

No. 204

*Public Utilities Commission,  
Belize, 4th April, 2022.*

BELIZE:

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*ORDER made by the Public Utilities Commission (hereinafter referred to as "the Commission") in exercise of the powers conferred upon it by §31(5) of the Public Utilities Commission Act, Chapter 223 of the Laws of Belize (hereinafter referred to as "the Act"), and all other powers thereunto the Commission enabling.*

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- Short title. 1. This Order may be cited as the:
- COMPLAINT (COMPLAINTS AND DISPUTES RESOLUTION)  
REGULATIONS 2022**
- Order. 2. In conformity with the powers given to the Commission under the Act to make procedural regulations and in discharge of its responsibility to regulate public utility providers and protect public interest, the Commission hereby Orders that the Regulations in the schedule hereto shall take effect as herein indicated.
- Scope 3. a) The Complaint (Complaints and Disputes Resolution) Regulations, fully detailed in the schedule hereto, shall apply to complaints or disputes regarding any code, conduct, practice or operation of any public utility provider regulated under the Act.
- b) These regulations shall apply only to complaints and disputes in the following areas: billing, damages, disconnection, health and safety, service installations, interruption in service, public utility provider practices and procedures, metering, new connections and extensions, reconnections, quality of service, quality of supply and easements or rights-of-way in relation to the provision of services regulated by the Commission.
- c) These regulations shall not apply to hearings initiated on account of a rate review or investigation
- Savings 4. Nothing in this Order or the Regulations herein shall absolve the Licensee from any requirement contained in any law, permit or licence.
- Effective date. 5. This Order shall come into effect on the date of its making.

**MADE** by the Public Utilities Commission this 30th day of March. 2022.

  
 DEAN MOLINA  
 Chairman  
 Public Utilities Commission

## SCHEDULE

## PUBLIC UTILITIES COMMISSION

## COMPLAINT (COMPLAINTS AND DISPUTES RESOLUTION) REGULATIONS

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**PUBLIC UTILITIES COMMISSION**

**COMPLAINT (COPLAINTS AND DISPUTES RESOLUTION)**

**REGULATIONS**

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| <p><b>1.</b> These Regulations may be cited as the Public Utilities Commission (Complaints and Disputes Resolution) Regulations, 2022.</p>   | <p><b>Citation</b></p>   |
| <p><b>2.</b> These Regulations shall apply to any person who has a complaint or a dispute regarding any code, conduct, practice or operation of any party or any matter defined under section 4 of this Regulation.</p>  | <p><b>Application</b></p>  |
| <p><b>3.</b> In these Regulations, unless;the context otherwise requires-</p> <p>"complainant" means any person affected by a respondent's undertaking, activity or practice regulated under the Act;</p> <p>"Commission" means the Public Utilities Commission, its agents, representatives, and appointees.</p> <p>"complaint" includes a dissatisfaction with the service rendered by, or a practice of, any person carrying out any undertaking pursuant to a licence, permit or registration issued or granted by the Commission, under the Act;</p> <p>"day" means calendar day;</p> <p>"dispute" means a disagreement that exists, the parties acting in good faith have failed to reach an amicable resolution of a complaint after all due efforts have been made to resolve it;</p> <p>"licensee" means a public entity, company, person or body of persons to whom a licence or permit is granted;</p> <p>"plaintiff" means any person referring a dispute to the Commission for determination;</p> <p>"public utility" or "public utility provider" means a Public Utility Provider as defined in the Public Utilities Commission Act or a Licensee under any Act which the Public Utilities Commission regulates;</p> <p>"respondent" means any public utility provider against whom another person has a complaint or a dispute relating to a matter regulated under the Act;</p> <p>"Website" means www.puc.bz the official website of the Commission, or any domain designated by the Commission through public circular to be the official website of the Commission;</p> | <p><b>Interpretation</b></p>   |
| <p><b>4.</b> These regulations shall apply to complaints and disputes in the following areas-</p> <p style="margin-left: 20px;">i. billing, damages, disconnection, health and safety, service installations, interruption 'in service, public utility provider practices and procedures, metering, new connections and extensions, reconnections, quality of service, quality of supply, easements or rights-of-way in relation to the provision of services regulated by the Commission</p>  | <p><b>Complaints and disputes to which these regulations apply</b></p>       |
| <p><b>5.</b> (1) Every public utility provider shall establish procedures to be approved by the Commission for handling complaints relating to the provision of service to consumers.</p>  | <p><b>Complaints handling procedures of licensees and permit holders</b></p> |

The procedures contemplated in paragraph (1) shall conform to the guidelines set out in the First Schedule of these Regulations.

(3) Every Public Utility Provider shall within 90 days of the commencement of these regulations submit to the PUC for approval its procedure for the handling of customer complaints herein

**Reports to the Commission on handling of complaints**

6. Every public utility provider shall, at the end of each Quarter, submit a report to the Commission, regarding the complaints received and resolved in Form S-1 set out in the Second Schedule.

**Declaration of a dispute and reference to the Commission**

7. (1) In the event that any complaint is not resolved to the satisfaction of the complainant, after exhausting the complaints handling procedures established pursuant to regulation 5, either party may declare a dispute, and both or any one of them may refer it to the Commission for recourse.

(2) A party to a dispute may refer the dispute to the Commission in Form S-2 as set out in the Second Schedule.

(3) Where a dispute has been referred to the Commission, the Commission shall appoint a mediator who shall assist the parties to reach a settlement within thirty days from the date of such appointment.

(4) Where the dispute-

(a) is resolved through mediation in accordance with paragraph (3), the parties shall file their settlement agreement with the Commission within five days, and the agreement shall be final and binding on both parties;

(b) is not resolved through mediation in accordance with paragraph (3), the procedures set out in regulations 8 to 16 shall apply.

(5) The mediator's fee shall -

(a) be set by the Commission by way of Order and shall be based on the fee for Alternative Dispute Resolution, specifically mediation, as may be specified by the Supreme Court of Judicature of Belize or its agents.

(b) be apportioned and paid between the public utility ("the respondent"), the complainant ("the plaintiff ") and the Commission in a 60:10:30 apportionment.

(c) Be paid to the mediator no later than one day in advance of any mediation hearing.

**Authority to represent**

8. (1) A party to a dispute may authorize an advocate to represent him and to act and plead on his behalf before the Commission.

(2) A party to a dispute may appear in person or authorize any of the party's employees or agents to appear before the Commission and to act and plead on the party's behalf.

(3) A party shall authorize the party's employees or agents to appear before the Commission and to act and plead on the party's behalf in Form S-3 as set out in the Second Schedule.

**Filing a dispute**

9. (1) The plaintiff shall-

- (a) inform the respondent in writing of his intention to refer the dispute; and
- (b) The plaintiff shall serve the respondent with a copy of the dispute reference form bearing the acknowledgement of the Commission within 14 days of filing with the Commission.

(2) The plaintiff shall file four copies of the dispute reference form before the Commission and each copy shall be typewritten, photocopied or printed neatly and legibly on one side of white paper and every page shall be consecutively numbered.

(3) The Commission may accept documents filed under paragraph (1) together with a computer disk or through electronic media on such terms and conditions as the Commission may specify.

(4) The dispute reference form shall be divided into separate paragraphs, which shall be numbered serially.

(5) The dispute reference form shall be accompanied by such documents, supporting data and statements as the Commission may specify.

**10.** The dispute reference form filed with the Commission shall contain the following information-

**Information to be provided by plaintiff**

- i. plaintiff's address;
- ii. plaintiff's or respondent's account number (where applicable);
- iii. copies of relevant correspondence between the plaintiff and respondent;
- iv. reasons, from the plaintiff's viewpoint, why the complaint was not resolved; and
- v. relief sought.

**11.** (1) The respondent shall file with the Commission a reply and the documents relied upon within fourteen days from the date of service of a copy of the dispute to him by the plaintiff.

**Filing of reply, opposition, objections, etc.**

In the reply filed, the respondent shall specifically admit, deny or explain the facts stated in the dispute reference form and may also state such additional facts as it considers necessary for the just decision of the dispute.

(2) Where the respondent states that additional facts may be necessary for the just decision of the dispute, the Commission may allow the plaintiff to file a response (reply) to the reply filed by the respondent.

(3) The manner, process, timeframes, and number of copies prescribed for the filing of a dispute reference form and provision of additional information by the plaintiff in Regulations 9 and 10 shall apply, mutatis mutandis, to the filing of the reply, response (reply) or additional information by the respondent.

**12.** The Commission shall acknowledge receipt of the pleadings and may require additional information from either party or both parties within fourteen days from the date of such receipt:

**Acknowledgement of a dispute or reply**

Provided that in either case, the Commission shall forward copies of the acknowledgement and may request for further information, comments or reply from the respondent or plaintiff.

**Request for further information**

**13.** (1) The Commission may seek additional information from the plaintiff or respondent at any time.

(2) The party submitting further information to the Commission shall furnish copies of the information to the other party.

(3) The party from whom additional information is sought under paragraph (1) shall respond within thirty days from the date of such request, failing which, in the case of the plaintiff, the dispute shall be deemed to have been withdrawn, and in the case of the respondent, the Commission shall give such orders against the respondent as it may deem fit.

If the Commission is satisfied that there is sufficient information relating to the dispute, the Commission shall determine the dispute in accordance with the procedures set out in regulations 15 to 18.

**Withdrawal of dispute**

**14.** The plaintiff may, at any time before the Commission determines a matter by issuing an Order or before a mediation Settlement Agreement is signed between the parties takes action, withdraw the reference of dispute by notice in writing to the Commission: Provided that the plaintiff shall forward a copy of the notice of withdrawal of the dispute to the respondent and also provided that where security for costs were paid, the Commission may make an order on costs where a matter is withdrawn after referral to an expert.

**Database of experts**

**15.** The Commission shall identify and maintain a database of persons who are skilled in alternative dispute resolution techniques and who are unbiased experts in various fields relevant to utility regulation matters, from among whom the parties or, where the parties cannot agree - the Commission, may from time to time select an expert or constitute a Dispute Resolution Panel on such terms and conditions as the Commission may determine, to assist it in the resolution of disputes.

**Dispute resolution by experts**

**16.** (1) The Commission may refer the dispute filed with it to an expert or to a Dispute Resolution Panel, appointed from among persons in the database maintained pursuant to regulation 15 in the manner described in paragraph (2) herein.

(2) Depending on the complexity of the dispute referred to the Commission, the Commission may appoint an expert or constitute a Dispute Resolution Panel in the following manner-

- (a) The costs of the dispute resolution process shall, unless the Commission decides otherwise, be borne in the share 45:45: 10 between public utility: Commission: complainant respectively.
- (b) if a Dispute Resolution Panel is required, each party shall appoint one expert, and the experts appointed shall appoint another expert who shall be the chairperson of the panel.
- (c) The expert cannot decide any dispute. It is the absolute duty of the commission. The commission cannot assign this duty to anyone else. Therefore, the commission may choose to partially adopt a recommendation of the expert if it so chooses.

(3) The costs of the dispute resolution process shall, unless the Commission decides otherwise, be borne in the share 45:45: 10 between public utility: Commission: complainant respectively.

(4) The Expert or Dispute Resolution Panel and the parties shall-

- (a) agree on the manner, process and place of conduct of the dispute resolution; and
- (b) use their best endeavours to hear and determine the dispute resolution within thirty days from the date of commencement of the process or such extension as the Commission may grant.

(5) The expert or the Dispute Resolution Panel, within fifteen days from the end of the dispute resolution process, shall make a finding and communicate the finding and the basis of the finding, in writing, together with the records of all the proceedings, to the Commission.

(6) The Commission shall review the information communicated under paragraph (5) and make the determination which shall be adopted as a decision and Order of the Commission within thirty days from the date of submission of the communication.

(7) The Commission shall communicate the decision and Order, in writing, to the parties within thirty days from the end of the dispute resolution process, and the decision shall be binding on the parties and the Order published in the Gazette.

(8) The records of the proceedings shall, except the parts which for reasons specified by the Commission upon advice of the Expert or Dispute Resolution Panel are confidential or privileged, be open for inspection after conclusion of the dispute resolution.

(9) A person who wishes to inspect the proceedings shall comply with such terms as the Commission may prescribe from time to time, in regard to place and manner of inspection and payment of fees.

**17.** To the extent permitted by law, the Commission, the mediators, and experts, shall not be liable for any loss or damage suffered or incurred by a party to a dispute or any other person as a consequence of any act or omission of the Commission, the mediators or experts which was done in good faith.

**Limitation of liability**

**18.** The Commission shall keep and maintain a record of all the correspondence regarding every dispute and the decisions and settlements, together with the dates, in the Commission's register of disputes.

**Record of disputes**

**19.** (1) Every public utility provider who fails or refuses to obey an Order of the Commission made under these regulations commits an offence under the Act and shall be liable, on summary conviction, to a fine of ten thousand dollars, and if the failure or refusal continues after the first conviction, to a fine of one thousand dollars for each day such failure or refusal continues.

**Offences and penalties**

(2) Whenever it is proved that a public utility provider has failed to obey any Order of the Commission made under these regulations it shall be an offence under the Act and every director and manager of such company shall be liable, on summary conviction, to a fine of five hundred dollars unless he proves that, according to his position and authority, he took all necessary and proper means in his power to obey and carry out and secure obedience to the Order of the Commission and that he was not at fault for the failure to obey the Order.

(3) Where a public utility provider has been convicted under paragraph (1) above, the court which makes the conviction may, when passing sentence, recommend to the person or competent authority who or which issued the licence of the public utility provider to cancel such licence.



## Appeals

20. (1) The Commission may review, vary, and rescind any decision or Order made by it and where under the Act a hearing is required before any decision or Order is made, such decision or Order shall not be altered, suspended or revoked without a hearing.

(2) An appeal shall lie on a question of law to the Supreme Court from a decision or Order of the Commission.

(3) The appellant shall give notice of appeal to the Commission and the adverse party within thirty days of the decision or Order of the Commission, and the parties shall be entitled to be heard by counsel upon the hearing of the appeal.

**MADE** by the Public Utilities Commission this 30th day of March. 2022.



(MR. DEAN MOLINA)  
Chairman  
Public Utilities Commission

**FIRST SCHEDULE****[Regulation 5.]****GUIDELINES FOR COMPLAINTS HANDLING PROCEDURES**

1. Procedures for dealing with complaints relating to services provided by public utilities providers shall explain-
  - (a) how other persons can gain access to the procedures;
  - (b) how the procedures work;
  - (c) the timeframes within which the procedures may be carried out;
  - (d) the complainant's right to access the Commission if dissatisfied with the respondent's decision or the way it has been reached; and
  - (e) any other matter of relevant importance.
2. Procedures for handling of complaints established by a public utility provider shall include provisions to -
  - (a) promptly, fully, and fairly deal with every complaint with the objective of ensuring satisfaction of the complainant; and
  - (b) ensure that their staff, representatives, agents, salespeople or independent contractors are aware of the approved procedures and their obligations under them.
3. In the event that any complaint is not resolved to the complainant's satisfaction, the public utility provider shall inform the complainant of his right to have his complaint referred to the Commission as a dispute between the two parties.



4. In preparing the procedures contemplated in paragraph 1, the guiding principles are that those procedures shall to the extent possible-

- (a) be simple, quick and inexpensive;
- (b) preserve or enhance the relationship between the parties;
- (c) take account of the skills and knowledge that are required for the relevant procedures;
- (d) observe the rules of natural justice;
- (e) place emphasis on conflict avoidance; and
- (f) encourage resolution of complaints without formal legal representation or reliance on legal procedures.

**SECOND SCHEDULE**

**[Regulations 6, 7, 8]**

**Form S-1**

**REPORTING OF COMPLAINTS RECEIVED AND PROCESSED**

From

[name and address of person reporting] To the

Public Utilities Commission

[Monthly/ Quarterly/ Annual Report of complaints received and processed up to period ending [insert date]]

Second Schedule - continued	
Number of Complainants -	Totals
Brought forward from previous reporting period	
Received during reporting period	
Total (Lines 1 and 2)	
Resolved during reporting period	
Declared Disputes	
Processed (Lines 4 and 5)	
Carried forward to next reporting period (lines 3 to 6)	

Signed by [Name of person reporting]

Form S-2		
REFERENCE OF DISPUTE TO THE COMMISSION FOR MEDIATION		
PUBLIC UTILITIES COMMISSION		
DISPUTE NUMBER		
Names of the Parties to the Dispute	Represented by (optional)	
	We, the above-named, declare that we have failed to agree on the issues listed here below and request intervention of the Commission to assist us to resolve our dispute by Mediation	

### **RULES GOVERNING THE MEDIATION**

Each party ("Party") hereby agrees to submit the above dispute for mediation ("Mediation") to the Public Utilities Commission (the "Commission"). The parties further agree to be bound by the decision and Order made by the Commission on the subject matter of the dispute.

### **CONFIDENTIALITY AGREEMENT**

- (a) Mediation is a facilitated negotiation. All offers, promises, conduct and statements whether oral or written, made in the course of the Mediation, including those made in pre-Mediation and post Mediation submissions to the Mediator (collectively called "Mediation Communication") by any party, witness and/ or Mediator -
- (i) Shall be considered confidential and privileged settlement communications that may only be disclosed to persons associated with the Parties;
  - (ii) Shall be deemed inadmissible and may not be used for any purpose, in any dispute resolution process, arbitration, judicial, administrative, or regulatory proceedings; and
  - (iii) May not be disclosed to non-participants in the Mediation (including any expert, hearing officer or court).
- (b) The parties shall not subpoena or otherwise seek to compel any of the participants, including any party, the mediator, an employee of the Commission or any other person who participated in the Mediation, to testify about, respond to any request to admit, or respond to any discovery request regarding any Mediation Communication or any other aspect of the Mediation.
- (c) The Mediator shall be disqualified as a witness, consultant, or expert for any party in connection with any matter relating whatsoever to this dispute or the Mediation. The Mediator will treat any Mediation Communication as confidential and will refrain from disclosing any Mediation Communication except to the parties.

**EFFECT OF SETTLEMENT AGREEMENT**

Notwithstanding anything to the contrary in this Agreement, an executed written settlement agreement shall be considered binding upon the parties and may be enforced by any party to the settlement agreement, and provided further that information disclosed to or known by a party through a source other than the Mediation, or that is otherwise discoverable or admissible, shall not be rendered confidential, privileged, inadmissible, or not discoverable solely as a result of its use in the Mediation.

**PRE-MEDIATION SUBMISSION**

- (a) The parties agree that a submission of each party's understanding of the facts and theory of liability and damages ("Submissions") presented to the Mediator prior to Mediation would facilitate the Mediator's ability to conduct a more expeditious and effective Mediation.
- (b) The Submission should be delivered to the Mediator and may be exchanged between the parties not less than 14 (fourteen) days prior to the Mediation. If a party deems a Submission to be confidential and to be read by the Mediator only, that party must indicate as such in the Submission.

The Submission may include the following (to the extent applicable) -

- (i) Statement of facts, including a description of the injury and a list of special damages (quantifiable loss) and expenses incurred and expected to be incurred;
- (ii) Theory of liability and damages and authorities in support thereof (if any);
- (iii) Summary of opinion witnesses (including "expert witnesses") and on- opinion fact witnesses;
- (iv) Status of the case, and if before the Court, expected trial date;
- (v) Last demand and offer, if any;
- (vi) Photographs;
- (vii) Police reports;
- (viii) Any other document not specifically referenced by any of the foregoing provisions that would assist the Mediator in understanding any claim and/or defence

\_\_\_\_\_  
Signatures, address for service and date of execution

**Form S-3**

**AUTHORITY FOR REPRESENTATION BEFORE THE COMMISSION**

Before the Public Utilities Commission Dispute No. ....

In the Matter of

..... Plaintiff(s)

v/s

..... Respondent(s)

Memo of Authorization

I, ....., practising/ working as ....., having been authorized by

..... (Furnish the particulars of the person authorizing), hereby enter appearance on behalf

..... And undertake to plead and act for him/her/it in all matters in the aforesaid dispute.

Place: ..... Date: .....

\_\_\_\_\_  
Signature & Designation Address for correspondence

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