

# **PUBLIC UTILITIES COMMISSION OF SRI LANKA**

## **STAKEHOLDER CONSULTATION PROCEDURES**

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# CHAPTER 1

## GENERAL PRINCIPLES

### **1. Stakeholder Consultation.**

- 1) Is the function of the Commission prescribed under Section 17 (b) of the PUCSL Act for the Commission to discharge the functions assigned to it by or under the Electricity Act or any other Industry Act, where the Commission deems necessary to consult, to the extent the Commission considers appropriate, any person or group who or which may be affected, or likely to be affected, by the decisions of the Commission.

### **2. Matters subject to Stakeholder Consultation.**

The Commission in discharging its functions may decide the matters to be taken up through a Stakeholder Consultation.

### **3. General Principles.**

- 1) Prior to conducting a Stakeholder Consultation, the Commission shall approve it and the decision shall be published for information of the public.
- 2) The Commission approval shall include the following items:
  - a. The subject of the Stakeholder Consultation
  - b. The Instructor for the Stakeholder Consultation
- 3) The Expert Committee for the Stakeholder Consultation (If applicable) At the beginning of each year a calendar which contains the specific dates for scheduled Stakeholder Consultations shall be published in the web site of PUCSL.

### **4. Instructor**

- a. For each Stakeholder Consultation, the Commission shall appoint an Instructor (or more than one instructor if required), who shall ensure that all required activities in the Consultation process are properly and timely executed (Instructor's responsibilities are given in Section 14)

### **5. Consultation Document**

Consultation Document shall contain all the information about the subject matter on which the public is invited for comment on and shall be prepared by either,

- 1) The head of the relevant division in charge of the subject of the Stakeholder Consultation; or
  - 2) By the Expert Committee appointed for the Stakeholder Consultation; and
- the Commission approval has to be obtained for the Consultation Document by the Instructor.

## **6. Participants.**

- 1) Participation in the Stakeholder Consultation is open for the public and voluntary. Also, the Commission may direct any Licensee to make a representation in the Stakeholder Consultation.
- 2) Participants shall be the persons or institutions willing to express their opinion, only when these opinions are submitted in writing to the Commission. Participants are entitled to produce documentation in order to substantiate their opinions.
- 3) The public may participate through oral representation during the Stakeholder Consultation. This participation will not be required to be registered as a Participant; however, will require the authorization from the Presiding Officer (Section 20) of the Stakeholder Consultation. The Presiding Officer will decide about the pertinence of the subject and the appropriateness of the presentation.
- 4) The Participants may appear/speak personally or through duly accredited representatives. Representatives are not required to be legal professionals.
- 5) The Instructor may require Participants with common interests, to consolidate their representations into a single, unified representation. In the event that these Participants disagree on the unified representation, Instructor may designate the representative.

## **7. Consumer Representative.**

- 1) For each Stakeholder Consultation the Commission will designate a Consumer Representative, who shall always be a Participant in the Stakeholder Consultation. The Consumer Representative shall be nominated by the Consumer Consultative Committee. In the event that there are consumers with diverse and opposed interests, the Consumers Consultative Committee may nominate more than one Consumer Representative.
- 2) The fact that the Consumer Representative is a Party shall not preclude any consumer or group of consumers from participating in the Stakeholder Consultation. Any natural person can request the Consumer Representative to represent them in any particular issue concerning him or her. The Consumer Representative shall always accept the request when they judge that the reasons provided for this request are pertinent to the case at hand. If the Consumer Representative verifies that there are conflicting interests from different consumers, the Consumers Consultative Committee can nominate more than one Consumer Representative to properly address each one of the interests.

## **8. Stages of a Stakeholder Consultation**

- 1) Stakeholder Consultation shall consist of:
  - a. Preparatory stage, during which all preparatory work will be done, to have it done before the Stakeholder Consultation's day
  - b. Stakeholder Consultation stage, during which the participants will be requested to make their representations.
  - c. Concluding stage, during which the Commission will produce and publish the Final Report or its extract.

- 2) All information produced and presented during each stage will be made public, with the exceptions prescribed in the Electricity Act and sub sections (3), (4) and (5) of Section 15 of the PUCSL Act and subject to the limitations specified in the Right to Information Act.
- 3) The Commission decisions based on the Stakeholder Consultation results shall be made in accordance with the functions of the Commission as per Section 17 (b) of the PUCSL Act.

**9. Publication of the Notice.**

- 1) The notice for a Stakeholder Consultation shall be published with sufficient time in advance, not less than twenty-one days, so as to substantiate the preparatory phase, in all three languages in newspapers. The text of the notice shall be clear and comprehensive. The notice shall also be published in the PUCSL Website.

**10. Venue.**

All Stakeholder Consultations shall be held in a place determined by the Commission depending on the nature of the public interests to be addressed.

**11. Registration in the Stakeholder Consultation File.**

All publications referring to the Stakeholder Consultation will be properly registered in the Stakeholder Consultation File.

**12. Advisory.**

The Instructor or the Expert Committee may request the assistance, verbally or in writing, from internal or external experts and appropriately archived in the official Stakeholder Consultation File.

## CHAPTER 2

### PREPARATORY STAGE

#### **13. Initiation.**

- 1) Once the notice of Stakeholder Consultation has been published the, the Preparatory Stage will start and it will be overseen by one or more Instructors designated by the Commission.
- 2) The Preparatory Stage is comprised of all activities required to substantiate the Stakeholder Consultation, and inform the public and the Participants of its purpose as well as all related facts and information necessary to carry out the Consultation.

#### **14. Instructor's Responsibilities.**

In addition to the responsibilities mentioned in the other sections of this document, the Instructor is responsible for the followings:

- 1) Open the Stakeholder Consultation File
- 2) Publication of the Public Notice
- 3) Recommend the date in which the Stakeholder Consultation will be held and duration of the Stakeholder Consultation
- 4) Recommend the venue where the Stakeholder Consultation will be held
- 5) Recommend the closing date for submitting information in writing for being considered as part of the Stakeholder Consultation
- 6) Determine the means by which the Stakeholder Consultation is to be recorded.
- 7) Facilitate the Commission to appoint the Presiding Body (Section 20) of the Stakeholder Consultation and take necessary approvals.
- 8) Select the Participants based on the relevance of the written submissions to the subject of the Stakeholder Consultation.
- 9) Form a team to work in relation to the Stakeholder Consultation, assign duties to the team members. (Necessary approvals should be obtained by the instructor as per the administrative procedure of the Secretariat)
- 10) Take all other measures needed to comply with the Consultation procedures.
- 11) Take all the required approvals from the Commission to facilitate the smooth functioning of the Stakeholder Consultation.

#### **15. Expert Committee's Responsibilities**

- 1) Prepare the consultation Document
- 2) Review Representations
- 3) Prepare reports to the Commission

#### **16. Registration as a Participant.**

Participants will be registered on their request based on the relevance of the written submissions to the subject of the Stakeholder Consultation.

**17. Agenda for the Stakeholder Consultation.**

The Instructor shall prepare an Agenda for the Stakeholder Consultation with the following standard format:

- 1) Declaration of the Commencement of the Stakeholder Consultation by the Presiding Officer
- 2) Introductory presentation made by the Instructor and presentation of the Agenda
- 3) Representations to be made by participants
- 4) The agenda shall specify the available time to be used for each one of the representations.
- 5) The Stakeholder Consultation Stage shall be completed within one day, subject to the exceptions established in section 26

**18. Report to the Presiding Body (Preparatory Stage).**

At the end of the Preparatory Stage, the Instructor shall prepare and submit to the Presiding Body a report indicating the following elements:

- 1) Consultation document
- 2) The Participants to the Consultation
- 3) The documentation and related material admitted during the Preparatory stage.
- 4) The Agenda for the Stakeholder Consultation
- 5) Any other element that should be taken into account during the Stakeholder Consultation

Once approved by the Commission, but not later than 5 working days prior the dated fixed for the Stakeholder Consultation, the Instructor shall publish this report on the PUCSL Website.

## CHAPTER 3

### STAKEHOLDER CONSULTATION STAGE

#### **19. Introductory Session**

Before the official commencement of the Stakeholder Consultation, an Introductory Session shall be held. The Introductory Session shall cover the particulars given below.

- 1) The Objective and the background of the Stakeholder Consultation
- 2) General Rules of the Stakeholder Consultation
  - a. The representations can be made either in Sinhala, Tamil or English languages
  - b. Details of the time allowed for the representations and the rules for concluding the representation on time.
  - c. Participants shall refrain from destructive criticism of the Government, the Government Policy or any of its institutions.
  - d. Participants are not allowed to involve in or carrying out any business promotional activities during the consultation sessions.
  - e. Participants shall refrain from clapping or making any sort of disturbance.
- 3) The conditions and limits that should be followed by the presenters
- 4) Any other information which is considered to be relevant
- 5) Maximum time allowed for the Introductory Session shall be 30 minutes.

#### **20. Presiding Body.**

- 1) The Stakeholder Consultation shall be presided by the Commission or a Panel determined by the Commission. The Chairman or any other member of the Commission will be the Presiding Officer
- 2) The Presiding Body shall consist of at least three members, including the Presiding Officer.
- 3) The Presiding Officer shall direct the execution of the Stakeholder Consultation following the agenda proposed by the Instructor and published on the PUCSL website. For specific aspects to be addressed during the Stakeholder Consultation, the Presiding Officer may delegate the conduction of specific acts to other members.

#### **21. Oral Presentation.**

All representations of the Participants shall be made verbally before the Presiding Body.

#### **22. Order.**

In the event of any disturbance produced by the Stakeholder Consultation attendees, the Presiding Officer may request the person(s) causing the disturbance to take leave of the room, and if needed, may request assistance of the police to enforce the order.

#### **23. Stakeholder Consultation Start and Development.**

The Presiding Officer shall make the introductory presentation and then invite the participants to make their presentations according to the Agenda.



**24. Representations by the Participants.**

- 1) All representations shall be limited to the time as stated in the Agenda.
- 2) All representations shall be related to the written presentations produced during the Preparatory Stage.

**25. Open Session.**

- 1) Once all the scheduled representations are completed, the Presiding Officer may invite the attendees to make representations, considering the time availability and practicality.
- 2) The Presiding Officer may invite the attendees to meet the staff of the PUCSL informally and discuss their issues in general, considering the time availability and practicality.

**26. Extension of the Stakeholder Consultation Duration.**

If the Stakeholder Consultation cannot be completed in one day, the Presiding Officer may decide a prolongation of it, taking the required provisions for its implementation. The Presiding Officer has also faculty to decide upon any suspension or postponement of the Stakeholder Consultation, if deemed necessary based on substantial criteria and reasoning. The decision and justification shall be put in writing and signed by three members of the Presiding Body, and shall be entered in the official Stakeholder Consultation File.

**27. Recording of Consultations.**

- 1) Consultations shall be recorded through any available means, and a transcript of the Consultations shall be a part of the File. Such transcripts shall include a verbatim report of the Consultations; nothing shall be omitted there from except as is directed on the record by the Chairman; and shall be certified as true by two (2) members of the Panel.
- 2) Any person may record, with prior consent of the Presiding Officer, all or any portion of a Consultation by way of camera, video, or voice recorder of any kind, subject to whatever conditions the Panel may impose.

## CHAPTER 4

### CONCLUDING STAGE

#### **28. Closing.**

Once the agenda for the Stakeholder Consultation has been fulfilled, the Presiding Officer will announce the Consultation's closing.

#### **29. Final Report.**

- 1) Within 30 days or at such other time as the Commission shall deem appropriate after the closing of the Stakeholder Consultation, the Instructor shall submit to the Commission a Report, giving due regard to the nature of the proceeding, the magnitude of the record, and the complexity and importance of the issues involved. The Report shall contain:
  - a. A concise statement of the Stakeholder Consultation and the issues for resolution; and
  - b. Recommendations of the Expert Committee in relation to the subject matter of the Stakeholder Consultation
- 2) The Final Report shall be signed by the Presiding Officer and all attending members of the Presiding Body and the Instructor, and shall be included in the File.

#### **30. Close of the File.**

No later than 30 days after the submission of the Final Report, the Instructor shall close the File.

#### **31. Publication**

30 days after the Instructor submits the Report, the Instructor shall post it to the PUCSL website. According to the magnitude and nature of the case, the Instructor will decide at what extent the Report will be published in mass media.

#### **32. Notification**

The Instructor shall duly notify about the Report to all the Participants.