

BARBADOS

NO.: FTC02/09 BL&P – RADJ

FAIR TRADING COMMISSION

IN THE MATTER of the Utilities Regulation Act, CAP. 282;

AND IN THE MATTER of the Utilities Regulation (Procedural) Rules, 2003;

AND IN THE MATTER of the Application by the Barbados Light & Power Company Limited (the Applicant) to the Fair Trading Commission for a Review of Electricity Rates pursuant to Section 16 of the Utilities Regulation Act, CAP. 282;

AND IN THE MATTER of The Fair

Trading Commission Act, CAP. 326B

AND IN THE MATTER of The Administrative Justice Act, CAP. 109B.

AND IN THE MATTER of The Evidence Act, CAP. 121

AND FURTHER IN THE MATTER of an Application for a Review by the Barbados Consumers Research Organisation, Inc., (BarCRO) of the **DECISION AND ORDER** of the Fair Trading Commission dated 25 January, 2010.

Barbados Consumers Research Organisation, Inc.

APPLICANT

AND

The Barbados Light & Power Limited

RESPONDENT

Office of Public Counsel

INTERVENORS

Barbados Association of Retired Persons (BARP)

Barbados Small Business Association (BSBA)

CANBAR Technical Services Ltd.

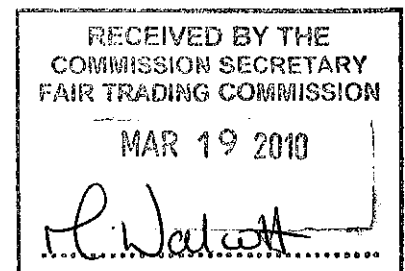
Barbados Association of Non-Governmental Organisations (BANGO)

Mr. Douglas B. Trotman, Attorney-at-Law

Dr. Roland Clarke

Mr. Errol Niles, Attorney-at-Law

AFFIDAVIT



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I, H. MALCOLM A. GIBBS-TAITT, of "Outside Edge", 69, Orange Hill Development 2, in the parish of Saint James in this island, **MAKE OATH** and say as follows:

1. I am employed as a Public Officer, where I serve as Supervisor Section Leader, Traffic Management, in the Ministry of Transport and Works from August, 1998 to the present.
2. I left school in December, 1963, as a student, to return in January, 1964, as a teacher, before emigrating to the UK in September, 1965.
3. I furthered my education by reading General Engineering at Newham College of Technology, UK; Law at London University and Sociology, London School of Economics and Political Science; Theory and Practice in Instructional Driving at Loughton College, UK; Regulating Utilities, Institute of Public-Private Partnerships (IP3). Currently, reading Business Management for an MBA with Durham University.
4. My work experience in the UK is as follows: Sept. 1965 –Sept. 1967: Train Guard, London Transport Executive; Oct. 1967 – Dec. 1992: Managing Director, Jetlee Securities Limited (Incorporated Insurance, Mortgage and Finance Brokers); June, 1970 – Dec. 1992: District Agent, Prudential Corporation, UK.
5. My further work experience: Mar. 1993 – Aug. 1998: Managing Director, Hilsmont Group; May 1995 – Aug.1998; Marketing & Sales Manager, Adriana Investments Ltd. Jan. 1996 (Founder) to present: Barbados Consumers Research Organisation, Inc. (BarCRO).June, 1999 – present: Founding Director, Caribbean Consumer council (CCC).
6. A few landmarks, worthy of note: I was a member of a delegation, representing BarCRO, comprising Government and Non-Governmental Organisations from Jamaica, Trinidad and Barbados, where along with Consumers' International (CI), we successfully submitted and negotiated Project Proposals for a Grant-Aid of BDS \$ 1.24 million to tackle: 1. Financial Services sector, with emphasis on Banking and Credit; 2. Education of consumers, capacity building of consumer organisations; 3. Building of a Website for Caribbean Consumer Council (CCC).
7. I have served on the Advisory Committee to the Fair Trading Commission, assisting with the setting-up of the FTC and presenting the Draft Proposals of the very Laws before the FTC; appeared before the Joint Select Committee of both Houses of Parliament, on the Fair Trading Commission and Utility

Regulation Acts. It was I who proposed that there be Public Counsel and for payment to be borne by the tax-payers; to have a Consumer Claims Tribunal and that the limit be for \$100,000.00. I proposed that when matters went before the CCT, Consumers should be embodied by the consumer representative body and that the corporate body be represented by the corporate representatives where the final decision of the Legal Expert, to be Appointed by Government, be binding on all the parties.


8. I have served on various workshops, throughout CARICOM and coordinated by the University of the West Indies (UWI) on matters such as e-Commerce, Competition Policy, Fair Trading, Consumer Protection, to name a few. For the past four (4) years, I have become a regular member and Presenter at the Central Bank of Barbados' Annual Review Seminar.
9. I have been a member of the Government appointed Consumer Protection Committee, looking into most matters concerning consumer issues; also, the Government appointed Task Force, looking into the pricing of Goods and Services and looking specifically at barriers to Trade, and selecting a Basket of Goods for Price Controls. I am currently, a member of the Government Appointed Legislative Review Committee.
10. Although I have written several articles for the Nation Publishing, I have been a regular columnist for The Advocate, writing the weekly column "Consumerism and You" since 1998. A consumer education commentary.
11. I have been an Intervenor since the infamous Rate Hearing of Cable & Wireless (Barbados) Limited. I am proud to be a Lay Litigant.
12. Since 1998, I have been invited to represent the Barbadian consumers and, Barbados by extension, at fora throughout CARICOM, and places such as Canada, Ghana and Brazil.
13. I have been Chairman and a Committee Member of several Committees of the Barbados National Standards Institute (BNSI) and the Caribbean and Regional Office of Standards and Quality (CROSQ), where the main focus is centred on the setting of standards. I am currently the Chairman of the Divisional Council of the new and improved Building Code for the Building Authority.
14. It is an honour to volunteer my services to the various entities that relate to the furtherance of consumerism. I further believe that voluntary input should be at my discretion. No one should take the liberty to suggest for what or to whom my services are rendered. When I give of my services and time, there is the understanding that my financial inputs are limited. With a Rate Hearing, the opposite is the case.

15. As a Lay Litigant, it will never be possible to be awarded for all the energies expended in trying to put a case against professional and learned people, engaging in their specific areas of expertise.
16. From my perusal of the documents of the application, I am unable to give an honest and fair analysis of the merits of the Application. With the privilege of perusing more information, as the Hearing goes on, it is possible that the case of the Applicant will be more illuminating. One question that exercises my mind, how will the crystallising of evidence convince any reasonable and right-thinking person how a people, struggling to manoeuvre through the murky waters of a recession that is globally effected, be able to survive increases, at this time?
17. Since there is no competition in this market place, the said consumers can go nowhere else. My hope is that when the economic climate clears reintroduction of this measure, subject to the then cost of fossil fuels, may be a better timing.
18. I reserve my right to file a supplemental affidavit when the Applicant supplies more relevant information that will, by its very nature, exercise the mind in support of its case.

SWORN to be the Deponent)

H. MALCOLM A. GIBBS-TAITT)

On the 18th Day of March, 2010)

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Before me *ELMA E. GRANT*

ELMA GRANT, J.P

..... *Elma Grant: J.P.*

Justice of the Peace/Notary Public

This Affidavit is filed on behalf of the Barbados Consumers Research Organisation, Inc. (BarCRO). The address for service is:

H. Malcolm Gibbs-Taitt, "Outside Edge", 69, Orange Hill Development 2,
 St. James BB2 4018.

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