

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 application made by the Guyana Telephone and Telegraph Company Limited for the review of the Decision of this Commission No. 4/1996 dated 1st October, 1996.

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 & Telegraph Company Limited	-	Mr Joseph Sanders, Attorney-at-Law.
The Guyana Consumers' Association	-	Miss Lily Ferdinand, Attorney-at-Law.
The Guyana Consumers' Advisory Bureau	-	Miss Eileen Cox, Vice-Chairman.

D E C I S I O N

This matter was heard on 14th November, 1996.

2. By the decision of this Commission dated 1st October, 1996, the Guyana Telephone and Telegraph Company Limited ("GT&T") was directed to -

- (i) allocate and connect before the expiry of 31st December, 1996, to applicants for telephone connections, 6,625 unallocated lines existing in different exchanges; and
- (ii) allocate and connect before the expiry of 31st March, 1997, 8,303 recorded access lines which existed according to the annual report for 1995, of the Atlantic Tele-Network Inc. ("ATN"), which owns 80% of GT&T, in excess of the access lines available according to GT&T, to applicants for telephone connections. This Commission accepted the number of recorded access lines as stated in the aforesaid annual report of ATN to be true.

3. By letter dated 15th October, 1996, GT&T is seeking a review of the above order. The only ground advanced for the review of the order is that it is impossible for GT&T to implement the order within the time-frames set by the Commission.

4. By Condition 1.1 of the Licence granted to GT&T on 19th December, 1990, GT&T was obliged to provide universal service. The Condition stated that GT&T shall provide telephone service to every person who requests for the same, except in the special circumstance specified in that Condition. That Condition expressly casts an obligation on GT&T to ensure that Applicable Systems are installed, kept installed and run for that purpose. Nearly six years after the date of the Licence there are only 47,845 telephones in operation throughout Guyana.

5. Mr Joseph Sanders, Legal Counsel for GT&T, stated at the public hearing -

"We are asking then for an opportunity to have the whole thing reopened for the order to be reviewed, not this evening: at the next hearing perhaps".

6. Miss Lily Ferdinand, the Legal Counsel for the Guyana Consumers' Association stated -

"When I spoke a few minutes ago, I spoke in the context of the understanding that the Order of the Commission would be carried out but that the timing in other words, that they are asking for an extension of the timing in which to carry it out. Now I am hearing from Mr Sanders that they are really questioning the fundamental existence of that order and whether it should stand or not, and I don't see that there is any argument that has been advanced so far for the Commission to consider rescinding that order and substituting a new one".

7. After the hearing of the matter was closed and Order reserved, the General Manager of GT&T wrote to this Commission a letter dated 15th November, 1996, in which it was made categorically clear that GT&T has not done anything to comply with the Order of this Commission dated 1st October, 1996.

8. This Commission cannot condone the attitude of GT&T, which is only a continuation of a steady course of conduct throughout its operations. The switches were available, only the lines were to be drawn to residential and business premises. The complaints before this Commission show that persons, who had applied for telephones, have been waiting, in many cases, for several years without succeeding in getting telephone connections. We cannot accept GT&T moving at a snail's pace in matters like this.

9. Apparently, the review application has been filed only as part of dilatory tactics. There is no substance in it and we reject it. However, if at any time after the date of this Order GT&T applies to this Commission showing good and sufficient reason for an extension of the time frame, specified in Decision NO. 4/1996 of this Commission dated 1st October, 1996, for implementing any of the orders contained in it, the Commission will consider the application, having regard to all the circumstances, including whether GT&T has made a *bona fide* effort to implement the order within the time frame specified in the Decision for that purpose and whether the application for the extension of the time frame has been made promptly, and pass appropriate order as the circumstances warrant.

10. GT&T shall pay, within one month from the date of this Order, \$5,000.00 as costs to the Guyana Consumers' Association.

Signed at Georgetown, Guyana,

this 21st day of November, 1996.

Pamadath J. Menon

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PAMADATH J. MENON, A.A. - CHAIRMAN

Hugh K. George

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HUGH GEORGE - MEMBER

J. P. Willems

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JOHN WILLEMS, A.A. - MEMBER

Errol Hanoman

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ERROL HANOMAN - MEMBER

A.M.B. Sankies

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