

BEFORE THE PUBLIC UTILITIES COMMISSION

Order No. 4/2014

**In the Matter touching the Death of
Satyanand Balkaran by Electrocutation**

Haris Chandra Balkarran
Complainant

And

Guyana Power & Light Inc
Respondent

Commission's Report

The Balkarrans reside at Lot 17, Goed Fortuin on the West Bank of Demerara. Three houses occupy an area of land with the Balkarrans occupying the middle lot. One of the immediate neighbours, is Mr. Alexander John, who resides with his wife in what the evidence described as “the back house.”

The Balkarans are consumers of electricity supplied by the Respondent Company, the Guyana Power & Light Inc. (GPL). The GPL apparently had to plant a pole in the vicinity of the Balkarans' residence to facilitate the support of the electrical cable that supplied power to the Johns' residence.

The Johns were customers of GPL but their service which was registered in the name of Gloria John was deemed “final” by GPL in October 2004. According to the Report submitted by GPL, the service wire and meter should have been removed from the Johns' house but that has not been done. And interestingly enough, electricity was still being supplied to the house—no bills were sent to the consumers—and the Johns enjoyed gratuitously the service for 10 years, compliments (?) of GPL.

The cable that supplied power to the Johns' residence was attached to the pole planted by GPL to facilitate electricity service to the Balkarans' house. After the incident resulting in the death of Satyanand Balkaran, the subject matter of this complaint with which we shall presently deal, GPL woke up to reality and regularized the service to the Johns.

On the afternoon of May 7, 2014, Satyanand, a nine-year-old child of the Balkarans was having a bath at a stand pipe in the yard. The yard was fenced with galvanized sheeting, and Satyanand came into contact with the fence resulting in him being electrocuted.

There is evidence, which we accept, that the electrical wire which conveyed electricity to the Johns' residence was making contact with the said galvanized fence. We also found from the evidence that at times the wire would spark on making contact with the fence, and despite the many reports made to officials of GPL, nothing was done to correct the defect.

Indeed, GPL's personnel went to the scene of the incident a few hours later and recorded the following:

- i. *“Undertook immediate remedial work by taping up an energized wire without insulation, which was found to be resting on the zinc fence”, and they noted “several irregularities,” namely:-*
- ii. *A two (2) wire, 240 volts, secondary line with insulated conductors hanging low and touching the zinc fence;*
- iii. *The secondary conductor was spliced in two places, one of which was taped but the other open and exposed;*
- iv. *The secondary line was supported at the front end by a dominant pole (9mm), but at the other end by a 4x4 post;*
- v. *The 4x4 post was seriously defective and was braced for support at ground level by three pieces of wood;*
- vi. *The secondary line, a section which was in contact with the zinc fence, supplied electricity to the dwelling house further aback in the yard; [This is the Johns' residence]*
- vii. *The secondary line (service) was considered to be substandard;*
- viii. *Meter No. 115147 was installed on the building which was supplied by the extended service wire.” [Again the Johns' residence].*

The GPL conceded that Satyanand died as a result of being exposed to a high voltage of electricity from an exposed service wire which energized the zinc fence and conducted current through water from the stand pipe where he was taking a bath.

The Company, however, expressed doubts with respect to reports the family members made regarding the sparking wire. Indeed, there appears to be doubt about who made what report—as for example, the father of the deceased said he worked in the interior and the mother was not certain about the approximate times when she made the reports.

The grandfather of the deceased testified that he made reports every month when he went to pay his bills, and he said he could not remember to whom he specifically made the reports—but he remembered that at one time he made the report to an “Indian Woman”.

We were impressed with the grandfather and in the manner in which he testified. How many persons would remember to whom a report was made in the circumstances of the matter? The grandfather goes to the office, pays his bills and mentions that the wire was sparking. He must have felt that he discharged an obligation to report an irregularity when he informed an officer of the company. He must have expected that there would have been follow up.

And Mrs. John told us that a week prior to the death of Satyanand, she had made a report to the office concerning the sparking cable.

We found it rather agonizing that in an apparent attempt to deny reports of any sparking wire, the Respondent's official, the Acting Customer Services Manager sent us a letter dated 18th June, 2014, but received by our office on the 15th July, 2014. Let us bear in mind that Satyanand died on 7th May, 2014. What did Ms. Johnson, the acting manager, write?

“Our records do not corroborate Mr. Balkaran’s claim of reporting a faulty and unsafe connection to his premises within the period under reference in your letter. However, we have evidence of a report that was made at our Vreed-en-Hoop office on June 05, 2014—this is the only record of a report of the nature made by the complainant, which will be investigated.”

We requested GPL’s senior officers to recheck—that there seem to be a mix-up with the dates in Ms. Johnson’s letter. We were promised an explanation after inquiry. To date we have no explanation what was the nature of the report made one month after the death of the child!

The report of GPL concerning the condition of the cable on the morning after the death of the child tends to support our finding that it is reasonable to expect that the wires would have been sparking, and it is not difficult to appreciate that an aged grandfather would have been making reports—not for the sake of the child—but for the safety and protection of his home.

We find that GPL was directly responsible for the incident that triggered the death of the child. It pains us to note that the inquiry highlighted the total and absolute cavalier attitude of the personnel who to begin with, having “finalled” an account 10 years ago, allowed the service wire and meter to remain on the premises, and that no action taken after reports that the wire was sparking—apparently the same wire which they allowed to remain at the site.

Attempts were made and hints thrown that someone (and fingers seemed to be pointing to the Johns) was stealing electricity and in that process, unauthorized connections may have contributed to the death of the child.

We find it difficult to come to such a conclusion because the wire or cable was the property of GPL. And even if there were doubts about that, the Balkarans surely would have witnessed any tampering of the cable or the installation of another cable since the cable leading to the Johns’ home was supported on the post which accommodated the service to the Balkarans’ residence.

The child was of the tender age—9-years—and attended school. It must be a very traumatic experience for the family to have lost a child in the circumstances in which he met his death. He was not “contributing” to the household—meaning, he was not gainfully employed. Neither did he contribute to the circumstances which led to his death—except he was taking a bath unaware that the galvanized fence nearby was energized.

The family must have had cherished hopes of an innocent child attending school—and must have been considered an asset to the family. True, we have no evidence of his behavior pattern or what activities he may have been involved in pursuing. It may not be unreasonable to assume that had he still been within the bosom of his family and later weaned off that bond there could have been a more pragmatic assessment of his character and possible any financial contribution to the household. But alas! Fate has played its hand and we are deprived of a more mature consideration.

The parents are entitled to compensation for the loss of the child in the circumstances heretofore narrated. We propose to award damages under three heads, to wit, (i) Special damages; (ii) Pain and Suffering; (iii) Loss of Expectation of Life:

(i) Funeral expenses, inclusive of “wake”, burial and with all appurtenances, etc:	\$ 200.000.00
(ii) Pain and Suffering:	\$ 500.000.00
(iii) Loss of expectation of Life—inclusive of general damages	<u>\$4,500.000.00</u>
Total	<u>\$5,200.000.00</u>

(Five million and two hundred thousand dollars)

We, however, wish to take this opportunity to comment on the reports made by GPL that consumers in many areas are helping themselves to the supply of electricity by tampering with the meters and or making use of other illegal means by which electricity is diverted to their premises, and which are not accounted for. It is a great loss to the company, and for which all citizens pay through inflated rates to recoup the losses suffered by the Corporation. But more significantly, indeed are the many cases where persons are electrocuted by faulty wiring used to illegally connect those premises.

This Commission takes this opportunity to once again appeal to our citizens to desist from such acts, and to remind all that it is also a criminal offence for which imprisonment is a sanction for those caught stealing electricity.

This 23rd day of January, 2015.

Sgd.
Prem Persaud – Chairman

Sgd.
Badrie Persaud – Member

Sgd.
Maurice Solomon - Member