

FAIR TRADING COMMISSION

IN THE MATTER of the Utilities Regulation Act, Cap 282 of the Laws of Barbados;

IN THE MATTER of Utilities Regulation (Procedural) Rules, 2003;

AND IN THE MATTER of the Application by the Barbados Light & Power Company Limited for approval of the depreciation policy;

The Barbados Light & Power Company Limited

APPLICANT

Barbados Association of Non-Governmental Organisations

INTERVENOR

PROCEDURAL ORDER NO.1

In recognition of the scheduling of the hearing of this matter for Tuesday, January 27, 2009 at the Lloyd Erskine Sandiford Centre, Two Mile Hill, St. Michael:

IT IS HEREBY ORDERED AS FOLLOWS:-

1. The Hearing for the approval of the depreciation policy of the Barbados Light & Power Company Limited will be governed by the Utilities Regulation (Procedural) Rules 2003.
2. The hearing will commence each day at 9.30 a.m and conclude at 1.00 p.m. A 20 minute break will be given each day at 11.00 a.m. The hearing is set down for four (4) business days and is scheduled to conclude on January 30, 2009 at 1.00 p.m but may conclude earlier depending on the progress of the proceedings.

3. The parties will be provided with each other's submissions (except such information that is claimed to be confidential). Rule 13 of the Utilities Regulation (Procedural) Rules 2003 will be used to determine confidentiality claims.

Timelines

4. The Commission has prescribed timelines for the completion of various activities necessary to facilitate the proceedings of this matter.
5. The Commission will in general seek to enforce the timelines but will make modifications where circumstances warrant. Extensions of the time pursuant to Rule 7 of the Utilities Regulation (Procedural) Rules will only be granted in exceptional circumstances.

File Number Assigned

6. The file number and title assigned to this matter is **0001/08 BL&P - "Application for Approval of Depreciation Policy"** and must be quoted on all documents in accordance with the Utilities Regulation (Procedural) Rules 2003. Parties are instructed that documents should be sent to the Commission Secretary, the General Legal Counsel, Fair Trading Commission.

Affidavit Evidence

A document and any other information shall only be admitted into evidence if it is tendered by way of Affidavit unless it is in response to an informal request.

7. Parties wishing to tender documents in the matter shall attach them to a related Affidavit as an exhibit so that the Commission may render them as evidence.

8. With the exception of BANGO who has been given leave to print small documents single sided, Affidavits and documents must be printed on both sides. The front cover should bear the title and number of the matter.
9. Supporting documents filed with the Affidavits must be labelled using the initials of the person who has sworn the Affidavit.
10. Intervenors who wish to file Affidavits in support of their position or in reply to the Applicant's Affidavits must do so no later than January 6, 2009.
11. The Applicant will be granted until January 20, 2009 to file an Affidavit in response to those filed by the Intervenors. No other Affidavits shall be filed without leave of the Commission.

Oral Evidence

12. Parties shall provide the Commission with a list of witnesses it wishes to present.
13. The Applicant has presented its list of witnesses as Mr. Peter Huck, Mr. Hutson Best and Mr. Mark King to give oral evidence and to be available to the Intervenor and Panel to be cross-examined. A party or its witnesses who wish to give sworn oral evidence shall only do so by seeking leave of the Commission. A request for leave must be made in writing to the Commission on or before January 6, 2009 at 4.30 p.m. Where the Commission grants such leave, the Commission will notify all parties of its decision.

Expert Witnesses

14. The Applicant's expert witness is Mr. Peter Huck. Any Intervenor who wishes to rebut the Applicant's expert evidence and/or introduce expert evidence of their own must do so by January 6, 2009. Thereafter, the Applicant shall have until January 20, 2009 to rebut an Intervenor's evidence.
15. Parties should note that the qualifications of the expert must be set out in the Affidavit and the Commission will determine before the hearing if the person is qualified to give expert evidence. Parties should familiarise themselves with Rule 19 of the Utilities Regulation (Procedural) Rules 2003.

Interrogatories

16. The Commission will serve on the Applicant its list of interrogatories on or before January 6, 2009. Copies of this list will be provided to the Intervenors.
17. Interrogatories ought to have accompanied the letters of intervention and would have been sent to the Applicant immediately following receipt of such by the Commission. If the Intervenor wishes to send interrogatories to the Applicant at this stage it must request an extension of time to send such interrogatories.
18. The Applicant will be given until January 20, 2009 to respond to all interrogatories. Responses must be served by the Applicant on all parties.

19. The Applicant will only be required to respond to reasonable interrogatories. Where it is found that similar interrogatories are asked from various parties, the Applicant will only be required to provide one response.
20. The Commission reserves the right to make further interrogatories or information requests as it deems necessary.

Request for production of documents by Applicant

21. Intervenors who required specific documents from the Applicant ought to have submitted such request to the Commission by December 29, 2008. If the Intervenor wishes to request production of documents by the Applicant at this stage it must request an extension of time to send such requests.
22. All reasonable requests will be forwarded by the Commission to the Applicant. The Applicant shall have until January 20, 2009 to respond or to request that certain documents be treated as confidential. All documents obtained by virtue of such requests will be served by the Commission on all Intervenors.

Public Counsel

23. In accordance with Section 9 of the Utilities Regulation Act, CAP 282, persons may be assisted by Public Counsel in preparing for hearings and presenting arguments before the Commission.

Order of Appearances

24. The order of appearance for parties to the hearing is as follows:-
 1. Applicant

2. Public Counsel
3. Intervenors
4. Applicant

25. 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 submission in the order set out above.
26. Parties will be permitted the following time within which to make opening and closing statements:-

Applicant – 45 minutes

Intervenors – 15 minutes

These times may be extended subject to the discretion of the Commission Panel

Issues Conference

To confirm the issues that will be dealt with in the Depreciation Hearing, an Issues Conference will be held on Friday, January 16, 2009 at 10:00a.m. at the Commission's office at "Good Hope", Green Hill, St. Michael.

27. Please note that other procedural directions may be issued from time to time.
28. Further guidance on the Utilities Regulation (Procedural) Rules 2003 can be obtained from the Commission's General Legal Counsel.
29. Additional information in relation to this proceeding may also be obtained from the Commission's website: www.ftc.gov.bb.

Dated the 7th day of January 2009

Original Signed by

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Neville Nicholls
Chairman

Original Signed by

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Floyd Phillips
Commissioner

Original Signed by

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Michael Thompson
Commissioner

Original Signed by

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Delisle Weekes
Commissioner

Original Signed by

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Andrew Brathwaite
Commissioner