



I Mina'trentai Dos na Liheslaturan Guåhan

32nd GUAM LEGISLATURE

Vice Speaker Benjamin J.F. Cruz, Acting Chairman

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land

DEC 15 2014

The Honorable Judith T. Won Pat, Ed.D.

Speaker

I Mina'trentai Dos Na Liheslaturan Guåhan

155 Hesler Place

Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio

Chairperson, Committee on Rules

RE: Committee Report on Bill No. 431-32 (COR), As Introduced

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 431-32 (COR), As Introduced: "An Act to Amend Subsections (a) and (d) of Title 17 Guam Code Annotated; to amend Subsection (a) of §5008.2 of Title 5 Guam Code Annotated, relative to procurement of solar energy for GDOE schools," sponsored by Judith Won Pat which was referred to the Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land.

Committee votes are as follows:

- 1 TO PASS
- 0 TO NOT PASS
- 5 TO REPORT OUT ONLY
- 0 TO ABSTAIN
- 0 TO PLACE IN INACTIVE FILE

Sincerely,

Vice Speaker Benjamin J.F. Cruz
Acting Chairman

324 W. Soledad Avenue, Hagatna, Guam
Tel: (671) 473-4236 / 473-4237
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cipo@guamlegislature.org

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**COMMITTEE REPORT
ON**

Bill No. 431-32 (COR), As Introduced

Sponsored by Speaker Judith Won Pat

“An Act to Amend Subsections (a) and (d) of Title 17 Guam Code Annotated; to amend Subsection (a) of §5008.2 of Title 5 Guam Code Annotated, relative to procurement of solar energy for GDOE schools.”



I Mina'trentai Dos na Liheslaturan Guåhan

32nd GUAM LEGISLATURE

Vice Speaker Benjamin J.F. Cruz, Acting Chairman

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land

DEC 15 2014

MEMORANDUM

To: All Members

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land

From: Vice Speaker Benjamin J.F. Cruz
Acting Chairman

Subject: Committee Report on Bill No. 431-32 (COR), As Introduced

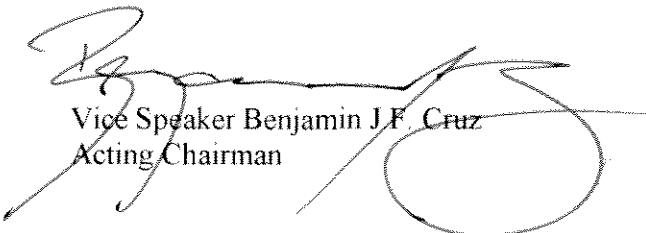
Transmitted herewith for your consideration is the Committee Report on Bill No. 431-32 (COR), As Introduced, "An Act to Amend Subsections (a) and (d) of Title 17 Guam Code Annotated; to amend Subsection (a) of §5008.2 of Title 5 Guam Code Annotated, relative to procurement of solar energy for GDOE schools," sponsored by Speaker Judith Won Pat.

This report includes the following:

1. Committee Voting Sheet
2. Committee Report Narrative
3. Copy of Bill No. 431-32 (COR), As Introduced
4. Public Hearing Sign-in Sheet
5. Copies of Written Testimonies
6. Fiscal Note Request Letter
7. Copy of COR referral Bill No. 431-32 (COR)
8. Notices of Public Hearing
9. Copy of the Public Hearing Agenda

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact my office.

Sincerely,


Vice Speaker Benjamin J.F. Cruz
Acting Chairman


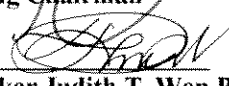
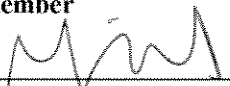
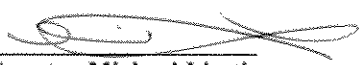
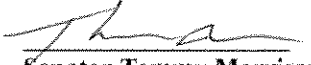
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IMINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN

Committee Voting Sheet

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land

Bill 431-32 (COR), as Introduced, "An Act to Amend Subsections (a) and (d) of Title 17 Guam Code Annotated; to amend Subsection (a) of §5008.2 of Title 5 Guam Code Annotated, relative to procurement of solar energy for GDOE schools."

Committee Members	To Pass	Not To Pass	Report Out Only	Abstain	Inactive File
 Vice Speaker Benjamin J. F. Cruz Acting Chairman	_____	_____	✓ 12/12/14	_____	_____
 Speaker Judith T. Won Pat, Ed.D Member	✓ _____	_____	_____	_____	_____
_____ Senator Tina Rose Muña-Barnes Member	_____	_____	✓ 12/15	_____	_____
 12/15/14 Senator Dennis Rodríguez, Jr. Member	_____	_____	✓	_____	_____
_____ Senator Michael San Nicolas Member	_____	_____	✓	_____	_____
 Senator Michael Limtiaco Member	_____	_____	✓	_____	_____
 Senator Tommy Morrison Member	_____	_____	✓	_____	_____



I Mina'trentai Dos na Liheslaturan Guåhan

32nd GUAM LEGISLATURE

Vice Speaker Benjamin J.F. Cruz, Acting Chairman

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land

Bill No. 431-32 (COR), as Introduced, An Act to Amend Subsections (a) and (d) of Title 17 Guam Code Annotated; to amend Subsection (a) of §5008.2 of Title 5 Guam Code Annotated, relative to procurement of solar energy for GDOE schools.

I. OVERVIEW

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land convened a public hearing on December 09, 2014 at 2:00 pm in *I Liheslatura's* public hearing room.

Public Notice Requirements

Notices were disseminated via hand-delivery and e-mail to all senators and all main media broadcasting outlets and newspaper of general circulation on December 01, 2014 (5-Day Notice), and again on December 05, 2014 (48 Hour Notice).

(a) Committee Members and Senators Present

Vice Speaker Benjamin J.F. Cruz, Acting Chairman
Senator Michael F.Q. San Nicolas, Member
Senator Thomas Ada
Senator Frank Aguon
Senator Anthony Ada

(b) Appearing before the Committee

Mr. Jeffrey Voacolo, President, Guam Renewable Energy Association
Mr. Scott Hagen, Co-owner, Pacific Solar and Voltaics and Member, Guam Renewable Energy Association

(c) Written Testimonies and Additional Documents Submitted

Speaker Judith Won Pat, Sponsor Statement
Mr. Jeffrey Voacolo, President, Guam Renewable Energy Association
Mr. Jon J.P. Fernandez, Superintendent, Department of Education

II. COMMITTEE PROCEEDINGS

Acting Chairman Benjamin Cruz: The second bill on today's agenda is Bill 431, introduced by Speaker Judi Won Pat, an act to amend Subsections (a) and (d) of Title 17 Guam Code Annotated; to amend Subsection (a) of §5008.2 of Title 5 Guam Code Annotated, relative to procurement of solar energy for GDOE schools. We'll note for the record that there... We have already received testimony from the Superintendent of Education. And this afternoon, I have two people signed up: Jeff and Scott. I use first names so I don't mess up the last names. Please Jeff, Scott. Please.

Jeffrey Voacolo: Thank you very much.

Acting Chairman Benjamin Cruz: Make sure the red light is on.

Jeffrey Voacolo: Thank you very much [Reads submitted written testimony. Please see attached] Again, thank you. I cannot stress enough that time is of the essence and that we have 2 years left to get this project underway and these projects built. Thank you for allowing me to speak, thank you for supporting Law 32-095, and for supporting Bill 431-32 to find a solution to move this procurement process forward. Thank you.

Acting Chairman Benjamin Cruz: Thank you very much Mr. Voacolo. Mr. Hagen.

Scott Hagen: Great job Jeff. Just the word out of my mouth. And I'm glad to know, I'm glad to see we're on the same page. Hafa adai Senators and happy holidays. I'm Scott Hagen, co-owner of Pacific Solar and Voltaics and also, a member of GREA with Jeff here. I want to ask you, what is the cost of doing nothing? Every month that goes by the schools don't have solar panels on their roofs they are paying more for power than they should. I once heard and I heard it again this afternoon here, \$17 million. So, the cost of doing nothing for the public schools is \$17 million. In the private sector, there's a saying: just get it done. Unfortunately, with GSA in charge of procurement, bureaucracy, politics, and whatever else comes into play, we just can't simply get it done, when in fact it should be just that simple. I don't recommend that we go about doing it recklessly as we sometimes do in the private sector. Of course, we need consultants, checks and balances, and so forth.

And as Senator Judi was quoted in her article, she was suggesting GPA. I feel, I know the best consultants are sitting in this room right now and I'm talking about the renewable energy experts. Although GPA is known to be Guam's leader in power generation, they are no way an expert in renewable energy. We, the renewable energy folks, have installed about two hundred systems throughout Guam to date. GPA has installed zero. We, the energy folks, the renewable energy folks, have energized about 2 megawatts of renewable energy distributed throughout Guam; GPA, zero. And I repeat your consultants can be found and through the Guam Renewable Energy Association. But I, going forward with 431, you'll be supporting and allowing to grow an industry that since 2008 has become a multimillion dollar industry. These numbers can be backed up.

And did you know that in the beginning of this year, 2014, there are only about 100 net metering customers or systems throughout the island. And by the end of this year, in just

about two weeks, there'll be 200. That's double. By the end of 2015, that number will double. At the end of 2016, that number will double again. And that's not speculation. But it's an educated forecast based on the market trends that we are starting to see here on this island. What comes along with creating and allowing to flourish a multimillion dollar industry. I don't need to go down line items, GRT, and so on, and so forth. You senators are awesomely smart but if you want data, again you can look into the Guam Renewable Energy Association, the experts. I can go on and on about my favorite topic, but in case something got lost in translation, I support 431.

Acting Chairman Benjamin Cruz: Thank you very much Mr. Hagen. Let me read into the record, the short sponsor statement that was provided by the Speaker.

Sponsor Statement

Acting Chairman Benjamin Cruz:

[Reads Speaker Won Pat's Sponsor Statement on Bill 431-32 verbatim. See Attached]

That was the statement provided by the Speaker. Do any of colleagues have any questions?

Senator Tom Ada: Thank you gentlemen. First of all, let me just lay the foundation that I am in full support of integrating renewable energy into our system. But quite frankly, I don't think that Bill 431 will do it. And here are the reasons why. I have been looking at the chronology of what has happened since Public Law 32-95 got enacted. And after that, Public Law was enacted within 49 days, GSA developed a draft Request For Information (RFI), that it was going to send out to the market to see what perspective vendors if they had any questions or comments. And GSA actually circulated this draft RFI to DOE, GEPA, Office of the Governor, and the BBMR and did not receive any responses. So GSA went ahead and says okay then, it's going to go out like they put it together. And they gave the vendors out in the market fourteen days to respond. And in fourteen days, thirteen vendors actually responded and GSA then began its evaluation, so their responses.

49 days later, GSA compiled all these questions and comments and sent it out to DOE for response. And I imagine the questions are: what is it you want DOE? And so, here we are today, and between GSA, DOE, the Governor's Office, DPW, GCC, UOG...everybody is chasing their tails. And to think that by introducing a bill that simply takes GSA out of the picture, I don't believe does anything. So, I think the problem is over there but we're shooting over there. And so, I really don't think that 431 would do it.

So, Mr. Voacolo, you indicated, you know, to this date GSA has not issued an RFP and maybe a part of that is that maybe DOE hasn't defined what it wants. And so, again taking GSA out of the picture and thinking that okay this is going to fix it, I don't think is going to hit the mark. In addition to that, the existing Public Law 32-095, says that a PPA provider will be selected using a multi-step bid. You kept mentioning an RFP. So you

know if... and I agree that this should really go out whether as multi-step or a one-shot IFB, it should be a bid, not a RFP.

The third thing is that in the law right now, it says that whoever the PPA is, that wins this contract to provide to DOE, that it shall only cover no more than 80% of the school's power needs. I'm trying to figure out, where did that 80% come from because in the testimony during the public hearing during this Public Law 32-095 which was I think Bill 74 or something.

Jeffrey Voacolo: 32, correct.

Senator Tom Ada: Yes. I know one of the GREA members was emphasizing the fact one of the things that's holding back one of the penetration of renewables into the system is because the law right now puts a limit as to how large a system can be put in. For residential, it's 25kw. For nonresidential, commercial, it's a 100kw. And so, if that is not desirable, then why are we putting in a limit in the law that is 80%. Personally, I feel if you can it on rooftops of DOE three times what the school needs then have at it but it's something that the provider and GPA are going to need to work out. So, somehow we're going to need to remove this 80% cap. I think that's almost as bad as a 100kw limit, threshold.

Now, we've seen, here we are today 377 days and we're still chasing our tails. And so, I would like to present a model and get your reaction to it but I really think that DOE should be looking to put out a bid to rent its rooftop space. I have 10,000 square feet of rooftop that can be made available for the installation of renewable energy devices. And whoever gives me the highest rent plus a percentage of whatever excess production then he gets to use all of my rooftop. In the mean time, I think it should be the GREA members that should be coordinating with GPA who ultimately is going to receive this power. And so, you guys work out an arrangement with GPA as to how much they will buy your power for. And in the case of DOE, if we need legislation that will remove the 100kw limit then we'll introduce legislation.

In fact, I'm introduce, I'm reporting out the bill that would increase the limit 250kw. But I think that that discussion should be between as Mr. Hagen in here said all the experts about renewable energy is in this room. And I think these experts should be talking to GPA as to how can we make this a win-win situation for you as a producer and for GPA as a basically, taking that power. And as far as DOE is concerned, they're just a landlord for rooftops space who wants a minimum rent. Plus, if you guys produce excess, then maybe they should get a percentage plus of that excess. And for me that seems to be so much simpler in my lay men's mind than to expect DOE is going to actually sit down.

Now, there's a problem that I know GREA has stepped forward and said we've got experts and we can advise you on how to develop those specs. Well, that's great but the procurement law also says that if you do that, whichever vendor does that, conflicts itself out of a bid. So, I think we can avoid that if GREA just sits down with GPA, you guys work it out in the same way GPA did with that energy facility in Dandan. Okay, so it's a

matter that when it comes to power production, the purchase and sale of power should be between GPA and the power producer. DOE: I got rooftop space, do you want to rent it, here. Go for the highest bidder. So, that's my thought on it as to how I think we're going to be able to move this thing. But to simply introduce legislation that takes out GSA out of the picture, it ain't...377 days later, I guarantee you we'll be back here again. So, I, you know, want to see this thing move forward just as much as you guys do. But we need to come up with the right solution to do it. I don't think 431 does it.

Jeffrey Voacolo: Thank you very much Senator, if I may respond to that? Okay. Thank you Vice Speaker. When you started out with saying that GSA did go to the private sector and there was thirteen vendors that did respond. So, I can guarantee you that those thirteen member companies who responded were out of the GREA association. In my first paragraph of my testimony, what I actually said here was that GREA supports the fact that GSA should not have this procurement. And we support an agency that can move this procurement forward. So, if that's not GDOE, then we need to pick the right agency because I can't agree with you more. We have no time to chase our tail. And 377 days from now I do not want to be sitting here because then it's too late because you know it's a daunting task to get 36 schools done and believe me, by the time that ITC credit expires at the end of 2016, Institutional or private money is going to back away from power purchase agreements for awhile. Until solar can come down again, low enough, where it supports bill without that ITC credit. So we are running out of time. That, that is definitely a fact.

My fear with GPA is, and this is my fear, to build a 26 megawatt plant in down in Dandan at LEAC rate, that's possible. It could even be possible now at 14 and a half cents. That's what the LEAC rate is today. Possible. To do a 500 kilowatt system or a 800 kilowatt system on a school at LEAC rate, that's impossible. So, if there's some way that we could work out a reasonable price and not just what the GREA members want but what the market bears to build those systems then that would definitely be a strong possibility. But that's my fear with GPA coming back and saying, well we can only purchase power at LEAC rate and now in my testimony says, we not only need an entity that can move this structure or procurement process forward but at the end of the day, we need something that's bankable or financeable.

Senator Tom Ada: But aren't they already doing with GCC? They actually have gotten together with GCC and actually, they've gotten it to the point where PUC is now looking at the rates structure that is being proposed, so they've moved it along, actually.

Jeffrey Voacolo: Was there any rate given at this time?

Senator Tom Ada: No, I think it's the LEAC rate plus something. I think, if I recall they were estimating, the providers were estimating something like around 13 cents per kilowatt hour. Right now, the LEAC rate is something like about what, 19 maybe.

Jeffrey Voacolo: As 14-6, fourteen and a half cents, that's what the LEAC rate is today.

Senator Tom Ada: Is it? Well, well, there was a spread there, enough of a spread that an investor, you know can recover his cost and make a profit of it. And there's nothing at all wrong with making a profit.

Jeffrey Voacolo: Exactly, that's right.

Senator Tom Ada: So, I think we have a model up at GCC that has moved along a lot further than we are at the DOE issue. So, the model there is similar to what I was discussing, describing there's just some difference, nuances, in general it's pretty much where DOE just became, would become basically a landlord of rooftops space.

Jeffrey Voacolo: Thank you sir.

Acting Chairman Benjamin Cruz: Thank you very much, the Senators have no further questions. Bill 431 is considered heard.

This concludes the testimony on Bill No. 431-32 (COR). There being no additional individuals to present any additional testimony, this Committee will continue to remain open for the acceptance of any additional information or public testimony on the bill discussed. You can submit those testimonies to the office directly on Soledad Avenue, as well as the Guam Legislature or through any electronic email processes at cipo@guamlegislature.org

This hearing is adjourned.

III. FINDINGS & RECOMMENDATIONS

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land, hereby reports Bill No. 431-32 (COR), as introduced, with the recommendation TO REPORT OUT ONLY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 431-32 (COR.)

Introduced by:

J. T. Won Pat, Ed.D. *JTP*

AN ACT TO AMEND SUBSECTIONS (a) AND (d) OF TITLE
17 GUAM CODE ANNOTATED; TO AMEND SUBSECTION (a)
OF §5008.2 OF TITLE 5 GUAM CODE ANNOTATED, RELATIVE
TO PROCUREMENT OF SOLAR ENERGY FOR GDOE SCHOOLS.

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BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Subsection (a) of § 7116 of Title 17 Guam Code Annotated is hereby amended to read as follows:

“(a) The Guam Department of Education (GDOE) may enter into one or more power purchase agreements to purchase solar energy from qualified provider(s) which will be in the best financial interests of the government of Guam for a period of up to and not exceeding twenty-five (25) years. Such qualified PPA provider(s) shall be selected by a Multi-Step Bid conducted by GSA GDOE, in accordance with the procurement law and regulations of Guam. The qualified PPA provider(s) will be responsible for providing a PPA to cover no more than eighty percent (80%) of the school’s power needs, all GDOE owned schools, GDOE administrative, and GDOE ancillary buildings. For schools occupied under a lease agreement as of the enactment of this Section, GDOE may amend its lease agreements or otherwise directly enter into a PPA with a lessor for the purchase of solar power produced with renewable energy directly from the lessor and without application of the procurement law.”

1 **Section 2. Subsection (d) of §7116 of Title 17 Guam Code Annotated is**
2 **hereby amended to read as follows:**

3 “(d) ~~GDOE and GSA~~ shall seek technical consultation from the Guam Power
4 Authority in implementing this Section, and the Guam Power Authority shall provide
5 the technical consultation upon request at no cost to ~~GDOE and GSA~~. ~~GDOE and~~
6 ~~GSA~~ may further seek technical consultation from the Guam Energy Office, the
7 Department of Public Works, the Guam Renewable Energy Association, and/or a third
8 party renewable energy consultant in implementing this Section, and the consultation
9 shall be at no cost to ~~GDOE and GSA~~; any costs associated with a third party
10 consultant will be passed through in total to the qualified PPA provider(s) equally and
11 in full who is awarded the Multi-Step Bid.”

12 **Section 3. Subsection (a) of §5008.2 of Title 5 Guam Code Annotated is**
13 **hereby amended to read as follows:**

14 “(a) In procuring services as cited in § 7120 of Title 17, Guam Code Annotated,
15 ~~GSA~~ the Guam Department of Education shall, subject to the provisions of Title 5,
16 Chapter 5, GCA, grant a preference to a local business.”



Mina'trentai Dos na Liheslaturan Guahan
32ND GUAM LEGISLATURE

Vice Speaker Benjamin J.F. Cruz, Acting Chairman

**COMMITTEE ON APPROPRIATIONS, PUBLIC DEBT, LEGAL AFFAIRS, RETIREMENT,
 PUBLIC PARKS, RECREATION, HISTORIC PRESERVATION AND LAND**

Tuesday, December 9, 2014

Bill No. 431

SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
JEFF VOACALO	137 BILMADO TERRACE Dededo Guam	481-3263	JVoacalo@ MICRONESIA RESPONSIBLE LEADERSHIP	X	X	YES	
SCOTT HAGREN	389 ACHOLAKRE DEDEDO, GUAM 96929	632-4012	INFO@ PACIFICSOLO2GUAM.COM		✓	YES	



Office of the Speaker Judith T. Won Pat, Ed.D.

CHAIR, COMMITTEE ON EDUCATION, PUBLIC LIBRARY & WOMEN'S AFFAIRS

Ufisinan I Etmåds Ge'he'lo'Gi Liheslaturan Guåhan
32ND Guam Legislature
I Mina' Trentai Dos Na Liheslaturan Guåhan
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COMMISSIONER

GUAM COMMISSION ON
DECOLONIZATION

Buenas yan Hafa Adai!

GUAM FIRST
COMMISSION

I'd like to thank Vice Speaker Cruz and his committee for hearing bills number 430-32 and 431-32. These bills will help us to better address the needs of both our schools and our police department.

PRESIDENT

ASSOCIATION OF
PACIFIC ISLAND
LEGISLATURES
(APIL)

Bill 430-32

In Public Law 32-065, I identified \$400,000 for GPD to purchase new police vehicles. They were able to procure seven vehicles – two were received in October 2014, and five more are expected to be received this month. Chief of Police Fred Bordallo reported in a letter to me that the police department was not able to procure mobile radios for these vehicles. There are copies of his letter available at the sign-in table. He requested the use of the remaining funds appropriated in Public Law 32-065 (\$53,006) for mobile radios. Thus, Bill 430-32 re-directs this money toward the purchase of these much-needed radios.

BOARD MEMBER

PACIFIC RESOURCES FOR
EDUCATION
AND LEARNING
(PREL)

Bill No. 431-32

Public Law 32-095 was enacted over a year ago on November 27, 2013. This law was intended to help GDOE save money on power by allowing them to purchase solar energy. However, procurement of these essential solar panels has not been completed, and at the rate the process is going, we are losing the money we would have been saving had the panels already been procured and installed. Also, GDOE and GSA have been struggling to communicate and reach agreement on a contract to install security systems in all of our schools. In order to prevent this from happening again, this bill gives GDOE the authority to handle the procurement process for purchasing solar energy.

VICE CHAIR

PACIFIC ISLAND
DEVELOPMENT BANK
(PIDB)

Saina Ma'ase.

MEMBER

FESTIVAL OF THE
PACIFIC ARTS
(FESTPAC)



December 9th, 2014

The Honorable Benjamin J. F. Cruz
Chairman
Committee on General Governmental Operations and Cultural Affairs
32nd Legislature of Guam
155 Hesler Place
Agana, GU 96910

Dear Vice Speaker Cruz and Committee Members,

Good Afternoon, I am Jeffrey Voacolo, President of the Guam Renewable Energy Association or GREA. I thank all of you for the opportunity to testify on this important piece of legislation this afternoon.

GREA is made up of over 25 companies, these companies are experts in all forms of renewable energy, and are the industry leaders on the Island of Guam in respect to alternative sources of power production.

Bill No. 74-32 was passed on 15 November 2013 and signed into law as P.L 32-095 by Governor Calvo on 27 November 2013. The law authorized GDOE to enter into one or more Power Purchase Agreements (PPA) under third party ownership for all of its facilities to aid in reducing its costs for power production.

It has been 377 days since this bill was signed into law, yet the General Services Agency has yet to release a Multi-Step bid as required by P.L 32-095 and GDOE is still paying at least 20% more for power than it would if the PPA (s) were in effect. This negligence of duty has effectively cost the taxpayers of Guam millions dollars thus far, and will end up costing the taxpayers several million more by the time GDOE finds any relief from this legislation designed to save it money.

On November 25th, 2014 Speaker Won Pat introduced Bill 431-31 which moves the procurement of these power purchase agreements from GSA to GDOE; GREA fully supports the intent of this bill to place the procurement of these PPA's under the supervision of an agency that understands the technical specifications of power production and the correct manner in which to issue an



Guam Renewable Energy Association

RFP that is a bankable or financeable agreement so these projects can move forward and GDOE can see relief from the high cost of power production.

As we are all aware fossil fuels are a volatile commodity, because of this volatility, power rates fluctuate from year to year. This law will not only provide GDOE the ability to save millions of dollars on their energy costs, but will also allow GDOE to hedge their energy costs for at least the next 20 to 25 years allowing them to reprogram funds meant for power to add additional security, or purchase more textbooks, or whatever the leadership at GDOE deems most important.

Many of our member companies are currently offering PPAs here on Guam, and understand the technical and financial structure of these agreements. Our association is more than capable, and open to help in any way possible to get this procurement process underway.

Time is against us and over a year has been lost waiting to procure this monumental and history making project. At the end 2016 the Investment Tax Credit will expire, which leaves only 24 months to bid out these PPA's, award the contracts and construct the 36 solar energy systems on these GDOE facilities. This is an already daunting task, but it will be impossible to accomplish if any more time is wasted on procurement. This can and will still be a milestone project of cooperation between GDOE, GPA and the Renewable Energy Industry here on Guam.

GREA applauds the 32nd Legislature for your support in Renewable Energy on the Island of Guam. Not only is our industry growing, we are providing employment, and training in this new and exciting industry. We also are taxpayers, engage in business to business commerce, and most importantly, we are helping to clean up our beautiful island and trying to make Guam a showcase for other Island nations to follow.

In every community, State, and Territory we need the leadership and guidance of our elected leaders to place in effect the laws and policies to make the reduction of fossil fuel a reality, not



Guam Renewable Energy Association

only to help clean up this planet, but most importantly the legislation must be written so these laws can be implemented quickly.

If nothing is done, by 2050 the Earth is expected a temperature rise of 2 degrees Celsius, which will be not only be catastrophic, but also at the point of irreversible damage. We are the leaders and the overseers of this planet for all of the future generations to come.

Thank you for allowing me to speak , thank you for supporting Law 32-095 and for supporting Bill No. 431-32 to find a solution to move this procurement process forward.

A handwritten signature in black ink, appearing to read "Jeffrey Voacolo", is written over a horizontal line.

Jeffrey Voacolo

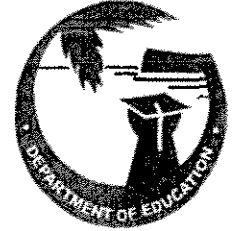
President

+++Guam Renewable Energy Association



**DEPARTMENT OF EDUCATION
OFFICE OF THE SUPERINTENDENT**

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JON J. P. FERNANDEZ
Superintendent of Education

December 2, 2014

Honorable Benjamin JF Cruz
Vice Speaker
Chairman, Committee on General Government Operations and Cultural Affairs and Acting Chairman,
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation,
Historic Preservation, and Land
32nd Guam Legislature
155 Hesler Street
Hagatna, GU 96910

Re: Bill No. 431-32 (COR) An Act to amend Subsections (a) and (d) of Title 17 Guam Code Annotated; to amend subsection (a) of §5008.2 of Title 5 Guam Code Annotated, relative to procurement of solar energy for GDOE schools

Hafa Adai Vice Speaker Cruz,

Thank you for this opportunity to provide testimony on Bill No. 431-32(COR) which transfers procurement of solar energy for Guam Department of Education (GDOE) schools from the General Services Agency (GSA) to GDOE. We welcome and support the passage of this bill that returns procurement authority over solar energy services for GDOE to GDOE. I believe the GDOE procurement and legal teams are capable of supporting the Department's procurement efforts. While we appreciate the assistance of GSA, I believe it is more efficient for GDOE to handle procurement of its goods and services internally.

I would also note that 17 GCA §7116 has the potential to move a significant portion of power production for GDOE from the Guam Power Authority (GPA) into the hands of private providers. In the short term, this will likely save GDOE by reducing its energy costs. However, in the long term, in order to make up for lost revenues, GPA rates are likely to increase and net metering opportunities may be reduced. I would encourage the Legislature and the Governor to work together on an alternative energy policy that will save costs for all consumers while ensuring GPA remains viable.

I thank Speaker Won Pat for her continuing efforts to support GDOE and thank you for this opportunity to provide testimony on this important bill.

Senseramente,

JON J.P. FERNANDEZ
Superintendent of Education



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com

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Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

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Member

Senator
Dennis C. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
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Legislative Secretary
Tina Rose Muña Barnes
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Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

Certification of Waiver of Fiscal Note Requirement

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **Bill No. 431-32 (COR) – Judith T. Won Pat, Ed.D., "AN ACT TO AMEND SUBSECTIONS (a) AND (d) OF TITLE 17 GUAM CODE ANNOTATED; TO AMEND SUBSECTION (a) OF §5008.2 OF TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO PROCUREMENT OF SOLAR ENERGY FOR GDOE SCHOOLS,"**— on November 26, 2014. COR hereby certifies that BBMR confirmed receipt of this request November 26, 2014 at 12:02 P.M.

COR further certifies that a response to this request was not received. **Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 431-32 (COR) to be included in the committee report on said bill, is hereby waived.**

Certified by:

Senator Rory J. Respicio
Chairperson, Committee on Rules

December 15, 2014

Date



COMMITTEE ON RULES

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MINORITY LEADER

Senator
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Member

November 26, 2014

VIA E-MAIL

anthony.blaz@bbmr.guam.gov

Anthony C. Blaz
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Notes– Bill Nos. 428-32(COR) through 431-32(COR)

Hafa Adai Mr. Blaz:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio
Chairperson of the Committee on Rules

Attachment (1)

Cc: Clerk of the Legislature

Bill Nos.	Sponsors	Title
428-32 (COR)	T.R. Muña Barnes	AN ACT TO ADD SUBSECTION (F) TO § 8121 OF ARTICLE 1, CHAPTER 8, TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING PARITY IN THE RETIREMENT ANNUITY OF THE ATTORNEY GENERAL OF GUAM.
429-32 (COR)	Michael F.Q. San Nicolas	AN ACT TO AUTHORIZE THE APPOINTMENT OF DEPUTIES TO ENFORCE THE GUAM'S ALCOHOLIC BEVERAGE CONTROL LAWS, BY ADDING A NEW ARTICLE 5A TO CHAPTER 3, TITLE 11, GUAM CODE ANNOTATED.
430-32 (COR)	Judith T. Won Pat, Ed.D.	AN ACT TO APPROPRIATE THE SUM OF FIFTY THREE THOUSAND SIX DOLLARS (\$53,006) FROM THE FUNDS NOT OBLIGATED FROM PUBLIC LAW 32-065 TO PURCHASE MOBILE RADIOS FOR POLICE VEHICLES.
431-32 (COR)	Judith T. Won Pat, Ed.D.	AN ACT TO AMEND SUBSECTIONS (a) AND (d) OF TITLE 17 GUAM CODE ANNOTATED; TO AMEND SUBSECTION (a) OF §5008.2 OF TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO PROCUREMENT OF SOLAR ENERGY FOR GDOE SCHOOLS.



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MINORITY LEADER

Senator
Aline Yamashita
Member

November 26, 2014

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio**
Chairperson of the Committee on Rules

Subject: **Referral of Bill No. 431-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 431-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

I Mina'Trentai Dos Na Liheslaturan Received
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
431-32 (COR)	Judith T. Won Pat, Ed.D.	AN ACT TO AMEND SUBSECTIONS (a) AND (d) OF TITLE 17 GUAM CODE ANNOTATED; TO AMEND SUBSECTION (a) OF §5008.2 OF TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO PROCUREMENT OF SOLAR ENERGY FOR GDOE SCHOOLS.	11/25/14 3:36 p.m.	11/26/14	Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land			



Lisa Dames <cipo@guamlegislature.org>

Public Hearing - FIRST NOTICE

Nicole Santos <nsantos@guamlegislature.org>

Mon, Dec 1, 2014 at 10:10 AM

To: news@k57.com, Guam PDN <news@guampdn.com>, Sabrina Salas <sabrina@kuam.com>, Jason Salas <jason@kuam.com>, Mindy Aguon <mindy@kuam.com>, Ken Quintanilla <kenq@kuam.com>, Krystal Paco <krystal@kuam.com>, clynt@k57.com, Betsy Brown <betsy@k57.com>, Jon Anderson <editor@mvguam.com>, "Gerardo R. Partido" <gerry@mvguam.com>, Mar-Vic Cagurangan <marvic@mvguam.com>, Maria Louella Losinio <louella@mvguam.com>, William Ray Gibson <rgibson@k57.com>, kstokish@gmail.com, Jerick Sablan <jpsablan@guampdn.com>, Steve Limtiaco <slimtiaco@guampdn.com>, Gaynor Daleno <gdumat-ol@guampdn.com>, Lifestyles_PDND <life@guampdn.com>

Cc: "Benjamin J.F. Cruz" <senator@senatorbjcruz.com>, Tessa Weidenbacher <tessa@senatorbjcruz.com>, Carlo Branch <carlo.branch@gmail.com>, Lisa Dames <cipo@guamlegislature.org>, Nicole Santos <nsantos@guamlegislature.org>

The Committee on General Government Operations and Cultural Affairs and the the Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land will hold a round table meeting and public hearing on Tuesday, December 9, 2014 at 10:00 am and 2:00 pm at the Guam Legislature Public Hearing Room. The following is on the agenda:

10:00AM

Round Table Meeting

Bill No. 394-32 (COR) – Introduced by Vice Speaker Benjamin Cruz: An Act to add a new Article 5 to Title 4, Chapter 8, of the Guam Code Annotated to create a new "Hybrid" Retirement System with mandatory participation by Government of Guam employees hired after December 31, 2014; with optional participation for Defined Contribution Retirement System Participants who elect to transfer to the new Hybrid Plan in accordance with regulations to be promulgated.

2:00PM

Public Hearing

Bill No. 428-32 (COR) – Introduced by Senator Tina Muna Barnes: An Act to add Subsection (F) to §8121 of Article 1, Chapter 8, Title 4 of the Guam Code annotated, Relative to establishing parity in the Retirement Annuity of the Attorney General of Guam.

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Bill No. 430-32 (COR) – Introduced by Speaker Judith Won Pat: An Act to appropriate the sum of Fifty Three Thousand Six Dollars (\$53,006) from the funds not obligated from Public Law 32-065 to purchase mobile radios for police vehicles.

Bill No. 427-32 (COR) – Introduced by Vice Speaker Benjamin Cruz: An Act to amend § 85103(b) of Title 5 of the Guam Code Annotated; relative to the composition of the Council on the Arts and Humanities.

In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services or for further information, please call the Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land at 473-4236/7 or email at cipo@guamlegislature.org

--
Nicole Santos
Policy Research Analyst
I Mina'trentai Dos Na Liheslaturan Guåhan - 32nd Guam Legislature
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land
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 **Agenda_Dec 9.doc**
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Lisa Dames <cipo@guamlegislature.org>

Public Hearing - FIRST NOTICE

Nicole Santos <nsantos@guamlegislature.org>
To: PHrg Notice <phnotice@guamlegislature.org>

Mon, Dec 1, 2014 at 10:30 AM

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Nicole Santos
Policy Research Analyst
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Lisa Dames <cipo@guamlegislature.org>

Public Hearing - SECOND NOTICE

Nicole Santos <nsantos@guamlegislature.org>
To: PHrg Notice <phnotice@guamlegislature.org>

Fri, Dec 5, 2014 at 9:31 AM

The Committee on General Government Operations and Cultural Affairs and the the Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land will hold a round table meeting and public hearing on Tuesday, December 9, 2014 at 10:00 am and 2:00 pm at the Guam Legislature Public Hearing Room. The following is on the agenda:

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Nicole Santos
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Public Hearing - SECOND NOTICE

Nicole Santos <nsantos@guamlegislature.org>

Fri, Dec 5, 2014 at 9:31 AM

To: K57 <news@k57.com>, Guam PDN <news@guampdn.com>, Sabrina Salas <sabrina@kuam.com>, Jason Salas <jason@kuam.com>, Mindy Aguon <mindy@kuam.com>, Ken Quintanilla <kenq@kuam.com>, Krystal Paco <krystal@kuam.com>, clynt@k57.com, Betsy Brown <betsy@k57.com>, Jon Anderson <editor@mvguam.com>, "Gerardo R. Partido" <gerry@mvguam.com>, Mar-Vic Cagurangan <marvic@mvguam.com>, Maria Louella Losinio <louella@mvguam.com>, William Ray Gibson <rgibson@k57.com>, kstokish@gmail.com, Jerick Sablan <jpsablan@guampdn.com>, Steve Limtiaco <slimtiaco@guampdn.com>, Gaynor Daleno <gdumat-ol@guampdn.com>, Lifestyles_PDN <life@guampdn.com>

Cc: "Benjamin J.F. Cruz" <senator@senatorbjcruz.com>, Tessa Weidenbacher <tessa@senatorbjcruz.com>, Carlo Branch <carlo.branch@gmail.com>, Lisa Dames <cipo@guamlegislature.org>, Nicole Santos <nsantos@guamlegislature.org>

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Is/ CLAUDIA S. ACFALLE
Chief Procurement Officer

By Moneth Deposa-Eleco
moneth@myguam.com
Variety News Staff

CEBU Pacific's maiden flight to Guam will not push through as scheduled this month due to the unavailability of slots at Manila's terminal, according to Guam International Airport Authority.

Rolenda Faasumalie, GIAA's airport marketing administrator, said the airline recently informed the airport management of the flight launch delay.

Cebu Pacific, a Philippine budget carrier, was originally slated to launch its Guam service this month, with four weekly direct flights for its Manila-Guam route. With the airline service, Guam will soon have three carriers that will operate direct flights to and from Manila. At present, Philippine Airlines and the United Airlines serve that market.

Faasumalie said Cebu Pacific now anticipates to open the Guam service in March 2015.

"The delay in startup from December 2014 to March 2015 is due to the shortage of slots available at Terminal 2 in Manila where all international flights operate," Faasumalie said in an interview with Variety.

Lobbying efforts

Faasumalie said Cebu Pacific has advised GIAA that they are continuing their lobbying efforts to get the service going, having already applied to the U.S. Department of Transportation for the approval to start passen-



Cebu Pacific's maiden flight to Guam will not push through as scheduled this month due to the unavailability of slots at Manila's terminal, according to International Airport Authority. Variety file photo

ger service to Guam.

The airline's top executives were on Guam in August to meet with airport officials and board members. They toured the airport facility including ticketing booths and operational areas.

The group then sealed the agreement with Guam airport officials about its much-awaited operation in Guam.

Weekly flights

Despite the anticipated delay, Cebu Pacific remains committed to fly Tuesday, Thursday, Saturday and Sunday. The airline will utilize A320 aircraft with 180-seat capacity for each flight which will depart Manila at 11:35 a.m. and will arrive in Guam at 3:05 p.m. on those days.

With A320 aircraft, Cebu Pacific's four weekly flights will bring in additional 720 air seats to the market.

The current seat capacity from the Manila market provided by Philippine Airlines and United is at 12,000 seats weekly. Phil-

ippine Airlines operate times a week while United nine times weekly.

Cebu Pacific's business operation on Guam is in line with the company's expansion across the board including expanding services to F Palau, Japan and Micron

GIAA officials earlier said Cebu Pacific initially expressed interest in servicing the market two years ago. On 2012, the airline filed its application with the U.S. Department of Transportation and Communications requesting authorization to serve the U.S. market.

During that time, the Aviation Administration was yet to lift the security category of the Philippines and Cebu Pacific had initially planned leasing a U.S. aircraft. Earlier this year, the FAA lifted the Category 1 which allows additional flights from the Philippines to the U.S.

Cebu Pacific will use aircraft for this new service.

Minor found pregnant, step-mom charged in case

By Moneth Deposa-Eleco
moneth@myguam.com
Variety News Staff

A 25-year-old man was charged in court yesterday with third-degree criminal sexual conduct as a second-degree felony following a complaint filed by a minor, who claimed she is carrying the defendant's baby.

According to court records, Adam Angoco Hill Jr. snuck into the victim's residence while

responded to a call regarding a possible criminal sexual conduct complaint in the village.

Police said the report was made by the girl's step-mother, who observed signs that the girl might be pregnant. She bought a pregnancy kit and tested the girl. The result was positive.

Prior to the complaint, police received information that the girl had been hanging out with Angoco against her family's advice.

On Dec. 3, the victim

the girl said she first met the defendant via social media sometime in September. In October, the defendant and the victim had sex. The victim was around 3 a.m. when he was asleep.

The victim said she first met the defendant had their first contact last month. She told police that the defendant informed her that he



Mina'trentai Dos na Liheslaturan Guåhan
32nd GUAM LEGISLATURE
Vice Speaker Benjamin J.F. Cruz
Chairman, Committee on General Government Operations and Cultural Affairs
Acting Chairman, Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land
**HUNTAN PUPBLEKO & INEKUNGOK PUPBLEKO
(ROUND TABLE MEETING & PUBLIC HEARING)**

gi Måttes, gi día 9 gi Disiembre, 2014
Tuesday, December 9, 2014

Kaditton Inekungok Pupbleko gi Liheslaturan Guåhan
(Guam Legislature Public Hearing Room)

TAREHA
(AGENDA)

ales dies gi egg'a'on
10:00AM

Huntan Pupbleko
Round Table Meeting

Bill No. 394-32 (COR) - Introduced by Vice Speaker Benjamin Cruz: An Act to add a new Article 5 to Title 4, Chapter 8, of the Guam Code Annotated to create a new "Hybrid" Retirement System with mandatory participation by Government of Guam employees hired after December 31, 2014; with optional participation for Defined Contribution Retirement System Participants who elect to transfer to the new Hybrid Plan in accordance with regulations to be promulgated.

ales dos gi despues di to'la'i
2:00PM

Inekungok Pupbleko
Public Hearing

Bill No. 428-32 (COR) - Introduced by Senator Tina Maza Barnes: An Act to add Subsection (F) to 58121 of Article 1, Chapter 8, Title 4 of the Guam Code Annotated, Relative to establishing parity in the Retirement Annuity of the Attorney General of Guam.

Bill No. 431-32 (COR) - Introduced by Speaker Judith Won Pat: An Act to amend Subsections (a) and (d) of Title 17 Guam Code Annotated; to amend subsection (a) of 55008.2 of Title 5 Guam Code Annotated, relative to procurement of solar energy for GDOE schools.

Bill No. 430-32 (COR) - Introduced by Speaker Judith Won Pat: An Act to appropriate the sum of Fifty Three Thousand Six Dollars (\$53,006) from the funds not obligated from Public Law 32-065 to purchase mobile radios for police vehicles.

Bill No. 427-32 (COR) - Introduced by Vice Speaker Benjamin Cruz: An Act to amend 5 85103(b) of Title 5 of the Guam Code Annotated; relative to the composition of the Council on the Arts and Humanities.

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 32nd GUAM LEGISLATURE
 Vice Speaker Benjamin J.F. Cruz

HUNTAN PUPBLEKO & INKUNGOK PUPBLEKO
 (ROUND TABLE MEETING & PUBLIC HEARING)
 gi Måttes, gi ñña 9 gi Disiembre, 2014
 Tuesday, December 9, 2014

Knåtton inkungok Pupbleko gi Libeslaturan Guahan
 (Guam Legislature Public Hearing Room)

TAREHA
 (AGENDA)

ataz ñes gi egga'an
 10:00AM

Huntan Pupbleko
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ataz ñes gi despans di tela'ñal
 2:00PM

Inkungok Pupbleko
 Public Hearing

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Bill No. 439-32 (COR) – Introduced by Speaker Judith Won Pat: An Act to appropriate the sum of Fifty Three Thousand Six Dollars (\$53,006) from the funds not obligated from Public Law 32-065 to purchase mobile radios for police vehicles.

Bill No. 427-32 (COR) – Introduced by Vice Speaker Benjamin Cruz: An Act to amend § 801K3(b) of Title 5 of the Guam Code Annotated; relative to the composition of the Council on the Arts and Humanities.

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51 Pacific Daily News, Friday, December 5, 2014 guampdn.com



I Mina'trentai Dos na Liheslaturan Guáhan

32nd GUAM LEGISLATURE

Vice Speaker Benjamin J.F. Cruz

Chairman, Committee on General Government Operations and Cultural Affairs

Acting Chairman, Committee on Appropriations, Public Debt, Legal Affairs,
Retirement, Public Parks, Recreation, Historic Preservation, and Land

**HUNTAN PUPBLEKO & INEKUNGOK PUPBLEKO
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gi Máttes, gi diha 9 gi Disembre, 2014
Tuesday, December 9, 2014

Kuátton Inekungok Pubbleko gi I Liheslaturan Guáhan
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**TAREHA
(AGENDA)**

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10:00AM

Huntan Pubbleko
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alas dos gi despues di talo'áni
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