

ARRANGEMENT OF CLAUSES

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GRENADA

ACT NO. 31 OF 2017**I assent,**

CÉCILE E. F. LA GRENADE

*Governor-General.**22nd December, 2017.*

AN ACT to amend the Public Utilities Regulatory Commission Act No. 20 of 2016.

[29th December, 2017].

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Senate and the House of Representatives and by the authority of the same as follows—

1. This Act may be cited as the

Short title.

**PUBLIC UTILITIES REGULATORY COMMISSION
(AMENDMENT) ACT, 2017,**

and shall be read as one with the Public Utilities Regulatory Commission Act No. 20 of 2016, hereinafter referred to as the “principal Act”.

2. Section 2 of the principal Act is amended as follows—

Amendment
to section 2 of
principal Act.

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- (a) by repealing the definition of “Appeals Tribunal”;
 - (b) by repealing the definition of “claim”;
 - (c) by repealing the definition of “complaint” and substituting therefor the following new definition—
 - “ “complaint” means a complaint made by a consumer against a public utility to which this Act applies in accordance with section 29;”;
 - (d) in the definition of “matter” by deleting the word “claim” and the “comma” after the word “every”;
 - (e) at the end of the definition of “statutory authority” by deleting the “full-stop” and substituting therefor a “semi-colon”;
 - (f) by inserting in the appropriate alphabetical order the following new definition—
 - “ “tariff” includes rate.”.

Amendment to
section 17 of
principal Act.

3. Section 17 of the principal Act is amended in subsection (1) as follows—

- (a) by repealing paragraph (a) and substituting therefor the following new paragraph—
 - “(a) set, initiate and conduct reviews of tariffs charged by public utility for the purposes of sections 18 and 19;”;

(b) by repealing paragraph (b) and substituting therefor the following new paragraph—

“(b) determine complaints made by consumers against public utilities to which this Act applies in accordance with section 29 and applicable enactments;”.

4. The principal Act is amended by repealing section 18 and substituting therefor the following new section—

Amendment to
section 18 of
principal Act.

“Tariff review.

18. (1) The Commission shall set and periodically review tariffs that a public utility to which this Act applies may charge for services that it provides, in accordance with every enactment regulating the public utility.

(2) In addition to the specific rates, the Commission may, in accordance with every enactment regulating the public utility, set and modify—

- (a) consumers classes;
- (b) charges and components of the tariffs;
- (c) the tariff period during which the tariff approved shall be in force;
- (d) mechanisms to annually or periodically adjust the tariff approved by the Commission;
- (e) any other matter related with the calculation, adjustment and application of tariffs.

(3) The Commission shall establish a procedure for review of tariffs and shall ensure compliance with requirements prescribed in enactments related to tariffs.

(4) During a tariff period, the approved tariffs shall be subject to periodic adjustments set by the Commission in accordance with applicable enactments.”.

Amendment to
section 19 of
principal Act.

5. The principal Act is amended by repealing section 19 and substituting therefor the following new section—

“Exceptional
tariff reviews.

19. (1) Without prejudice to section 18 and any regulations made for the purposes thereof, the Commission may initiate an exceptional review of the tariffs in force on its own motion, or if—

(a) due to—

(i) an event of force majeure or any exceptional circumstance, or

(ii) a substantial modification of the obligations of a public utility established in applicable quality of service standards, regulations or licences, or for any other reason,

the applicable tariffs do not comply with the principles and requirements established in this Act and in regulations; or

(b) requested by a public utility.

(2) Without prejudice to section 18 and any regulations made for the purposes thereof,

the Commission shall initiate an exceptional review of the tariffs in force if requested by the Minister.

(3) Where a public utility requests that the Commission initiate an exceptional review of the tariffs in force in accordance with subsection (1) (b), the Commission may accept or dismiss the request.

(4) The Commission shall establish a procedure for tariff reviews under this section and shall ensure compliance with requirements prescribed in enactments related to tariffs, which shall be published in the *Gazette*.”.

6. Section 20 of the principal Act is amended in subsection (1) by deleting the words “or upon a claim or complaint” after the words “at the instance of the Minister”. Amendment to section 20 of principal Act.

7. Section 21 of the principal Act is amended in subsection (1) in the chapeau by deleting the words “on complaints or on claims” after the words “In fixing rates, whether” and substituting therefor the words “or not”. Amendment to section 21 of principal Act.

8. Section 24 of the principal Act is amended by repealing subsection (5). Amendment to section 24 of principal Act.

9. The principal Act is amended by repealing section 29 and substituting therefor the following new section— Amendment to section 29 of principal Act.

“Procedure to address complaints.

29. (1) The Commission shall establish a procedure for determination of complaints made by consumers against public utilities in accordance with applicable enactments, which shall be published in the *Gazette*.

(2) Without prejudice to subsection (1), the Commission shall determine a complaint made by a consumer against a public utility to which this Act applies, where the consumer alleges that the public utility has—

- (a) breached any obligation under a licence granted to the public utility to authorise the public utility to provide its services;
- (b) contravened any quality of service standard applicable to the public utility;
- (c) breached any obligation relating to tariffs as prescribed by any applicable enactment; or
- (d) otherwise contravened any applicable enactment.

(3) The Commission shall settle the complaints submitted by consumers within the terms specified in the applicable enactments.”.

Insertion of new section 31A to principal Act.

10. The principal Act is amended by inserting after section 31 the following new section—

“Transparency and consultation.

31A. (1) The Commission shall foster transparency while exerting its powers and duties, and shall—

- (a) state the reasons of its decisions and publish its decisions;
- (b) make available relevant files, information, studies and documents related to the sectors to which this Act applies, except those containing confidential information.

(2) The Commission may hold public hearings and issue consultation documents in order to ask opinions about matters having significant impact on the society related to public utilities to which this Act applies.”.

11. Section 48 of the principal Act is amended in subsection (1) by repealing paragraphs (a) and (c).

Amendment to
section 48 of
principal Act.

Passed by the House of Representatives this 15th day of November, 2017.

WILLAN A. THOMPSON
Clerk to the House of Representatives.

Passed by the Senate this 24th day of November, 2017.

WILLAN A. THOMPSON
Clerk to the Senate.