



Procedures for Consultations in the Telecommunications Sector of Trinidad and Tobago

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1 Introduction

1.1 Rationale

The Telecommunications Authority of Trinidad and Tobago (TATT), as part of its mandate to liberalize and regulate the sector, has begun the establishment of a regulatory framework that will be used to govern the telecommunications industry. Section 78 of the Telecommunications Act 2001 as amended by the Telecommunications Amendment Act 2004 (hereinafter jointly referred to as the Act), requires that the Authority makes recommendations to the Minister for making regulations as may be required for the purposes of the Act.

The Authority's mandate includes the development of draft policies to inform the drafting of regulations on matters such as interconnection, dispute resolution, licensing, spectrum management, numbering, universal service, price regulation and other issues that require regulation in a liberalized environment. The Authority is also required to publish decisions made on issues that arise in regulating the sector.

Section 18(4) of the Act prescribes:

“In the performance of its functions under subsection (1)(c), (d), (e), (m) and (p), sections 28, 78 and 79 and any other provisions of the Act as the Authority deems appropriate, the Authority shall adopt procedures by which it will:

- afford interested parties and the public opportunities for consultation;
- permit affected persons and the public to make appropriate submissions to the Authority.”

Consultation is an essential part of regulatory accountability. It is the means by which the public and stakeholders¹ in the telecommunications sector who may be affected by the Government's and the Authority's policies, plans and decisions can express their views on such matters before they are enforced. It is therefore imperative that in the development of the regulatory framework, the relevant parties are given the opportunity to comment on, or contribute to the development of

¹ 'Stakeholder' in this document refers to any entity that has a vested interest in the telecommunications sector, and includes service/ facility providers and affiliates, investors, consumers/ consumer groups, government and regulatory agencies. It does not include the general public.

those policies that could affect their investments, the sustainability of a competitive environment, the benefits of competition to consumers and by extension the social development of the society as a whole.

Procedures for the consultation process are therefore required to ensure that:

- (i) stakeholders and the general public are adequately informed of the issues surrounding a particular subject matter;
- (ii) stakeholders and the general public are given the opportunity to express their views;
- (iii) adequate and accurate information is shared between stakeholders and the Authority;
- (iv) there is no breach in confidentiality if it is requested by stakeholders or members of the public when submitting comments to the Authority;
- (v) the consultation process is not unnecessarily lengthy to affect the time taken to arrive at a decision;
- (vi) there is flexibility to modify policies and regulations when the need for such arises; and
- (vii) stakeholders and the public feel that they are part of the development process, and therefore more inclined to support the goals of the Authority.

1.2 Scope

The Authority will seek, in accordance with these procedures, the opinion of the general public, especially relevant stakeholders, regarding all proposed policy, legal, and relevant procedural and technical documents created by, or on behalf of, the Authority.

The *Procedures for Consultations in the Telecommunications Sector of Trinidad and Tobago* prescribes guidelines for:

- (i) the initiation of the consultation process,
- (ii) notification of a consultation,
- (iii) posting telecommunications policies, regulations, rules and other documents for consultation,
- (iv) receiving and documenting comments,

- (v) consultation on comments received,
- (vi) the final review of documents,
- (vii) notification of decisions made, and
- (viii) the review cycle.

1.3 Modification to Document

This document will be modified periodically to meet changing and unforeseen circumstances as the Authority deems appropriate, and the maintenance history at the beginning of the document will be modified accordingly (Section 2.12)

Questions or concerns regarding this document may be directed to the Policy, Pricing and Research Division of the Authority at policy@tatt.org.tt, or may be written to:

Policy, Pricing and Research
Telecommunications Authority of Trinidad and Tobago
76 Boundary Road
San Juan
Trinidad and Tobago
West Indies

2 Consultation Procedures

2.1 Development of Draft Document

- 2.1.1 Where there is a need for policies, plans, regulations and procedures in the exercise of its functions, the Authority may develop the appropriate drafts for consideration by the Minister responsible for telecommunications (hereinafter referred to as ‘the Minister’).
- 2.1.2 The Authority may develop information papers on any matter scheduled for consultation, which can be accessed by stakeholders or members of the public, to provide information on various issues in the telecommunications sector.
- 2.1.3 The Authority may develop draft documents with the involvement or assistance of any appropriate party.
- 2.1.4 Entities submitting information to the Authority upon request for the purpose of informing draft policies, regulations, procedures or information papers may request that some parts of the submission be treated as confidential and not published, in accordance with Section 80 of the Act.
- 2.1.5 The Authority may simultaneously issue draft telecommunications policies and the related draft regulations for consultation.

2.2 Structure of Consultation Document

- 2.2.1 The format of the consultation document may include but is not limited to the following:

- (i) A title page
- (ii) Maintenance history
- (iii) Table of contents
- (iv) Table of figures and tables

- (v) An introduction/ executive summary (this may include the rationale and scope of the document)
- (vi) Review cycle/ Modification to Document
- (vii) Consultation process (may refer to these procedures, or may provide a summary of the principles expressed here)
- (viii) Glossary/ Definitions
- (ix) The main body (this will vary from document to document, but will outline the considerations of the Authority)
- (x) Policy prescriptions/ conclusions/ recommendations/ next steps/ decisions
- (xi) A list of questions on which Authority may require opinions
- (xii) Annexes

2.3 Approval by the Board

2.3.1 The Board shall approve all consultation documents before public postings are made.

2.4 Notification to the Ministry

2.4.1 The Authority shall formally submit copies of all draft policies, and regulations to the Minister one (1) week prior to their public release.

2.5 Notification of Consultation

2.5.1 The Authority shall publish a notification to inform the public and stakeholders of the availability of the consultation document. The notification shall appear for at least two (2) days in at least one (1) daily newspaper, and should indicate at minimum:

- (i) Title of consultation document
- (ii) URL of website from which documents can be downloaded
- (iii) Date from which document will be available
- (iv) Deadline for submission of comments

- (v) Contact information for the relevant personnel to which queries may be addressed
- (vi) Any additional information as prescribed by the Authority

2.5.2 The Authority shall also publish a notification of the consultation on the homepage of its website for the duration of the consultation period. The newspaper notification (2.6.2) may also be extended throughout the consultation period as the Authority deems appropriate.

2.5.3 The notification may also be published in any regional/ international telecommunications/ business magazine, periodical or journal, as the Authority deems appropriate.

2.5.4 Consultation documents shall be posted on the Authority's website.

2.5.5 Printed documents shall also be available for collection at the Authority's office at 76 Boundary Road, San Juan, Trinidad and Tobago, West Indies. Other formats of the document may also be made available upon request. The Authority may charge a fee for documents, in any format, collected at its office.

2.6 Filing Comments

2.6.1 The Authority shall accept comments from the following categories:

- a) Regional regulatory or governmental agencies
- b) Existing service and/ or facility providers and affiliates
- c) Potential service and/ or facility providers and affiliates
- d) Service provider associations/ clubs/ groups
- e) Consumers/ consumer groups
- f) General public

2.6.2 Employees, investors and shareholders of entities in categories a) to d) who wish to comment on consultation documents issued by the Authority, shall do so in unison with the submission made by the entity. It is therefore encouraged that these entities engage in an

internal review forum to culminate the views of all their stakeholders on the consultation document, prior to submission to the Authority.

- 2.6.3 The initial consultation period by the Authority for receiving comments is normally no less than four (4) weeks. Where a shorter period of consultation is necessary for the proper discharge of the Authority's functions, a shorter period may be prescribed by the Board. However the Authority will include the deadline for submission of comments within the consultation document, and all comments must be submitted within the specified period to be considered by the Authority.
- 2.6.4 The preferred method via which comments are to be submitted is email. However the Authority will accept comments that are hand-delivered or mailed to the Authority in either electronic (preferably rich text) or printed format.
- 2.6.5 The Authority shall deal with submission of comments in the manner prescribed by 2.1.4 and 2.1.5.
- 2.6.6 The Authority shall also post on its website a consultation form that must be submitted with the comments from interested parties.
- 2.6.7 The consultation form shall contain at minimum:
- (i) Respondent category
 - (ii) A declaration of interest
 - (iii) Name of entity
 - (iv) Contact information (contact person, address, telephone number, email address etc.)
 - (v) The proposed structure of comments to be submitted
 - (vi) A declaration that provides respondents with a choice of having their submitted comments published by the Authority for purposes of consultation
 - (vii) Signature. For electronic submissions, an electronic signature should be used.

(viii) Position of signatory (This is applicable for categories a) to e))

2.6.8 Comments submitted by any party will not be used against that party in any process in which that party is involved with the Authority.

2.7 Preparation of 2nd Draft Document

2.7.1 The Authority shall prepare a second draft consultation document, with modifications made, as it deems necessary at this stage. This document shall be accompanied by a “Decisions on Recommendations (DOR)” annex which will consolidate comments submitted by respondents in the categories from which they were submitted, and an indication of which comments influenced modifications in the revised draft. The Authority may also provide justification for its decision to not modify the consultation document based on certain comments.

2.8 The second consultation phase

2.8.1 The second consultation phase may be any, but not limited to, one of the following:

- A review forum for the public and stakeholders
- A stakeholder meeting
- Invitation of comments in a similar manner to the initial phase

2.8.2 The Authority will determine the form of the second consultation phase within one (1) week of the closing of the initial consultation phase.

2.8.3 The start of the second consultation phase shall be at least six (6) weeks after the closing of the initial consultation period.

2.8.4 The Authority shall publish its notification of the second consultation phase in accordance with 2.5. In the case of a stakeholder meeting, or a review forum, the notification shall also contain:

- (i) Purpose of forum/ meeting
- (ii) Venue of forum/ meeting
- (iii) Forum/ meeting agenda
- (iv) Duration of the forum/ meeting (Date, Time etc.)
- (v) Any additional information as the Authority deems necessary

2.8.5 In the case of a stakeholder meeting, or review forum, the Authority will determine the logistics of the forum, as it deems necessary based on the participation that it expects from stakeholders or the public, and the breadth of the issue under review. Such logistics shall be made known to participants prior to, or at the commencement of the event.

2.8.6 Where this phase is conducted in the same manner as the initial phase, the procedures in 2.6 will apply.

2.9 Finalisation of Draft and Notification of Decisions made

- 2.9.1 The Authority shall end the consultation process when it determines that it has sufficient information to produce a final draft document.
- 2.9.2 The Authority shall make decisions with respect to issues arising out of the consultation process, and finalize the draft document within two (2) weeks of the end of the consultation process. A final DOR shall also be prepared that will summarise the comments received in the previous consultation phase, and the decisions made by the Authority based on the views expressed.
- 2.9.3 The final draft document and the final DOR shall be posted on the Authority's website within three (3) weeks of the final consultation and a notification of the posting shall appear in at least one (1) daily newspaper for three (3) days. The notification may also be published in any regional/ international telecommunications/ business magazine, periodical or journal, as the Authority deems necessary.
- 2.9.4 Printed documents shall also be available for collection at the Authority's office at 76 Boundary Road, San Juan, Trinidad and Tobago, West Indies, on payment of an administrative fee.
- 2.9.5 In the case of draft policies and regulations, the Authority will submit the document for the approval of the Minister in accordance with Sections 18(e) and 78 of the Act.

2.10 Petitions for Reconsideration

- 2.10.1 In the unlikely event that stakeholders or members of the public disagree with decisions made by the Authority in relation to the consultation and review exercises, any person may submit a petition to the Authority to reconsider any decisions made within two (2) weeks of the final draft posting in 2.9.3.

2.11 Logging of Consultations

2.11.1 All versions of a consultation document shall remain posted on the Authority's website until it has been approved. This will ensure that all interested parties at the time of the consultation are adequately informed of the views expressed and issues addressed during the decision making process.

2.11.2 The Authority shall also provide on its website a list of all the current and recently closed consultations.

2.12 Review Cycle

2.12.1 The Authority shall engage in further consultation with stakeholders and the public for the purposes of revising published policies, procedures or regulations as it deems appropriate.

2.12.2 Any stakeholder or member of the public may submit proposals for modifications to be made to published policies, procedures or regulations. However, the Authority shall log proposals received until the respective document is scheduled for review.