

BEFORE THE PUBLIC UTILITIES COMMISSION

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

- and -

In the matter of a Notice of  
an application for increased  
rates for overseas calls in  
respect of an additional eighty-  
two countries, other than  
Antigua, U.K., U.S.A., Canada  
and the other eighty-three  
countries which were already  
approved.

By an application dated 2nd November 1994, which was received by the Commission on the same date, the Guyana Telephone and Telegraph Company Limited (hereinafter referred to as "the Company") applied for an increase in tariffs in respect of an additional 82 countries on the ground of a substantial devaluation of the Guyana dollar. These are countries other than the 87 countries in respect of which increases in tariffs had already been granted by the Commission. The Company sought that the increase should be given effect retrospectively from 20th May 1991, having regard to the date of the devaluation.

The application is made by the Company under section 38(2)(a) of the Public Utilities Commission Act 1990 (No. 26 of 1990) (hereinafter referred to as "the Act").

Hearings

The question of the maintainability of the application was heard by the Commission on 29th November 1994, 24th January 1995 and 14th February 1995.

2.

During the hearings the Company was represented by its Counsel Mr Joseph Sanders and Mr Denison Smith presented the case for the Consumers Advisory Bureau of Guyana and the Guyana Consumers Association.

Mr Peter Britton, Senior Counsel, was in attendance on behalf of the Public Utilities Commission.

### Decision

Admittedly the application has been made under section 38(2)(a) of the Act. This is further clarified by the letter dated 7th December 1994 from the General Manager of the Company to the Chairman of the Public Utilities Commission.

Section 38(1) of the Act prohibits any increase in the rates being charged by the Company before the commencement of the Act, for any service rendered by it, otherwise than in accordance with the provisions of the Act. Under section 38(2) of the Act, during a period of three years from the commencement of the Act, the rates being charged by the Company before such commencement are not allowed to be increased except on the ground of the occurrence of any of the events mentioned in that provision. In the Commission's view section 38(2) of the Act survives only for a period of three years from the commencement of the Act. Thereafter section 38(2) of the Act is a spent provision.

An application for any change in rates being charged by the Company, after the expiry of three years from the commencement of the Act will have to be made under section 41 of the Act. The principles to be applied in dealing with the application will be different.

The Act came into operation on 1st October 1990 and hence the three year period mentioned in section 38(2) of the Act expired on 30th September 1993. The application in this case was made after the expiry of the period of three years.

For the reasons stated above the application made by the Company for increasing the rates being charged by it for services in respect of 82 countries is hereby rejected.

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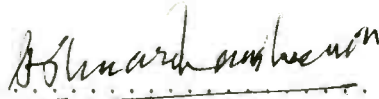
3.


By its decision dated 30th November 1994, the new rates filed by the Company in respect of the 82 countries were suspended for a period of three months effective from 29th November 1994. The existing rates will continue until new rates are approved by this Commission in respect of those countries on a proper application made by the Company in accordance with law.

Nothing in this decision shall be deemed to prevent the Company from making an application under section 41 of the Act for determination of revised rates in respect of the above mentioned 82 countries.

The Company shall pay five thousand dollars each as costs (total ten thousand dollars) to the Consumers Advisory Bureau of Guyana and the Guyana Consumers Association, within one month from the date of this Order.

Dated at Georgetown, Guyana,  
this 21st day of February 1995.

  
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Pamadath J. Menon, A.A. - Chairman

  
.....  
Hugh George - Member

  
.....  
John Willems, A.A. - Member

  
.....  
Errol Hanoman - Member

  
.....  
A.M.B. Sankies - Member

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1st June, 1995

Mr. Clarence Hordatt  
General Manager  
Guyana Telephone &  
Telegraph Company  
Brickdam  
Georgetown.

Dear Mr Hordatt,

In the matter of new rates (Tariff Notice No. 1/95)  
filed by the Guyana Telephone and Telegraph Company

The Guyana Telephone and Telegraph Company (hereafter referred to as the "Company") has given to the Commission a tariff notice under Section 41 of the Public Utilities Commission Act 1990 (hereafter referred to as "the Act") proposing to increase the rates charged by it for various services provided by it and rates for certain new services. The notice was received by the Secretary to the Commission on 15th May, 1995.

2. The Commission has, under Section 41(3) of the Act, entered upon a hearing to determine whether the proposed new rates are fair and reasonable.

3. However, a decision as to what those rates should be, would require the furnishing of additional information by the Company and the consideration of that information and other relevant material by the Commission. This would take some time.

4. In the circumstances it is considered fair and proper that the new rates proposed by the Company by the aforesaid tariff notice should be suspended.

2.

5. As a consequence, under Section 42 of the Act the Commission hereby suspends for a period of two months, with effect from the date on which they are to come into effect in accordance with the aforesaid tariff notice, the new rates filed by the Company for various services provided or proposed to be provided by it and received by the Commission on 15th May, 1995.

Yours respectfully,



.....  
P. J. Menon  
Chairman

# Public Utilities Commission

Public Buildings Brickdam Georgetown, Guyana

Tel : 72182, 73189, 73204

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POCKET NO. PUC:120

10th August, 1995

Mr Clarence Hordatt  
General Manager  
Guyana Telephone &  
Telegraph Company  
Brickdam  
Georgetown.

Dear Mr Hordatt,

In the matter of new rates (Tariff Notice No. 1/95)  
filed by the Guyana Telephone and Telegraph Company

The Guyana Telephone and Telegraph Company (hereafter referred to as the "Company") has given to the Commission a tariff notice under Section 41 of the Public Utilities Commission Act 1990 (hereafter referred to as "the Act") proposing to increase the rates charged by it for various services provided by it and rates for certain new services. The notice was received by the Secretary to the Commission on 15th May, 1995.

2. The Commission has, under Section 41(3) of the Act, entered upon a hearing to determine whether the proposed new rates are fair and reasonable. The proposed new rates were suspended by the Commission for a period of two months with effect from 14th June, 1995.

3. However, a decision as to what the new rates should be, would require the furnishing of additional information by the Company and the consideration of that information and other relevant material by the Commission. This would take some more time.

4. In the circumstances it is considered fair and proper that the new rates proposed by the Company by the aforesaid tariff notice should be further suspended.

5. As a consequence, under Section 42 of the Act the Commission hereby suspends for a further period of two months, with effect from 14th August 1995, the new rates filed by the Company as per the above mentioned tariff notice, for various services provided or proposed to be provided by it, and received by the Commission on 15th May, 1995.

Yours sincerely,



P. J. Menon  
Chairman