



PURC Consultation Guidelines

A Guideline issued by the Public Utilities
Regulatory Commission-Grenada

2019

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1. INTRODUCTION

- 1.1. This Consultation Guideline has been produced with the objective of informing all stakeholders of the process by which the Public Utilities Regulatory Commission(PURC) will develop its required key regulatory instruments and documents. The document provides guidelines for stakeholders who wish to make comments on draft documents issued by PURC before it issues the final version it will utilise in carrying out the duties as set out in the Public Utilities Regulatory Commission Act No. 20 of 2016.
- 1.2. The PURC derives its authority to hold public consultations from both the PURC Act, 2016 and the Electricity Act, 2016. Section 31 (A) (2) of the PURC Act avers, “The Commission may hold public hearings and issue consultation documents in order to ask opinions about matters having significant impact on the society related to public utilities to which this Act applies”. Section 32 (8) (1) (c) of the Electricity Act states, “The Commission may hold public education and consultation meetings to afford an opportunity to members of the public to ask questions related to the regulation of rates for the supply of electricity and other matters by the Commission”.

2. DEFINITIONS

- 2.1. Any word, phrase or expression used in this Guideline shall, unless the context requires otherwise or it is expressly defined herein, have the same meaning as it has in the Public Utilities Regulatory Commission Act No. 20 of 2016.

3. PURPOSE

- 3.1. The purpose of this document is to set out the process that the Public Utilities Regulatory Commission will follow in consulting with interested parties in developing its required key regulatory instruments and documents.

4. APPLICATION

- 4.1. To support effective regulation, fairness, appropriateness, good governance and transparency of actions, in carrying out its duties set out in the Act, PURC will issue an invitation to interested parties and stakeholders to submit comments on Draft Documents that PURC has developed for Public Consultation. This process will be utilised for key regulatory instruments and documents that PURC believes requires public views and input before the Final Version is issued.
- 4.2. This Guideline applies to all documents issued for Public Consultation by PURC and for all comments made by, and opinions of, interested parties and stakeholders that are re submitted to the PURC Office.

5. KEY PRINCIPLES OF PURC’S CONSULTATIVE PROCESS

5.1. The following key principles will guide the PURC's approach to public consultation:

- Continuity;
- Targeting;
- Accessibility;
- Transparency;
- Consistency and Flexibility; and
- Evaluation and Review.

5.2. Continuity

Consultation should always be a continuous process. It requires ongoing dialogue with stakeholders and should start early in the policy development process.

5.3. Targeting

Consultation should attempt to capture a multiplicity of views from the widest array of stakeholders who will be affected by the proposed policy. Specific efforts must be made to include diverse groups so as to ensure that nobody feels alienated.

5.4. Accessibility

Effective and appropriate avenues for stakeholder and public participation will be provided through several media, including but not limited to, our website, the print, audio and visual media and through public forums.

5.5. Transparency

The PURC will explain the objectives of the consultation process, and provide feedback on how the responses and comments garnered through our engagement activities have been utilized.

5.6. Consistency & Flexibility

It is much easier for stakeholders to participate when the consultative procedures are consistent. However, the process must be flexible enough to facilitate the use of new techniques and better information sharing approaches that are developed over time.

5.7. Evaluation and Review

The PURC will continuously evaluate the process and examine ways to enhance it to make it more effective. We will seek the views of stakeholders on how the process can be improved.

6. PURC CONSULTATION GUIDELINE PROCESS

6.1. In setting the consultative guidelines international best practice has been drawn upon.

6.2. The PURC's consultative process will comprise the following discrete but related components:

- Pre –Consultation;
- Initial Consultation;
- Comment and Reply; and
- Final Decision.

6.3. Pre-Consultation

Pre-consultation is recognized as a useful component in effective policy making, especially at the design stage. It is particularly valuable in identifying the issues that should be addressed at the consultation. It usually involves holding discussions with “thought leaders” from specific groups, technocrats and industry professionals and other persons that the regulator believes have an interest in the matters for consultation. The PURC will use pre-consultation where it is necessary and expedient to do so.

6.4. Initial Consultation

This involves the release of a consultative document, and formal invitation to stakeholders, and the general public to provide written submission in response to our document. The consultative document will clearly define all relevant issues, and indicate how the PURC plans to proceed. In instances where the proposed regulatory decision is technically complicated, with legal ramifications, and has the potential to significantly impact the utility and the public this method shall be utilised.

6.5. Comment and Reply

The PURC's preferred method for collecting responses/comments is through written submission. However, oral comments and feedback received through our public engagement activities will be reduced to writing and considered along with other comments. To maintain transparency throughout the process comments received will be summarised and published on our website, or will be made available upon request.

6.6. Final Decision

All written responses and comments received in response to our invitation will be analysed and where appropriate integrated in the decision making process to ensure that the best regulatory outcomes are achieved.

The PURC will justify its decision on the issues identified in the consultative document and will publish same. However, the PURC shall not be obligated to respond to or to

accept any particular response or comment.

7. PUBLICATION OF INVITATION TO COMMENT

- 7.1. PURC's preferred methods of notification of an Invitation to comment on Draft PURC Documents released for Public Consultation, is through PURC's website (www.purc.gd) under the consultation link and, also, via its "News and Media" link, sending out invitations via valid email addresses, and other means that are considered appropriate. (This may be by mail if PURC decides to do so).
- 7.2. Stakeholders and Interested parties in the Electricity industry in Grenada are encouraged to consult the Website on a frequent basis. PURC may, at times, also - but shall not be obliged to - release, for Public Consultation, an 'issues document' setting out regulatory matters it is considering for transparency and to gain a "feel" of the potential utility, and to give an opportunity to relevant parties/stakeholders to provide their initial views.

8. CONSULTATION FEEDBACK INFORMATION

- 8.1. PURC welcomes and invites comments and feedback to its consultation documents from all interested parties.
- 8.2. PURC would appreciate responses to be clear by quoting the corresponding main sections and sub sections when providing your comments.
- 8.3. More general comments on the consultation document are welcomed and should also be indicated.
- 8.4. Respondents are required to clearly mark any information included in their submission that they consider confidential. They shall provide reasons why that information should be treated as such. Where information claimed to be confidential is included in a submission, respondents are required to provide both a confidential and a non-confidential version of their submission. PURC will determine, whether the information claimed to be confidential is to be treated as such, and, if so, will not publish that information. In respect of the information that is determined to be non-confidential, PURC may publish or refrain from publishing such information at its sole discretion.
- 8.5. If you have specific questions, please go to the relative section of the public consultation document and use the appropriate means of contact (Your Specific Questions) to provide us with your queries.

9. FORMAT OF COMMENTS

9.1. Comments must be in writing and submitted in such format as PURC may specify in the Invitation or, if an Invitation does not specify a format, in such format as specified from time to time on the Website. Unless otherwise specified in the relevant Invitation, PURC's preferred means of receiving Comments is by e-mail to consultation@purc.gd. If Comments are submitted in printed format, they must be submitted on A4 paper accompanied, wherever possible, by an electronic copy containing the Comments.

10. LANGUAGE

10.1. The working language of the PURC is English.

11. DEADLINE FOR SUBMISSIONS AND TIMESCALES

11.1. Comments must be submitted on or before the deadline specified in the relevant Invitation. (See also item 11.4 below).

11.2. If an interested party requests an extension of the deadline for good cause and if PURC agrees to an extension, or PURC determines that an extension to the nominated consultation period is required, e.g. to get widened input, PURC will publish details of such extension in accordance with Section 7 (i) above.

11.3. PURC may, at its sole discretion, consider Comments received after the closing date, or extended closing date, and also upon good cause shown by the interested party submitting such comments.

11.4. PURC will generally allow interested parties at least 20 working days from the date of its Invitation to enable them to review the document and submit comments. Depending on the complexity of the issue being considered in the Public Consultation document PURC, at its sole discretion, may extend the consultation and review period. In such cases, this will generally be for not more than 30 working days.

12. STANDING AND CONTACT DETAILS

12.1. Feedback or comments can be submitted by filling in a response form or answering questions attached as Annexes, and email to consultation@purc.gd for the attention of the Public Utilities Regulatory Commission, Queens Park, P.O Box 2443, St. George's Grenada; +1(473) 437 1602; website <https://www.purc.gd/> for details of access to specific document on public consultation and other news.

12.2. All Comments must contain a brief statement explaining the interest of the party submitting the Comments in relation to the particular measure that forms the subject-

matter of the Invitation. In addition, an interested party must include as part of the Comments its:

Name:

Name of the principal contact person:

Physical address:

Telephone number: and

e-mail address:

13. NEED TO CONSULT WEBSITE & TRANSPARENCY

13.1. PURC may (but shall not be obliged to) make Comments public and invite interested parties to comment on any Comments.

13.2. An interested party may request PURC to treat all or part of its Comments as confidential by clearly demonstrating to PURC the commercial sensitivity of the relevant part(s) and also providing PURC with a version of the Comments (clearly marked on each page as “for public circulation”) that excludes the parts that the interested party believes are commercially sensitive. See also section 8 above.

13.3. Only if PURC finds that commercial sensitivity exists will it exclude the relevant parts from public scrutiny. PURC will also respect the confidentiality of its sources and will not reveal detail if PURC has agreed with the sources to keep discussions private and confidential.

13.4. For purposes of this Guideline, “commercially sensitive” shall not include any information that is in the public domain or must be disclosed under applicable law.

13.5. PURC may categorise confidential information as either:

- i. “PURC Only Information”, being commercially sensitive information only appropriate for review by PURC and its advisors on a “need to know” basis; or
- ii. “Restricted Information” being information of a party which should be available only to a limited number of designated persons within another party, such as the appropriate legal advisors, regulatory personnel and outside experts.

14. PUBLIC HEARINGS

14.1. PURC may (but is not obliged to in any way) hold a public hearing in respect of any of its Public Consultations. Details of such a public hearing will be made available on PURC’s Website and/or through media publications such as local newspapers.

14.2. PURC may (but is not obliged to in any way) at its own initiative, or at the request of an interested party and if PURC so agrees, establish a working group to meet, examine the comments and make a recommendation to PURC. Any working group will appoint its own Chairperson, to which PURC and all members of the working group must agree.

PURC may make the decision to Chair or, failing any working party consensus, PURC will appoint the Chairperson. PURC will and must always be a member of any such working group. Working groups shall present progress reports to PURC and members of the Working group, and may make recommendations to PURC on comments received or a way forward.

15. ADDITIONAL COMMENTS

15.1. In general, PURC will only undertake one round of Public Consultation on its draft documents. PURC may decide, however, (but shall not be obliged) to conduct another Public Consultation, inviting additional comments; particularly to invite and obtain the opinions of other interested parties in relation to the comments received from specific interested parties or for such reason as determined by PURC.

16. FINAL MEASURES

16.1. In general, PURC shall publish the relevant final measure through summary reports, if any, that formed the subject-matter of an Invitation as soon as practicable following receipt of the Comments and, if applicable, the public hearing and additional Comments.

16.2. PURC may (but shall not be obliged to) respond to some or all of the Comments received, including by way of an explanatory note and justification for its decision as well as a summary and response, when it publishes the relevant final measure.