



FAIR TRADING COMMISSION

COST ASSESSMENT GUIDELINES, DECISION & ORDER 2007

BEFORE:

**Sir Neville Nicholls
Chairman**

**Professor Andrew Downes
Deputy Chairman**

**Mrs. Tammy Bryan
Commissioner**

**Gregory Hazzard
Commissioner**

**Mr. Floyd Phillips
Commissioner**

INTRODUCTION

The Fair Trading Commission (“the Commission”) established by the Fair Trading Commission Act Cap 326B (“FTCA”) is the independent regulator of international and domestic telecommunications services, electricity services and natural gas services.

In carrying out its duties as an independent regulator, the Commission must operate in a transparent, accountable and non-discriminatory manner. Consultative documents and the public consultation process are the main ways in which the Commission discharges its responsibilities relating to transparency and accountability.

In addition, the Commission is specifically empowered under the FTCA to consult with interested persons when it is discharging certain functions. Section 4(4) thereof states:

“The Commission shall, in performing its functions under subsection 3(a), (b), and (d) and (f) consult with the service providers, representatives of consumer interest groups and other parties that have an interest in the matter before it.”

Consultative Process

On important issues that arise in the regulation of the utility industries, the Commission may issue a consultative document.

On December 10, 2005 the Commission issued its Consultation Paper entitled “Cost Assessment Guidelines.”

The Commission has considered all responses submitted by interested parties and in establishing the Cost Assessment Guidelines, the Commission has incorporated where it deemed appropriate, useful suggestions arising from the consultative process.

The Commission wishes to thank all those persons who responded to the consultation paper.

BACKGROUND

On August 5, 2003 Cable & Wireless (Barbados) Limited "C&W" submitted an application to the Commission seeking to move from the current flat rate tariff system to a revised usage based system for residential and business users (domestic rate payers) of the domestic service.

As a result of the C&W application the Commission convened a rate hearing to deal with the issues. A number of persons called "intervenors" were allowed to participate in the hearing on behalf of Barbadian consumers. Most of the intervenors were not represented by legal counsel during the hearing.

At the end of the process, by way of a decision and order dated July 20, 2004, the Applicant's application was denied by the Commission. It was further ordered that the existing rates for the domestic telephone service should prevail and that the Commission (pursuant to an application made by persons who intervened in the rate hearing "the intervenors") would hear the parties on cost on a date to be determined. The Commission confirmed its decision pursuant to a motion to review, on January 17, 2005.

While the Commission has the discretionary authority to award costs of and incidental to any proceeding before it under section 46 of the FTCA there were no regulations or guidelines to aid the Commission in making such an award. Moreover, this was the first occasion on which lay persons intervening in a rate hearing ("intervenors") had intimated to the Commission that they would be seeking costs.

The Commission wished to ensure transparency in the process leading to the award of costs, therefore, a set of guidelines was developed which would assist the Commission and persons appearing before it in relation to awarding

costs. It should be noted that no issue of retroactivity exists in relation to the guidelines coming after the rate hearing. The power to award costs already exists in section 46 of the FTCA. The guidelines therefore merely seek to bring transparency to the process.

When the drafting of these guidelines commenced it was believed that the statutory discretion to award costs conferred on the Commission, extended to the granting of an honorarium for intervenors that would represent an acknowledgement of the time spent in preparing for the hearing and appearing before the Commission.

The Commission subsequently completed and disseminated the Draft Cost Assessment Guidelines in December of 2005 and previously stated embarked on a public consultation process and invited comments on this document. The necessity for a public consultation arose from suggestions made by members of the public and other stake holders in October 2005 and dove tailed well with the Commission's statutory duty to consult with the public as aforementioned.

Many of the intervenors who responded to the public consultation interpreted section 46 aforesaid to mean that the law mandates that intervenors be paid costs. Further, the substratum of arguments advanced by the intervenors was to the effect that they wanted to be paid for appearing before the Commission and for preparing and presenting arguments in much the same way that an Attorney-at-Law before the High Court would be paid on a party and party basis. This position on the part of intervenors was made clear in their contributions to the public consultation exercise.

Two of the parties who responded to the said exercise objected to the insertion of the honorarium clause as stated in the guidelines. Additionally, various legal arguments were raised which suggested that the Commission may be acting *ultra vires* the FTCA in granting the said honorarium or any sums other

than out of pocket expenses to intervenors as costs. In the circumstances, the possibility of an application for judicial review being made against the Commission was also raised. It was also suggested by one of the aforementioned parties that the Commission should proceed by way of case stated to obtain an opinion from the High Court.

SYNOPSIS OF COMMENTS

Barbados Consumer Research Organisation Inc. "BARCRO"

BARCRO stated that while they agreed to the implementation of the Cost Assessment Guidelines, these guidelines should only apply to future hearings. Furthermore, that the Cost Assessment Guidelines should not be retroactive in their effect as the guidelines superseded the rate hearing. Additionally, they stated that the only source from which guidance can be taken for awarding costs would be the Fair Trading Commission Act Cap. 326B.

Additionally, they also suggested that an Act be put in place to assist the operation of the intervener fund.

BARCRO further stated that, the basis under which intervener funding is usually granted, is an Act of parliament or by the regulation of a board or commission. The funding of interveners is necessary so that there will be balance between the consumers and the other party who have ample resources to represent their interest.

Public Counsel

The Public Counsel indicated that the importance of the role of the Public Counsel ought not to be overlooked, in formulating guidelines to award costs to interveners in utility matters. He stated that in the Public Counsel Government has provided an Attorney-at-Law with a budget for professional services and access to training in the relevant areas, to represent the interest of consumers in these matters.

When assessing the Cost Assessment Guidelines, Public Counsel examined the basis on which costs were awarded and cited section 46 of the FCTA and section 2 of the **Supreme Court of Judicature Act, CAP.117A**. Furthermore, he examined the basis under which an award of costs was traditionally made stating that it was made only to a litigant represented by an attorney.

The Public Counsel submitted that since there was uncertainty the Commission could consider stating a case in writing for the opinion of a judge, to determine whether or not the law permits the award for costs and or an honorarium to interveners who are lay persons.

Additionally, Public Counsel noted that care must be taken when dealing with the question of an award of costs.

David Comissiong on Behalf of Alvin Thorpe

Mr. Comissiong stated that he award of Costs to interveners should not be delayed until the guidelines are settled. To do so, would be unjust because of the length of time that the matter has been ongoing. Furthermore, it would conflict with the established legal proscription against retroactive legislation.

The guidelines were not in place at the time of the hearing. The only piece of legislation that was in place was section 46 of the FCTA. Furthermore, according to Mr. Commissiong the court of appeal has already pronounced on the matter of costs and has thereby provided the Fair Trading Commission with a precedent that can be used to guide the Commission on making an award of costs. The Commission is therefore urged to use the precedent and award costs to the interveners.

Barbados Light & Power Company Limited

The Barbados Light & Power Co. Ltd. "BL&P" believed that each individual or organisation (a participant) who intends to apply for a costs award should be required prior to the commencement of proceedings to submit a document:

- a. Setting out the grounds on the basis of which the claim for a costs award will be made by the participant; (see guideline 3.3)
- b. Identifying the key issues that the participant will examine;
- c. Indicating whether the participant expects to lead evidence and include an estimate of preparation days.

BL&P was also of the view that participants who represent an association or corporate entity or coalition of associations should provide evidence in writing from each particular coalition or group, identifying their general interest in the specific proceeding and authorizing representatives to act on their behalf.

Alvin Cummins

Mr. Cummins claimed that in as much as the Commission accepted the intervenor's letters of intervention that they are eligible for costs.

He suggested that the costs proceedings should have been a part of the rate hearing process as opposed to a separate process.

Mr. Cummins stated that no provisions were made in the Guidelines for a scale of fees for intervenors; he therefore assumed that costs will be awarded on a per diem basis. He wishes this to be regularised in the guidelines.

Cable & Wireless (Barbados) Limited

C & W suggested that proceedings could arise under the **Fair Competition Act, CAP. 326C** and the **Consumer Protection Act, CAP 326D** therefore the Guidelines should not be restricted only to the area of utility regulation.

C&W indicated that the guidelines are silent on whether they are expected to apply costs that are incurred by a party who provides written comments in a consultation initiated by the Commission. They suggested that cost recovery should be limited to circumstances where some form of oral hearing takes place and parties making a claim for cost recovery satisfy the eligibility conditions as set out in the Guidelines.

Based on the language of clause 3.3 of the Guidelines C&W opined that several of the principles outlined in the Guidelines were inappropriate for the consideration of cost recovery by a service provider and therefore there is need for separate treatment of a service provider's costs.

C&W was also of the view that intervenors should rely more on the expertise of Public Counsel during the course of proceedings, as this will save money and time and resources can be adequately coordinated and pooled. In instances where intervenors are reluctant to use Public Counsel, that intervenor should be required to draft written arguments to the Commission as to why they are not using Public Counsel.

C&W also stated that the Commission had no statutory authority to award costs to intervenors and that the honorarium clause should be entirely deleted.

CASE STATED

In light of the divergence of views between the intervenors, and other persons like the Public Counsel who commented on the Draft Costs Assessment Guidelines, and the serious questions of law that arise, the Commission determined that the only plausible recourse open to it was to state a case for the opinion of a judge under section 41 of the FCTA.

The following questions were asked by the Commission of the Court:

1. Whether the discretionary power given to the Commission under section 46 of the Fair Trading Commission Act allows the Commission to award costs to intervenors who were not represented by Legal Counsel for preparing for and appearing at a Commission proceeding.
2. Whether the discretionary power given to the Fair Trading Commission under section 46 of the Fair Trading Commission Act allows the Commission to award an honorarium to intervenors who were

unrepresented by Legal Counsel in recognition of individual efforts in preparing and presenting a submission to the Commission.

3. Whether on the basis of settled practice in Barbados, a person who is unrepresented by Legal Counsel and appearing before an administrative tribunal where a power to award costs exists is limited to an award of out of pocket expenses only.

The Court answered the first question in the negative, the second in the negative and the third in the affirmative.

OUTSTANDING QUESTIONS

Most of the comments and suggestions thrown up by the public consultation were answered by the decision in the Case Stated. However, a few issues particularly those raised by Cable & Wireless are answered below.

Scope of Guidelines

Section 46 of the FCTA speaks to “proceeding(s)”. Black’s Law Dictionary defines proceedings in part as “a hearing”. Hearings by the Commission relate only to utility regulation.

It therefore follows axiomatically that the guidelines that are simply formulated to make the procedure under section 46 aforesaid more transparent can only relate to utility regulation. In addition the Utilities Regulation (Procedural) Rules 2003 (“URPR”) makes provision for a written “hearing” or proceeding. There is therefore no good reason why the guidelines should apply to a proceeding involving oral presentations only. A service provider could itself receive costs under section 3.4 of the guidelines. Costs that form part of hearing expenses may be recovered as such even in the absence of the guidelines based on long standing and well established principles.

Costs Eligibility

The overriding section in relation to costs is section 46 of the FTCA not section 64 (1) of the URPR. Section 46 does not limit the type of proceeding in relation to which a person may receive costs. Clearly there is nothing to prevent a person with a billing complaint from recovering costs, notwithstanding the fact that “intervenor status” in a billing complaint should hardly arise.

Awarding Costs

Since section 46 lacks the specificity that is found in legislation in other jurisdictions, for example, the Ontario Energy Board Act, the principles for awarding and determining the reasonableness of costs are the same as are utilized by the High Court. The guidelines simply seek to outline the general principles upon which a costs award will be made. The hearing procedure in relation to costs would still continue to be governed by the URPR.

Honoraria and Loss of Wages

In light of the decision of the court in the Case Stated, those two sections have been removed.

Counsel's Fees

There has been an amendment to this part as hereinafter set out, to bring it in line with the judge's reasoning in the Case Stated as well as the principles laid down in the High Court in the case of **Lauer v. Magson (unreported) No. 5 of 2004 H C (Barbados)**.

Effective Date of Guidelines

There is no question of the guidelines operating retroactively. Section 46 of the FTCA is the governing provision. The guidelines are simply being put in place to permit parties to understand some of the principles to be employed by the Commission when exercising its discretion under section 46. The

Commission could employ these same principles internally without making them public.

Despite the answers to these questions however, it is clear that prior to awarding costs a full enquiry into the necessity for and the reasonableness of the expenditure incurred in the preparation and presentation of the application must be conducted by the Commission. Only to the extent that the Commission finds that expenses are reasonable in amount and were incurred in good faith will the recovery of such expenses be permitted.

ORDER

UPON READING and analysing the comments received during the Public Consultation aforementioned **AND UPON** making changes to the draft Guidelines incorporating such useful suggestions as have been made, **IT IS HEREBY ORDERED** and declared that the Cost Assessment Guidelines 2007 are hereby issued in the form annexed.

Dated this day of January 2007

.....
Neville V. Nicholls

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Professor Andrew Downes

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Mr. Floyd Phillips

.....
Mr. Gregory Hazzard

.....
Mrs. Tammy Bryan



FAIR TRADING COMMISSION

COSTS ASSESSMENT GUIDELINES
2007

DOCUMENT NO: FTC/GLC/2007-1

DATE: January 17, 2007

FAIR TRADING COMMISSION COST ASSESSMENT GUIDELINES 2007

These Guidelines may be cited as *The Fair Trading Commission Cost Assessment Guidelines 2007*.

1. Definitions:

- 1.1 In these guidelines, words have the same meaning as in the Fair Trading Commission Act, the Utilities Regulation Act and the Utilities Regulation (Procedural Rules) 2003, unless otherwise defined in this section.
- 1.2 “Act” means the Fair Trading Commission Act CAP. 326B of the Laws of Barbados;
- 1.3 “Applicant” means a person who is a party to a Commission Proceeding and who applies to the Commission for a costs award;
- 1.4 “Cost Assessment Officer” means a person designated by the Commission as the Cost Assessment Officer;
- 1.5 “Commission” means the Fair Trading Commission as established by section 3 of the Act;
- 1.6 “Service provider” means
 - (a) a statutory corporation;
 - (b) a company incorporated under the Companies Act; or
 - (c) any other entity

which provides a utility service and with respect to which a Ministerial order has been made under the Utilities Regulation Act or the Telecommunications Act;

2. Cost Powers

- 2.1 In the exercise of the discretion conferred on the Commission by section 46 of the Act, the Commission may order any one or all of the following:
 - (a) by whom and to whom a costs award is to be paid;
 - (b) that a costs award be paid to a party which;

- (i) the Commission has determined to be eligible for a costs award;
- (ii) participates responsibly in the proceeding; and
- (iii) contributes to a better understanding of the issues by the Commission;

3. Cost Eligibility

3.1 The Commission may determine whether a party is eligible or ineligible for a costs award.

3.2 The burden of establishing eligibility for a costs award is on the party applying for a costs award.

3.3 A party in a Commission proceeding is eligible to apply for a cost award where the party:

- (a) primarily represents the direct interest of consumers or ratepayers) in relation to service providers; or
- (b) is a person who is granted intervenor status by the Commission pursuant to the Utilities Regulation (Procedural) Rules. 2003.

3.4 A party in a Commission proceeding is required prior to the commencement of proceedings to file a written statement with the Commission;

- (a) setting out the grounds on which the claim for a costs award should be made by him,
- (b) identifying the key issues that he will examine
- (c) indicating whether he expects to lead evidence and
- (d) an estimate of preparation days.

3.5 The Commission may, in special circumstances, find that a party who does not fall into one of the categories listed in section 3.3 hereof is eligible for a costs award in a particular proceeding.

4. Principles to be observed in Determining Costs Eligibility

4.1 In determining whether an applicant is eligible for a costs award and without prejudice to the generality of section 2.1 hereof the Commission may consider whether the applicant in the course of the Commission proceeding:

- (a) asked questions on cross examination which were unduly repetitive of questions already asked by other parties;
- (b) made reasonable efforts to ensure that his evidence was not unduly repetitive of evidence presented by other parties;
- (c) made reasonable efforts to co-operate with other parties in order to reduce the duplication of evidence and questions on cross examination;
- (d) made reasonable efforts to combine his intervention with that of similarly interested parties;
- (e) contributed to a better understanding by the Commission of one or more of the issues addressed by the party;
- (f) addressed issues in his written or oral evidence, in questions on cross examination or in argument which were not relevant to the issues determined by the Commission in the proceedings;
- (g) engaged in any other conduct that tended to lengthen unnecessarily the duration of the proceedings; or
- (h) engaged in any other conduct which the Commission found was inappropriate or irresponsible.

4.2 In making a determination whether a party is eligible or ineligible for a cost award, the Commission may also consider any other factor arising

out of the proceeding in question that it views as relevant in the public interest.

5. Awarding Costs

5.1 The Commission may either at the close of the particular Commission proceeding or on a date to be set, receive oral or written submissions from an applicant for the purposes of showing why a costs award ought to be made in his favour.

5.2 A service provider or any other party which has been unsuccessful in a Commission proceeding may make submissions to the Commission showing cause why a cost award ought not to be made against it.

5.3 The Commission will after considering the submissions and replies, if any, issue an interim Decision with Reasons, specifying the party or parties to whom costs are to be awarded and the party or parties by whom costs will be paid and any other related matters.

5.4 After the verification process as hereinafter set out has taken place, the Commission shall issue a final Cost Order directing the amount of the cost award and may direct a date by which the cost award is to be paid.

6. Verification

6.1 Once the Commission has determined that a cost award is to be paid to a party to a Commission proceeding, that party shall file a detailed account of its proceeding related expenses, recorded on Summary Sheets, and the applicable forms together with the original invoices and receipts to support this claim. These documents shall together be referred to as the "Cost Claim". The Applicant shall also file an Affidavit, verifying the cost claim.

- 6.2 The costs claim and Affidavit shall be served on the party by whom the costs are to be paid.
- 6.3 A party to a Commission proceeding which the Commission determines shall pay costs shall have fourteen (14) calendar days from the date of the service of a costs claim to file an objection on Affidavit to any aspect of the costs claim. One copy of the objection is to be filed with the Commission and one copy served on the applicant.
- 6.4 The applicant shall have seven (7) calendar days from the date of the filing of the objection to file a reply with the Commission and to serve a copy on the party who filed the objection.
- 6.5 The Commission through its costs assessment officer will assess the cost claim as submitted by an Applicant. Where a claim is found to be questionable in the judgment of the Commission, it will be subjected to further review and may be reduced to the level deemed appropriate.
- 6.6 Where the Commission is minded to review a costs claim, the Applicant to whom the costs claim relates shall be given written notice of the Commission's intention to review the claim and the reasons there for. The Applicant shall within seven (7) days of the receipt of the said notice provide to the Commission written reasons why the costs claim should not be reduced.
- 6.7 The Commission may request further documentation from an Applicant to substantiate a disputed or questionable claim.
- 6.8 The Commission shall consider the cost claim along with the Applicant's written reasons as to why the cost claim should not be reduced as well as any objections to the cost claim and any replies and

thereafter, proceed to finally determine whether the costs should be allowed as claimed or reduced.

7. Group Interventions

7.1 In the case where an association or body corporate is an Applicant, costs shall be awarded to that association or body corporate as a single entity and not to respective individuals representing the association or body corporate.

7.2 In a case where a number of persons have joined together for the purpose of a combined intervention, costs will be awarded to that group of persons in the same manner as for an association or body corporate. The Commission will allow reasonable expenses necessary for the establishment and conduct of such a group intervention.

8. Counsel Fees

8.1 Counsel Fees, as billed to an Applicant, may be accepted by the Commission provided that the hourly rate claimed and the time expended appears reasonable in the circumstances. A cost claim will be reduced if the aforesaid hourly rate used is unreasonable or the time expended is deemed excessive.

8.2 If the rates claimed for senior, intermediate and junior counsel are the maximum rates that may be claimed in the circumstances, the said rates may be reduced by the Commission according to criteria such as:

- (a) Year of Call;
- (b) Experience before regulatory tribunals;
- (c) The complexity of the matters dealt with;
- (d) The degree of responsibility assumed by the counsel;
- (e) The conduct of the counsel; and
- (f) The overall assistance given by the counsel to the Commission.

8.3 No difference will be made between the rates for preparation, attendance and travel time, unless such a distinction was made when invoicing the Applicant.

9. In-house Counsel

9.1 In-house Counsel and supporting employees, including paralegal and articling or intern students of an Applicant will normally not be reimbursed for their services unless in appropriate instances.

10. Paralegal Services, Articling Students/Law Clerks, Experts and Consultants

10.1 The Commission will make a determination as to whether, or what portion of the claimed legal services qualifies as compensable paralegal services. To qualify for consideration as a paralegal service, a paralegal must have undertaken services normally or traditionally performed by legal counsel, thereby reducing the counsel's time spent on client affairs.

10.2 The Amounts paid by an intervenor to an expert and or an Attorney-at-Law who, while not appearing at the Rate Hearing, gave advice for which a fee was charged, may be recovered where these expenses have been proved and properly vouched for.

10.3 The fees for Consultants who are experts in engineering, accounting, finance, economics and other related matters will be assessed in light of the current fee schedules of respective professional associations in Barbados. These schedules will be used as benchmarks. The qualifications and experience, the hours spent, the hourly rate charged and the quality of the service rendered will be considered. A copy of the expert's curriculum vitae must be included in the Cost claim.

- 10.4 Recovery of costs for experts shall be limited to those experts who:
- a. appeared before the Commission in the relevant proceedings, or
 - b. whose written reports, legal opinions, or affidavits were tendered in evidence to the Commission, or
 - c. whose reports, opinions or advice can be demonstrated to have assisted the Commission in the proceedings.

11. Disbursements

11.1 Reasonable disbursements such as postage, photocopying, travel, secretarial assistance, overseas communication and accommodation directly related to the Applicant's participation in the proceedings will be considered. Receipts substantiating the disbursement should accompany the cost claim. Government of Barbados guidelines for allowable expenses, including meals, will apply as set out in Schedule I hereto and are quoted in Barbados currency.

11. Travel

12.1 Travel by automobile will normally be reimbursed at the Government of Barbados rate as set out in Schedule I hereto quoted in Barbados currency.

12.2 Taxis and airport pickup claims supported by receipts will normally be accepted as filed provided that they do not exceed the rates used by the Barbados Transport Cooperative Society.

12.3 Reimbursements for air travel will be limited to "economy" fare rates for the shortest route to Barbados.

12. Accommodation

13.1 The costs of hotel accommodation will normally be allowed for overseas consultants or witnesses limited to \$300.00 per night Barbados currency.

13.2 Claims for single occupancy rooms at hotels will normally be accepted; however, this does not include “luxury” hotels or suites.

13. Forms for Submission of Costs

14.1 A cost claim shall be in the form designated by the Commission and set out in Schedule II hereto. All fees and claims for time are to be expressed on an hourly basis. Where daily rates are claimed, one day will be calculated as comprising 8 hours for the purpose of assessing costs.

14.1.1 Failure to employ these said forms or to properly complete them may result in delays in processing the cost claim. The Applicant is responsible for obtaining the current forms from the Commission Secretary.

Made by the Fair Trading Commission this day of January, 2007

**Neville V. Nicholls
Chairman of the Fair Trading Commission**



SCHEDULE I

FAIR TRADING COMMISSION

COST ASSESSMENT GUIDELINES

Scale of Costs

LEGAL FEES	Prevailing Rates
Senior Counsel	
Intermediate Counsel	
Junior Counsel	
Paralegals	
Articling Students	
TECHNICAL CONSULTING FEES	Prevailing Rates
Engineering Fees, Principals and Senior Officers:	
• on normal assignment	
• giving expert testimony	
OTHER CONSULTING FEES	Prevailing Rates
Partners	
Principal/Senior Manager	
Manager	
Senior Consultant	
Analyst	
DISBURSEMENTS	Current Rates
Travel by Automobile	30¢ per km
Meals	BDS\$40.00 per day
Photocopies	25¢ per copy



SCHEDULE II

FAIR TRADING COMMISSION

COST ASSESSMENT GUIDELINES

FORM I - SUMMARY STATEMENT OF HOURS - LEGAL COUNSEL

A separate form is required for each legal counsel

Applicant: _____ Claimant: _____

Is the Claimant an in-house employee of the Applicant? _____

If no, indicate name of law firm or chambers: _____

Commission File No: _____

Claimant's Title: (check one)

Articling Student

Legal Assistant

Date when qualified as a law clerk or paralegal:

Legal Counsel

For legal counsel that are not in-house:

Completed years of practice: _____

Year of Call to the Bar: _____

Has the lawyer practiced continually since Call to the Bar: _____

(If no, provide details and explanations on a separate sheet.)

Rate Claimed: _____

SERVICE	TIME CLAIMED (Use quarter-day increments for in-house services)	FEES	TOTAL
PREPARATION:	DAYS <u>OR</u> HOURS		
Review file			
Prepare interrogatories			
Respond to interrogatories			
Prepare comments			
Prepare evidence			
Prepare for hearing			
Prepare argument			
Consult with client			
Case management			
Other (specify):			
1.			
2.			
3.			

ATTENDANCE:			
Attend hearing			
Other (specify):			
1.			
2.			
PROCEDURAL:			
Costs Application			
Taxation Application			
Other (specify):			
1.			
2.			
3.			
TOTAL TIME CLAIMED	DAYS:	HOURS:	
TOTAL FEES:			
Add TAXES VAT @ 15%			
Less TAX REBATE if applicable (Specify type and %: _____)			
TOTAL CLAIM:			

Note: All claims must be in Barbadian dollars

I certify that the above information is true and accurate.

Date: _____

Signature of Claimant: _____



FAIR TRADING COMMISSION

COST ASSESSMENT GUIDELINES

FORM II - SUMMARY OF EXPERT WITNESS FEES

In cases where VAT is being added claimant must provide VAT No.

Applicant: _____ Claimant: _____

VAT # (if applicable): _____

Commission File No: _____

I certify that the above information is true and accurate.

Date: _____ Signature of Claimant: _____

SERVICE	TIME CLAIMED (Use quarter-day increments for in-house services)	HOURLY FEE RATE	TOTAL
PREPARATION:	Number of hours:		
Review file			
Prepare interrogatories			
Respond to interrogatories			
Prepare comments			
Prepare evidence			
Prepare for hearing			
Prepare expert report			
Consult with client			
Other (specify):			
1.			
2.			
3.			
4.			
ATTENDANCE:	Number of days: (use quarter-day increments)	Days	
Attend hearing			
Testifying			
TOTAL TIME CLAIMED	HOURS: DAYS:		
TOTAL FEES:		BDS\$	
Add TAXES VAT @ 15%		BDS\$	
Less TAX REBATE if applicable (Specify type and %: _____)		BDS\$	
TOTAL CLAIM:		BDS\$	



FAIR TRADING COMMISSION

COST ASSESSMENT GUIDELINES

FORM III - SUMMARY OF FEES FOR CONSULTANT AND ANALYST

A separate form is required for each consultant or analyst

Applicant: _____ Claimant: _____

Claimant's Title: (check one)

Vat Number (if applicable): _____

Commission File No: _____

Is the analyst an in-house employee of the Applicant?

Completed number of years acting as consultant or analyst: _____
(deduct appropriate periods of time if Claimant was not acting continually in this capacity)

Date on which the Claimant first began offering services as a consultant or analyst: _____

Rate Claimed: _____

SERVICE	TIME CLAIMED (Use quarter-day increments for in-house services)	HOURLY FEE RATE	TOTAL
PREPARATION:	DAYS <u>OR</u> HOURS		
Review file			
Prepare interrogatories			
Respond to interrogatories			
Prepare comments			
Prepare evidence			
Prepare for hearing			
Prepare argument			
Consult with client			
Case management			
Other (specify):			
1.			
2.			
3.			
4.			
ATTENDANCE:			
Attend hearing			
Other (specify):			
1.			
2.			
3.			

GRAND TOTAL CLAIMED	DAYS:	HOURS:	
TOTAL FEES:			
Add TAXES VAT @ 15%			
Less TAX REBATE if applicable (Specify type and %: _____)			
TOTAL CLAIM:			

I certify that the above information is true and accurate.

Date: _____

Signature of Claimant: _____



**FAIR TRADING COMMISSION
COST ASSESSMENT GUIDELINES**

FORM V- AFFIDAVIT IN SUPPORT OF COST CLAIM

Commission File Number	Applicant's Name
Items Claimed Net of VAT	
Legal/Counsel Fees + Expert Fees + Disbursements + Lost of wages = Net Sub-Total	
\$ _____	\$ _____
\$ _____	\$ _____
Total Cost Claim	
Net Sub-Total	+ Total VAT Claimed = Total Cost Claim
\$ _____	\$ _____
\$ _____	
I, (name) _____, of (address) _____ in the	
(parish) of _____, MAKE OATH AND SAY AS FOLLOWS:	
1. I am (*the above noted/ a representative of the above noted) applicant (the "applicant") and such have knowledge of the matters attested to herein.	
2. I have examined the above Cost Claim and all of the documentation in support of it.	
3. The above Cost Claim represents only costs incurred directly and necessarily by the Applicant for the purpose of its participation in the Fair Trading Commission's proceedings whose file number is set out above.	
SWORN (OR AFFIRMED) BEFORE ME _____	
on (date) _____	
_____ Signature of Deponent	
_____ Justice of the Peace	

*delete where in applicable