

MWSS RO-OPP-051-05
POLICY ON INFORMATION
AND REPORTING REQUIREMENTS
MWSS-Regulatory Office
Customer Service Regulation Area

RATIONALE

The Regulatory Office (RO) in aid of its regulatory functions requires information from the Concessionaires from time to time as deemed necessary to monitor contract compliance. Detailed, accurate and timely information will be vital to the RO, since establishing clearly whether or not service obligations are being met. Moreover, the RO as a government office shall be transparent in disclosing and providing information to the public, media and other interested parties.

Hence, it is necessary that the Regulatory Office enforces its mandate in requiring the Concessionaires **to submit on time** all the reports and information reasonably requested by the Office.

GENERAL POLICY STATEMENT

As provided for in Article 13.1 of the Concession Agreement (CA), the Concessionaires have a general duty to provide all information that RO may reasonably require in order to permit the RO to monitor the performance of the Concessionaires in relation to its obligations under this Agreement.

POLICY

The Regulatory Office (RO) shall require the Concessionaires to submit Quarterly, Annual and five-yearly (Service Coverage) Report on the time specified in the Concession Agreement.

In addition to these reports, the Concessionaires shall be required to present their respective reports to the Regulators at the specified dates indicated on the following guidelines.

GUIDELINES ON SUBMISSION OF REPORTS

The following policy guidelines shall govern the submission of information and reporting requirements of the Regulatory Office:

- a) Quarterly Reports – Concessionaires performance with respect to the provision of water, sewerage and sanitation service in the Service Area and other information specified in *Section 6* are to be submitted not more than 30 days following the end of each calendar quarter as required in Section 13.1.1.
- b) Annual Report – *Service Performance Reports* as specified in *Schedule 6* of the CA in the form of a formal report are to be submitted within 60 calendar days after end of the calendar year as proposed by the Regulatory Office - that is on the same date as – and in conjunction with – each quarterly reports for purposes of a more practical approach in the reckoning dates.

- c) Data on service Coverage Target – Prior to each Rate Re-basing starting on March 31, 2002 (Article 5.1.1, 5.2.1 & 5.2.4) reports are to be submitted regularly.
- d) Data / information required by the Regulatory office in discharging its regulatory functions relevant to Customer Service requested through official letters and requests – Should be responded within 15 days timeframe.
- e) As stipulated in the Concession Agreement :

“at any time following receipt of performance report but not later than 90 calendar days prior to the submittal date of the subsequent report, the Regulatory Office can require that the Concessionaire modify its presentation of data, methodology for determining relationships, calculation of coverage as compared to targets, reporting on capital improvements to the asset base, and/or any parameters deemed necessary to monitor contract compliance.”

NOTE:

The following table provides an illustration of the dates on which the Concessionaires would be required to provide information requirements. Note, however, that the submission of Annual Report is adjusted based on the proposed submission date by the Regulatory Office beginning year 2000.

Date	Reports to be Submitted
30 Apr 00	Deadline for submission of 1 st Quarterly Report
30 Jul 00	Deadline for submission of 2 nd Quarterly Report
30 Oct 00	Deadline for submission of 3 rd Quarterly Report
30 Jan 00	Deadline for submission of 4 th Quarterly Report
30 Nov 00	Amendments deadline under Schedule 6 (Regulator may require modifications to Annual Report up to this date, ie, 90 days before the next Annual Report)
01 Mar 01	Deadline for submission of Annual Report
30 Apr 01	Deadline for submission of 1 st Quarterly Report
	Annual and Quarterly reports continue during this period as above.
31 Mar 02	Deadline for submission of data on first Service Coverage Target. This data must also be provided for succeeding coverage targets, every 5 years.

GUIDELINES ON PRESENTATION OF REPORTS

The Concessionaires, aside from the aforementioned reports, shall be required to present their respective reports to the Regulators at specified dates set by the Regulatory Office. This will serve as a one-stop/proper forum to iron out inconsistent reports, seemingly inaccurate information and other possible clarification or modification that the RO may require.

The following policy guidelines shall govern the Presentation of Quarterly, Annual and Five-yearly (Service Coverage) Reports of the Concessionaires to the Regulators:

- a) Upon receipt of reports such as Quarterly, Annual or Five-yearly Reports, the Regulatory Office shall make an initial review and evaluation.
- b) Concerned Regulation Areas will make their respective comments and recommendations to their respective DA as to the accuracy, completeness and substance of the reports.
- c) *For report submitted within the prescribed deadline* – MWCI and MWSI shall present their respective reports on the 2nd Monday and Tuesday respectively after the deadline for submission of reports.

For delayed report - Concessionaires shall present their reports five (5) days after reports were submitted to the Regulatory Office.

- d) This policy shall be enforced until such time that the Regulatory Office and the Concessionaires developed a detailed, timely and accurate reporting system that will sustain RO monitoring functions.
- f) Appropriate sanctions shall be imposed by the RO for the non-compliance of the aforementioned policies and guidelines.

NOTE:

To illustrate, the following sanctions for non-compliance is suggested:

1. Official inquiries/request not responded to within 15 days timeframe.

A draw-down on the Performance Bond, amount to be determined by the EXECOM, for everyday of delay excluding Saturday and Sunday.

2. Delay in submission of the Quarterly, Annual and Five-yearly (Service Coverage) Reports.

A draw-down on the Performance Bond, amount to be determined by the EXECOM, for everyday of delay excluding Saturday and Sunday.

3. Delay in the presentation of the Quarterly , Annual and Five-yearly (Service Coverage) Reports.

A draw-down on the Performance Bond, amount to be determined by the EXECOM, for everyday of delay excluding Saturday and Sunday.