

GEC: Order: 2/2001

BEFORE THE PUBLIC UTILITIES COMMISSION

**In the matter of the Public Utilities
Commission Act 1999, No. 10 of 1999**

-and-

**In the matter of a claim for damage to
electrical equipment by Mr Claude A.
Raphael of E ½ Lot 204 Charlotte Street,
Bourda, Georgetown against the Guyana
Power and Light Inc. (G.P.& L., Inc).**

PRESENT WERE:

Mr. Prem Persaud, C.C.H.	-	Chairman
Mr. L.J.P. Willems, A.A.	-	Member
Mr. Hugh George	-	Member
Mr. Badrie Persaud	-	Member
Mr. W. Anthony Nurse	-	Secretary, PUC
Mr. Allan W. L. Wilson	-	Deputy Secretary/Law Officer, PUC.
Ms. Jennifer Ganpatsingh	-	Financial Analyst/Special Asst. to the Chairman, PUC.

APPEARANCE:

Mr. Claude A. Raphael	-	Complainant
Ms. Emily Dodson	-	Attorney-at-Law

Guyana Power and Light, Inc.

Mr. Lennox Mc Greggor	-	Asst. to the Corporate Secretary
Mr. Timothy Jonas	-	Attorney-at-Law

1. On the 15th January, 2001, Mr Claude A. Raphael of E ½ Lot 204, Charlotte Street, Bourda, Georgetown, filed a claim for damages against the Guyana Power and Light, Incorporated (G.P&l, Inc.) with the Public Utilities Commission (the Commission).

2. The claim arose from an incident which occurred on Saturday, 30th December 2000, at 12:30 p.m. approximately. On the said day the complainant stated that while he was locking up his office he smelt burning and saw smoke engulfing his computer and accessories. He immediately unplugged the equipment and called GPL (Sophia). Workmen arrived within 45 minutes and after investigating informed him that the copper and aluminium cables on the pole had a slack connection which had caused the problem. They proceeded to fix same and left. Damage was done to the following items:

- 1 Maxtor Computer Hard Disk Drive
- 1 Sharp Fax Machine
- 1 Epsom Computer Printer
- 1 NOW Computer Monitor
- 1 APC UPSBackup
- 1 Savintic Adding Machine
- 1 Nippon Automatic Regulator

3. The estimated cost of replacement for the damaged equipment is G\$415,600.00.

4. On the 7th February, 2001, the Commission forwarded the claim to GP &L Inc. with the request that the claim must be investigated, and a report submitted to the Commission within fourteen (14) days of their receipt of the claim.

5. On the 21st February, 2001, the commission received a response dated 20th February, 2001, from G.P.& L, Inc. which stated inter alia, that:

Regarding the claim of compensation for losses suffered, the company will only accept liability once it is determined that the Company was negligent in its performance and had in some way contributed to the voltage fluctuation that occurred at the premises.

6. GPL went on to say that the fluctuation in voltage would have to be attributed to the slack connection on the neutral wire, and as such could offer no compensation for damages sustained by Mr. Raphael, since negligence on the company's part was not established.
7. The Commission thereafter scheduled a public hearing to consider the claim on Monday, April 2, 2001, at the Ocean View International Hotel and Convention Centre, Liliendaal, East Coast Demerara at 1.30 p.m.
8. At the public hearing, Counsel for the Guyana Power and Light, Incorporated and Counsel for Mr. Claude A. Raphael reported to the Commission that they had agreed to meet and hold discussions on the matter with the hope of reaching an agreement.
9. The Commission then fixed Monday, April 23, 2001, at 1.30 p.m. for the parties to report on the matter.
10. By letter dated 18th April, 2001, which was signed by Counsel for both parties, the Commission was informed as follows:-

Re: Claude Raphael v. GPL

We are pleased to report that the above parties have agreed to a settlement of the action by the payment by GPL to Mr. Raphael in full settlement of all claims in the sum of \$242,843.(two hundred and forty two thousand eight hundred and forty three dollars.

11. It is hereby ordered:

1. that the Guyana Power and Light, Incorporated (G.P. & L. Inc.) pay to Mr. Claude A. Raphael within thirty (30) days of the date of this Order the agreed sum of \$242,843. (two hundred and forty two thousand, eight hundred and forty three dollars), in full settlement of all his claims;

2. that the Commission be notified in writing by the parties of the date on which the payment was effected and the matter finally settled.

Dated this 23rd day of April, 2001.

Prem Persaud
..... - **Chairman**
Prem Persaud, C.C.H.

L.J.P. Willems
..... - **Member**
L.J.P. Willems, A.A.

Hugh K. George
..... - **Member**
Hugh George

Badrie Persaud
..... - **Member**
Badrie Persaud

