

National Telecommunications Regulatory Commission

Policy Document

On

Conducting Public Consultations

October 10th, 2003

Introduction

1.1 Establishment of ECTEL

The Governments of five Contracting States of the Organization of Eastern Caribbean States by Treaty on May 4th 2000 established the Eastern Caribbean Telecommunications Authority (ECTEL). Act No 30 of 2000 is the Treaty Act which gave the Treaty the force of law in Grenada. The Treaty Act gives ECTEL the authority among others to promote open-entry market liberalization and competition in telecommunications of the Contracting States and to promote harmonized policies on a regional level for telecommunications of the Contracting States.

1.2 Establishment of the NTRC

The National Telecommunications Regulatory Commission (NTRC) was established pursuant to the Telecommunications Act 31 of 2000 in order to give effect to the purposes of the Treaty and for the purpose of regulating the telecommunications sector in Grenada. In accordance with Section 11 (1) (a) of the Act, the Commission is responsible for advising the Minister for Telecommunications ‘on the formulation of national policy on telecommunications matters’. Section 12 (1) of the Act gives the Commission ‘the power to do all things necessary or convenient to be done for or in connection with the performance of its functions’

2. Consultative Procedure Adopted

2.1 Publication of Consultative Document “Conducting Public Consultations”

The NTRC on the recommendation of ECTEL decided that for the determination of certain policy matters on regulatory issues the process of consultation with stakeholders could enhance the decision making process of the Commission, while giving transparency to the process and affording stakeholders the opportunity for their views to be considered. In this regard, the Commission published a consultative document on ‘Conducting Public Consultations’ to a wide range of stakeholders during October/November 2002 and solicited their views on the Commission’s proposals for the conduct of such consultations. The views of the respondents were considered in the preparation of this document.

NTRC Policy Document on ‘Conducting Public Consultations’

1. Form of Consultation

1.1 Preparation of Consultative Document

When a public consultation is to be carried out, the consultative document would be prepared by the Commission. The Consultative document may be based on a recommendation from ECTEL or as determined by the Commission. The NTRC would review the document, revise the document as necessary, and publish it in accordance with the guidelines outlined herein. Responses to the document would generally be requested to be in accordance with the timeframes set herein. However, each public consultation document may contain specific instructions and timeframes which are appropriate for that particular consultation.

1.2 Publication of the Consultative Document

The NTRC would publish the consultative document on its website. Copies would also be available at the office to the National Telecommunications Regulatory Commission.

The NTRC would publish notices of the commencement of a Consultation and invitation to participate, via a radio announcement and/or publication in two of the weekly newspapers. The notices would indicate that a public consultation has begun and that the consultative document is available on the NTRC website, the address (URL) for which will be published as part of the notice. The date of first publication of these notices will be the start of the consultation period.

1.3 Public Awareness Initiative

If the NTRC considers it necessary or if it is convenient to do so, the NTRC may conduct a public awareness and education program on either radio, Television, or other forms of open forum in order to stimulate participation from stakeholders and the general public.

1.4 List of Stakeholders

A list of stakeholders would be maintained by the NTRC and updated as necessary. The stakeholders list would include among others –

- Telecommunications operators
- Radio and Television Broadcasters and operating companies
- Government Ministries
- Statutory Bodies e.g. Ports Authority, NIS
- Royal Grenada Police Force
- Non Government Organizations (NGOs)
- The Inter Agency Group of Developing Organizations (IAGDO)
- The Grenada Bureau of Standards

- The Grenada Chamber of Industry and Commerce
- Grenada Industrial Development Corporation

- Head-teachers Association
- Trade Union Council
- Opposition Leader
- Association of professional Engineers
- Amateur and CB Radio Clubs
- Major users of telecommunications facilities e.g. Bankers, Hotels
- Professional bodies
- Bar Association
- Conference of Churches

Hard or soft copies of the Consultative Document would be sent to relevant stakeholders on the NTRC stakeholder list. Copies would be sent via either courier, postage, fax, email or other expeditious method of delivery. Additional interested parties who respond to the public invitation to participate would be added to the list of stakeholders.

1.5 Form of Responses

The NTRC would invite relevant stakeholders and the general public to submit to the NTRC hard copies of written responses or comments on the consultative document within the timeframes specified herein or as specified on the specific consultative document being considered. The Commission requests that responses be also submitted in an electronic format wherever practicable. This would facilitate the responses to be posted on a web site if the NTRC resources permit.

Other forms of consultation would be considered to supplement written consultation on a case by case basis depending on the issue to be consulted on and the circumstances around the issues. Other forms of consultation may include among others –

- Public hearings
- Meetings or seminars, workshops with and/or visits to representative groups and/or interested parties
- Working groups of representatives of service providers and/ or consumers
- Consultations with independent advisors
- Internet discussions
- Research, surveys, interviews

2. Consultative Document

2.1 Outline of Issues and Analyses

The consultative document would outline the regulatory issues to be addressed and any analyses considered necessary for consultation on the issues. Specific timeframes for responses in a particular consultation may be outlined in the consultative document.

2.2 Presentation of Options or Preferred Solutions

The Consultative Document may communicate proposed options with respect to the approach to be adopted in determining of the issues in the best interest of consumers and of the general public. The NTRC may present a preferred position for consideration by stakeholders, giving reasons for the suggested options or position.

2.3 Opinions Subject to Change

The Opinions or analyses set out by the NTRC in the Consultative Document would be for the purpose of discussion and therefore would be subject to change.

2.4 Information and Facts Requested from Respondents

The Commission in publishing the Consultative Document would be inviting relevant stakeholders to give information and facts to validate their opinions for and against the opinions and analyses of the NTRC/ECTEL. The Commission will give due consideration to all such responses, taking into account all the information before it.

3. Responses

3.1 Availability of Responses to each Respondent

The Commission would make available the responses of each respondent to each other respondent and request comments from each respondent on the responses of the other respondents.

3.2 Availability of Responses to the Public

The Commission would keep all responses on file, which will be available for viewing by visitors to the Commission's office. All documents submitted by interested parties would be made available to the public at the office of the NTRC. Exceptions to this would be documents, which the NTRC have declared to be confidential documents. Arrangements for viewing responses can be made by contacting the office of the NTRC. At the appointed time, individuals may request photocopies of responses at a price, which will reflect the cost of photocopying.

3.3 Respondents Encouraged to Publish Responses

The Commission would also encourage respondents to the consultative documents to publish their responses if they have the resources and means to do so.

3.4 NTRC Consultation with ECTEL on Responses

The Commission may consult with ECTEL on specific issues arising from the responses and on the comments on responses of each respondent. Whenever the Commission solicits the views of ECTEL on the responses and comments on responses received it will give due consideration to the views and recommendations of ECTEL.

3.5 Publication of Other Related Consultative Documents

After giving due consideration to the information that has been so gathered, if it proves necessary, the Commission may seek further information. When the Commission is satisfied that it has the widest practicable participation within the given timeframes, it may publish another consultative document if necessary to address complex issues that were not addressed in the preceding consultative document.

4 Confidentiality

4.1 Submitting Confidential Information

The NTRC advises that Public Consultation requires transparency so as to energize public debate and scrutiny of responses. As such requests for confidentiality should be a rare exception.

Respondents who do not wish part or all of their response to be made available for viewing by others or by the general public due to confidentiality concerns should indicate this clearly on their response.

Respondents should place confidential information in a separate Annex labeled confidential or submit a confidential version and a non-confidential version of their response.

4.2 Abuse of Confidential Cover

The NTRC advises respondents that public consultation and discussion warrants transparency and as such an explanation of the need for confidentiality is required by the NTRC.

The Commission urges respondents to use confidential markings only for such information, which is truly confidential, and not to limit the free exchange of ideas and opinions, which are the essence of public debate.

The Commission also advises that those parts of responses supplied on a confidential basis would run the risk of having less weight or no weight at all because they will not be subject to public scrutiny, and so the opportunity will not be given to others to rebut or disagree on those parts.

4.3 Commission may Override Request for Confidentiality

In general the Commission would respect the wishes of respondents as regards which parts of their responses are to be available for public scrutiny. However, because the nature of the proceedings warrants public debate, the Commission advises that where the Commission is of the opinion that it is not in the interest of the Grenadian Public for a particular response to be kept confidential, it may override the request of the respondent for confidentiality. This could occur if there has been a clear abuse of the confidentiality marking.

5 Policy Paper

After all responses have been considered by the Commission and analyses completed, on all the relevant aspects of the issues at hand, the NTRC will publish a Policy Decision Paper that will set out the decision or conclusion. The paper will also include a summary of the responses which were received and the rationale for the determination of the final decision or conclusion. The proposed policy paper will be published to all respondents to the consultative document and to the general public with an invitation to draw to the attention of the Commission whether there are any obvious errors in the Policy Decision Paper. The NTRC, after making any final corrections, would subsequently publish the Policy Decision Paper as a policy decision of the NTRC. This final publication would be in accordance with the timeframes set herein.

6 Harmonization of Policy Formulation by ECTEL

6.1 Legal Requirement for Harmonized Policy Formulation

In keeping with the requirements of Article 4 -1.(b) of the Treaty Act (Act 30 of 2000) and Section 2 (2) (b) of the Telecommunications Act (Act 31 of 2000), ECTEL is responsible for developing harmonized policies for the Contracting States.

6.2 ECTEL to Coordinate Consultation Process for Common Policies of the NTRCs

When the issue to be determined is one of regional importance and/or consultation on the same issue is to be carried out in each of the ECTEL Contracting States and requires a common policy statement to be adopted by each of the Contracting States, ECTEL will be the primary coordinator of the consultation process and all responses received by the NTRC will be sent to ECTEL with comments from the NTRC.

ECTEL would be responsible for preparing the harmonized policy statement, which will be commonly adopted by all the Contracting States. In this regard, ECTEL would take into account responses and comments from each of the contracting states and NTRCs when preparing the common policy statement.

7 Timeframes for Consultations

The timetable of the consultation process will depend to a large extent on the regulatory issue under examination. Table 1 shows the Commission’s guidelines for the period of time generally allowed for various stages of the consultation process. Each consultative document will however set out the specific timings that relate to the consultation process that it initiates.

Table 1

Timetable for Conducting Public Consultations

Phase of Consultation	Proposed period of consultation
Time to submit responses to publication of consultative document from date of publication.	20 days minimum 120 days maximum depending on nature of consultation
Time for NTRC to publish responses and request for comments on responses after deadline for receipt of responses	7 days
Time to submit comments on responses from date of publication of responses and requests for comments by NTRC.	14 days minimum 28 days maximum depending on nature of consultation
Time for NTRC to collate information and consult with ECTEL on intended policy decision from last date for submission of comments on responses.	30 days
Time for NTRC to publish intended policy decision after deadline for consultation with ECTEL	7 days
Duration of publication of Intended Policy decision.	14 days
Publication of Final Policy decision after final amendments made since last date of publication of Intended Policy decision.	7 days

