

REGULATED INDUSTRIES COMMISSION

RIC NEWS

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STAKEHOLDER INVOLVEMENT IN THE REGULATORY DECISION MAKING PROCESS

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REGULATED
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Quarterly Complaints Report

Consumer Complaints Resolved

RIC'S COMPLAINTS REPORT FOR 1st QUARTER 2021

Status	JAN –21	FEB –21	MAR–21
Number of complaints received	201	317	222
Number of complaints resolved	101	213	139
Number of complaints unresolved	100	104	83
Resolution rate for complaints received	50%	67%	63%

**REBATE / COMPENSATION AWARDED
TO CUSTOMERS BETWEEN JAN – MAR, 2021**

\$61,267.00

OUR CUSTOMER SERVICE PROMISE TO YOU – THE RIC WILL:

- ☒ Conduct an investigation to obtain all the necessary facts both from you and the Service Provider.
(Copies of all relevant information that would assist us in understanding the complaint should be provided.)
- ☒ Respond to your written, telephone and email complaints within ten (10) working days of receipt.
- ☒ Forward our response to your complaint to the Service Provider and then provide written confirmation of action taken.
- ☒ Keep you up-to-date on the progress of our investigation of your complaint and its resolution.
- ☒ Ensure that you are attended to by a Customer Service Representative within ten (10) minutes of your appointment time.

**IF YOU HAVE A COMPLAINT, YOU MUST FIRST MAKE CONTACT WITH THE SERVICE PROVIDERS (I.E. WASA AND T&TEC)
AND GIVE THEM THE OPPORTUNITY TO RESOLVE THE PROBLEM**

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PRESS RELEASE

RIC APPOINTS NEW EXECUTIVE DIRECTOR

MR. GLENN KHAN

Mr. Glenn Khan re-joins the Regulated Industries Commission as Executive Director effective March 1, 2021. Mr. Khan formerly served as Deputy Executive Director at the RIC for 14 years until his departure in 2016. He was then appointed as Executive Director of the Independent Regulatory Commission, Dominica.

In 2019 Mr. Khan became the first Chief Executive Officer of the Public Utilities Regulatory Commission, Grenada, where he was responsible for overseeing the start-up of the organisation, selection of staff, and the finalisation of regulatory framework documents for the Commission. He also worked as a Consultant on a revision of electricity laws of St. Vincent and the Grenadines, and also on the "Framework for Establishing a Multi-sector Regulatory Body" for the Turks and Caicos Islands.

Mr. Glenn Khan returns to the RIC with more than 20 years of regulatory experience at an executive level. He has an advanced degree in Economics from The University of the West Indies and has authored three books and several papers, and has delivered presentations at international conferences and seminars throughout the Caribbean as well as in the Americas, Southern Africa, and West Africa. His research work has been used as reference material by students at UWI as well as from countries in Europe.

The Board of Commissioners and Staff warmly welcomes Mr. Khan back to the RIC and is confident that his knowledge and experience will allow him to deliver the highest level of performance to the RIC.





STAKEHOLDER INVOLVEMENT

IN THE REGULATORY DECISION MAKING PROCESS

This is an excerpt from an RIC paper entitled “Stakeholder Involvement in the Regulatory Decision Making Process”. For the full document please visit the following link - [Stakeholder Involvement in the Regulatory Decision-Making Process | Regulated Industries Commission \(ric.org.tt\)](#)

The Regulated Industries Commission (RIC) has commenced the Price Review process for the Water and Sewerage Authority (WASA) – the Water and Wastewater Sector, and the Trinidad and Tobago Electricity Commission (T&TEC) – the Electricity Transmission and Distribution Sector. Several papers detailing key aspects of the regulatory framework, the RIC’s thinking and its rationale underpinning these key areas are being released for public consultation and comments. An important aspect of the RIC’s work is considering how stakeholders’ views can be properly and adequately taken into account during the Price Review process. This is particularly important when specifying outputs to be delivered that are important to customers. The purpose of the document is to inform all stakeholders about the RIC’s approach to stakeholder involvement in the regulatory decision-making process. The RIC is aware that there may be a number of factors that may deter stakeholders from engaging meaningfully in the RIC’s decision-making process. For instance, the price control process itself is fairly complicated and technical. Customers may not understand why they are paying for improvements and the costs and benefits associated with alternative approaches and options, or they may feel insufficiently informed or competent, to make effective choices or contribute effectively. By involving customers in the process, they may better understand these issues, while being mindful that the cornerstone of the RIC’s approach is that customers/stakeholders are at the centre of its decision-making process.

RIC’s OBLIGATIONS UNDER THE ACT

Customer engagement is an important element of the RIC’s work and part of the RIC’s legal duties. The RIC Act No. 26 of 1998, Section 6(2) stipulates that the RIC, in the conduct of certain of its functions, ... “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". To discharge its duty effectively and in a manner that is transparent and accountable, the RIC must understand the interests of all stakeholders. This can be best achieved by engaging stakeholders in the RIC's decision-making process, as well as encouraging the service providers to engage consumers on an on-going basis. However, the challenges revolve around how to:

- effectively engage consumers in the regulatory process and ensure that approaches to customer engagement are appropriate for different types of end-users;
- improve the credibility of the regulatory regime from the customers' perspective; and
- improve the service provider's focus on customers.

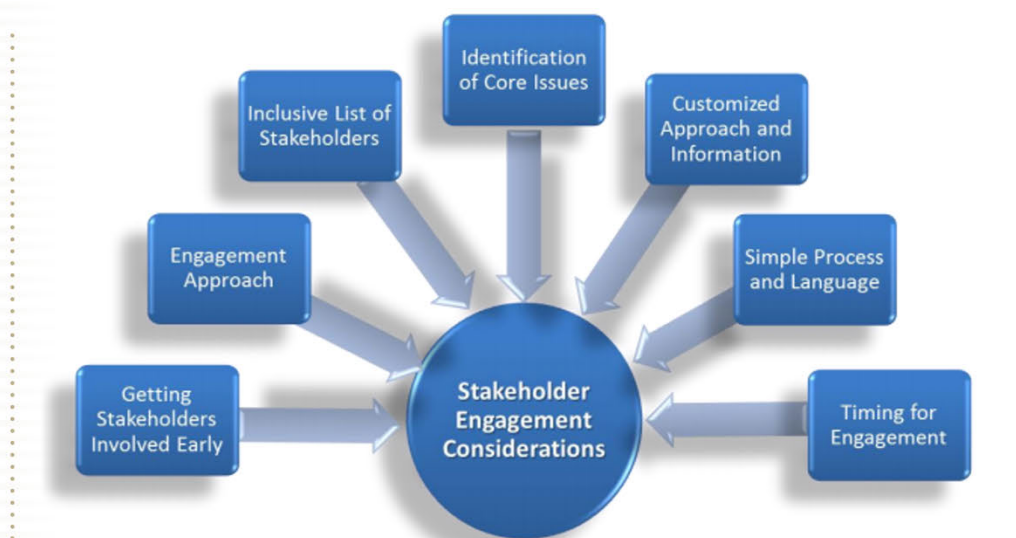
EFFECTIVE ENGAGEMENT AND ROLE OF CONSUMERS

Broadly, there are three possible areas where customers could be involved in the regulatory process. These areas are outlined below.

- 1) As part of the general consultation process for any regulatory decision-making by the regulator (e.g. publication of consultation documents, public meetings, etc.);
- 2) Related to the justification of elements of an investment programme since customers pay and will benefit from the investment; and
- 3) As part of the accountability process through some form of right to appeal regulatory decisions

As part of the first area identified, the RIC will continue to focus on methods to improve engagement with consumers and all other stakeholders about the RIC's decision-making process (i.e. ex ante involvement where consumer views impact on regulatory decisions). There are a number of considerations shown in figure 1 below, that will help the RIC to enhance customers/stakeholders participation.

Figure 1.
Stakeholder
Engagement
Considerations



The second area where customer involvement is becoming a major concern for the regulator is the role given to consumers in the determination of investment needs, as well as the entire area of improving service providers' focus on customers. Many regulators require service providers to undertake customer surveys prior to each price control review to establish willingness-to-pay. This information is then used as an input into a cost benefit analysis, with projects required to meet the cost benefit test for inclusion in the CapEx (Capital Expenditure) programme.

The US Federal Energy Regulatory Commission has successfully encouraged parties to settle cases and these settlements (“constructive engagement”) have become part of established policy. For example, the Office of Public Counsel in Florida, USA, has frequently negotiated settlements with utilities on behalf of customers. Similarly, the Civil Aviation Authority, UK, has asked the airlines and airports to participate in “constructive engagement” in order to try to agree on specified elements of the price control, that is, quality of performance standards, traffic forecasts and the investment programme. Constructive engagement mechanisms can range from relatively informal discussions with stakeholders to formal, negotiated settlements. In negotiated settlements, stakeholders negotiate directly with service providers to reach an agreement that the regulator then endorses.

Of course, engagement with customers by a regulatory body is different from service providers and customers engaging with each other with a view to reaching an agreement. The RIC is of the view that there is a role for the service providers to play in actively engaging their customers on an on-going basis, not just during Price Reviews. In fact, constructive engagement is consistent with local legislation and practice, while the public contest method would require legislative changes. The former offers the benefits of negotiated settlements, provided that the regulatory specification of the issues to be engaged in, reflects the preferences of the participants and that the rules are clearly defined. The parties also have to consider the cost implications which would be, in the final analysis, the responsibility of the regulator.

The RIC will encourage the service provider to provide opportunities for consumer engagement and to engage proactively with customers on an on-going basis. In the case of state-owned public utilities, customers are the service provider’s ultimate shareholders and should therefore be involved in key decision-making. Additionally, there are certain expectations about how the service provider communicates with the public and is held accountable for its activities. Currently, there is a closed rather than an open style of communication. Consultation should be at the heart of good policy development. Openness and real dialogue with the public are likely to be extremely beneficial to service providers to gain and keep public support, as well as to move closer to their customers/stakeholders. In this regard, the RIC will encourage all service providers to:

- consult with the public on proposals for, and the undertaking of any significant activity in the exercise of their core functions. Among the topics for public consultation, the service providers must ensure that those affected by their infrastructure and construction projects are fully consulted and informed about these activities. This will provide a sense of ownership and stewardship over the process and resulting decisions;
- use their websites to promote openness and to facilitate knowledge about, and participation in, its core activities by:
 - making information and documentation available on the website;
 - making the website more interactive, especially to e-mail queries; and
 - including a prominent section dealing with the service provider’s planning and development activities (on-going and completed); and
- demonstrate that their business plans have been discussed with their customers and that due regard has been given to the views expressed during this process.

The third area where customer involvement can be considered is the issue of third party right to challenge the RIC’s final price control decisions (i.e. ex post involvement where consumers can appeal against regulatory decisions). Currently, the judicial review mechanism allows challenges to be brought on the basis that the decision was unlawful, procedurally unfair or irrational but not on the merits of decision taken. A third party merits-based right of challenge could enhance and improve the perceived legitimacy of the regulatory regime. However, there are risks that such a mechanism may prompt unwarranted challenges that unnecessarily raise regulatory uncertainty and lead to delays in the implementation of price controls/decisions. In fact, in the few countries where customers have the right to appeal regulatory decisions, the experience demonstrates that an unfettered right to appeal may not be appropriate.



REGULATED INDUSTRIES COMMISSION

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RIC's PUBLIC CONSULTATION GUIDELINES

The Regulated Industries Commission (RIC) is the economic regulator for the Water, Wastewater and Electricity Sectors in Trinidad and Tobago. Consultation is a legal requirement under the RIC Act, No. 26 of 1998 and it is also a critical component of effective regulation.

Why Consult?

Under the RIC Act, the RIC has a statutory obligation to consult and the RIC will work towards ensuring that:

- All Stakeholders are afforded the opportunity to express their views;
- Adequate and accurate information is shared between the RIC and stakeholders;
- Input, information and feedback are obtained from persons whose rights or interests may be materially affected by the proposed regulatory measure or decision;
- The Commission fosters regulatory transparency and objectivity;
- Stakeholders' understanding, participation and confidence in the regulatory process are 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.

GUIDELINES FOR THE PROCESS

The RIC's consultation process includes the following discrete components:



The RIC will provide various opportunities to encourage wide participation and intends to keep stakeholders informed.



For further information, the RIC's **Guidelines for the Public Consultation Process** document can be accessed on the RIC's website at www.ric.org.tt

FOLLOW US:



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TOLL FREE: 800-4RIC (4742)

RIC *Virtual Carnival Celebrations*

In keeping with the RIC's COVID-19 protocols, this year's Carnival celebration was a bit different as the RIC continued to observe social distancing and all other COVID-19 protocols. Staff were invited to participate in a number of online activities to commemorate Trinidad and Tobago Carnival.

SCAVENGER HUNT

RIC Carnival Scavenger Hunt

Participants were required to gather or complete all items on a list. The goal was to be the first to complete the list or to complete the most items on the list, take a photograph of listed items and forward it to the Corporate Communications Department. The first participant that submitted their photo via email won the prize.

WORD SCRAMBLE

Trinidad Carnival

The objective of this game was to re-arrange or unjumble the scrambled letters to make a meaningful word. The theme was Trinidad Carnival. The first participant that answered all correctly and submitted their answers to the Corporate Communications Department via email won the prize. The winners of the Word Scramble were:

1st PLACE – Omari Bekoe • 2nd PLACE – Connel Mottley

**PRIZES THAT WERE GIVEN
TO STAFF FOR WINNING
ONLINE GAMES**



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Ms. Suzette Boodoo
Receptionist



Ms. Nadia John
Legal Corporate Secretary

COVID Carnival Tabanca

Participants were asked to submit a photo of their most memorable Carnival experience. Photos were uploaded to the blog and staff had the opportunity to vote via the RIC's Internal Blog.



Mr. Connel Mottley
Standards Engineer

RIC Carnival 'Mask' Competition

Participants were required to decorate a disposable or reusable face mask and their peers deliberated and selected a winner.

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RIC NEWS WELCOMES YOUR VIEWS AND COMMENTS!

Contact: Ms. Driselle Ramjohn, Corporate Communications Manager at ramjohnd@ric.org.tt OR comments@ric.org.tt