

BEFORE THE PUBLIC UTILITIES COMMISSION

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

- and -

In the matter of complaints by
certain persons regarding non-
provision of telephone
services by the Guyana
Telephone and Telegraph
Company Limited (GT&T).

PAMADATH J. MENON, A.A.	-	CHAIRMAN
HUGH GEORGE	-	MEMBER
JOHN WILLEMS, A.A.	-	MEMBER
ERROL HANOMAN	-	MEMBER
A.M.B. SANKIES	-	MEMBER

REPRESENTATION -

The Guyana Telephone and Telegraph Company Limited.	-	By Mr. Joseph Sanders, Attorney-at-Law
Complainants	-	In person
The Guyana Consumers' Association	-	Mr. Dennison Smith and Ms. L. Ferdinand, Attorney- at-law.
The Guyana Consumers' Advisory Bureau of Guyana.	-	Mr. Dennison Smith

DECISION

There have been widespread complaints to this Commission about the non-provision or inadequate provision of telephone service by the Guyana Telephone and Telegraph Company Limited ("GT&T"). Most of these complaints were from individuals in areas of Guyana covered by existing telephone exchanges. Some were from persons from specific areas where no telephone facilities exist. These complaints were forwarded to GT&T for necessary action and report.

1.2 It was thought necessary for the PUC to schedule public hearings on the complaints listed in Appendix A hereto.

1.3 Public hearings were held on 15th May 1995, 20th June 1995, 27th June 1995 and 31st July 1995.

2. The responses from GT&T on the complaints referred to it show that the complaints by the following were duly dealt with by GT&T.

- (1) C.M. Muntu, 24 Pike Street, Kitty, Georgetown. (Delay in transfer of service).
- (2) Francis Camacho. (Service disconnected in error)
- (3) Yolanda Jemnot, 60 East Ruimveldt, Georgetown. (Incorrect billing).
- (4) Guyana Refrigerators Limited, Sosedyke. (Inadequate service with regard to installation of lines).
- (5) Lusignan Centre View Co-operative Society, East Coast Demerara. (Delay in installing lines).
- (6) James G. Samuels, Maryland, United States of America. Telephone connection at 342-343 Republic Park, East Bank Demerara. (Delay in installing lines).
- (7) Pearly Persaud, 412 Vryheid's Lust, East Coast Demerara. (Delay in installing lines).

2.1. The PUC therefore did not give further attention to the foregoing.

3. In respect of all the following complaints the Commission gave full and careful consideration to all the matters put before it by the respective parties and ruled as set out hereunder

4. NUMBERS ALLOCATED BUT NO SERVICE.

4.1. In the following cases, telephone numbers had already been allocated to the applicants but no service has been provided:

- (1) E. Fung, Silver City, Wismar. (Telephone No. 04-2599).
- (2) Lester Bowen, First Street, Subryanville, Georgetown. (Telephone No. 67613).
- (3) Edward B. Mohan, 86 Robb Street, Georgetown. (Telephone No. 54944).
- (4) Kaisree Takechandra, Plantation Walk, Pouderoyen, West Bank Demerara. (Telephone No. 064-432).
- (5) A. Mohamed (a.k. Akeel), 35E Vreed-en-Hoop, West Coast Demerara. (Telephone No. 064-583).

4.2. GT&T advanced various reasons for its inability to provide service, prominent among which was the "unavailability of line plant facilities".

4.3. We direct that in all the above cases telephones be installed at the addresses indicated above and service provided. The foregoing direction should be implemented within fourteen (14) days of each of the abovenamed, tendering the prescribed payment for the said service to GT&T. Where such payment has already been made by any of them, the service should be implemented within fourteen (14) days of this direction, if it has not yet been effected.

5. Re' Totaram Singh

The complaint of Totaram Singh relates to telephone no. 77384 which was originally installed at 15 Owen Street, Kitty, Georgetown, and which he requested to be transferred to 173 Jamat

Bena Terrace, Prashad Nagar, Georgetown. But, Totaram Singh does not now want the transfer of the telephone to the Prashad Nagar address, but, to 153 Barr Street, Kitty, Georgetown. Since the transfer is from an address in Kitty to another address in the same area, normally there should not be any problem. According to GT&T the delay is because of a power problem.

5.1. We direct that this matter be expedited and a report in regard to the implementation of this direction should be submitted to this Commission by GT&T on or before the 8th March, 1996.

6. Re' Sohan Naraine

Sohan Naraines' complaint dated 13th September, 1994, related to the non-provision of a telephone at his then residence at Lusignan, East Coast Demerara. According to GT&T, the telephone was subsequently installed on 23rd September, 1994, but, the subscriber later requested its transfer to 6 Centre View Housing Scheme, Lusignan. GT&T in its response submitted to this Commission on 12th May, 1995, had stated that the application was being processed.

6.1. We direct that if the transfer of the telephone to the new address has not been effected by now, that it be expedited. A report on this matter is to be submitted to this Commission by GT&T on or before the 8th March, 1996.

7. Re' Shanta Sammy

Shanta Sammy lives at 90 Laluni Street, Queenstown, Georgetown and she had a business at Lombard Street, Georgetown. The telephones at her home and at the business place were disconnected on the 11th November, 1992 because, according to GT&T, for the months of June and July of that year she owed \$115,000 and \$147,000. for the telephone at her home and at the store respectively. According to Shanta Sammy, she was in New York during this period. When she returned to Georgetown she complained to GT&T. At the public hearing of the Commission on 20th June, 1995, in regard to the above matter she stated -

"I went in to them, they did not give me any response. They said I owe them this money. They sent a bill to me. I said I did not receive any telephone bill. They said the bill will come, wait another week. I waited two weeks. I went back to them, there was no bill. I waited a whole month; I went back to them, there was no bill again. I went back to them again. I told them I wanted a bill. They wrote out a hand bill. They just wrote it out on a paper and give it to me. For June month they wrote out this bill - 31 days, and I don't know June month carries 31 days. And July bill they wrote out on a sheet of paper.

Now these calls are six and seven times per day in this bill. I don't know who can call six and seven times per day, and June month it's the whole month, every day.

I took this paper to my lawyer. My lawyer wrote them, they never responded to this letter. Mr Graham said he wanted to see the write-out bill. I took a photocopy and gave him; he said that he could not see the photocopy, and the copy was clear enough that he could see it. He said that he wanted to see the original. I took the original to him, and he said he would check it out and he would see, and I must come back for the bill. I went back many times for the bill and he never gave it back to me. So that is all."

8. The relevant bills sent to Shanta Sammy have not been produced before this Commission. In the response of GT&T, furnished on 12th May, 1995, it was stated that the amounts claimed to be due from Shanta Sammy have been written off.

9. This matter arose over three years back. GT&T stated that the disputed amount has been written off. Shanta Sammy's narration of her efforts to sort out matters quoted above has not been rebutted by GT&T by examining any of the concerned officers of GT&T.

10. Though, in information furnished to the Commission, by letter dated 12th May, 1995, by Mr. C.F.A. Hordatt, General Manager of GT&T, it was stated that the amount disputed by Shanta Sammy was written off, at the public hearing of the Commission on 27th July, 1995, Mr Hordatt stated -

"We are talking about \$400,000, of that order or something like that. When we feel that in fact this thing is legitimate, that the calls were actually made, we cannot just because somebody complains, just write it off."

11. It looks rather unusual to write to this Commission to state that the amount has been written off and subsequently contend that the amount cannot be written off. At the public hearing on 27th July, 1995, Mr. Hordatt also stated -

"Mr. Chairman, you have heard of Mrs. Sammy. This is a thing we have on a daily basis."

12. The Commission initially considered taking evidence in this case. But, when it was discovered that GT&T had written off the amounts claimed to be due from Shanta Sammy, the matter was again raised with GT&T at the public hearing of the Commission on 31st July, 1995. On that date Mr. Joseph Sanders, Legal Counsel for GT&T, informed the Commission that Shanta Sammy had sued GT&T. The reliefs sought by Shanta Sammy were not furnished. Mr. Sanders, however, stated -

"But, at the same time even if you like to postpone that, we could make a proposal the next time."

No such proposal has been made as promised.

13. In the circumstances of the case, we direct that the two telephones in the name of Shanta Sammy, one at her residence at 90 Laluni Street, Queenstown, Georgetown, and the other at her business place at Lombard Street, Georgetown, disconnected by GT&T, shall be restored within two weeks from the date of this Order. The restoration of this service is to be based on GT&T's normal commercial practice, with Ms. Shanta Sammy duly paying new accounts rendered for the fresh service to be provided.

14. Miscellaneous Complaints

The persons, whose names and addresses are given in the Table below, had applied to GT&T, or had applied to its predecessor the Guyana Telecommunications Corporation ("G.T.C.") and subsequently re-applied to GT&T, after that company took over the operations of

GTC, for telephone connections. As they were not provided with telephone connections after a long wait, they have complained to the Commission.

T A B L E

- (1) Sheik Issacs,
148 Regent Road,
Georgetown.
- (2) Lance McCaskey,
10 Relief and Support,
East Bank Demerara.
- (3) Weldon Harper,
Canal Place,
South Ruimveldt Park.
- (4) Satyacharan Ramdhanie,
31 Vreed-en-Hoop,
West Coast Demerara
- (5) Ganesh Moolchand,
Ozama Street,
Festival City,
North Ruimveldt,
Georgetown.
- (6) Wayne Hunte,
103 Second Street,
Alberttown,
Georgetown.
- (7) Carlton Carr,
Bourda Market,
Candy Store,
Georgetown.
- (8) Clifton Sammy
- (9) Roxanne Joseph,
2879 North Ruimveldt,
Georgetown.

- (10) Naresh Kumar Toolsie,
65 Village,
Corentyne,
Berbice.
- (11) Gillian Nicholson,
- (12) Vannessia Indarjit,
Dennis Street,
Campbellville,
Georgetown.
- (13) John Hoosein,
5 West Ruimveldt,
Georgetown.
- (14) Irving Brooks,
3 Fort Street,
Kingston,
Georgetown.
- (15) Carmen Maloney,
128 Mazaruni Street,
Guyhoc Park,
East LaPenitence,
Georgetown.
- (16) Latchmarsingh,
D'Urban Street,
Georgetown.
- (17) Colin Jordan,
33 Durban and Victor Streets,
Lodge,
Georgetown.
- (18) Albert Persaud,
309 Enmore Beezie,
East Coast Demerara.

15. The reasons given by GT&T for non-provision of service to these persons were always that no plant facilities were available.

16. Though it was stated that telephone connections were provided on the basis of the priority of applications made, there were general complaints that this principle was often ignored. Some of the complainants made allegations of corruption by some of the staff members of GT&T.

17. Mr. Raymond Roopnauth, Director of Technical Operations in GT&T, giving evidence on behalf of that company at the public hearing on 27th July, 1995, said that the Policy of GT&T in the matter of allotment of telephones is "first come, first served". He, however, added that GT&T may jump the queue because the Company may receive Government appeals, and appeals at different levels which may be classified as "executive appeals". The Chairman of PUC then directed that GT&T should establish some criteria for the allotment of telephones, because even if GT&T accepted a policy of "first come, first served", in practical terms it may not always be possible. There will have to be priorities. The Chairman directed

"I would like you to establish some criteria and apply that criteria uniformly, and I would like the Commission to be informed what the criteria you have established is."

18. Though Mr. Roopnauth promised that this direction would be complied with, PUC has not so far been provided, by GT&T, with the criteria adopted by GT&T for allotment of telephones out of turn to applicants.

19. However, although the Commission accepts the "first-come-first-served" policy as the rule to be generally applied, it is recognised that circumstances could arise that would warrant a deviation from the rule and justify the award of telephones on a priority basis. GT&T is therefore allowed to continue this practice for the time being.

GT&T is now hereby ordered to submit to the Commission on or before 8th March, 1996 its criteria for the allocation of telephones on a priority basis.

Where applicants had applied to the Guyana Telecommunications Corporation (G.T.C.), before the operations of that Corporation were transferred to GT&T, those applications should be treated in accordance with the dates on which they were received.

20. Areas without service

There were complaints from different areas of Guyana about the non-provision of telephone services or inadequate provision of telephone services. These areas include Corriverton, Linden, Mocha/Arcadia, Wakenaam, and West Coast Essequibo. The Commission did not rule on these as it felt it should await GT&T's development plans for these areas.

21. Re' Pratap Persaud

Mr. Prataap Persaud of 59 Chandra Nagar Street, Prashad Nagar, Georgetown, had complained on 25th July, 1994, that his request for a cellular telephone service was not granted. GT&T's reply was that the request would be considered as soon as rates for cellular telephones were fixed by the Commission. Since, temporary rates for mobile cellular radio-telephone service have now been determined by the Commission by its Order dated 24th June, 1995, the reason given by GT&T for not providing a cellular telephone service to Mr. Prataap Persaud is no longer applicable.

21.1 The PUC, therefore, hereby directs that Mr. Prataap Persaud be provided with a cellular telephone service within a period of thirty days from the date of this Order.

22. Re' Isabella de Caires

Isabella de Caires had complained on 8th September, 1994 that GT&T had failed to provide her with a telephone as requested. However, by her letter dated 11th May, 1995, she had indicated that she is not interested in having a telephone service. It was therefore not necessary to rule on this complaint.

23. The Guyana Consumers' Association and the Consumers' Advisory Bureau of Guyana are awarded G\$50,000.00 each as costs, which will be paid to them by GT&T within thirty days from the date of this Order.

Dated at Georgetown, Guyana

this26.th..... day of January, 1996.

Pamadath J. Menon

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Pamadath J. Menon, A.A. - Chairman

Hugh K. George

.....
Hugh George - Member

John Willems

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

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Errol Hanoman - Member

A.M. B. Sankies

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A.M. B. Sankies - Member

APPENDIX 'A'

LIST OF COMPLAINTS

1. Complaint dated 29th September, 1994 by Mr. K.A. Juman-Yassin, Chief Magistrate. (No adequate telephone service between Anna Regina, Essequibo Coast and Georgetown).
2. Complaint dated 8th December, 1994, by Guyana Refrigerators Limited of Soesdyke, East Bank Demerara. (Original complaint dated 8th October, 1986 was forwarded to GTC. Up to the time of publication of Notice, adequate service was not provided by the GT&T, despite requests between 1991 and the present time).
3. Complaint dated 25th July, 1994, by John Hoosein (businessman) of 5 West Ruimveldt, Georgetown. (His company, Ruimveldt Aluminum Company, cannot be provided with service).
4. Complaint dated 12th April, 1994 by Carlton Carr of Bourda Candy Store, Robb Street, Bourda, Georgetown. (Unsuccessful with application for service).
5. Complaint dated 10th March, 1994, by Weldon Harper of Canal Place, South Ruimveldt Park. (Unsuccessful with application for service).
6. Complaint dated 1994-01-06 by businessman Lance Mc Caskey of 10 Relief and Support, East Bank Demerara. (Applied in 1991 but no service provided).
7. Complaint dated 8th May, 1994, by Roxanne Joseph of 2879 North Ruimveldt, Georgetown. (Can't get service since 1975).
8. Complaint dated mid-1994 by Naresh Kumar Toolsie of 65 Village Corentyne, Berbice.
9. Complaint dated 13th December, 1994 by the Lusignan Centre View Housing Co-op Society, East Coast Demerara. (Petition by members of society asking for installation of service).

10. Complaint dated March 28, 1995 by Middlesex Women's Development Committee of Essequibo Coast. (Petition by members asking for service).
11. Complaint dated 13th March, 1995 by Mr. Sheik Isaacs of the Guyana Consumers' Association. (Cannot secure service for his 148 Regent Street, Bourda residence).
12. Complaint dated December 7, 1994 by Mr. E. Fung of Silver City Wismar, Demerara River. (No connection of service).
13. Complaint dated 7th May, 1994 from Francis Camacho (for Margaret Comacho) - improper disconnection of telephone service No. 69881).
14. Complaint dated 29th March 1993 - repeated in June 1994 - by Mrs. Shanta Sammy - in connection with improper billing for telephone 71078 and 63428.
15. Complaint of Mr. C.M. Muntu of 24 Pike Street, Kitty, Georgetown, dated 20th April 1994 - discrimination in effecting new service applied for.
16. Complaint from Mr. Wayne Hunte of 103 Second Street, Albertown, Georgetown, dated 11th April, 1994 - no service granted.
17. Complaint from Mr. Irving Brooks of Lot 3 Fort Street, Kingston, Georgetown, dated 11th April 1994 - no service granted.
18. Complaint from Totaram Singh of 173 Jamat Bena Terrace, Prashad Nagar, Georgetown, dated April 22, 1994 - no transfer of telephone 77384 possible.

19. Complaint from Yolanda Jemmot of 60 East Ruimveldt, Georgetown, dated October 1994 - incorrect billing resulting in disconnection.
20. Complaint from Ganesh Moolchand of Ozama Street, Festival City, North Ruimveldt, dated April 1994 - no facilities available for service applied for.
21. Complaint from Mr. Clifton Sammy dated May 1994 - no response to application for new service.
22. Complaint from Marie Alves dated May 1994 - inability of company to provide new service.
23. Complaint from Ms. Gillian Nicholson, dated July 1994 - inability of company to provide new service.
24. Complaint from Vannessia Indarjit, of Dennis Street, Campbellville, dated July 1994 - inability of company to provide new service.
25. Complaint by Ms. Pearly Persaud of 142 Vryheid's Lust, East Coast Demerara - Account/Receipt No. 5918 - no service despite allocated number 020-4517.
26. Complaint by Mr. Prataap Persaud of 59 Chandra Nagar Street, Prashad Nagar, Georgetown, dated 5th July, 1994 - inability to acquire cellular telephone service.
27. Complaint from Mr. Sohan Naraine, senior employee of Sugar Industry Labour Welfare Fund Committee (SILWF), resident of Lusignan, East Coast Demerara dated 13th September, 1994 -no service, despite number provided.
28. Complaint from Isabelle de Caires of Guyana Publication Limited (Stabroek News) dated 8th September 1994 - delayed and indifferent response to request for activating existing lines in Home.

29. Complaint from Mr. Lester Bowen of First Avenue, Subryanville, Georgetown, dated 20th December 1994 - inability of company to provide new service.
30. Complaint by Carmen Maloney of 128 Mazaruni Street, Guyhoc Park, East La Penitence, Georgetown, dated 19th December 1994 - inability to secure new service after years of effort.
31. Complaint by Edward B. Mohan (businessman) of 86 Robb Street, Georgetown, dated January 1995 - no service despite allocation of number - 75073.
32. Complaint from Mr. and Mrs. Latchman Singh of D'Urban Street, Georgetown, dated January 1995 - can't get new service.
33. Complaint from Mr. James G. Samuels of Lanham, Maryland, USA, dated 13 January, 1995 - no new service available for residence of 342-343 Republic Park, East Bank Demerara.
34. Complaint from Kaisree Takechandra (Trade Unionist) of Plantain Walk, Pouderoyen, West Bank Demerara dated March 9, 1995 - no new service available.
35. Complaint from Mr. A. Mohammed (a.k. Mr. Akeel) of 35 "E" Vreed-en-Hoop, West Bank Demerara dated March 9, 1995 - no new service, as at No. 34 above.
36. Complaint from Mr. Julian Gonsalves of 289 Thomas Street, Cummingsburg, Georgetown, dated March 1995 - delay in providing new service.
37. Complaint from Mr. Colin Carlyle Jordan of 33 D'Urban and Victor Street, Lodge, Georgetown, dated 21st April 1995 - can't get new service despite application.