
Office of Utilities Regulation

MEMORANDUM TO JAMAICA PUBLIC SERVICE COMPANY LIMITED REQUIRING IT TO PERMIT ACCESS TO ITS PREMISES AND TO CO-OPERATE WITH THE OFFICE AND ITS ENQUIRY PANEL CARRYING OUT THE INVESTIGATION OF THE SYSTEM SHUTDOWN ON JANUARY 9, 2008.



OFFICE OF UTILITIES REGULATION

February 1, 2008

DOCUMENT TITLE AND APPROVAL PAGE

DOCUMENT NUMBER: Ele 2008/01

DOCUMENT TITLE: Memorandum to Jamaica Public Service Limited requiring it to permit access to its premises and to co-operate with the Enquiry Panel carrying out the investigation of the System Shutdown on January 9, 2008.

1. PURPOSE OF DOCUMENT

To require Jamaica Public Service Company Limited to provide access to its premises owned or operated by it and to co-operate with the Office and its Enquiry Panel investigating the System Shutdown on January 9, 2008 and to provide and allow for the inspection of books and records and to provide copies thereof.

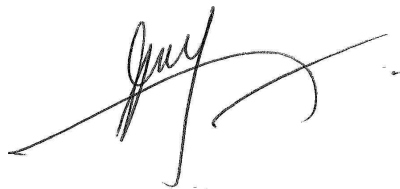
RECORD OF REVISIONS

Revision Number	Description	Date

APPROVAL

This document is approved by the Office of Utilities Regulation and the decisions therein become effective on February 4, 2008.

On behalf of the Office:



J. Paul Morgan
Director General
February 1, 2008

OFFICE OF UTILITIES REGULATION

MEMORANDUM

Ele 2008/01

(Issued pursuant to Sections 10 of the Office of Utilities Regulation Act as amended
AND Condition 8 of the All-Island Electric Licence, 2001)

**IN THE MATTER OF JAMAICA PUBLIC
SERVICE COMPANY LIMITED POWER
SYSTEM SHUTDOWN OF JANUARY 9, 2008**

AND

**IN THE MATTER OF JAMAICA PUBLIC
SERVICE COMPANY LIMITED ALL ISLAND
ELECTRICITY LICENCE 2001**

AND

**IN THE MATTER OF THE OFFICE OF
UTILITIES REGULATION ACT 1995 BY THE
OFFICE OF UTILITIES REGULATION
AMENDMENT ACT 2000**

**BETWEEN THE OFFICE OF UTILITIES REGULATION REGULATOR
AND JAMAICA PUBLIC SERVICE COMPANY LIMITED LICENSEE**

WHEREAS the Minister in exercise of the powers conferred by Section 3 of the Electric Lighting Act and having regard to the recommendations of the Office of Utilities Regulation (“the Office”) pursuant to Section 4 of the Office of Utilities Regulation Act 2000 as amended (“the Act”) granted a licence to Jamaica Public Service Company Limited (“Licensee”) entitled “Jamaica Public Service Company Limited All-Island Electricity Licence 2001” (“the Licence”) authorizing the Licensee to generate, transmit, distribute and supply electricity for public and private purposes within Jamaica **AND**

WHEREAS Condition 2 paragraph 3 of the Licence provides as follows:

“Subject to the provisions of this Licence the Licensee shall provide an adequate, safe and efficient service based on modern standards, to all parts of the island of Jamaica at reasonable rates so as to meet the demands of the island and to contribute to economic development”

WHEREAS electricity supply to customers island-wide was disrupted on Wednesday, January 9, 2008 (“the system shutdown”) **AND**

WHEREAS Condition 8 of the Licence provides at

Paragraph 5

“The Licensee shall provide such other reports to the Office as may reasonably be specified from time to time.”

Paragraph 7

“The Office and its agents shall be entitled during the normal business hours and without notice to attend at any premises from time to time owned or occupied by or in the possession of the Licensee for the purpose of inspecting any books, records and accounts of the Licensee to which this Licence relates and the Licensee shall fully co-operate and assist the Office for such purposes The Licensee shall at the request of the Office furnish the Office, at the Licensee’s expense with a copy (in such format as the Office may specify) of any books, records or accounts as the Office may reasonably require” **AND**

WHEREAS pursuant to Section 4(1)(a) & (e). Section 4(3)(b)(d) & (e) of the Office of Utilities Regulation Act (“the OUR Act”) it is provided as follows:

“4.-(1) Subject to the provisions of this Act, the functions of the Office shall be to –

- (a) regulate the provision of prescribed utility services by licensees or specified organizations;
- (b)
- (c)
- (d)
- (e) subject to Section 8A carryout, on its own initiative or at the request of any person, such investigations in relation to the provision of prescribed utility services as will enable it to

determine whether the interests of consumers are adequately protected.”

“4.-(3) In the performance of its functions under this Act the Office shall undertake such measures as it considers necessary or desirable to–

- (a)
- (b) protect the interest of consumers in relations to the supply of prescribed utility services;
- (c)
- (d) promote and encourage the development of modern and efficient utility services;
- (e) enquire into the nature and intent of the prescribed utility services provided by a licensee or specified organization.” **AND**

WHEREAS “prescribed utility services” are defined in the First Schedule at item 4 of the First Schedule of the OUR Act to mean “the generation, transmission, distribution and supply of electricity” **AND**

WHEREAS the Office HAS APPOINTED an Enquiry Panel (“the Panel”) together with such other experts as it deems fit to assist it in carrying out an investigation into the system shutdown aforesaid **AND AUTHORIZES** the Panel and/or such other experts as it deems fit from time to time to act as its agent and for such period as the Office deems fit **AND**

WHEREAS Section 4(2) of the OUR Act provides as follows:

“(2) the Office may, where it considers necessary, give direction to any Licensee or specified organization with a view to ensuring that

- (a) the needs of the consumers of the services provided by the Licensee or specified organization are met, and
- (b) the prescribed utility service operates efficiently and in a manner designed to –
 - (i)
 - (ii)
 - (iii) afford to its consumers economical and reliable services **AND**

WHEREAS pursuant to Section 10(1) of the OUR Act

“(i) the Office may require a Licensee or specified organization to furnish such information or submit such returns at such intervals as the Office may require in relation to the operations of the Licensee or specified organization.”

The Office **HEREBY REQUIRES** the Licensee pursuant to Section 10 of the OUR Act and Condition 8 of the Licence to:

- (i) grant unto the Office and the members of the aforementioned Panel free and uninterrupted access to and egress from any and all of its premises owned or occupied by it or in its possession for the purpose of carrying out the said investigation.
- (ii) co-operate fully with the Office and the Panel during the investigation and to provide and allow the inspection of any books, records of the licensee and to provide copies of any of the said books and or records upon request.

AND TAKE FURTHER NOTICE that in the event of the non-compliance by the Licensee with the requirements set out at (i) and (ii) above the Office will -

- (i) proceed in accordance with the provision of Section 10 (2) of the OUR Act which provides as follows:

“(2) A Licensee or specified organization which fails to comply with sub-section (i) shall be guilty of an offence and liable on summary conviction before a Resident Magistrate to a fine not exceeding two million dollars” **AND**

- (ii) **TAKE** such other further steps as it may be advised.

This Memorandum becomes effective on the 4th day of **February 2008**.

BY ORDER OF THE Office of Utilities Regulation

Signed this 1st day of February 2008



J. Paul Morgan
Director General