

BEFORE THE PUBLIC UTILITIES COMMISSION

ORDER NO 1 of 2020

In the matter of a request by GT&T that in accordance with Section 77 of the PUC Act the Commission reviews its decision, made under Order 2 of 2019 - In the matter of a complaint by Mr. Raymon Gaskin, complainant, and the PUC on its own motion against the GT&T Co. Ltd. on the new billing format introduced by the Company in May 2019.

PRESENT:

Public Utilities Commission:

Ms. Dela Britton	-	Chairman
Mr. Rajendra Bisessar	-	Commissioner
Dr. Leyland Lucas	-	Commissioner
Ms. Verlyn Klass	-	Commissioner

In attendance:

Mr. Vidiahar I. Persaud	-	Secretary /Legal Officer
Mr. Moorsalene Sankar	-	Financial Analyst I
Ms. Yogwattie Sookram	-	Financial Analyst II
Mr. Nikita Somwaru	-	Engineer

Guyana Telephone & Telegraph Co. Ltd.

Mr. Justin Nedd	-	Chief Executive Officer
Mr. Mark Reynolds	-	Vice President, Legal and Regulatory Affairs
Dr. Delreo Newman	-	Director, International Regulatory, Government and Legal Affairs.
Mr. Orson Ferguson	-	Vice President – Customer Experience
Mr. Kadeem Davis	-	Legal Officer

Guyana Consumers Association

Mr. Patrick Dial	-	President
Dr. Yog Mahadeo	-	Advisor

Complainant

Mr. Ramon Gaskin - Complainant

The hearing was called to order at 10:17 hrs.on Wednesday 19th day of August 2020, via the Commission’s Zoom platform. An in-person hearing could not be conducted as the Covid-19 pandemic guidelines prevented large gatherings.

The Guyana Telephone and & Telegraph Co. Ltd (GT&T), by way of application dated June 24, 2020, has requested that the Public Utilities Commission consider a variation of Order 2 of 2019.

BACKGROUND

On the 28th day of June 2019, the Commission received a complaint from Mr. Raymon Gaskin of 75 Dennis Street, Campbellville, Georgetown , (hereinafter referred to as the Complainant), a landline customer of the Guyana Telephone and Telegraph Company Limited (GT&T).

The gravamen of the complaint was that the format of his paper tax invoice (telephone bill) for his landline service for the month of May 2019 was changed. The new submission omitted details of his bill which were now only available on-line. As a consequence, this unilateral change resulted in the exclusion of substantial billing information which were contained in previous paper bills. These were, the Calling Party Call table and overseas call details.

The Complainant’s issue was referred to GT&T by the Commission on the June 28, 2019. GT&T informed the Commission, by letter dated July 5, 2019, that effective May 2019 a new billing format was disseminated to residential customers living in and out of Georgetown. The company further stated that customers who are desirous of viewing the details of their bills may do so online. This response was forwarded to the complainant on July 11, 2019 who indicated to the Commission in writing on July 25, 2019 that GT&T did not address his complaint and that he does not have access to online facilities, nor does he wish to be forced by GT&T to do same to view the details of his bill.

The Commission, after a careful review of Mr. Gaskin’s complaint and having considered that many consumers may be similarly aggrieved, determined that in accordance with the Public Utilities Commission Act 10 of 1999 a hearing should be held to address the issues such as (1)

the unilateral change of the billing format; (2) consumers convenience; and (3) any other matters which may touch on and concern the issues surrounding the paperless bills.

The hearing was held on the 12th of September 2019 at 10.30 am in the *Ballet Room* of the Cara Lodge, Quamina Street, Georgetown. After careful deliberation, the Commission issued Order 2 of 2019.

In its decision, as detailed in page 6 of Order 2 of 2019, the Commission stated in part:

“That unless notified otherwise by consumers, GT&T shall dispatch to all business and residential consumers, paper bills which shall include the detailed Calling Party Pay call tables and overseas call details.”

On the 11th day of October 2019, GT&T appealed the Commission’s Order to the Court of Appeal. However, before the matter was heard the company withdrew and discontinued its appeal on November 14, 2019.

By way of letter dated 24th June 2020, the Company in accordance with section 77 of the PUC Act requested that the Commission reviews and varies its decision made in Order 2 of 2019.

THE HEARING

GT&T in presenting its application for a variation of Order 2 of 2019 relied on the following:

- (a) Its submissions to the Commission as contained in its letter to the Commission dated 24th June 2020.
- (b) Its oral submission as delivered by the company during the virtual hearing.

The Commission queried, whether this submission was intended to replace the submission of June 24th, 2020, and the company affirmed that both submissions are to be read together. It offered that the second submission was necessary since the hearing held on the 12th of September 2019 was extended to include additional considerations other than the complaint of Mr. Gaskin, which was not shared with GT&T as required by Section 56 (1) of the PUC Act. According to the Company, had that information been shared, the Company’s response with respect to the hearing of the 12th of September 2019 would have been different.

Prior to the Company’s presentation, the Commission drew to their attention that a reference to an intended application to be made to the Court of Appeal under the caption “an application to the

Court of Appeal on a point of law” detailed in pages five and six of the submission was contained in their submission of June 24th 2020. GT&T reported that the court matter was no longer extant and agreed, on the point of law, that the above referenced portion of the application be stricken from its submission of the 24th of June 2020.

In its submissions of June 24th, 2020 GT&T sought:

- (1) A variation of Order 2 of 2019 in accordance with Section 77 of the PUC Act.
- (2) Clarity to the following wording of Order No. 2 of 2019 as contained in page 6 of the Order:

“Order No. 1 of the substantive Order reads: ‘ That unless notified otherwise by consumers, GT&T shall dispatch to all business and residential consumers, paper bills which shall include the detailed Calling Party Pay call tables and overseas call details”.

- (3) As a result of GT&T’s perception of inconsistencies between Order No.1 and Order No. 5 in the Commission’s substantive Order of No.2 of 2019 GT&T sought the Commission’s interpretation of a tax invoice.
- (4) Review of the position as articulated by the Commission in letter to GT&T dated 10th June 2020.

In its second submission mentioned above, GT&T sought variations of Order No. 2 of 2019 to read as follows:

1. The summarized version of the bills is in keeping with section 51 of the PUC Act and is in order.
2. In light of section 51 of the PUC Act, GT&T is able to send detailed bills for landline services provided by way of email or by other electronic means such as the ‘MyGTT’ mobile application.
3. GT&T will send detailed paper bills to elderly and persons with disabilities free of cost, and shall engage in a public campaign with the PUC regarding digital literacy, focused on the elderly and customers with disabilities.
4. Further to point (3) in accordance with Order No. 2 of 2017, GT&T is able to charge GY \$300.00 dollars for all other customers who require complete bills.

In an extensive presentation, GT&T reiterated the thrust of its previous position which was that technological innovation has made it possible for the advent of paperless billing and its use has become an international best practice. The benefits to all stakeholders of the paperless billing regime were detailed by the Company. To strengthen its case, the company identified several countries, some with advanced economies, others with developing economies where paperless billing was successfully deployed. The company maintained that, with respect to the issuance of bills, it is guided by section 51 of the PUC Act No. 10 of 1999 and that nowhere in the Act does it state either format or the content to be contained in the bill.

During the hearing, GT&T informed the Commission that its online portals allow consumers to access details of their transactions free of cost. It posited that it is compliant with Order No. 2 of 2019 which mandates that an option must be provided by the company to allow customers to opt out of receiving the new billing format and to receive the detailed paper bills free of cost. They submitted that since Order No. 2 of 2019 was enforced, GT&T has received approximately 120 applications from its customers for detailed paper bills and to date 114 applications have been successfully processed.

The numbers of applications were queried by the Guyana Consumers Association (GCA) in their presentation and in response the company reported that it administered a countrywide survey in order to determine consumers' satisfaction on the mode of receipt of bills via (1) email (2) MyGTT (3) Summarized Paper Bill (4) Detailed Paper bill and (5) Other. The sample size for the survey involved 192 consumers randomly selected. The results of the survey indicated that of the total population of landline consumers surveyed, between 74.7% and 88.8% were satisfied with the mode of delivery of bills. It concluded that there is a 95% confidence level that between 74-88% were either satisfied or very satisfied with the contents of the bill.

The GCA in its presentation, submitted that in essence the application is largely based on the original complaint from Mr. Raymon Gaskin, but that it descended into the merits and demerits of electronic billing. On behalf of the consumers, the GCA informed the Commission that prior to May 2019 consumers had received the detailed bills which were then unilaterally changed to electronic billings. Further, the GAC opined that the Order which has been made by the Public Utilities Commission had confirmed that hard copy bills must be sent to consumers except those

consumers who preferred the alternative forms of billing and for which the Association, had prior to May 2019, no objection.

The GCA noted that, with the expansion of the use of electronic billings, there would be cost savings to the company as its electronic billing regime is rolled out. The Association suggested that as part of its corporate responsibility, some, if not all of those savings should be diverted to IT training with the aim of enhancing consumers' knowledge which in turn would be beneficial to the Company.

GENERAL OBSERVATIONS

Prior to rendering its decision, the Commission makes the following observations:

1. GT&T's submission regarding the provision of Order No.2 of 2017 to charge a fee of \$300 to any customer requesting a tax invoice or a bill was noted. However Order No. 2 of 2017 which is on the matter of rates and on an application to review Order 1 of 2015 signals *inter alia* at page 5 the approval for a *Miscellaneous Non-Recurring Charges* of \$300 for '**Special Bill, Bill Copy (Charge per Bill)**.' This speaks to a special bill/ (paper) bill copy requested by a customer from GT&T. A charge of \$300 is only incurred by the customer who requests a paper copy of their bill and cannot be invoked by GT&T to foist a charge on customers who had not been sent their detailed paper bills, and who now wish to be in receipt of same.
2. The company informed the Commission during the virtual hearing that electronic billing has become an international best practice and provided examples of several countries where electronic billing has subsumed paper billing. International best practices evolve over time and is never universally uniform. Socio-economic conditions of jurisdictions are contributory factors. Currently there are approximately 55,000 DSL services, implying that while DSL consumers may access GT&T portals through their landline facilities if they so desire, there are a similar number who cannot. In this regard we have not yet evolved for electronic billing to be the only billing format. In time the country would reach to that point, but for the present, the consumer's rights must be considered.
3. Whilst the Commission has noted the Company's survey on the issue of Billings, the results thereon merely serve as a guide or illustration to the Commission in its deliberations and not a determinant factor for the purposes of our decision. Reviewing the survey, the

Commission is of the view that it does not capture a representative sample of customers to add persuasive weight to the Company's application.

DECISION

In order to arrive at a decision, it is important to examine section 51 of the Public Utilities Commission Act which provides as follows:

Every public utility shall supply every consumer every month, or at such other intervals as may be agreed to by the Commission or provided for in a licence or any written law in relation to any consumer or class of consumers, a bill showing the sum payable by the consumer on account of any service provided by the public utility during the preceding month, or other relevant period as may be agreed to by the Commission, or for such other intervals and periods as may be prescribed by its licence.

Whilst the Commission cannot be presumptuous to clothe itself with the apparent role of interpreting statutes, this is solely within the purview of the Court of Appeal. We wish however to note that, at the time of the promulgation of the Act, the concept of electronic billing was not within the contemplation and spirit of the framers as the technology had not advanced to embrace the electronic billing format, and as such was in reference to paper bills. We believe that with technological changes, the section is sufficiently broad enough to cover what obtains today, that is both the electronic and paper billing formats. The Commission's position is that either format is acceptable once the consumer is in receipt of a detailed bill. For clarity, by **detailed bill** we mean the bill that is issued inclusive of the Calling Party Pay call tables and overseas call details.

The Commission therefore has no objection to the Company issuing detailed bills on its electronic billing platform.

The onset of the Covid-19 pandemic has resulted in a paradigm shift in the way businesses are conducted. If the Commission is to hold true to the adage of regulation must not stifle innovation, we must use this opportunity to emphasise that we at the Commission have no objection to the electronic billing formats provided that it is the consumer who voluntarily determines the medium for same.

The Commission was called upon to interpret the part or portion of the Order 2 of 2019 which reads in part that 'unless notified otherwise by consumers, GT&T shall dispatch to all business and residential consumers, paper bills which shall include the detailed Calling Party Pay call tables and oversea call details.'

To be clear, the Commission ordered that:

1. Paper bills are to be dispatched to all business and residential customers.
2. Those bills must include the details such as the Calling Party Pay call tables and overseas call details.
3. Those bills are to be sent to all land line customers, unless GT&T has been notified by its customers that they prefer to have these detailed bills via an electronic medium.

In short, the summarized paper bills currently being issued by GT&T is contrary to Order 2 of 2019 which requires that detailed paper bills be issued.

Further to the decision averred to above, the Commission ordered that any consumer who received the new billing format (summarized paper bill) in May, 2019 and who is desirous of receiving their detailed tax invoice, is to be issued same free of charge. For clarity, the 'tax invoice' referred to above, is with reference to a detailed bill. A point to note, GT&T is fulfilling this requirement in its dispatch of detailed electronic bills but not with respect to its paper (summary) bills, issued since May 2019, and which they continue to issue to a number of consumers.

After the issuance of Order 2 of 2019, the Commission in monitoring GT&T for compliance with its Order, exchanged a number of correspondence. One of these letters dated June 10, 2020 by the Commission noted the following:

..we however wish to emphasize that the Opt-out Request Form is only applicable to consumers who had received the new billing format (summary bill) from May 2019 and who were requested to access GT&T's online portal in order to view their completed invoice. All consumers who have not opted for the electronic format of the bills are to receive the full detailed bills.

For clarity, the Commission's Order 2 of 2019 (page 6) states that consumers who had received the new billing format (summary bill which does not include the requisite Calling Party Pay call tables and overseas call details) issued from May 2019 be notified of the choice to opt out of


paperless (electronic) billing and such choice should be with immediate effect upon indication from the consumer.

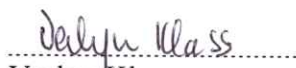
The Commission for the following reasons declines to vary Order 2 of 2019:


1. The summarized paper bill version as issued by GT&T since May, 2019 lacks sufficient detail as it fails to set out the requisite information for the consumer. Therefore, GT&T is required to issue detailed paper bills to all persons who are desirous of receiving same.
2. Consistent with its Order 2 of 2019, since GT&T shall provide detailed paper bills to **all persons** desirous of receiving or reverting to the same, free of cost, the proposed categories of persons as contemplated by the Company, namely the elderly and disabled, for whom the Company requested the issuance of paper bills free of charge, does not arise for consideration.
3. The Commission emphasizes that GT&T's Opt-out Request form is only applicable to consumers who had received the new billing format (summary bill) from May 2019 and who were requested to access GT&T's online portal in order to view their detailed bills. All customers who had not opted for the electronic format of the bills are to receive their detailed paper bills.

In light of the aforementioned, the Commission declines to vary Order 2 of 2019 and that Order stands.


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Ms. Dela Britton
Chairman


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Rajendra Bisessar
Commissioner


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Verlyn Klass
Commissioner


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Dr. Leyland Lucas
Commissioner

Dated this 19th day of October 2020.

