



Procedures for Consultation in the Telecommunications and Broadcasting Sectors of Trinidad and Tobago (Revised)

Maintenance History		
Date	Change Details	Version
February 21, 2005	Version 1	1.0
January 22, 2010	Version 2. Revised document based on comments received from stakeholders on the Authority's implementation of the consultation process to date	2.0
January 21, 2013	Revisions based on revisions to existing policies, frameworks and regulations	3.0
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1 Introduction

1.1 Role of the Authority

The Telecommunications Authority of Trinidad and Tobago (the Authority) has been charged with the responsibility of liberalising and regulating the telecommunications and broadcasting sectors. As with the establishment of any liberalisation or regulatory process, the Authority is responsible for the drafting of frameworks, regulations, procedures and other documents comprising the industry’s regulatory framework, the implementation of which will have an impact on relevant stakeholders¹ in the sectors.

All stakeholders should be afforded the opportunity to participate in the development of these documents.

In light of this, the Authority has formulated consultation procedures in accordance with section 18 (4) of the Telecommunications Act, Chap 47:31 (the Act), which states:

“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—

- (a) afford interested parties and the public opportunities for consultation;*
- (b) permit affected persons and the public to make appropriate submissions to the Authority”*

1.2 Purpose of the Procedures

Consultation is an essential part of regulatory accountability. It is the method by which stakeholders in the telecommunications and broadcasting sectors, who may be affected by various regulatory documents, can express their views on such matters before they come into effect. It is, therefore, imperative that in the development of the regulatory framework, relevant parties are given the opportunity to comment on, or contribute to, proposed **regulatory documents** that could affect:

- (i) their investments.
- (ii) the sustainability of a competitive environment.
- (iii) benefits of competition.
- (iv) development of the society as a whole.

Procedures for the consultation process must, therefore, ensure inter alia, that:

¹ “Stakeholder/s” in this document refers to any entity that has a vested interest in the telecommunications and broadcasting sectors, and includes service/facility providers and affiliates, investors, consumers/consumer groups, government, other regulatory agencies and the general public.

- (i) information and feedback from stakeholders are considered in regulatory decision making.
- (ii) all aspects of an issue are examined.
- (iii) there is transparency in the decision-making process.

This document, *Procedures for Consultation in the Telecommunications and Broadcasting Sectors of Trinidad and Tobago (Revised)*, seeks to formalise the consultation process in such a way that there can be open participation by any interested party.

1.3 Scope

Pursuant to section 18 (4) of the Act, the Authority will seek, in accordance with these procedures, the input of stakeholders in relation to various regulatory policies and instruments proposed by the Authority.

This document, *Procedures for Consultations in the Telecommunications and Broadcasting Sectors of Trinidad and Tobago (Revised)*, prescribes guidelines for:

- (i) the initiation of the consultation process.
- (ii) notification of a consultation.
- (iii) publishing regulatory frameworks including 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.
- (viii) the review cycle.

The procedures for the matters above are detailed commencing from section 4 of this document.

For the purposes of these Procedures, the term “regulatory documents” includes regulations, frameworks, guidelines, methodologies, procedures, plans amongst others that form the regulatory framework that guides the Authority in its operations and oversight of the telecommunications and broadcasting sectors.

For clarity, it should be noted that the publication of strictly factual content, such as the Authority’s *Annual Market Report: Telecommunications and Broadcasting Sectors*, shall not be subject to these procedures.

1.4 Modifications to the Document

The first version of this document was published on February 21, 2005. However, as the telecommunications and broadcasting sectors continue to evolve, the Authority has recognised the need to periodically revise these consultation procedures to ensure they are still in accordance with legal principles and keeping up with industry best practice.

The first revisions to this document were made on January 22, 2010 and subsequent revisions were made on January 21, 2013. In seeking to revise the 2005 and 2010 versions, the Authority wrote to stakeholders who had participated in previous consultations, requesting feedback on the effectiveness of the process.

With the exception of grammatical and structural amendments, all proposed revisions to the 2013 version will be identified in bold to allow for ease of reference.

2 Overview of the Consultation Process

2.1 Objectives of the Authority's Consultation Process

The Authority considers stakeholder involvement in regulatory decision making to be important and it, thus, recognises the need to prescribe a consultation process which would ensure that:

- (i) stakeholders are adequately informed of the issues surrounding a particular subject matter.
- (ii) stakeholders are given the opportunity to express their views **and be part of the document development process.**
- (iii) adequate and accurate information is shared between stakeholders and the Authority.
- (iv) the confidentiality of comments submitted to the Authority by stakeholders is maintained if expressly requested.
- (v) the consultation process is not unnecessarily lengthy to affect the time taken to arrive at a decision.
- (vi) there is flexibility to modify regulatory instruments when the need for such arises.

2.2 Forms of Consultation

The Authority recognises the need to utilise various forms of consultation in which issues and proposals can be fully ventilated by the Authority and input received from stakeholders. The Authority shall identify the most appropriate form(s) of consultation required to address a particular subject matter, which may include:

- (i) Formal invitations for written submissions. This method is the primary and most frequently used form of consultation. It involves the furnishing of draft documents **that discuss the issues and/or proposals** of the Authority. Stakeholders are invited to formally submit written comments on the draft consultation document/s, for the Authority's consideration, **utilising the Authority's Consultation Comment Submission Form (Appendix A) and the designated email address.**
- (ii) Individual meetings with one or more affected stakeholders - This form of consultation allows for informal information gathering, through face-to-face meetings with identified parties, with the aim of gaining immediate feedback and clarity on questions or issues.
- (iii) Group meetings, seminars, and workshops with representative groups and other interested parties - This form of consultation would facilitate a process of engagement. This would be an opportunity to present issues, questions and ideas in

a setting with specific stakeholders that facilitates discussions in order to gain feedback.

- (iv) Public hearings - This method of consultation provides a forum wherein members of **the public are afforded the opportunity to voice and raise concerns, provide feedback, and/or inform the Authority of matters relating to the particular consultation issue, which may be of import to them.**
- (v) Discussions with **academia**, regulatory professionals, industry advisors **and/or other advisory bodies considered as sources of expert advice on complex issues.**
- (vi) Consumer surveys - This may include face-to-face, telephone, email, web-based, social media or postal surveys and may include publication of comments received.
- (vii) General Public Comments - This may include members of the public being invited to leave their comments on the particular issue via a toll-free telephone number or submit comments on a designated social media platform(s), a web-based portal or to the designated email address.

In recognition of the fact that there are limitations to each form of consultation, the Authority may utilise one or more forms, as it considers appropriate, either concurrently or consecutively.

2.3 Criteria to Determine the Form of Consultation

In deciding which form(s) of consultation should be used for any **subject matter**, the Authority **shall** take the following factors into consideration:

- (i) **The objectives of the consultation;**
- (ii) The nature of the issue being consulted upon;
- (iii) The **categories and** number of persons who may be affected by the decision;
- (iv) The impact on the **telecommunications and broadcasting sectors and/or market;**
- (v) The time frame allocated for the resolution of a particular issue.

3 Summary of the Authority's Consultation Process

The Authority engages in a minimum of **one round of consultation for legislation and a minimum two rounds for other documents.**

There are three main stages for each round within the Authority's current consultation process, as follows:

- (i) In the first stage, the Authority identifies the issue to be consulted on and drafts the consultation document.
- (ii) In the second stage, the consultation document is issued, inviting comments from the relevant stakeholders. **The Authority will identify the method(s) for the submission of comments. In the event that stakeholders are requested to submit written comments on consultation documents, they must do so using the Authority's Consultation Comment Submission Form (Appendix A) and the designated email address, within the consultation period set by the Authority.** In addition to receiving written comments, the Authority may use this period to engage in other forms of consultation, to gather additional information or clarify information that it has received.
- (iii) In the last stage, when **the period for consultation has expired and all comments have been received**, the Authority compiles those comments, duly **considers them** and makes decisions based on the feedback.

These stages of the consultation process are repeated in further rounds of consultation, as required, before the document is finalised.

The other forms of consultation that can be undertaken are set out under section 2.2 of this document.

The flowchart in Figure 1 summarises each stage of the Authority’s consultation process:

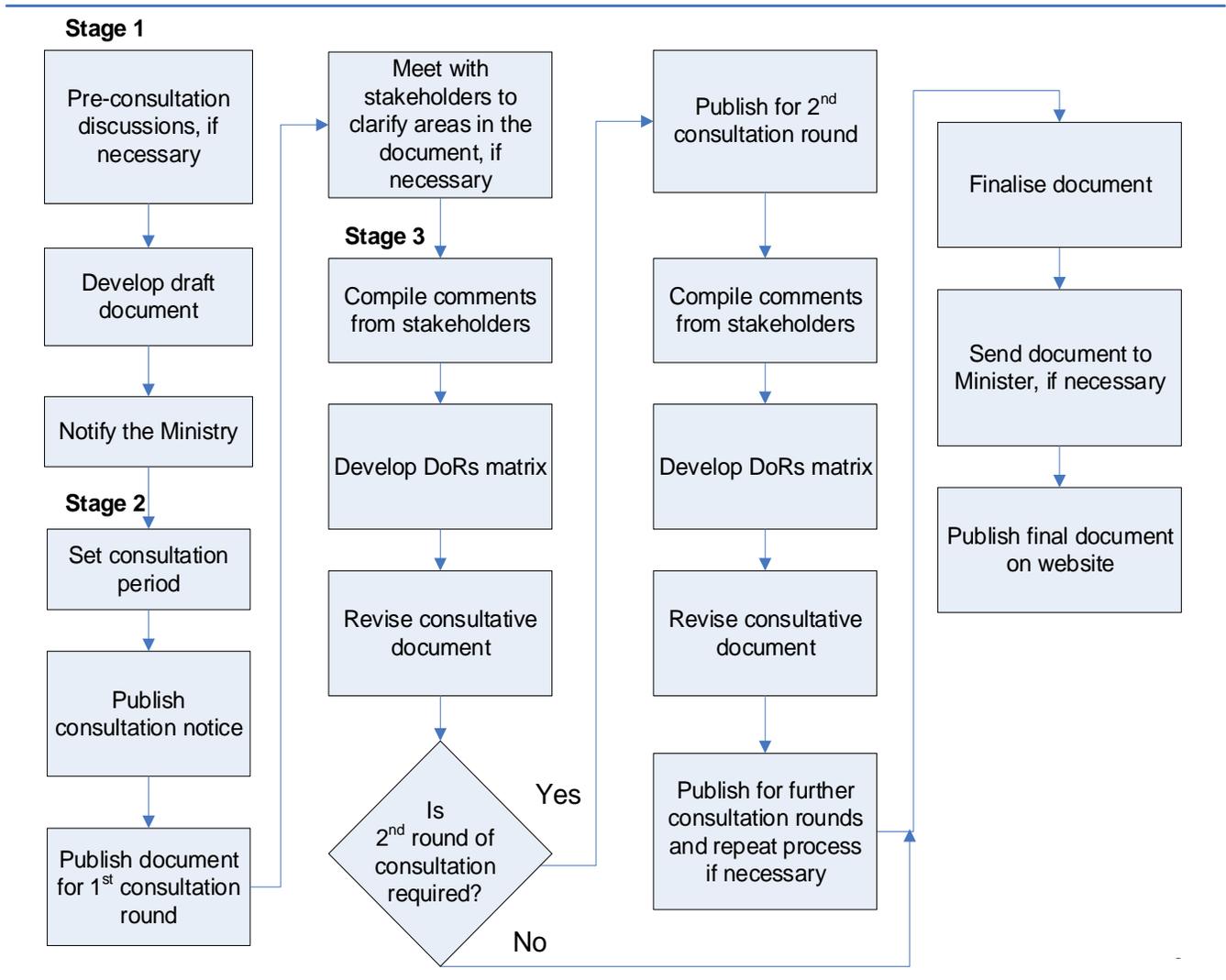


Figure 1: Flowchart summarising the Authority’s consultation process

4 Consultation Procedures — Stage 1

4.1 Development of the Draft Document

4.1.1 The Authority may, in certain circumstances, hold **pre-consultation discussions with interested and/or potentially affected stakeholders and relevant parties (expert or otherwise), to bring clarity and greater understanding to an issue.** The Authority may also invite comments and input from relevant stakeholders about specific topics, where the Authority believes these contributions will assist in the development of the **consultation** document.

4.1.2 Taking into consideration the input received pursuant to section 4.1.1, the Authority will prepare a draft consultation document and publish it for a first round of consultation, **with a second or further round of consultation to follow, as required, based on the type of consultation document being issued.**

4.2 Notification to the Ministry

4.2.1 In the case of **consultative documents**, the Authority shall formally submit copies of the documents to the **Minister² prior to the scheduled date for all rounds of consultation.**

4.3 Publication of Consultation Notice

4.3.1 The Authority shall publish a **Consultation Notice** to inform the public and stakeholders of the availability of the consultation document **issued for comments.** The notification shall appear for at least two days in at least one daily newspaper, **and on the Authority's website**, and will indicate, at a minimum:

- (i) the title of the consultation document.
- (ii) the website or link from which the document can be downloaded and the locations where a physical copy of the document can be obtained.
- (iii) the date from which the document will be available.
- (iv) the deadline for submission of comments.
- (v) contact information for person/s to whom queries may be addressed.
- (vi) any additional information as the Authority deems necessary.

² “Minister” means the member of Cabinet to whom responsibility for telecommunications is assigned, as defined under section 2 of the Act.

- 4.3.2 For the duration of the consultation period, the Consultation Notice shall remain on the Authority's website.
- 4.3.3 Where appropriate, the Authority may extend the consultation period and shall publish the new deadline date for submission of comments on its website and in one daily newspaper.
- 4.3.4 The Authority may, where necessary, publish the Consultation Notice in any local, regional or international **publication or website**.
- 4.3.5 The Authority may also notify the public through public service announcements via print **or electronic** media. This method of notification may be used in instances where the Authority considers that the consultative document may have a significant impact on the national community.
- 4.3.6 The Authority may directly inform key stakeholders of the publication of the consultative document.

4.4 Publication of Consultative Documents

- 4.4.1 All consultative documents shall be posted on the Authority's website.
- 4.4.2 The Authority may publish an **abridged** version of the document in **at least one daily** newspaper, in instances where it believes the matter under consideration can have a direct impact on the population. In such cases, the document may contain opinion questions, in order to improve the response rate and quality of feedback from the public.
- 4.4.3 Printed consultative documents shall be available for collection at the Authority's offices, both in Trinidad and in Tobago or **at a designated location identified by the Authority**.
- 4.4.4 Other formats of the document may also be made available upon request.
- 4.4.5 The Authority may charge a fee for documents, in any format, collected at its office.

5 Consultation Procedures — Stage 2

5.1 The Consultation Period

- 5.1.1 The Authority shall, as far as possible, have at least two rounds for the consideration of new **regulatory** documents **which does not include regulations**. Where a framework previously consulted on is being modified, the Authority may conduct a single round of consultation. Furthermore, due to the thorough deliberations entailed in the established procedures for the enactment of legislation, the Authority shall **have one** round of consultation in respect of draft regulations prior to submission to the Minister, pursuant to section 78 of the Act. **The Authority may engage in further rounds of consultation on regulations where it considers it appropriate to do so.**
- 5.1.2 The duration of the consultation period may vary depending on the urgency of the matter at hand, the level of complexity of the subject matter, the need to allow enough time for stakeholders to make meaningful contributions **and the number of rounds of consultation. The deadline date of the consultation period for the submission of comments will be expressly stated in the Consultation Notice.**
- 5.1.3 **The Authority has identified four main consultation document categories based on the level of complexity and the potential impact of the subject matter on the industry which would determine the duration of the respective consultation period as follows:**

Consultation Document Categories		Consultation Period	Round(s)
Category 1: Regulatory documents that cover: <ol style="list-style-type: none"> i. issues relevant to an extensive range of stakeholders ii. proposals that would have a considerable impact on several stakeholders iii. proposals that will significantly impact the telecommunications and broadcasting sectors and/or markets. 		Four to eight weeks per round, as the Authority determines.	2
Category 2: Regulatory documents that are of interest to a limited number of stakeholders who are already aware of the issues.		Four to six weeks or less	2
Category 3: Regulatory documents or regulations that discuss: <ul style="list-style-type: none"> • minor technical issues • matters that need to be resolved urgently • matters previously consulted on • proposals that will have a limited effect on the market or industry • minor modifications to existing regulatory documents or existing regulations 		Four weeks or less and may only consist of one round of consultation in certain circumstances	1
Category 4: Legislation	• The Act and Broadcasting Code	Six weeks	1
	• All other regulations	Four weeks	1

- 5.1.4 **The Authority may conduct one round of public consultation for a period of four weeks or less on documents identified for revision. In such instances, at the end of the consultation process the document shall be finalised.**
- 5.1.5 **Where significant changes have been made to a document based on comments received from a consultation, the Authority reserves the right to conduct additional round(s) of consultation.**
- 5.1.6 In instances where the Authority requires that a consultation period be less than four weeks, the Authority shall provide adequate or appropriate justification.
- 5.1.7 **Where a consultative document is originally carded to undergo two rounds of consultation, but the Authority only receives non-substantial comments, requiring minimal changes to the consultative document, the Authority reserves the right to consider the consultation complete and move to finalise the process without undertaking a second round of consultation. The Authority will notify the public and stakeholders of its decision to end the consultation process by way of a notice which shall contain the appropriate justification.**

5.2 Extension of consultation submission deadline

- 5.2.1 **The Authority seeks to strike a balance between giving stakeholders sufficient time to prepare and submit comments and ensuring that proposals are dealt with expeditiously. In doing so, the Authority will consider circumstances where there is need to extend the submission deadline, whether on its own initiative or at the request of stakeholder(s).**
- 5.2.3 **When reviewing requests for an extension, the Authority will make allowances for consultations issued during vacation periods (for example, July/August/Christmas/New Year) and public holidays, to cater for possible staff shortages that sometimes occur during these periods.** Where a stakeholder requires an extension to the submission deadline, the stakeholder shall formally submit a request in writing to the Authority.
- 5.2.4 Such request should be submitted prior to the published consultative deadline.
- 5.2.5 The Authority, through its discretion, will reserve the right to determine:
- i. if the deadline for the consultation period should be extended generally;
 - ii. the extension period.

5.2.6 The Authority may reject any request for an extension of time that is not submitted prior to the published consultative deadline.

5.3 Submission of Comments

5.3.1 The Authority may receive comments from the following categories of stakeholders:

- (i) Regulatory or government agencies;
- (ii) Existing service and/or facility providers and their affiliates;
- (iii) Potential service and/or facility providers and their affiliates;
- (iv) Service provider associations, clubs, groups **and similar bodies**;
- (v) Consumer groups;
- (vi) General public.

5.3.2 Employees, investors and shareholders of entities in categories (i) to (iv) above who wish to comment on consultative 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 collate the views of all their stakeholders on the consultation document, prior to submission to the Authority.

5.3.3 Clause 5.3.2 does not apply to an employee or agent of an entity who wishes to comment in his personal capacity.

5.3.4 The Authority's primary method for the collection of comments is through written submissions. Such comments may be submitted electronically, preferably via the designated email address or submitted via an online portal, or in a printed format that is hand-delivered or mailed to the Authority. All electronic submissions must

- be in Microsoft Word, Rich Text format **or such format as stated by the Authority.**
- 5.3.5 The Authority shall deal with the submission of comments in the manner prescribed in 5.3.8.
- 5.3.6 All written comments and recommendations must be submitted using the prescribed consultation form (**Appendix A**), which shall be published on the Authority's website, **unless otherwise directed by the Authority.**
- 5.3.7 The Authority may reject any comment or recommendation that is not submitted in the prescribed consultation form **or that is deemed obscene, vexatious, frivolous or defamatory in nature.**
- 5.3.8 Parties submitting information to the Authority may request that some parts of the submission be treated as confidential and therefore not published, in accordance with the provisions of the Act and/or terms of their requisite authorisation.
- 5.3.9 The consultation form shall contain, at a minimum:
- (i) Respondent category;
 - (ii) A declaration of interest;
 - (iii) Name of entity, if applicable;
 - (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 the purposes of consultation;
 - (vii) A signature;
 - (viii) Position of the signatory. This is applicable for (vii) above, if the person is submitting on behalf of an entity.
- 5.3.10 **The Authority will not use the comments submitted by any person against them, unless such comments are contrary to the law or are required in the interest of justice to be disclosed or adjudicated upon by a judicial body or court of law.**

5.4 Meetings with Stakeholders

- 5.4.1 During the consultation period, the Authority may hold individual or public meetings with stakeholders to clarify any areas of concern in the consultation document. The views of stakeholders expressed at such meetings will be noted and considered when revising the consultative document.

6 Consultation Procedures - Stage 3

6.1 Compilation of Comments from Stakeholders

- 6.1.1 Comments and recommendations received from stakeholders will be inserted into a decisions on recommendations (DoRs) matrix.
- 6.1.1 The Authority will deliberate and respond to the comments and recommendations received in the DoRs and revisions will be made to the consultative document, as the Authority deems appropriate.
- 6.1.2 Where there is a need to clarify the comments submitted by stakeholders, the Authority may hold individual stakeholder meetings to discuss the concerns raised. Issues discussed will be taken into consideration when revising the document.

6.2 Second Consultation Round

- 6.2.1 After revisions have been made to the document based on the comments and recommendations received, the Authority **may (where applicable)** publish the document for a second round of consultation. The DoRs, which shall contain the Authority's decisions in respect of comments and recommendations received during the first round, shall be published together with the revised document.
- 6.2.2 Steps 4.3.1 to 6.1 will be repeated for the second **and/or additional rounds** of consultation.
- 6.2.3 **Minor modifications** to existing regulatory documents and regulations shall not generally be issued for additional rounds of consultation **unless the Authority deems it appropriate to so do given the nature and scope of the modifications.**

6.3 Finalisation of Document

- 6.3.1 The Authority shall end the consultation process when it determines that it has received sufficient feedback to produce a final draft document.

- 6.3.2 The Authority shall make decisions with respect to issues arising out of the consultation process and finalise the document **within a reasonable time** from the end of the consultation process.
- 6.3.3 **Where the Authority does not make a decision within the time frame stipulated, the Authority shall give the reasons for the delay and advise on finalisation document, via the Authority’s website or such other media as it considers appropriate.** A final DoRs shall also be prepared, summarising the comments received in the previous consultation phase and the decisions made by the Authority based on the comments received. The final DoRs shall be included as an **Appendix** to the final version of the document.
- 6.3.4 In the case of draft regulations, the Authority will submit the document for the approval of the Minister.
- 6.3.5 The final version of the document, or final draft regulatory instruments that have been submitted to the Minister (6.3.4), shall be posted on the Authority’s website and a notification of the posting may appear in at least one daily newspaper. The notification may also be published in any local, regional or international publication and/or website as the Authority deems appropriate.
- 6.3.6 Printed documents shall also be available for collection at the Authority’s offices, following payment of an administrative fee.

7 Consultation on Existing Regulatory Documents and Regulations

- 7.1 As the industry continues to develop, the Authority is obliged to amend/update existing frameworks, regulations and procedures as may be necessary.
- 7.2 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.
- 7.3 The Authority may engage in further consultation with stakeholders and the public for the purposes of revising published policies, procedures or regulations if the Authority considers that such modifications will have a significant impact on stakeholders.
- 7.4 In such instances, the Authority shall conduct one round of public consultation on documents identified for updating/amending.
- 7.5 Steps 4.3.1 to 6.1 shall be implemented for a single public consultation round, after which step 6.3 shall be followed for finalisation of the document.
- 7.6 Where significant changes have been made to the document based on comments received from the above consultation, the Authority reserves the right to conduct a second consultation round, which may be for a period of **four weeks or less**.
- 7.7 Where minor changes have been made to the document based on comments from the single public consultation, the Authority may seek to finalise the document without further public consultation.

8 Consultation on Substantial Issues

- 8.1. The Authority may conduct consultations on a subject matter where there is a substantial issue affecting the industry and the Authority deems that it is appropriate to gain feedback from the relevant stakeholders. Any stakeholder or member of the public may also submit proposals for consultation on a significant issue affecting the industry and the Authority will give due consideration to the proposal.**

9 Logging of Consultations

- 9.1.1 Consultative versions of the document may remain posted on the Authority's website after finalisation for such period of time as determined by the Authority. This will ensure that all interested parties are adequately informed of the views expressed and issues addressed during the decision-making process.
- 9.1.2 The Authority shall also provide on its website a list of all the current and recently closed consultations.

10 Review Cycle

The Authority will undertake a periodic review of the consultation procedures to assess their effectiveness.

Appendix A: Consultation Comment Submission Form



CONSULTATION COMMENT SUBMISSION FORM

Name of Document:

1. Respondent Category:

- (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. Interest:

(Provide details of any relationship with/interest in any of the above respondent categories):

.....
.....
.....
.....
.....
.....
.....
.....

3. Contact Information:

Respondent's Name:

Postal Address:
.....

Email Address:

Contact Number:

4. Comments:

Document Section	Comments	Recommendations

5. Confidentiality

The information and comments stated above can be published by the Authority for the purposes of consultation.

Agree

Do not agree because:

All comments submitted are confidential.

Some of the comments submitted are confidential. (In the information submitted in section 4 above, please indicate what information should be considered as confidential by the Authority.)

Name of respondent/name of the organisation is confidential.

If you do not want part of your response, your name or the name of your organisation to be published, can the Authority still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or your identity)?

Yes

No

6. Declaration

I confirm that the comments and recommendations submitted under this cover sheet is a formal consultation response that the Authority can publish, exclusive of those comments marked confidential.

Signature:

Position of signatory:

(This is only applicable for stakeholder categories **a** to **e**.)