

OF 2019 – 1 - Determination Customer Complaints Appeals Procedure Guidelines



**UTILITY REGULATION AND COMPETITION OFFICE
THE CAYMAN ISLANDS**

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Contents

1.	Background.....	2
2.	Legal Framework.....	2
3.	OF 2018 – 2 - Consultation	3
4.	Comments Received and Office Responses.....	4
4.1	WAC	4
4.2	Clean Gas.....	8
4.3	Flow	10
5.	Determinations	12
	Appendix 1	15

OF 2019 – 1 – Determination – Proposed Customer Complaints Appeals Procedure Guidelines

1. Background

1. The Utility Regulation and Competition Office (the ‘Office’ or ‘OfReg’) is the independent regulator established by section 4(1) of the Utility Regulation and Competition Law (the ‘URC Law’) for the electricity, information and communications technology, water, wastewater and fuels sectors in the Cayman Islands. The Office also regulates the use of electromagnetic spectrum and manages the .ky Internet domain.
2. Section 59 of the URC Law requires, among other things, the Office to “*receive and determine appeals from customers of the sectoral providers in respect of disputes between the customer and the sectoral provider*” and, to “*establish and publish the procedures for the handling of such appeals.*”
3. The attached draft *Customer Complaints Appeals Procedure Guidelines* (the ‘*draft Guidelines*’) were prepared pursuant to section 59(2) of the URC Law. They were drafted to outline the guidelines and principles to be followed by customers of utility service providers and the Office in relation to the submission of complaints regarding those utility service providers.

2. Legal Framework

4. Under section 6 of the URC Law, the Office has principal functions in relation to the markets and sectors for which it is responsible. One of these is to resolve disputes between sectoral providers, and between sectoral providers and sectoral participants. In section 2 of the URC Law, a sectoral participant is defined as “*a person who provides, uses or seeks to use utility services in a sectoral utility, but does not include the Office*”, and a sectoral provider is defined as “*a person, whether or not an authorisation holder, who provides goods or services in a sectoral utility*”. In performing its functions and exercising its powers under the URC Law, the Office may provide advisory guidance to sectoral participants.

5. Section 59 of the Law states:

(1) The Office shall receive and determine appeals from customers of the sectoral providers in respect of disputes between the customer and the sectoral provider and, in this regard, the parties will be bound by the decision and remedies (if any) determined by the Office.

(2) The Office will establish and publish the procedures for the handling of such appeals.

6. Any decision made by the Office in relation to the appeals of consumer complaints can be reviewed by the Office of the Ombudsman.

3. OF 2018 – 2 - Consultation

7. The draft Guidelines were attached to the consultation document as ANNEX 1, and are summarised in the paragraphs below.

8. The attached draft Guidelines were divided into ten sections addressing:

- The legal framework and the purpose of the Guidelines;
- complaint submission and methods of submission;
- review of complaints;
- notification of complaints to the sectoral provider(s) and sectoral provider responses;
- OfReg's decision-making processes; anonymous complaints and .ky domain name disputes.

9. Parts A and B outlined the legal framework and the objectives of the draft Guidelines. The circumstances in which the Office may depart from the draft Guidelines was also addressed in part B. The information required to be submitted to the Office in relation to the submission of complaints, as well as the methods of submission were dealt with in parts C and D. Parts E and F addressed how the Office will review and commence processing of the complaint, including the notification of the sectoral provider and timelines in relation to the sectoral provider's final opportunity to remedy/resolve the issue(s) with the customer. The process that the Office will follow in relation to its review of any responses by the sectoral provider and requests by customers for a decision to be issued by the Office regarding complaints is outlined in parts G and H. The draft

Guidelines also addressed how the Office will treat anonymous complaints and .ky domain name disputes in parts I and J.

10. The Office intended to apply the draft Guidelines to complaints submitted by consumers in all sectors for which it is responsible under the URC Law.

4. Comments Received and Office Responses

11. The Office received three responses to OF 2018 – 2 – Consultation, from the Cayman Water Authority (“WAC”), Clean Gas, and Flow:

4.1 WAC

12. **Question 1:** Do you agree with the minimum required information that needs to be submitted by customers to the Office in relation to complaint submissions? If not, please explain your reasoning in detail, along with providing supporting evidence.

The WAC submits that it would like to suggest some changes/additions in relation to submissions (in part):

Section C – Complaint Submission, Paragraph 9

“For efficiency and clarity, the Authority suggest that OfReg require each sectoral provider to submit complaint procedures which must be reviewed and approved by OfReg. These procedures would be the first opportunity whereby the sectoral provider would review the complaint of the customer before an appeal was filed with OfReg.”

The WAC also notes that it currently has a complaint procedure which was approved by the Complaints Commissioner’s Office (now the Cayman Islands Ombudsman). It stated that its existing complaint process has *“several levels of escalation which include a written complaint to the Customer Service Manager and, following a lack of resolution, an appeal to the Director and then the WAC Board. At the end of this process, if the customer believes they have sufficient grounds for an appeal, the Authority would direct them to escalate their complaint to OfReg rather than the Ombudsman as was previously done.”*

The WAC suggests that *“if all sectoral providers were required to have similar complaint processes reviewed and approved by OfReg, it would*

allow consistency of service to all customers regardless of sectoral provider.”

Section C – Complaint Submission, Paragraph 10

The WAC suggests that *“this section be referred to as a complaint appeals process.”* In addition, the WAC suggested that *“criteria for an appeal be added and that the complaint must satisfy these criteria, including the justification of an appeal”* and *“expects sufficient grounds for appeal to go beyond customer dissatisfaction and issues such as but not limited to the following:*

- *The sectoral provider erred in applying policy/procedure;*
- *The sectoral provider erred in applying the relevant laws(s)/regulation(s);*
- *The sectoral provider was unfair/biased; etc.*

If there are insufficient grounds for appeal, the matter should be dismissed by OfReg at the initial review stage and not considered further.”

Lastly, the WAC proposes that the minimal submission information includes evidence that the customer submitting the complaint appeal is the contractual customer of the sectoral provider; and confirmation that there are no court litigation/proceedings between the two relevant party.

13. **Office Response**

OfReg notes that WAC took a different approach when responding to Question 1. However, WAC raises reasonable points and OfReg agrees with WAC’s suggestion that there is a requirement that all sectoral providers have similar complaint processes, which are reviewed and approved by OfReg. OfReg will devise and issue a guidance to all sectoral providers in relation to its expectations in relation to complaint processes in due course. OfReg will then issue a directive to all sectoral providers to submit their complaint processes to the office for review and approval by the end of the 3rd quarter of 2019.

WAC suggests that the title of Section C be amended to “Complaint Appeals Process”. OfReg agrees that Section C be retitled to better clarify the content of the section. Section C primarily addresses consumers presenting an appeal submission to review a sectoral provider’s response (or lack thereof) to a complaint, which the Office will refer to as an “appeal submission”. Therefore, the Office amends Section C by changing the title to *“Complaint Appeal Process – Submission”*.

WAC also proposes that there should be a criteria in relation to appeal submissions and that all complaints must satisfy all requirements, including presenting a justification of an appeal. WAC holds the position that customer dissatisfaction was not a satisfactory ground for appeal. OfReg agrees with WAC that a criteria for an appeal submission should be inserted in the Guidelines, and expanded Guidelines 9 and 10, as well as inserted a new Guideline 11.

Guidelines 9 and 10 were amended to define an appeal submission and outline the requirements that consumers would have to adhere to when presenting an appeal submission. OfReg also agrees that all appeal submissions should include evidence that the customer is the contractual customer of the sectoral provider; as well as confirmation that there are no court litigation/proceedings between the two relevant parties in relation to the subject complaint. Guideline 10 was amended to reflect these requirements.

Lastly, OfReg agrees with the WAC that there should be specific grounds of appeal inserted into the Guidelines that appeal submissions are required to include one or more of those grounds as the justification. In Guideline 11, OfReg inserted the proposed criteria that WAC included in their submission, which would be the acceptable grounds for appeal under the Guidelines. Due to the amendments made in Guidelines 9 and 10, the Office also inserts a new Guideline 15 to reflect that it will not review a complaint if it becomes aware that the subject matter of the complaint is also the subject of current court litigation between the customer(s) and sectoral provider.

14. **Question 2:** Do you agree with the methods of submission available?

The WAC submits that it *“has no objection to the methods of submission available.”*

15. **Office Response**

The Office notes the WAC’s comments.

16. **Question 3:** Do you agree with the Office’s proposed process in regard to how the Office will address complaints after the sectoral provider is informed?

The WAC submitted that it did not agree and provided comments on section F, paragraphs 18 – 20 and section G, paragraphs 21 and 23.

“Section F – Inform the Sectoral Provider, Paragraph 18

The proposed guidelines currently state that, after the sectoral provider is informed of the complaint, that: “sectoral provider will be given 20 calendar days to respond directly to the customer with a copy to the Office.” It is suggested that the wording of this paragraph be changed to reflect that the sectoral provider be given 5 days to provide OfReg with a summary of the case to date and a copy of all information used by the sectoral provider in its internal complaints and decision-making process.

The sectoral provider should not be required to contact the complainant at this time as there will be no changes to the decision previously made. Any communication with a customer after a complaint appeal is filed with OfReg and until OfReg determines a remedy, should be by OfReg only. OfReg should provide copies of any information they receive from the sectoral provider to the customer.

Section F – Inform the Sectoral Provider, Paragraph 19

The Authority suggests that this paragraph be removed as it strongly believes that all procedures should be applied uniformly, and timelines should not be changeable at the discretion of OfReg without first consulting with all parties involved in the dispute.

Section F – Inform the Sectoral Provider, Paragraph 20

The Authority suggests that this paragraph be removed as all communications to the customer regardless of communication method should be by OfReg as indicated above in comments referring to Section F, Paragraph 18.

Section G – Sectoral provider Response, Paragraph 21

The Authority would like clarification on whose “policies and regulations” will be considered by OfReg in its review of the complaint and the sectoral provider’s response: Will it be those of the sectoral provider or those of OfReg? This is an important distinction because the Authority strongly feels that the basis for an appeal to OfReg should go beyond customer dissatisfaction and instead be based on a review of the sectoral provider’s policies/procedures and/or laws/regulations and whether or not they have been applied correctly/fairly.

Section G – Sectoral Provider Response, Paragraph 23

The Authority suggests that this paragraph be removed as it is not applicable.”

17. **Office Response**

The Office notes WAC’s comments in relation to section F, Guidelines 18 – 20 and section G, Guidelines 21 and 23. After considering WAC’s submission, the Office amended Guidelines 18 – 20, which are now Guidelines 19 – 21 respectively in the final set of Guidelines. The Office amends Guideline 19 to insert the Office’s defined term “appeal submission” and amends Guideline 20 to reflect that sectoral providers must submit a response to the Office within five (5) calendar days, instead of twenty (20) calendar days, as suggested by the WAC.

Guideline 21, now Guideline 22 in the final set of the Guidelines, was amended to clarify that the Office will consider the sectoral providers’ policies and regulations, in order to determine if follow-up action is necessary. In addition, Guidelines 19 and 23 were deleted as proposed by the WAC.

18. **Question 4:** Are there any other views that you consider relevant to this consultation? Please provide any other views you may have, along with any supporting evidence.

Section B – Customer Complaints Appeals Procedure Guidelines Objectives, Paragraph 6

The Authority would expect that the procedure for processing complaints appeals should be firm and always apply. The statement that OfReg may come up with different procedures when it sees fit implies uncertainty and opens up the possibility/assumption of bias. This paragraph should be removed.

19. **Office Response**

The Office agrees with WAC’s suggestion and deleted Guideline 6 in the final set of Guidelines.

4.2 Clean Gas

20. **Question 1:** Do you agree with the minimum required information that needs to be submitted by customers to the Office in relation to complaint submissions? If not, please explain your reasoning in detail, along with providing supporting evidence.

Clean Gas submits that it does agree “*the customer has been asked to provide enough information to effectively get an idea of the complaint and whether it does warrant further investigation.*” However, it does not see “*the procedure for a sectoral provider to initiate a complaint against another sectoral provider.*” It believes that “*a complaint from a sectoral provider needs to be separate from the customer complaint section to ensure the customer does not continue to endure harsh or unfair treatment. The same goes for sectoral provider complaint. If the sectoral provider takes the time to make a complaint, then it should be addressed in a timely manner. This part of the complaint section needs to be discussed more in depth before anything is written in hard copy.*”

21. **Office Response**

The Office notes Clean Gas’ response, and plans to issue Dispute Resolution Regulations similar to the Information and Communications Technology Authority (Dispute Resolution) Regulations, 2003 in order to outline the procedure that it expects to follow in relation to complaints against other sectoral providers and/or disputes between sectoral providers.

22. **Question 2:** Do you agree with the methods of submission available?

Clean Gas submits that it agrees.

23. **Office Response**

The Office notes Clean Gas’ response.

24. **Question 3:** Do you agree with the Office’s proposed process in regard to how the Office will address complaints after the sectoral provider is informed?

Clean Gas submits (in part) that “*when a sectoral provider makes a complaint, this should be grounds for an immediate investigation. Especially when a market has been under the control of one provider for an extended period which has allowed them as the SMP to control the market and block newcomers.*”

25. **Office Response**

The Office notes Clean Gas’ comments in relation to Question 3 of the Consultation Paper, and agrees that when sectoral provider submits a complaint against another sectoral provider, that it should be investigated.

However, the proposed Consumer Complaints Appeals Procedure Guidelines have been drafted to specifically address the process in relation to appeals submitted to the Office by consumers regarding unresolved complaints previously addressed by regulated sectoral providers. The proposed procedure in the Guidelines was not intended to be utilised for the resolution of complaints between sectoral providers.

26. **Question 4:** Are there any other views that you consider relevant to this consultation? Please provide any other views you may have, along with any supporting evidence.

Clean Gas submits (in part) that if *“complaints from sectoral providers is more serious and if sufficient supporting documentation has been provided to uphold the complaint, then there should be significant penalties levied.”*

27. **Office Response**

The Office notes Clean Gas’ comments in relation to Question 4 of the Consultation Paper. However, as stated above in its response to Clean Gas’ submission, the proposed Guidelines are not going to be utilised when addressing complaints from sectoral providers. OfReg, as previously mentioned, will draft, consult and issue dispute resolution regulations in order to outline the process the Office will follow and/or refer to in relation to disputes and/or complaints submitted by sectoral providers.

4.3 Flow

28. **Question 1:** Do you agree with the minimum required information that needs to be submitted by customers to the Office in relation to complaint submissions? If not, please explain your reasoning in detail, along with providing supporting evidence.

Flow submits that it has *“two objections with the complaint submission criteria presented in paragraphs 9-10 of the Guidelines. First, we object to the omission of any requirement obligating customers to first demonstrate they have made a good-faith effort to resolve their complaint with the provider. Paragraph 9 of the Guidelines states that Office will require “a customer to first give the sectoral provider the opportunity to address the issue prior to submitting a complaint to the Office.” But this is not sufficient. It is incumbent upon the customer to not just give the provider an opportunity, but the customer must actively engage with the provider in good faith to clearly articulate the complaint and allow the provider*

appropriate time to investigate, validate, and depending on the outcome, make the necessary repairs. The Guidelines do not address this, nor do they indicate how the Office plans to validate such actions were even taken before accepting a customer's complaint.

Second, the information requirement for submitting a complaint, set forth in paragraph 10 of the Guidelines, are appropriate but not sufficient. An additional requirement should ensure that complaints will only be recognised by the Office if submitted by a valid customer of the provider at the time the incident occurred. We defined a valid customer as the primary account holder (or an authorised agent of the primary account holder) to the provider for the impacted service at the time of the incident. A service complaint received by the Office from someone who is not a valid customer should not be recognised as a legitimate complaint.”

29. Office Response

The Office notes Flow's response and its concerns in regard to customers requesting a decision of the Office without enabling a sectoral provider to properly address the complaint in good faith. The Office appreciates that this may be a mutually shared concern between other sectoral providers as well. The Office additionally notes Flow's comments in regard to when the Office should acknowledge complaints, and its proposal that only requests from primary account holders should be considered. The WAC also made a similar comment in relation the insertion of the requirement for customers to provide evidence that they are the contractual customer of the sectoral provider. Therefore, the Office amends Guideline 10 based on Flow's recommendation. The amendment to Guideline 10 will reflect the requirement for the customer to provide evidence that he or she is the primary account holder or the authorised agent of the primary account holder.

30. Question 2: Do you agree with the methods of submission available?

Flow submits that it agrees “*with the methods of submission available to customers and have no additional comment on this issue.*”

31. Office Response

The Office notes Flow's response.

32. Question 3: Do you agree with the Office's proposed process in regard to how the Office will address complaints after the sectoral provider is informed?

Flow submits that it agrees “*with the Office’s proposed process regarding how to address complaints after a sectoral provider is informer, so long as the complaint is compliant with the requirements set forth in paragraph 10 of the Guidelines, and as modified per our response to Question 1 above.*”

33. Office Response

The Office notes Flow’s response.

34. **Question 4:** Are there any other views that you consider relevant to this consultation? Please provide any other views you may have, along with any supporting evidence.

Flow submits that it does not have any “further views on this issue” at this time.

35. Office Response

The Office notes Flow’s response.

5. Determinations

36. Having considered all the submissions made by the respondents, the Office determines that it will adopt the Consumer Complaints Appeals Procedure Guidelines, as proposed in OF 2018 – 2 – Consultation, with the following changes:
- a. The Table of Contents were amended by amending the titles of Parts C, H and I.
 - b. Guideline 6, which was incorrectly identified as Guideline 5, was deleted, and a new Guideline 6 was inserted to reflect that all decisions to the appeals of consumer complaints can be appealed to the Office of the Ombudsman.
 - c. Guideline 8, which was incorrectly identified as Guideline 7, was deleted.
 - d. Guideline 9, which was incorrectly identified as Guideline 8, was amended by deleting the sentences “*although these Guidelines set out the approach the Office expects to take, they do not have legal effect. If the Office decides to depart from the Guidelines in particular cases, the Office will set out its reasons for doing so*”. Paragraph 9(a) and 9(b) were deleted. Paragraph 9(c) was also deleted so that the requirement “*where the Office is, or becomes,*

aware that the subject matter of the complaint is also the subject of the current court litigation as between the parties” is inserted under Guideline 16, which outlines the circumstances in which the Office will not review a complaint. Lastly, paragraph 9(d) was deleted so that “where the Office has received two or more complaints of a similar nature involving one or more of the same parties and the Office considers that, for reasons of efficiency and consistency, it should deal with such complaints as if they were a single complaint” could become a separate new guideline and is now identified as Guideline 7.

- e. Guideline 10, which was incorrectly identified as Guideline 9, was amended in order to clarify the Office’s expectations as to how a customer should address a complaint with a sectoral provider, as well as provide the time period in which the customer can present an appeal to the Office after receiving the sectoral provider’s conclusive response.
- f. Guideline 11, which was incorrectly identified as guideline 10, was amended in order to remove the basis of customer dissatisfaction and elucidate that a customer must provide the listed information as outlined in the guideline, including evidence that the customer is the primary account holder or the authorised agent of the primary account holder. In addition, customers will also be obligated to confirm that a litigation process has not commenced and/or there are no ongoing court proceedings taking place between the two relevant parties in relation to the complaint in question, as a new requirement added to Guideline 10. Lastly, Guideline 10 is also amended to outline the requirement for all customer to include a ground of appeal as listed in Guideline 11.
- g. A new Guideline 11 was inserted into the final set of Rules in order to outline the grounds of appeal that will be accepted by the Office when customers are submitting appeals.
- h. Guideline 12 was amended in order to insert the defined term “appeal submission”.
- i. A new Guideline 15 was inserted in order to expound on the circumstances in which the Office will not review a complaint.
- j. Guideline 16, which was incorrectly identified as Guidelines 15, was amended to insert that timeframe in which the Office will send a written response to acknowledge receipt, and for completion of the review.
- k. Guideline 17, which was incorrectly identified as guideline 16, was amended to reflect that the Office will review each complaint to verify that adequate and accurate information has been provided

before dissemination and/or investigate the necessary aspects of the issue.

- l. Guideline 19, which was incorrectly identified as Guideline 18 and is now Guideline 20 in the final set of Guidelines, was amended in order to insert the defined term “appeal submission” and to explicate the Office’s requirements in regard to responses from sectoral providers upon notification of appeal submissions.
 - m. Guideline 22 was amended to clarify that the Office will consider the sectoral provider’s policies and regulations, to determine if follow-up action is necessary in relation to appeal submissions.
 - n. Guideline 23 was amended to illustrate that the Office will close an investigation of an appeal submission if the complaint is considered resolved prior to the issuance of the Office’s decision.
 - o. The title of Part H was amended in order to insert the term “Decision”.
 - p. Guideline 25 was amended to clarify how the Office would respond if any additional information obtained is different than what was originally provided to the sectoral provider at the time of the initial decision.
 - q. Guideline 26 was amended to outline additional remedies that the Office may include in its decision when responding to appeal submissions.
 - r. Guideline 30, which was incorrectly identified as Guideline 29, was deleted.
 - s. Grammatical errors and numbering were also addressed and amended throughout the Guidelines.
37. A copy of the final Consumer Complaints Appeals Procedure Guidelines is attached as Appendix 1 to this Determination and will be published on the OfReg website (www.ofreg.ky).



Appendix 1

Final Customer Appeals Procedure Guidelines

OF 2019 – G1 – Guidelines Customer Complaints Appeals Procedure



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Contents

A.	Introduction	2
B.	Customer Complaints Appeals Procedure Guidelines Objectives	3
C.	Complaint Appeals Process - Submission	3
D.	Methods of Submission.....	5
E.	Complaint Review	5
F.	Inform the Sectoral Provider	6
G.	Sectoral Provider Response	6
H.	OfReg Decision	7
I.	Anonymous Complaints and Comments	8
J.	.ky Domain Name Disputes	8

A. Introduction

1. The Utility Regulation and Competition Office ('OfReg' or 'the Office') is the independent regulator for electricity, information and communications technology, water, wastewater and fuels sectors in the Cayman Islands. The Office also regulates the use of electromagnetic spectrum and manages the .ky Internet domain.
2. Under section 6 of the Utility Regulation and Competition Law (2019 Revision) (as amended) ('the URC Law'), the Office has principal functions in relation to the markets and sectors for which it is responsible. One of these principal functions is to resolve disputes between sectoral providers, and between sectoral providers and sectoral participants.
3. According to the URC Law, a sectoral participant is "a person who provides, uses or seeks to use utility services in a sectoral utility, but does not include the Office", a sectoral provider is "a person, whether or not an authorisation holder, who provides goods or services in a sectoral utility", and a sectoral utility is "a utility market or sector for which the Office has specific responsibility under any sectoral legislation." For the purpose of these Guidelines, a sectoral participant means a customer of a sectoral provider. In performing its functions and exercising its powers under the URC Law, the Office may provide advisory guidance to sectoral participants.
4. OfReg notes that **section 59** of the URC Law states:
 - (1) *The Office shall receive and determine appeals from customers of the sectoral providers in respect of disputes between the customer and the sectoral provider and, in this regard, the parties will be bound by the decision and remedies (if any) determined by the Office.*
 - (2) *The Office will establish and publish the procedures for the handling of such appeals.*

B. Customer Complaints Appeals Procedure Guidelines Objectives

5. This document sets out the Customer Complaints Appeals Procedure Guidelines (*‘the Guidelines’*) and principles to be followed by members of the public and the Office in relation to the submission of complaints regarding sectoral providers as well as the Office’s approach to addressing those complaints.
6. While the Office will generally adhere to these Customer Complaints Appeals Procedure Guidelines, it recognises the need for the procedure to be sufficiently flexible and dynamic to address the exigencies of the relevant regulated sectors.
7. Where the Office has received two or more complaints of a similar nature involving one or more of the same parties and the Office considers that, for reasons of efficiency and consistency, it should deal with such complaints as if they were a single complaint it will do so.
8. A circumstance in which the Office may depart from the Guidelines is, without limitation, where the Office considers that the complaint raises a matter of public significance which should be addressed through a public consultation.

C. Complaint Appeals Process - Submission

9. The Office will require that a customer first give the sectoral provider the opportunity to address the issue prior to submitting a decision request to review a sectoral provider’s response to a complaint (an “appeal submission”) to the Office. Should a customer present an appeal submission to the Office before addressing the subject of the complaint with the sectoral provider, the Office will ask the customer to refer the complaint to the sectoral provider first. Upon presenting an appeal submission in relation to a complaint (previously referred to the relevant sectoral provider), the Office will require that the customer demonstrates that they made a good faith effort¹ to resolve their complaint. The customer will have up to a

¹ The Office considers “good faith effort” in the context of these Guidelines to mean what a reasonable person would determine is a diligent and honest effort to engage with the sectoral provider in order to resolve the complaint.

period of six (6) months to appeal after the sectoral provider's conclusive response to the complaint.

10. A customer appealing to the Office should provide the following minimum information as part of its appeal submission to the Office:
 - (a) Full name along with a phone number and email or postal address (include physical address if it would assist in understanding the complaint);
 - (b) Account number with the sectoral provider relating to the complaint and evidence that the customer is the primary account holder or the authorised agent of the primary account holder;
 - (c) Brief description of the complaint and confirmation that customer received the complaints policy/procedure of the sectoral provider;
 - (d) Identity of the sectoral provider by (official/legal) name;
 - (e) The date, time and name of any program, individual, advertisement, technical, or customer services related issue that prompted the complaint;
 - (f) The response, if any, given by the sectoral provider when the complaint was first raised with them, along with any (relevant) subsequent communication(s) that may have occurred in relation to the complaint, including dates and times where possible;
 - (g) Product(s) or service for which the complaint relates;
 - (h) Property, plant or equipment implicated or affected as a consequence of the issue;
 - (i) The ground of appeal;
 - (j) Confirmation that a litigation process has not commenced and/or there are no ongoing court proceedings taking place between the two relevant parties in relation to the complaint in question; and
 - (k) Any independent, third-party entity or expertise consulted as part of the effort to resolve the matter.

11. Customers, when appealing to the Office, must include one or more of the following grounds for appeal -
 - (a) The sectoral provider erred in applying policy/procedure;
 - (b) The sectoral provider erred in applying the relevant law(s)/regulations(s);
 - (c) The sectoral provider was unfair/biased.

D. Methods of Submission

12. When a customer submits an appeal submission to the Office, any of the following methods may be used:
 - (a) Website Form (<http://www.ofreg.ky/complaints>);
 - (b) Email to complaints@ofreg.ky; or
 - (c) Hand deliver a completed Complaint Form.
13. Where a form is to be hand-delivered, customers should use the Complaint Form available at: <http://www.ofreg.ky/complaints>. Alternatively, customers can call the Office at (+1-345) 946-4282 and request that the form be emailed to them.
14. Customers may also collect Complaint Forms from the Office during its normal business hours 8:30 a.m. to 5:00 p.m. Monday through Friday (excluding public holidays) located at the Office's business location in George Town, Grand Cayman:

3rd Floor, Alissta Towers
85 North Sound Rd.
Grand Cayman

E. Complaint Review

15. The Office will not review a complaint if:
 - (a) the Office determines that aspects of the complaint should be dealt with by another authority due to the nature of the complaint, e.g.

complaints made in relation to sectors for which the Office is not responsible under the URC Law; and

(b) the Office is, or becomes, aware that the subject matter of the complaint is also the subject of current court litigation as between the parties.

16. The Office will, as the norm, review each appeal submission and will send a written response to the customer within five (5) business days of the submission of a complaint to acknowledge receipt, and ten (10) business days for the completion of the initial review.
17. The Office will review each complaint to verify that adequate and accurate information have been provided before dissemination and/or investigate the necessary aspects of the issue.
18. In cases where all the required information has not been provided or if the Office requires further clarification, the Office will generally request that the customer provide any missing or additional information in writing accordingly. Once all required information has been provided, the Office will progress the review of the complaint via the process outlined below.

F. Inform the Sectoral Provider

19. The Office will, as part of its effort to remedy/resolve the issue, generally afford the sectoral provider involved a final opportunity to address the concerns before the Office reaches any conclusions. As such, a copy of the appeal submission will be provided to the sectoral provider.
20. A sectoral provider will be given five (5) calendar days to respond directly to the Office, with a summary of the case to date and all information used by the sectoral provider in its internal complaints and decision-making process.
21. Customers will be copied on all relevant email correspondence relating to the issue, where they have provided an email address.

G. Sectoral Provider Response

22. OfReg staff will review the appeal submission and the response, considering the sectoral provider's policies and regulations, to determine if follow-up action is necessary.
23. If the complaint has been resolved to the satisfaction of the customer before or after the Office's decision is issued, OfReg staff will close the case (that is, will deem the case in relation to the appeal submission closed/resolved, and this decision shall be final).

H. OfReg Decision

24. The Office may request additional information from either or both parties, where necessary.
25. The Office will then review all of the information provided by both parties and write its decision within fifteen (15) business days of the date the information (including the additional information where applicable) is received². If the additional information obtained is different than what was originally provided to the sectoral provider at the time of the initial decision, the Office will halt the appeal process and refer the matter to the sectoral provider as a new complaint to consider with the new information available.
26. The decision will be sent to both parties and subsequently published (redacted where appropriate) on the Office's website. The decision may include one or more remedies, if appropriate. The remedy or remedies, if any, will depend upon the specific circumstances of the appeal submission and may include:
 - a. an apology or an explanation;
 - b. provision of a product or service;
 - c. some other practical action, such as connection or disconnection of a service or cessation of collections activity;
 - d. a correction to one or more bills;
 - e. no action, appeal denied;
 - f. review and amend the sectoral provider's complaints handling process
 - g. notation on Licensee's file, which would be taken into account when the licence is considered for renewal; or

² A customer can a request that the Office issue a decision in a shorter time period if the decision is urgent due to health and safety reasons or similar reasons.

- h. such other remedy as the Office may determine is reasonable and appropriate in the circumstances, and in compliance with the relevant laws and regulations.

- 27. As set out in section 59(1) of the URC Law “...*the parties will be bound by the decision and remedies (if any) determined by the Office.*”

I. Anonymous Complaints and Comments

- 28. The Office does not pursue anonymous complaints. The Office holds the position that sectoral providers have the right to know the allegations against them and the identity of the customer.
- 29. The Office will, however, accept comments filed anonymously by customers of sectoral providers regarding the services received from those sectoral providers. The Office will not treat such comments as ‘complaints’ but will review them to assess, for example, whether there appear to be systemic or common matters into which the Office should investigate further.

J. .ky Domain Name Disputes

Please note that .ky Domain Name Disputes follows a separate, internationally-recognised Dispute Resolution Process (***DRP***) which can be found here <http://www.ofreg.ky/ict/dispute-resolution-policy>.