

BARBADOS

No. 3 of 2003

THE FAIR TRADING COMMISSION

IN THE MATTER of the Utilities Regulation Act 2000-30

AND IN THE MATTER of the Application by Cable & Wireless (Barbados) Limited to the Fair Trading Commission for rate adjustments pursuant to section 16 of the Utilities Regulation Act 2000-30.

**CABLE & WIRELESS (BARBADOS) LIMITED
APPLICANT**

**OFFICE OF PUBLIC COUNSEL
MR. OLSON ROBERTSON
SUNBEACH COMMUNICATIONS INC.
MR. NOEL F. SMITH
MR. ALVIN CUMMINS
MR. HALLAM HOPE
MR. GRENVILLE W. PHILLIPS
MR. ALVIN THORPE
MR. BARRY THORPE
MR. LEROY H. McCLEAN
BARBADOS ASSOCIATION OF
NON- GOVERNMENTAL ORGANISATIONS
BARBADOS CONSUMER RESEARCH
ORGANISATION INC.
MR. JOHN D E BOYCE
ALL CARIBE, INC.
MS. AUDREY McKENZIE
BARBADOS COUNCIL FOR THE DISABLED
CARIACCESS (BARBADOS) LIMITED
INTERVENORS**

BEFORE

Mr. Justice Frank King - Chairman
Mr. Floyd Phillips - Commissioner

PROCEDURAL ORDER NO.1

In recognition of the scheduling of the hearing of this matter for Wednesday, October 29, 2003 in the Frangipani Room, Sherbourne Conference Centre, Two Mile Hill, St. Michael **IT IS HEREBY ORDERED AS FOLLOWS:**

1. The Utilities Regulation Act Procedural Rules S.I. 2003 No.14 will govern the proceedings in this matter.
2. The file number assigned to this matter is No. 3 of 2003 and must be quoted on all documents. Parties are reminded that documents relating to this application must be sent to the Commission Secretary.

Affidavit Evidence

3. The Applicant shall file its Affidavit(s) in support of its application within 10 calendar days (22nd September 2003) of the date of this order.
4. Intervenors who wish to file affidavits will be allowed 10 calendar days (2nd October 2003) after receipt of the Applicants affidavit (s) to file an affidavit in reply and such other affidavits as may support their position.
5. Thereafter the Applicant will be granted 11 calendar days (13th October 2003) within which to file an Affidavit in response to those filed by the intervenors. No other affidavits shall be filed without leave of the Commission.
6. Parties wishing to tender documents in support at this stage should attach them to the related Affidavit.

Oral Evidence

7. A party or its witness(es) may, with leave of the Commission, give sworn oral evidence at the Hearing. A request for leave must be made in writing to the Commission on or before October 22, 2003. Where the Commission grants such leave, the Commission will notify all parties of its decision.

List of Witnesses

8. Parties shall provide the Commission a list of witnesses at least (7) seven calendar days before the hearing (October 22nd, 2003).

Expert Witnesses

9. A party who intends to adduce evidence of an expert witness shall within 10 calendar days of the date of this order (September 22nd, 2003) file with the Commission and serve an Affidavit of the expert witness on the Commission and each party to the Proceedings. Any person who wishes to rebut with expert evidence, a matter set out in an Affidavit of an expert witness must do so by October 2nd, 2002.
10. Parties must be aware that the qualifications of the expert must be set out in the affidavit and the Commission will determine at the hearing if the person is qualified to give expert evidence. Parties should familiarise themselves with Rule 16 of the Procedural Rules.

Interrogatories

11. The Commission will serve on the Applicant its list of interrogatories on or before September 19th 2003. Copies of this list will be provided to the Intervenors.
12. Intervenors will be permitted to serve interrogatories on the Applicant within (7) seven calendar days (September 26th 2003)

after receipt of the Commission list of interrogatories. The Applicant will be given 14 calendar days thereafter (October 10th, 2003) within which to respond to interrogatories. Responses must be served by the Applicant on all parties.

13. The Applicant will not be required to respond to intervenors interrogatories if such matters have already been covered on the Commission's list. Intervenors are therefore encouraged to ensure that there is no duplication of requests.
14. The Commission reserves the right to make further interrogatories or information requests as it deems necessary.

Requests for production of documents by Applicant

15. Intervenors who require specific documents from the Applicant must submit such requests to the Commission by September 26, 2003. All reasonable requests will be forwarded by the Commission to the Applicant. The Applicant shall have 10 calendar days after receipt of the request to respond. All documents obtained by virtue of such a request will be served by the Commission on all Intervenors.

Form of Documents

16. Affidavits and documents which exceed six (6) pages should be printed on both sides. The front cover should bear the title and number of the matter.
17. Supporting documents filed with the affidavits must be labelled using the initials of the person who has sworn the Affidavit.

Intervenor Briefs

18. Intervenors are required to file with the Commission and serve on the Applicant on or before 29th September 2003 their written statements i.e. briefs which should summarise the issues the Intervenor wishes to raise at the hearing.

Order of Appearances

19. The order of appearance for parties to the hearing is as follows:-

The Applicant
Public Counsel
Mr. Olson Robertson
Sunbeach Communications Inc.
Mr. Noel F. Smith
Mr. Alvin Cummins
Mr. Hallam Hope
Mr. Grenville W. Phillips
Mr. Alvin Thorpe
Mr. Barry Thorpe
Mr. LeRoy H. McClean
Barbados Association of Non Governmental Organisations
Barbados Consumer Research Organisation Inc.
Mr. John D E Boyce
All Caribe, Inc.
Ms. Audrey McKenzie
Barbados Council for the Disabled
Cariaccess

20. Where a party is represented by Public Counsel that party will not be permitted to make a separate appearance before the Commission. Parties will present opening statements, call witnesses and present arguments and submissions in this order.

21. Parties will be permitted the following time within which to make opening statements to the Panel :-

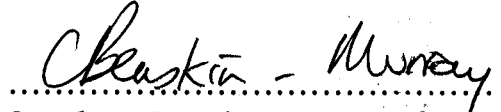
Applicant	-	30 minutes
Public Counsel	-	20 minutes
Intervenors	-	20 minutes

Confidential Documents

22. Recognising that parties may have intimate financial, commercial/trade secrets, scientific, technical or other personal matters where the harm caused by disclosure would outweigh any benefits adherence to the principle that full public disclosure at rate hearings, the Commission shall grant confidential status to specific information.

23. Parties who would like information they have filed with the Commission to maintain its confidential status must comply with the requirements of Rule 13.2. of the Utilities Act Procedural Rules 2003. Failure to comply with this Rule will result in the information being placed on the public record.
24. Other Procedural Orders may be issued from time to time.
25. Further guidance on the Utilities Regulation Act Procedural Rules 2003 can be obtained from the Commission Secretary.

Dated this 12th day of September 2003.


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Cyralene Benskin-Murray (Mrs)
Commission Secretary