

CODES OF PRACTICE

FOR THE

**TRINIDAD AND TOBAGO
ELECTRICITY COMMISSION**

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1. INTRODUCTION

As the economic regulator of the electricity and water sectors, the Regulated Industries Commission (RIC) is responsible for regulating prices and standards and conditions of service. The RIC Act No. 26 of 1998 sets out the broad principles that the RIC must consider when undertaking this role. In performing its regulatory functions and exercising its powers, the RIC is required to have regard to a number of objectives, including:

- The protection of consumer interest with regard to the price, quality and reliability of services;
- The facilitation of efficiency and economy of operations of service providers;
- The facilitation of the financial viability of service providers; and
- The fairness and transparency of the regulatory process.

As part of its regulatory functions, the RIC has an important consumer protection role that it performs by:

- regulating the prices and service standards;
- enforcing compliance with standards;
- imposing sanctions for non-compliance; and
- monitoring and reporting publicly on compliance.

In its Final Determination on the regulation of electricity transmission and distribution services, released on June 01, 2006, the RIC highlighted three major initiatives aimed at improving the quality of service customers receive from T&TEC. These initiatives were the introduction of Benchmarking and Monitoring Quality of Supply, Customer Satisfaction Survey and Codes of Practices (Codes). The Codes are essentially a set of customer-related standards, policies, procedures and practices that T&TEC should consistently apply in dealing with specific consumer issues. They are designed to improve the delivery of the service provider's social obligations. The Codes cover the following seven areas:

- Provision of Priority Services for the Elderly, Disabled and Chronically Sick;
- Procedures for Dealing with Customers in Default;
- Disconnection Procedures and Policies;
- Retroactive Billing Policy;
- Range and Accessibility of Payment Methods;
- Handling of Complaints; and
- Continuous Customer Education.

These Codes are a product of a consultation process that began in May 2004 involving the release of a consultation paper for public comments “the RIC’s Social Action Plan”. The document outlined the RIC’s broad social policy objectives. Central to the RIC’s approach regarding customer service arrangements was a proposal to establish standards, procedures, policies and practices that T&TEC will be required to deliver to customers. The paper, in fact, detailed the RIC’s guidelines for the development of the Codes of Practice. The process also included meetings with interested parties (especially with the International Association of Disabled Persons) to seek their views and the written submission of Codes of Practice by T&TEC in June 2007. Having considered the public comments and T&TEC’s written submission, the RIC has finalized the Codes of Practice to apply to T&TEC.

These Codes¹ have been structured and developed having regard to current policies, standards and procedures of T&TEC. These Codes will:

- protect the interests of customers and vulnerable groups by providing avenues of redress for poor service or for meeting special need;
- provide customers with greater clarity and understanding about the arrangements for the supply of services; and
- provide T&TEC with certainty about the services that it needs to deliver.

¹ In preparing these Codes, the RIC has sought to draw on the experiences of other jurisdictions such as UK, Europe, Australia, etc.

These Codes of Practice will become effective from **July 01, 2009**. The Codes may be amended from time by the RIC in response to proposals from the service provider or other interested parties or on its own initiative. Before making any amendments, the RIC will consult with all stakeholders.

The RIC will monitor compliance with the Codes as part of its auditing regime.

2. PROVISION OF PRIORITY SERVICES FOR THE ELDERLY, DISABLED AND CHRONICALLY ILL

In all cases, the service provider must use best endeavours to minimize inconvenience to these customers.

2.1 Modification of Buildings

T&TEC must undertake the modification of all its buildings to facilitate easy access for the physically challenged and elderly persons by building ramps at the entrances as necessary. The provision of tactile signs for the visually impaired, bathroom facilities, etc. must also be provided.

2.2 Identification of Service Provider's Personnel

Several methods of identification must be utilized when service provider personnel (or persons acting on behalf of the service provider) are on site visits, including identity cards, uniforms and use of vehicles carrying the name and logo of the company. Where possible, large prints substitutes for identity cards should be used in the case of customers who are visually impaired. The use of “passwords” for security purposes must also be included. Access must be sought at times convenient to customers.

2.3 Redirection of Bills

The option of redirecting bills to a nominated third party must be provided.

2.4 Large Print Needs

T&TEC must:

- provide, on request by a customer, large print version of Customer Education Code (see Section 8), free of charge.

2.5 Advice on the use of Electricity

T&TEC must provide these customers on request and free of charge:

- advice on how these customers may reduce their electricity costs; and
- advice on the typical running costs of major domestic appliances.

3. PROCEDURES FOR DEALING WITH CUSTOMERS IN DEFAULT

The RIC fully recognizes T&TEC's right to collect rates and charges from those who have received services. There is, however, a balance to be struck between recovering debt, and dealing sensitively with those customers who genuinely find themselves in financial difficulty. The overall objective is to increase understanding of customers who are in debt and to explore ways of managing debt problems more effectively. The financial hardship policies, however, are not intended to promote or facilitate customers simply avoiding payment and responsibilities, as non-payment can have serious impact on the efficiency and financial viability of the service provider.

3.1 Procedure for Determining Customers in Payment Difficulties

T&TEC must have procedures in place for distinguishing customers in hardship from those who are delinquent. It is a customer's responsibility to contact T&TEC if the customer anticipates that payment of a bill by the "due" date may not be possible. The policy and procedures of T&TEC must:

- provide internal assessment processes designed to make an early identification of a customer's hardship and eligibility using objective criteria such as customer's previous payment history, eligibility for the Low Income Assistance Programme, etc; and
- provide for staff training and internal responsibilities for the development, management, communication and monitoring of the policy.

3.2 Procedure for Contacting Customers in Default

T&TEC must implement a customer friendly procedure for contacting customers in default. In this regard, T&TEC must:

- be proactive in attempting to contact indebted customers either by letter, telephone or personal visit. The manner of such contacts should not be oppressive or threatening;

- have trained and experienced staff to deal sympathetically with customers to negotiate payment arrangements that reflect the customer’s circumstances; and
- send at least two notices to the customer requesting that he/she contact T&TEC within 7 days to negotiate payment arrangements.

3.3 Payment Difficulties

Where the customer has been identified to be experiencing payment difficulties, T&TEC must offer customers on a case-by-case basis alternative payment arrangements consistent with a customer’s capacity to pay, including:

- offering a range of payment options to enable them to maintain supply while managing their debts;
- information on independent financial and other relevant counseling services;
- advice on any concessions, low-income assistance programmes that may be available to the customer to assist with financial hardship;
- offering to extend the “due” date for the payment of bills for some or all of an amount owed;
- offering to waive or suspend interest payments on outstanding amounts; and
- providing energy efficiency information, as a strategy to reduce high bills.

3.4 Deferred Payment Plans

T&TEC must offer residential customers at least the following instalment payment options:

- an interest free instalment plan under which the residential customer is given more time to pay a bill or to pay arrears (T&TEC need not offer an instalment plan if the customer has, in the last 12 months, had 2 plans cancelled for non-payment);
- an arrangement under which the customer may make payments in advance towards future bills; and
- monitor the residential customer’s compliance with the plan.

An instalment plan must:

- specify the period of the plan;
- specify the number of instalments and amount to be paid per instalment, duly taking into account customer's consumption needs and capacity to pay;
- specify the maximum downpayment (downpayment being no greater than 30%); and
- state how the amount of the instalments is calculated.

4. DISCONNECTION PROCEDURES AND POLICIES

Disconnection is part of T&TEC's operations. However, disconnection policy must be sensitive and customer-friendly and disconnection must be a last resort.

4.1 Disconnection of Customer's Service

(a) Non-payment Disconnection

Customer may be disconnected if the customer has not paid a bill and has not:

- agreed to an instalment plan or other payment option; or
- adhered to make payment in accordance with an agreed instalment plan or other payment option.

(b) Other reasons for Disconnection

Customer may be disconnected when:

- the customer illegally uses electricity;
- the customer tampers with, or permits tampering with, any meter or associated equipment;
- the customer requests a disconnection;
- the service provider reasonably believes that failure to disconnect will, or is likely to cause serious damage to property or safe operation of the network; or
- there is an emergency.

4.2 Obligations Prior to Disconnection

The service provider may disconnect under Section 4.1(a) but before any such disconnection is undertaken, the service provider must:

- give the customer a reminder notice (i.e. at the issuance of the second bill when the charges from the previous bill remain outstanding as suggested in either **Appendix I or II**), reflecting both the current bill charges and the outstanding amount from the previous bill, as well as advising the customer of available payment options;

- give the customer disconnection warning by letter, telephone or visit (the Final Notice) with not less than 7 working days' notice of its intention to disconnect and cautioning that (if disconnected) the customer may incur additional costs; and
- verify the “disconnection list” before dispatching the disconnection crew to determine whether the outstanding amount is still due.

4.3 Limitations on Disconnection

Disconnection for non-payment must not take place:

- after 3:00 p.m. of any day;
- on a Friday, on a weekend, on a public holiday or on the day before a public holiday;
- where the amount in dispute is subject to an unresolved complaint procedure in accordance with the RIC Act or the service provider's complaints policy;
- the amount owed by the customer is less than \$95; or
- in the absence of the customer. However, if the customer is absent, a notice must be left on the premises and disconnection may take place if no payment is received within 24 hours.

4.4 Reconnection after Disconnection

A disconnected supply must be promptly reconnected:

- where the customer was wrongfully disconnected by the service provider;
- where the service provider has failed to comply with the disconnection procedures;
- when agreement has been reached between the customer and service provider on a deferred payment plan and the payment of any downpayment required under the plan;
- when service provider receives payment of arrears for which the service was disconnected and the authorized reconnection fee; and

- after confirmation that the reasons for disconnection no longer exists.

4.5 Timeframe for Reconnection

- A customer's property which has been disconnected and the reason for disconnection no longer exists, must be reconnected within 24 hours;
and
- Customers who are disconnected in error must be reconnected within 8 hours and should be issued a written apology within 3 days by the service provider.

5. RETROACTIVE BILLING POLICY

Retroactive billing is an inherent component of the billing system but 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 T&TEC or the customer is culpable.

5.1 Culpability of Service Provider

T&TEC is deemed culpable when:

- billing classification is incorrect;
- previous billings whether through the use of meter readings, meter constant is incorrect; and
- a meter has stopped or malfunctioned for reasons other than tampering.

5.2 Payment of Overcharges

- where the customer has been overcharged as a result of service provider's culpability, the overcharged amount must be credited to the customer's next bill from the date of error; and
- where the customer has been overcharged otherwise than as a result of service provider's culpability, the customer must be informed within 10 working days of becoming aware of the error and the customers must be credited the full amount.

5.3 Recovery of Undercharged Amounts

Where a customer is undercharged as a result of service provider's culpability, the service provider may recover the amount if:

- the amount to be recovered is limited to the amount undercharged up to a maximum of 12 months;
- it allows the customer to pay the amount to be recovered over a time period equal to the period in which undercharging occurred or up to a maximum of 12 months, excluding interest charge;

- it allows the customer to pay the amount to be recovered through a flexible payment plan; and
- where the period of undercharge is less than one year, the customer be billed only for the amount undercharged.

5.4 Culpability of Customer

The customer is deemed culpable when:

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

T&TEC has an obligation to notify the customer of their culpability as soon as it has been discovered.

5.5 Retroactive Adjustment where Customer is Culpable

Retroactive adjustment must be limited to the date of offence or a maximum of four (4) years but the service provider may also bill the customer for any reasonable additional costs incurred to recover the amount. If T&TEC fails to provide proper notice, the customer can only be billed a maximum of one (1) year.

5.6 Procedure for Notifying Customers

- T&TEC must 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;
- Upon being contacted by the customer, T&TEC must provide details of the reasons, period and quantum of the proposed retroactive billing; and
- If the customer fails to contact, T&TEC 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.

5.7 Application of Retroactive Billing

Retroactive Billing will be applied when:

- the customer has agreed to the billing;
- the customer has not responded to T&TEC's invitation to discuss the matter; or
- the matter has been referred to mediation/arbitration and the mediator/arbitrator has ruled.

T&TEC or the customer has the right to refer the matter to an independent body for either mediation or arbitration.

6. RANGE AND ACCESSIBILITY OF PAYMENT METHODS

6.1 Minimum Time for Payment of a Bill

Unless otherwise agreed with the customer, the “due” date specified in the bill must not be less than 12 working days after the date the service provider sends the bill.

6.2 Frequency of Payments

Customers must be allowed to pay weekly, fortnightly, monthly or as T&TEC’s standard methods of predetermined payments.

6.3 Payments in Advance

The service provider must, at the request of a customer, accept payment in advance.

6.4 Payment Methods

The service provider must offer at least the following payment methods to customers:

- in person at any of the offices or designated payment outlets;
- by mail;
- by electronic means; and
- by direct debit under a payment arrangement agreed in accordance with any agreement between the customer and service provider.

7. HANDLING OF COMPLAINTS

T&TEC must have and comply with policies, practices and procedures for the handling of complaints² and the system must meet internationally accepted benchmarks in terms of accessibility, fairness, accountability, efficiency and effectiveness.

7.1 Methods for Lodging Complaints/Enquiries

T&TEC must make available all methods by which a customer can lodge a complaint. The process for submission of complaints must be simple, clear and concise and proper contact points must be clearly established:

- **Telephone** – Customers must 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.
- **Letter** – The postal address for written complaints including appropriate contact names must be provided.
- **E-mail address** – The e-mail address must be listed.
- **Opening hours** – The opening hours of all public offices must be clearly specified.
- **Facsimile** – The fax numbers for the various offices must be provided.

7.2 Stages of Complaints Handling Process

The complaints handling process must have the following steps:

- Initial Contact by the Customer;
- Acknowledgement of the Complaint;

² Compensation claims arising from breaches under Guaranteed Standards are to be dealt according to established procedure.

- Investigation of Complaint;
- Notification of Resolution of Complaint;
- Internal Escalation; and
- Other.

Some steps of the complaints process may be excluded depending on the nature of the complaint. The “other” classification allows T&TEC some flexibility to include other stages of the process.

7.3 Complaints and Disputes Resolution Policy

Service provider’s complaints and dispute resolution policy must provide and:

- respond to a customer’s enquiry/complaint with a substantive response within 10 working days of receipt of formal complaint;
- give the reasons for a decision to the complainant; and
- have complaint escalation process with clear timeframe that gives a customer the right to raise the complaint up to a higher level within the service provider’s management structure.

The service provider may consider a dispute about non-payment resolved if:

- the complainant has been informed of its decision;
- complainant has not sought further review and 10 working days have passed; and
- complainant has not lodged the complaint with the RIC or another external body.

7.4 Review of Complaints Handling Policy and Procedures

The service provider must review its complaints handling process every three years and make amendment as appropriate on the basis of the review. The service provider must seek the RIC’s approval before implementing any amendments.

8. CONTINUOUS CUSTOMER EDUCATION

The service provider must develop and issue a “Customer Education Code” to inform, educate and sensitize all customers about its services, policies and procedures and the rights and responsibilities of the service provider and of customers.

8.1 Obligation to provide Customer Education Code

The service provider must:

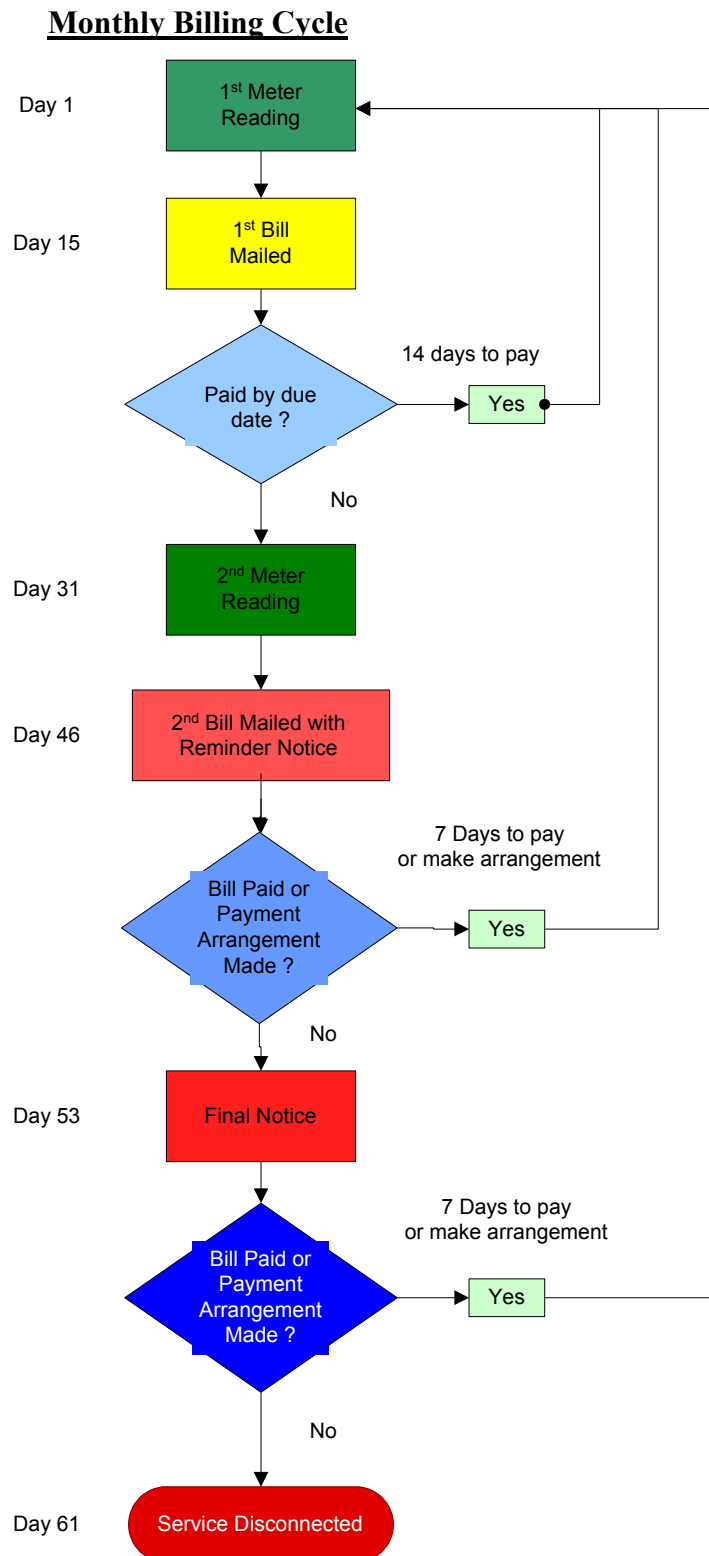
- make the Customer Education Code readily available on its website;
- display and make available upon request copies of the Customer Education Code in brochure format at all its offices; and
- draw to the attention of customers at least once a year of the existence of the Codes.

8.2 Contents of a Customer Education Code

The Customer Education Code must contain at least:

- rights and responsibilities of the service provider and its customers in relation to services performed;
- information on electrical safety, quality of service standards, etc.;
- policies and procedures, especially with respect to Codes of Practice and request for service; and
- any other information reasonably required by customers.

Flowchart of Disconnection Process



Flowchart of Disconnection Process
Bi-Monthly Billing Cycle

