

BARBADOS

*J. Grantley -
2020-08-27*

DRAWN AND PREPARED BY:

[Signature]

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IN THE MATTER OF THE FAIR TRADING
COMMISSION ACT CAP. 326B
AND IN THE MATTER OF THE UTILITIES REGULATION
ACT CAP 282.
AND IN THE MATTER OF THE UTILITIES REGULATION
(PROCEDURAL) RULES
AND IN THE MATTER OF THE FAIR TRADING
COMMISSION DECISION BARBADOS WATER
AUTHORITY STANDARDS OF SERVICE 2018-2020

APPLICATION

A clear and concise statement of the facts – S 26(1) (a) URPR

1. Barbados registered its first two (2) confirmed cases of COVID 19 on March 17, 2019 and the country declared a public health emergency. The Barbados Water Authority (BWA) was thrown into emergency operations two weeks later due to an immediate health threat. The headquarters building was emptied and the entire staff sent home immediately. The payment center was also closed as no customers were permitted inside the building. The BWA team shifted to remote operations where possible. However, some persons/departments were and still are unable to work from home.
2. The BWA is as an essential service and was instructed by the Prime Minister to restore services to those customers that had been disconnected due to non-payment in keeping with the BWA Act Cap. 274A and the attendant Regulations.
3. The situation confronting the organization is anything but normal. With a very limited staff working from home, the BWA has to ensure that Barbadians have access to water.

Given the restrictions and stay at home protocols imposed by the government this became a critical service/deliverable for the BWA. With low and declining water levels in its reservoirs, tankers have been struggling to keep up with and satisfy the demand especially in the higher elevations. This has to be done in addition to the usual responses to burst mains and pipes across the island. The BWA also has to ensure that staff are adequately protected and that vehicles are constantly sanitized.

4. While some companies have been cleared to resume operations, the BWA is still working out a safe re-entry plan that takes into account all of the new protocols e.g. social distancing. The payment center has reopened but is operating on a limited basis and customers have to wait on the outside as the lobby is too small to accommodate social distancing. The BWA has a large staff count and the office structure does not lend itself to social distancing. As a result operations are still in a state of flux and there is no clear indication when normal operations will resume at the BWA.

The grounds for the application – S 26(1) (b) URPR

Force majeure within the meaning of Section 4, Subsection 4.0, of the Fair Trading Commission Decision Barbados Water Authority Standards of Service 2018-2020; document no. FTC/URD/DECSOS/BWA- 2017-01 which states:

“The Commission is of the view that there are situations where failure to meet Guaranteed Standards of Service, should not require compensatory payments from the BWA. Consequently, the Standards of Service are placed in abeyance in circumstances where conditions outside the control of the BWA, make it impossible to meet the target.”

The statutory provision under which the application is made – S 26(1) (c) URPR

Utilities Regulation Act Cap. – Sections 15 (1) & (2)

Nature or order of decision applied for – S 26(1) (d) URPR

That the Standards of Service be suspended effective March 16, 2020 until the public health emergency is declared to be at an end by the government of Barbados.

Persons affected by the Application – S 26(4) (a) (b) URPR

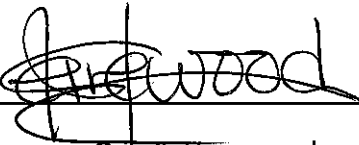
The persons likely to be affected by this application are the customers of the BWA.

The BWA has a customer base of over 100,000 individuals and companies. It would be impractical to list the names and addresses of these customers as they are too many.

Confidentiality – S 11 FTC Act

Pursuant to Section 11 of the Fair Trading Commission Act the BWA is requesting that the details herein be treated as confidential information.

Signed the 04th day of August, 2020

A handwritten signature in black ink, appearing to read "Ona S. Harewood", is written over a horizontal line. The signature is stylized and cursive.

Ona S. Harewood
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