

BARBADOS LIGHT & POWER COMPANY LIMITED'S
MOTION FOR A REVIEW OF FUEL CLAUSE ADJUSTMENT

PROCEDURAL DIRECTIONS NO.1

These Procedural Directions are issued in accordance with Rule 4 of the Utilities Regulation (Procedural) Rules, 2003.

Please find outlined below information for your general guidance.

1. The Hearing of the Motion for Review of the Fuel Clause Adjustment will be governed by the Utilities Regulation (Procedural) Rules, 2003 and the Utilities Regulation (Procedural) (Amendment) Rules, 2009 (URPR).
2. The Fair Trading Commission's (Commission) Panel for this hearing will be:
 - Sir Neville Nicholls - Chairman
 - Mr. Gregory Hazzard
 - Mr. Andrew Brathwaite
 - Mr. Andrew Willoughby
 - Dr. Philmore Alleyne
3. **In accordance with Rule 37 of the URPR, the Motion will commence on May 29, 2013 and will be a written hearing with a convened one-day oral session if warranted by the Commission.**

Timelines

4. The Commission will prescribe timelines for the completion of various activities necessary to facilitate the proceedings of this matter. Timelines for receipt of responses and the exchange of documents among parties will be decided on and this will aid in the just and expeditious conduct of the Motion.

5. The Commission will in general seek to enforce the timelines but will make adjustments where circumstances warrant. Extensions of the time pursuant to Rule 7 of the Utilities Regulation (Procedural) Rules, 2003 will only be granted in exceptional circumstances. It may be wise for parties to appoint at least two representatives on their behalf so that an alternate is always available during the currency of this matter.
6. The Commission will provide parties with the submissions of each other (except where such information is claimed to be confidential). Rule 13 of the Utilities Regulation (Procedural) Rules, 2003 will be used to determine confidentiality claims.

File Number Assigned

7. The file number and title assigned to this matter is **FTCUR/REVFCA-2013-01** and must be quoted on all documents in accordance with the Utilities Regulation (Procedural) Rules, 2003. Parties are instructed that documents being filed with the Commission should be sent to Kim Griffith-Tang How, General Legal Counsel/ Commission Secretary, Fair Trading Commission.

Evidence

(A) Affidavits

8. Parties wishing to tender documents at any stage may attach them to a related Affidavit as an exhibit so that the Commission may render them as evidence.
See Appendix 1.
9. Affidavits and documents pages should be numbered. The front cover should bear the title and number of this matter.
10. Supporting documents filed with the Affidavits must be labelled using the initials of the person who has sworn the Affidavit. For example, if John Doe

has sworn the Affidavit, the first supporting documents should be labelled "J.D. #1" and so forth.

11. Parties shall file any Affidavits no later than June 28, 2013.
12. Parties will be granted until July 19, 2013 to file Affidavit(s) in response to those filed by other parties. No other Affidavits shall be filed after this date without leave of the Commission.

(B) **Written Submissions**

13. Persons who are not desirous of submitting Affidavit evidence are still free to participate in the Motion by presenting written submissions to the Commission. All written submissions in relation to this matter are due on June 28, 2013.

(C) **Oral Session**

14. The Commission may convene a one-day oral session.
15. If the one day oral session is warranted, the Commission will issue further procedural directions to advise the parties of the date and to guide the parties on the conduct of the one-day oral session.

Expert Witnesses

16. Any Affidavits from an expert witness should be presented to the Commission by June 28, 2013. If the expert witness is responding to submissions filed by another party then the Affidavit should be filed by July 19, 2013.
17. 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 submit expert evidence. Parties should familiarise themselves with Rule 19 of the Utilities Regulation (Procedural) Rules, 2003.

Interrogatories

18. Parties are permitted to serve each other with interrogatories until July 10, 2013. Any person served with interrogatories will be permitted until July 26, 2013 to respond. Parties are expected to provide copies of interrogatories and any responses to the Commission so that they may be circulated to the other parties in the proceedings.
19. The Commission may as it deems necessary serve a party with interrogatories. Copies of these lists of questions will be circulated to all parties.
20. Parties will only be required to respond to reasonable interrogatories. Where it is found that similar interrogatories are asked from various parties, the party being asked will only be required to provide one response.

Request for Production of Documents

21. Parties who require specific documents from each other must submit such requests to the Commission by July 10, 2013. Any person served with a request for production of documents will be permitted until July 26, 2013 to respond. All reasonable requests will be forwarded to parties by the Commission. All documents obtained by virtue of such requests will be served by the Commission on all parties.

Public Counsel

22. In accordance with Section 9 of the Utilities Regulation Act, CAP. 282 of the Laws of Barbados consumers may be assisted by Public Counsel in preparing for hearings and presenting arguments before the Commission.
23. Where a Party is represented by Public Counsel that Party will not be permitted to make a separate appearance before the Commission.

24. Public Counsel is permitted to intervene in these proceedings even if he is not representing a party.

Costs

25. Parties to this Motion shall bear their own costs.

26. Please note that the Commission may issue other procedural directions from time to time.

27. Parties may apply for any other order that they wish.

28. Further guidance on the Utilities Regulation (Procedural) Rules, 2003 and /or the Utilities Regulation (Procedural) (Amendment) Rules 2009 can be obtained from the General Legal Counsel/Commission Secretary, Fair Trading Commission, "Good Hope", Green Hill, St. Michael.

29. Additional information in relation to these proceedings may also be obtained from the Commission's website www.ftc.gov.bb

APPENDIX 1

FORM 1

AFFIDAVIT

BARBADOS

FTCUR/REVFCA-2013-01

THE FAIR TRADING COMMISSION

IN THE MATTER of the Fair Trading Commission Act, Cap. 326B of the Laws of Barbados;

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

AND IN THE MATTER of the Utilities Regulation (Procedural) Rules, 2003 and the Utilities Regulation (Procedural) (Amendment) Rules, 2009;

AND IN THE MATTER of the Motion to Review the Fuel Clause Adjustment pursuant to Section 16 of the Utilities Regulation Act, Cap. 282 of the Laws of Barbados.

AFFIDAVIT OF JOHN DOE

I, JOHN DOE of 123 Pleasant Lane in the parish of Saint Michael in this Island being duly sworn **MAKE OATH AND SAY AS FOLLOWS:**

1. I am a Chartered Accountant by profession and partner in Doe and Doe Chartered Accountants Limited.

2. I have read the Motion for the Review of the Fuel Clause Adjustment and I am able to give an honest and fair analysis of the merits of the Motion.

3. I referred to the attached document to support much of my findings. Shown to me, produced and exhibited is a copy of said document attached hereto and marked Exhibit "JD1".

SWORN TO by the deponent)
the said John Doe at Bridgetown)
this day of 2013)

Before me:

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Legal Assistant/Clerk

THE FAIR TRADING COMMISSION

IN THE MATTER of the Fair Trading Commission Act, Cap. 326B of the Laws of Barbados;

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

AND IN THE MATTER of the Utilities Regulation (Procedural) Rules, 2003 and the Utilities Regulation (Procedural) (Amendment) Rules, 2009;

AND IN THE MATTER of the Motion to Review the Fuel Clause Adjustment pursuant to Section 16 of the Utilities Regulation Act, Cap. 282 of the Laws of Barbados.

EXHIBIT "JD1"

This is a copy of the document marked Exhibit "JD1" mentioned and referred to in paragraph 3 in the said Affidavit of John Doe.

Before me:

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Legal Assistant/Clerk

