

PUC ORDER NO. 5/2002

PUBLIC UTILITIES COMMISSION

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

- and -

In the matter of a complaint filed by Toolise
Persaud Limited

- against -

Guyana Electricity Corporation (GEC)

On the 1st June 1999 Toolise Persaud Ltd. (the Company) filed with the Public Utilities Commission (PUC) a complaint alleging that electric power supply to the Company's sawmill plant situated on Lombard Street, Georgetown, was wrongly disconnected by the Guyana Electricity Corporation (GEC) on the 5th May 1999, and requested that the supply of electricity to the sawmill be restored.

GEC accused the Company of tampering with the supply of electricity in contravention of the Electricity Act Chapter 56:01. They issued a bill for \$20,253,403.52 to the Company, which comprised of " Previous Bill " \$4,294,818.00 and " Adjustments" \$15,958,585.52. The "Adjustments" were the assessed charges for the period that GEC suspected the Company of tampering with the supply of electricity.

All charges of tampering were denied by the Company.

The Company and GEC reached an agreement on the 7th June 1999 for the restoration of electricity to the Company and in turn the Company agreed to pay its arrears of \$4,294,818.00 on agreed terms. It was further agreed that the Commission shall hear the matter of the "assessed charges". This agreement was encapsulated in the Commission's Order GEC No. 3/1999 dated 9th June 1999.

Extensive public hearings were held on the matter of "assessed charges". On the 11th June 2002 counsel for both parties represented to the Commission that they had reached a settlement of \$4,500,000.00, inclusive of costs. The settlement was made without prejudice, or admission of liability and is in full settlement, satisfaction and discharge of any and all claims or causes of actions by GEC against the Company.

The parties were unable to agree on a schedule of payment and jointly agreed to abide by the decision of the Commission on this.

ORDER

It is the view of the Commission that the above agreement arrived at by the parties is fair and reasonable and hereby makes this Order in accordance with the terms thereof.

Further it is ordered:-

- (1) That the sum of two million dollars (\$2,000,000.00) be paid by Toolsie Persaud Ltd. to GEC on or before the 25th July 2002;
- (2) The sum of two hundred and eight thousand three hundred and thirty five dollars (\$208,335.00) be paid monthly for eleven months, commencing from or before the 25th August 2002 and ending on or before 25th June 2003;
- (3) A final payment of two hundred and eight thousand three hundred and fifteen dollars (\$208,315.00) be made on or before the 25th July 2003;
- (4) Failure to pay any installment will result in the full amount becoming due immediately.

Dated this 27th day of June 2002.


John Willems A.A.

- Chairman of the Hearings


Hugh George

- Commissioner


Badrie Persaud

- Commissioner

