

National Telecommunications
Regulatory Commission
St. Vincent and the Grenadines

Ref No.: *COR/ECTEL*

August 15, 2016

Mr. Embert Charles
Managing Director
ECTEL
Vide Boutielle
P. O. Box 1886
St. Lucia

Dear Mr. Charles.

Electronic Communications (Dispute Resolution) Regulations Consultation

Your email dated July 4, 2016, on the above-captioned subject refers.



Having reviewed the Consultation on the Electronic Communications (Dispute Resolution) Regulations, the NTRC wishes to make the following comments:

- 1. Part 11 section 7 (1d) of the regulations states “The Commission shall keep and maintain a list of approved mediators selected from..... (d) any other person who has three years’ practical experience in mediation and holds qualifications recognized by ECTEL”**

We believe that the Commission should be able to decide who can act as a mediator and not ECTEL as we have the necessary expertise to make this decision as each country has different laws governing such eligibility to be a mediator.



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 NTRC SVG  NTRCSVG

2. Section 118 of the EC Bill states “Each member of the Tribunal shall be paid such remuneration and allowances, if any, as Cabinet determines”

Will the Commission be responsible for paying the Tribunal this remuneration out of the Commission’s funds or would parties in the dispute be responsible for this? Section 25 of the said Act makes it very clear how Commissioners’ should be paid as such, this should be clearly mentioned for the Tribunal.

Section 25 “A commissioner shall be paid by the Commission out of the funds of the Commission such remuneration and allowances as may be determined by [Cabinet/Minister].”

In addition to the above, the NTRC did not come across any fees information in relation to mediation. How are the fees determined?

3. Schedule 3 part 1 Mediation “The parties may still be liable for the costs of the mediator and the mediation proceedings.”

The NTRC believes that once the mediation proceedings have commenced, the parties should be liable for the cost of the mediator and the mediation proceedings.

4. Schedule 3 part 1 Mediation

Is the mediator only allowed to be a man?



5. On page 4, point 1: "The EC Bill has removed of the Tribunal from the Commission. Therefore, the role of the Tribunal will be handled by an independent body, thus separating the investigative arm from the adjudication."

The NTRC is still not in agreement with the Commission being removed as the tribunal.

6. On page 9, first paragraph: "The previous Form 1, will be relocated to the Electronic Communications Consumer Protection Regulations. This is the prescribed form to be used by all operators to register customer complaints. There may be slight modifications to the current Dispute Resolution forms e.g. applicant is now called a complainant as the matter would have escalated from being a complaint between the operator and the customer, previous customer or another person to an unresolved dispute between the parties by the time it gets to the Commission."

The NTRC is uncertain as to how the complaint in the dispute regulations will be tracked from the provider to the Commission with the new form 1 which is called "Complaint to the Commission" and new form 2 which is called "Notice of Discontinuance" as there are no time frames and procedures involved in the handling of the complaints with the two new forms (form 1 & 2).

In the previous regulations, timeframe and procedures were stated, therefore you knew what is involved in complaint form 1 and complaint form 2. With this uncertainty, the NTRC will be unable to advise a customer of the ways in which complaints are handled under the proposed dispute regulation process.



The NTRC is also uncertain as to what complaints will be filed using the proposed dispute regulations and those complaints which will fall under the Consumer protection regulations

- 7. Page 19, section 21, “A respondent shall, within 18 days of receiving a copy of the complaint enter an appearance to the proceedings by presenting to the Tribunal a notice of appearance as set out in Form 3 of Schedule 2”**

The NTRC believes that the length of the period to submit the notice of hearing is too long. This was increased from 10 to 18 days. We believe that 10 days is sufficient to submit the notice of hearing to the Commission.

- 8. On page 9, point IV, “Regulation 8, which addresses restrictions on the Commission’s assistance under current regulation has been deleted its entirety in the proposed regulations. “**

Why was the conciliation section removed from the dispute regulations?

- 9. On page 9, point 1, “Regulation 4, which addresses the procedure for seeking redress under current regulation has been deleted in its entirety in the proposed regulations.”**

Why was the procedure to seek redress removed from the dispute regulations?



10. The Schedule 3 describes the arbitration and mediation processes but there is nothing for the tribunal.

Sincerely yours,



Apollo Knights
Secretary / Director

