



## **GOVERNMENT OF THE REPUBLIC OF TRINIDAD AND TOBAGO FREEDOM OF INFORMATION ACT (FOIA) 1999**

### **UPDATED PUBLIC STATEMENT OF THE REGULATED INDUSTRIES COMMISSION 2009**

#### **In compliance with sections 7, 8, and 9 of the Freedom of Information Act (FOIA) 1999**

In accordance with Sections 7, 8 and 9 of the Freedom of Information Act ("FOIA") the Regulated Industries Commission ("the Commission") is required by law to publish the following statement, which lists the documents that are available to the public.

The FOIA gives members of the public:

1. A legal right for each person to access information held by the Commission;
2. A legal right for each person to have official information relating to him/her amended where it is incomplete, incorrect or misleading;
3. A legal right to obtain reasons for adverse decisions made regarding applicant's request for information under the FOIA;
4. A legal right to complain to the Ombudsman and to apply to the High Court for Judicial Review to challenge adverse decisions made under the FOIA.

#### **Section 7 Statements**

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##### **Section 7 (1) (a) (i)**

##### **Function and structure of the Regulated Industries Commission**

###### **Mission statement:**

The Mission Statement of the Regulated Industries Commission is to:

*To ensure promotion of the highest quality of utility services at fair and reasonable rates while building a credible regulatory regime that responds adequately to stakeholders' concerns and also ensure fairness, transparency and equity in the provision of utility services throughout the country.*

The RIC is a statutory body established by Act No. 26 of 1998 ("the RIC Act") to regulate and monitor the operations of the service providers named in the RIC Act. The RIC replaced the Public Utilities Commission ("PUC") whose jurisdiction was issued under the PUC Act Chap 34:01, which was repealed under

the RIC Act. The service providers that presently fall under the purview of the RIC Act include:

- The Water and Sewerage Authority (“WASA”)
- The Trinidad and Tobago Electricity Commission (“T&TEC”)
- The Power Generation Company of Trinidad and Tobago (“PowerGen”)
- Trinity Power Limited (formerly InnCogen Limited).

The Commission consists of a Chairman, Deputy Chairman and at least three (3) other members. The total composition of the Commission shall not consist of less than five (5) or more than seven (7) members, appointed by the President for a maximum of five (5) years in each case. The RIC Act also provides for an Executive Director, who is presently contracted for two (2) years.

The RIC Act makes provision for the establishment of Consumer Services Committees, members of which are appointed by the Minister and will consist of a Chairman, a representative nominated by the Tobago House of Assembly and three (3) other members who will serve as consumer advocates. Such committees will advise the Commission on matters related to quality of service delivered and ensure that complaints procedures of service providers produce speedy resolutions for consumers. They may also be required to contribute to deliberations of the Commission where rates and licence conditions come under review.

The role of the Commission has been expanded under the RIC Act to include:

- Making Recommendations to the Minister on the awarding of licences.
- Monitoring and enforcing compliance with licence conditions and imposing penalties for non-compliance.
- Prescribing and monitoring standards of services.
- Establishing the principles on which tariffs will be based and conducting periodic reviews of rates.
- Conducting studies of efficiency and economy of operation and performance by service providers.
- Investigating consumer complaints and facilitating relief in respect of rates, billing and unsatisfactory service.
- Facilitating competition among service providers, where desirable.
- Collection of Licence fees.

The functions of the Commission are discharged with the assistance of the thirty –five (35) members of staff employed at the office of the Commission. Staff serves as a support arm of the Commission by functioning in furtherance to the mandate of the Commission. See organizational structure of the Commission.

The office of the Commission is located on the 1<sup>st</sup> and 3<sup>rd</sup> Floors, Furness House, Corner of Wrightson Road and Independence Square, Port-of-Spain.

## **Effect of Functions on Members of the Public**

Through the operations of the RIC, the public's interest is protected by the Commission ensuring:

- Maximum efficiency in the allocation and use of resources and that services are provided at the lowest cost
- Equal access by consumers to service, and the fair treatment of consumers and service providers who are similarly placed
- Non-discrimination in terms of pricing and quality of service, and
- Redress for customers in respect of rates, billings and unsatisfactory service.

## **Section 7 (1) (a) (ii)**

### **Categories of Documents in the Possession of the Commission:**

#### **Operational Records**

- The RIC Act
- The Telecommunications Act No. 4 of 2001 (section 85 (12) amends the First and Second Schedules of the RIC Act)
- Reports
- Policies, decisions of the Commission includes Minutes/Agenda
- Establishment Records
- Personal files of employees of the Commission
- Customer Service Records
- Research Papers on various areas of the Service Providers
- Research papers generated by the service providers
- News releases, speeches originating in the Commission
- Legislation and Legal Instruments
- Books, Brochures, newspaper clippings
- Materials dealing with conferences and events hosted by the Commission.

#### **Administration Records**

- Strategic Plans
- Policies pertaining to the internal operations of the Commission
- Human Resource matters
- General office files required for internal administration
- Accounting files and reports.

### **Section 7 (1) (a) (iii)**

#### **Materials prepared for publication or inspection**

The public may inspect and/or obtain copies of the following material between the hours of 9:00 a.m. to 12:00 noon and 2:00 p.m. and 3:30 p.m. on normal working days at:

**Address:** The Regulated Industries Commission  
Furness House  
Corner of Wrightson Road and Independence Square  
Port-of-Spain.

**Tel. No.:** (868) 625 5384

**Fax No.:** 624-2027

**e-mail:** [ricoffice@ric.org.tt](mailto:ricoffice@ric.org.tt)

**Website:** [www.ric.org.tt](http://www.ric.org.tt)

The RIC Act  
Reports  
Utility Standards  
Social Action Plan: Initial Framework  
Research Papers  
Publications  
Business/Economic Journals  
Regulatory Journals/Magazines  
T&TEC Rate Review documents  
Regulated Industries Commission Final Determination (Rates and Miscellaneous Charges): Regulation of Electricity Transmission and Distribution June 01, 2006 to May 31, 2011.  
Video clippings of conferences and consultations.

### **Section 7 (1) (a) (iv)**

#### **Literature available by subscription**

The Commission does not possess any literature available by subscription.

## Section 7 (1) (a) (v)

### Procedure to be followed when accessing a document from the Commission

#### How to Request Information:

- *General Procedure*

Our policy is to answer all requests for information, both oral and written. However, in order to exercise your rights under the FOIA (for example the right to challenge a decision if your request for information is refused), you must make your request in writing. You must, therefore, complete the appropriate form (*Request for Access to Official Documents*) available at the Library at the Commission, for information that is not readily available to the public.

- *Addressing Requests*

To facilitate prompt handling of your request, please address it to the Alternate Officer of the Regulated Industries Commission. **(See Section 7 (1) (a) (vi)).**

- *Details in the Request*

Applicants should provide details that will allow for ready identification and location of the records that are being requested. If insufficient information is provided clarification will be sought from the applicant. If you are not sure how to write your request or what details to include, communicate with our Alternate Officer. **(See Section 7 (1) (a) (vi)).**

- *Requests not handled under the FOIA*

A request under the FOIA will not be processed to the extent that it asks for information which is readily available to the public, either from the Commission or from another public authority, e.g. brochures, pamphlets, reports etc.

#### Responding to your Request

- *Retrieving Documents*

The Commission is required to furnish copies of documents only when they are in our possession or we can retrieve them from storage.

- *Furnishing Documents*

An applicant is entitled to copies of information we have in our possession, custody or power. We are required to furnish only one copy of a document. If we cannot make a legible copy of a document to be released, we may not attempt to

reconstruct it. Instead, we will furnish the best copy possible and note its quality in our reply.

Please note we are not compelled to do the following:

- (a) Create new documents. For example, we are not required to write a new program so that a computer will print information in the format you prefer.
- (b) Perform research for you.

### Time Limits

- *General*

The FOIA sets a time limit of thirty (30) calendar days for determination of your request for access to documents. If we fail to meet this deadline, the FOIA gives you the right to proceed as though your request has been denied. We will try diligently to comply with the time limit. If it appears that processing your request may take longer than the statutory limit, we will acknowledge your request and advise you of its status. Since there is a possibility that requests may be incorrectly addressed or misdirected, you may wish to call or write to confirm that we have received the request and to ascertain its status.

- *Time Allowed*

We will determine whether to grant your request for access to information as soon as practicable but no later than 30 days as required by Section 15 of the FOIA. If a decision is taken to grant access to the information requested, you will be permitted to inspect the documents and/or be provided with copies.

### **Section 7 (1) (a) (vi)**

**Officers in the Commission responsible for:**

- **The initial receipt of and action upon notices under Section 10,**
- **Requests for access to documents under Section 13 and**
- **Applications for correction of personal information under Section 36 of the FOIA, are:**

#### **The Designated Officer:**

Ms. Nadia John  
Job Title: Legal/Corporate Secretary  
Furness House  
Cor. Wrightson Road and Independence Square  
Port-of-Spain  
Phone: 627-7820 ext 325  
Fax: 624-2027  
Email: [johnn@ric.org.tt](mailto:johnn@ric.org.tt)

**The Alternate Officer:**

Ms. Denise Caesar  
Job Title: Communications Manager  
Furness House  
Cor. Wrightson Road and Independence Square  
Port-of-Spain  
Phone: 627-7820 ext 231  
Fax: 624-2027  
Email: [caesard@ric.org.tt](mailto:caesard@ric.org.tt)

**Section 7 (1) (a) (vii)**

**Advisory Boards, Councils, Committees, and other bodies  
(Where meetings/minutes are open to the public)**

None.

**Section 7 (1) (a) (viii)**

**Library/Reading Room Facilities**

Information in the public domain may be assessed in our Library/Information Centre or through our website at [www.ric.org.tt](http://www.ric.org.tt)

The Library/Information Centre at the Commission is located Furness House, Corner of Wrightson Road and Independence Square, Port-of-Spain, and is open between the hours of 9:00 a.m. to 12:00 noon and 2:00 p.m. and 3:30 p.m. on normal working days.

No eating, smoking or drinking is allowed in the Library/Information Centre.

**Policy of the Regulated Industries Commission for the provision of copies of documents which are readily available to the public**

Members of the public may;

- i. Indicate the form in which the copies are to be made available e.g. soft or hard copies, and must take into consideration, the possibility that the copies may not be available in the form required.
- ii. Be required to supply copying paper for hard copies in instances where requests require large amounts of paper. This is to be determined at the discretion of the Commission.

## Section 8 Statements

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### Section 8 (1) (a) (i)

**Documents containing interpretations or particulars of written laws or schemes administered by the Commission, not being particulars contained in another written law.**

The following Legal Notices can be purchased at the Government Printery:

1. Legal Notice No. 83 of 2001 – The Regulated Industries Commission (Approval of Cess) Order 2001.
2. Legal Notice No. 42 of 2002 – The Regulated Industries Commission (Approval of Cess) Order 2002.
3. Legal Notice No. 104 of 2003 – The Regulated Industries Commission (Approval of Cess) Order 2003.
4. Legal Notice No. 133 of 2004 – The Regulated Industries Commission (Approval of Cess) Order 2004.
5. Legal Notice No. 64 of 2004 – The Regulated Industries Commission Electricity (Transmission and Distribution) Order 2004.
6. Legal Notice No. 282 of 2005 – Notice of the Trinidad and Tobago Electricity Commission's request for a review of tariffs.
7. Legal Notice 50 of 2005- The Regulated Industries Commission (Approval of Cess) Order 2005.
8. Legal Notice No. 178 of 2006 – The Regulated Industries Commission (Approval of Cess) Order 2006
9. Legal Notice No. 1 of 2008 – The Regulated Industries Commission (Approval of Cess) Order 2007
10. Legal Notice No. 122 of 2008 – The Regulated Industries Commission (Approval of Cess) Order 2008
11. Legal Notice No. 22 of 2009 – The Regulated Industries Commission (Approval of Cess) Order 2009

### Section 8 (1) (a) (ii)

**Manuals of rules of procedure, statements of policy, records of decisions, letters of advice to persons outside the Commission, or similar documents containing rules, policies, guidelines, practices or procedures.**

1. The Commission's Policy manual
2. FOIA responses
3. Complaints Responses



## **Section 8 (1) (b)**

**Documents containing information on the procedures to be employed or the objectives to be pursued in the enforcement of the written laws or schemes.**

1. Legal Notice No. 64 of 2004 - Regulated Industries Commission Electricity (Transmission and Distribution) Order 2004.
2. Legal Notice No. 282 of 2005- Notice of the Trinidad and Tobago Electricity Commission's request for a review of tariffs

## **Section 9 Statements**

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### **Section 9 (1) (e)**

**A report prepared for the Commission by a scientific or technical expert, whether employed within the Commission or not, including a report expressing the opinion of such an expert on scientific or technical matters.**

- Water Quality testing from outside agency/agencies
- International Call Centres
- 2003 Report on T&TEC's Rio Claro Substation
- 2003-2004 Report on Pollution of the Caroni River affecting the Caroni Arena Water Treatment Plant.

### **Section 9 (1) (f)**

**A report prepared for the Commission, by a consultant who was paid for preparing the report**

- 2003 Report on The Willingness To Pay for Changes in Water, Wastewater and Electricity Services in Trinidad and Tobago.
- Report of Rate of Return Review for TSTT 1999-2003.
- Information Technology Incidence Report 2005
- 2005 Draft Final Report - Analysis of Investments Plans and Advisory on Asset Valuation Methodology in respect of the Trinidad and Tobago Electricity Commission
- 2008 Analysis of Investment Plans and Advisory on Asset Valuation Methodology for WASA

### **Section 9 (1) (h)**

**A report on the performance or efficiency of the Commission, whether the report is of a general nature or concerns a particular policy, programme or project administered by the public authority.**

*The following reports relate to the performance and efficiency of the RIC:*

- Certificate and Report of the Auditor General on the Accounts of the RIC for the year ended 2000 June 01 to 2000 December 31.
- Certificate and Report of the Auditor General on the Accounts of the RIC for the year ended 2001 December 31.
- Certificate and Report of the Auditor General on the Accounts of the RIC for the year ended 2002 December 31.
- Certificate and Report of the Auditor General on the Accounts of the RIC for the year ended 2003 December 31. This report is dated August 20, 2005.

(For Organizational Chart, Please see Page 11 below)

**ORGANIZATIONAL  
STRUCTURE**

