



# **PUBLIC UTILITIES COMMISSION**

## **CONFIDENTIALITY FINDING**

on

## **SERVICE FEES PETITION**

by

**Belize Electricity Limited**

**10 April 2007**

## **Legal Framework**

The Public Utilities Commission (PUC) is authorized under the Public Utilities Commission Act (No. 39 of 1999) to serve as the economic regulator for the , water & wastewater, telecommunications and electricity sectors in Belize.

The primary duty of the PUC is to ensure that the services rendered by public utility providers in all three sectors are satisfactory and that the charges imposed in respect of those services are fair and reasonable. The PUC has the power to oversee the rates that may be charged in respect of utility services and the standards that must be maintained in relation to such services. In addition, the PUC is responsible for the award of licenses and for monitoring and enforcing compliance with license conditions.

Sector specific legislation provides the legal framework for the PUC to carry out its duties and functions in a particular utility sector, as obtains in the regulation of the electricity sector, the Electricity Act (No. 13 of 1992) as amended by Act No. 40 of 1999 (the “Act”) and the Electricity (Tariffs, Charges and Quality of Service Standards) Byelaws, 2005 (the “Byelaws”). The Byelaws govern the procedures and reference the process used for Confidential Information. Section 13(1) of the Byelaw stipulates that the BEL and interested parties may request confidential treatment for any commercially sensitive information submitted in a FTRP, an ARP or a TERP

### **Confidential Petition**

The PUC on April 2, 2007 commenced an Annual Review Proceedings (ARP) for the Belize Electricity Limited (BEL) in accordance with the Electricity (Tariffs, Charges and Quality of Service Standards) Byelaws, 2005 upon the submission by BEL of, amongst other things, proposed regulated values, mean electricity rates, tariffs and Service Fees for the period July 1, 2007 to June 30, 2008.

BEL also included in its submission, a request for the PUC to treat as “**CONFIDENTIAL**” its application for approval of changes to certain service and other fees of the Company; namely, Disconnection/Reconnection Fees and Liquidated Damages for Tampering.

On April 3, 2007 the PUC in accordance with its legal mandate issued a public notice that an ARP for BEL had commenced and included in the summary, as part of the Key points in the submission, that BEL proposed increases to other charges. The details surrounding the proposed increases were withheld in accordance with the legislative process for treatment of Confidential Information.

### **BEL's Confidential Request**

The Confidential Petition by BEL proposed increases in the Disconnection/Reconnection Fees and sought to obtain regulatory approval for the introduction of new charges titled as Liquidated Damages for Tampering.

In accordance with the governing Byelaw, the PUC treated the information as confidential subject to the information being scrutinized by the Commission as to whether the information marked as Confidential is in fact commercially sensitive.

The PUC hereby issues its "Finding " on the request by BEL for Confidentiality treatment of the information pertaining to the proposed Service and Other Fees for the next ATP.

### **Exercise of Regulatory Authority**

The PUC with the authority given under the Byelaws read along with other governing legislation and based on the results of the Confidentiality Review hereby issue below its Finding:

### **FINDING**

The PUC HEREBY DENIES the request for confidential treatment submitted by BEL for the information on the proposed Service and Other Fees.

The Commission finds that any Service Fees/charges proposed are not commercially sensitive information and cannot be deemed to so be. Furthermore, governing legislation mandates that the PUC shall not make any such decisions without first giving notice to, and inviting comments from any person who may be interested or affected by

the decision, and therefore any proposed changes to fees have to be available to the public for comment.

In accordance with the Electricity (Tariffs, Charges and Quality of Service Standards) Byelaws, 2005 unless written notice of the withdrawal of the information is submitted by BEL within two days of the Commission's findings, the PUC will move to have disclosure of the information.

If BEL withdraws the information filed as confidential, the information so withdrawn shall not be considered by the Commission in making the Initial Decision for the ARP.

**BY ORDER OF THE OFFICE  
SIGNED THIS 10<sup>th</sup> DAY OF APRIL 2007**

**Roberto Young  
Chairman**

