



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

16 JUL 2009 2009 JUL 17 AM 9:33 AM

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 121(LS) "AN ACT TO AMEND §§10104(j) AND 10104(k) OF CHAPTER 10, TITLE 12, GUAM CODE ANNOTATED; TO AMEND §§12000, 12001.2 AND 12015, AND TO ADD NEW §§12001.2(f) AND 12015(g) OF CHAPTER 12, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO PLACING THE JOSE D. LEON GUERREOR COMMERCIAL PORT UNDER THE OVERSIGHT OF THE PUBLIC UTILITIES COMMISSION" which I signed into law on July 14, 2009 as Public Law 30-52.

Sins eru yan Magåhet,

[Handwritten signature of Michael W. Cruz]

MICHAEL W. CRUZ, M.D.
I Maga'låhen Guåhan, para pa'go
Acting Governor of Guam

Attachment: copy of Bill

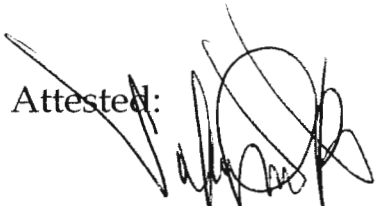
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date: 7/16/09
Time: 11:05 AM
Received by: [Signature]
30-09-0870

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 121 (LS), "AN ACT TO AMEND §§10104(j) AND 10104(k) OF CHAPTER 10, TITLE 12, GUAM CODE ANNOTATED; TO AMEND §§12000, 12001.2 AND 12015, AND TO ADD NEW §§12001.2(f) AND 12015(g) OF CHAPTER 12, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO PLACING THE JOSE D. LEON GUERRERO COMMERCIAL PORT UNDER THE OVERSIGHT OF THE PUBLIC UTILITIES COMMISSION,"** was on the 2nd day of July 2009, duly and regularly passed.

Attested:



Tina Rose Muña Barnes
Senator and Legislative Secretary



Judith T. Won Pat, Ed. D.
Speaker

This Act was received by *I Maga'lahaen Guåhan* this 2 day of July, 2009, at
243 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



MIKE W. CRUZ, MD
GOVERNOR OF GUAM ACTING

Date:

07 14 . 09

Public Law No. 30-52

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

Bill No. 121 (LS)

As amended on the Floor.

Introduced by:

T. C. Ada
Telo Taitague
F. B. Aguon, Jr.
F. F. Blas, Jr.
E. J.B. Calvo
B. J.F. Cruz
J. V. Espaldon
Judith P. Guthertz, DPA
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
v. c. pangelinan
M. J. Rector
R. J. Respicio
Ray Tenorio
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* §§10104(j) AND 10104(k) OF CHAPTER 10, TITLE 12, GUAM CODE ANNOTATED; TO *AMEND* §§12000, 12001.2 AND 12015, AND TO *ADD* NEW §§12001.2(f) AND 12015(g) OF CHAPTER 12, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO PLACING THE JOSE D. LEON GUERRERO COMMERCIAL PORT UNDER THE OVERSIGHT OF THE PUBLIC UTILITIES COMMISSION.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that it is imperative that the Port Authority of Guam (PAG) be able to effectively

1 adjust its tariffs for port operations and services to cover its cost of operation and
2 to generate revenues for capital improvements.

3 The last adjustment to the Port's tariff schedule was in 1993, excepting its
4 2009 adjustment of rates for leasing of office, warehouse, and yard space.
5 Although the cost of operations has increased substantially over a period of sixteen
6 (16) years, tariffs were *not* adjusted to adequately cover these costs.

7 As the Port moves towards the implementation of its Port Modernization
8 Master Plan, the Port will need to generate adequate revenues to fund an estimated
9 Two Hundred Million Dollars (\$200,000,000) capital improvement undertaking.
10 Consequently, tariffs will have to be adjusted accordingly.

11 *I Liheslaturan Guåhan* finds that including the Port as a public utility under
12 the regulatory oversight supervision of the Public Utilities Commission (created by
13 P.L. 17-74) will provide the Port a method for timely review of proposed rate
14 changes and appropriate oversight of such rate changes by an independent
15 regulatory authority.

16 It is, therefore, the intent of *I Liheslaturan Guåhan* to include the Jose D.
17 Leon Guerrero Commercial Port within the regulatory oversight supervision
18 authority of the Public Utilities Commission. Henceforth, the establishment *or*
19 modification of rates and other charges for the Port *shall* require the approval and
20 to limit required approval for rate increases to that of the Public Utilities
21 Commission, in accordance with those procedures applicable by law to the rate
22 making process for public utilities.

23 **Section 2.** §10104(j) and §10104(k) of Chapter 10 of Title 12, Guam Code
24 Annotated, are hereby *amended* to read:

25 “(j) Establish and modify from time to time, subject only to the
26 regulatory oversight supervision and approval of the Public Utilities
27 Commission, all rates, dockage, rentals, tolls, pilotage, wharfage and charges

1 for the use and occupation of the public facilities *or* appliances of the Port,
2 and for services rendered by the Port and to provide for the collection
3 thereof.”

4 “(k) Review the Manager’s annual estimates and schedules and
5 promptly adjust rates and charges prepared to recover the cost of each
6 facility and service, including interests, loan repayments, amortization of
7 depreciable assets and a reasonable return on value of assets. Additional
8 adjustments in rates may be made from time to time upon approval by the
9 Public Utilities Commission and its determination that such adjustments are
10 “just” and “reasonable”.”

11 **Section 4.** §12000(a) of Article 1, Chapter 12 of Title 12, Guam Code
12 Annotated, is hereby *amended* to read:

13 (a) *Public Utility* means the Guam Power Authority, the Jose D.
14 Leon Guerrero Commercial Port, the Guam Waterworks Authority or any
15 duly licensed private contractors operating: (i) a facility or subsystem of the
16 community-wide water production and distribution system, or (ii) a facility
17 or subsystem of the community-wide waste water disposal system, or both,
18 or any private golf course management corporation leasing public property
19 providing preferential golf rates and reservations to Guam residents, or (iii) a
20 marine terminal with facilities for loading and unloading commercial cargo
21 or passengers onto and from ocean common carriers.”

22 **Section 4.** §12001(a) of Article 1, Chapter 12 of Title 12, Guam Code
23 Annotated, is hereby *amended* to read:

24 “(a) *I Maga’Lahen Guåhan* [Governor of Guam] shall appoint, with
25 the advice and consent of *I Liheslaturan Guåhan* [Guam Legislature], two
26 (2) members from the business community of Guam; one (1) member who is
27 a certified public accountant; two (2) members, each of whom have training

1 or experience in at least one (1) of the following four (4) areas (power
2 generation, telephone, water/sewer utilities, or marine terminal
3 operations/transportation via ocean common carrier), with the additional
4 requirement that the two (2) members appointed each have training or
5 experience in a different area; and two (2) members who are from the
6 community at large.

7 *Except* for the initial term, the terms of such members shall be for six
8 (6) years. *No* member shall be a director, deputy director, appointed,
9 unclassified employee, any other unclassified employee of the government
10 of Guam, or a member of any other board or commission. The appointment
11 of any person to the Commission *shall* become void if at any time during
12 that person's term of office, that person shall become a director, deputy
13 director, appointed to any unclassified position in the government of Guam,
14 or accept appointment to any other board or commission."

15 **Section 5.** §12001.2(a) of Article 1, Chapter 12, of Title 12, Guam Code
16 Annotated, is hereby *amended* to read:

17 "(a) §§12001.1 through 12001.2, which shall be known as the
18 Ratepayers' Bill of Rights, shall in no way restrict the powers of the Public
19 Utilities Commission (Commission) granted in this Chapter to regulate or set
20 rates for a Public Utility. The Ratepayers' Bill of Rights sets conditions *only*
21 on the manner in which a Public Utility shall submit a proposed rate increase
22 to the Commission. No Public Utility, as defined in §12000 of this Chapter,
23 with the *exception* of the Guam Memorial Hospital, and the Jose D. Leon
24 Guerrero Commercial Port, may submit a proposed rate increase to the
25 Commission before complying with the mandates of this Section. This
26 Section shall *not* apply to the Guam Memorial Hospital and the Jose D. Leon
27 Guerrero Commercial Port. In the case of the Jose D. Leon Guerrero

1 Commercial Port, notice of any proposed changes in rates shall be made as
2 described in subsection (f) herein.”

3 **Section 6.** A new subsection (f) is hereby *added* to §12001.2, Article 1,
4 Chapter 12 of Title 12, Guam Code Annotated, to read as follows:

5 “(f) The Jose D. Leon Guerrero Commercial Port (the Port) *shall*
6 *not* submit any proposed rate change to the Commission until the following
7 actions have occurred:

8 (1) The Port *shall* publish notice of any proposed rate change in a
9 newspaper of general circulation, as defined in §8104 of
10 Chapter 8 of Title 5 of the Guam Code Annotated, Open
11 Government Law, at least sixty (60) days prior to submitting
12 the proposed rate change to the Commission. The notice
13 required herein *shall* include the Port’s intention to submit its
14 proposed rate change to the Commission, its current rate, the
15 proposed rate, the difference in the current and proposed rates
16 stated in percentage form, a justification for the change, and an
17 electronic mail address and physical location where comments
18 on the proposed rate change may be submitted; and

19 (2) The Port *shall* publish notice of any proposed rate change on
20 the Port’s official website at least sixty (60) days prior to
21 submitting the proposed rate change to the Commission. The
22 notice required herein *shall* include the Port’s intention to
23 submit its proposed rate change to the Commission, its current
24 rate, the proposed rate, the difference in the current and
25 proposed rates stated in percentage form, a justification for the
26 change, and an electronic mail address and physical location

1 where comments on the propose rate change may be
2 submitted.”

3 **Section 7.** A new subsection (g) is hereby *added* to §12015, Article 1,
4 Chapter 12 of Title 12, Guam Code Annotated, to read as follows:

5 “(g) Upon enactment of this Subsection (g), any existing rates and
6 other items and charges of the Jose D. Leon Guerrero Commercial Port (the
7 Port) shall continue to remain in effect unless and until modified in
8 accordance with the applicable provisions of this Chapter. Pursuant to its
9 oversight supervision, the Commission *shall* begin proceedings with the Jose
10 D. Leon Guerrero Commercial Port (the Port) to review and modify, or
11 establish rates and other items and charges set forth in Title 12 GCA
12 §10104(j), for the use of Port facilities or appliances. Until December 31,
13 2010, the Commission may establish interim rates and charges for the use of
14 Port facilities or appliances as may be necessary for estimated operation or
15 maintenance costs, required capital improvements, or other reasonable costs.
16 To establish any such interim rates or charges, the Commission may conduct
17 such investigation and hearings as it deems necessary pursuant to its powers
18 under Title 12 GCA §12004. *No later than* December 31, 2010, the Port
19 *shall* submit to the Commission the results from a study of existing rates,
20 charges and cost of services provided by the Port. The request for proposals
21 to study existing rates, charges and cost of services *shall* be subject to the
22 review and approval of the Commission prior to issuance; and any contract
23 entered into by the Port for such services *shall* be subject to the prior
24 approval of the Commission. Any modification to or establishment of rates
25 *shall* thereafter be implemented in accordance with the procedures set out in
26 this Chapter.”

1 **Section 8. Severability.** *If* any provision of this law or its application to
2 any person or circumstance is found to be invalid or contrary to law, such
3 invalidity shall *not* affect other provisions or applications of this law which can be
4 given effect without the invalid provisions or application, and to this end the
5 provisions of this law are severable.

6

I MINA' TRENTA NA LIHESLATURAN GUAHAN

2009 (FIRST) Regular Session

Date: July 2, 2009

VOTING SHEET

Bill No. 121(LS)

Resolution No. _____

Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
AGUON, Frank B., Jr.					EA
BLAS, Frank F., Jr.	✓				
CALVO, Edward J.B.					EA
CRUZ, Benjamin J. F.	✓				
ESPALDON, James V.					EA
GUTHERTZ, Judith Paulette	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera		✓			
RECTOR, Matthew <i>11</i>		✓			
RESPICIO, Rory J.	✓				
TAITAGUE, Telo	✓				
TENORIO, Ray	✓				
WON PAT, Judith T.	✓				

TOTAL

10 2 _____ _____ 3

CERTIFIED TRUE AND CORRECT:

Patricia C. Sanchez
Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
30th Guam Legislature • I Mina' Trenta Na Liheslaturan Guåhan

June 23, 2009

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina' Trenta Na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

2009 JUN 26 PM 2:27
Mun

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules 

RE: Committee Report – Bill No. 121 (LS)

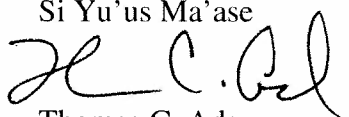
The Committee on Utilities, Transportation, Public Works, and Veterans Affairs, to which was referred **Bill No. 121 (LS) – “An act to amend section 10104 (j) of Chapter 10, Title 12 Guam Code Annotated; to amend sections 12000, 12001.2 and 12015 and add section 12001.2 (f) and 12015 (g) of Chapter 12, Title 12 Guam Code Annotated relative to placing the Jose D. Leon Guerrero Commercial Port under the oversight of the Public Utilities Commission”**, hereby reports out with the recommendation **TO PASS** the bill as introduced.


Transmitted herewith for your consideration and action is our committee report on the above subject matter.

The voting record is as follows:

- 4 To Pass
- 0 Not to Pass
- 1 To Report Out Only
- 0 Abstain
- 0 Inactive File

Copies of the Committee Report and other pertinent documents are attached. Thank you for your attention on this matter.

Si Yu'us Ma'ase

Thomas C. Ada

COR
RECEIVED
R106 23 09




Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
30th Guam Legislature • I Mina' Trenta Na Liheslaturan Guåhan

Committee Report

Bill No 121 (LS)



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
30th Guam Legislature • I Mina' Trenta Na Liheslaturan Guåhan

June 23, 2009

MEMORANDUM

To: All Members, Committee on Utilities, Transportation, Public Works and Veterans Affairs

From: Senator Thomas C. Ada, Chairperson, Committee on Utilities, Transportation, Public Works and Veterans Affairs

Subject: Voting Sheet for Bill No. 121 (LS)

Attached herewith for your information and voting is the Committee Report on:

Bill No. 121 (LS) – T.C. Ada

An act to amend section 10104 (j) of Chapter 10, Title 12 Guam Code Annotated; to amend sections 12000, 12001.2 and 12015 and add section 12001.2 (f) and 12015 (g) of Chapter 12, Title 12 Guam Code Annotated relative to placing the Jose D. Leon Guerrero Commercial Port under the oversight of the Public Utilities Commission.

Please take the appropriate action on the voting sheet. Should you have questions regarding the report or accompanying documents, please do not hesitate to contact me. Your attention and cooperation on this matter is greatly appreciated.

Si Yu'us Ma'ase,

Thomas C. Ada

Attachments: Committee Voting Sheet
Committee Report
Bill No. 121 (LS)
Public Hearing Sign-In Sheet
Notice of Public Hearing





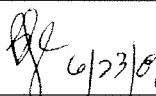


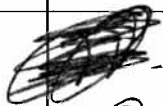
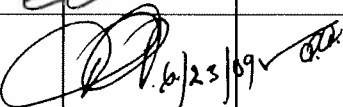
Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
 30th Guam Legislature • I Mina' Trenta Na Liheslaturan Guåhan

VOTING RECORD

Bill No. 121 (LS) – T.C. Ada

An act to amend section 10104 (j) of Chapter 10, Title 12 Guam Code Annotated; to amend sections 12000, 12001.2 and 12015 and add section 12001.2 (f) and 12015 (g) of Chapter 12, Title 12 Guam Code Annotated relative to placing the Jose D. Leon Guerrero Commercial Port under the oversight of the Public Utilities Commission.

Committee Members	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT OF COMMITTEE	ABSTAIN	INACTIVE FILE
Senator Thomas C. Ada, Chairman	 6/23/09	✓				
Senator Adolpho B. Palacios, Sr., Vice Chairman	 6/23/09	✓				
Senator Frank B. Aguon, Jr.						
Vice Speaker Benjamin J. F. Cruz	 6/23/09			✓ 		
Senator Tina Rose Muña-Barnes		✓				
Senator Rory J. Respicio						
Senator James V. Espaldon						
Senator Telo Taitague	 6/23/09	✓				
Senator Ray Tenorio						

Public Hearing

Bill No. 121 (LS) – T.C. Ada

An act to amend section 10104 (j) of Chapter 10, Title 12 Guam Code Annotated; to amend sections 12000, 12001.2 and 12015 and add section 12001.2 (f) and 12015 (g) of Chapter 12, Title 12 Guam Code Annotated relative to placing the Jose D. Leon Guerrero commercial port under the oversight of the Public Utilities Commission

I. Overview

The Committee on Utilities, Transportation, Public Works and Veterans Affairs convened on June 17, 2009 at 5:30 p.m. to hold a public hearing on Bill 121 (LS). Notice of the hearing was disseminated to all local media outlets via facsimile on June 10, 2009 and June 12, 2009, thus meeting the requirements of the Open Government Law. Notifications and subsequent follow-ups, were also sent out to the respective stakeholders for Bill 121(LS) on June 10, 2009 and June 12, 2009. Notice of the hearing was also posted on the Guam Legislature's website.

Committee Members and Senator present:

Senator Thomas C. Ada	Chairman
Senator Adolpho B. Palacios, Sr.	Vice Chairman
Senator Telo Taitague	Minority Member

Testimony submitted by:

Monte Mesa	Chairman, Board of Directors, PAG
Glenn Leon Guerrero	General Manager, PAG
Rowena Perez	Commissioner, PUC
Frank Campillo	Chairman, Board of Director for Guam Chamber for Commerce
Port Users Group Guam	

II. Summary of Testimonies

Monte Mesa:

Provided oral and written testimony (attached)

Mr. Monte Mesa, Chairman of the Board, submitted testimony on behalf of the Board of Directors for the Port Authority of Guam. He expressed their full support for Bill 121. Mr. Mesa highlighted that Bill 121 is an appropriate and timely legislation that would benefit the Port's modernization effort. His testimony outlined two main reasons why this legislation is beneficial for the Port's future: 1) There is the long-term stability of insuring that the Port moves on its improvement plan, such that it continues to have the ability to make improvements and finance those improvements through the adjustment of the tariff rates; 2) The Port needs to establish a financial credibility and bring instill confidence onto the lending institution by showing that there is a system in place to ensure that there is an ability of the Port to pay back debt service should it go out to the

bond market. Mr. Mesa mentioned that this was important because the \$200 million Modernization project needed to address the natural economic growth of the Port and the impending military buildup will certainly depend on some source grants or federal funding. Furthermore, Mr. Mesa explained that the conclusions from the Financial Feasibility study for the Port modernization project recommended that the tariff rates would need to be periodically adjusted and that an appropriate body will need to have oversight of these adjustments. He also mentioned that the stakeholders at the Port recommended that the tariff requests should be moved to a board similar to the PUC or to the Port Board of Directors. Therefore, it was affirmed that the Port Authority of Guam, via the BOD, supports the legislation to move the rates setting process under the review of the PUC and emphasizing that it is a crucial element in the Port's efforts to become a world-class facility.

Glenn Leon Guerrero:

Provided oral and written testimony (attached)

Mr. Glenn Leon Guerrero, General Manager for the Port Authority of Guam, expressed support for Bill 121 on behalf of the Port and thanked the Committee for moving forward with the legislation. He iterated that the Port has not had a tariff rate adjustment in 16 years and within that timeframe, attempts to increase the rates have been rejected. It was stated in his testimony that the Port struggles financially to meet the demands of the increased service to the people of Guam and the Port modernization effort, without a periodic tariff rate adjustment to support the growing cost of such actions. Mr. Leon Guerrero acknowledged that the PUC was created 10 years ago and had shown a successful track record as a regulatory rate governing body for GWA and GPA. He conveyed his support for Bill 121 by expressing the need for an efficient and comprehensive mechanism that would address rate setting issues for the port, especially since the Port is going through a \$200 million modernization project.

Mr. Leon Guerrero made mention that a study conducted in 2003, in addition to the Financial Feasibility study, recommended that the Port move the decision making on the tariff rates to another body to determine the required adjustments. His testimony presented data indicating that container and break bulk volumes are expected to increase dramatically (75% and 125% respectively) from 2010 to 2016. He further detailed that after the military buildup, the volumes will remain 50% higher than numbers from 2007. He also stated that increases in productivity, efficiencies created by the proposed new terminal, operating cost for cargo and capital improvements projects will have an effect on the financial position of the Port. He stressed that tariff increases are critical to address the growing demands that the port will face in the coming years. In his testimony, he communicated that even in the peak of the buildup, the cargo revenues will be insufficient to finance the Master Plan CIP and that a periodic tariff adjustment would help maintain a positive financial performance for the Port.

The testimony reads that the Financial Feasibility consultants found that a periodic tariff increase is vital for the Port's financial stability. They further acknowledged that other U.S. seaports delegated the authority of rate setting to their Boards or Commissions, which is supported by the PAG stakeholders. Mr. Leon Guerrero concluded that the Port

Authority of Guam feels that PUC would be the appropriate body to have oversight on any potential tariff increase in the future and seeks the support from the Legislative body.

Rowena Perez:

Provided oral Testimony

Ms. Rowena Perez testified on behalf of the PUC and expressed support for Bill 121. She informed the Committee that Bill 121 has been under review between the PAG and PUC Management and legal counsels during the drafting of this legislation. She stated that several working meetings were conducted between each agency and the Committee Chairperson to address any issues that were present. She feels confident that Bill 121 as introduced has fulfilled both the PAG and PUC's concerns and found that all parties are in great support of this legislation.

Guam Chamber of Commerce:

Provided written testimony (attached)

Mr. Frank Campillo, Chairman of the Board, submitted testimony on behalf of the Chamber of Commerce that expressed support for Bill 121. The Chamber of Commerce is encouraged by the proposed legislation because it would remove a financial obstacle that the Port continues to face as it moves to become a world-class port. The testimony made mention that the future financial performance for the Port of Guam is extremely sensitive to their tariff pricing actions and thus, the regulation under the PUC would create a fair process in the periodic tariff increases that is recommended for the Port to implement. The Chamber of Commerce declared that regulation under the PUC would also create a stable financial position that would increase the Port's eligibility for additional funding required to finance the modernization project.

Port Users Group Guam:

Provided written testimony (attached)

PUUG are representatives from the shipping industry that are principle stakeholders of the Port of Guam. Their collective testimony expressed support for Bill 121, with the expectation that the PUC would fairly execute the tariff adjustments. They commend the Legislature for its effort to help the Port manage the rate setting process through the PUC. They stated that, as customers of the Port, they are confident by the Port's progress in its modernization efforts and believe that Bill 121 will further assist this task by increasing the Port's eligibility for additional funding necessary for the modernization project.

Questions and Answers:

Senator Ada yields the floor to Senator Taitague for questions.

Senator Taitague referenced Mr. Leon Guerrero's testimony regarding the use of Boards or Commission to regulate tariff rates on other U.S. Port. She then asked why the Port decided to go to transfer this authority to the PUC instead of leaving it with their Board of Directors.

Monte Mesa answered that the Board did contemplate exercising its authority, but they are looking at a long-term solution and a mechanism that is fundamentally sound for moving the Port forward in its modernization. He stated that as Board members change, there is the opportunity for different visions or internal conflicts within the Board as to the direction of the Port's future. He believes that the legislation would provide a consistent rate reviewing process that would be instrumental in assisting the monumental task of the Port Modernization plan. He further stated that the Board supports a third party authority on rate review because it was more likely that the agency would be take an objective and practical standpoint in regards to the review of tariffs. Mr. Mesa mentioned that the current process of rate review goes through the Board, then to the Legislature for final approval. It was expressed in his testimony that this process would be better suited outside of the political arena. The decisions of the legislature in terms of approving the rate proposal may affect the ability of the Port to do capital improvement projects if the proposal is denied, which he mentioned had previously occurred. Mr. Mesa stated that the Board felt that the PUC is an established body that has a proven track record with GPA and GWA and they are confident that they will provide the same quality service for the Port Authority.

Senator Taitague asked how many years does the PAG Board and the PUC terms last?

Monte Mesa replied that terms last for three years, while the PUC board term is for six years.

Senator Taitague asked who would cover the cost in regards to the specialist that the PUC would hire for the review process for the Commercial Port? Will the cost be burdened by the Port?

Monte Mesa replied that the Port will pay for that cost, but if the Port does the review itself, it would also have to pay for the consultants to make the review. In reviewing the attached costs of being under the PUC oversight, the Board believes that, although the cost is paid up front, it is a worthy investment to provide the long-term viability and financial strength for the Port.

Senator Taitague asked the Port if they will have a say on whom the PUC will choose as consultants; will they have a say in the process.

Monte Mesa mentioned that the Port currently has consultants that are helping the the Port through the modernization period and believes that they will provide the support as needed.

Senator Taitague thanks the panel and yields the floor to Senator Ada.

Senator Ada clarified that the current process for rate adoption by the Port is through the "Triple A" (adjudication process). It is adopted by the Board, transmitted to the Governor for approval and then finally transmitted to the Legislature for approval. Once in the Legislature, they would have 90 days to act on the proposal. Senator Ada

explained that each time that the Board adopted a rate change proposal from the Port it had never passed the Governor's office. He commended the Port for being supportive of this legislation as it would cut both ways, as he stressed that they are now inviting a third party to have oversight for rate review for the Port. Although the Port currently has the Governor and the Legislature for oversight, the PUC would look at the proposal through an objective viewpoint. Senator Ada stated that Bill 121 proposes to put more constraints on the Port, in that, if they decide to enter into a contract or procurement above a certain threshold of \$1.5M, the PUC will have to review this agreement. However, this review is based on the perspective of how it would affect the operating expenses and the rate adjustment that would be needed. Currently, the Board has the authority to approve such transaction. Senator Ada, further detailed that the additional cost of being under the oversight of the PUC is a sound investment because the review process will be validated by an independent third party agency. This mechanism would satisfy many bond covenants or agreements that require such third party review of rates. Senator Ada mentioned that the PUC has an established set of protocols that withstood the test of time and so he expressed full confidence with the PUC as the oversight body. He reiterated that the third party validation is a very important part in the process for rate review. Senator Ada concluded that although the PUC will decide what the rates will be, the Board would still have the authority to approve the proposal from the Port. He stated that the Port should acknowledge and recognize that they are inviting a third party for the rate setting process and from his viewpoint Senator Ada is in full support of this.

Senator Ada yields the floor to Senator Palacios.

Senator Palacios expressed his full support for the legislation and the Port's decision to go under the oversight of the PUC.

Senator Ada stated for the record that there has been a lot of dialogue between the Committee, the Port and PUC in regards to the legislation. The concept has been vetted by all the stakeholders. The Chamber of Commerce provided written testimony in support of Bill 121 and the result of a Port Users' poll will be included in the Committee report. All the testimony will be taken into consideration and if necessary, the legislation will be adjusted.

Senator Ada adjourned the Public Hearing for Bill 121 at 6:32pm

III. Findings and Recommendation

The Committee on Utilities, Transportation, Public Works and Veterans Affairs finds that the general consensus of the testimony from the Port General Manager, the Board of Directors, the Port Users Group and the Chamber of Commerce are in favor of Bill 121.

They expressed a central concern that the Port would need to prepare for its natural economic growth, the impending military buildup and the Port Modernization by establishing a mechanism that would address tariff rate adjustments. They all believe that the transfer of oversight authority to the PUC for rate settings adjustments of the tariffs will benefit the Port's financial future by establishing a stable environment necessary for the modernization project. Testimony from Rowena Perez, PUC commissioner, also provided support for Bill 121 and assured the Committee that the PUC would be able to undertake the Port's rate setting matters in an efficient and effective process. The Committee finds that it is the foremost objective of the Port to facilitate the modernization efforts that will be of critical importance within the immediate years and to ensure its financial future as Guam's only commercial seaport. In passing this legislation, the Committee finds that the benefits of oversight from the PUC regarding the Port Authority related rates would surely support their efforts in becoming a world-class port.

The Committee on Utilities, Transportation, Public Works, and Veterans Affairs, to which was referred **Bill No. 121 (LS) - An act to amend section 10104 (j) of Chapter 10, Title 12 Guam Code Annotated; to amend sections 12000, 12001.2 and 12015 and add section 12001.2 (f) and 12015 (g) of Chapter 12, Title 12 Guam Code Annotated relative to placing the Jose D. Leon Guerrero commercial port under the oversight of the Public Utilities Commission**, finds support for the bill and hereby submits its finding and recommendations to *I Mina' Trenta Na Liheslaturan Guåhan* **TO PASS** the bill as introduced.

I MINA' TRENTA NA LIHESLATURAN GUÅHAN
2009 (First) REGULAR SESSION

Bill No. 1-21 (48)

Introduced by:

T.C. Ada

2009 MAY 29 PM 3:54

AN ACT TO AMEND SECTION 10104 (j) OF CHAPTER 10, TITLE 12 GUAM CODE ANNOTATED; TO AMEND SECTIONS 12000, 12001.2 AND 12015 AND ADD SECTION 12001.2 (f) AND 12015 (g) OF CHAPTER 12, TITLE 12 GUAM CODE ANNOTATED RELATIVE TO PLACING THE JOSE D. LEON GUERRERO COMMERCIAL PORT UNDER THE OVERSIGHT OF THE PUBLIC UTILITIES COMMISSION.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that it is imperative that the Port Authority of Guam (PAG) be able to effectively adjust its tariffs for port operations and services to cover its cost of operation and to generate revenues for capital improvements.

The last adjustment to the Port's tariff schedule was in 1993, excepting its 2009 adjustment of rates for leasing of office, warehouse, and yard space. Although the cost of operations has increased substantially over a period of 16-years, tariffs were not adjusted to adequately cover these costs.

As the Port moves towards the implementation of its Port Modernization Master Plan, the Port will need to generate adequate revenues to fund an estimated \$200 million capital improvement undertaking. Consequently, tariffs will have to be adjusted accordingly.

1 *I Liheslaturan Guåhan* finds that including the Port as a public utility under
2 the regulatory oversight supervision of the Public Utilities Commission (created by
3 P.L. 17-74), will provide the Port a method for timely review of proposed rate
4 changes and appropriate oversight of such rate changes by an independent
5 regulatory authority.

6 It is therefore the intent of *I Liheslaturan Guåhan* to include the Jose D.
7 Leon Guerrero Commercial Port within the regulatory oversight supervision
8 authority of the Public Utilities Commission. Henceforth, the establishment or
9 modification of rates and other charges for the Port shall require the approval and
10 to limit required approval for rate increases to that of the Public Utilities
11 Commission, in accordance with those procedures applicable by law to the rate
12 making process for public utilities.

13 **Section 2. Amendment of Section 10104(j) of Chapter 10 of Title 12 of**
14 **the Guam Code Annotated.** Section 10104(j) of Chapter 10, Title 12, Guam
15 Code Annotated is hereby amended to read:

16 “§ 10104. Same. Duties.

17 (j) Establish and modify from time to time, subject only to the
18 regulatory oversight supervision and approval of the Public Utilities
19 Commission, Fix all rates, deockage, rentals, tolls, pilotage, wharfage and
20 charges for the use and occupation of the public facilities or appliances of
21 the Port, and for services rendered by the ~~Authority~~ Port and to provide for
22 the collection thereof.

23 (k) Review the Manager’s annual estimates and schedules and
24 promptly adjust rates and charges prepared to recover the cost of each
25 facility and service including interests, loan repayments, amortization of
26 depreciable assets and a reasonable return on value of assets. Additional

1 adjustments in rates may be made from time to time as ~~warranted~~ upon
2 approval by the Public Utilities Commission and its determination that such
3 adjustments are “just” and “reasonable.”

4 **Section 3. Amendment of Sections 12000(a), 12001(a), and**
5 **12001.2(a) of, and addition of Sections 12001.2(f) and 12015(g) to,**
6 **Article 1 of Chapter 12, Title 12 of Guam Code Annotated.**

7 Section 12000(a) of Article 1, Chapter 12 of Title 12, Guam Code
8 Annotated is hereby amended to read:

9 **“§ 12000. Definitions.**

10 As used in this Chapter:

11 (a) *Public Utility* means the Guam Power Authority, the Jose D.
12 Leon Guerrero Commercial Port, the Guam Waterworks Authority or any
13 duly licensed private contractors operating: (i) a facility or subsystem of the
14 community-wide water production and distribution system, or (ii) a facility
15 or subsystem of the community-wide waste water disposal system, or both,
16 or any private golf course management corporation leasing public property
17 providing preferential golf rates and reservations to Guam residents, or (iii) a
18 marine terminal with facilities for loading and unloading commercial cargo
19 or passengers onto and from ocean common carriers.”

20 Section 12001(a) of Article 1, Chapter 12 of Title 12 Guam Code
21 Annotated is hereby amended to read:

22 “(a) *I Maga’Lahen Guåhan* [Governor of Guam] shall appoint, with
23 the advice and consent of *I Liheslaturan Guåhan* [Guam Legislature], two
24 (2) members from the business community of Guam; one (1) member who is

1 a certified public accountant; ~~one (1)~~ two (2) members, ~~who has managerial~~
2 ~~or engineering experience in the field of power generation; one (1) member~~
3 ~~who has each of whom have training or and experience in the field of~~
4 ~~telephone, water or sewer utilities management, or related~~ at least one of the
5 following four areas (power generation, telephone, water/sewer utilities, or
6 marine terminal operations/transportation via ocean common carrier), with
7 the additional requirement that the two members appointed each have
8 training or experience in a different area; and two (2) members who are from
9 the community at large.

10 Except for the initial term, the terms of such members shall be for six
11 (6) years. No member shall be a director, deputy director, appointed,
12 unclassified employee, any other unclassified employee of the government
13 of Guam, or a member of any other board or commission. The appointment
14 of any person to the Commission shall become void if at any time during
15 that person's term of office, that person shall become a director, deputy
16 director, appointed to any unclassified position in the government of Guam,
17 or accept appointment to any other board or commission."

18 Section 12001.2(a) of Article 1, Chapter 12, of Title 12, Guam Code
19 Annotated is hereby amended to read:

20 "(a) Sections 12001.1 through 12001.2, which shall be known as the
21 Ratepayers' Bill of Rights, shall in no way restrict the powers of the Public
22 Utilities commission ('Commission') granted in this Chapter to regulate or
23 set rates for a Public Utility. The Ratepayers' Bill of Rights sets conditions
24 *only* on the manner in which a Public Utility shall submit a proposed rate
25 increase to the Commission. No Public Utility, as defined in §12000 of this

1 Chapter, with the *exception* of the ~~Guam Memorial Hospital~~, Jose D. Leon
2 Guerrero Commercial Port, may submit a proposed rate increase to the
3 Commission before complying with the mandates of this Section. This
4 Section shall *not* apply to the ~~Guam Memorial Hospital~~ Jose D. Leon
5 Guerrero Commercial Port. In the case of the Jose D. Leon Guerrero
6 Commercial Port, notice of any proposed changes in rates shall be made as
7 described in subsection (f) herein.”

8 A new subsection (f) is hereby added to Section 12001.2, Article 1,
9 Chapter 12 of Title 12, Guam Code Annotated as follows:

10 “(f) The Jose D. Leon Guerrero Commercial Port (the “Port”) shall
11 not submit any proposed rate change to the Commission until the
12 following actions have occurred:

13
14 (i) The Port shall publish notice of any proposed rate
15 change in a newspaper of general circulation, as defined
16 in §8104 of Chapter 8 of Title 5 of the Guam Code
17 Annotated, Open Government Law, at least sixty days
18 prior to submitting the proposed rate change to the
19 Commission. The notice required herein shall include
20 the Port’s intention to submit its proposed rate change to
21 the Commission, its current rate, the proposed rate, the
22 difference in the current and proposed rates stated in
23 percentage form, a justification for the change, and an
24 electronic mail address and physical location where

1 comments on the proposed rate change may be
2 submitted; and

3
4 (ii) The Port shall publish notice of any proposed rate change
5 on the Port’s official website at least sixty days prior to
6 submitting the proposed rate change to the Commission.
7 The notice required herein shall include the Port’s
8 intention to submit its proposed rate change to the
9 Commission, its current rate, the proposed rate, the
10 difference in the current and proposed rates stated in
11 percentage form, a justification for the change, and an
12 electronic mail address and physical location where
13 comments on the propose rate change may be submitted.”

14
15 A new subsection (g) is hereby added to Section 12015, Article 1,
16 Chapter 12 of Title 12 Guam Code Annotated is hereby added as follows:

17 **“§ 12015. Regulation of Rates.**

18 (g) Pursuant to its oversight supervision, the Commission shall
19 begin proceedings with the Jose D. Leon Guerrero Commercial Port (the
20 “Port”) to review and modify or establish rates and other items and charges
21 set forth in 12 GCA §10104(j), for the use of Port facilities or appliances.
22 Until December 31, 2010 the Commission may establish interim rates and
23 charges for the use of Port facilities or appliances as may be necessary for
24 estimated operation or maintenance costs, required capital improvements, or

1 other reasonable costs. To establish any such interim rates or charges, the
2 Commission may conduct such investigation and hearings as it deems
3 necessary pursuant to its powers under 12 GCA §12004. No later than
4 December 31, 2010 the Port shall submit to the Commission the results from
5 a study of existing rates, charges and cost of services provided by the Port.
6 The request for proposals to study existing rates, charges and cost of services
7 shall be subject to the review and approval of the Commission prior to
8 issuance; and any contract entered into by the Port for such services shall be
9 subject to the prior approval of the Commission. Any modification to or
10 establishment of rates shall thereafter be implemented in accordance with
11 the procedures set out in this Chapter.”

12

13 **Section 4. Severability.** If any provision of this law or its application to
14 any person or circumstance is found to be invalid or contrary to law, such
15 invalidity shall not affect other provisions or applications of this law which can be
16 given effect without the invalid provisions or application, and to this end the
17 provisions of this law are severable.



FELIX P. CAMACHO
Governor of Guam

MICHAEL W. CRUZ
Lieutenant Governor of Guam

PORT AUTHORITY OF GUAM
ATURIDAT I PUEYTON GUAHAN
Jose D. Leon Guerrero Commercial Port
GOVERNMENT OF GUAM
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Fiti, Guam 96915



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Webpage: www.portofguam.com

June 17, 2009

The Honorable Thomas C. Ada
Majority Whip
Chairman, on Utilities, Transportation, Public Works and Veterans Affairs
Ste. 207 Ada Plaza Ctr.
173 Aspinall Ave.
Hagåtña, Guam 96910

Re: Testimony on Bill No. 121 (LS) relative to placing the Jose D. Leon Guerrero Commercial Port under the oversight of the Public Utilities Commission

Hafa Adai Mr. Chairman and Members of the Committee:

For the record, my name is Monte Mesa, Chairman of the Board of Directors for the Port Authority of Guam. I appear before you this evening in full support of Bill No. 121(LS) which would place the oversight of the tariff structure of the Jose D. Leon Guerrero Commercial Port under the Public Utilities Commission.

Senators, this legislation could not have come at a more appropriate time for the Port and the people of our island. As many of you know, the Port is on the verge of greatness with more than \$200 Million in upgrades planned for a major modernization overhaul. These upgrades are needed in order to prepare our island for our natural economic growth and for the upcoming military buildup. We know this buildup will place an enormous burden on our port so we must do everything we can to carry out the proper upgrades to ensure that the flow of cargo through our island's only commercial port remains uninterrupted.

Committee members, studies conducted over the years have all pointed to the need for periodic reviews of the Ports tariffs and the need to consider adjustments at the appropriate times. More recently, our Financial Feasibility study concluded that we will need to adjust tariff rates and that a more appropriate body will be needed to hear the requests and determine whether the tariff adjustments are financially justified. More importantly, we ensure that the island's quality of life is enhanced and minimize the financial impact to our community.

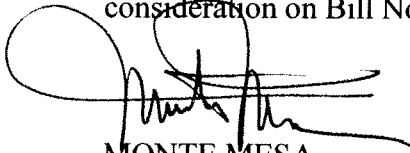
Our financial feasibility consultants interviewed many of our stakeholders at the Port and they recommended two different viable options for the review of our tariffs. The first was a

recommendation to have the tariff requests moved before a board similar to the PUC. The other option recommended was to have the tariff requests go before the Port Board of Directors, such as is practiced at the Guam International Airport Authority.

The Port Authority of Guam supports the concept of moving these requests to the PUC, which is recommended in Bill No. 121(LS). We believe that this is the appropriate venue for these matters and we are confident that a successful passage of Bill No. 121(LS) will be a crucial element in our efforts to transform the Port into a world-class facility.

Joining me tonight is our General Manager Glenn Leon Guerrero, along with our Port personnel, who are prepared to help answer questions you may have about this piece of legislation.

On behalf of the Port Board of Directors, I thank you for the opportunity to present testimony on this important issue and I thank you in advance for your positive consideration on Bill No. 121(LS).

A handwritten signature in black ink, appearing to read 'Monte Mesa', with a large, stylized flourish on the left side.

MONTE MESA
Chairman, Board of Directors
Port Authority of Guam



FELIX P. CAMACHO
Governor of Guam

MICHAEL W. CRUZ
Lieutenant Governor of Guam

PORT AUTHORITY OF GUAM
ATURIDAT I PUEYTON GUAHAN
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Webpage: www.portofguam.com

June 17, 2009

The Honorable Thomas C. Ada
Majority Whip
Chairman, on Utilities, Transportation, Public Works and Veterans Affairs
Ste. 207 Ada Plaza Ctr.
173 Aspinall Ave.
Hagåtña, Guam 96910

Re: Testimony on Bill No. 121 (LS) relative to placing the Jose D. Leon Guerrero Commercial Port under the oversight of the Public Utilities Commission

Hafa Adai!

Mr. Chairman, Committee Members, Senators, I want to thank you for this opportunity to provide testimony on behalf of the Port Authority of Guam in support of Bill Number 121 (LS), an act relative to placing the Jose D. Leon Guerrero Commercial port under the oversight of the Public Utilities Commission. My name is Glenn A. Leon Guerrero and I am the General Manager of the Port Authority of Guam. I would like to personally thank you for your efforts to move this legislation forward.

As you may know, the Port Authority of Guam has not had an adjustment to our tariff rates in 16 years. Our last adjustment was in 1993. During that time, our tariff was amended to reflect changes to our invoicing from a weight-based revenue ton invoice to box rate. Due to the lack of any recent increase in tariffs, we have struggled financially as we strive to improve our agency and the services we provide to the people of Guam. The current process is extremely lengthy and challenging and attempts to increase our rates since that time has been rejected.

In this proposed legislation, the Port Authority of Guam would simply go to the entity that was created specifically for these types of matters - the Public Utilities Commission.

The PUC was created more than 10 years ago for the purpose of setting the rates for the utilities. The PUC has already proven its ability to perform this function and has created the necessary protocols to ensure that an agency completes all the necessary pre-requisites before even applying for an increase.

That entity has established a clear ability to determine whether rate increase requests are reasonable and justified and have acted accordingly, especially when dealing with the Guam Waterworks and the Guam Power Authority.

It is so important that today, during this time on Guam when so much is changing, that we have an appropriate avenue for these types of requests. As you know, the Port has aggressively begun efforts to modernize our island's only commercial sea port. Plans to invest more than \$200 million in upgrades are planned. As we strive to prepare our commercial sea port for our natural organic growth and the upcoming military buildup, we must ensure that there is an appropriate vehicle for consideration of any potential tariff increases.

A study conducted by the Cornell Group in 2003 even recommended that we move the decision making on our tariffs to another body to determine the need to adjust our schedules and our recent Financial Feasibility study noted the need for adjustments and a change in review process. The study, when analyzing the port's future operating finances, indicated that as a result of the DOD buildup, volumes are projected to increase dramatically from 2010 to 2016. Container volumes are projected to increase as much as 75% and break bulk volumes are projected to increase as much as 125%. After the DOD construction buildup, container volumes will remain at least 50% higher compared with 2007. Consequently, revenues from cargo operations are projected to increase rapidly, especially during the DOD buildup. At the same time, because of the higher productivity and efficiencies created by the proposed new terminal, direct operating expenses for cargo operations are projected to increase at a slower rate. The combined result is that unencumbered cash flow available for maintenance/replacement capital and Master Plan CIP bond/loan payments is expected to more than triple during the buildup without the benefit of any tariff increases and after cost escalations.

The study further noted that with relatively modest tariff increases, cash flow could quintuple at the peak and triple in the out years. However, it further found that despite this, there is still insufficient cargo to finance the entire Master Plan CIP improvements purely from future cash flows at today's tariff rates. The study concluded that the feasibility of financing any significant portion of the Master Plan CIP is most sensitive to future tariff pricing policy and structure.

The Financial Feasibility consultants found that it is inevitable that periodic tariff increases will be needed to maintain positive financial performance. Again, industry standard practice is to review costs, revenues and pricing on an annual or at least five-year basis and implement tariff adjustments when and where appropriate. They also noted that it is critical that the Port be provided a mechanism to make continuing tariff adjustments on an annual basis to keep up with changes in costs without the need to have these changes approved by the Legislature and Governor. Most ports in the U.S. delegate the authority to increase tariffs to their Boards or Commission. The consultants met with our Port stakeholders who recommended that our tariffs go through either a PUC type arrangement similar to that followed by GPA or the Airport model which allows for increasing rates at the board level.

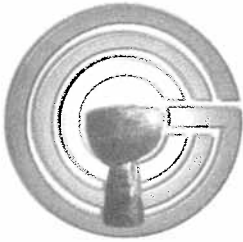
As such, the Port Authority of Guam feels that the PUC would be the appropriate body to have oversight on any potential tariff increases in the future due to their proven track record of making appropriate adjustments to utilities in order to sustain existing capacity and even encourage growth.

For these reasons and many others, I ask you to continue to support the Port Authority of Guam and to pass this legislation quickly.

Thank you and Si Yu'os Ma ase.

A handwritten signature in black ink, appearing to read 'GLENN A. LEON GUERRERO', written over the printed name.

GLENN A. LEON GUERRERO
General Manager
Port Authority of Guam



GUAM CHAMBER OF COMMERCE
PARTNERS IN PROGRESS

June 17, 2009

THE HONORABLE THOMAS C. ADA
Chairman
Committee on Utilities, Transportation, Public Works and Veterans Affairs
I Mina' Trenta Na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

**RE: BILL NO. 121 – RELATIVE TO PLACING THE JOSE D. LEON GUERRERO
COMMERCIAL PORT UNDER THE OVERSIGHT OF THE PUBLIC UTILITIES
COMMISSION**


Dear Senator Ada,

On behalf of the Board of Directors and Members of the Guam Chamber of Commerce, we would like to thank you for the opportunity to submit comments on Bill No. 121, relative to placing the Jose D. Leon Guerrero Commercial Port of Guam under the oversight of the Public Utilities Commission (PUC). We are encouraged by this proposed legislation, as it attempts to remove one of the many financial obstacles preventing the Port of Guam from becoming a world-class port.

The Chamber is supportive of action that seeks to continue the forward progress of the Port modernization process. According to the Master Plan Financial Feasibility Study, future financial performance for the Port of Guam is extremely sensitive to their tariff pricing actions, and it is recommended that periodic tariff increases be implemented to maintain positive financial performance. Furnishing regulatory authority to the PUC creates a fair process for tariff increases based on actual costs. We are hopeful that by creating a stable financial position, the Port of Guam will increase its eligibility for additional funding required to finance the modernization process.

The Port of Guam is a vital resource for our island, bringing in more than 90% of Guam's goods and supplies. Since 2007, the Guam Chamber of Commerce has worked in partnership with the Port of Guam to update its modernization plan. We are encouraged by the progress made thus far to prepare for the modernization process and we will continue to monitor future developments into the implementation stage.

Sincerely,


FRANK J. CAMPILLO
Chairman of the Board

Cc: Mr. Monte Mesa, Chairman, Port Authority of Guam Board
All Senators, 30th Guam Legislature

PORT USERS GROUP GUAM



June 18, 2009

THE HONORABLE THOMAS C. ADA
Chairman
Committee on Utilities, Transportation, Public Works and Veterans Affairs
I Mina' Trenta Na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

RECEIVED
6/18

**RE: BILL NO. 121 – RELATIVE TO PLACING THE JOSE D. LEON GUERRERO
COMMERCIAL PORT UNDER THE OVERSIGHT OF THE PUBLIC UTILITIES
COMMISSION**

Dear Senator Ada,

The Port Users Group Guam (PUGG) would like to thank you for the opportunity to offer comments on Bill No. 121 – relative to placing the Jose D. Leon Guerrero Commercial Port under the oversight of the Public Utilities Commission (PUC). As users of the Port, we applaud your efforts in helping the port to manage its rate setting process as the port seeks to transform itself into a modern and more efficient port.

The PUGG stands in support of this legislation with the expectation that the tariff adjustment process through the PUC is executed fairly. As customers of the port, we are confident by the progress the Port Authority has made in its modernization plans and believe that the regulatory powers given to the PUC will have a positive effect on the ports financial performance and increase its eligibility for additional funding necessary to the modernization project.

The Port Users Group continues to offer its knowledge and thoughts to the Port Authority of Guam in support of common operational goals, as well as, their preparation for the military and organic growth of Guam and the region.

Thank you again for your time and kind attention.

Sincerely,

The Port Users Group of Guam

Greg David, Ambyth Shipping

Ariel Dumapat, Inchcape Shipping

Richard Sablan, Marianas Steamship

Paul Blas, Sea Bridge Inc.

Hugh Healey, Horizon Lines

Desmond Aw, Mariana Express Lines

Len Isotoff, Matson Navigation



COMMITTEE ON RULES

I Mina'Trenta na Liheslaturan Guåhan • 30th Guam Legislature

155 Hesler Place, Hagatña, Guam 96910 • tel: (671)472-7679 • fax: (671)472-3547 • roryforguam@gmail.com

2009 JUN -2 PM 3:47

Ww

**SENATOR
RORY J.
RESPICIO
CHAIRPERSON**

June 1, 2009

**SENATOR
Judith P. Guthertz
VICE
CHAIRPERSON**

Memorandum

**MAJORITY
MEMBERS:**

To: Clerk of the Legislature
I Mina'Trenta Na Liheslaturan Guåhan

Judith T. Won Pat
SPEAKER

Attorney Therese M. Terlaje, Legislative Legal Counsel
I Mina'Trenta Na Liheslaturan Guåhan

Benjamin J. F. Cruz
VICE SPEAKER

From: Senator Rory J. Respicio *[Signature]*
Chairperson, Committee on Rules
I Mina'Trenta Na Liheslaturan Guåhan

Tina Rose Muña Barnes
LEGISLATIVE SECRETARY

Subject: Referral of Bill Nos. 121(LS) and 122(LS)

Thomas C. Ada
SENATOR

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 121(LS) and 122(LS).

Frank B. Aguon, Jr.
SENATOR

Please ensure that the subject Bills are referred, in my name, to the respective Chairpersons, as shown on the attachment. I am also requesting that the same be forwarded to all Senators of *I Mina'Trenta Na Liheslaturan Guåhan*.

Adolpho B. Palacios, Sr.
SENATOR

Vicente C. Pangelinan
SENATOR

Should you have any questions, please contact Elaine Tajalle or Stephanie Mendiola from my office.

Matthew Rector
SENATOR

Si Yu'os Ma'åse.

**MINORITY
MEMBERS:**

Attachment

Frank F. Blas, Jr.
SENATOR

James V. Espaldon
SENATOR

Bill/Resolution Introduction/Referral

Bill	Sponsor	Description	Date Introduced	Date Referred	Committee Referred
121(LS)	T. C. Ada	An act to amend Section 10104 (j) of Chapter 10, Title 12 Guam Code Annotated; to amend Sections 12000, 12001.2 and 12015 and add Section 12001.2 (f) and 12015 (g) of Chapter 12, Title 12 Guam Code Annotated relative to placing the Jose D. Leon Guerrero Commercial Port under the oversight of the Public Utilities Commission.	5/29/09	6/01/09	Committee on Utilities, Transportation, Public Works, and Veterans Affairs
122(LS)	v. c. pangelinan	An act to impose a temporary moratorium on the issuance of commercial leases from the Chamorro Land Trust Commission.	6/01/09	6/01/09	Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land

Public Hearing Notices



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
30TH Guam Legislature • *I Mina' Trenta Na Liheslaturan Guåhan*

June 22, 2009

MEMORANDUM

To All Committee Members:

The Committee on Utilities, Transportation, Public Works and Veterans Affairs will be conducting a Mark-up meeting for **Bill 142: AN ACT TO ADOPT THE PERSONNEL RULES AND REGULATIONS FOR MARITIME-RELATED POSITIONS UNIQUE TO PORT OPERATIONS AND CERTIFIED, TECHNICAL AND PROFESSIONAL POSITIONS AS REQUIRED BY PUBLIC LAW 29-24 AND AS RECEIVED BY THE LEGISLATIVE SECRETARY OF *I MINA' TRENTA NA LIHESLATURAN GUÅHAN* ON MAY 14, 2009, AND TO AUTHORIZE COMPENSATION AND BENEFIT ADJUSTMENTS.** This meeting will be held in the conference room of Senator Thomas Ada on June 24, 2009, Wednesday at 8:00 am. To make appropriate accommodations, we kindly request that you send an RSVP to ajsunga@senatorada.org or call 473-3301. Please address any questions or concerns to our office. Thank you for your participation.

Si Yu'os Ma'ase,

Thomas C. Ada



Senator Tom Ada

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CALENDAR: 6/17/09 & 6/18/09, Public Hearing

From: Nicole Santos <nsantos@senatorada.org>
To: judiguthertz@pticom.com, senjim@ite.net, "Adolpho B. Palacios" <senabpalacios@gmail.com>, Ben Pangelinan <senbenp@guam.net>, "Edward J.B. Calvo" <sencalvo@gmail.com>, "Frank B. Aguon, Jr." <aguon4guam@gmail.com>, "Frank F. Blas, Jr." <frank.blasjr@gmail.com>, Jimmy Espaldon <senator@espaldon.com>, Judi Won Pat <info@judiwonpat.com>, Matt Rector <matt@mattrector.com>, Ray Tenorio <ray@raytenorio.com>, "Rory J. Respicio" <roryforguam@gmail.com>, Telo Taitague <senatortelo@gmail.com>, Tina Muna Barnes <tinamunabarnes@gmail.com>

From: Tom Ada <tom@senatorada.org>
To: sgtarms@guamlegislature.org, Pat Santos <psantos@guamlegislature.org>, cdecastro@guamlegislature.org, yong@guamlegislature.org
Date: Fri, Jun 12, 2009 at 4:25 PM
Subject: CALENDAR: 6/17/09 & 6/18/09, Public Hearing
Sent to: senatorada.org

Hafa adai,

Please see the attached pdf document regarding an upcoming Public Hearing on June 17th and 18th. If you have any questions or concerns, or difficulty opening the document, please contact me at nsantos@senatorada.org.

Warmest regards,
Nicole

Nicole Santos
1001 P. Magallon
Edward J. Barnes, Thomas C. Blas
1001 P. Magallon, Honorable J. Blas
1001 P. Magallon, Honorable J. Blas
1001 P. Magallon

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About



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
30th Guam Legislature • *I Mina' Trenta Na Liheslaturan Guåhan*

June 12, 2009

MEMORANDUM

To: All Senators

From: Senator Thomas C. Ada
Chairperson, Committee on Utilities, Transportation, Public Works and Veterans Affairs

Subject: **Public Hearing Notice: June 17 & 18, 2009 at 5:30pm**

Please be advised that the Committee on Utilities, Transportation, Public Works and Veterans Affairs is holding a public hearing on June 17 & 18, 2009 at 5:30pm. This meeting will take place in the Public Hearing Room of *I Liheslatura*.

On the June 17 agenda are the following:

~~**Confirmation of Appointment** - Mr. Jeffrey Johnson;
Appointment to the Public Utilities Commission Board~~

Confirmation of Appointment- Ms. Rowena Perez
Appointment to the Public Utilities Commission Board

Bill No. 121 (LS) – T.C. Ada

An act to amend section 10104 (j) of chapter 10, title 12 Guam Code Annotated; to amend sections 12000, 12001.2 and 12015 and add section 12001.2 (f) and 12015 (g) of chapter 12, title 12 Guam Code Annotated relative to placing the Jose D. Leon Guerrero Commercial Port under the oversight of the Public Utilities Commission.

On the June 18 agenda is the following:

Bill No. 142 (COR) – T.C. Ada

An act to adopt the personnel rules and regulations for maritime-related positions unique to Port operations and certified, technical and professional positions as required by Public Law 29-24 and as received by the legislative secretary of *I Mina' Trenta Na Liheslaturan Guåhan* on May 14, 2009 and to authorize compensation and benefit adjustments.

Copies of these agenda items may be found on the official Guam Legislature website (www.guamlegislature.com). Please feel free to contact our office should you have any questions or concerns.

Si Yu'os Ma'ase,

Thomas C. Ada

cc: Clerk of the Legislature
Sergeant at Arms and Protocol

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Senator Thomas C. Ada
CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
30th Guam Legislature • *I Mina' Trenta Na Liheslaturan Guåhan*

June 12, 2009

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To: All Media
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Chairperson, Committee on Utilities, Transportation, Public Works and Veterans Affairs
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Si Yu'os Ma'ase,

Thomas C. Ada
cc: Clerk of the Legislature
Sergeant at Arms and Protocol

Ada Plaza Center, Ste. 207 • 173 Aspinall Avenue • Hagåtña, Guam 96910
Phone: (671) 473-3301 • Fax: (671) 473-3303 • Email: Tom@SenatorAda.org

No.	Doc.	Remote Station	Start Time	Duration	Pages	Mode	Contents	Status
1	4169	KUAM	6-12: 3:35PM	16s	1	SG3 BC		CP -
2	4169	Pacific Daily News	3:36PM	29s	1	ECM BC		CP -
3	4169	Pacific News Centr	3:37PM	16s	1	SG3 BC		CP -
4	4169	Marianas Variety	3:38PM	18s	1	SG3 BC		CP -
5	4169	K-Stereo	3:39PM	30s	1	ECM BC		CP -
6	4169	Hit Radio	3:40PM	15s	1	SG3 BC		CP -
7	4169	K-57	3:41PM	15s	1	SG3 BC		CP -

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Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
30th Guam Legislature • *I Mina' Trenta Na Liheslaturan Guåhan*

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Si Yu'os Ma'ase,

Thomas C. Ada

cc: Clerk of the Legislature
Sergeant at Arms and Protocol



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Public Hearing Notice 6/17 & 6/18/09

From: Nicole Santos nsantos@senatorada.org
To: news@guampdn.com,
gdumat-oi@guampdn.com
Date: Fri, Jun 12, 2009 at 4:37 PM
Subject: Public Hearing Notice 6/17 & 6/18/09
MIME-Version: 1.0
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Thu Jun 18, 2009

To whom it may concern,

Attached is a Public Notice regarding Public Hearings to take place on June 17th and 18th. Can you please include this information in your governmental notice section?

Thank you,
Nicole

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Senator Thomas C. Ada
CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
30th Guam Legislature - *I Mina' Trenta Na Liheslaturan Guåhan*

PUBLIC HEARING NOTICE
June 17 & 18, 2009 at 5:30pm
Public Hearing Room, *I Liheslaturan Guåhan*

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The Committee will continue to accept written or electronic testimonies until 5pm, June 24, 2009; please address these testimonies to Senator Thomas C. Ada, Chairperson, Committee on Utilities, Transportation, Public Works, and Veterans Affairs. Your participation is appreciated.

Copies of these agenda items may be found on the official Guam Legislature website (www.guamlegislature.com). Please feel free to contact the Office of Senator Thomas C. Ada with any questions or concerns.

Ada Plaza Center, Ste. 207 • 173 Aspinall Avenue • Hagåtña, Guam 96910
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3	4174	4772689	4:01PM	30s	1/ 1	ECM	BC <i>Glenn L.G</i>	CP
4	4174	671 472 1917	4:02PM	32s	1/ 1	ECM	BC <i>Lou Palomo</i>	CP
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To: horeckylaw@teleguam.net, monte@guam.net, rpsantotomas@lujanaguiperez.com
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Hafa adai,

Please see the attached pdf document regarding an upcoming Public Hearing on June 17th and 18th at 5:30pm. If you have any questions or concerns, or difficulty opening the document, please contact me at nsantos@senatorada.org.

Thank you, Nicole

Nicole Santos
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Office of Senator Nicole Santos
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GOVERNMENT MEETINGS

Tomorrow

Civil Service Commission: Board meeting 5:30 p.m., seventh-floor conference room, ITC Building, Tamuning. Signing: decision and judgment: Ariene Carbullido vs. Guam Housing and Urban Renewal Authority, Juanita Quintanilla vs. Chamorro Affairs, Raymond M. Perez vs. Guam Waterworks Authority; signing: decision and order: Peter J.U. Blas vs. Guam Fire Department, Raymond C. Benavente vs. Guam Police Department, Karen E. Guerrero vs. GPD, Demetria G. Robinson vs. GWA; motion hearing: Gerard L. Cabana vs. A.B. Won Pat Guam International Airport Authority; bills and laws relating to CSC. For special accommodations, call Blanca at 647-1855/7 or TDD 647-1872.

Commission for Educator Certification: Meeting 6 p.m., second floor, University of Guam School of Education faculty lounge. Commit-

tee reports; Praxis prep training; Praxis-II principles of learning and teaching. For special accommodations, call Fran Camacho, 735-2447.

Committee on Economic Development, Health and Human Services and Judiciary: Public hearing 5:30 p.m., Legislature's public hearing room, Hagåtña. Bill 101, relative to smoking within 20 feet of an entrance to a public place where smoking is prohibited; Bill 107, relative to removing continuing clause provisions to health insurance companies on Guam that contract with GovGuam and to require all companies or other legal entities providing health insurance to GovGuam to make available electronically de-identified detailed demographic, medical, dental, vision and pharmacy claims utilization and cost information subject to meeting HIPAA regulations; Bill 116, authorizing Guam Census Program temporary recruitment and employment of

personnel, consistent with U.S. Census Bureau guidelines to conduct necessary activities relating to Guam Decennial 2010 Census; Bill 118, relative to reprogramming bond proceeds to fund Guam Public School System fiscal 2009 child nutrition program and to reprogram remaining balance to Mayors Council of Guam; Bill 133, relative to authorizing the governor to contract services of a professional qualified person related to services provided by Department of Mental Health and Substance Abuse to serve as director of the department; Bill 135, authorizing DPHSS to contract independent environmental health inspection company to conduct sanitary inspections on behalf of DPHSS and to fund inspection services from fees authorized to be collected. For special accommodations, call 969-1495/6.

June 17
Committee on Utilities, Trans-

portation, Public Works and Veterans Affairs: Public hearing 5:30 p.m., Legislature's public hearing room, Hagåtña. Confirmation of appointment of Rowena Perez to Public Utilities Commission board; Bill 121, relative to placing Jose D. Leon Guerrero Commercial Port under oversight of P.U.C. Call 473-3301.

Guam Board of Examiners for Dentistry: Regular meeting room, 3 p.m., Health Professional Licensing Office, Suite 9, Legacy Square Commercial Complex, Route 10, Mangilao. For special accommodations, call 735-7406/11.

Guam Board of Medical Examiners: Regular meeting room, Guam Memorial Hospital Authority board room, Tamuning. For special accommodations, call 735-7406/11.

Guam Election Commission: Regular board meeting 4 p.m., commission conference room, Suite 200, GCIC building, Hagåtña. Public is invited. For special accommodations, call 477-9791/2.

Guam Housing Corp.: Regular board of directors meeting 2 p.m., fifth floor, GHC conference room, ITC building, Tamuning. For special accommodations, call 647-4143, ext. 133.

Health and Social Services Subcommittee: Meeting 8:30-9:30 a.m., Governor's Cabinet conference room, lower level, Adelup. Call Cynthia Naval, 735-7204 or e-mail: cynthia.naval@dphss.guam.gov.

Mayors Council of Guam: Special meeting 10 a.m., council's conference room, J & G Commercial Center, Suite 111F, Hagåtña. Call Elaine Schaaaf, 472-6940 or 477-8461.

June 18

Chamorro Land Trust Commission: Board meeting 1 p.m., Agana Youth Center, Hagåtña mayor's office, East O'Brien Drive. For special accommodations, call 475-4247.

Civil Service Commission: Board meeting 5:30 p.m., seventh-floor conference room, ITC Building, Tamuning. Hearing on merits: Seymour Payne vs. Guam Public School System; motion hearing: Frankie M. Pangelinan vs. University of Guam; signing, judgment of dismissal: Anthony M.Q. Tenorio vs. Department of Public Works, John M. Cruz vs. DPW; Frankie M. Pangelinan vs. University of Guam; Anthony F. Cruz vs. Guam Waterworks Authority; bills and laws relating to CSC. For special accommodations, call Blanca at 647-1855/7 or TDD 647-1872.

Committee on Utilities, Transportation, Public Works and Veterans Affairs: Public hearing 5:30 p.m., Legislature's public hearing room, Hagåtña. Bill 142, personnel rules and regulations for maritime-related positions unique to Port operations and certified, technical and professional positions, and to authorize compensation and benefit adjustments. Call 473-3301.

Department of Chamorro Affairs Board of Trustees: Regular meeting 4 p.m., department conference room, fourth floor, Suite 408, DNA building, Hagåtña. Public is invited. For special accommodations, call 475-4278/9.

Guam Board of Accountancy: Meeting 4 p.m., Suite 101, 335 South Marine Corps Drive, Tamuning. For special accommodations, call 647-0813.

June 19

Committee on Appropriations, Taxation, Banking, Insurance, Retirement and Land: Public hearing 1-4 p.m., Legislature's public hearing room, Hagåtña. Resolution 62, to petition the U.S. Congress to amend Radiation Exposure Compensation Act of 1990, P.L. 101-426, to include Guam in the jurisdiction (downwinders); Bill 1, authorizing tax credits to lessors of temporary location of John F. Kennedy High School; Bill 89, relative to unarmed combat, establishing Guam Unarmed Combat Commission; Bill 117, establishing program procurement guidelines and procedures relative to American Recovery and Reinvestment Act of

2009; Bill 122, imposing temporary moratorium on issuance of commercial leases from Chamorro Land Trust Commission; Bill 146, providing necessary funding for balance of fiscal year to critical youth support programs. For special accommodations, call 473-4236 or e-mail: senben@guam.net.

Committee on Tourism, Cultural Affairs, Youth and Public Broadcasting: Confirmation hearing 4 p.m., Legislature's public hearing room, Hagåtña. Appointments of Patrick R. Bamba to serve as Guam Council on the Arts and Humanities Council executive director; Sheila Baker Shedd and Mary L.G. Tighe to serve as CAHA members; fiscal 2010 budget hearing on Guam Visitors Bureau. Call 477-2520/1.

June 23

Committee on Public Safety, Law Enforcement and Senior Citizens: Public hearing 9 a.m., Legislature's public hearing room, Hagåtña. Bill 108, to re-establish Guam Community Police Review Commission. For special accommodations, call 472-5047/5048. Port Authority of Guam: Board of directors' rescheduled meeting 5 p.m., board conference room, Cabras Island, Piti. For special accommodations call 477-5931/4, ext. 430 or pager 635-1351.

June 24

Guam Education Policy Board: Meeting 6 p.m., Agana Heights Elementary School cafeteria. For special accommodations, call Joyce Kaneshiro, 300-1627.

June 25

Guam Pardon Review Board: Regular hearing 3 p.m., Parole Services Division, fifth floor, Suite 505, DNA building, Hagåtña. For special accommodations, call 473-7001.

Guam Parole Board: Regular hearing 8:30 a.m., Parole Services Division, fifth floor, Suite 505, DNA building, Hagåtña. For special accommodations, call 473-7001.

June 26

Port Authority of Guam: Board of directors regular meeting 5 p.m., board conference room, Cabras Island, Piti. For special accommodations, call Simeon Delos Santos, 477-5931/4, ext. 430 or pager 635-1351.

Government of Guam Retirement Fund Board of Trustees: Regular meeting noon, Retirement Fund conference room, Route 8, Maite. For special accommodations, call 475-8900/1.

June 30

Guam Community College Board of Trustees: Monthly meeting 6 p.m., GCC president's conference room, second floor, Student Services and Administration building 2000, Mangilao. For special accommodations, call 735-5597/5638.

Workers' Compensation Commission, Department of Labor: Regular meeting 2 p.m., third floor, DOL conference room, GCIC building, Hagåtña. Agenda copies available. For special accommodations, call 475-7033.

July 1

Mayors Council of Guam: Regular meeting 10 a.m., council's conference room, J & G Commercial Center, Suite 111F, Hagåtña. Call Elaine Schaaaf, 472-6940 or 477-8461.

July 15

Mayors Council of Guam: Special meeting 10 a.m., council's conference room, J & G Commercial Center, Suite 111F, Hagåtña. Call Elaine Schaaaf, 472-6940 or 477-8461.

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Joel Dizon, OD
ISLAND EYE CENTER
EYE CARE PROFESSIONAL

Island Eye Center
July 2007 - present

Private Practice - Optometry
Pacific Eye Center, Dededo
1995 - present

Doctor of Optometry
1992 - Pacific University College of Optometry

Bachelor of Science in Biology
1987 - University of Guam



Senator Tom Ada

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Public Hearing Notice 6/17/09

From: Nicole Santos <nsantos@senatorada.org>
 To: wena.perez@gmail.com
 Date: Fri, Jun 12, 2009 at 4:31 PM
 Subject: Public Hearing Notice 6/17/09
 Sent by: senatorada.org

Info details Jun 12 (3 days ago) Reply

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Public Hearing
Wed Jun 17

Hafa Adai,

Please see the attached pdf document regarding an upcoming Public Hearing on June 17th and 18th. If you have any questions or concerns, or difficulty opening the document, please contact me at nsantos@senatorada.org.

Thank you,
Nicole

Nicole Santos
 2009-06-12 04:31 PM
 "Office of Senator Thomas C. Ada"
 "Monte Vista Building, 1000 Capitol Mall, Sacramento, CA 95833"
 916.445.2511

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Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
30th Guam Legislature • *I Mina' Trenta Na Liheslaturan Guahan*

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Local Name

SENATOR THOMAS ADA

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Senator Thomas C. Ada

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30th Guam Legislature - *I Mina' Trenta Na Liheslaturan Guahan*

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Ada Plaza Center, Ste. 207 • 173 Asprnall Avenue • Hagåtña, Guam 96910
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No.	Doc.	Remote Station	Start Time	Duration	Pages	Mode	Contents	Status
1	4114	4772689	6-10: 5:05PM	30s	1/ 1	ECM	BC Glenn Leon Guerrero	CP -
2	4114	671 472 1917	5:07PM	31s	1/ 1	ECM	BC Lou Palomo	CP -
3	4114	4774446	5:10PM	0s	1/ 1	G3	BC Davita	EN -

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Senator Thomas C. Ada
CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
30th Guam Legislature • *I Mina' Treña Na Liheslaturan Guåhan*

June 10, 2009

MEMORANDUM

To: All Media
From: Senator Thomas C. Ada
Chairperson, Committee on Utilities, Transportation, Public Works and Veterans Affairs
Subject: **Public Hearing Notice: June 17 & 18, 2009 at 5:30PM**

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Thomas C. Ada
Clerk of the Legislature
Sergeant at Arms and Protocol

Ada Plaza Center, Ste. 207 • 173 Aspinall Avenue • Hagåtña, Guam 96910
Phone: (671) 473-3301 • Fax: (671) 473-3303 • Email: Tom@SenatorAda.org

No.	Doc.	Remote Station	Start Time	Duration	Pages	Mode	Contents	Status
1	4110	KUAM	6-10; 4:57PM	16s	1/1	SG3 BC		CP
2	4110	Pacific Daily News	4:58PM	30s	1/1	ECM BC		CP
3	4110	Pacific News Centr	4:59PM	16s	1/1	SG3 BC		CP
4	4110	Marianas Variety	4:59PM	19s	1/1	SG3 BC		CP
5	4110	K-Stereo	5:00PM	30s	1/1	ECM BC		CP
6	4110	Hit Radio	5:01PM	15s	1/1	SG3 BC		CP
7	4110	K-57	5:02PM	15s	1/1	SG3 BC		CP

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cc: Clerk of the Legislature
Sergeant at Arms and Protocol



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CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
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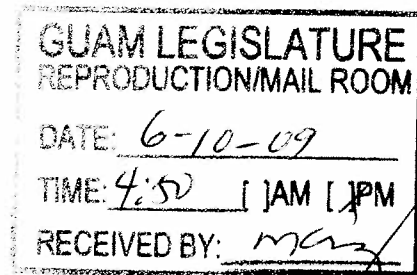
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Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
30th Guam Legislature • *I Mina' Trenta Na Liheslaturan Guahan*

June 12, 2009

MEMORANDUM

To: All Senators

From: Senator Thomas C. Ada
Chairperson, Committee on Utilities, Transportation, Public Works and Veterans Affairs

Subject: **Public Hearing Notice: June 17 & 18, 2009 at 5:30pm**

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Sergeant at Arms and Protocol



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
30th Guam Legislature • *I Mina' Trenta Na Liheslaturan Guahan*

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**I MINA' TRENTA NA LIHESLATURAN GUÅHAN
2009 (First) REGULAR SESSION**

Bill No. 121 (45)

Introduced by:

T.C. Ada

2009 MAY 29 (PM 3:54)



AN ACT TO AMEND SECTION 10104 (j) OF CHAPTER 10, TITLE 12 GUAM CODE ANNOTATED; TO AMEND SECTIONS 12000, 12001.2 AND 12015 AND ADD SECTION 12001.2 (f) AND 12015 (g) OF CHAPTER 12, TITLE 12 GUAM CODE ANNOTATED RELATIVE TO PLACING THE JOSE D. LEON GUERRERO COMMERCIAL PORT UNDER THE OVERSIGHT OF THE PUBLIC UTILITIES COMMISSION.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that it is imperative that the Port Authority of Guam (PAG) be able to effectively adjust its tariffs for port operations and services to cover its cost of operation and to generate revenues for capital improvements.

The last adjustment to the Port's tariff schedule was in 1993, excepting its 2009 adjustment of rates for leasing of office, warehouse, and yard space. Although the cost of operations has increased substantially over a period of 16-years, tariffs were not adjusted to adequately cover these costs.

As the Port moves towards the implementation of its Port Modernization Master Plan, the Port will need to generate adequate revenues to fund an estimated \$200 million capital improvement undertaking. Consequently, tariffs will have to be adjusted accordingly.

1 *I Liheslaturan Guåhan* finds that including the Port as a public utility under
2 the regulatory oversight supervision of the Public Utilities Commission (created by
3 P.L. 17-74), will provide the Port a method for timely review of proposed rate
4 changes and appropriate oversight of such rate changes by an independent
5 regulatory authority.

6 It is therefore the intent of *I Liheslaturan Guåhan* to include the Jose D.
7 Leon Guerrero Commercial Port within the regulatory oversight supervision
8 authority of the Public Utilities Commission. Henceforth, the establishment or
9 modification of rates and other charges for the Port shall require the approval and
10 to limit required approval for rate increases to that of the Public Utilities
11 Commission, in accordance with those procedures applicable by law to the rate
12 making process for public utilities.

13 **Section 2. Amendment of Section 10104(j) of Chapter 10 of Title 12 of**
14 **the Guam Code Annotated.** Section 10104(j) of Chapter 10, Title 12, Guam
15 Code Annotated is hereby amended to read:

16 **“§ 10104. Same. Duties.**

17 (j) Establish and modify from time to time, subject only to the
18 regulatory oversight supervision and approval of the Public Utilities
19 Commission, Fix all rates, deockage, rentals, tolls, pilotage, wharfage and
20 charges for the use and occupation of the public facilities or appliances of
21 the Port, and for services rendered by the ~~Authority~~ Port and to provide for
22 the collection thereof.

23 (k) Review the Manager’s annual estimates and schedules and
24 promptly adjust rates and charges prepared to recover the cost of each
25 facility and service including interests, loan repayments, amortization of
26 depreciable assets and a reasonable return on value of assets. Additional

1 adjustments in rates may be made from time to time as ~~warranted~~ upon
2 approval by the Public Utilities Commission and its determination that such
3 adjustments are “just” and “reasonable.”

4 **Section 3. Amendment of Sections 12000(a), 12001(a), and**
5 **12001.2(a) of, and addition of Sections 12001.2(f) and 12015(g) to,**
6 **Article 1 of Chapter 12, Title 12 of Guam Code Annotated.**

7 Section 12000(a) of Article 1, Chapter 12 of Title 12, Guam Code
8 Annotated is hereby amended to read:

9 **“§ 12000. Definitions.**

10 As used in this Chapter:

11 (a) *Public Utility* means the Guam Power Authority, the Jose D.
12 Leon Guerrero Commercial Port, the Guam Waterworks Authority or any
13 duly licensed private contractors operating: (i) a facility or subsystem of the
14 community-wide water production and distribution system, or (ii) a facility
15 or subsystem of the community-wide waste water disposal system, or both,
16 or any private golf course management corporation leasing public property
17 providing preferential golf rates and reservations to Guam residents, or (iii) a
18 marine terminal with facilities for loading and unloading commercial cargo
19 or passengers onto and from ocean common carriers.”

20 Section 12001(a) of Article 1, Chapter 12 of Title 12 Guam Code
21 Annotated is hereby amended to read:

22 “(a) *I Maga’Lahen Guåhan* [Governor of Guam] shall appoint, with
23 the advice and consent of *I Liheslaturan Guåhan* [Guam Legislature], two
24 (2) members from the business community of Guam; one (1) member who is

1 a certified public accountant; ~~one (1) two (2) members, who has managerial~~
2 ~~or engineering experience in the field of power generation; one (1) member~~
3 ~~who has each of whom have training or and experience in the field of~~
4 ~~telephone, water or sewer utilities management, or related~~ at least one of the
5 following four areas (power generation, telephone, water/sewer utilities, or
6 marine terminal operations/transportation via ocean common carrier), with
7 the additional requirement that the two members appointed each have
8 training or experience in a different area; and two (2) members who are from
9 the community at large.

10 Except for the initial term, the terms of such members shall be for six
11 (6) years. No member shall be a director, deputy director, appointed,
12 unclassified employee, any other unclassified employee of the government
13 of Guam, or a member of any other board or commission. The appointment
14 of any person to the Commission shall become void if at any time during
15 that person's term of office, that person shall become a director, deputy
16 director, appointed to any unclassified position in the government of Guam,
17 or accept appointment to any other board or commission."

18 Section 12001.2(a) of Article 1, Chapter 12, of Title 12, Guam Code
19 Annotated is hereby amended to read:

20 "(a) Sections 12001.1 through 12001.2, which shall be known as the
21 Ratepayers' Bill of Rights, shall in no way restrict the powers of the Public
22 Utilities commission ('Commission') granted in this Chapter to regulate or
23 set rates for a Public Utility. The Ratepayers' Bill of Rights sets conditions
24 *only* on the manner in which a Public Utility shall submit a proposed rate
25 increase to the Commission. No Public Utility, as defined in §12000 of this

1 Chapter, with the *exception* of the ~~Guam Memorial Hospital~~, Jose D. Leon
2 Guerrero Commercial Port, may submit a proposed rate increase to the
3 Commission before complying with the mandates of this Section. This
4 Section shall *not* apply to the ~~Guam Memorial Hospital~~ Jose D. Leon
5 Guerrero Commercial Port. In the case of the Jose D. Leon Guerrero
6 Commercial Port, notice of any proposed changes in rates shall be made as
7 described in subsection (f) herein.”

8 A new subsection (f) is hereby added to Section 12001.2, Article 1,
9 Chapter 12 of Title 12, Guam Code Annotated as follows:

10 “(f) The Jose D. Leon Guerrero Commercial Port (the “Port”) shall
11 not submit any proposed rate change to the Commission until the
12 following actions have occurred:

- 13
- 14 (i) The Port shall publish notice of any proposed rate
15 change in a newspaper of general circulation, as defined
16 in §8104 of Chapter 8 of Title 5 of the Guam Code
17 Annotated, Open Government Law, at least sixty days
18 prior to submitting the proposed rate change to the
19 Commission. The notice required herein shall include
20 the Port’s intention to submit its proposed rate change to
21 the Commission, its current rate, the proposed rate, the
22 difference in the current and proposed rates stated in
23 percentage form, a justification for the change, and an
24 electronic mail address and physical location where

1 comments on the proposed rate change may be
2 submitted; and

3
4 (ii) The Port shall publish notice of any proposed rate change
5 on the Port's official website at least sixty days prior to
6 submitting the proposed rate change to the Commission.
7 The notice required herein shall include the Port's
8 intention to submit its proposed rate change to the
9 Commission, its current rate, the proposed rate, the
10 difference in the current and proposed rates stated in
11 percentage form, a justification for the change, and an
12 electronic mail address and physical location where
13 comments on the propose rate change may be submitted."

14
15 A new subsection (g) is hereby added to Section 12015, Article 1,
16 Chapter 12 of Title 12 Guam Code Annotated is hereby added as follows:

17 **"§ 12015. Regulation of Rates.**

18 (g) Pursuant to its oversight supervision, the Commission shall
19 begin proceedings with the Jose D. Leon Guerrero Commercial Port (the
20 "Port") to review and modify or establish rates and other items and charges
21 set forth in 12 GCA §10104(j), for the use of Port facilities or appliances.
22 Until December 31, 2010 the Commission may establish interim rates and
23 charges for the use of Port facilities or appliances as may be necessary for
24 estimated operation or maintenance costs, required capital improvements, or

1 other reasonable costs. To establish any such interim rates or charges, the
2 Commission may conduct such investigation and hearings as it deems
3 necessary pursuant to its powers under 12 GCA §12004. No later than
4 December 31, 2010 the Port shall submit to the Commission the results from
5 a study of existing rates, charges and cost of services provided by the Port.
6 The request for proposals to study existing rates, charges and cost of services
7 shall be subject to the review and approval of the Commission prior to
8 issuance; and any contract entered into by the Port for such services shall be
9 subject to the prior approval of the Commission. Any modification to or
10 establishment of rates shall thereafter be implemented in accordance with
11 the procedures set out in this Chapter.”

12

13 **Section 4. Severability.** If any provision of this law or its application to
14 any person or circumstance is found to be invalid or contrary to law, such
15 invalidity shall not affect other provisions or applications of this law which can be
16 given effect without the invalid provisions or application, and to this end the
17 provisions of this law are severable.