

PUBLIC UTILITIES COMMISSION

Rules for Determining Consumers' Complaints

The following rules, as approved by the Hon. Prime Minister in his capacity as the Minister in terms of Section 52 (4) (a) of the Public Utilities Commission (PUC) Act No. 10 of 1999 as amended by Order No. 16 of 2010, shall come into effect from January 1, 2011.

1. "A consumer" in relation to a public utility means a person making use of any service provided by the public utility. "Consumer" includes a company or an organization.
2. The Public Utilities under the purview of the PUC are:
 - a) Guyana Power & Light Inc. – Electricity
 - b) Guyana Water Inc. - Water and Sewerage Service
 - c) Guyana Telephone and Telegraph Co. Ltd. and by U-Mobile (Cellular) Inc. (Digicel) – Telecommunications.
3. "Service" includes the accommodation afforded consumers by a public utility, the supplying or furnishing of any commodity derived directly from the purposes in which a public utility is engaged and the use and accommodation afforded the public by the facilities employed by or in connection with any service provided by a public utility; but does not include any other commodity, by-product or article produced or manufactured by a public utility or any associate thereof that is offered for sale to the public or retail or wholesale prices.
4. "Public Utility" means any person who or which owns facilities used to provide or provides the following services—that is to say:
 - a) The production, generation, storage, transmission, sale, delivery, furnishing or supplying, directly or indirectly, to or for the public, of electricity.

b) The conveyance or transmission or oral, written, digital or any other form of messages or communication by telephone, wireless telephony, telegraphy, or satellites, cable television, telecoms service providers, pay telephone service providers, telecom resellers, internet and other telecom network service providers, radio, common carriers or cellular mobile providers or any other method of transmission, currently offered to the public or offered as common carriage in the future.

c) Water supply services, except retail deliveries, and

d) Sewerage services, or any other specified by the Minister by order, being any of the services as provided by Section 4 (1) (c) of the PUC Act No. 10 of 1999.

5.

a) Any consumer who is dissatisfied with any utility bill claiming payment, may make a complaint to the particular utility company seeking redress.

b) If the consumer has filed a complaint with the public utility and is not successful in getting the relief he/she seeks, he/she may file a complaint with the PUC.

c) A consumer may file a complaint with the PUC setting out:

- i. The name of the utility;
- ii. the nature of the complaint
- iii. the relief sought;
- iv. if reported to the public utility, the name of the official and/or the branch office of the utility service where the matter was reported, and the response thereof, and
- v. evidence to support the complaint.

- d) A complaint may be filed with the PUC by visiting the PUC's offices and filling up a Complaint Form; or by telephone; or by electronic mail, or by fax, or by post, setting out the requirements at 5 (b).
 - e) Upon receipt of a complaint, the staff of the PUC's Complaints' Division shall immediately record same in the relevant data base and books provided for that purpose, and attach a Reference Number to the complaint.
6. A staff of the Complaints' Division shall, within two days of receipt of the complaint, dispatch to the complainant a letter of acknowledgement of the complaint setting out the Reference Number.
- 7.
- a) The Complaints' Division shall, within five (5) working days of receipt of a complaint, summarize the complaint and send same, with a copy of the complaint filed by the consumer to the respective utility, requesting its deliberation and response within twenty-one (21) days, and which period may be extended to a further 10 days.
 - b) The Commission shall resolve every complaint, regarding any bill issued by a public utility to the consumer by the issuance of an order within 120 days following the initiation of the complaint.
 - c) The determination of the Division shall be based upon its review of the evidence available to the Division.
 - d) The Division may carry out independent investigations that it considers necessary and relevant pursuant to the PUC's existing practices and authority and submit same to the consumer and the public utility for their comments thereon.

8. A complaint shall be filed within six months of the act and/or omission complained of.
9.
 - a) If the Complaints' Division considers that a complaint is outside its scope of authority, or that it is an abuse of the process of the complaint, frivolous, in bad faith or vexatious, or that it contains language that is abusive and/or offensive, the Division shall reject same and inform the complainant accordingly.
 - b) The Division shall not entertain any application, the subject matter of which is engaging the attention of any Court, or any judicial or quasi-judicial body.
10. If any matter pending before the Commission, is settled between the utility and the consumer, it is expected that the consumer shall notify the PUC of the settlement and the terms of same.
11.
 - a) Any order issued by the Commission under the provisions of section 52 (4) of the Act shall be binding on the consumer and the public utility.
 - b) Where a complainant or a public utility considers information submitted to be confidential, he or she shall clearly identify and mark same as such. And the Division or Commission shall take all due and reasonable care to protect and shall not publish or otherwise make publicly available confidential information of the complainant and /or the utility.
 - c) Where confidentiality is claimed the consumer or utility shall file a separate document sealed and labeled "Confidential".
12. All the foregoing notwithstanding, where the Division considers it appropriate and/or in the public interest, it may recommend to the Commission, the holding of public hearings to determine any complaint filed with it.

13. A complaint under the PUC Act against a public utility may be made by the Minister, including any other public utility, having an interest in the subject matter.
14. The PUC may initiate a hearing upon its own motion where it finds that the services provided by a public utility is not in accordance with the requirement that the utility shall maintain its property and equipment in such a condition so as to enable it to provide service to the public that is in all respects safe, adequate, efficient, reasonable and non-discriminatory, that it shall take all necessary action as provided by the provision of Section 26 of the PUC Act.
15. All actions and other proceedings commenced before the coming into operation of these rules and are pending shall continue to be heard and determined.

Approved, this 11th day of March, 2011.