

BEFORE THE PUBLIC UTILITIES COMMISSION

No. 6/2001

In the matter of a complaint by I-Net Communications Inc. against the Guyana Telephone & Telegraph Co. Ltd (GT&T).

Between: I-Net Communications Inc.
Complainant

-and-

Guyana Telephone & Telegraph Co. Ltd.
Respondent

PRESENT WERE:

Mr. Prem Persaud, C.C.H.	-	Chairman
Mr. John L.J. Willems, A.A.	-	Commissioner
Mr. Hugh George	-	Commissioner
Mr. Badrie Persaud	-	Commissioner

APPEARANCES

I-Net Communications Inc.

Mr. Stephen Fraser	-	Attorney-at-Law
Mr. Noel Holder	-	Chief Executive Officer

Mr. Raymond Shaw - Manager

Ms Schuler Holder

Guyana Telephone & Telegraph Co. Ltd.

Mr. Miles Fitzpatrick, S.C. - Attorney-at-Law

Mr. Keith Massiah, S.C. - Attorney-at-Law

Mr. Godfrey Statia - Consultant

Mr. Gene Evelyn - Director-Rates

**Guyana Consumers Association &
Guyana Consumers Advisory Bureau**

Ms. Eileen Cox, A.A. - President/Chairperson

Mr. Pat Dial - Secretary

Judgement

1. The complainant is a limited liability company duly incorporated under the Companies Act 1991 with offices in Georgetown. It is an information service provider.

2. The respondent is a public utility, and in terms of its licence, is statutorily obliged to provide telephone services in the country.

3. On 16th December 1999 the complainant applied to the respondent for ten telephone lines for general telephone and facsimile services and a 64k connection to the Internet.

4. On the 3rd February 2000 the complainant again wrote the respondent for the 10 lines but dropped its request for the 64k connection. This was in response to a letter from the respondent dated 7th January 2000 in which they suggested to the complainant that it applies to the Office of the Prime Minister for approval to become an internet service provider.

5. On the 27th April 2000 complainant again wrote the respondent seeking an update on the status of the application for the 10 lines; and by letter dated 17th May 2000 the General Manager and Chief Executive Officer of the respondent company informed the applicant that the requests by it for the lines were forwarded to the respondent's engineers to check for the availability of lines, and when the surveys are completed it will respond to the complainant.

6. On the 8th June 2000 complainant wrote respondent explaining that as a commercial entity, the telephone service is essential for the effective functioning of its business. It also advised the respondent that the surveys had been completed and the service should be made available. The complainant enquired as to when it can expect the lines to be installed.

7. On the 23rd June 2000 complainant confirmed in writing to the respondent that it was offered 3 lines and submitted Certificate of Incorporation of the complainant's business.

8. On 30th June respondent requested copy of the Articles of Incorporation and the names of the Directors of the complainant company. The document should bear the stamp of the Registrar of Joint Stock Companies.: On the 5th July 2000, complainant, considering the request unprecedented, advised the respondent that its request had been forwarded to the attorneys for a suitable response.

9. On July 13th 2000 the General Manager of the respondent company communicated with the complainant company and informed it that the request for documentation was a normal procedural requirement. She promised that the respondent will secure the relevant documents from the Registrar and will process the application when all the required documents were received.

9.1. On 26th September 2000 the complainant submitted copy of its Certificate of Incorporation and the names of the Directors and expressed the hope that the request for the telephone lines will be granted.

10. On 4th October 2000 an engineer attached to the National Frequency Management Unit (NFMU) informed the complainant, by letter, that it had installed and operated a satellite dish via which was offered international satellite connection for resale through inter-connection to an internet café.

10.1. The engineer further told the complainant that the satellite dish was being operated without authorisation and he gave the complainant notice to discontinue the

operation of the dish and cease and desist from the sale of data communication services for inter-connection outside of Guyana.

11. On the 24th May 2001 the complainant filed its complaint against the respondent seeking an order of the Commission that the respondent provide the telephone service, namely, 10 telephone lines, and for an order that it provides 64k connection to the internet within 15 days.

12. The respondent, by its consultant responded to the complainant, the gist of which was that the complainant was conducting the majority of its business in contravention of the NFMU's order of October 4, 2000 and in violation of the respondent's licence in that it was transmitting international data by bypassing the respondent's international gateway, and the operation of various wireless internet café services utilizing the complainant's facilities. By these acts the complainant is unjustly enriching itself at the respondent's expense.

12.1. The consultant further urged that the complainant should comply with NFMU's order, and requested the "PUC to instruct them to do so as a precondition to any consideration of their complaint".

13. The matter engaged the attention of the Commission on the 11th September 2001, at which hearing both parties were duly and ably represented.

14. After much discussion they agreed on the following, namely:-

- (a) The Respondent will provide two lines expeditiously to the complainant.
- (b) The complainant undertakes that the lines will not be utilised for the termination of inbound international calls that bypass GT&T's Network.
- (c) The complainant and the respondent are to speak to each other concerning the allocation by the respondent of additional lines to the complainant.

15. The Commission approved the terms of settlement arrived at and hereby makes it an Order of the Commission.


Dated the 8th day of December, 2001.

(Sgd.)
Prem Persaud C.C.H.



- Chairman

(Sgd.)
L.P.J. Willems A.A.



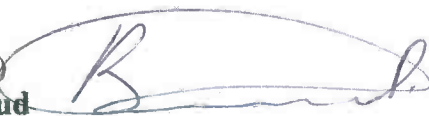
- Member

(Sgd.)
Hugh George



- Member

(Sgd.)
Badrie Persaud



- Member

