


MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 76 (EC) ~~or LS~~

Introduced by:

J.M.S. Brown 

AN ACT TO ADD SECTION (g) TO P.L. 25-55:3 AND TO AMEND
SECTION 11 OF P.L. 25:55 TO PROVIDE THE PUBLIC
UTILITIES COMMISSION WITH AUTHORITY TO IMPOSE A
SURCHARGE ON CMRS ACCOUNTS AND TO PERMIT THE
PUBLIC UTILITIES COMMISSION TO ENFORCE AND
COLLECT SUCH SURCHARGE ITSELF

TO BE ENACTED BY THE PEOPLE OF GUAM:

1 Section One. A new subsection (g) is added to Section 3 of P.L. 25:55 to
2 read as follows:

3 (g) The Commission may establish a special surcharge protocol for CMRS
4 accounts which are created under a prepaid calling card business
5 arrangement. The Commission shall ensure that said protocol, which
6 may for just cause be tailored to specific collection agents, will be
7 equitable and fair to all collection agents who provide the CMRS
8 service and will not provide any party with a competitive advantage.

9 Section Two. Section 11 of P.L. 25-55 is hereby amended to read:

10 11. **Violations of this Act.** Any person or entity which the Commission
11 determines has violated any provision of this Act or any Commission order shall

1 be given proper notice and be allowed a reasonable opportunity to cure the
2 violation. Thereafter, in the event of failure to cure, the Commission ~~may refer~~
3 ~~the violation to the Attorney General for prosecution. Any person or entity that,~~
4 ~~having the responsibility of complying with this act or a Commission order, fails~~
5 ~~to cure such violation shall be fined a civil penalty not to exceed Ten Thousand~~
6 ~~Dollars (\$10,000.00) per infraction. Any such penalty shall be deposited into the~~
7 ~~Fund~~ may exercise its enforcement powers under 12 G.C.A. Section 12108
8 against the violator and may use its own attorney to do so.

MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 76 (EC)

*As substituted by the Committee on
Natural Resources, Utilities & Micronesian Affairs*

Introduced by:

J.M.S. Brown

AN ACT TO ADD ~~SECTION SUBSECTIONS~~ (g) AND (h) TO
P.L. 25-55:3, AND TO AMEND SECTION 11 OF P.L. 25:55 TO
PROVIDE THE PUBLIC UTILITIES COMMISSION WITH
AUTHORITY TO ~~IMPOSE~~—A ESTABLISH A SPECIAL
SURCHARGE PROTOCOL ON COMMERCIAL MOBILE
RADIO SERVICE (CMRS) PRE-PAID ACCOUNTS AND TO
PERMIT AUTHORIZE THE PUBLIC UTILITIES COMMISSION
TO MONITOR, ENFORCE AND COLLECT SUCH
SURCHARGE ITSELF.

1 BE ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. ~~A new subsection (g) is added to Section 3 of P.L. 25:55 to~~
3 ~~read as follows:~~

4 ~~(g) The Commission may establish a special surcharge protocol for CMRS~~
5 ~~accounts which are created under a prepaid calling card business~~
6 ~~arrangement. The Commission shall ensure that said protocol, which~~
7 ~~may for just cause be tailored to specific collection agents, will be~~
8 ~~equitable and fair to all collection agents who provide the CMRS~~
9 ~~service and will not provide any party with a competitive advantage.~~

10 Legislative Findings and Intent. I Liheslaturan Guahan finds
11 that Public Law No. 25-55 established a surcharge to be paid by Local
12 Exchange Telephone Service and Commercial Mobile Radio Service
13 ("CMRS") to fund the maintenance and upkeep of the Enhanced 911

1 Emergency System (hereafter referred to as "E911 System") for the
2 essential health, welfare and safety of our community. Pursuant to Public
3 Law 25-55, the Public Utilities Commission (hereafter referred to as
4 "Commission"), established a one dollar (\$1.00) surcharge for Local
5 Exchange Telephone Service and CMRS providers, but several CMRS
6 companies have since challenged an order issued by the commission that
7 determined that prepaid phone card shall be assessed the one dollar
8 (\$1.00) surcharge. Hence, the Commission despite its ratemaking
9 authority is unable to effectively enforce the collection of the E911 System-
10 surcharge.

11 I Liheslaturan Guahan further finds it necessary for the funds to be collected
12 for the continued operations of the E911 System, which directly impacts
13 the well being of the community.

14 **Section 2.-** ~~Section 11 of P.L. 25-55 is hereby amended to read:~~

15 ~~**11. Violations of this Act.** Any person or entity which the Commission~~
16 ~~determines has violated any provision of this Act or any Commission~~
17 ~~order shall be given proper notice and be allowed a reasonable~~
18 ~~opportunity to cure the violation. Thereafter, in the event of failure to~~
19 ~~cure, the Commission may refer the violation to the Attorney General for~~
20 ~~prosecution. Any person or entity that, having the responsibility of~~
21 ~~complying with this act or a Commission order, fails to cure such violation~~
22 ~~shall be fined a civil penalty not to exceed Ten Thousand Dollars~~
23 ~~(\$10,000.00) per infraction. Any such penalty shall be deposited into the~~
24 ~~Fund may exercise its enforcement powers under 12 G.C.A. Section 12108~~
25 ~~against the violator and may use its own attorney to do so.~~

26 A new subsection (g) is added to Section 3 of P.L.

27 25:55 to read as follows:

1 (g) The Commission may establish a special surcharge protocol for CMRS
2 accounts which are created under a prepaid calling card business
3 arrangement. The Commission shall ensure that said protocol, which may
4 for just cause be tailored to specific collection agents, will be equitable and
5 fair to all collection agents who provide the CMRS service and will not
6 provide any party with a competitive advantage.

7 Section 3. A new subsection (h) is added to Section 3 of P.L. 25:55 to
8 read:

9 (h) **Monitoring and Reporting.** The Commission shall monitor the
10 collection of the surcharge. The Commission shall prepare written reports
11 detailing the receipts, collections and amounts of the CMRS accounts, and
12 the Enhanced 911 Emergency System surcharges. The Commission shall
13 then provide *I Maga'lahaen Guåhan*, the Speaker of *I Liheslaturan Guåhan*,
14 and the Public Auditor of Guam the reports within 60 days of the end of
15 each Fiscal Year.

16 Section 4. Section 11 of P.L. 25-55 is hereby amended to read:

17 11. **Violations of this Act.** Any person or entity which the Commission
18 determines has violated any provision of this Act or any Commission
19 order shall be given proper notice and be allowed a reasonable
20 opportunity to cure the violation. Thereafter, in the event of failure to
21 cure, the Commission may refer the violation to the Attorney General
22 for prosecution. Any person or entity that, having the responsibility of
23 complying with this act or a Commission order, fails to cure such
24 violation shall be fined a civil penalty not to exceed Ten Thousand
25 Dollars (\$10,000.00) per infraction. Any such penalty shall be
26 deposited into the Fund may exercise its enforcement powers under 12

1 G.C.A. Section 12108 against the violator and may use its own attorney
2 to do so.

3 **Section 5.** Section 2(b) of P.L. 25-55 is hereby amended to read:

4 (b) The Commission may establish different rates for residential,
5 government and business subscribers and for good cause shown for
6 different classifications within these subscriber categories.

7 **Section 6.** Section 3(a) of P.L. 25-55 is hereby amended to read:

8 (a) Each Local Exchange Carrier ("LEC") and Commercial Mobile
9 Radio Service ("CMRS") provider shall collect the surcharge as established
10 by the Commission ~~and identify such as a separate line item on its invoice.~~
11 LEC providers shall identify such as a separate line item on their invoices.

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