



OFFICE OF UTILITIES REGULATION

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# **Office of Utilities Regulation**

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## **Service Level Agreement Between the National Water Commission (NWC) And The Office of Utilities Regulation**

Publication Date: 2019 November 5

DOCUMENT TITLE AND APPROVAL PAGE

1. DOCUMENT NUMBER: 2019/WAS/006/SLA.002

2. DOCUMENT TITLE: Service Level Agreement with NWC

3. PURPOSE OF DOCUMENT: This document outlines the agreement between the OUR and NWC regarding the Appeals process timelines and the requirements of the NWC.

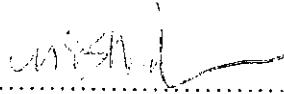
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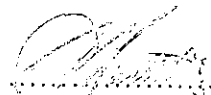
5. APPROVAL

This document is approved by Office of Utilities and Regulation and becomes effective on the date of approval.

On behalf of the OUR:

On behalf of the NWC:

  
.....  
Director, Consumer and Public Affairs

  
.....  
V.P. Investment and Performance  
Monitoring

2019 November 5

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Date

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## **Introduction**

### **Rationale for Service Level Agreement**

- 1.0 The Office of Utilities Regulation (OUR) has established a process to investigate customers' appeals of utility service providers' decisions. Inherent in this process are activities with specific timelines to be carried out by either the OUR or the service provider. Additionally, the OUR continues to receive most of its appeals from customers of the Jamaica Public Service Company Ltd. (JPS) and the National Water Commission (NWC).
- 1.1 In 2014, Service Level Agreements (SLAs) were established between the OUR and JPS and the OUR and NWC as a result of concerns about the timeliness of the feedback requested by the OUR. The SLAs outline agreed upon responsibilities of the service providers and the OUR relating to the Appeals Process. Since then, while there has been some improvement in the delivery of responses there remains room for improvement because of the inconsistency in the level of compliance with the agreed timelines for acknowledgment of, and responses to appeals. As such these SLAs are periodically reviewed and revised, if necessary.
- 1.2 This SLA is a revised version of the 2014 document established between the NWC and the OUR and becomes effective as at the agreed date.

### **Role of the Consumer & Public Affairs Department**

- 2.0 This Department incorporates consumer affairs through the Consumer Affairs Unit (CAU) and public affairs, through the Public Affairs Unit (PAU) and the Information Centre (OURIC). Additionally, it supports the work of the Consumer Advisory Committee on Utilities (CACU) which is an independent advocacy group whose operations are facilitated by the OUR.
- 2.1 The CAU is charged with resolving consumers' appeals through a thorough, objective and transparent process. The following are some of the responsibilities of the Consumer & Public Affairs (CPA) Department:
  - i. Administer the consumer affairs regulatory function of the Office of Utilities Regulation (OUR);
  - ii. Monitor and evaluate the customer service performance of all regulated utilities; and

- iii. Ensure that customers of utility providers are kept abreast of their rights and responsibilities in their dealing with the service providers.

## **Objectives**

- 3.0 In carrying out its functions, the Department:
  - a. Ensures that customers of the utility providers enjoy an acceptable quality of service at an economic cost and are assured of secure supplies;
  - b. Provides an avenue of appeal for consumers in their relationship with the utility providers;
  - c. Informs and educate consumers and the general public; and
  - d. Works with related agencies to enhance our effort in protecting consumers' interests.

## **Strategy**

- 4.0 The CPA Department uses as a primary input to its policy development and advice to the Office, feedback received from consumers. The CAU analyses the complaints received from customers as well as feedback at town hall meetings, outreach activities, public fora and the media. The following are other strategies employed by the CPA:
  - (i) A national consumer satisfaction survey seeking consumer feedback on a range of consumers' issues is conducted every twenty-four (24) months. Additionally, an annual public education programme is pursued which includes the use of mass and social media, the organization of outreach events with stakeholders on pertinent regulatory matters.
  - (ii) A quarterly report is published on the performance of the various utility providers, outlining, inter alia, the number and nature of the contacts received.
  - (iii) Regular meetings with utility providers offer a medium for the OUR to be updated about the treatment and progress of consumer matters, including case letters and appeals being handled by the CAU. The meetings also facilitate the discussion of any major and pertinent consumer issues.

## **Mystery Shopping**

5.0 Mystery Shopping, is a tool used to measure quality of service, or compliance with regulation, or to gather specific information about products and services. Since 2017, the CPA Department has implemented a Mystery Shopping programme, the purpose of which is to garner information on the quality of service being offered to customers by utility providers. Below are the objectives of the Mystery Shopping programme:

### 5.1 Overall Objectives

To allow the regulator to find out about the quality of services being offered by the providers; identify if the providers' employees are aware of the performance standards (Guaranteed Standards); evaluate providers' customer service interaction and review environment as well as to test their escalation process.

### 5.2 Specific Objectives:

- (a) To ensure that the utility providers are adhering to the stipulations outlined in their tariff agreements, their Business Policy or the terms and conditions of their licences;
- (b) To assess consumer experience and provide objective quantitative and qualitative feedback about their experience; and
- (c) To improve consumer satisfaction experience and to provide feedback on customer services provided by service providers.

## **Appeals Process**

6.0 The activities of utility providers are guided by terms and conditions within their licence and/or Act or in the case of the National Water Commission (NWC), their Commercial Operations Policy. There are occasions, however, when consumers feel that the particular action(s) of a utility company might have been in breach of the utility's terms and conditions or might have been unfair to them. In such circumstances, the OUR is an avenue for recourse in having these customers' concerns investigated and addressed through its Appeals Process.

6.1 Prior to submitting an appeal to the OUR, consumers must first take their complaint, or issues giving rise to the complaint, up to the level of a senior officer at the respective utility provider.

The hearing of grievances is a consumer’s right and utilities are obliged to review such matters with the aim of having the issue addressed or clarified.

### CAU Internal Performance Standards

7.0 The following timelines for the Appeals Process and the internal performance standards for the CAU, were considered in arriving at the recommended service levels:

**Process Timelines for NWC Appeals**

<u>Description</u>	<u>Timelines</u>
Acknowledging correspondence & Assigning Appeal	2 working days
Case Letter Preparation	5 working days
Receive NWC’s Response/Update	30 working days
Review of Provider Response & prepare Follow-Up (F/U) Case letter or issue Directive (where necessary)	10 working days
Receive response to F/U Case Letter	5 working days
Review Response to F/U Case Letter	5 working days <sup>1</sup>
Final Letter Preparation (Draft)	5 working days
Supervisor’s Review of Final Letter	2 working days
Dispatch Final Letter	1 working day
<b>Total</b>	<b>65 working days</b>

### Special Appeals

7.0 There are appeals that, based on the nature of the issue, may require expertise and/or resources that do not reside in the designated units of the OUR and NWC to effectively resolve same. Accordingly, the classification of “Special Appeals” was revised to provide additional time to both parties to complete their investigation of these matters.

<sup>1</sup> Subsequent to the review of the provider’s response to the OUR’s Case Letter, Follow-up Case Letter or Directive issued, the appeal may be escalated to the Supervisor, Manager or Director and would then be treated as a Special Appeal.

8.0 Where necessary, an additional five (5) working days is allotted to the NWC to respond to Follow-up Case Letters sent by the OUR. These appeals will thereafter be reclassified as Special Appeals. The OUR has also reduced its time to review Special Appeal from twenty (20) to fifteen (15) working days; thereby retaining the completion timeline for Special Appeals at 85 working days.

#### **Appeals to the Director**

9.0 In our final response to an appeal, the customer is advised that the decision of the CAU can be appealed to the Director – Consumer and Public Affairs. This provision is however contingent on the customer providing new/additional information that was not previously submitted in the initial appeal. Additionally, the customer is required to submit an Appeal to Director within fifteen (15) working days as at the date of the final letter.

#### **Other Appeals Activities**

9.0 Monthly reports detailing the appeals for which the responses are outstanding will be generated and sent to the NWC. Where the responses/updates are not received within ten (10) working days of submission of the report, the matter will be escalated to the Vice President – Investment and Performance Monitoring, NWC, for action. Similarly, the CAU will provide NWC with a monthly update on appeals for which our responses are outstanding.

10.1 As a consequence, the following are the proposed Service Level Agreements (SLAs) to which the utility provider will be accountable. It is being recommended that the following be agreed upon by all parties and published:



## Recommended Service Levels

- 11.0 NWC is expected to respond to **OUR's Case Letters** regarding customer's appeals within **thirty (30) working days** of receipt. The Commission is also expected to acknowledge receipt of our Case Letters within five (5) working days.
- 11.1 NWC is expected to respond to the **OUR's follow-up case letter** within **FIVE (5) working days** of receipt for General appeals. However, where necessary, the NWC shall notify the OUR within **FIVE (5) working days** of receipt of the Follow-up Case letter that additional time is required to provide the response. Such Appeals shall then be reclassified as a Special Appeal with the NWC being allotted a total of ten (10) working days to provide the response, from the date of the Follow-up Case Letter.
- 11.2 The OUR's Final Letter to the customer is to be dispatched within **EIGHTEEN (18) working days** of receipt of utilities' response (where no Follow-up Case Letter was sent). The NWC will be provided with a copy of the Final Letter.
- 11.3 The OUR is expected to complete investigations of NWC appeals within the following timelines:
- **Sixty-five (65) working days** for GENERAL APPEALS (which do not require external consultation)
  - **Eighty-five (85) working days** for SPECIAL APPEALS (Appeals which require additional time and resources, by both parties, to effectively resolve)
  - Forty (40) working days for an Appeal to Director
- 11.4 The utility provider is to extend the hold on the customer's account for **THIRTY (30) days** subsequent to receiving the OUR's final response to allow the customer to make arrangements for the balances that are outstanding and/or give the customer time to appeal to the Director – Consumer and Public Affairs.

**Appendices**

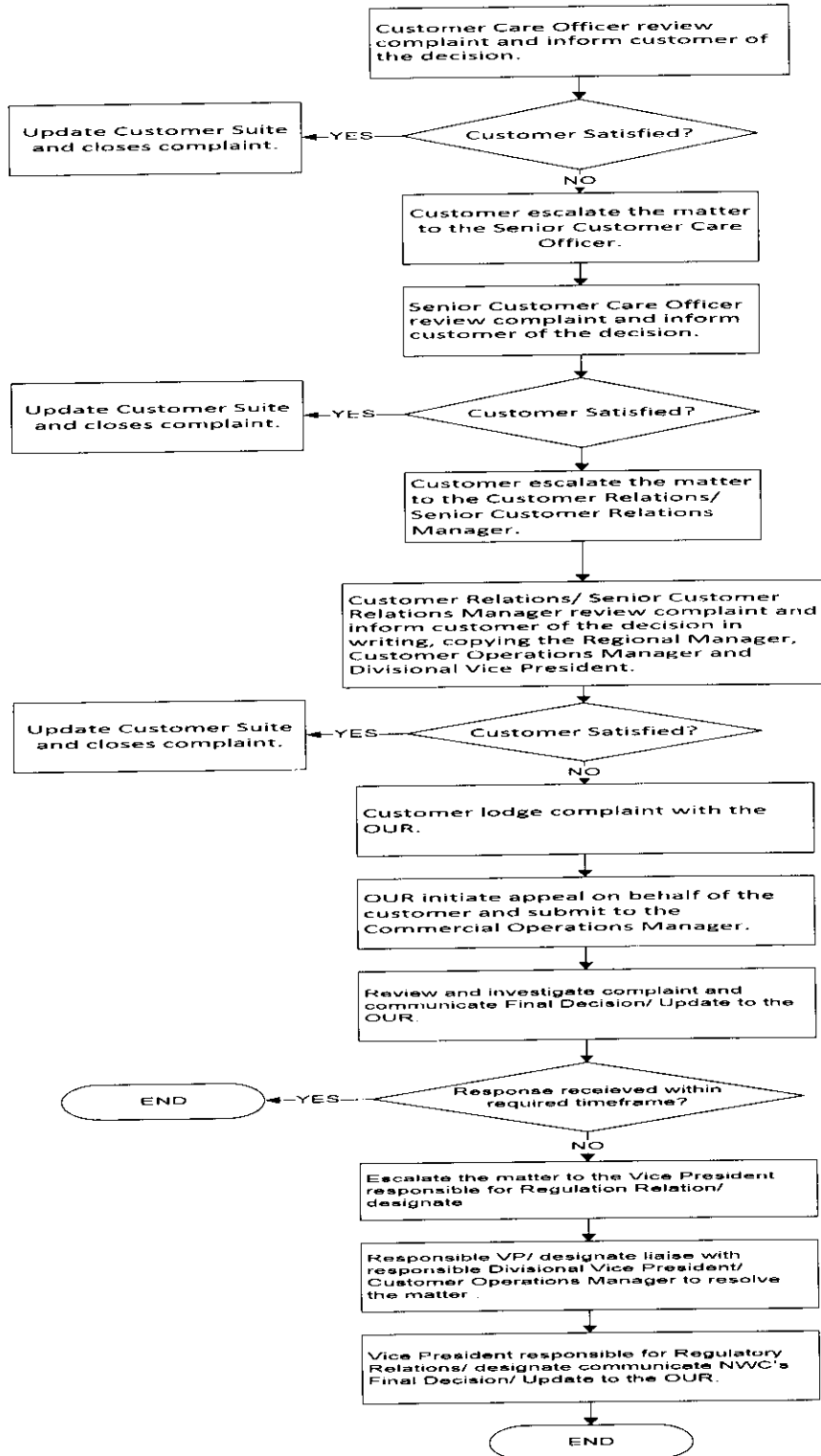
## Appendix 1

### Definitions

- Appeal:** Any contact in which the utility provider has completed an investigation into a customer's complaint, the customer remains dissatisfied with the outcome and writes to the OUR asking for an independent investigation of the matter.
- Appeal to Director:** Escalation to the Director of the Department, contingent on the customer providing new/additional information that was not previously submitted.
- Complaint:** Any contact expressing dissatisfaction with the handling of a complaint by the utility provider and to which the OUR takes steps to resolve without conducting a formal investigation.
- Customer Contact:** Any contact made to the OUR to register an appeal, inquiry, opinion, etc. Contact can be made through the telephone, post, electronic and social media channels (emails, website, and Facebook page) and visits.
- Enquiry:** Any contact requiring verification/confirmation of information relating to the OUR, a utility service, policy and/or practice, etc.
- Opinion:** Any contact expressing a view about the actions, practice or terms of service, etc. of a utility provider or the OUR.
- Referral:** Any contact advised by the OUR to consult the relevant utility provider because the complainant had not initially utilized and/or exhausted the complaint procedure within the relevant utility provider.
- Senior Officer:** A Senior Officer within the NWC is at the level of the Customer Relations Manager (CRM).
- Special Appeal:** Any Appeal which requires expertise and/or resources outside of the designated Units of the OUR and NWC to effectively resolve.

# Appendix 2

## NWC's Escalation Process



## Record of Adjustments

The information below represents a record of major additions or omissions that are reflected in this version of the document.

<u>Seq. No.</u>	<u>Page(s) No.</u>	<u>Where Change Made</u>	<u>Reason for Changes</u>
1	5	5.0	Document revised to include Mystery Shopping
2	6, 10	7.0, Definitions	Document revised to include Special Appeals
3	7,10	9.0, Definitions	Document revised to include Appeal to the Director