

TELECOMMUNICATIONS REGULATORY COMMISSION
VIRGIN ISLANDS

TELECOMMUNICATIONS CODE - 1/2009:

GUIDELINES FOR PUBLIC CONSULTATIONS AND PUBLIC HEARINGS

CONSULTATION DOCUMENT

30th October 2009

Reference Number: C/2/2009

The address for responses to this document or enquires regarding this document is:

Consultation – Public Consultations and Public Hearings
Telecommunications Regulatory Commission
P.O. Box 4401 or 27 Fish Lock Road, 3rd Floor
Road Town, Tortola, British Virgin Islands VG 1110
Fax: (284) 494 6786; E-mail: consultations@trc.vg

The deadline for responses is **20th November 2009**



Instructions for submitting a response

The Telecommunications Regulatory Commission of the Virgin Islands (“TRC”) invites comments on this consultation document from all interested parties.

Comments should be submitted by **20th November 2009**.

Preferably responses to this document should be sent by email to consultations@trc.vg (indicating the subject: “Consultation – Public Consultations and Public Hearings”).

Alternatively, the responses may be sent to the address (or the number) below:

Consultation – Public Consultations and Public Hearings
Telecommunications Regulatory Commission
P.O. Box 4401 or 27 Fish Lock Road, 3rd Floor
Road Town, Tortola, British Virgin Islands VG 1110
Fax: (284) 494 6786

Responses should include:

- In the case of responses from corporate bodies (legal persons):
 - the name of the company/institution/association/other organisation;
 - the name of a principal contact person; and
 - full contact details (physical address, postal address, telephone number, fax number and email address).
- In the case of responses from individual (natural) persons, name and contact details (including email).

In the interest of transparency, the TRC will normally make all submissions received available to public, subject to confidentiality of the information received. The TRC will evaluate requests for confidentiality according to relevant legal principles.

Respondents are required to clearly mark any information included in their submission which they consider to be confidential, and provide reasons why that information should be treated

as such. Where information claimed to be confidential is included in a submission, respondents are required to provide both a confidential and a non-confidential version of their submission. The TRC will determine whether information claimed to be confidential is to be treated as such and, if so, will not publish that information. In respect of information that is determined to be non-confidential, the TRC may publish or refrain from publishing such information at its sole discretion.

Once the TRC has received and considered responses to this consultative document, it will issue a report on the consultation and the final version of Telecommunications Code – 1/2009: Guidelines for Public Consultations and Public Hearings).

1. Introduction and Background

The Telecommunications Act, 2006 (No. 10 of 2006), which established the TRC and set out the framework for the exercise of its functions, in numerous instances requires and/or permits the TRC to publicly consult on its decisions and/or other matters in the field of its activities and/or to hold public hearings (e.g., sections 15(9), 26(6), 34(2), 59(1), 63(1), 73(1)(f) and (3), and 88 of the Telecommunications Act, 2006). Furthermore, consultation before making regulatory decisions which could have a significant effect on the telecommunications sector is internationally considered to be good regulatory practice. Such practice increases the predictability of the regulatory environment and ensures legal certainty in the telecommunications sector, thereby making the market more attractive for investments. It also allows the regulatory body to have a better understanding of the interests of various parties in the market as well as to tap into the collective knowledge and expertise of various stakeholders.

The TRC considers that in order for the process of public consultations (and the related process of public hearings) to be most efficient, it is important to clarify the procedures that it will follow, including providing a better understanding on how the TRC will engage in these processes, as well as clarifying the role of other interested parties.

2. Proposed Measure

Based on the above, the TRC proposes to issue Guidelines for Public Consultations and Public Hearings (Telecommunications Code – 1/2009). It is proposed that these Guidelines will be

implemented as part of the Telecommunications Code, in the exercise of the TRC's power under section 91(3) of the Telecommunications Act, 2006.

3. Consultation

The TRC hereby consults on the draft Telecommunications Code – 1/2009: Guidelines for Public Consultations and Public Hearings, implementing the Guidelines on the Public Consultations and Public Hearings. Comments from all the interested parties are welcome. Responses should be submitted as per the instructions above.

Public Consultation