



**Preliminary Decision
and
Notice of Request for Comments and Public
Consultation**

Case U-0009-14

**Consumer Complaints and Dispute Resolution Rules
and Procedures**

**URA rules and procedure for assisting in resolution of
consumer complaints**

November 2014

Preliminary Decision

The Utilities Regulatory Authority (URA) Commission is pleased to issue this preliminary decision setting out the proposed rules and procedure that URA wishes to implement for assisting water and electricity consumers in resolving their disputes with utilities in respect of regulated services (case U-0009-14).

Since its establishment in 2008, the URA, pursuant to its mandate has been assisting electricity and water customers in resolving grievances concerning the utility services. Initially, the number of complaints received was low and less complex in nature. However, as customers became more aware of the URA, its functions and responsibilities in assisting them, and their rights as customers, the number of complaints increased. To manage the growing number of customer complaints, a dispute resolution process was established in 2011. Primarily, this is an informal process where URA staff assists the customer in resolving its issue with the utility in arriving at a mutually satisfactory solution.

While the current complaint and dispute resolution process was adequate at the time, a more well structured process is now required. This is to ensure that any customer who has a complaint or dispute against a regulated utility has the opportunity to resolve the matter in a manner that is fair and convenient to all parties involved. In Vanuatu where a utility is in a stronger negotiating position, because it possesses all the information and is the sole supplier of vital services, customers especially low income earners tend to concede to utility as it may be the only time and cost effective option. Based on the consumer complaints and feedback received from consumers, the Commission has decided that it has now become necessary to issue revised rules and procedures.

The proposed Consumer Complaints and Dispute Resolution Rules and Procedures (**Rules**) are drafted to provide transparent and clear understanding as to the consumers' and utilities' respective rights and obligations as well as the powers and obligations of the URA. Further, the detailed steps in the Rules ensure fairness, impartiality, transparency and consistency in URA's actions and compliance with due process when assisting consumers in resolving their complaints. These Rules provide an out-of-court dispute resolution platform to consumers that are quick, efficient and low-cost. Commission believes it will vastly benefit the consumers in redressing their utility grievances without resorting to formal courts.

The Commission is issuing a Notice of Request for Comments and Public Consultation on this matter. All interested persons, including utilities, the Government, electricity and water customers and other members of the public are encouraged to submit their comments and attend any public meetings so as to enable the Commission to arrive at a fair and equitable Final Decision.

A Final Decision shall be issued upon review of comments and information submitted by interested persons during the consultation phase.

Sincerely,

Johnson Naviti Matarulapa Marakipule, Chairman

Hasso C. Bhatia, *PhD*, CEO and Commissioner

John Obed Alilee, Executive Commissioner

Notice of Request for Comments and Public Consultation

All interest persons, including utilities, the Government, existing electricity and water customers and other members of the public are invited to comment on this paper. Responses and information received will be considered in the development of the final Commission decision.

Written comments should be submitted to the URA by:

16th January 2015

Submissions can be:

- made in person at:
Office of the Utilities Regulatory Authority
VNPF Investment Building, NPF Compound
Crn Pierre Lamy & Andre Ballande Street
- mailed to:
Utilities Regulatory Authority
P.M.B 9093
Port Vila, Vanuatu
- emailed to:
Romney Marum
Case Coordinator –U-0009-14
Utilities Regulatory Authority
rmarum@ura.gov.vu

Any submission should be accompanied by a signed cover letter and address, indicating case no. U-0009-14 (scanned material is accepted) addressed to Hasso Bhatia, PhD, CEO.

URA staff shall hold public meetings in Efate, Santo, Malekula and Tanna between 14th November 2014 and 16th January 2015 to discuss and receive comments on the Preliminary Decision. The confirmed public meeting dates, time and venue will be made available through public notices that will be announced in the media and also posted within the selected public meeting areas.

Submissions shall be posted on the URA's website in accordance with the URA submission policy. Any information you may consider confidential should be marked as such, providing a brief explanation of the nature of the confidentiality.

The URA office can be contacted by telephone at +678 23335.



Proposed Rules

Case U-0009-14

Consumer Complaints and Dispute Resolution Rules and Procedures

**URA rules and procedure for assisting in resolution of
consumer complaints**

November 2014

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1. Case information

Table 1: Case information

Case number	U-0009-14
Sponsor	Utilities Regulatory Authority (URA)
In the matter of	Setting out URA rules and procedure for assisting water and electricity consumer in resolving their complaints in respect of regulated services
Case opened	7 th April 2014
Date of Preliminary Decision	14 th November 2014
Deadline for comments	16 th January 2015

2. The need for Rules

One of the URA functions set out in the Utilities Regulatory Authority Act (**URA Act**) is to assist the consumers in resolving utility-related disputes.

The URA currently has in place an informal dispute resolution procedure to assist consumers who have a complaint against their utility and request URA assistance. This dispute resolution process is described in the Customer Issues Management Manual (**Manual**) that was issued by URA in June 2011. Primarily, this is an informal process where URA staff assists the customer in resolving its issue with the utility in arriving at a mutually satisfactory solution. If the complaining customer wishes, the matter can be formally brought before the Commission, however their decision is also subject to the acceptance of the parties.

While this process was adequate at the time it was issued in 2011, it is no longer sufficient or appropriate in 2014. The effectiveness and success of the current resolution process depends entirely on the customers and utilities mutually accepting URA proposed solution. In many cases the parties may arrive at a solution that is acceptable to them both. However, it is our perception that the customer often accepts the solution proposed by utility as it wishes to continue to receive water/electricity services as these are vital to its day to day living. Utility has the natural advantage as it is in stronger negotiating position being the sole supplier of vital services. For an ordinary customer, recourse to courts is not time or cost effective option. Based on the consumer complaints and feed-back received from consumers, the Commission has decided to adopt a formal dispute resolution procedure.

The proposed Consumer Complaints and Dispute Resolution Rules and Procedures (**Rules**) are drafted in detail to provide transparent and clear understanding as to the consumer and utilities respective rights and obligations as well as the powers and obligations of the URA. Further, the detailed steps in the Rules ensure fairness, impartiality, transparency and consistency in URA's actions and compliance with due process when assisting consumers in resolving their complaints. The Rules have been drafted to ensure efficiency, so that disputes are swiftly resolved, and provide flexibility so that each dispute can be appropriately addressed.

These Rules provide an out-of-court dispute resolution platform to consumers that is swift, efficient and low-cost that URA believes will vastly benefit the consumers in redressing their utility grievances.

3. Legal overview

The legislation governing the sale, purchase and use of electricity and water services in Vanuatu primarily involves the URA Act, the Electricity Supply Act (**ESA**), the Water Supply Act (**WSA**) and Water Resources Management Act (**WRMA**), as amended till date.

The Government of Vanuatu (**Government**) has entered into the following contracts for electricity related services:

- (a) the Concession contract for the Generation and Public Supply of Electric Power in Port Vila (PV) with UNELCO dated 15 August 1986, as amended till date (**PV Electricity Contract**),
- (b) the Concession contract for the Generation and Public Supply of Electric Power in Malekula Island with UNELCO dated 14 July 2000, as amended till date (**Malekula Electricity Contract**),
- (c) the Concession contract for the Generation and Public Supply of Electric Power in Tanna Island with UNELCO dated 14 July 2000, as amended till date (**Tanna Electricity Contract**) and
- (d) the Memorandum of Understanding dated 18 November 2010, assigned to Vanuatu Utilities and Infrastructure Limited (**VUI**) for generation and supply of electricity in Luganville (**Luganville MoU**). Or its successor.

In respect of water related services the Government has entered into the Contract for the Management and Operation of the Water Supply Service in Port Vila with UNELCO dated 23 December 1993, as amended till date (**PV Water Contract**). In other areas, the responsibility of supply of water rests with the Public Works Department which is to be undertaken in accordance with the WSA and rules and guidelines issued by the URA including in respect of safety and reliability of water services.

Additionally, subject to compliance with applicable law persons (individual or entities) are entitled to supply and sell water outside UNELCO's concession area as well as the service area of the Public Works Department (**PWD**) and sell electricity outside a utility's concession area. Customers of all such small utilities are also entitled to approach the URA under these Rules to have their grievances resolved.

4. Responsibility and Power of URA under the URA Act

Under the URA Act one of the core functions of the URA is to assist consumers in resolving their grievances. The significance of this duty is further emphasized by Section 19 of the URA Act, section exclusively dedicated to complaint resolution by URA.

Further, under the URA Act the Government has assigned several of its rights under concession contracts and other Acts to URA; some of these rights pertain to resolution of consumer disputes. Such consumer disputes will also be resolved by URA via the process set out in the Rules.

Section 6 of the ESA is one of the sections assigned to URA under Part A of Schedule 1 of the URA Act. Sections 6 and 6A of the ESA set out broad procedure to be followed in the event a person approaches the

URA to claim compensation for damage or loss incurred as a result of concessionaire's actions under section 5 of the ESA. Section 6(6) states that "*The Utilities Regulatory Authority is to determine its own procedures in respect of applications made under subsection (a) and is not bound by formality or rules of evidence*". The broad procedure prescribed in Sections 6 and 6A of the ESA may not be suitable for resolving all other types of disputes brought before the URA by consumers. These Rules are drafted to provide flexibility so that each dispute can be appropriately addressed. In order to ensure compliance with Sections 6 and 6A of the ESA, it is clarified that applications for compensation under Section 6 of the ESA shall be dealt with in accordance with Sections 6 and 6A of the ESA. For the purposes of Section 6(6) of the ESA, these Rules will apply and the terms of Sections 6 and 6A of the ESA are deemed to be automatically incorporated into the Rules.

At the same time, the URA is mindful of the rights under the concession contracts and ESA, WSA and WRMA that have been retained by the Government. In the event a grievance is brought to the URA for resolution, and URA is of the opinion that pursuant to extant laws the grievance is not within the jurisdiction of URA, the URA will advise the consumer of the appropriate authority who should be approached.

5. Proposed Rules not inconsistent

The URA must exercise its powers and functions under the URA Act so that they are not inconsistent with

- (a) a provision of any other Act i.e. the ESA, the WSA or the WRMA; and
- (b) a provision in the PV Electricity Contract, Malekula Electricity Contract and Tanna Electricity Contract (collectively hereinafter referred to as '**UNELCO Electricity Contracts**').

As discussed in section 4 above, the proposed Rules are not inconsistent with any of the provisions of the ESA, the WSA, the WRMA or the UNELCO Electricity Contracts.

The Rules

1. Introduction

1.1. The Rules

Under the Utilities Regulatory Authority Act (**URA Act**) the Utilities Regulatory Authority (**URA**) is obligated to assist consumers in resolving their grievances with utilities in respect of regulated services, i.e. supply of electricity or water.

To effectively fulfill this function, the URA is releasing these preliminary Consumer Complaints and Dispute Resolution Rules and Procedures (**Rules**), which prescribe:

- (a) the manner in which a consumer, or a person wishing to use a regulated service or an existing consumer, (**Complainant**) may approach the URA and request for URA's assistance in resolving its grievance/ dispute (**Complaint**) with a utility in respect of a regulated service;
- (b) conditions to be fulfilled by the Complainant prior to requesting URA's assistance;
- (c) the process that will be followed by the staff of the URA, authorized by the URA for this purpose (**Staff**), in assisting the Complainant in resolving its Complaint; and
- (d) the role and responsibilities of the Complainant, utility and the URA.

1.2. Applicability

A Complaint may be made on any aspect of supply of electricity or water against a utility, i.e. a service provider that supplies electricity or water to a consumer for payment. The Complaint may involve disputes regarding billing errors, tariff application, payment, consumption, disconnection, quality, safety or any other matter related to the regulated services.

1.3. Definitions

Terms used in these Rules shall have the same meaning as assigned to them in the URA Act.

1.4. Objective:

The URA is releasing these Rules:

- (a) for the convenience of the consumers. Particularly to provide an out-of-court dispute resolution platform that is quick, efficient and low-cost. Disputing parties, i.e. the Complainant and utility against whom the Complaint is made, will have a reasonable opportunity to mediate and if cannot arrive at a mediated solution, be able to defend their positions; and
- (b) to ensure fairness, impartiality, transparency, consistency in URA's actions and compliance with due process when assisting Complainants in resolving their Complaints.

It is stressed that URA's role under these Rules is to provide assistance to the Complainant. While the Complainant is not compelled to approach the URA for resolution of its Complaint, he/she/it is encouraged to do so.

1.5. **Contravention of Acts**

If during the Complaint resolution process it appears to URA that any provisions in the URA Act, the Electricity Supply Act (**ESA**), the Water Supply Act (**WSA**) or the Water Resources Management Act (**WRMA**, and collectively "**Acts**") may have been contravened, the URA may take all necessary steps pursuant to the Acts to address the issue. The URA may separately investigate the offence, issue infringement notices, award compensation under the Acts, etc.

1.6. **Application for Compensation under Section 6 of ESA**

Applications for compensation under Section 6 of the ESA shall be dealt with in accordance with Sections 6 and 6A of the ESA. For the purposes of Section 6(6) of the ESA these Rules will apply and to the extent necessary will be interpreted to be amended by Sections 6 and 6A.

These Rules do not limit the rights or remedies available to the URA, Complainant, utility or any other third party under the Acts or other applicable laws of Vanuatu.

1.7. **Before requesting URA assistance**

Before approaching the URA for assistance under these Rules, the Complainant must first contact the utility and attempt to resolve the issue(s). Utility has the obligation to investigate the complaint and make best efforts to resolve the grievance. The Complainant may approach URA if despite such efforts the grievance/ dispute remain unresolved.

Consumers should be aware that utilities have been advised and encouraged to establish an appropriate consumer grievance resolution process.

Utilities must submit quarterly reports to URA of all outstanding consumer complaints filed by consumers with the utility. The report must provide complainant's name and customer number, nature of grievance, date of filing of grievance by customer with utility and current status of grievance.

2. **Process: Broad Outline**

2.1. **A two stage resolution process**

The Rules provide a two stage Complaint resolution:

- (a) ***Stage I - Mediation***: an informal process where a URA Staff assists the disputing parties in arriving at a solution that is mutually acceptable.
- (b) ***Stage II – Resolution by a Hearing Officer (HO)***: a formal procedure before a HO (defined under Rule 4.7), the HO's decision may be binding on the disputing parties as set out in the decision. The parties have the right to appeal the HO's decision in accordance with Rule 4.17.

2.2. Standard process and special request

1. A Complaint received by the Staff will first be processed through Stage I in accordance with the process set out in Rule 3. If the disputing parties fail to arrive at a mutually acceptable solution, the Complaint may then be resolved through Stage II.
2. If the Complainant wishes that the Complaint be resolved through Stage II, without first attempting to resolve through Stage I, he/she/it must so specifically request in writing and the matter may be taken up at the discretion of the HO. Complainant should be aware that resolution through Stage II may typically take longer and may not be as cost effective as he/she/it may be required to pay filing fees and incur costs in accordance with Rule 4.21.

2.3. Discretion of the URA

If the Staff/ HO determine that the matter under dispute is beyond the URA's powers under the Acts or other applicable law, it shall notify the Complainant/ disputing parties.

3. Stage I: Resolution through Mediation

3.1. Requesting for assistance

A Complainant may approach the URA for assistance by calling, emailing, mailing or coming to URA's office, during normal business hours on weekdays (excluding public holidays). The relevant phone number, email address and office address are provided on URA's website.

The Complainant shall identify herself/himself/ itself by name, address, customer number and the serving utility.

3.2. Recording Complaint and assigning complaint number

The Complaint will be handled by a Staff. On receiving the Complaint the Staff shall record the information provided by the Complainant in a Complaints Ledger maintained by URA and assign a Complaint Number.

3.3. Mediation process and request for information

The Staff will typically require the Complainant to provide written details in respect of the Complaint:

- (a) nature of the Complaint;
- (b) whether the Complainant has approached and tried to resolve the issue with the utility. If the Complainant has not done so, the Staff shall advise the Complainant to first approach the utility before requesting URA for assistance; and
- (c) responses received from utility in respect of the Complaint.

The Staff, if requested, can assist the Complainant in writing-up the Complaint.

The Staff shall then notify the utility with the information received from the Complainant.

The Staff may request the disputing parties to provide additional information and documents to better understand the issue. Both parties shall provide information/ documents promptly so that URA can swiftly assist in resolution of the Complaint.

To the extent necessary, the Staff shall consult with the other departments of URA in this matter (e.g. legal, tariff, engineering, etc.) and undertake a preliminary examination of the matter.

The disputing parties will be called for a mediation session. Pursuant to consultations and review of information received the Staff shall evaluate the Complaint and inform both parties of its recommendation(s). The Staff shall give reasons for its recommendation(s). The Staff may liaise between the parties to assist them in arriving at a solution that is acceptable to both of them.

At this stage the recommendation of the Staff is not binding on the disputing parties.

3.4. Maintenance of records

In respect of each Complaint, the Staff shall maintain a file recording the mediation process under Stage I.

3.5. Timeline for resolution and priority cases

The Staff will endeavor to contact the utility and assist in the resolution of the Complaint at the earliest possible. Typically, URA anticipates that a Complaint should be resolved within 10 working days.

Disputes involving disconnection, safety, availability and quality of service shall be treated with urgency and given priority.

3.6. Resolution of Complaint

If the mediation is successful, the Complainant and the utility are advised to take appropriate actions to give effect to their settlement. The Staff shall treat the matter as resolved and completed.

The utility shall inform the Staff about the formal resolution within 5 working days.

3.7. Dispute not resolved under Stage I

If after the mediation process under Stage I the disputing parties are unable to arrive at a mutually acceptable solution, then the Complainant may request that the matter be resolved by the HO in accordance with Rule 4.

4. Stage II: Resolution by HO and Appeal

4.1. Approaching URA for decision on dispute

The Complainant may request URA's assistance in respect of a Complaint under this Rule 4 by submitting a complaint form as prescribed by URA, available on the URA website, (**Application**) along with a filing fee (if applicable) in accordance with Rule 4.21.

The Application is to be submitted at URA's office during normal business hours on weekdays (excluding public holidays) or via email or mail. The email and office addresses are provided on URA's website.

4.2. Application

The following information should be provided in the Application:

- (a) name and contact details of the Complainant and the utility (to the extent as available with the Complainant);
- (b) customer number of the Complainant (as provided on the utility bill);
- (c) description of grievance;
- (d) description of the facts involved in the Complaint and steps undertaken to resolve it;
- (e) remedy(s) being sought by the Complainant;
- (f) that it has tried to resolve the issue(s) with the utility;
- (g) Complaint Number (if the parties have attempted to resolve the issue through Stage I) or state that the Complainant does not wish to resolve the Complaint through Stage I and provide reasons; and
- (h) other relevant information and documents that the Complainant may like to furnish.

The Complainant must sign the Application. Where the Complainant is a body corporate, the Application is to be signed by a duly authorized representative.

The Complainant may request a URA staff for assistance in filling out the prescribed form.

The Complainant must submit all supporting material including last bill, investigative reports and field reviews (if any).

By filling out a formal form the customer is explicitly granting URA the permission to access his/her/its utility records.

4.3. Recording Application and assigning docket number

The URA shall record the details of the Application in a Dispute Resolution Ledger maintained by URA and assign a Docket Number within 2 (two) working days of its submission to URA in accordance with Rule 4.1 (i.e. fully completed Application is submitted and filing fee is paid, if applicable).

4.4. Informing the utility

Within 3 (three) days of registering the Application in the docket system, the HO shall notify the concerned utility that a formal complaint has been filed against it by the Complainant.

4.5. Response by utility

Upon being informed by HO of registration of complaint, the utility shall promptly but no later than 5 working days provide its response/ clarifications etc. in writing to the HO, along with relevant supporting documents, field investigation reports etc. In special cases, depending upon the nature of the information/ document(s) to be prepared, the utility may request additional time.

The utility must submit all previous documents relevant to the complaint in its possession, to the URA.

4.6. Right of parties to obtain copies of documents

Each party is entitled to receive all documents provided by the counter party to URA in respect of the Application. The concerned parties may collect copies of such documents from the other party.

4.7. Hearing Officer (HO)

The hearing officer (HO) shall be a senior staff member of the URA and who has been authorized by the Commission to hear and resolve the disputes on consumer complaints.

The HO shall not be the same individual who assisted the disputing parties under Stage I.

4.8. Analysis

In order to analyze the grievance the HO may require, amongst others:

- (a) the disputing parties to provide additional information, clarifications and documents;
- (b) the utility to test, at its own cost, the accuracy of meter or other equipment measuring the quantity or quality of a regulated service provided to the Complainant;
- (c) the utility to calibrate, at its own cost, meter or other equipment measuring the quantity or quality of a regulated service provided to the Complainant; or
- (d) a utility providing water, to test, at its own cost, a sample of water as directed by URA for quality purposes.

The parties shall provide the information and perform the actions within the time period as required by the HO.

If a party fails to timely comply with such requirement(s), the HO reserves the right not to accept any submissions made after that time and to decide the matter on the basis of the information made in compliance with the HO's requirements.

If a utility fails to timely provide information or perform required actions, the HO may recommend to the URA to take actions under the URA Act in respect of such non-compliance.

4.9. Staff to provide its records to HO

HO shall be provided all the records and information maintained by Staff during Stage I review, including the recommendation made by Staff in Stage I. The HO will be informed of the

recommendation provided so he/she may have a holistic picture, however the recommendation will not influence the decision of the HO.

4.10. Hearing by the HO

1. The HO shall schedule a hearing of the parties (Hearing) in accordance with Rule 4.14.
2. The HO shall conduct the proceedings in a reasonable and consistent manner. The **HO is empowered** to receive and review all information and reasonably determine its relevance to the case on hand. The HO may direct the parties to focus on issues pertinent to the complaint. The HO shall ensure that the disputing parties are treated fairly and non-discriminatorily and are given a reasonable opportunity to present their case.
3. Without limiting sub-rule 2 and subject to Rules 4.14 and 4.16, during the Hearing the HO will broadly implement the following process:
 - (a) the Complainant shall have the opportunity to explain its/his/her Complaint and the remedy sought, along with submit relevant documents,
 - (b) the utility shall have the opportunity to respond, which must be supported with reasons, and submit relevant documents,
 - (c) each disputing party shall have the opportunity to question/ seek clarifications from the other party and examine the documents submitted; and
 - (d) the HO shall give a reasoned decision.
4. HO shall endeavour to conclude the Hearing in one day. As necessary, the HO may schedule additional hearings.

4.11. Representation

In the Hearing, the parties may represent themselves or be represented by a third party.

4.12. HO's Decision

1. Once the Hearing is concluded and parties have had a chance to represent their sides, the HO having analyzed the facts involved shall announce his/her final decision on the matter (**Final Decision**). The Final Decision may be issued on the same day (as the date the Hearing is concluded) or on a later date, which shall be no later than 5 working days.
2. The Final Decision shall be issued in writing and include the reasons for the decision. A copy of the Final Decision shall be sent to the parties immediately. A Final decision is a binding on the complainant and the utility subject to the appeal process.

4.13. No additional costs or expenses

Other than as specifically provided under the Rules, the URA will conduct field inspections and other investigations, as necessary, at its own cost and no additional costs will be charged to the disputing parties.

4.14. Hearing: Procedure

1. Time, Place and Date

- (a) The HO shall schedule a date, time and place for the Hearing and shall inform the parties at least 7 days before the Hearing. If a party is located outside Efate, the HO may hold the Hearing via teleconference.
- (b) A party may request for postponement for valid reason, which may be granted at the discretion of the HO after reasonable consideration.

2. Absence of party:

- (a) If a party, without informing in advance and without sufficient cause, fails to attend the Hearing, the Hearing shall proceed unless the party present and the HO mutually agree to postpone the Hearing. Usually, unjustified absence would be to the benefit of the party present.
- (b) If both parties fail to attend the meeting without cause, the case may be dismissed by the HO.

3. The Hearing is not open to public.

4. The discussions at the Hearing shall be recorded by way of minutes by a staff of URA.

4.15. Maintenance of records

In respect of each Docket Number, the HO shall maintain records, keep copies of relevant documents exchanged and copy of minutes of the Hearing.

4.16. Interim Order

During Stage II, the HO may issue an interim order which may be binding on the disputing parties as stated in the order, pending final resolution of the case. The HO shall give reasons for issuing the interim order.

4.17. Right to appeal to Appeal Committee

Either party may appeal the Final Decision by filing a notice of grievance before a URA committee that shall comprise of one URA Commissioner and one URA staff (**Appeal Committee**).

The notice of grievance must be submitted to the URA within 10 days of the Final Decision. The notice of grievance should contain:

- the issue or issues being contested;
- a detailed description of any facts or matters supporting the grievance; and
- a detailed description of any alleged error of law, fact or procedure as followed by HO under the Rules.

4.18. Decision by Appeal Committee

1. The Appeal Committee may let the HO's Final Decision stand or may amend the Final Decision, and shall provide brief reasoning. The Appeal Committee shall inform the parties of its decision by issuing an order (**Order**).
2. The Appeal Committee shall not conduct its own hearings or investigate the matter. Though, in exceptional circumstances the Appeal Committee may require that certain aspects of the matter be reinvestigated by the HO.
3. The Appeal Committee shall endeavor to issue an Order within 10 working days of receipt of the appeal.

4.19. Appeals to Court

The parties have the right to appeal the Final Decision, interim decision or the Order of the Appeal Committee before a competent Court in accordance with applicable Vanuatu laws. Unless stayed or overturned by a Court, the HO's/ Appeal Committee's decision remains in effect.

4.20. Generic Complaints

1. If the URA receives multiple complaints (whether at Stage I or Stage II) of a similar nature against a utility that suggests a pattern of misconduct or a generic problem of service, all similar complaints will be consolidated and handled by the HO as a 'Generic Complaint' in accordance with this Rule 4.
2. The HO may bring Generic Complaints to the notice of the public (including hold public meeting) and request for their comments. Based on the issue(s) raised by the public, the HO may expand the scope of the Generic Complaint.
3. Subject to timely receipt of information from the parties, the HO shall endeavour to resolve such Generic Complaints within 30 days of receipt of Application/ Complaint.
4. Where the HO decides to consolidate two or more Complaints/ Applications, the HO shall inform the concerned parties as soon as practical.

4.21. Filing fee

Complainants falling in the category of:

- (a) Residential or Government customer shall not be required to pay any filing fee;
- (b) Commercial customers shall be required to pay filing fees of VUV 2500; and
- (c) Industrial customers shall be required to pay filing fees of VUV 5000.

5. Additional Obligations and Rights

5.1. Interpretation of these Rules

The interpretation of these Rules or any procedural matter hereunder by the HO or the Appeal Committee shall be final.

5.2. Principles

1. Where the responsibility under a Complaint/Application cannot be determined with certainty by Staff/ HO, the burden of proof will be on the utility to prove its claim. Without limiting the generality of the preceding clause, in Complaints/Application involving billing and payments the burden of proof will be on the utility.
2. The URA, the Staff, the HO or the Appeal Committee will not be considered a party to a dispute.

5.3. Parties' right to approach Courts

A party has the right to approach the appropriate Court for resolving the dispute at any time in accordance with laws of Vanuatu. If a party approaches the Court, on a dispute pending before URA then he/she/it must promptly inform the Staff (if in Stage I)/ the HO (if in Stage II) and the matter shall be considered closed by the URA under these Rules.

5.4. Withdrawal of Complaint/ Application

The Complainant may withdraw its Complaint/ Application or the parties may settle the issue at any time during the resolution process. Both parties must promptly inform the Staff or the HO of such withdrawal/ settlement.

5.5. Time bar

Other than in exceptional circumstances, a Complaint (or where the Complainant chooses not to file a Complaint but files an Application under Rule 4, the Application) should be filed within 90 days from the date the cause of the complaint occurs. The decision of whether to hear a time barred Complaint/Application shall be at the discretion of the URA.

5.6. Obligation of utility to inform its consumers

The utility shall display on its website and publish on its bills:

- (a) that its consumers have the right to request URA assistance in resolving their grievances with the utility under these Rules; and
- (b) the contact details of URA (phone number, email number and address).

Utility shall keep in all their office(s) copies of these Rules and shall provide them to its consumer, if so requested, free of charge.

5.7. Conflict of interest

1. To ensure that no conflict of interest exists in respect of the HO, the Appeal Committee members and the Staff involved in the resolution of Complaint/ Application, such person must disclose to URA in writing if the person has:
 - (a) a personal or business relationship with a disputing party; or
 - (b) any financial interest in the outcome of the proceedings.
2. The HO/ Staff shall immediately inform both parties of such interest.
3. The Appeal Committee member, HO or Staff having such conflict of interest may be asked to recuse himself/ herself from the case.

5.8. Confidentiality

The URA, the disputing parties and their representatives shall keep confidential all personal and financial information of the other disputing party, subject to disclosure being required by law of Vanuatu.

The Complaint, Application, appeal, all information and documents pertaining thereto, shall become part of URA's permanent record.

5.9. Amendment

The URA may from time to time amend these Rules including the filing fees, as necessary.

**Utilities Regulatory Authority
Vanuatu**

You can access the U-0009-14 Preliminary Decision, November 2014 on our website www.ura.gov.vu, or by contacting us by telephone (+678) 23335, email: breuben@ura.gov.vu or regular mail at U-0009-14, Utilities Regulatory Authority, PMB 9093, Port Vila, Vanuatu.