



GOVERNMENT OF BERMUDA
Ministry of Energy, Telecommunications and E-Commerce

Department of Telecommunications

PUBLIC CONSULTATION PROCESS

Ministry of Energy, Telecommunications and E-Commerce
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1 Introduction

Public consultations are essential to help the Department of Telecommunications frame the development of the regulatory regime in Bermuda. A consultation process needs to be operated efficiently and effectively. The process must be flexible enough to meet the needs of a wide range of consultation topics. This document has been designed to ensure that industry stakeholders understand the process by which public consultations are conducted; this will assist in the smooth and efficient running of the consultation.

Consultations are an essential part of regulatory accountability and informed decision-making. The Department of Telecommunications aims to conduct transparent and effective public consultations and will endeavour to:

- Involve, as far as practicable, all stakeholders
- Give interested parties an opportunity to express their views/opinions fully and in an informed way
- Use submitted responses to help understand the possible effect of any action taken
- Avoid lengthy delays as the markets subject to the regulation change very quickly
- Run consultation processes as efficiently as practicable



2 Public Consultation Process

2.1 Announcement of a Consultation

Where appropriate and practicable, the Department of Telecommunications¹ may hold informal talks with people and organizations before announcing a consultation to find out the views of others on these issues. If the Department does not have enough time to do this, an open meeting may be held to explain the proposals shortly after announcing the consultation.

Each consultation will have one individual within the Department to whom respondents must direct all communications. The name and contact details of this individual will be provided in the consultation document.

2.2 Publication of Consultation Document

Where a public consultation is undertaken, the consultation paper or papers will be made available from the Department's web portal or a copy can be collected in person from the offices of the Department (F.B. Perry Building, 2nd Floor, 40 Church Street, Hamilton). The Department will set up a list of those who wish to be notified when the consultation is issued so that they can be kept informed. Where the Department judges that the issues under consultation are of immediate consequence to the general public, a notice shall be published in the Gazette, stating the availability of the consultation paper, the topic being consulted on, the closing date for responses and contact details within the Department.

2.2.1 Design of the Consultation Document

The Department will aim to follow a consistent approach in designing each consultation document. The contents will vary depending on the issue, but will usually include:

- a front cover with the name of the consultation and the closing deadline for responses
- a page listing the contents
- an executive summary of no more than two pages
- the main body of the document
- a contact name and details of where responses should be sent
- Annexes and a glossary, if these are necessary

¹ Also referred to as "the Department" in this document



Some of the issues explored in the consultations may be technically complicated. However, the Department will always try to make formal consultation documents short and simple enough for a lay person to understand. The Department will also try to publish self-contained documents so that those who want to respond to a consultation do not need to refer to other papers when considering what to write. If the Department needs to refer to other papers, it will only do so if the alternative would mean publishing a consultation document that was too difficult to understand and work with.

The background of the consultation will be included in the document and it will explain why the Department is consulting on a particular topic, setting out in brief the events and issues that have triggered the consultation.

All consultations will state whether the consultation in any way interrelates with other issues on the regulatory agenda such as:

- Other consultations out at the same time or due out
- Decisions or policies under preparation by the Department
- Interdependencies with past decisions

The consultation document, where appropriate, should include the regulatory under which the consultation is being conducted.

2.3 Timescales

When the Department is deciding on the length of the consultation period, it needs to ensure that it strikes the right balance. If the consultation period is too short then some parties may not have enough time to prepare their responses. If it is too long, the market may change and the consultation may no longer be relevant. Therefore, the consultation will cover a period of not less than 4 weeks but there may be occasions when the Department will extend this period by up to 2 weeks to a total of 6 weeks. Factors that may affect the length of consultation period include:

- The complexity of the issues addressed
- The stakeholders who might wish to respond to the paper
- Other related consultations that the same parties might be responding to
- Any statutory timings, and
- The urgency of the issue and the timing for any final decision

Where practicable, holiday periods will be taken into account when setting the timetable, adding 2 weeks to the usual timescales for consultations issued during July and August and the Christmas/New Year period.



2.4 Comments

The goal of the consultation process is to gather as much information as possible; therefore, the Department wishes to make it easy for interested parties to submit comments. Interested parties will be invited to respond to the consultation document.

During the consultation period, the Department has the flexibility to use other informal means of gathering additional information or clarifying the information it receives; the means include, but are not limited to, seminars, workshops and public hearings. Public hearings are open to all interested parties should they wish to express their views in person. Before holding a public hearing, details will be published on the Department's web portal and in the Bermuda Sun.

2.5 Responses

2.5.1 Submission of Responses

Interested parties will be invited to make their responses to the initial submissions in writing, either by email or in hard copy (letter or fax). All responses should be sent to the contact person for the consultation, their name and contact details will be provided in the consultation document.

Responses should be submitted to the address below:

Department of Telecommunications
F.B. Perry Building (2nd Floor)
40 Church Street
Hamilton (HM12)

2.5.2 Publication of Responses

The Department publishes all the responses it receives except for responses that it considers to be defamatory or irrelevant material.

The Department will publish the responses and invite respondents to comment on each other's responses. The responses will be published on the website or hard copies can be requested from the Department of Telecommunications. Respondents will be given a period of 2-3 weeks to submit their responses. It should be noted that the Department will not automatically grant a request for an entire response to be kept confidential. The Department of Telecommunications considers that it may be appropriate to respect a claim for confidentiality if the information is:

- A trade secret
- Of a financial, commercial, scientific or technical nature and is normally treated as confidential
- If disclosed, reasonably certain to result in significant financial loss or gain



- If disclosed, likely to result in significant prejudice to competitive position
- If disclosed, affect confidential liabilities

All of the responses submitted to the Department must be accompanied by the cover sheet which is contained in Annex A of this document. The cover sheet will also be located in the Annex of the consultation document. All respondents must complete the Basic Details and Declaration sections of the cover sheet. Those respondents who have confidential information in their responses must also complete the Confidentiality section on the cover sheet. Respondents submitting confidential information must submit a document that contains all of the information and an abridged version that will preserve the document's confidentiality. The Department may, if it considers it in the interest of the market overall, or if legally bound to do so, publish information marked as confidential, after consulting with the individual carriers and informing them of the Department's intention to publish the said information.

2.6 Publication of Final Decision

Following the closing date for replies to the published responses, the Department will review and consider all submissions, that is, both initial and responsive submissions, received before arriving at a decision. The Decision, which also serves as a report on the consultation, provides a general review of the submissions; it will detail the Department's response to them and will provide reasons for its decision. The Decision will then be published on the Department's web portal and will be available in hard copy format from the Department.

2.7 Announcement of Plans for Future Consultations

The Department will issue updates containing information such as the start dates of specific consultations as well as other important information. The information will be available on the Department's web portal.



3 Annex A: Cover Sheet for Response to a Consultation

BASIC DETAILS:

Consultation Title:

To (Contact):

Name of Respondent:

Representing (self or organisation/s):

Address (if not received by email):

CONFIDENTIALITY:

What do you want the Department of Telecommunications to keep confidential?

Name/Contact Details/Job Title

Organisation

Part of the Response

Why is it considered confidential?

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response. It can be published in full on the Department of Telecommunications' website, unless otherwise specified on this cover sheet. If I have sent my response by email, the Department of Telecommunications can disregard any standard email text about not disclosing email contents and attachments.

NAME: _____ **Signed (if hard copy):** _____