

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 refund of
the Zonal charges recovered by
the Guyana Telephone and
Telegraph Company Limited
without authority.

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 of Guyana	-	Miss Eileen Cox, Vice-Chairman.

Mr Vidyanand Persaud, Attorney-at-Law, was in attendance to
assist the Public Utilities Commission.

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D E C I S I O N

This matter was heard on 14th November, 1996.

2. By its decision dated 12th May, 1995, this Commission found that there was no legal authority for the zonal charges recovered by the Guyana Telephone and Telegraph Company Limited ("GT&T") from 20th May, 1991, to 3rd March, 1994, in respect of 87 destinations, and from 1st December, 1992, to 3rd March, 1994, in respect of the remaining destinations, in regard to international calls made from exchanges outside Georgetown.

3. The Commission ordered that in respect of the zonal charges collected as above GT&T should comply with the provisions of section 46(2) of the Public Utilities Commission Act 1990 (No. 26 of 1990) ("the Act"). It was further ordered that if before the expiry of a reasonable future period determined for crediting the amounts due, a consumer ceases to be such in relation to GT&T, it shall pay the amount due in cash to him.

4. On the 2nd November, 1995, GT&T provided to this Commission a statement of the amount of the zonal charges covered by the above Order. According to this statement the total amount refundable was \$9,845,337.11.

5. By letter dated 18th March, 1996, this Commission directed that, pending the verification by the PUC of the amount refundable, as furnished by GT&T, it should immediately refund the amount shown in the statement referred to above in accordance with this Commission's order dated 12th May, 1995.

6. By letter dated 10th June, 1996, GT&T informed this Commission that, out of the total refundable amount under the afore-mentioned order, \$6,846,658.37 had been refunded to 8,560 subscribers, by adjusting it against amounts due from them to GT&T, and an amount of \$2,998,678.74 remains to be refunded to 3,904 persons. According to GT&T the latter amount related "to those subscribers not perfectly matched".

7. It is not clear if the subscribers to whom the balance amount of \$2,998,678.74 is to be refunded are not known, how GT&T can say that their number is 3,904, if by the statement "not perfectly matched" GT&T implies that the persons entitled to the refund are not known.

8. Five months later, during the course of the hearing on 14th November, 1996, GT&T stated that the position remains the same, that is, \$2,998,678.74 remain to be refunded on account of unauthorised collection of zonal charges. The Commission does not understand why no progress has been made in regard to the refund of the above sum. No satisfactory explanation has been given by GT&T. Meanwhile, GT&T continues to use the above sum for its business purposes.

O R D E R

9. In view of the above the Commission makes the following Order

(1) Within ten days from the date of this Order -

(a) GT&T shall open an escrow account in a bank in Georgetown agreed to by this Commission;

(b) a sum of \$2,998,678.74 shall be deposited in that account by GT&T;

(2) Within six weeks from the date of this Order, cheques shall be sent by GT&T to the 3,904 persons mentioned in para. 6 above, at their last known addresses for the amounts they are entitled to be refunded on account of zonal charges collected by GT&T without authority.

- (3) On or before the 7th February, 1997, GT&T shall submit to this Commission a report in respect of the progress made in the refund of the amount mentioned above;
- (4) The Commission reserves the right to verify, on receipt of the report referred to in Order (3), the amounts due and the payments made to all or any of the above mentioned 3,904 persons;
- (5) The amounts in the escrow account opened under Order (1)(a) shall not be utilised for any purpose, other than the purpose specified in Order (2), except with the permission of this Commission.

Dated at Georgetown, Guyana,
this 25th 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

John Willems
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JOHN WILLEMS, A.A. - MEMBER

Errol Hanoman
.....
ERROL HANOMAN - MEMBER

A.M.B. Sankies
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A.M.B. SANKIES - MEMBER