



Senator Thomas C. Ada

Chairman - Committee on Public Safety, Infrastructure & Maritime Transportation
I Mina'trentai Dos Na Liheslaturan Guåhan • 32nd Guam Legislature

October 28, 2013

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 *[Signature]*

RE: Committee Report on the Appointment of Andrew L. Niven

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on the appointment of Andrew L. Niven to serve as a Member of the Public Utilities Commission, and which was referred to the Committee on Public Safety, Infrastructure and Maritime Transportation.

The voting record is as follows:

- 6 TO CONFIRM
- _____ TO NOT CONFIRM
- _____ TO REPORT OUT ONLY
- _____ TO ABSTAIN
- _____ TO PLACE IN INACTIVE FILE

Si Yu'os ma'åse',
[Signature]
Thomas C. Ada

2013 OCT 27 14:10:06 *[Signature]*



Senator Thomas C. Ada
Chairman - Committee on Public Safety, Infrastructure & Maritime Transportation
I Mina'trentai Dos Na Libeslaturan Guåban • 32nd Guam Legislature

**COMMITTEE
REPORT
ON
THE APPOINTMENT OF
ANDREW L. NIVEN
TO SERVE AS A MEMBER OF THE
PUBLIC UTILITIES COMMISSION**



Senator Thomas C. Ada

Chairman - Committee on Public Safety, Infrastructure & Maritime Transportation
I Mina'trentai Dos Na Liheslaturan Guåhan • 32nd Guam Legislature

October 24, 2013

MEMORANDUM

To: **All Members**
Committee on Public Safety, Infrastructure and Maritime Transportation

From: **Senator Thomas C. Ada**
Committee Chairperson

Subject: **Committee Report on the Appointment of Andrew L. Niven**

Transmitted herewith for your consideration is the Committee Report on the appointment of Andrew L. Niven to serve as a Member of the Public Utilities Commission.

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of the Appointment Letter to the Speaker
- Copy of the Appointment Packet and Supporting Documents
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony and Supporting Documents
- Copy of COR Referral of the Appointment
- Notices of Public Hearing
- Copy of the Public Hearing Agenda

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

Si Yu'os ma'åse!!

Thomas C. Ada



Senator Thomas C. Ada

Chairman - Committee on Public Safety, Infrastructure & Maritime Transportation

I Mina'trentai Dos Na Libeslaturan Guåhan • 32nd Guam Legislature

COMMITTEE VOTE SHEET

APPOINTEE: Andrew L. Niven
 Position: Member
 Agency: Public Utilities Commission

COMMITTEE MEMBERS	SIGNATURE	TO CONFIRM	TO NOT CONFIRM	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
SENATOR THOMAS C. ADA Chairperson	10-24-13 <i>T.C. Ada</i>	✓				
SENATOR RORY J. RESPICIO Vice Chairperson	<i>R. Respicio</i>	<i>m</i> 10/24/13				
VICE SPEAKER BENJAMIN J.F. CRUZ Member	<i>B. Cruz</i>	✓				
SENATOR FRANK B. AGUON, JR. Member	10/28/13 <i>F. Aguon, Jr.</i>	✓				
SENATOR MICHAEL F.Q. SAN NICOLAS Member	10/29/13 <i>M. San Nicolas</i>	✓				
SENATOR ALINE A. YAMASHITA, PH.D. Minority Member	<i>A. Yamashita</i>	✓				
SENATOR V. ANTHONY ADA Minority Member	10/24/13 <i>V. Anthony Ada</i>	✓				
SENATOR BRANT McCREADIE Minority Member						

COMMITTEE REPORT DIGEST

I. OVERVIEW

The Committee on Public Safety, Infrastructure and Maritime Transportation convened a public hearing on Thursday, August 8, 2013 at 5:30 pm in *I Liheslatura's* Public Hearing Room. Among the items on the agenda was the consideration of the appointment of Andrew L. Niven to serve as Member of the Public Utilities Commission, and whose appointment history is as follows:

- Appointed by Ray Tenorio, Acting Governor of Guam, on June 14, 2013, for a term of six (6) years, to begin on November 1, 2013 and expire on October 31, 2019;
- Appointment packet forwarded to *I Liheslatura* on June 14, 2013;
- Appointment packet forwarded to this Committee for public consideration on July 23, 2013.

Public Notice Requirements

Notices were disseminated via email to all Senators and all main media broadcasting outlets on Wednesday, July 31, 2013 (5-Day Notice), and again on Tuesday, August 6, 2013 (48-Hour Notice).

Senators Present

Senator Thomas C. Ada	Committee Chairman
Vice Speaker BJ Cruz	Committee Member
Senator Brant McCreadie	Minority Member
Senator Aline Yamashita	Minority Member
Senator Tony Ada	Minority Member
Senator Tina Rose Muña-Barnes	
Senator Christopher Duenas	
Senator Thomas Morrison	
Senator Michael Limitiaco	

II. SUMMARY OF TESTIMONY AND DISCUSSION

The Public Hearing was Called-to-Order at 5:30 pm.

Opening Testimony

Attorney Fred Horecky

Provided oral and written testimony (see attached)

Attorney Horecky is the Legal Counsel for the Public Utilities Commission, and states his support for the appointment. He states that while this is Mr. Niven's initial appointment to the PUC, he has extensive experience in utilities and regulations. He served on the Rhode Island Public Utilities Commission for 4 years, and then worked another 25 years in regulatory and rate setting matters with the Pacific Gas & Electric Company in California. During that time, he held a number of positions, including Head of the Regulatory Section of the Law Department, and Manager of the Rates Department. Attorney Horecky goes on to share that Mr. Niven, upon learning of the vacancy on the PUC, took it upon himself to attend PUC meetings as a member

of the public, and to familiarize himself with the matters coming before the Commission. He feels it is fortunate that an individual with such experience and knowledge has moved into our community and is willing to serve on the Commission. A pleasant and conscientious individual, he believes Mr. Niven also possesses the background to aid the PUC in difficult rate setting and regulatory matters. He also notes that Mr. Niven has a background in water regulation, having served as the Chair of the Water Committee of the National Association of Regulatory Utility Commissioners. He believes Mr. Niven is an excellent choice, and he urged the Committee to support his nomination.

Andrew L. Niven

Provided oral testimony

Mr. Niven provided testimony to support his nomination to the Public Utilities Commission. He stated that he is familiar with the field, having worked extensively in public utilities and regulations through the New England Conference of Public Utilities Commissioners, the Rhode Island Public Utilities Commission, and Pacific Gas and Electric Co. in San Francisco, the latter of which he worked at for 25 years as their attorney and manager for rate cases. Having retired from Pacific Gas and Electric in 2009, he and his wife moved to Guam in 2011. He shares that he met Chairman Jeff Johnson and was told about the vacancy on the PUC. Since that time, he has regularly attended PUC meetings as a member of the public, and has kept in touch with Mr. Johnson and Attorney Horecky. He is very impressed with the PUC's professionalism and collegiality. He would greatly appreciate the opportunity to make contributions to Guam by serving on the PUC; ultimately, his goal is to promote safe, reliable, and reasonably priced utility services.

Eloy Hara

Provided oral testimony

Mr. Eloy Hara provided testimony in support of Mr. Niven. Though he cited his current experience as a Commissioner on the Consolidated Commission on Utilities, Mr. Hara noted that his testimony is being provided as a private citizen. He shared his past experiences working in utilities, on the Civil Service Commission, and at Guam Memorial Hospital. He said he does not know Mr. Niven personally, but appreciates his experience and notes Mr. Niven's membership to the American Public Power Association. From the testimony provided, he feels confident that Mr. Niven understands the non-profit nature of the utilities, and that his experience will serve him well on the PUC. He closes by highly recommending the confirmation of Mr. Niven's nomination.

Question & Answer

Chairman Tom Ada: Opened the floor to questions and comments by the Committee Members and other Senators present.

Vice Speaker Cruz: States that he is happy to see an attorney being appointed to the Commission, particularly given some shortcomings he sees with the manner by which the PUC is run. In particular, he feels that the Open Government Law is not being followed, particularly given the apparent discussions that go on behind closed doors; all the public sees is Chairman

Johnson calling for a motion to vote, with minimal subsequent discussion. Given Mr. Niven's legal background, Vice Speaker Cruz states that he believes the Commission will better follow the Open Government Law. He then asked Mr. Niven if he believes the PUC has the power to disapprove decisions that come before it, such as the purchase of equipment or a twelve million dollar loan, if the members believe the proposed action is not in the best interest of the people of Guam.

Mr. Niven: Replied that the Commission has the discretion to approve or disapprove any action, but in some particular cases there may be applicable statutes that would control its discretion. Nevertheless, in general the answer is yes; the Commission can certainly disapprove a contract that comes before it.

Vice Speaker Cruz: Asked Mr. Niven if he believes the Commission has the prerogative to call upon the Legislature to amend a law that, once changed, would facilitate better operations of an autonomous agency. And, in such cases, whether a long-range plan for addressing such changes should be established, rather than waiting years and, consequently, having little or no time to find a legislative remedy.

Mr. Niven: Replied that while long-range plans are wise and should be established, it is not always appropriate for the PUC to propose or sponsor legislation, particularly in instances where the subject matter falls under the direct purview of the managing Authority.

Vice Speaker Cruz: Thanks him for that answer.

Senator Morrison: Thanks Mr. Niven for sharing his experience, and states that he will support his nomination.

Senator Yamashita: Thanks Mr. Niven for stepping forward to serve on the PUC, and noted his extensive experience, including the awarding of "Andrew L. Niven Day" in Rhode Island. She shares that she would like to see a focus on strengthening the relationship between the PUC and autonomous agencies through timely communication and efficient, responsive action. She continued by asking if Mr. Niven feels that such improvements would help the PUC strengthen its decision-making process.

Mr. Niven: Answered that he agrees that such communication is beneficial and should be encouraged. He actively seeks to better familiarize himself with the other agencies, and hopes that the collegiality on the Commission will extend beyond the CCU and to other organizations.

Senator Yamashita: Stated that she asks about methods of improving communication and responsiveness because she is concerned by the difficult balance that needs to be struck between keeping rates affordable and providing high quality power and waterworks services. She also notes that information regarding the need and impact of rate increases does not always get properly conveyed to the community. She closed by stating that she will support his confirmation.

Senator Tony Ada: Thanked Mr. Niven for serving the people of Guam and said that he looked forward to his confirmation.

Senator Duenas: Thanked Mr. Niven for his willingness to serve. He then wished to emphasize that one of the accomplishments of Port operations was its ability to live within the same structure of debt service while utilizing funding for cranes. He asked if in Mr. Niven's experiences it is a typical scenario that such accommodations must be made in order to maintain operations while looking for a stronger alternative solution in the future.

Mr. Niven: Answered that in his experiences there can always be surprises, even with big organizations like Pacific Gas and Electric, and that the PUC should continually be in touch with the utilities in order to keep abreast these developments. It is not enough to simply react to rate cases as they come before the Commission, particularly on matters related to reliable services and safety. In regards to the crane situation being referred to, Mr. Niven says he cannot comment on it as he is unfamiliar with the matter.

Senator Duenas: States that in operations there is a break-even point when considering fees and charges. He asks Mr. Niven for his thoughts on paying for current operations with its own rate structure.

Mr. Niven: Answered that yes, he believes the core job of the PUC is to set not only the rate but the overall revenue that the utility should be collecting to make sure enough funding is available to provide safe and reliable services. This has been a concern in his experiences with other utilities that had been for-profit; but for Guam's publically owned utilities, the matter of "rate of return" is not a contentious issue. The budget-making process on Guam is thus slightly less contentious because there is no element of how much profit is appropriate for the utility to make.

Senator Muña-Barnes: Thanked Mr. Niven for providing testimony and stepping forward to serve. She noted that controversial changes are not easy, but he possesses extensive institutional knowledge and career experience. She then asked about Andrew L. Niven Day in Rhode Island.

Mr. Niven: Answered that he had served 4 years on the Utilities Commission in Rhode Island. He had also put together the staffing organization for the New England Conference of Public Utilities Commissioners and served as Law Clerk to the state Chief Justice. The commemorative day was to honor those accomplishments.

Senator Muña-Barnes: Commended his extensive experience and stated her support for his confirmation.

Senator McCreadie: Congratulates Mr. Niven for accepting the nomination, and asked what he would do to improve the PUC. In particular, what would he do when dealt with rate increases that deal with capital improvements, and where would he draw the line?

Mr. Niven: Answered that capital improvements should be funded by debt; and that debt should not be used for operations. As for improving the Commission, he said he has only attended the

public meetings; having not seen everything behind the scenes yet, he does not feel he knows the process well enough to be able to recommend improvements just yet.

Senator McCreadie: Asked if Mr. Niven finds it appropriate for any of the PUC's work to be conducted behind the scenes.

Mr. Niven: Replied that by "behind the scenes" he was referring to the process undertaken by consultants in compiling the testimonies and information submitted during public hearings held by the utilities, and how that information gets to the point that it is in a binder and ready for consideration by the Commissioners.

Senator McCreadie: Asked how Mr. Niven believes that he himself can improve as a Commissioner.

Mr. Niven: Answered that, as a retiree, he has more time to get involved earlier in the process. He can actively observe matters as they develop, and be aware of what is happening with the consultants and utilities before a proposal comes before the PUC for approval.

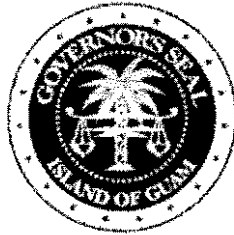
Chairman Ada: Stated that as there are no further questions or comments, the Committee will consider the matter of Mr. Niven's appointment to the PUC as having been duly heard.

III. FINDINGS AND RECOMMENDATIONS

The Committee notes that the precedent set by recent AG Opinion LEG 13-0193, regarding the staggering of terms for the Board of Directors of the Port Authority of Guam, was followed by both the Governor's Office and the Committee when aligning the term of Mr. Niven on the Public Utilities Commission. As such, Mr. Niven's term begins on November 1, 2013 and expires on October 31, 2019.

The Committee on Public Safety, Infrastructure and Maritime Administration hereby reports on the appointment of **Andrew L. Niven** to serve as a Member of the Public Utilities Commission, in a seat reserved for a member with "Utilities Experience" and set to expire on October 31, 2019, with the recommendation TO CONFIRM.

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

JUN 14 2013

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Dos Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

RE: Board Appointment

Dear Madame Speaker:

By virtue of the authority vested in me pursuant to the Organic Act of Guam and the local laws applicable to the following position, I am pleased to transmit the following appointment and supporting documents for:

APPOINTEE:	Andrew Niven
POSITION:	Commissioner, Public Utilities Commission
TERM LENGTH:	Six (6) years
TERM SERVED:	November 1, 2013 to October 31, 2019
DISCIPLINE:	Utilities Experience

2013 JUN 14 PM 1:45
Handwritten signature

The appointment is subject to the consent of *I Liheslaturan Guåhan*. Please schedule hearing at your earliest convenience.

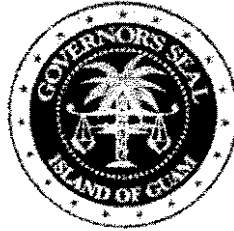
Senscramente,

Handwritten signature of Ray Tenorio
RAY TENORIO
Acting Governor of Guam

32-13-496
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 6/14/13
Time 1:37 PM
Received by *Handwritten signature*

Enclosure

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

JUN 14 2013

Mr. Andrew Niven
126 Dona Lane
Dededo, Guam 96929

RE: Board Appointment

Dear Mr. Niven:

Thank you for your commitment to serve the people of Guam. The Calvo Tenorio administration is facing unprecedented challenges, both near and long-term. The task ahead of us will require the collective efforts of the best minds who will have the courage to make tough decisions for the good of all our people. I hereby appoint you to serve in the Calvo Tenorio administration as:

Commissioner, Public Utilities Commission
Term: Six (6) years
Term Served: November 1, 2013 to October 31, 2019
Discipline: Utilities Experience

This appointment is subject to confirmation by *I Lheslaturan Guåhan* and is effective upon your confirmation. Please contact the Office of the Governor at 472-8931-6 should you have any further questions regarding this appointment.

Senseramento,

RAY TENORIO
Acting Governor of Guam



OFFICE OF THE GOVERNOR
GUAM

Boards & Commissions Nomination Information

The following information is required for submission to the Speaker of *I Liheslauran Guahan* in accordance with Title 4, Guam Code Annotated Section 2103.5 and Section 13104.1:

NOMINEE INFORMATION

Last Name Niven First Andrew M.I. L Date 06/07/2013

Address [Redacted]
City [Redacted]

Phone [Redacted] E-mail Address andynvn@yahoo.com

Position to which Appointment is Made Commissioner, Public Utilities Commission

Are you a citizen of the United States? YES NO If no, are you authorized to work in the U.S.? YES NO

EDUCATION

High School Wellesley High School City/State Wellesley, MA

From 1962 To 1965 Did you graduate? YES NO Degree Diploma

College Harvard College City/State Cambridge, MA

From 1965 To 1969 Did you graduate? YES NO Degree Bachelors

EDUCATION

Graduate School	University of Southern California Law School		City/State	Los Angeles, CA	
From	1972	To	1975	Did you graduate?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Other Degree			City/State		Degree Juris Doctor
From		To		Did you graduate?	YES <input type="checkbox"/> NO <input type="checkbox"/>
					Degree

EMPLOYMENT HISTORY

(1) Present Employer	None (retired)		Position	
Address		Dates Held	Jan. 2010 - present	
(2) Previous Employer	Pacific Gas and Electric Company		Position	Attorney and Manager
Address	77 Beale Street San Francisco, CA		Dates Held	Nov. 1983 - Dec. 2009
(3) Previous Employer	Rhode Island Public Utilities Commission		Position	Commissioner
Address	Providence, RI (now Warwick, RI)		Dates Held	July 1979 - Oct. 1983
(4) Previous Employer	New England Conference of Public Utility Commissioners, Inc.		Position	Director
Address	Providence, RI (now Montpelier, VT)		Dates Held	June 1976 - June 1979
(5) Previous Employer	Rhode Island Supreme Court		Position	Law Clerk to Chief Justice
Address	Providence, RI		Dates Held	Sept. 1975 - May 1976

PRIOR GOVERNMENT OF GUAM SERVICE - none

Agency	Phone
Address	
Job Title	From: To

PRIOR GOVERNMENT OF GUAM SERVICE

Agency Phone
Address
Job Title From: To

PRIOR GOVERNMENT SERVICE (EXCLUDING GOVERNMENT OF GUAM)

Agency Rhode Island Public Utilities Commission Phone 401-941-4500
Address 89 Jefferson Blvd., Warwick, RI 02888
Job Title Commissioner From: July 1979 To October 1983

Agency New England Conference of Public Utility Commissioners, Inc. Phone 802-522-4068
Address 50 State Street Suite 1, Montpelier, VT 05602
Job Title Director From: June 1976 To June 1979

TRAINING

Institute/Seminars/On-the-Job Training: Date
Continuing Legal Education in California 1983-2009

AWARDS

List all educational, professional, civic awards, and recognition for public service:

"Andrew L. Niven Day" proclaimed by Rhode Island Governor for public service (October 13, 1983)

PROFESSIONAL INVOLVEMENT

List involvement on a local/national/international level, list organization, activities participated in, offices held:

2007: President of Conference of California Public Utility Counsel
1983 - Present: Member of The State Bar of California (currently inactive)
1982-1983: Chair of Water Committee of National Association
of Regulatory Utility Commissioners (NARUC)
1980-2009: Developed and taught various utility rate case courses

COMMUNITY / CIVIC INVOLVEMENT

List organizations, activities, participated in, offices held

2010 - Present: With wife Aniceta, founded and fund
"God's Grace Helping Hand Foundation of Iloilo, Inc.,"
a Philippine foundation providing medical care
assistance to the very poor
1984 - 2009: Regularpheres donor at San Francisco blood bank

PUBLICATIONS AND PRESENTATIONS - none

List any published articles, papers delivered at professional meetings, etc.:

MILITARY SERVICE (PLEASE ATTACH FORM DD-214) - none

Branch	From	To
Rank at Discharge	Type of Discharge	

OTHER INFORMATION

(1) Have you ever been found guilty of a felony in any court, whether within or without the United States?

YES

NO

If so, please specify in detail:

Address of the court: _____

Date of Conviction: _____

Specific infraction committed: _____

(2) Have you ever been declared mentally incompetent by any court, whether within or without the United States?

YES

NO

If so, please specify in detail the reasons and facts related to such declaration:

(3) Have you ever been found not guilty or not punishable in any criminal proceedings by reason of insanity?

YES

NO

(4) Have you ever been confined to a mental institution for any reason?

YES

NO

If so, please specify in why the appointing authority believes you that you are not suffering from any mental illness or affliction:



Statement of Financial Interests
(Required by 4 G.C.A. § 13104.1)

TO: Governor Eddie Baza Calvo
Ricardo J. Bordallo Governor's Complex
Adelup, Guam 96910

FROM: Andrew L. Niven

- I have no financial interest in any business
- I do have interest(s) in the following business(es):

Name and address of business interest:	Type and amount of interest
Pacific Gas and Electric Company San Francisco, CA	penion payments
Various mutual funds and municipal bonds	Investments
(I know of no financial interest in a business (firm))	

Andrew L. Niven
Signature

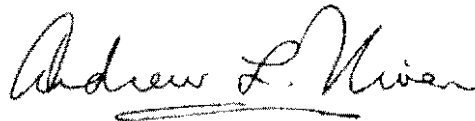
June 7, 2013
Date

AFFIDAVIT / DECLARATION UNDER PENALTY OF PERJURY

I, the undersigned, do hereby depose and say that: (1) I have read and reviewed the information contained in the attached Appointment/Nomination letter from the Governor of Guam; (2) that the matters contained in the Appointment/Nomination letter, together with all attachments thereto, are true and correct and that I am competent to testify to said matters; and (3) that this Declaration is made for the purpose of complying with the requirements of 4 G.C.A. Section 2103.5.

I declare under penalty of perjury under the laws of Guam (4 G.C.A. Section 4308) that the foregoing is true and correct.

Signature

Handwritten signature of Andrew L. Niven in cursive script, underlined.

Date June 7, 2013



SUPERIOR COURT OF GUAM

Guam Judicial Center • 120 West O'Brien Drive • Hagåtña, Guam 96910

Telephone (671) 475-3370
Fax (671) 477-1500

RICHARD B. MARTINEZ
Clerk of Courts

Name: **ANDREW L NIVEN**

SS#: [REDACTED]

CERTIFICATE OF SEARCH

The undersigned Clerk hereby certifies the following results of a diligent search of the records of this Court:

Criminal Cases:

- A. No Case Found.
- B. 1. Criminal Case No.
- 2. Criminal Case No.
- 3. Criminal Case No.
- 4. Criminal Case No.
- 5. Criminal Case No.

Criminal Record: Page 1 of 1

Civil Cases:

- A. No Case Found
- B. 1. Civil Case No.
- 2. Civil Case No.
- 3. Civil Case No.
- 4. Civil Case No.
- 5. Civil Case No.

Civil Record: Page 1 of 1

Request for further information may be addressed at the Records Division of the Superior Court of Guam, Guam Judicial Center, 120 West O'Brien Drive, Hagatna, Guam. Hours of operation are Monday – Friday, 8:00 a.m. to 5:00 p.m. Closed Saturday, Sunday and local/federal holidays. Court Clearances are Non-Refundable.

Dated: June 07, 2013

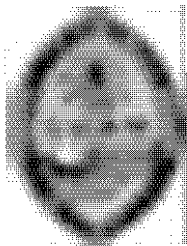
RICHARD B. MARTINEZ
Clerk of Courts

BY: **ANIKA J. JOHNSTON**
Deputy Clerk

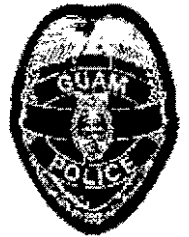
Prepared By: GJS



The absence of an original Court Seal invalidates this document



Government of Guam
GUAM POLICE DEPARTMENT
RECORDS & IDENTIFICATION SECTION
 P.O. Box 23909
 Guam Main Facility, Guam 96921



June 7, 2013

SUBJECT: CRIMINAL HISTORY RECORD

NAME: Andrew L. NIVEN		
DATE OF BIRTH: [REDACTED]	FINGERPRINT #:	NONE
[REDACTED]	The individual has no record of criminal conviction(s) in GPD files that are subject to Guam law and rules and regulations of the Department.	

*****NOTHING FOLLOWS*****

THIS INFORMATION MAY BE LIMITED TO A LOCAL CRIMINAL OFFENSE ONLY AND IS NOT INTENDED FOR USE FOR ANY LOCAL, STATE, OR FEDERAL LAW ENFORCEMENT AGENCY. THIS CLEARANCE DOES NOT REFLECT ARREST(S) PENDING ADJUDICATION.

The absence of an original GUAM POLICE seal invalidates this police clearance.
REVISED 10/1/11

By Direction : MWINN

FRED E. BORDALLO, JR.
CHIEF OF POLICE

**PUBLIC UTILITIES COMMISSION
OF GUAM**

Jeffrey C. Johnson

Suite 207, GCIC Building
Post Office Box 862
Hagatna, Guam 96932

David A Mair
Administrative Law Judge

Joseph M. McDonald
Filomena M. Cantoria
Rowena E. Perez
Michael A. Pangelinan
Peter Montinola

Telephone: (671) 472-1907
Fax: (671) 472-1917
Email: info@guampuc.com

Lourdes R. Palomo
Administrator

August 8, 2013

Senator Thomas C. Ada
Chairman
Committee on Utilities, Transportation,
Public Works, and Veterans Affairs
32nd Guam Legislature
155 Hesler Place
Hagatna, Guam 96910

RECEIVED by the
Office of Senator
Thomas C. Ada *JC* 8/15

**Re: Testimony in Support of Appointment of Andrew L. Niven as a
Commissioner to the Guam Public Utilities Commission**

Dear Chairman Ada:

I am submitting this testimony in support of the appointment of Andrew L. Niven as a Commissioner to the Guam Public Utilities Commission.

Mr. Niven has been a resident of Guam for over two and a half years. He initially became acquainted with the Chairman of the Public Utilities Commission, Jeffrey Johnson. After learning about the Guam Public Utilities Commission, Mr. Niven became interested in serving the Commission. The Commission suggested that he could apply to be a Commissioner.

It is fortunate that a person of Mr. Niven's experience is available to serve on the Commission. Mr. Niven has extensive background and experience in public utilities law and regulatory matters. He served as a Commissioner on the Rhode Island Public Utilities Commission from 1979 through 1983. He has over twenty five years of experience in regulatory and rate setting matters in a career with Pacific Gas & Electric Company in California. He held such positions as the Head of Regulatory Section of Law Department and Manager of Rates Department (among other positions).

The Commission appreciates that a person such as Mr. Niven with so extensive a background in regulatory matters and affairs has been appointed to serve as a Commissioner. The addition of Mr. Niven as a Commissioner should greatly assist the Commission in carrying out its regulatory duties and responsibilities.

In terms of background and experience for a Commissioner position, it would certainly be difficult to find an individual with more qualifications and experience than Mr. Niven. He has already demonstrated a keen interest in learning about and following the activities of the Guam Public Utilities Commission. Because of his interest, he has been attending the meetings of the Guam PUC for more than one year. He has expressed his interest in the activities of the Commission and in working with it to carry out its duties and responsibilities.

Mr. Niven is a very pleasant person and appears to be a conscientious individual; the Commission believes that he will work well with the present Commissioners and staff.

Mr. Niven's particular experience in rate setting and regulatory matters should assist the Commission in arriving at fair and just determinations in the many rate cases which are currently pending before it. The Commission presently has rate proceedings pending for the Guam Power Authority, the Guam Waterworks Authority, and the Port Authority of Guam. Mr. Niven should be able to assist the Commission in arriving at appropriate determinations in those matters.

Mr. Niven will occupy the position on the Commission involving water and power expertise. It is significant to note that, in addition to power expertise, he has background and experience in the area of water regulation, having served as the Chair of the Water Committee of the National Association of Regulatory Utility Commissioners.

I urge the members of the Committee to support the appointment of Mr. Niven as a Commissioner to the Guam Public Utilities Commission. Thank you for consideration of this testimony.

Sincerely,



Frederick J. Horecky
PUC Legal Counsel



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: royforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

July 23, 2013

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

MEMORANDUM

Senator
Vicente (Ben) C. Pangelinan
Member

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

Speaker
Judith T.P. Won Pat, Ed.D.
Member

From: **Senator Thomas C. Ada**
Acting Chairperson of the Committee on Rules

Senator
Dennis G. Rodriguez, Jr.
Member

Subject: **Referral of Appointment**

As Acting Chairperson of the Committee on Rules, I am forwarding my referral of the following appointment:

Vice-Speaker
Benjamin J.F. Cruz
Member

Appointee: **Mr. Andrew Niven**
Position: **Commissioner, Public Utilities Commission**

Legislative Secretary
Tina Rose Muña Barnes
Member

For a copy of Mr. Niven's appointment packet, please visit the Guam Legislature's website at www.guamlegislature.com. Under the "Reports" menu select the "Messages & Communications" option and refer to:

Senator
Frank Blas Aguon, Jr.
Member

"Doc 32GL-13-496: Governor's message transmitting the appointment of Mr. Andrew Niven, to serve as a Commissioner, Public Utilities Commission."

Senator
Michael F.Q. San Nicolas
Member

Please ensure that the subject appointment is referred, in my name, to **Senator Thomas C. Ada, Chairperson of the Committee on Public Safety, Infrastructure & Maritime Transportation**. I also request that the same be forwarded to all Senators of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Senator
V. Anthony Ada
Member
MINORITY LEADER

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

Senator
Aline Yamashita
Member

Si Yu'os ma'ñse'!

I Mima Treniai Dos Na Liheslaturun Guahon
Appointment Log Sheet

Date Received	M&C No.	Appointee	Position	Agency	Appt. Date	Term Length	Expiration Date of Action	Expiration Date of Term	Committee Referred	Date Referred	PH Date	CR Fjjet	Confirmed	Notes
6/14/2013	326L-13-496	Andrew Niven	Commissioner	Public Utilities Commission	6/14/2013	6 Years			Committee on Public Safety, Infrastructure and Maritime Transportation	07/23/13				



Senator Tom Ada

Public Hearing Notice - Thursday, August 8, at 5:30 pm

Cyrus Luhr <cyrus@senatorada.org>

Wed, Jul 31, 2013 at 4:58 PM

To: media@senatorada.org, phnotice@guamlegislature.org

Hafa Adai,

Please see the attached memo regarding a Public Hearing being conducted by the Committee on Public Safety, Infrastructure & Maritime Transportation. This hearing will take place on **Thursday, August 8, at 5:30 pm**, in the Public Hearing room of *I Liheslatura*.

On the Agenda are the following two items:

Appointment of Mr. Andrew Niven to serve as a commissioner to the Guam Public Utilities Commission


Appointment of Ms. Filomena Cantoria to serve as a commissioner to the Guam Public Utilities Commission

Appointment of Mr. Eduardo R. Iiao to serve as a member to the Board of Directors for the Jose D. Leon Guerrero Port Authority of Guam

Please let me know if you have any questions or concerns.

Thank you,
Cyrus

—
Cyrus Luhr
Senior Policy Analyst
Office of Senator Thomas C. Ada
I Minatrentai Dos na Liheslaturan Guåhan - 32nd Guam Legislature
671-473-3301

 **PH - 1st Notice - Aug 8, 2013.pdf**
508K



Senator Thomas C. Ada

Chairman - Committee on Public Safety, Infrastructure & Maritime Transportation
I Mina'trentai Dos Na Liheslaturan Guåhan * 32nd Guam Legislature

July 31, 2013

MEMORANDUM

To: All Senators, Media, and Stakeholders
Fr: Senator Thomas C. Ada
Subject: **Public Hearing Notice: August 8, 2013 at 5:30 pm**

Please be advised that the Committee on Public Safety, Infrastructure, and Maritime Transportation is holding a public hearing on **Thursday, August 8, 2013 at 5:30pm**. This meeting will take place in the Public Hearing Room of *I Liheslatura*. The agenda is as follows:

5:30 pm

Appointment of Mr. Andrew Niven to serve as a commissioner to the Guam Public Utilities Commission

Appointment of Ms. Filomena Cantoria to serve as a commissioner to the Guam Public Utilities Commission

Appointment of Mr. Eduardo R. Ilaio to serve as a member to the Board of Directors for the Jose D. Leon Guerrero Port Authority of Guam

Testimonies on bills should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to office@senatorada.org, or via facsimile to (671) 473-3303 until **August 22, 2013 at 5:00 pm**. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to Cyrus Luhr at 473-3301. Please feel free to contact our office at 473-3301 should you have any questions or concerns.

Si Yu'os Ma'ase.

Thomas C. Ada



Office of
Senator Tom Ada

Public Hearing Notice - Thursday, August 8, at 5:30 pm

Cyrus Luhr <cyrus@senatorada.org>

Tue, Aug 6, 2013 at 8:22 AM

To: phnotice@guamlegislature.org, media@senatorada.org

Hafa Adai,

Please see the attached memo regarding a Public Hearing being conducted by the Committee on Public Safety, Infrastructure & Maritime Transportation. This hearing will take place on **Thursday, August 8, at 5:30 pm**, in the Public Hearing room of *I Liheslatura*.

On the Agenda are the following items:

Appointment of Mr. Andrew Niven to serve as a commissioner to the Guam Public Utilities Commission

Appointment of Ms. Filomena Cantoria to serve as a commissioner to the Guam Public Utilities Commission

Appointment of Mr. Eduardo R. Iiao to serve as a member to the Board of Directors for the Jose D. Leon Guerrero Port Authority of Guam

Please let me know if you have any questions or concerns.

Thank you,
Cyrus

—
Cyrus Luhr
Senior Policy Analyst
Office of Senator Thomas C. Ada
I Mina'trentai Dos na Liheslaturan Guåhan - 32nd Guam Legislature
671-473-3301



PH - 2nd Notice - Aug 8, 2013.pdf

508K



Senator Thomas C. Ada

Chairman - Committee on Public Safety, Infrastructure & Maritime Transportation
I Mina'trentai Dos Nu Liheslaturan Guahan • 32nd Guam Legislature

Aug 6, 2013

MEMORANDUM

To: All Senators, Media, and Stakeholders
Fr: Senator Thomas C. Ada
Subject: **Public Hearing Notice: August 8, 2013 at 5:30 pm**

Please be advised that the Committee on Public Safety, Infrastructure, and Maritime Transportation is holding a public hearing on **Thursday, August 8, 2013 at 5:30pm**. This meeting will take place in the Public Hearing Room of *I Liheslatura*. The agenda is as follows:

5:30 pm

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Si Yu'os Ma'ase.

A handwritten signature in black ink, appearing to read "T C Ada".

Thomas C. Ada

Media media@senatorada.org

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Senator Thomas C. Ada

Chairman - Committee on Public Safety, Infrastructure & Maritime Transportation
I Mina'trentai Dos Na Liheslaturan Guahan • 32nd Guam Legislature

AGENDA

CONFIRMATION HEARING

Thursday, August 8, 2013
Public Hearing Room, *I Liheslaturan Guahan*

The agenda is as follows:

5:30pm

Appointment of Mr. Andrew Niven to serve as a **Commissioner to the **Guam Public Utilities Commission****

Appointment of Ms. Flomena Cantoria to serve as a **Commissioner to the **Guam Public Utilities Commission****

Appointment of Mr. Eduardo R. Ilao to serve as a **member to the **Board of Directors** of the **Jose D. Leon Guerrero Port Authority of Guam****

Testimonies for the Public Hearing should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to office@senatorada.org, or via facsimile to (671) 473-3303 until August 22, 2013, 5:00 pm. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to William Brennan at 473-3301. Please feel free to contact our office should you have any questions or concerns.