

**National Telecommunications Regulatory Commission
St. Vincent and the Grenadines**

Guidelines

for

Conducting
Public Consultations

June 2003

Introduction

The Governments of the five Contracting States within the OECS by Treaty on the 4th May 2000 established for and among themselves the Eastern Caribbean Telecommunications Authority (ECTEL). One of the major purposes of ECTEL is the promotion of national consultations in the development of telecommunications. The Treaty also provided for the establishment of the National Telecommunications Regulatory Commission (Commission) and this Commission was established by the Telecommunications Act of 2001 under the general direction and control of the Minister of Telecommunications. The Commission has the power to do all things necessary or convenient to be done for or in connection with the performance of its functions. There is a body of subsidiary legislation already in force in St. Vincent and the Grenadines that specifically requires public consultation as the process to be used by the Commission for the determination of issues. Law therefore mandates this process. However this is not the only reason that it is to be used by the Commission. Public Consultation enables the Commission to ensure that the public in general and telecommunications stakeholders (hereinafter referred to as stakeholders) in particular are involved in its decision making process.

On January 28, 2003 the Commission published a Consultative document on Conducting Public Consultations in local newspapers and on our website www.ntrc.vc giving the stakeholders a specified time frame to make comments to its proposals outlined in the document. This document proposed and sought to formalize the process that the Commission would use in the future for conducting public consultations.

The Commission received comments from two entities to its consultative document. The Commission then deliberated upon the comments received taking

into consideration its stated position before arriving at a final position. This document outlines the results of those deliberations.

Scope

The Telecommunications Act no 1 of 2001, through its regulations, requires that the National Telecommunications Regulatory Commission conduct public consultations for the purpose of developing regulations and arriving at resolutions that are to be imposed on the sector. The Commission, taking into consideration the structure of consultations stipulated by the regulations, is of the view that a clear and consistent process is required.

For these reasons, the Commission proposed within the Consultative Document: ***Conducting Public Consultations***, a two-tier process, structured as follows:

1. The Commission prepares a consultative document
2. The Commission publishes the consultative document and invites responses within a specified period.
3. Responses are submitted to the Commission. (1st round of responses)
4. The Commission circulates and invites comments on the responses that it has received within a specified time frame.
5. Comments are submitted to the Commission. (2nd round of responses).
6. The Commission publishes a Statement or Policy Position Paper after due deliberation.

The Commission, having deliberated on the responses obtained and having revised its position, presents guidelines to the following issues:

1. **Forms and Methods of Implementation of Consultations**
2. **Transparency**
3. **Confidentiality**
4. **Time Frames for Process**

Objectives

The Commission is of the view that the primary objective of consultations is to improve decision-making. The Consultative Document expounded that consultation is a means of ‘...ensuring that decisions are rationally based on evidence: that they take into account the views and knowledge of all who are affected by them; that new arrangements are workable; and finally, that creative and interactive options are given full consideration’.

The Consultation Guidelines aim to provide stakeholders with the opportunity to comment on telecommunications’ matters that are in their interests, also allowing the regulator to take into consideration various views and positions outside of itself before a final determination can be made on an issue.

Guidelines

Forms and methods of implementation of consultations

- **Forms of consultation-** The Commission will mainly use a written format for its consultation process which will allow for proper representation of issues and views by all concerned notwithstanding their location and ability to be present at a particular location for a specific time. The Commission will however supplement written forms of consultation with public hearings where appropriate. As the Commission does not want to exclude any groups of persons from making contributions to a particular issue due to the form of consultation used, it sees the need to include this form of consultation.
- **Circulation register-** The Commission will maintain a register of interested persons, which it will try to maintain as up to date as

possible. This register will be used to disseminate consultation documents to interested parties.

- **Website-** The Commission will maintain a website www.ntrc.vc to disseminate information to stakeholders as well as to publish comments and comments on responses.

Transparency

- **Deliberation-** The Commission will make available its deliberations used in arriving at its final position having examined the comments made to its consultative documents. These will be available for viewing at the Commission office on request by the public.
- **Weighting-** The Commission will not use a weighting system to facilitate the strength of a comment/response towards the deliberation on a particular issue raised in a consultative document. The Commission has decided that confidential arguments, reasoning and viewpoints would not be considered.
- **Availability of information-** The Commission will post on its website www.ntrc.vc electronic versions of documents prepared by the Commission as well as responses or comments on responses filed by respondents in relation to a consultative document, to the extent feasible. Hard copies of documents will also be available at the Commissions office for viewing and copying. This does not prevent stakeholders from either publishing or circulating their comments to other interested parties directly. The Commission thinks that a secondary process for disseminating information where possible can only strengthen the consultative process. Comments made at public hearings will be

recorded by the Commission and made available at its office and on its website where feasible.

Confidentiality

Noting its decision not to use a weighting system, the Commission is of the view that only those comments/responses that are opened for public debate would be deliberated upon, save and except in the case comments containing confidential data.

- **Treatment of submissions that include confidential information-** Respondents who submit confidential-information that they require to be debated upon should submit an abridged version that would be circulated to the public. This would allow for the protection of sensitive data submitted by some respondents.
- **Anonymous respondent-** If a respondent wish to remain unidentified for what ever reason then that respondent will need to employ the services of a Lawyer to respond on his behalf. This will allow for persons to be heard who may not necessarily want to be in the public view.

Time frames for consultation processes

To a large extent the timetable of the consultation process will depend upon the nature of the regulatory issue under examination. Table 1 shows the Commission's guidelines for the period of time to be allowed for the different types of the consultation. Each Consultative Document will set out the specific timings that relate to the consultation process that it initiates specifically as it relates to the time frames to be allowed for comments to responses which will vary from 7 to 21 days depending on the issue(s) being consulted upon. The time frames outlined in Table 1

represents the entire time from the date of publication of the consultative document to the date of the Commission determination.

Table 1

Summary of consultation time frames

Type of consultation	Period of consultation
Consultation on broad matters of regulatory policy	84 days
Re-consultation on issues recently consulted upon	28 days
Consultation on urgent policy issues of interest to a narrow group of stakeholders	To be judged on a case by case basis after discussion with interested parties.
Consultation prior to licence review	28 days
Consultation prior to issuing a determination in respect of market power or universal service	49 days
Consultation prior to issuing a direction, consent, or determination (not in respect of market power or universal service)	28 days