

Telecommunications (Dispute Resolution) Regulations

“Telecommunications Provider Complaint Record Tracking System” means the Telecommunications Provider Complaint Record Tracking System kept and maintained pursuant to regulation 5(2);

“Telecommunications Provider Complaint Record Register” means the Telecommunications Provider Complaint Record Register kept and maintained pursuant to regulation 5(1);

“Treaty” means the Treaty establishing ECTEL signed at St. George’s, Grenada on 4th of May, 2000 and includes the Treaty as amended from time to time;

“Tribunal” means a tribunal appointed pursuant to section 17 of the Act.

(2) Except so far as the contrary intention appears, an expression used in the Act and in these Regulations, whether or not a particular meaning is assigned to the expression by the Act, has in these Regulations the same meaning as in the Act.

Application

3.— (1) These Regulations apply to all disputes concerning the operation of telecommunications facilities and provision of telecommunication services arising in Saint Lucia including, but not limited to, complaints initiated by —

- (a) subscribers or other members of the public against a telecommunications provider;
- (b) a licensee against another licensee;
- (c) persons using frequencies authorization.

(2) Where appropriate, references in these Regulations to the Commission include references to the staff of the Commission.

(3) Where a dispute arises between two telecommunications providers on matters related to a duly executed interconnection agreement or a reference interconnection offer, the parties to the dispute shall, prior to seeking redress under these Regulations, first exhaust such dispute resolution process as may be incorporated in the said interconnection agreement or reference interconnection offer.

(4) Subject to sub-regulation (3), where there is conflict between these Regulations and any other Regulations in relation to an issue

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provided for pursuant to these Regulations, these Regulations shall prevail.

PART II
DISPUTE RESOLUTION

Procedure for seeking redress

4.— (1) Subject to the provisions of regulation 3(3), where a dispute arises between a retail customer and a telecommunications provider, or between two or more telecommunications providers, the aggrieved party, shall first seek redress from the respondent telecommunications provider, by, subject to sub-regulations (2) and (3), filing a statement of complaint on the respondent telecommunications provider.

(2) A statement of complaint pursuant to sub-regulation (1) shall be in the form prescribed in Form 1 of the Third Schedule and shall contain as much of the following information as possible —

- (a) the name, address, telephone number, e-mail and key contact information of the complainant;
- (b) where available, the name, address, telephone number, e-mail and key contact information of the respondent telecommunications provider;
- (c) a list of the disputes numbered in order so as to enable the respondent telecommunications provider to address each dispute separately;
- (d) a brief description of the basic facts surrounding each dispute;
- (e) as far as is practicable, such supporting information for each dispute; and
- (f) a statement of the desired resolution requested for each dispute.

(3) For the purpose of sub-regulation (1), a telecommunications provider shall make available to its retail customers the form referred prescribed as Form 1 in the Third Schedule.

Tracking by respondent telecommunications provider

5.— (1) A telecommunications provider shall keep and maintain a Telecommunications Provider Complaint Record Register for the

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purpose of registering statements of complaints filed pursuant to regulation 4.

(2) A telecommunications provider shall keep and maintain a Telecommunications Provider Complaint Record Tracking System for the purpose of tracking the status of resolution of disputes between itself and its retail customers, and between itself and other telecommunications providers.

(3) Upon receipt of a statement of complaint filed pursuant to regulation 4, the respondent telecommunications provider shall —

- (a) enter the details of the statement of complaint into its Telecommunications Provider Complaint Record Register including the name and address of the complainant and the nature of the dispute and the relief sought;
- (b) assign to each statement of complaint a telecommunications provider complaint tracking number;
- (c) send, within three business days, a confirmation of receipt of the statement of complaint, with the telecommunications provider complaint tracking number, to the complainant;
- (d) respond to the complainant within thirty days, giving evidence of sincere or “good faith” effort to amicably resolve the dispute.

(5) A telecommunication provider shall take all reasonable steps to amicably resolve a complaint filed pursuant to sub-regulation (1) within thirty days of the date of filing of the statement of complaint.

(6) A telecommunications provider shall make monthly reports to the Commission concerning the number of statements of complaints and the nature of disputes in statements of complaints filed and the status of the resolution of such disputes.

Application for assistance of Commission

6.— (1) Where after thirty days of the date of filing of a statement of complaint pursuant to regulation 4, the parties have made reasonable efforts in good faith and are unable to amicably resolve the dispute for which the statement of complaint was filed, either party may, subject to sub-regulation (2), file an application with the Commission for assistance with the resolution of the matter.

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- (2) An application pursuant to sub-regulation (1), shall---
- (a) be in the form prescribed in Form 2 of the Third Schedule;
 - (b) be filed in triplicate with one copy being addressed to the Commission, the second copy to ECTEL, and the third copy to the other party to the dispute;
 - (c) contain, if any, such information or evidence describing the status of any negotiation between the parties to resolve the dispute during the thirty-day time limit; and
 - (d) contain, if any, such information as to the form of alternative dispute resolution process preferred in the circumstances.

Recording and tracking by the Commission and notice to complainant

7.— (1) The Commission shall keep and maintain a Commission Complaint Record Register for the purpose of registering applications made pursuant to regulation 6.

(2) The Commission shall keep and maintain a Commission Complaint Record Tracking System for the purpose of tracking the status of resolution of disputes relating to applications made pursuant to regulation 6.

(3) Upon receipt of an application filed pursuant to regulation 6, the Commission shall —

- (a) assign a Commission complaint tracking number to the application by adding a prefix to the existing telecommunications provider complaint tracking number assigned pursuant to regulation 5(3) (b);
- (b) enter the details of the application into the Commission Complaint Record Register;
- (c) send to the complainant, telecommunications provider and ECTEL, a confirmation of receipt of the application with the Commission complaint tracking number.

Restriction on Commission's assistance

8. The Commission shall not provide any assistance to parties to resolve a matter unless the Commission is satisfied that the parties have made reasonable efforts in good faith to resolve the dispute.

*Telecommunications (Dispute Resolution) Regulations***Response by respondent telecommunications provider**

9.— (1) The respondent telecommunications provider shall, within ten days or such longer period as the Commission may specify, file with the Commission a response to the application made pursuant to regulation 6(1) together with such information or evidence describing the status of any negotiation between the parties to the dispute to resolve the dispute during the thirty-day time limit.

(2) Where the respondent telecommunications provider fails to file a response or request additional time within the time and the Commission considers that the application warrants investigation, the Commission may request comments from that responding party; and the responding party shall submit its comments within ten days of receipt of that request or such longer period as the Commission may specify.

Notice of discontinuance and liability for costs

10.— (1) The parties to a dispute may notify the Commission by notice of discontinuance in the form prescribed in Form 3 of the Third Schedule that they wish to discontinue proceedings.

(2) Notwithstanding the provisions of sub-regulation (1), the parties shall be liable for all cost incurred up to the date of discontinuance.

(3) A notice of discontinuance pursuant to sub-regulation (1) shall be signed by all parties to the dispute.

Consultations with ECTEL

11.— (1) Within fifteen days of receipt of an application filed pursuant to regulation 6, the Commission shall —

- (a) review the application and request such additional information from a party as may be required; and
- (b) where appropriate, consult with ECTEL as regards the best alternative dispute resolution process to resolve the dispute.

(2) Where pursuant to sub-regulation (1) the Commission consults with ECTEL, the Commission and ECTEL shall consider the resources respecting alternative dispute resolution that are available and any alternative dispute resolution process requested by the parties.

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THIRD SCHEDULE

FORM 1

(Regulation 4)

COMPLAINT FORM

Please insert your details:

- 1. Mr. Mrs. Miss Ms other.....
- 2. First Names.....
- 3. Surname.....
- 4. Address.....
.....
- 5. Postal Address (if different from above)
.....
- 6. Address for service of documents (if different from above).....
- 7. Daytime telephone contact number(s).....
- 8. Fax number(s).....
- 9. Email address.....
- 10. If an Attorney or Legal Counsel is acting for you please give details (all documents will be sent to your representative)

Name.....

Address.....

.....

Postal address (if different from above).....

Address for service (if different from above).....

Daytime telephone number (s).....

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Fax number(s).....

Email address.....

- 11. Please give the name and address of the Telecommunications Provider against whom this complaint is being brought

Name.....

Address.....

.....

Postal address (if different from above).....

Address for service (if different from above).....

Daytime telephone number(s).....

Fax number(s).....

Email address.....

- 12. Please give details/grounds of your complaint.....

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(please use additional paper if necessary)

.....
Signature

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FORM 2

(Regulation 6)

APPLICATION TO COMMISSION

Pre-fix.....
[to be completed by the Commission]

Complaint number.....
[the complaint number provided by the
Telecommunications Provider]

Particulars of Applicant:

- 1. Mr. Mrs. Miss Ms other
- 2. First Names.....
- 3. Surname.....
- 4. Address for service of documents.....

Particulars of Respondent:

- 1. Mr. Mrs. Miss Ms other
- 2. First Names.....
- 3. Surname.....
- 4. Address for service of documents.....

Application is hereby made to the Commission pursuant to regulation 6 of the Telecommunications (Dispute Resolution) Regulations to assist the parties in the resolution of a dispute.

Attached to this application are the following documents: -

- 1. Statement of Complaint
- 2. (any other relevant documents)

Having regard to the nature of the complaint I hereby request that this matter be determined by... [Please tick appropriate box]

- Commission to review documents and make a decision
- Mediation
- Tribunal
- Arbitration
- No preferred option

Dated this day of

