

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN

2022 (SECOND) Regular Session

VOTING RECORD

NAME	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building April 29, 2022					
	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Bill No. 267-36 (COR) As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research and Planning; substituted; and further substituted on the Floor.						
Senator V. Anthony Ada	✓					
Senator Frank Blas Jr.	✓					
Senator Joanne Brown	✓					
Senator Christopher M. Dueñas	✓					
Senator James C. Moylan	✓					
Vice Speaker Tina Rose Muña Barnes	✓					
Senator Telen Cruz Nelson	✓					
Senator Sabina Flores Perez	✓					
Senator Clynton E. Ridgell	✓					
Senator Joe S. San Agustin	✓					
Senator Amanda L. Shelton	✓					
Senator Telo T. Taitague	✓					
Senator Jose "Pedo" Terlaje					✓	✓
Speaker Therese M. Terlaje	✓					
Senator Mary Camacho Torres	✓					

TOTAL

14

0

1

1

Aye

Nay

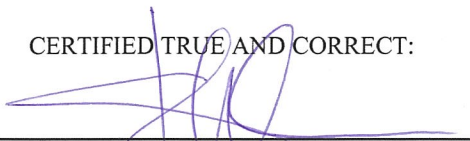
Not
Voting/
Abstained

Out
During
Roll Call

Absent

Excused

CERTIFIED TRUE AND CORRECT:



RENNAE V. C. MENO
Clerk of the Legislature

I = Pass

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (SECOND) Regular Session

Bill No. 267-36 (COR)

As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research and Planning; substituted; and further substituted on the Floor.

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Introduced by:

Sabina Flores Perez
Telo T. Taitague

AN ACT TO *AMEND* §§ 13102(6), 13103, AND 13104 (a) AND (b) OF CHAPTER 13, DIVISION 1, TITLE 12, GUAM CODE ANNOTATED; AND TO *AMEND* § 2121 OF ARTICLE 1, CHAPTER 2, TITLE 28, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO ESTABLISHING A FAIR PROCESS FOR RESOLVING PUBLIC UTILITY RATEPAYER DISPUTES.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that current laws and regulations aimed at resolving customer complaints do not
4 result in the prompt resolution of power and water billing issues. Billing issues often
5 result from the sudden, unexplained increases in power and/or water consumption
6 that may indicate water leaks, faulty meters, or other conditions that require
7 immediate attention.

8 *I Liheslaturan Guåhan* further finds that the current rules and regulations
9 requiring deposits held in escrow and paying interest of nine percent (9%) on
10 disputed bill amounts are outdated, nor do these rules and regulations promote a

1 simple process for administering disputes that require timely investigation and
2 resolution.

3 *I Liheslaturan Guåhan* further finds that prompt resolution of power and water
4 billing issues will improve customer satisfaction and assist ratepayers in determining
5 issues which may negatively impact their property and financial situation.

6 Therefore, *I Liheslaturan Guåhan* intends to provide a fair process to resolve
7 complaints for power and water customers to prevent and or lessen the financial
8 burden on low and fixed income customers.

9 **Section 2.** § 13102(6) of Chapter 13, Division 1, Title 12, Guam Code
10 Annotated, is hereby *amended* to read:

11 “(6) *Deposit payment* means a cash payment to be made at the time a
12 customer complaint is filed. The deposit payment shall not exceed an amount
13 equal to the average of three (3) months billing prior to the time that the
14 dispute arose.”

15 **Section 3.** § 13103 of Chapter 13, Division 1, Title 12, Guam Code
16 Annotated, is hereby *amended* to read:

17 “§ 13103. **Complaints.**

18 A customer who in good faith believes that he has been incorrectly
19 billed for services by an agency, or harmed by another action of the agency
20 except a rate increase, may submit a customer complaint to the agency
21 involved. Upon receipt of the customer complaint, and the deposit payment in
22 the case of a billing dispute, the agency shall investigate the matters raised in
23 the customer complaint. The agency shall forthwith furnish the customer with
24 a statement indicating the right of appeal provided by § 13104 of this Chapter.
25 Within thirty (30) days, the agency shall respond to the customer as to its
26 findings with respect to the complaint. If required, the agency shall make an
27 adjustment of account, including a credit for or return of any deposit payment

1 or portion thereof made towards the amount disputed if the agency statement
2 indicates an adjustment is due a customer. However, if the agency indicates
3 that the dispute should be resolved in favor of the agency, and it is a billing
4 dispute, the agency shall charge the customer's account the amount due less
5 any deposit payments made towards the disputed amount and may offer a
6 payment plan. If the agency determines that one of its actions has harmed the
7 customer, then it shall pay to the customer liquidated damages, if any, for such
8 action. Disconnection or termination of services shall not be undertaken by
9 the agency with respect to the disputed amount until the expiration of thirty
10 (30) days from the date the statement required by this Section is mailed to the
11 customer.”

12 **Section 4.** § 13104(a) and (b) of Chapter 13, Division 1, Title 12, Guam
13 Code Annotated, are hereby *amended* to read:

14 **“§ 13104. Appeal From Agency Action.**

15 (a) If an agency statement is adverse to a customer, the customer
16 may file an appeal with the Commission within thirty (30) days of the issuance
17 of the agency statement. The Commission shall have jurisdiction to resolve
18 the dispute. During the pendency of said appeal, no action adverse to the
19 customer with respect to the disputed amount may be undertaken. An appeal
20 pursuant to this Section shall operate as a stay.

21 (b) If the agency's determination is reversed by the Commission,
22 then the Commission shall require the agency to make an adjustment of
23 account, including a credit, return of any deposit payment or a portion thereof.
24 The remedies contained in this Section are not exclusive, and the customer
25 may, at the customer's sole option under this Section, proceed pursuant to
26 Article 2 of Chapter 4, Title 7, Guam Code Annotated, or may pursue any
27 other remedies available.”

1 **Section 5.** § 2121 of Article 1, Chapter 2, Title 28, Guam Administrative
2 Rules and Regulations, is hereby *amended* to read:

3 “**§ 2121. Administrative and Hearing Requirements.**

4 (a) Bill Disputes. In the event a consumer questions the accuracy of
5 a bill rendered to him by GWA, the question shall be brought to the attention
6 of the Agency for an oral explanation. After the oral explanation, if the
7 consumer still believes that the billing is in error, and after making a deposit
8 payment to GWA in an amount not to exceed the amount equal to the average
9 of the three (3) months prior billing prior to the time the dispute arose, the
10 consumer may request a written statement from GWA as stated in 12 GCA,
11 Sections 13103 and 13104. That written statement is subject to appeal before
12 the Chief Officer of GWA who will review the case and render a decision in
13 accordance with the General Manager’s findings.

14 (1) If an adjustment is due a consumer, GWA shall render an
15 adjustment of account including a credit for or return of any deposit
16 payment made towards the amount disputed. However, should the
17 dispute be resolved in favor of the Agency, the customer’s account shall
18 be charged the amount due less any payments made towards the
19 disputed amount. Disconnection or termination of services shall not be
20 undertaken by GWA with respect to the disputed amount until the
21 expiration of thirty (30) days from the date the written statement is
22 mailed or delivered to the customer.”

23 **Section 6. Severability.** If any provision of these Regulations or its
24 application to any person or circumstance is found to be invalid or contrary to
25 law, such invalidity shall not affect other provisions or applications of these
26 Regulations which can be given effect without the invalid provisions or
27 application, and to this end the provisions of these Regulations are severable.