

FAIR TRADING COMMISSION

PROCEDURAL DIRECTION

No.1 of 2007

This procedural direction is made pursuant to Rule 4(1) of the Utilities Regulation (Procedural) Rules 2003, S.I. No. 104 of 2003.

Governing Legislation

The Fair Trading Commission Act Cap. 326 B and the Utilities Regulation (Procedural) Rules 2003, S.I. No. 104 of 2003 will govern the proceedings in this matter.

Venue

- The Fair Trading Commission “the Commission” will convene a cost hearing on February 14th, and 15th, 2007 at the Sherbourne Conference Centre at 9:00 a.m. The costs to be dealt with are the costs arising from the rate application filed by Cable & Wireless (Barbados) Ltd. in 2003.

Presiding Commissioners

- The hearing will be presided over by the following Commissioners:

Sir Neville Nicholls - Chairman
Professor Andrew Downes
Mr. Gregory Hazzard

Filing and Service of Documents

- Parties to the proceedings who are desirous of making an application for costs and of presenting oral submissions thereon on the dates of the hearing, shall file written submissions with the Commission and serve a copy of said submission on each party ten (10) days prior to the hearing. As such, written submissions must be submitted to the Commission and served on the other parties no later than Friday, February 2, 2007 at 4:00 p.m.

Method of Filing

- Parties must provide written submissions to the Commission in an electronic form as well as hard copies. Parties must also include in their correspondence an e-mail address where they can receive email. On request, the Commission may facilitate service of a party's written submissions on another party and may facilitate this service by e-mail. If a party desires the Commission to facilitate service of their written submissions on another party, those written submissions must be filed with the Commission at least twelve (12) calendar days before the hearing.

Content of Written Submissions

- The written submission shall consist primarily of supporting arguments of why the parties in question should be allowed to recover costs in the form of expenses and who that party believes should pay the costs. Parties may include any other relevant information they wish to draw to the Commission's attention.
- Parties should bear in mind the Decision of the Honourable Justice Christopher Blackman that:
 - (a) Legal costs for appearing before the Commission and for preparation cannot be awarded to intervenors not represented by counsel, or
 - (b) there can be no award of an honorarium.

Only submissions dealing with out of pocket expenses will be given consideration.

Oral Presentation

- On the dates of the hearing each intervenor will be allowed a total of 15 minutes to make oral presentations to supplement their written submissions and/or to comment on the submissions of any other party.

Cable & Wireless (Barbados) Limited shall be allowed 30 minutes to do the same.

Order of Oral Presentations

- Intervenor will be allowed to make their oral presentations in alphabetical order according to last names, who will then be followed by Cable & Wireless (Barbados) Limited.

Dated this day of January 2007

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Neville V. Nicholls

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Professor Andrew Downes

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Mr. Gregory Hazzard