

BEFORE THE PUBLIC UTILITIES COMMISSION

**In the matter of the Public Utilities
Commission Act 1990 (No. 26 of 1990)**

- and -

**In the matter of the complaint by Brian D.
Bacchus against the Guyana Electricity
Corporation.**

PAMADATH J. MENON, A.A.	-	Chairman
HUGH GEORGE	-	Member
JOHN WILLEMS, A.A.	-	Member
CHANDRABALLI BISHESWAR	-	Member
BADRIE PERSAUD	-	Member

REPRESENTATION -

Brian D. Bacchus	-	In person.
The Guyana Electricity Corporation	-	Mr. Chatterpaul, Attorney-at-Law.

DECISION

On 18th April, 1997, Brian D. Bacchus of 18 Houston Housing Scheme, East Bank Demerara, complained to the Guyana Electricity Corporation, (GEC) seeking compensation for damage caused

to his refrigerator on 10th April, 1997, due to constant low voltage fluctuation in the Houston area. He claimed \$27,900 as compensation. A copy of the complaint is Exhibit C-1.

2. As he did not get any redress from GEC he approached this Commission. On 24th April, 1997, this Commission forwarded a copy of the complaint to GEC requesting it to investigate the complaint and submit to us "a formal response thereto within two weeks".

3. We did not receive from GEC any response to the complaint. Hence we scheduled public hearings on this matter along with several other complaints against GEC. This matter was heard on 16th and 17th June, 1998. The complainant and Owen Bacchus were examined on behalf of the complainant. No witness was examined on behalf of GEC. Exhibits C-1 to C-6 have been received in evidence.

4. We have carefully considered the oral and documentary evidence produced in this case.

5. Right from the beginning the contention of the complainant was that the damage to the refrigerator was caused by low voltage fluctuation in the supply of electricity. The refrigerator was repaired by Owen Bacchus, who is a trained technician at GUYMINE. He is a refrigeration and air conditioning technician. He is also a direct brother of the complainant. He found that the compressor and fan motor of the refrigerator were burnt. According to him, when he went to the house where the refrigerator was there was low voltage existing in the area. However he was not in a position to say whether it was high or low voltage that damaged the compressor of the refrigerator.

6. The cause of the voltage fluctuation, according to the complainant, was related to a problem with the transformer set up by GEC. To quote from his presentation on 17th June, 1998 -

"At one time there were two transformers in the street and they had removed one to take to some other area. So there was just that one and it was just going off often, and the records of GEC would show that, and that is with the GEC people. The linesmen were there, we used to interact with them and they used to tell us what was going on and things like that. For about six months we had that problem."

7. GEC did not dispute that it had records of the problems with the transformer. What Mr. Chatterpaul, the learned counsel for GEC, said was "there is no evidence that GEC had high voltage or low voltage." He contended -

“And in fact we are not responsible for anything, because the technician, who came here as his expert, could not lay the blame on GEC. And there must be, Sir, I submit to you with respect, there must be fault on the part of GEC.”

8. According to Mr. Chatterpaul the complainant has to establish “that GEC has been negligent, and had actually caused as a result of that negligence, failure to provide adequate electricity etc. etc., damage had been caused. There is absolutely no such proof in this case and I ask you to dismiss the case.”

9. The claim for compensation for damage to equipment is made under section 27 (1) of the Public Utilities Commission Act, 1990 (No. 26 of 1990) (the Act). Under that provision this Commission may direct a public utility to “pay to any consumer compensation for loss or damage suffered by the consumer on account of the failure of the public utility to comply with section 26”.

10. Section 26 (1) of the Act reads as follows -

“Every public utility shall maintain its property and equipment in such condition as to enable it to provide, and shall make every reasonable effort to provide service to the public in all respects safe, adequate, efficient, reasonable and non-discriminatory and shall make all such repairs, changes, alterations, substitutions, extensions and improvements in or to such service as shall be necessary or proper for the accommodation and convenience of the public or as shall be necessary to incorporate, from time to time, advances in technology.”

11. By our decision dated 23rd May, 1996, this Commission had held -

“Having regard to all the circumstances and the evidence before us we are satisfied that very often the service provided by the GEC is not safe.”

12. GEC has not produced any evidence that between the date of the above order and 10th April, 1997, the date of the incident to which the present complaint relates, the situation has changed or that in the Houston area, unlike in other parts of the Area of Supply of GEC, the supply of electricity was adequate and safe.

13. Exhibit C-6 is a copy of the report from the Transmission and Distribution Department of GEC regarding investigations into the complaint of the complainant in this case. It states that the complaint is about damage to appliances. As regards corrective action taken the document states: No such report was made to T&D Area South-Garden of Eden”.

14. The report referred to here is a report which should have been made by GEC officials within the area to the Transmission and Distribution section of GEC about any complaints made to them of any fluctuation or any mishaps or anything abnormal.

15. Exhibit C-4 is a copy of the Technical Investigation Report prepared by Mr. Perry, investigating officer of GEC, in regard to the present complaint. In respect of the physical condition of the refrigerator Mr. Perry stated in this report that it was approximately ten years old and there were indications of superficial damage. The remarks column relating to the refrigerator has the following printed entry -

“Relay is functional/non-functional - compressor was/was not turning over - Evaporator temperature was / was not cold”.

The Investigating Officer was expected to have ticked off inapplicable words. Unfortunately in the present case this has not been done. Mr. Chatterpaul pointed out that according to the above report the entire internal circuitry was not earthed. But both the complainant and his witness Owen Bacchus stated under oath that while the whole internal circuitry was not earthed, the refrigerator was earthed. Having considered the entire evidence and their demeanour, we believe them.

16. Another issue raised by Mr. Chatterpaul was that the electricity Bills for the house, where the refrigerator was, was in the name of Cecil Bacchus, the father of the complainant. But Cecil Bacchus is deceased and the complainant is living in the house. He is one of the natural heirs of his father. We do not find any substance in the contention raised by GEC's learned Counsel on this ground also.

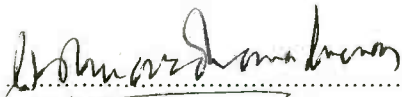
17. Mr. Perry, the Investigating Officer of GEC, has stated in Exhibit C-4 report that the approximate cost of repairs of the damaged compressor would be \$27,900.00. This is corroborated by Exhibits C-2 and C-3 produced by the complainant.

18. In the light of the above discussions and after considering the entire evidence produced in this case and the arguments addressed to us, we make the following.


ORDER

- (i) GEC shall pay within one month from the date of this Order \$27,900.00 to the complainant as compensation under section 27 (1) of the Act,
- (ii) GEC shall pay within one month from the date of this Order \$2,000.00 to the complainant as costs of these proceedings under section 64 of the Act.


Dated this 22nd day of September, 1998


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PAMADATH J. MENON, A.A. - Chairman


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HUGH GEORGE - Member


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JOHN WILLEMS, A.A. - Member


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CHANDRABALLI BISHESWAR - Member


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BADRIE PERSAUD - Member