

OUR works within the ambit of its jurisdiction

Elizabeth Bennett Marsh/
Guest Columnist



In forefront are members of the management team of the Jamaica Public Service Company during a media tour of the 190-megawatt power plant at Old Harbour Bay, St Catherine, on January 9, 2020.

THE OFFICE of Utilities Regulation (OUR), established under the Office of Utilities Regulation Act, prides itself on being an independent regulator that objectively executes its function for the benefit of all stakeholders, within the ambit of its jurisdiction.

Broadly, the OUR's objectives, *inter alia*, are to:

- Ensure that consumers of utility services enjoy an acceptable quality of service at a reasonable cost;
- Establish and maintain transparent, consistent and objective rules for the regulation of utility service providers;
- Promote the long-term efficient provision of utility services for national development, consistent with government policy;
- Provide an avenue of appeal for consumers who have grievances with the utility service providers;
- Work with other related agencies in the promotion of a sustainable environment; and
- Act independently and impartially.

As the utilities regulator, we determine the regulatory framework within which the regulated entities operate, as well as set the utility service rates and standards for some of these entities. In carrying out this role, we take into account the needs of all relevant stakeholder groups which include the Government of Jamaica, the utility service providers and their largest stakeholder group, consumers of these utility services. While we are not a consumer advocacy group, we provide an avenue of appeal for utility consumers from decisions made by these

companies with regards to customer complaints.

In particular, the OUR is mindful that in any economic environment, providers of services expect to be fairly compensated, and consumers of the services expect to get value for their hard-earned money. We, therefore, continually seek to engage the public, civic bodies, community organisations, etc. to listen to their concerns to ensure these points are at the forefront of our minds in addressing various issues for which we are given responsibility.

UPCOMING PUBLIC CONSULTATIONS

It is with this intention that the OUR had the pleasure of attending the meeting of the St Catherine Municipal Corporation on Thursday, February 13, 2020, where we addressed members regarding the upcoming public consultations to be held as part of the OUR's review of the 2019-2024 JPS tariff application.

As anticipated, a number of important questions was posed

to the OUR, and comments made, some of which formed the basis of your news item published in *The Gleaner* on Friday, February 21, 2020. As we did then, we are again here taking the opportunity to address some of these queries, using this forum.

The OUR sets rates for electricity and water services, and we expect that the bills received by customers will be commensurate with their consumption of said services. Where there is departure or concerns, the OUR has established procedures for aggrieved customers to seek relief. Customers must, however, first seek to have the matters addressed by the utility providers. We strongly recommend that such queries be put in writing, whether by email or hand delivery, so that there is a written record of the complaint. Where the utility fails to respond or resolve the issue, or customers are dissatisfied with the utility's response, the issue can be escalated to the OUR as an appeal.

On the matter of charges for

sewerage services for customers not connected to the NWC system, the National Water Commission Act permits the NWC to impose sewerage rates in areas where it operates a sewerage system (Section 12 of the Act).

The National Water Commission (Water Supply Services) (Rates and Charges) Regulations, 1985 prohibits the NWC from imposing those rates in the areas specified in the Third Schedule of the regulations, on premises that are more than 100 yards from the connecting sewer (regulation 21(3)). The OUR's exercise of its regulatory functions must be guided by the provisions of the applicable law and, therefore, it has no discretion in determining in these circumstances whether or not the NWC can impose a sewerage rate on customers. Furthermore, the objective of this particular regulation is consistent with the protection of the environment.

Councillor Fenley Douglas complained about the quality

of the replacement streetlights in his division. JPS launched a Smart Streetlight project in 2017, and reported that it had replaced approximately 42,000 Smart Light Emitting Diode (LED) streetlights at the end of 2018. The plan is to fully replace the country's approximately 105,000 traditional High Pressure Sodium (HPS) streetlights. The OUR will be reviewing various aspects of this programme in its assessment of the tariff application submitted by the JPS. This should provide us with a better picture of what has been the result and performance to date.

POOR QUALITY OF THE TELECOMS SERVICES

The poor quality of the telecommunications services being provided over the past several months is a source of deep concern for the OUR and for which it is clear that the fix is not immediate. We, however, have been engaging intensively with both of the major providers to seek expeditious resolution and to closely monitor their performance.

We will continue to work assiduously with these operators to ensure that the problems affecting the quality of phone and Internet services are addressed urgently. In this regard, recent actions by the OUR include instructing both major telecommunications providers, following major voice and data services disruptions on their networks in October 2019, to immediately implement measures to provide their customers with service interruption notifications and updates on service restoration times.

Also, after the major FLOW outage in December 2019, that telecommunications company indicated to the OUR - in response to our request - that it had awarded the affected customers free voice minutes and data capacity to address the period of loss of service.

Additionally, technical quality-of-service standards are currently being developed for the telecommunications sector. The OUR is currently preparing a consultation document regarding the possible introduction of automatic compensation for breaches of approved service standards by telecommunications operators. We are also aware that one provider has a contractual obligation to provide rebates to its customers, who are without service for 72 consecutive hours or more.

Ultimately, however, the OUR's concern is to ensure that telecommunication services are restored to acceptable levels and that there is assurance of stable and improving service going forward. We will continue to focus on this, even while pursuing all measures or redress currently available by law.

As our Public Affairs Coordinator, Mr Gordon Brown would have emphasised at the meeting, the JPS public consultations, one of which will take place at the José Martí Technical High School in St Catherine on Monday, March 23 at 6 p.m., are an important platform for residents to meet face-to-face with JPS executives, and directly voice their concerns. Public consultations are also an important avenue through which the OUR's technical staff can receive a first-hand account of issues impacting residents, and conduct follow-up checks and reviews while carrying out the assessment of JPS' tariff application.

We look forward to seeing a strong contingent of community representatives at all the consultations to be held in the eight parishes as advertised, from March 10-25, 2020.

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