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May 5, 2017

Mr. J Paul Morgan  
Chief Executive Officer  
Utility Regulation and Competition Office  
3rd Floor, Alissta Towers  
85 North Sound Rd.  
Grand Cayman

Dear Mr. Morgan,

**Re: Draft Consultation Procedure Guidelines**

We thank the Utility Regulation and Competition Office ("the Office") for the opportunity to make submissions on the draft Consultation Procedure Guidelines ("Guidelines"). As noted in one of our recent meetings, Digicel is of the view that the Office could do more to engage operators and other stakeholders not only when a cause for decision-making should arise but as a general practice to establish and maintain a more open and communicative relationship between the Office and operators. Therefore, while we consider these draft Guidelines to be a step in the right direction, we certainly do not believe this should define the extent of the engagement between operators and the Office.

It is noted in paragraph 11 of the consultation document that the Guidelines are not legally binding and the Office may unilaterally depart from the Guidelines at any time upon giving reasons to do so. It was also noted that while the Office will generally adhere to the Guidelines once these are in place, there was recognition of the need for the procedure to be sufficiently flexible and dynamic to address the exigencies of the relevant regulated sectors.

As a general observation, we believe that the Consultation Procedure should be afforded a higher degree of force and authority than its classification as Guidelines affords. As set out in paragraph 9, the proposed objectives of the Guidelines include to ensure regulatory transparency and objectivity and to strengthen public, licensee and other stakeholder understanding, participation and confidence in the regulatory process. However, these same objectives would be defeated if the Office proposes to unilaterally make changes to provisions which stakeholders have a reasonable expectation that the Office would adhere to. The Guidelines should ensure that stakeholders have some certainty as to the process by which the Office would seek to engage stakeholders, how their views would be considered and the extent to which these views are likely to influence the decisions of the Office. If after consulting on these Guidelines, the Office may then change any of these Guidelines at its whim and fancy, merely giving reasons why, in its own opinion, it was considered necessary to do so, then this serves to defeat the confidence that the Office hopes to engender upon the implementation of these same Guidelines. We recommend, therefore, that the Guidelines (and any material amendment thereto) itself be classified as an administrative determination of public significance so as to fall within that category of regulatory measures that should be subject to prior public consultation.

**Question 1: Provide your views on how the Office might best encourage input from interested parties.**

As noted in the consultation document, the method of the consultation adopted by the Office in any particular case should depend on the nature of what is being proposed, the number of persons likely to be affected by the decision and the impact on the industry and the public as a whole.

Certainly, as a public authority, the Office should firstly proceed on the basis that any decision which it makes would necessarily have an impact on the public and therefore, the general public should be granted the opportunity to provide input. Therefore, the presumption should be made that the Office would generally publish its proposed administrative determinations<sup>1</sup> and invite comments from the public. However, it is important for a distinction to be made between those administrative determinations which are largely of general import and those which arise as a result of dispute resolution proceedings between a limited number of disputants on specific commercial issues which affect only the disputing parties. Therefore, the presumption of open public consultation must be set aside in such cases.

When inviting public comment, it would be useful to bear in mind that it is usually the case that members of the general public are not usually minded to make comments on matters which they believe do not closely affect them. Therefore, the response rate from the general public to matters of a highly technical nature is likely to be slim. This does not mean, however, that the opportunity for the public to provide input in these matters should be removed. In order to engender public confidence in its decision making, it would be necessary for the Office to have on record the fact that the public was afforded an opportunity for input.

In other matters which are perceived by the general public to have a greater impact on them such as consumer rights and obligations, the imposition of consumer taxes or the regulation of broadcasting content, it would be appropriate for the Office, in addition to posting the proposals and inviting comment, to take steps to actively engage the public e.g. by hosting public meetings or by providing other fora for active public engagement.

The Office should note that all administrative determinations would necessarily affect licensees and that licensees would always be the stakeholders closest to the issues subject to consultation. Therefore, it would be in the interest of the Office to ensure that licensees are afforded the maximum opportunity for comment and input. Therefore, it is Digicel's view that, in relation to any and all administrative determinations made or to be made by the Office, the Office's communication to licensees must necessarily extend beyond the posting of notices on its website. In addition, the Office must also engage the individual licensees at every stage of the decision-making process – not only at the onset during the formal consultation process.

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<sup>1</sup> The definition of "administrative determination" is quite broad and appears to encompass all decisions made by the Office. The term is defined as "includes any orders, regulations, directions, decisions or other written determinations by which the Office establishes the legal rights and obligations of one or more licensees but does not include any administrative guidelines"

**Question 2: Provide your views on the process the Office proposes to adopt for consultations where the regulatory or other measures are technically complicated with important legal and economic implications. What considerations should be used to determine when there should be a particular form of consultation?**

Paragraph 14 of the consultation document provides that *the Office envisages that it will consult in circumstances where the proposed administrative determinations are technically complicated with important legal and economic implications*. This would suggest that the Office does not intend to consult on matters which, in the opinion of the Office, are not technically complicated with important legal and economic implications. There is also the suggestion that only matters that impact a large number of parties would be subject to consultation.

We believe that the Office, without first engaging a licensee, does not necessarily have a true appreciation of the technical complexities and the financial implications of a proposed measure as it relates to that licensee. Therefore, the Office might not be in the best position to determine, without some form of prior consultation or engagement with licensees, the extent to which these measures may involve a significant impact on licensees so as to warrant consultation. Therefore, we recommend that any administrative determination that results in changes in the licence conditions and or the rights and obligations of licensees, whether or not the Office might hold a view as to the technical complexities or other implications of the proposed measure, should be subject to some form of consultation or engagement with licensees, although, as explained above, the method of consultation may vary depending on the scope of what is being proposed.

It is important that the Office identifies in the Consultation Procedure Guidelines, the different forms of consultation that it might be minded to adopt and the different factors that it will consider when deciding what method of consultation would be applied in a given case. The Office has not set out in this consultation document, the specific process that it intends to adopt for consultations where the regulatory or other measures are technically complicated with important legal and economic implications or for any other kind of regulatory measure, for that matter. Therefore, we are unable to comment on same. Nevertheless, we wish to put forward for the consideration of the Office, our comments outlined above, and as summarized below:

- There should be a general presumption that the Office would generally publish all its proposed administrative determinations and invite comments from the public.
- However, that presumption would be set aside in cases where the need for an administrative determination might arise as a result of dispute resolution proceedings between a limited number of disputants on specific commercial issues which affect only the disputing parties without bearing on a wider regulatory issue or where meaningful input cannot be made without reference to commercially sensitive information which would not have otherwise been made available to the public (“party-specific dispute resolution proceedings”). In such cases, involvement by the general public must necessarily be limited and it would be in order for the Office to engage only a closed group of persons.
- The Office should take steps to actively engage the public in matters which are perceived by the general public to have a greater impact on them. This is distinct from passive engagement such

as the posting a notice of consultation. Active engagement might include public meetings or the targeting of special interest groups.

- The Office must actively engage licensees at all times in relation to any and all administrative determinations made or to be made by the Office, with the exception of party-specific dispute resolution proceedings with limited regulatory import. The Office's communication to licensees must necessarily extend beyond the posting of notices on its website. The Office must also engage the individual licensees throughout the decision-making process.

**Question 3: Provide your views on the proposed structure and content of notices of consultation, consultation documents, and consultation decisions.**

Paragraph 16 of the consultation document seems to suggest that, as a general rule, that the Office would publish the Notice of consultation on its website and may, at its discretion, publish the Notice in national newspapers and or, on radio stations and or send individual notices to licensees.

Digicel respectfully recommends that, as a general rule and in all cases, individual notice should be sent to the official contact for each licensee and the Office should take steps to confirm that the Notice was, in fact, received. Not only would this form of active engagement serve to meet all the objectives set out in items (a) to (h) of paragraph 9 but it would also be in the Office's best interest to have proper record of the extent to which a licensee was afforded an opportunity to be heard, in the event that an administrative determination is subsequently challenged.

The proposed structure and contents of the Notice of consultation are acceptable.

As it relates to the consultation document, the proposed content and format are generally acceptable. However, we note at item (d) of paragraph 20 that the Office intends to include a list of focused questions for persons providing comment. Whilst a list of focused questions would be useful, we consider that, at times, the list of questions do not allow for input on the key issues which a responder might wish to bring to the attention of the Office. A focused list of questions also gives the impression that the Office is of the view that no other issue should reasonably arise from its proposals and that it is only prepared to engage on the limited issues identified in the consultation document. Therefore, it might be useful for the Office to word the invitation to comment so as to attract comments in general and perhaps, as a form of assistance to responders, suggest the focused list of issues that they might want to focus on.

Paragraph 22 of the consultation document notes that the Office also proposes to, from time to time, engage the public, Licensees and other stakeholders through other, more informal, methods such as holding face to face meetings. By way of advice to the Office, we recommend that if any submission made in any of these informal gatherings are to be taken into consideration by the Office in its decision-making, there must be a record of the submissions made (perhaps as minutes of meetings or agreed notes). This is important for all the reasons set out by the Office in paragraphs 24 and 25 of the consultation document.

**Question 4: Provide your views on whether the Office should make all submissions and documents filed with the Office available to the public as a matter of course, subject to any justified confidentiality claims.**

**Question 5: Provide your views on the proposed procedures to assess and make determinations on confidentiality claims.**

We agree that submissions made in response to consultations should be published, subject to any justified confidentiality claims.

However, we strongly recommend that there are specific classes of information which, even in the absence of detailed reasons and explanations to justify confidentiality, are so commercially sensitive that they must necessarily be presumed to be confidential and if they are simply marked as confidential by the responder, they should be treated as such by the Office. This includes information such as subscriber numbers, revenues and details of plans and promotions etc. which can be used by a sufficiently motivated person to gain an unfair commercial advantage or to otherwise cause harm to a responder.

This approach would make the submission of responses to consultations much less cumbersome when the quality of submissions would be enhanced by the inclusion of information that would not otherwise have been disclosed to the public.

**Question 6: Provide your views on the proposed time frames for the various types of consultations.**

We agree with the proposals made in relation to the time frames for the various types of consultations i.e. that there should generally be a 4-week/30 day period for responses, which may be extended or shortened once it is appropriate to do so under the circumstances.

However, paragraph 39 provides that in the circumstances in which it might be necessary for a shorter consultation period, it is possible for the Office to issue the draft determination with the initial consultative document. Digicel respectfully submits that it would never be appropriate to issue a draft determination unless the affected party/parties are afforded a full and proper prior opportunity to make representations. The issuance of a draft determination would demonstrate that the Office, without providing an opportunity for hearing and duly considering all the views that bear on an issue, has already come to a position, which a responder must now seek to rebut. This would be inappropriate from a public law perspective and would render the Office's decisions susceptible to challenge.

**Question 7: Provide your views on any other matters you consider relevant to this consultation.**

#### **Decisions made by the Office**

Paragraph 33 of the consultation document provides that the statement by the Office, which will also serve as a report on the consultation, will provide a general review of the submissions that were given during the consultation process, will detail the Office's response to the submissions and give reasons for its final position. Digicel is of the view that, a general review would not be appropriate, especially when considering issues of some technical complexity. Rather, we believe that a full consultation report would be in order.

The consultation report should summarise all **key** submissions received on a point by point basis, identify who made the specific submission, outline the Office's reply to each comment and the extent to which the Office is minded to accept the submission in its final determination. A consultation report with such detail would provide interested persons with the certainty that the Office has, in fact, given due consideration to the comments received. This report would also serve to bolster the soundness of any subsequent determination that might be made by the Office and to render it less susceptible to challenge.

Further, Digicel is of the view that, as a general rule, there should be more than one round of consultation. Stakeholders should know the extent to which not only its own submissions have been taken into consideration by the Office but also how the Office has treated with the submissions made by other persons. Upon submitting its comments, a responder is not likely to be aware of the submissions made by other interested persons whose opinions might be opposed to or distinct from those of the responder. If submissions are disclosed by the Office and further opportunity for comment were provided to stakeholders, there would be an opportunity for clarification of any points of contradiction or juxtaposition and for the Office to have the benefit of assessing all the sides to an issue before arriving at a determination. In cases where the issues are non-contentious and there is general agreement by all stakeholders as to the approach to be taken, then the second round of consultation may set out the Office's draft determination.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M. Bould', is written over a horizontal line.

**Martin Bould**  
**CEO**  
**Digicel Cayman Limited**

**CABLE & WIRELESS (CAYMAN ISLANDS) LIMITED  
COMMENTS ON**

**PUBLIC CONSULTATION ON  
CONSULTATION PROCEDURE GUIDELINES  
(Ref: OF 2017-1 Consultation)**

By E-mail to: [consultations@ofreg.ky](mailto:consultations@ofreg.ky)  
**05 May 2017**

## I. INTRODUCTION

Cable and Wireless (Cayman Islands) Limited, d/b/a Flow (“**Flow**”) is pleased to provide the following comments and responses to the questions provided in the consultation document, OF 2017-1 *Consultation Procedure Guidelines* (“**Consultation Document**”), published by the Utility Regulation and Competition Office (“**the Office**”) on 04 April 2017.

The Consultation Document includes a list of seven questions, on which the Office asks interested parties to comment. We provide our responses to each question in turn below.

## II. QUESTION 1: PROVIDE YOUR VIEWS ON HOW THE OFFICE MIGHT BEST ENCOURAGE INPUT FROM INTERESTED PARTIES

**Flow response to QUESTION 1:** The Consultation Document (par. 16) indicates that the Office “may email existing licensees” prior to initiating a consultation. We ask that the Office be required to notify all licensees by email prior to or concurrent with initiating a new consultation. Flow asks that all such emails be sent to CaymanConsultationsGroup@cwc.com.

## III. QUESTION 2: PROVIDE YOUR VIEWS ON THE PROCESS THE OFFICE PROPOSES TO ADOPT FOR CONSULTATIONS WHERE THE REGULATORY OR OTHER MEASURES ARE TECHNICALLY COMPLICATED WITH IMPORTANT LEGAL AND ECONOMIC IMPLICATIONS. WHAT CONSIDERATIONS SHOULD BE USED TO DETERMINE WHEN THERE SHOULD BE A PARTICULAR FORM OF CONSULTATION?

**Flow response to QUESTION 2:** We have several comments on the process the Office has proposed and the force of that process in limiting the Office’s conduct. The Consultation Document (par. 11) states:

*Although these Guidelines set out the approach the Office expects to take, they do not have binding legal effect. If the Office decides to depart from the Guidelines in any particular case, the Office will set out its reasons for doing so.*

Flow asks Ofreg to clarify what effect they anticipate the Guidelines having on the Public Consultation process if the Guidelines do not have legal effect?



Flow would also like to clarify that while we agree the URC Law does appear to permit Ofreg departure from the standard Public Consultation process, the URC Law is equally clear that such departures are to be specified within the Guidelines.

Section 7(2)(f) of the URC Law cited in the Consultation Document indicates the Guidelines “shall include - ... (f) guiding principles for determining when the Office may derogate from the standard procedures.”

To be clear, the law indicates that grounds to derogate are not to be made ex post or on an ad hoc basis, but are to be articulated ex ante and within the Guidelines. We ask the Office to confirm this understanding and to agree to specify within the Guidelines all instances where it may depart from the process articulated in the Guidelines.

The Consultation Document (par. 13) also states:

*The Office notes that the statutory obligation to consult is where the proposed administrative determination is likely to lead to a **major change** in the activities of the Office and/or a **significant impact** on the relevant persons... (Emphasis in original)*

*As a general approach, the Office envisages that it will consult in circumstances where the proposed administrative determinations are technically complicated with important legal and economic implications.*

First, Flow would like to clarify that the conditional “and/or” be replaced with “or.” According to Section 7(3), the Office has a legal obligation to consult prior to any regulatory intervention that may cause a major change in Office activities *or* have a significant impact on the relevant persons. Either of these two conditions, not both, are sufficient to trigger an obligation that the Office first initiate and conclude a Public Consultation prior to taking regulatory action.

Second, Flow would like to clarify that technical complexity is not a pre-condition to a Public Consultation. According to the URC Law, the Office’s obligation to consult prior to taking a regulatory action is not premised upon the technical complexity of the issue. Complexity may be relevant to how a consultation is conducted or its duration, but it is not relevant to whether a Public Consultation must be initiated. To be clear, any regulatory intervention that may have a significant impact on a Licensee must first be consulted on and the regulatory intervention, if made, must be based on the factual record established during the Public Consultation.

**IV. QUESTION 3: PROVIDE YOUR VIEWS ON THE PROPOSED STRUCTURE AND CONTENT OF NOTICES OF CONSULTATION, CONSULTATION DOCUMENTS, AND CONSULTATION DECISIONS**

**Flow response to QUESTION 3:** The Consultation Document (par. 18), indicates that “there will be prescribed timelines for responding to the consultation... to ensure the timely conduct of such consultations, for the resources of the Office to be efficiently utilized.” The following paragraph (par. 19) further elaborates on the Office’s needs and requirements to engage outside consultants.

We acknowledge and appreciate the need for timely outcomes, the efficient utilization of Office resources and the Office’s requirements for engaging outside consultants. However, we would like the Office to also understand and appreciate the disproportionate obligation such consultations impose on Flow, as the incumbent Licensee. Most if not every Public Consultation initiated by the Office addresses an issue and a regulatory intervention that impacts our business, directly or indirectly. Our participation in such consultations is required to ensure that these impacts are understood and appreciated by the Office prior to its decision to intervene.

We ask, therefore, that the Office also consider Flow’s ability to participate efficiently and effectively in Public Consultations. Prior to commencing a Public Consultation, coordination between the Office and Flow on the Public Consultation’s timelines is an imperative to the utility of the consultation and will help ensure that our participation is effective and efficient.

**V. QUESTION 4: PROVIDE YOUR VIEWS ON WHETHER THE OFFICE SHOULD MAKE ALL SUBMISSIONS AND DOCUMENTS FILED WITH THE OFFICE AVAILABLE TO THE PUBLIC AS A MATTER OF COURSE, SUBJECT TO ANY JUSTIFIED CONFIDENTIALITY CLAIMS.**

**Flow response to QUESTION 4:** Flow believes that all submissions and documents filed by the Office or by an intervenor should be made public, unless that submission or document (or part thereof) is confidential. We speak to the Office’s confidentiality process below.

**VI. QUESTION 5: PROVIDE YOUR VIEWS ON THE PROPOSED PROCEDURES TO ASSESS AND MAKE DETERMINATIONS ON CONFIDENTIALITY CLAIMS**

**Flow response to QUESTION 5:** Flow notes that the process articulated for establishing confidentiality and the treatment of confidential information by the Office follows the existing processes already in place by the Office. We have no material objections to these processes.

**VII. QUESTION 6: PROVIDE YOUR VIEWS ON THE PROPOSED TIME FRAMES FOR THE VARIOUS TYPES OF CONSULTATIONS**

**Flow response to QUESTION 6:** The Consultation Document (par. 36-38) states:

*[I]n the normal course, a period of four [4] weeks be provided to respond to consultations.*

*Where consultations are complex [etc.] ... a period of between six [6] and eight [8] weeks will normally be allotted for responses...*

*However, there may be circumstances where a shorter timeframe is appropriate and the Office proposes a period of up to three [3] weeks...*

We understand and appreciate the Office's need to apply explicit time limits on participating in a Public Consultation. However, as we believe the above quote suggests, this attempt at establishing precision is largely arbitrary and does not offer useful guidance.

We hope the Office can appreciate the variety of circumstances that can and will impact the time needed by intervenors to prepare comments, respond to RFIs and answer interrogatories. These requirements can and will vary not just by topic, but also among intervenors, e.g., in the case of interrogatories, timelines will need to reflect the volume and nature of the questions, and to whom the questions are directed, etc.

We believe the subsequent discussion in the Consultation Document, par. 40-41, that speaks to bifurcating and/or extending a Public Consultation when dealing with complex matters, highlights the ad hoc nature of the Office's specified timelines in par. 36-38, and why it is more appropriate to make determinations on the duration of a Public Consultation on a case by case basis.

**VIII. QUESTION 7: PROVIDE YOUR VIEWS ON ANY OTHER MATTERS YOU CONSIDER RELEVANT TO THIS CONSULTATION**

**Flow response to QUESTION 7:** We would like to take this opportunity to express our objections to and concerns with the Office's existing process of regulatory intervention and Public Consultations, or lack thereof.

Flow believes there have been several instances where government intervention has occurred based on no, or deficient, consultation with Licensees, and we ask that the Office address this deficiency going forward. First, we insist the Office undertake a Public Consultation in all instances where a regulation or market intervention impacts a Licensee. Second, we ask that when the Office undertakes a Public Consultation, Licensees be provided sufficient time to respond to the proposed intervention, and that this comment period be determined based on consultation with Licensees, prior to imitating the Public Consultation. Finally, we insist that when comments and questions are provided to the Office that they be addressed appropriately and given sufficient consideration.

For instance, the Office recently imposed significant requirements on Flow with regard to the communication and reporting of service outages and consumer complaints, and government recently implemented the URC Law dramatically changing and expanding the Office's scope of oversight over Licensees. In each instance, the Office chose not to initiate a proper Public Consultation prior to the intervention.

In the case of the consumer complaints requirements, the Office asked Flow for questions and comment on the proposed requirements, outside of a Public Consultation process. While Flow complied with this request and provided the Office its questions and comments, the Office proceeded without acknowledging our comments or answering any of our questions. The result is that Flow is now required to produce a report based on a poorly defined metric, and if the Office chooses to publish this information it could present a highly biased and confused message to consumers that is unfair and harmful to Flow's business.

In the case of the Office's service outage communication and reporting requirements, the Office likewise introduced a set of poorly considered requirements, without first undertaking a sufficient Public Consultation process. Again, Flow provided the Office its comments on this proposal within the limited timeframe provided, but it is clear the Office had already made its decision to implement these rules, rendering its request for and consideration of Flow's comments merely perfunctory.

Finally, government recently signed into law the URC Law, creating the Office, and introducing a set of new rules that directly impact Flow. At no point during the legislative process leading to the implementation of this law was Flow asked to comment on this law.

In each of these examples, government's actions imposed significant requirements and had significant impacts on Flow's business. And in each case, the efficacy and utility of these requirements would have benefited had the Office first considered input from Flow. Going forward, therefore, we ask that the Office take seriously the impact of its regulatory interventions on Licensees and its obligation to consult first before taking regulatory action. We believe the precision and efficacy of, and public benefit from, its regulatory interventions can be improved should the Office first give measured consideration, as it is supposed to under the URC Law, of the input provided by Flow and other impacted parties.

## **IX. CLOSING REMARKS**

Kindly send any communication in relation to this consultation to:

**Victor Salgado**  
[victor.salgado@cwclimate.com](mailto:victor.salgado@cwclimate.com)

**David Cox**  
[david.cox@cwclimate.com](mailto:david.cox@cwclimate.com)

**END DOCUMENT**

From: **Gelia Frederick-van Genderen** [Gelia.Frederick-vanGenderen@waterauthority.ky](mailto:Gelia.Frederick-vanGenderen@waterauthority.ky)  
Subject: OfReg Consultation  
Date: May 4, 2017 at 5:44 PM  
To: [consultations@ofreg.ky](mailto:consultations@ofreg.ky)



Good afternoon,

In reviewing the OfReg consultation documents the Water Authority has the following comments:

**1. OF 2017 – 1 Consultation Procedure Guidelines**

The document was received by the Water Authority on Monday 01 May 2017 from OfReg.

The Water Authority notes that it is not formally subject to OfReg regulation yet but expects this to change imminently. The document provides for a consultation period of 30 days, closing on Friday 05 May 2017. Having received the document on 01 May, the Authority is of the view that it should be provided an extension for making comments.

In the meantime our preliminary comments are:

1. Is there a mechanism/timeframe for periodic review of these guidelines? The guidelines appear not to provide such a mechanism (i.e. review every 5 years or any other event that would trigger a review).
2. Section 16. In the Authority's view the Office should provide a notice for all formal consultations to all licensees.
3. Section 19. There needs to be clarity on the consultative process with industry groups and licensees on the consultation process for complex technical issues
4. Duration of Consultation – Is there a provision to extend the period for consultation, if so how will the Office determine on extending the consultation period.

Regards,

Gelia Frederick-van Genderen  
Director, WA

**Dr Gelia Frederick-van Genderen, Cert Hon | Director**  
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**From:** Katherine Briggs briggs-k@candw.ky  
**Subject:** OF 2017 - 1 - Consultation Procedure Guidelines  
**Date:** May 8, 2017 at 1:26 PM  
**To:** consultations@ofreg.ky  
**Cc:** Dow Travers dow@refuel.ky



Dear Consultations,

In relation to above

Question 1. – Provide your views on how the Office might best encourage input from interested parties.

No views as this time.

Question 2. – Provide your views on the process the Office proposes the office to adopt for consultations where the regulatory or other measure are technically complicated with important legal and economic implications. What considerations should be used to determine when there should be a particular form of consultation?

No views at this time.

Question 3. – Provide your views on the proposed structure and content of notices of consultation, consultation documents and consultations decision.

I would recommend that consultation papers be available in an editable for, such as Word at request, to make feedback easier to provide.

In relation to E. 16 (page 4 of 14) – In the last paragraph, I recommend “shall” replace “may” in the “the office shall email existing licensees and other stakeholders based on a circulation list developed as a result of previous consultations.” In other words, licensees shall be emailed on the day of a launch of a formal consultation as a method of notification.

In relation to F 20 (b), I do not feel that conducting surveys or opinion polls are adequate methods of gathering information on smaller companies and organizations, unless these surveys and polls are targeted to the individuals that use the services of the smaller companies. Smaller companies, dictate smaller market share and if the surveys and polls are directed to the general public, the results may not be representative of the actual market.

Question 4. – Provide your views on whether the office should make all submission and documents filed with the Office available to the public as a matter of course, subject to any justified confidentiality claims.

I agree that all submissions and documents filed with the Office available to the public as a matter of course, subject to any justified confidentiality claims.

Question 5. Provide your views on the proposed procedures to assess and make determinations on confidentiality claims.

No views at this time.

Question 6. Provide your views on the proposed time frames for the various types of consultations.

No views at this time.



NO VIEWS AT THIS TIME.

Question 7. Provide your views on any other matters you consider relevant to this consultation.

I recommend that the Consultation Procedure Guidelines be stipulated to be reviewed and amended at regular intervals – i.e. two years. All is good in theory, but practicality and/or reality may dictate changes in guidelines and for all involved, to the benefit to both the Ofreg and licensees.

Regards

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