



PAUL M. CALVO  
GOVERNOR

# Territory of Guam

OFFICE OF THE GOVERNOR  
AGANA, GUAM 96910  
U.S.A.

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02 160 1201

The Honorable Thomas V.C. Tanaka  
Speaker  
Sixteenth Guam Legislature  
Post Office Box 373  
Agana, Guam 96910

Dear Mr. Speaker:

This is to transmit to you, with my approval, Bill No. 214 concerning the abolishment of the Public utilities Commission. The reasons given for the passage of Bill No. 214, that the functions of the Commission are performed by other government agencies and that it is costly, are sound reasons for the elimination of a government agency. By the same token, there exist other agencies within government which fall within this same category, and I trust the Legislature will take similar action as to those agencies. Conspicuous examples of unnecessary agencies are the Office of the Territorial Auditor and the Office of the Suruhanu. The calendar year 1981 budget for these two agencies total \$441,330. These agencies are not unlike the Public Utilities Commission in that their sole function is to review and examine the actions of other agencies and departments of the government of Guam. In this cost saving spirit we encourage the legislature to give that same due and serious consideration to bills now pending before it concerning these two offices.

Finally, in enacting this statute, apparently the Sixteenth Guam Legislature feels that an error was made by the Thirteenth Guam Legislature in creating the Commission.

Sincerely,

PAUL M. CALVO

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Enclosures


Rec'd 12/2/81  
3:27 PM Klechaira

Rec'd.  
Kad  
12/02/81  
4:22 PM

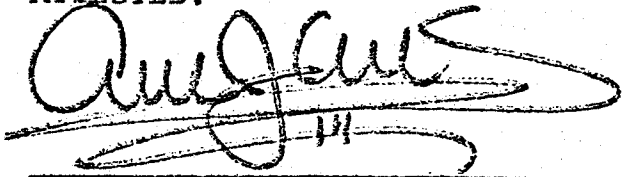
SIXTEENTH GUAM LEGISLATURE  
1981 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 214, "An Act to repeal Chapter I of Title XXI of the Government Code relative to the Public Utilities Commission," was on the 16th day of November 1981, duly and regularly passed.

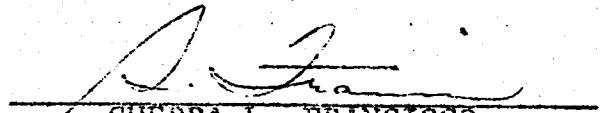
  
THOMAS V. C. TANAKA  
Speaker

ATTESTED:

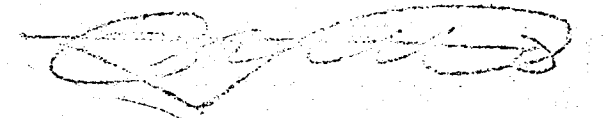


ALBERTO C. LAMORENA III  
Acting Legislative Secretary

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This Act was received by the Governor this 20th day of  
November, 1981, at 4:00 o'clock P.M.

  
SHERRA L. FRANCISCO  
Assistant Staff Officer  
Governor's Staff

APPROVED:



PAUL M. CALVO  
Acting Governor of Guam

Dated: 12/2/81

P.L. 16-49

SIXTEENTH GUAM LEGISLATURE  
1981 (FIRST) Regular Session

Bill No. 214  
(As Substituted by the  
Committee on Governmental  
Operations)

Introduced by: J. I. Leon Guerrero, L. L. Umagat,  
C. T. C. Gutierrez

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J. T. San Agustin

AN ACT TO REPEAL CHAPTER I OF TITLE XXI OF  
THE GOVERNMENT CODE RELATIVE TO THE PUBLIC  
UTILITIES COMMISSION.

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

2 Section 1. Chapter I of Title XXI (being Sections 21000  
3 through 21025 as enacted in Section 5 of Public Law 13-179, as  
4 amended, and relative to the Public Utilities Commission) of the  
5 Government Code is repealed.

6 Section 2. The Public Utilities Commission shall continue  
7 to exist as long as necessary to wind up its affairs but for  
8 no more than one hundred eighty (180) days following the  
9 effective date of this Act for the purpose of winding up its  
10 affairs. All records, personal property and office equipment  
11 which is not leased shall be transferred to the Department of  
12 Administration for disposal. All funds except deposits held  
13 pursuant to the Public Utilities Fair Procedure Act held by the  
14 Public Utilities Commission shall be transferred to the General  
15 Fund. All deposits shall be transferred to the respective  
16 utilities. After the effective date of this Act, the Commission  
17 shall not enter any agreements for the procurement of professional  
18 or technical services nor shall it fill any vacancies.

19 Section 3. Subsection (4) of Section 21503 of the Govern-  
20 ment Code is amended to read:

21 "(4) Establish and modify from time to time,  
22 reasonable rates and charges for electric service at least  
23 adequate to cover the full cost of such service, and collect  
24 money from customers using such service, all subject to any

1 contractual obligation of the Board to the holders of any  
2 bonds; enter into covenants to increase rates or charges  
3 from time to time as may be necessary pursuant to any such  
4 contractual obligation; and refund rates and charges  
5 collected in error in accordance with regulations prescribed  
6 by the Board."

7 Section 4. Section 21206 of the Government Code is amended  
8 to read:

9 "Section 4. Section 21206. Powers. The agency shall  
10 have the power, as is necessary for the administration and  
11 operation of all water and other utility services furnished  
12 by the agency, except electric power which has been  
13 transferred to the exclusive control and operation of the  
14 Guam Power Authority, and telephone service. Such powers  
15 shall include the authority to make a monetary charge  
16 to all persons, firms, corporations and governments,  
17 including the government of Guam, to whom public utility  
18 services are furnished by the agency.'

19 Section 5. Subsection (d) of Section 21603 of the Government  
20 Code is amended to read:

21 "(d) Establish and modify from time to time, reason-  
22 able rates and charges for the telephone service, at least  
23 adequate to cover the full cost of such service, and collect  
24 money from customers using such service, all subject to  
25 any contractual obligations of the Board to the holders  
26 of any bonds; enter into covenants to increase rates or  
27 charges from time to time as may be necessary pursuant to  
28 any such contractual obligation; and refund rates and  
29 charges collected in error in accordance with regulations  
30 prescribed by the Board;"

1 Section 6. Section 21613 of the Government Code is repealed.

2 Section 7. Subsections (3) and (4) of Section 21151 of the  
3 Government Code are repealed and reenacted to read:

4 "(3) 'Court' means the Superior Court of Guam.

5 (4) 'Customer Complaint' means the complaint filed  
6 with an agency detailing reasons why a customer believes  
7 an agency billing is erroneous or an agency action is  
8 harmful to him."

9 Section 8. Section 21152 of the Government Code is amended  
10 to read:

11 "Section 21152. Complaints. A customer who in good  
12 faith believes that he has been incorrectly billed for  
13 services by an agency or harmed by another action of the  
14 agency except a rate increase may submit a customer complaint  
15 to the agency involved. Upon receipt of the customer  
16 complaint and the proper deposit, in the case of a billing  
17 dispute, the agency shall investigate the matters raised in  
18 the customer complaint. The agency shall forthwith furnish  
19 the customer with a statement indicating the right of  
20 appeal provided by Section 21153. Within thirty (30) days,  
21 the agency shall respond to the customer as to its findings  
22 with respect to the complaint. If required, the agency shall  
23 make an adjustment of account including a credit for or  
24 return of any deposit or part of deposit and interest at  
25 the rate of nine percent (9%) per annum if the agency  
26 statement indicates an adjustment is due a customer.  
27 However, if the agency indicates that the dispute should  
28 be resolved in favor of the agency, then if it is a billing  
29 dispute, the customer's account shall be charged an additional  
30 amount equal to the amount of interest payable at the rate  
31 of nine percent (9%) per annum on the disputed amount during

1 the time of pendency of the investigation. The deposit  
2 shall be deemed paid over to the agency. If the agency  
3 determines that one of its actions has harmed the customer,  
4 then it shall pay to the customer liquidated damages for  
5 such action and interest at the rate of nine percent (9%)  
6 from the time the complaint was made with the agency to  
7 its resolution. Disconnection or termination of services  
8 shall not be undertaken by the agency with respect to the  
9 disputed amount until the expiration of thirty (30) days  
10 from the date the statement required by this Section shall  
11 be mailed to the customer."

12 Section 9. Section 21153 of the Government Code is amended  
13 to read:

14 "Section 21153. Appeal from Agency Action. (a) If  
15 an agency statement is adverse to a customer, the customer  
16 may within thirty (30) days of the issuance of the agency  
17 statement take appeal to the Superior Court of Guam which  
18 shall have jurisdiction to resolve the dispute. If the  
19 amount in controversy is less than One Thousand Dollars  
20 (\$1,000) the appeal should be heard in the Small Claims  
21 Division of the Superior Court of Guam. During the pendency  
22 of said appeal, no action adverse to the customer with  
23 respect to the disputed amount may be undertaken. The taking  
24 of appeal pursuant to this Section shall operate as a stay.  
25 The deposit shall remain in escrow until the resolution of  
26 the appeal.

27 (b) If the agency's determination is reversed by the  
28 court, then the court shall award reasonable attorney's fees  
29 to the customer and costs of the action."

1 Section 10. Section 21154 of the Government Code is amended  
2 to read:

3 "Section 21154. Same. The Judicial Council shall  
4 promulgate rules and regulations for entertaining the  
5 appeals provided by Section 21153."

6 Section 11. Section 24007 of the Government Code is amended  
7 to read:

8 "Section 24007. Rule. The word 'rule' means any  
9 rule, regulation, standard, classification, procedure or  
10 requirement of any agency designed to have or having the  
11 effect of law, or interpreting, supplementing or implementing  
12 any law enforced or administered by it, including any rate  
13 setting regulation under which the agency makes charges for  
14 utility services or other services it provides, or to govern  
15 its organization or procedure, but does not include  
16 regulations, resolutions or directions relating solely to  
17 internal policy, internal agency organization or internal  
18 procedure which do not directly affect the rights of or  
19 procedures available to the public and does not include  
20 'administrative adjudication'."

21 Section 12. If the government of Guam ever sells Guam  
22 Telephone Authority, Guam Power Authority, or Public Utility  
23 Agency of Guam to a private enterprise, then Chapter I of Title  
24 XXI (being Sections 21000 through 21025) of the Government Code  
25 as enacted in Section 5 of Public Law 13-179 and amended by Public  
26 Laws 14-74 and 15-45 shall be revived and shall have full force  
27 and effect of law as of the day of transfer. However, the  
28 jurisdiction of the Public Utility Commission shall extend only  
29 to the entity sold.