

CACU Response to OUR NPRM

Dispute Resolution

02.06.2017

Office of Utilities Regulation
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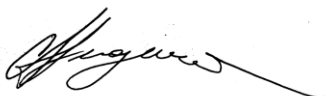
Attention : NPRM – Dispute Resolution for Licensees Consultation

The Consumer Advisory Committee on Utilities (CACU) thanks the Office of Utilities Regulation (OUR) for the opportunity to participate in the consultative process on the Guidelines on the Resolution of Regulatory Disputes between Licensees in Regulated Sectors.

In that regard, please find attached the CACU's response to the Consultation Document on the subject.

We look forward to further discourse on this important matter.

Regards.



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Engineer & ICT Professional

Consumer Advisory Committee on Utilities (CACU)


Following the review of the document a number of points have been raised by the CACU for which we believe further clarification and discussion is required.

Please review the points below:

1. If interconnection disputes continue to remain separate process, then a single matter that involves both interconnection and regulatory disputes would be treated to two separate processes which could make resolution burdensome and lengthy.
2. Please provide further clarification on whether a Complaint and a Notice for Request along with Affidavit are considered as separate matters. (pg 10, section 4.(1)) Section 8 of the Act already provides for treating with complaints, that is, conducting an enquiry/investigation and the process related thereto. Further section 8A provides for the OUR determining whether or not to undertake an enquiry/investigation. 'Complaints' may not be the appropriate term to use.
3. Please clarify the final section on pg 10 section 4 paragraph (4) (highlighted), which states:

Where the Office exercises its powers under this section to resolve a complaint, this shall not constitute a decision on the merits of the complaint.

4. **Page 11 - Intervention by the Office in a Dispute** – it is submitted that pursuant to section 4(1), if the Office intervenes in a dispute, their powers would be limited to undertaking an investigation. In such cases would the OUR be the appropriate arbiter of such disputes?
5. The form that the acknowledgment of receipt will take (Pg 11. Section 6) should be clearly stated.
6. If it takes 14WD (working days) for the Office to resolve a complaint and 5WD for the office to send complaint for a response from a respondent. This means the process will take 19 WD, assuming the latter action comes first then the 14 day timeline. This timeline should be reconsidered to see if it can be reduced.

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7. There is a Filing of the Response (pg 13 Section 10) and Service of the Response (pg 14 Section 12). Can these two actions be clarified with respect to their timelines? 10WD to file response and 3WD to serve response. The OUR may wish to review the timelines and align same to those prescribed in the Supreme Court Civil Procedure Rules.
 8. There seems to be a logistical time challenge with Notice of Meeting and Further Evidence at a Meeting (pg 17). A notice is to be issued 10WD before a meeting and any party with further evidence for that meeting must submit same 10WD before the meeting. It does not seem that the parties would have the same 10 days if that is when they are being given the notice of a meeting.
 9. **Office's capacity to implement this process:** The question arises as to whether the OUR has the capacity to implement this process, which includes conducting hearings etc. Given the process outlined the OUR will be taking on the role of a Court or similar Tribunal. What are the human resource implications for the OUR and by extension financial implications? Does the OUR have the administrative capacity required to support this process? Does the OUR have the required technical capacity? What is the nature of the disputes which is envisioned to be subject to this process? Is it envisioned that commercial disputes between licensees may be referred to the OUR?