates	New Completion Dates
Distribution of Document	May 18 2004	
Public Meetings	May 21 2004	
Responses to this document	June 18 2004	August 31 2004
Comments on Responses	July 16 2004	September 30 2004
Responses to Consultation	August 13 2004	October 29 2004
Statement by the RIC	September 10 2004	November 26 2004

2 ESTABLISHMENT AND MONITORING OF THE QUALITY OF SERVICE STANDARDS

2.1 Quality of Service Issues

Many network industries (industries that provide services to a number of consumers in a wide geographic area using connected systems and equipment. For example, WASA and T&TEC) are natural monopolies and consumers generally have limited choice and are typically presented with only one quality of the product. In the absence of economic regulation the Service Provider will have an opportunity to exploit its monopoly power. Therefore, there is an increasing focus on the need to incorporate service quality standards within the regulatory regime to ensure that consumers receive the acceptable level of quality at an efficient cost.

2.2 Regulatory Approaches to Service Quality

There are many approaches to service quality control including:

- (1) **Comparative Reporting of Service Quality** - This approach encourages Service Providers to maintain and improve service quality by exposing them to critical assessment by customers and other stakeholders.
- (2) **Service Standards Incentive Mechanism** – This approach establishes a link between the price level and performance indicators. Out-performance is rewarded through a higher price, while failure to achieve standards can result in a lower price. This approach has potential benefits but it also has significant limitations, which can outweigh the potential benefits.
- (3) **Enforcement of Service Standards Through Statutory Penalties/Legal Compensation** – This approach carries high transaction costs that limit its impact. Penalties may not necessarily reflect the loss of consumer value.
- (4) **Guaranteed Payments** – Under this approach, the Service Provider is required to make guaranteed payments to customers who receive service below a certain benchmark. Generally, while guaranteed payments may not have any relationship to the value placed by the customer, they have significant influence in maintaining the level of service.

The RIC is in the process of implementing the Comparative Reporting and the Guaranteed Payments approaches. Under the guaranteed payment approach, the quality of service standards are divided into guaranteed and overall standards. A guaranteed standard is one where the customers of the Service Provider are compensated if the standard is breached. The overall standards are used to improve the performance of the Service Provider in several areas. However, breach of these overall standards does not carry a compensatory payment.

Initially, standards have been set for 15 aspects of service for T&TEC and 18 are proposed for WASA. Over time, as the performance of the Service Providers improves, it will be possible to set higher standards. **Appendices I and II** detail current standards. Performance against these standards will be published by the RIC on an annual basis.

3 INITIATIVES TO IMPROVE BENEFITS FROM PRICE REGULATION

3.1 Designing Price Regulation to Deliver Services to Low Income Groups

The quality and coverage of infrastructure services such as electricity and water have a major impact on living standards. Generally, low-income earners and persons in rural areas lack access to many of these basic services. The policy challenge for the Government and the Regulator is to improve access to services while maintaining affordable rates for the low-income groups, taking into account their ability to pay. There are at least four ways in which regulatory policy can promote distributional objectives:

- (1) setting investment targets;
- (2) being flexible with respect to price-quality combinations in regulatory decisions;
- (3) involving communities in the regulatory process by dialogue with representative groups; and
- (4) recommending subsidies and special tariffs.

3.2 Subsidies and Tariffs for Low Income Consumers

The RIC will design and encourage the development of innovative tariffs and subsidy schemes that can assist customers, as well as favour lower-income and vulnerable groups.

3.2.1 Tariff Structure

The tariff structure should reflect the cost of providing the service, while also taking into account social considerations where appropriate. Therefore, the amount charged for the service may include among other things, a lifeline rate. (i.e. A low rate is charged for subsistence needs and progressively higher rates are charged for additional consumption thereafter).

Specific Action

The RIC will also take specific action in several areas to ensure that protection is offered to vulnerable customers, including:

- (1) **Stable and Predictable Charges** – The intention of charge schemes is to ensure that changes to individual bills should not vary significantly hence,

phasing in of any sudden large adjustments in charges would be considered.

- (2) **Standing/Consumption Charges** – A standing element of a charge enables Service Providers to ensure that all customers contribute to fixed costs. However, low consumption customers (in most cases pensioners) can face a disproportionately higher standing charge than consumption charge. In recognition of the relief which some hard pressed customers could get from lower standing charges, the RIC will develop and offer the option of lower standing charges as opposed to a high consumption charge.
- (3) **Measured/Unmeasured Tariff Differential** – The RIC will specify the maximum differential to ensure fairness in the balance between measured and unmeasured household customers' charges when WASA adopts and implements universal metering.

3.2.2 Subsidization

Subsidization is another method to ensure that the basic level of service is affordable for low-income households. Two approaches to subsidizing service for low-income groups are:

- i) Income support; and
- ii) Specific subsidies.

3.2.3 Income Support

Under income support, low-income households receive government assistance to increase income to a level at which service becomes affordable. This approach leaves consumption decisions in the hands of consumers and thereby avoids price signal distortions. For example, the approach used by Chile in its water sector, appears to be the most effective scheme, where households are selected on the basis of a socio-economic interview and once a household qualifies, the subsidy is paid to Service Provider rather than to the household. The subsidy covers 40% to 85% of the charges for the first 20 m³ of consumption, ensuring that water does not take up more than 5% of household income. Eligibility is re-assessed every three (3) years and households failing to pay their share of the bill will have their subsidy suspended. WASA's Hardship Relief Programme for low-income elderly homeowners is an example of targeted income support subsidy. The determination of eligibility should be based on either a means test or by reference to the national poverty line.

3.2.4 Specific Subsidies

Specific subsidies are generally implemented by reducing the price of service, usually for a specified level of consumption. Price reduction could be financed by a government subsidy or through cross subsidies. The most common example is a lifeline block. Furthermore, relief can be in the form of a consumption or a connection subsidy. In principle, subsidies for connections or network expansion should be favoured over consumption subsidies.

3.3 Other Specific Measures

- (1) The RIC will work with the line Ministry and WASA on the continuation of the Hardship Relief Programme and will encourage the extension of the programme to Tobago.
- (2) WASA's standpipe revenues are virtually un-collectible because there are no current measures in place to enforce payment of billings for this service. The RIC will recommend that this charge be levied on the regional corporations and the rates be collected through a subvention from the Central Government on budgetary allocations. This would in effect amount to a Government subsidy to standpipe users as well as support WASA's revenues.
- (3) Currently, customers are billed on the ATV and metering systems. The charging system based on the ATV method bears no relationship to the actual usage of water by customers. Metering ensures that customers are charged for actual consumption. The RIC has noted that customers are willing to pay for what they consume and in this regard, will recommend that WASA undertake a project to meter its domestic customers lasting 48 months. Metering will not only address the disparity in rates but will also encourage consumers to control their billings.
- (4) The RIC will work with T&TEC to ensure that Regional Corporations continue to finance streetlighting.
- (5) Special rates will be considered for recognized institutions, which provide services for vulnerable groups.

The RIC welcomes suggestions/comments on initiatives that can be utilized under price regulation, to bring improved benefits to consumers especially lower income and other vulnerable groups.

4 DEVELOPMENT OF CODES OF PRACTICE

Each Service Provider would be required to prepare and submit Codes of Practice for RIC's approval. This section provides guiding principles for Service Providers to use when preparing Codes of Practice. These guidelines are not exhaustive but establish the foundation or minimum level of service on which Service Providers can expand further.

The RIC requires Service Providers to prepare and submit the following Codes of Practice:

- i) Provision of Priority Services for Vulnerable Groups;
- ii) Procedures for dealing with Customers in Default;
- iii) Debt Recovery and Disconnection Procedures and Policies;
- iv) Retroactive Billing Policies;
- v) The Range and Accessibility of Payment Methods;
- vi) Handling of Complaints; and
- vii) Continuous Consumer Education

4.1 PROVISION OF PRIORITY SERVICES FOR VULNERABLE GROUPS

Currently, there is a lack of statistical data on persons with disabilities in Trinidad and Tobago. However, the World Health Organization (WHO) estimates that persons with disabilities in the country number approximately 120,000, based on a 1991 survey. In addition, pensioners (age 60+) accounted for 9.6% of the population in 2000 with a projected increase of 2.5% estimated by 2050. Furthermore, the United Nations (UN) statistics indicate that approximately 20% (rural) and 24% (urban) of the population fell beneath the national poverty line at the end of 2000. It is within this context that priority services for vulnerable groups are being proposed.

4.1.1 Establishment of a Qualification Definition

Each Service Provider would be required to prepare and submit for RIC's approval Codes of Practice detailing Priority Services available for vulnerable groups. Vulnerable groups include customers who are physically challenged, visually impaired, hearing impaired, and chronically sick. The code should be customer-friendly. Service Providers should provide a definition of each category

of customer that can be reasonably expected to be included in the Priority Services Register (see 4.1.3 below).

4.1.2 Priority Services for Vulnerable Groups

The Service Provider should consult and work with representative organisations e.g. the School for the Blind, W.R. Torres Foundation for the Blind, School for the Deaf, The Trinidad & Tobago Association in Aid of the Deaf Hearing Centre, The National Library and Information System Authority, the Disabilities Unit of the Ministry of Social Development and the Office of the Prime Minister, Social Services Delivery Unit, with respect to the development and provision of these specially adapted services. The Code should include details about the following services:

- (1) **Modification of buildings and recreational facilities** - Service Providers should take steps to ensure that buildings and recreational facilities used by the public are designed and equipped to meet the needs of disabled and elderly groups. The provision of tactile signs for the deaf, access to wheelchairs, bathroom facilities and special furniture must also be considered.
- (2) **The use of Automatic Meter Readings (AMR)** – This system allows customers a cost-effective method of automatically reading meters. Meter readers will not be required to enter premises to read meters. The technology also reduces the number of estimated bills customers receive and therefore minimizes billing errors and adjustments. AMR meters can be utilized for elderly customers and the physically challenged.
- (3) **Repositioning of meters** - This service entails the repositioning of meters thereby making it more accessible to customers. This service should be offered at no cost to all physically challenged customers.
- (4) **Identifying Company Personnel for Site Visits** - This service entails the use of “passwords” that are presented to elderly and disabled customers for security purposes, when company personnel are on site visits. This mechanism will assist in verifying the identity of staff before they are allowed to enter a customer’s premises. Other methods of identification include identity cards, uniforms which identify the company, and the use of vehicles carrying the trade name of the Service Provider. Where possible Braille and large print substitutes for identity cards may be used in the case of customers who are visually impaired. Information must be classified as confidential and should be restricted to representatives for site access.

- (5) **Providing advice on Debt Prevention and Management Counselling Services** - These services should be offered to assist customers in managing payments. Service Providers should take the initiative and contact customers who are experiencing difficulties in paying their bill, especially those on a Priority Services Register.
- (6) **Redirecting bills to a nominated third party** – Some customers may wish to appoint someone to whom bills may be sent. This service must also meet the needs of customers who encounter difficulties in managing their affairs. For example, customers with learning disabilities. Nominees should not be held responsible for non-payment of bills.
- (7) **Bills should be provided in an appropriate format** – This service should be made available to visually impaired and partially sighted customers in large print, Braille or on audiotape. A suitable facility for such customers to lodge complaints must also be established.
- (8) **The provision of facilities for speech and hearing-impaired customers** Facilities in the form of text phone, type talk or minicom to enquire or lodge a complaint about any aspect of service.
- (9) **Providing advice on aids and adaptation** - Service Providers will be required to advise customers on the availability of aids and adaptations to kitchen and bathroom equipment. Service Providers should make contact, with representative organizations to provide advice to customers. Additionally, where appliances are not considered safe for use, the Service Provider should be able to advise the customer on options for repairing or renewing the appliance, including access to charitable organisations.

Service will not be disconnected when customers fall within the vulnerable groups. Such circumstances require special consideration.

4.1.3 Development of Priority Services Register

Service Providers should maintain accurate and current records of customers or members of their household who have expressed a need for specific assistance or service. This register will list details of customers who fall within the vulnerable groups. The Service Provider should use the register to ensure that customers receive the specialized services required at every stage.

The code should:

- (1) Describe the procedure for inclusion on the Priority Services Register;

- (2) Draw customers attention to the Priority Services Register and describe the benefits to be derived;
- (3) Explain how the Service Provider would publicise the Register. Service Providers should seek the assistance of representative organizations to sensitize their members of the Priority Services Register and the services offered; and
- (4) Explain how it will provide customers on the Register with information about the special services available.

The RIC invites comments on the following issues:

- *The criteria that should be used to classify persons within vulnerable groups;*
- *The appropriateness of all the priority services identified for the vulnerable groups;*
- *Any other relevant priority services that may warrant consideration; and*
- *The establishment and maintenance of the priority services register.*

4.2 PROCEDURES FOR DEALING WITH CUSTOMERS IN DEFAULT

The RIC fully supports the Service Providers' right to collect rates from those who are or have received their services. However, there is a balance to be struck between recovering debt, and dealing sensitively with those customers who genuinely find themselves in financial difficulty.

Accordingly, each Service Provider would be required to prepare and submit to the RIC for its approval Codes of Practice for dealing with customers in default.

The Codes of Practice should include:

- Procedure for distinguishing customers in difficulty;
- Procedure for contacting customers in default; and
- Procedure for a payment arrangement.

4.2.1 Procedure for Distinguishing Customers in Difficulty

Service Providers must have a clear definition of customers in difficulty from those who are delinquent and as such should establish a procedure for distinguishing both.

4.2.2 Procedure for Contacting Customers in Default

- (1) Service Providers should be proactive in attempting to contact indebted customers either by letter, telephone or personal visit. In addition, before proceeding to court action all literature, letters or notices sent to customers should clearly set out the action the Service Provider will adopt should the customer fail to make payment or contact. It is also important that customers are encouraged to contact the Service Provider and if necessary seek expert advice.

The timing and manner of such contacts should not be oppressive or threatening, and should conform to best practice.

Letters and literature should be written in plain language. Service Providers should consider the appropriate format for customers with special needs. Refer to (4) below

- (2) At least two notices should be sent to the customer requesting that he/she contact the Service Provider before disconnection.
- (3) Customers should be allowed time to pay their bills before a reminder is issued. A reminder notice should be issued with the second bill.
- (4) If the notices or letters do not list the customer's options for payment arrangements, they should be accompanied by literature, which does, or should clearly detail where the customer can obtain this information.
- (5) Service Providers should ensure that their debt code, approved by RIC, is kept up to date.

4.2.3 Procedure for Payment Arrangement

- (1) Staff of the Service Provider must be suitably trained and empowered to negotiate payment arrangements, which reflect a customer's circumstances.
- (2) Customers who contact the Service Providers and are experiencing payment difficulties should be made to feel that their case shall be heard sympathetically and that offers of payment would be carefully considered. Service Providers should be empathetic to the welfare of the family.

The RIC welcomes comments on approaches that may be used for dealing with customers in default.

4.3 DEBT RECOVERY AND DISCONNECTION PROCEDURES AND POLICIES

Utility services are essential, thus it is necessary that before the Service Provider disconnects the service of an indebted customer, sufficient time and opportunity are provided to the customer to liquidate the debt. Disconnection should therefore be the very last option to which the Service Provider resorts. Hence, a disconnection policy should be sensitive and customer-friendly.

Each Service Provider is required to prepare and submit for RIC's approval Codes of Practice for debt recovery and disconnection.

The Code applies to only residential and commercial customers and should include:

- Procedures for debt recovery and disconnection in case of arrears;
- Circumstances for non-disconnection of services;
- Circumstances for disconnection of customers' supply;
- Requirements for Re-connection;
- Deferred Payment Plans; and
- Alternative Methods of Debt Recovery.

4.3.1 Procedures for Debt Recovery and Disconnection in case of Arrears

- (1) At the time of the issue of the second bill if the charges from the previous bill are outstanding the second billing should:
 - a. Reflect both the current bill charges and the arrears accompanied by a reminder notice; and
 - b. The customer should be reminded that the outstanding charges are due and advised of the available payment options.
- (2) If the outstanding charges have not been paid after the bill date the Service Provider should contact the customer (letter, telephone or visit).
- (3) Failure to pay the outstanding rates or agree on a deferred payment plan within seven (7) days should result in a Final Notice being issued to the customer.
- (4) If the account has not been paid or agreement reached within seven (7) days of the **Final Notice** being served on the customer, service will be disconnected. (**Appendices III A & B** illustrates a flow diagram of the proposed disconnection process).

4.3.2 Non-disconnection of Service

Services will not be disconnected when:

- (1) A customer disputes the billed charges. The Service Provider will not disconnect the service before all queries on the account have been investigated, determined and communicated to the customer.
- (2) There are periods of severe dry season affecting WASA's customers or natural disasters where a large proportion of customers are affected.

Service will not be disconnected for customers in vulnerable groups.

Customers who are disconnected in error must have their service reconnected within 24 hours, and should be issued a written apology.

4.3.3 Disconnection of Customers' Service

A customer's service will be disconnected when:

- (1) The customer fails to pay the Service Provider or its agents charges for services rendered, after the proper disconnection procedure has been followed;
- (2) The customer fails to pay or fails to agree to pay equipment and installation charges for the provision of service;
- (3) The customer fails to comply with a special payment arrangement with the Service Provider;
- (4) The customer fails to pay any deposit required under the tariff or these rules as a condition for provision of service;
- (5) The occupier or owner of the premises is attempting to defraud the Service Provider of its revenues. For example, diversion of service around a meter;
- (6) The occupier or owner of the served premises is making illegal use of service. For example, supplying water to a disconnected or unconnected property;
- (7) The Service Provider reasonably believes that failure to disconnect will cause, or is likely to cause serious damage to property, or safe operation of the network; and

- (8) The customer requests a disconnection.

4.3.4 Requirements for Re-connection

A disconnected supply will be re-connected when:

- (1) The Service Provider receives payment of arrears for which the service was disconnected and the authorised re-connection fee;
- (2) An agreement is made by the Service Provider and the customer on a deferred payment plan and the payment of any down payment required under the plan; and
- (3) Confirmation that the conditions, which caused the suspension or disconnection of the service, have been eliminated.

Customers who have made their payments will be reconnected within 24 hours of payment.

4.3.5 Deferred Payment Plans

Payment plans must be tailored to meet the customer's circumstances, generally, a maximum of 25% down payment and not exceeding a repayment period of 12 months. It is recommended that a down payment not be demanded from customers within the vulnerable groups and that the repayment period not exceed 18 months.

4.3.6 Alternative Methods of Debt Recovery

The Service Provider should explore other methods of debt recovery, which may include third party debt collection and garnishee orders. The sale of a customer's property should be considered as the very last resort.

The RIC invites comments on:

- *The most appropriate procedures to be used in debt recovery;*
- *Policies that the Service Providers should adopt in addressing this issue;*
- *Suitable time frames that should be used in each stage of the disconnection process; and*
- *The proposed deferred payment plan.*

4.4 RETROACTIVE BILLING POLICY

Retroactive billing is an inherent component of the billing system since adjustments are made when the Service Provider determines that it has undercharged or overcharged a customer. Lengthy retroactive periods have the potential to impose tremendous financial burden on customers, but there are also instances where retroactive billing results in the loss of revenue to the Service Provider. In this regard there must be fairness and equity in terms of the retroactive period applied to both parties. The extent of retroactive billing will be dependent on situations where the Service Provider or the customer is culpable. The Retroactive Billing Policy should apply to all domestic and commercial customers. In the case of industrial customers, the current arrangement between the Service Provider and the customer should prevail.

Service Providers are required to prepare and submit for the RIC's approval Codes of Practice for retroactive billing.

The following must be included:

- Circumstances where the Service Provider is culpable;
- Circumstances where the Customer is culpable;
- Procedure for notifying customers;
- Application of retroactive billing; and
- Payments options.

4.4.1 Culpability of Service Provider

A Service Provider is deemed culpable when:

- (1) Billing classification is incorrect;
- (2) Previous billings whether through the use of meter readings, ATV (in the case of WASA), meter constant (in the case of T&TEC) is incorrect; and
- (3) A meter has stopped or malfunctioned for reasons other than tampering.

Where the Service Provider is culpable retroactive billing will be as follows:

- (1) In instances where accounts are overcharged, the amount of the overcharge (inclusive of interest charges at average commercial interest rates) should be credited to the customer's account from the date of error but not exceeding four (4) years in accordance with the Limitation of Certain Actions Act No. 37 of 1997.

- (2) Where accounts are undercharged, the Service Provider should bill the customer the undercharge (exclusive of interest charges) for a period of one year. However, where the exact period of undercharge is determined to be less than one year the customer should be billed accordingly.

4.4.2 Culpability of Customer

The customer is deemed culpable when:

- (1) The meter is inaccessible for reading, repair, inspection, replacement or disconnection;
- (2) The installation has been tampered with; and
- (3) There has been a change in usage (e.g. domestic to commercial)

Retroactive Adjustment

- (1) Should be limited to the date of offence or a maximum of four (4) years.
- (2) Would permit the Service Provider to bill the customer the associated expenses for unauthorised usage as well as investigation, repair and equipment damage costs.

4.4.3 Procedure for Notifying Customers

Steps involved in customer notification are as follows:

- (1) The Service Provider should advise the customer in writing, stating clearly the reasons for the retroactive billing and requesting the customer to visit or contact its offices within two (2) weeks of the date of letter to discuss the matter. The customer should also be informed of the available payment options;
- (2) Upon being contacted by the customer, the Service Provider will provide details of the reasons, period and quantum of the proposed retroactive billing; and
- (3) If the customer fails to contact the Service Provider, the Service Provider must notify the customer in writing of the reasons, period and quantum of the retroactive billing indicating that failure to object to the conditions within three (3) weeks, would result in the retroactive billing being applied.

4.4.4 Application of Retroactive Billing

Retroactive Billing will be applied when:

- (1) The customer has agreed to the billing;
- (2) The customer has not responded to the Service Provider's invitation to discuss the matter; or
- (3) The matter has been referred to arbitration and the arbitrator has so ruled.

4.4.5 Payments Options

Payment options include:

- (1) A one-time payment; and
- (2) Payment plans - Refer to (4.3.5) above

Outstanding retroactive balances should not attract interest in cases where the Service Provider is deemed culpable.

The RIC invites comments on:

- *Policies that the Service Providers should adopt in addressing retroactive billing;*
- *The appropriate time frames that should be used when either the Service Provider or the customer is culpable; and*
- *The proposed payment options.*

4.5 RANGE AND ACCESSIBILITY OF PAYMENT METHODS

Service Providers need to adapt to changing consumer behaviour in order to maximize revenue collection while simultaneously addressing consumer needs. Therefore, the range and accessibility of payment methods offered to customers must include non-traditional methods of payment where convenience and security factors are taken into account.

The RIC is of the opinion that Service Providers should provide a reasonable range of payment frequencies and methods for all customers. The entire range of options should be properly advertised to ensure maximum awareness thereby ensuring that customers can make informed decisions regarding the methods.

Each Service Provider is required to prepare and submit Codes of Practice for RIC's approval for dealing with the range and accessibility of payment methods.

The Code should include the following options:

1. Payment in person at offices and agencies;
 2. Payment frequencies;
 3. Methods of payment;
 4. Payment through recognized entities;
 5. Promulgation of payment options; and
 6. Review of the network locations.
- (1) Options for the payment of accounts in person at any of the offices or agencies (Network Locations) designated by the Service Provider.
 - (2) Allow metered and un-metered WASA customers to pay at the following frequencies:
 - (i) annual/half yearly/quarterly as appropriate on receipt of the bill;
 - (ii) monthly; and
 - (iii) fortnightly/weekly.
 - (3) Offer payments by the following methods:
 - (i) Cheque;
 - (ii) Cash;
 - (iii) Credit cards; and
 - (iv) Debit cards
 - (4) Service Providers are also encouraged to provide customers with a range of flexible options of payments including but not limited to payments through:
 - (i) Commercial Banks - Standing Orders, Debit/Credit Cards, Tele-Banking, ATMs and Internet Banking;
 - (ii) Credit Unions - Standing Orders;
 - (iii) TTPOST – “Bill pay”;
 - (iv) Western Union- “Bill Express”; and
 - (v) Other recognized entities.

Service Providers should, where possible, be flexible about the date on which direct debits or standing orders are processed.

- (5) Continue to offer customers who are in debt the option to make direct payments.
- (6) Identify the available options in the initial bill so that the customer can choose the best option. Service Providers should also take advantage of

further opportunities to draw customers' attention to the range of options available. They should highlight options again in further correspondence to customers in debt, either by letter or inserts. Where Service Providers become aware that a different instalment option may better suit a customer, they should proactively offer that option. Advertisements should include appropriate formats for vulnerable groups.

- (7) A review of the network (internal & external) of payment locations at least once every two years to ensure that all customers have reasonable access to the network. Service Providers will need to take account of the number and geographical distribution of locations and the demographic and social profiles of their regions. There must be a network of available locations at which rural and urban customers can remit payments.

There should be no charge for making payments at any location in the network. This should include frequent payments, in cash, for customers who prefer to pay weekly or fortnightly.

The RIC welcomes comments on the adequacy of the range and accessibility of payment methods.

4.6 HANDLING OF COMPLAINTS

The quality of service offered by Service Providers is of critical importance to all consumers. One of the major components of quality service is the opportunity available for customers to raise issues about the standard of service offered. It is within this context that the guidelines for the code of practice for complaints handling are addressed. It is proposed that the code be applied to the treatment of both verbal and written complaints.

4.6.1 Objectives of the Code

The Service Provider is encouraged to develop and introduce a comprehensive complaints handling procedure to maintain and continually enhance customer satisfaction by:

- a) Recognising, promoting and protecting customer's rights, inclusive of the right to actively provide feedback;
- b) Providing a robust, efficient, impartial and accessible complaints handling process;

- c) Providing information to customers on their various complaints procedures; and
- d) Examining complaints to improve the quality of products and services.

Overall, a complaints resolution system must meet the following benchmarks:

- (1) **Accessibility** - The system must provide all consumers with rights of access by promoting knowledge of its existence, being easy to use and having no cost barriers;
- (2) **Fairness** - The system Produces decisions which are fair and seem to be fair;
- (3) **Accountability** - The system publicly accounts for its operations by producing information about complaints and highlight any systemic industry problems;
- (4) **Efficiency** - The system must operate efficiently by keeping track of complaints, ensuring complaints are dealt with by the appropriate process and regular review of its performance; and
- (5) **Effectiveness** - The system must be effective by having passed an independent review of its performance.

4.6.2 Definition of Complaint

A complaint is defined as an expression of dissatisfaction by the customer with the operator or the service provided.

4.6.3 Lodging Complaints

The process for submission of complaints must be clear and concise. The complaints procedure and contact points must, therefore, be clearly established. The following is instructive:

- (1) **Telephone** - Customers should be provided with relevant telephone contacts including the various times the service would be provided. In cases where the service is unattended, a recorded message must be made available.
- (2) **Letter** - The postal address for written complaints including appropriate contact names should be provided.

- (3) **E-mail address** - The Service Providers' electronic address must be listed
- (4) **Opening hours** - The opening hours of all public offices must be clearly specified
- (5) **Facsimile** - The fax numbers for the various offices should be provided.

4.6.4 Stages of Complaints Handling Process

- (1) We propose that the Service Provider include the following steps in the complaints handling process:
 - (i) Initial Contact by the Customer;
 - (ii) Acknowledgement of the Complaint;
 - (iii) Investigation of Complaint;
 - (iv) Notification of Resolution of Complaint;
 - (v) Internal Escalation (see 4.6.6); and
 - (vi) Other.
- (2) Some steps of the complaints process may be excluded depending on the nature of the complaint. However, in order to facilitate transparency customers must be advised of complaints process.
- (3) The "other" classification should allow the Service Provider flexibility to include other stages of the process.

4.6.5 Responsiveness

Appropriate time frames must be established for the resolution of complaints. The RIC has established Guaranteed and Overall Standards for T&TEC and draft standards for WASA, which must be applied to the resolution of complaints.
(See Appendices I – II)

4.6.6 Escalation and Further Recourse

- (1) The complaints handling process must include a procedure for the escalation of complaints, which should be determined by the individual Service Providers.
- (2) Unresolved complaints must be addressed according to escalation procedures.

- (3) Indicative timeframes should be provided to consumers whose complaints have been escalated. Further, consumers must be kept informed at regular intervals of the progress of the complaint and be provided with an estimation of the time needed to investigate and resolve the complaint.
- (4) The Service Provider must advise consumers of avenues of recourse in cases where dissatisfaction is expressed. In this regard the addresses and contact numbers of the RIC and the Consumer Service Committees (RIC) when established should be provided.

4.6.7 Internal Data Collection and Analysis

- (1) The Service Provider must establish appropriate systems to record complaints. Further, the systems must facilitate in-depth analysis to identify systemic problems and provide a basis for complaint reporting.
- (2) Service Providers are advised to categorise and analyse data collected every six (6) months to identify and rectify systemic and recurring problems.
- (3) Reports should be provided to the RIC every six (6) months.

4.6.8 Review

Service Providers are encouraged to review their complaints handling process every three (3) years. Amendments should be made to the complaints handling process on the basis of the reviews.

4.6.9 Changes to Complaints Handling Policies and Procedures

- (1) Consumers must be immediately informed of any significant variations to the procedures.
- (2) The RIC, Consumer Service Committees, and any other relevant bodies should be provided with a copy of internal complaints handling policy and details of major variations to the policy.

4.6.10 Retention of Records

The Service Providers must retain collected material from complaints relating to billing queries for a minimum of two (2) years following its closure.

4.6.11 Staff Training

The RIC proposes that Service Providers implement on-going training programmes for Customer Service Representatives (CSRs) to improve the efficiency and effectiveness of the complaints process. Training initiatives should include:

- (1) Customer Care Training - This training would essentially equip CSRs with the required skills to effectively address the concerns of consumers. The programme should address various issues including the basic principles and practice of communication. Special emphasis must be placed on training in “Dealing with Difficult Customers”.
- (2) Specialized Training - This module must be developed in consultation with various representative groups and should focus on the appropriate media for communicating with vulnerable groups.

Training must also be provided with regards to implementation of the code of practice for the complaints handling process.

4.6.12 Customer Feedback

Instruments must be developed at all levels to encourage feedback from customers. This feedback can then be utilized to inform improvements in the system. Feedback mechanisms may include:

- (1) Evaluation Form - Consumers may be directed to complete evaluation forms indicating the level of service provided. Anonymity and confidentiality must be emphasized.
- (2) Survey - The RIC will conduct continuous improvement surveys to determine customers’ assessment of effectiveness and efficiency of service.
- (3) Suggestion Boxes - Suggestion boxes must be placed at the various offices to facilitate feedback from customers.

The feedback system must be voluntary, and confidentiality must be emphasized.

4.6.13 Visibility and Accessibility

The code of practice must be widely circulated in order to ensure effectiveness. Within this context the following are recommended:

- (1) All customers (new and existing) must be provided with written notification of the code and information regarding its availability. Further, customers should promptly be informed of any modifications to the code. This information may be circulated on Internet web pages or in some cases it may be included as an insert on bills to minimise cost.
- (2) Service Providers are encouraged to make adequate provisions to ensure that the vulnerable groups also have access to their complaints handling process. In addition, the code must be available in Braille, audiocassette, on compact disc (CD) or on floppy disk. It may also be instructive to provide the various representative groups with copies of the code of practice. Further, provisions should be made to ensure that such customers could be easily represented by their authorised representative when lodging a complaint.
- (3) The Service Provider must also ensure that customers have access to free or low cost and flexible methods of lodging complaints. It is recommended that a toll free number be provided.

The RIC invites comments on:

- *The most appropriate procedure for addressing complaints;*
- *Suitable time frames to be used at each stage of the complaints process;*
- *The need for training of staff of the Service Providers*
- *Customer Feedback Systems*

4.7 CONTINUOUS CONSUMER EDUCATION

Continuous consumer education must be an integral component of a Service Provider's Social Action Plan. To this end, Service Providers must develop a plan to educate, inform and sensitize all consumers – residents and businesses - about the availability and restructuring of their services. In devising a Consumer Education Programme or Plan, Service Providers must ensure that consumers take full advantage of all the services offered by Service Providers.

Any Code of Practice relating to Consumer Education should reflect the following:

- (1) The purpose of the plan.
- (2) The audience to be targeted including all stakeholders and vulnerable groups. This should be done in consultation with all recognizable stakeholders, and should inform an island-wide integrated Consumer Education Programme (CEP).
- (3) The methodology. The means by which education and information about the services provided by the utility are disseminated to the public, stakeholders and special interest groups. Town meetings, workshops, consultations, special interest group meetings, billing inserts and advertisements all need to be considered. An Outreach Programme should focus on taking the relevant information directly to consumers in their communities, utilizing Village and Community Councils, Regional Complexes, Local Government Agencies and Schools.
- (4) The medium and format of communication must be identified in relation to its appropriateness to the needs of targeted groups. Maximum use should be made of both print and electronic media (including the use of the Internet) and existing information distribution channels. Service Providers must ensure that vulnerable groups have access to utility-specific consumer information in appropriate formats. It would therefore be useful to collaborate with all representative groups to ensure broad access to consumer information.
- (5) The timelines for execution of the plan.
- (6) Feedback from the customer to determine the effectiveness of the plan and to determine the perceptions of the target audience.
- (7) A system of evaluation. Service Providers are advised to conduct periodic reviews of their information to consumers to ensure that they are congruent with operating practices. This may take the form of surveys to be conducted with customers of the service providers. The evaluation should also indicate:
 - a) Who is to do the evaluation - whether the service provider, the regulator or both;
 - b) What will be evaluated – the effectiveness of the consumer education plan in meeting measurable performance indicators;

- c) When: timelines for the evaluation; and
 - d) Where: strategic locations where the evaluation could be conducted. For example, banks, libraries, Service Provider's customer service departments, and the RIC.
- (8) Well-outlined and developed organizational components whose main purpose is Public Outreach/Relations and Access.

The RIC invites suggestions/comments on the approaches to be utilized in Continuous Consumer Education.

5 CONCLUSION

The elements of this Social Action Plan have far reaching implications for both the consumer and the Service Provider. The Plan has attempted to lay the foundation for comprehensive and ongoing initiatives to protect consumers, concentrating on specific programmes intended for vulnerable groups.

The RIC as regulator seeks to protect consumer interests and ensure value for money through affordable and efficient tariffs, quality of service standards, handling complaints effectively, and public consultation and education. Natural concomitants to the regulator's protectionist measures have included methods for dealing with customers in default, debt recovery and disconnection procedures, payment methods, retroactive billing policy and provision of priority services for vulnerable groups.

It must be noted that no single measure is capable of addressing all the problems of vulnerable customers. This action plan represents one part of a wider strategy involving Government and other groups. In addition, the effectiveness of Codes of Practice will be dependent on the process by which they are developed, the arrangements that are made for publicising their existence, the extent to which the services are made available, and the arrangements made for monitoring compliance. It is therefore imperative that all stakeholders participate in the consultative phase of the implementation process so that the final Plan will be further informed and inclusive.

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Appendices

Appendix I **Guaranteed Water/Wastewater Standards**

Code	Service Description	Performance Measure	Required Units	Further Period for Compensation
GWS1	Implementation of schedules	Specified period to provide water supply	As per scheduled times	
GWS2	Restoration of Supply <ul style="list-style-type: none"> • Planned • Unplanned 	Maximum time to restore supply	Planned: 48 hrs for non –strategic mains 72 hrs for strategic mains Unplanned: 12 hrs for non –strategic mains 72 hrs for strategic mains	12 hours
GWS3	Truck borne Supply	Truck borne supply if no mains supply available	No mains supply: 1. After two prescribed water schedule service times 2. 4 hours after prescribed times for planned interruptions. 3. 24 hours after start of unplanned interruption once it exceeds 24 hours	
GWS4	Repair to Water Service Connections (WSC)	Maximum time to repair WSC	From 24 hrs to 7 days (see below for details)	See below for details
GWS5	Installation of new WSCs	1. Survey of customer's property 2. Installation of WSC	1. Within 5 working days of application 2. Within 7 working days of payment	24 hours
GWS6	Reconnections	Maximum time to reconnect supply	24 hrs	24 hours
GWS7	Response to billing queries	1. Reply to billing queries 2. Solution to billing queries	1. Within 5 working days 2. 30 working days	24 hours
GWS8	Response to written complaints	1. Reply to complaints 2. Solution to complaints	1. Within 5 working days 2. Within 30 working days	24 hours
GWS9	Compensatory Payments	Maximum time to make payments	90 days	7 days

Appendix IA
Overall Water/Wastewater Standards

Code	Service Description	Performance Measure	Required Units
OWS1	Communication in regard to Supply Interruptions	Minimum time to communicate before interruption	48 hours
OWS2	Water Pressure	Minimum and maximum Head	Minimum 14m Head Maximum 70m Head
OWS3	Metering	<ol style="list-style-type: none"> 1. Timely reading of meters 2. Maximum time to repair meters 	<ol style="list-style-type: none"> 1. Every 6 months for domestic customers and every 3 months for non-domestic customers 2. Within 30 days
OWS4	Improvement to drinking water quality & sewage effluent quality	WHO/T&T standards	As per standards
OWS5	Repair to sewers	Maximum time to repair sewers	Minor Repairs - 24 hrs Major Repairs – 72 hrs
OWS6	Road restoration	Code of Practice (CP)	24 hrs temporary, 7 days permanent road restoration
OWS7	Leakage	Code of Practice (CP)	As per CP
OWS8	Disconnections	Code of Practice (CP)	As per CP
OWS9	Mains Laying	Code of Practice (CP)	As per CP

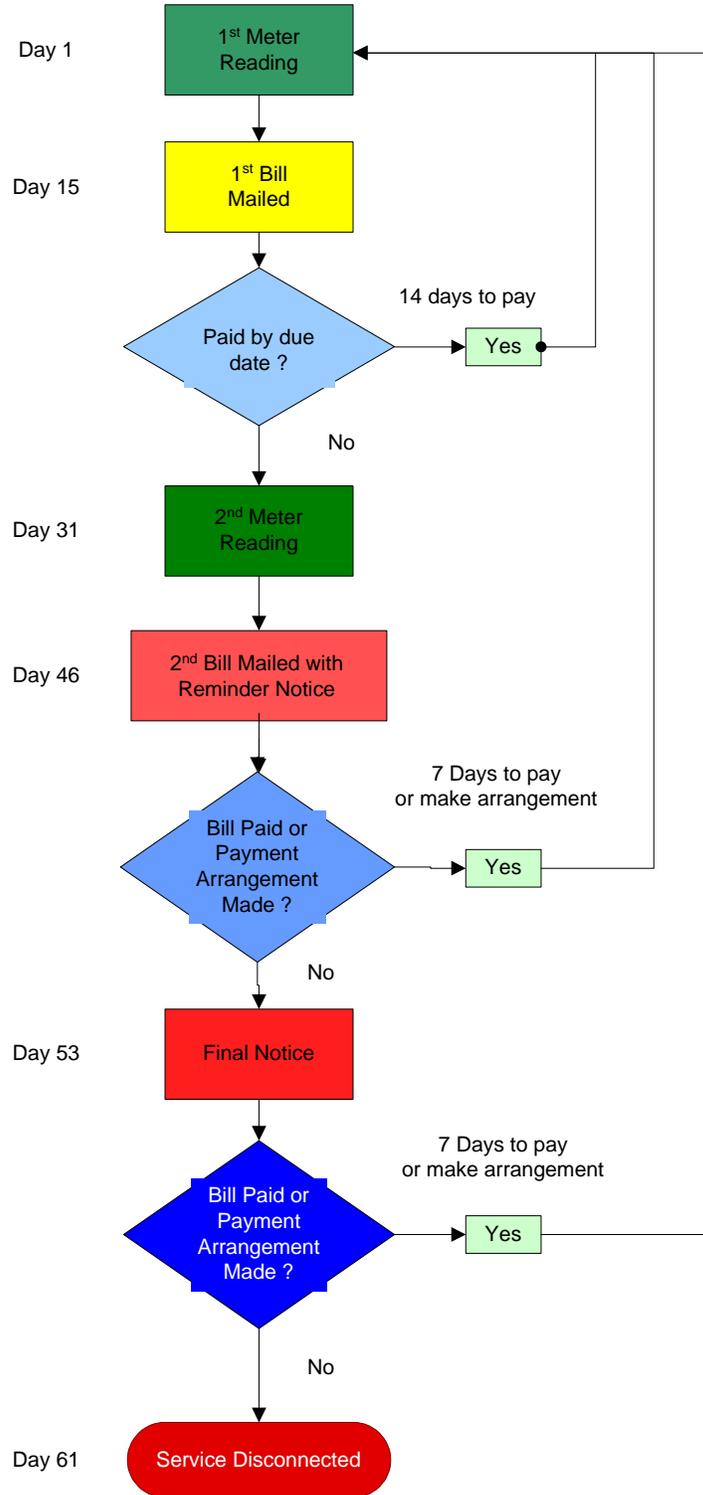
Appendix II
Guaranteed Electricity Standards

Code	Service Description	Performance Measure	Required Performance Units	Payment per Customer
GES1	Response and restoration time after unplanned (forced) outages on the distribution system.	Time for restoration of supply to affected customers	Within 12 hours	\$30 (residential) \$200 (non-residential) \$20 (for each further 12 hr period)
GES2	Connection to supply: Under 30 metres	Service drop and meter to be installed:	Within 3 working days.	\$30 (residential) \$200 (non-residential)
	30 to 100 metres	6 (a) Provision of estimate (subject to all documents being provided)	Within 5 working days.	\$30 (residential) \$200 (non-residential)
	30 to 100 metres	7 (b) Complete construction (after payment is made)	Within 15 working days.	\$30 (residential) \$200 (non-residential)
	100 to 250 metres	8 (a) Provision of estimate (subject to all documents being provided)	Within 7 working days.	\$30 (residential) \$200 (non-residential)
	100 to 250 metres	9 (b) Complete construction (after payment is made)	Within 20 working days.	\$30 (residential) \$200 (non-residential)
GES3	Billing Punctuality (new customers)	Time for first bill to be mailed after service connection: (a) Residential / Commercial	65 days	\$30 (residential)
		(b) Industrial	35 days	\$200 (non-residential)
GES4	Reconnection after payment of overdue amounts or agreement on payment schedule	Time to restore supply after payment is made (All customers)	Within 24 hours	\$30 (residential) \$200 (non-residential)
GES5	Making and keeping appointments	Where required, appointments will be made on a morning or afternoon basis	Failure to give 24 hours notice of inability to keep the appointment	\$30 (residential) \$200 (non-residential)
GES6	Compensatory payment	(i) Time to credit compensatory payment after non-compliance	Within 35 working days	\$30 (residential) \$200 (non-residential)
		(ii) Time to complete investigation, determine liability and make payment after receiving a claim.	Within 35 working days	\$30 (residential) \$200 (non-residential)

Appendix IIA
Overall Electricity Standards

Code	Description	Required Performance Units
OES1	Line faults repaired within a specified period	100% within 48 hours
OES2	Billing punctuality	98% of all bills to be mailed within ten (10) working days after meter reading or estimation
OES3	Frequency of meter testing	10% of industrial customers' meters tested for accuracy annually.
OES4	Frequency of meter reading	(a) 90% of industrial meters should be read every month (b) 90% of residential and commercial meters read according to schedule
OES5	System revenue losses (difference between energy received and energy in which revenue is derived)	7.5 % losses of total energy delivered to customers
OES6	Response to customer queries/requests (written) (a) Time to respond after receipt of queries. (b) Time to complete investigation and to communicate final position (c) Time to complete investigation and communicate final position if third party is involved (e.g. insurance claim.)	Within 5 working days Within 15 working days of inquiry Within 30 working days after third party action s completed
OES7	Number of complaints to TTEC by type: (a) Billing queries (b) Voltage Fluctuations/Damage (c) Street Lights/ Poles/Disconnections/ Other	(a) 500 telephone and /or written complaints per 10,000 customers per annum (b) 300 telephone and /or written complaints per 10,000 customers per annum (c) 1000 telephone and /or written complaints per 10,000 customers per annum
OES8	Prior Notice of planned outages	At least 72 hours (3 days) advance notice of planned outages 100% of the time
OES9	Correction of Low/ High Voltage complaints	All voltage complaints to be responded to within 24 hours and rectified within 15 working days

Appendix III A
Flowchart of Proposed Disconnection Process
Monthly Billing Cycle



Appendix III B
Flowchart of Proposed Disconnection Process
Bi-Monthly Billing Cycle

