

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 the Consumers Advisory
Bureau of Guyana and Guyana
Consumers Association regard-
ing the submission by the
Guyana Telephone and Telegraph
Company to the Guyana Public
Utilities Commission for the
verification of accounting
rates as at 30th September
1990 to eighty-two other
destinations to which calls
are routed to and from Guyana
(dated 1st November 1994) and
the Public Utilities
Commission Decision of 12th
November 1991 on the appli-
cation of the Guyana Telephone
and Telegraph Company Limited
for rate increases.

On the 19th January 1995, the Consumers Advisory Bureau of Guyana and the Guyana Consumers Association (hereinafter jointly referred to as the "consumers' organisations") jointly submitted a complaint in regard to two matters. The first matter was their opposition to the application of the Guyana Telephone and Telegraph Company (hereinafter referred to as "the Company"), under section 38(2) of the Public Utilities Commission Act 1990 (No. 26 of 1990) (hereinafter referred to as "the Act") for an increase in the rates to be charged for overseas calls in respect of an additional 82 countries. The second matter was a request to review the decision of the Commission dated 12th November 1991.

2.

As the Commission has rejected the application by the Company for the increase of the rates in respect of the additional 82 countries, the first matter mentioned in the complaint need not be dealt with here. We propose to deal only with the request for the review of the decision of the Commission dated 12th November 1991.

Incidentally, the Commission would like to state that it does not appreciate the submission of complaints mixing up different matters as in the present case - one part of the complaint being opposition to a request for rate increases in respect of certain countries by the Company and the other part being an original complaint in regard to an unconnected matter, that is for the review of the decision of the Commission dated 12th November 1991. We would have liked the complainants to deal with each of the matters separately. We are condoning the mix up in the present case only because of the apparent lack of expertise available to the consumers' organisations, which they should seek to rectify in their own interest.

Hearings

The matter was heard on the 24th January 1995 and 14th February 1995.

During the hearings the case for the consumers' organisations was presented by Mr Denison Smith and the Company was represented by its counsel Mr Joseph Sanders.

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

Grounds

The complaint, in so far as it relates to the request for review of the decision of 12th November 1991, prays -

3.

"In consideration of the foregoing, the CAB and Guyana Consumers Association hereby apply to the Commission

- (1) to review its 1991 Decision approving a 168.86 percent increase in the accounting rate component of the collection charge on incoming international telephone calls;
- (2) as part of the review process, to state a case in writing, under Section 81 of the PUC Act, for the opinion of the Court of Appeal as to whether
 - (a) the Commission has the discretion or authority to vary, modify, deviate from or ignore the meaning or intent of the law,
 - (b) the phrase "lawfully sold in Guyana during a period of thirty days immediately preceding the commencement of this Act", as set out in Section 38(2)(a) of the PUC Act, can be construed as "lawfully sold to GT&T" or "lawfully sold by all foreign exchange dealers (cambios and commercial banks) licensed to buy and sell United States dollars in Guyana",
 - (c) whether the Commission has exceeded its authority in construing "lawfully sold in Guyana" as implying lawfully sold only to GT&T, and
- (3) to submit to the Court of Appeal for consideration along with its statement in writing, the sections of this submission dealing with the issues in question any other document the Commission considers relevant to the issue;

4.

- (4) to amend the rates as necessary to ensure compliance with the Commission's mandate under the Act and justice for all Guyanese consumers."

Decision -


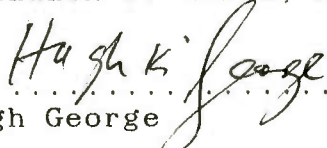
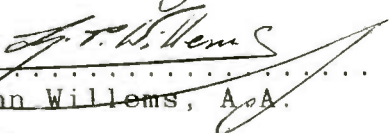


The Guyana Consumers Association were present at the hearings of the Commission which led to the decision of 12th November 1991. No arguments were addressed by that body, nor any documents or other evidence produced before the Commission opposing the claims of the Company for the increase in rates. Besides, the grounds which are now urged by the consumers' organisations for the review of that decision are grounds which could have been taken up in appeal. The consumers' organisations did not appeal from the decision of 12th November 1991. The present application for review is made more than three years after the date of that decision.

No arguments were advanced during the hearings in support of the request for referring certain matters for the opinion of the Court of Appeal under section 81 of the Act. The application of the Company for the increase in rates has been finally disposed of by the decision of the Commission on 12th November 1991. A reference under that section could have been made only when those proceedings were pending.

There is no merit or substance in the application of the consumers organisations for review of the decision of the Commission on 12th November 1991 or for referring certain matters for the opinion of the Court of Appeal under section 81 of the Act. The requests are hereby rejected.

5.

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

 Pamadath J. Menon, A.A.	-	Chairman
 Hugh George	-	Member
 John Willems, A.A.	-	Member
 Errol Hanoman	-	Member
 A.M.B. Sankies	-	Member