

FIRST GUAM LEGISLATURE  
1952 (SECOND) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 54, "An Act creating the Public Utility Agency of Guam to take cognizance of and coordinate all utility services furnished by the Government of Guam; establishing a revolving fund for the self-support thereof; and other related matters", was on the 15th day of May, 1952, duly and regularly passed.



A. B. WON PAT  
Speaker

ATTESTED:



A. S. N. DUENAS  
Legislative Secretary


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This Act was received by the Governor this 20<sup>th</sup>  
day of May, 1952, at 8:22 o'clock A. M.



MANUEL F. L. GUERREHO  
Acting Secretary of Guam

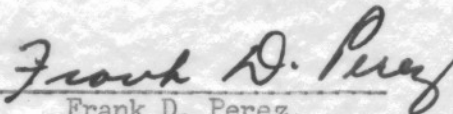
APPROVED:

1952 MAY 30 AM 8 55  
  
R. S. HERMAN  
Acting Governor of Guam

Dated: June 6 1952

1  
2 Bill No. 54

3 Substitute Bill by Committee on  
4 Governmental Affairs

5   
6 Frank D. Perez,  
7 Chairman

8 An Act creating the Public Utility Agency  
9 of Guam to take cognizance of and coordinate  
10 all utility services furnished by the Govern-  
11 ment of Guam; establishing a revolving fund  
12 for the self-support thereof; and other  
13 related matters.

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

15 Section 1. There is hereby created and established within the  
16 Government of Guam, a separate instrumentality to be known as the "Public  
17 Utility Agency of Guam" (hereinafter sometimes referred to as the "Agency"),  
18 the chief officer of which shall be the Director of Public Works or such  
19 other officer of the Government of Guam as the Governor may designate.

20 Section 2. (a) All property, facilities, equipment, supplies,  
21 records and files exclusively pertaining to or exclusively used in connec-  
22 tion with the operation and administration of electric power, telephone,  
23 water and other utility services presently furnished by the Government  
24 of Guam and all such property, facilities, equipment and supplies for  
25 which appropriated money has been obligated or encumbered are hereby  
26 transferred to the Agency.

27 (b) All personnel in the Department of Finance and in the  
28 Department of Public Works of the Government of Guam who are presently  
29 employed in the administration and operation of electric power, telephone,  
30 water or other utility services presently furnished by the Government of  
31 Guam, are hereby transferred and assigned to the Agency.

32 (c) There shall be covered into the Public Utility Agency of  
Guam Fund hereinafter in Section 9(a), defined and created, all moneys  
which (1) were appropriated by the Legislature to the various departments

1 of the Government of Guam, and which (2) were or shall be allocated,  
2 as determined by the Governor for utility use in connection with  
3 administration of electric power, telephone, water or other utility  
4 services now or to be furnished by the Government of Guam.

5 (d) For accounting purposes all property, facilities, equip-  
6 ment, supplies, records, files, moneys and personnel transferred by this  
7 section to the Agency, together with encumbrances and obligations thereon  
8 and expenses paid therefrom, shall be treated as though such transfers  
9 were made on July 1, 1951.

10 Section 3. The Agency shall be the successor to the present  
11 Utilities Revolving Fund, which fund was established on June 30, 1951,  
12 by the Governor, pursuant to Section 4(a) of Public Law 12, First Guam  
13 Legislature, First Regular Session; and the Agency assumes all assets,  
14 liabilities, and capital of said fund and all transactions accomplished  
15 or entered into relating to said fund are binding on the Agency.

16 Section 4. The original accounts receivable, accounts payable  
17 and capital of said Utilities Revolving Fund, consisting of revenues  
18 derived from sale of utility services for the fiscal year ending June 30,  
19 1951, and the outstanding accounts receivable less outstanding liabili-  
20 ties as of June 30, 1951, assumed from the General Fund of Guam, shall  
21 comprise the original capital of the Public Utility Agency of Guam Fund.

22 Section 5. The Agency has the authority to supply to indivi-  
23 duals, firms, corporations and governments, including the Government of  
24 Guam, installation and generation services for electric power, telephone,  
25 water and other utilities, or to request that such installation be per-  
26 formed by any governmental agency or, where it is in the public interest,  
27 any private contractor, upon the payment of the cost of such installa-  
28 tions plus a reasonable surcharge to cover overhead and administrative  
29 expenses.

30 Section 6. (a) All rates now charged by the Government of Guam  
31 or hereafter charged by the Agency for public utility services shall be  
32 those which shall have been formulated, fixed, established and promulgated



1 by the Board on Utility Rates in Guam created by Public Law 1, First  
2 Guam Legislature, First Special Session, the powers of which Board, not-  
3 withstanding any other provision of law, are hereby extended to include  
4 the power of rate-making for all such services, in accordance with the  
5 standards and procedures specified in said Public Law 1, as amended.

6 (b) The chief officer of the Agency shall serve, ex officio,  
7 as technical advisor to the Board on Utility Rates in Guam.

8 Section 7. The Agency shall have the power, duty and responsi-  
9 bility for the administration and operation of all electric power, tele-  
10 phone, water and other utility services now furnished by the Government  
11 of Guam or hereafter by the Agency. Such powers shall include the authority  
12 to make a monetary charge, in the amount provided by section 6 herein, to  
13 all persons, firms, corporations and governments, including the Government  
14 of Guam, to whom public utility services are furnished by the Agency.

15 Section 8. (a) The Agency shall maintain all necessary records  
16 and shall, with the approval of the Governor, prescribe such reasonable  
17 rules and regulations, including matters pertaining to business management  
18 and personnel, not inconsistent with law as may be necessary for the proper  
19 and efficient operation of the Agency. Such rules and regulations shall  
20 include, but not be limited to, the manner in which charges for utility  
21 services and installations shall be paid to the Agency.

22 (b) Violation of any rule or regulation authorized by this law  
23 shall, upon notice and opportunity to be heard being given to the violator,  
24 be sufficient cause for discontinuance or suspension, by the Agency, of  
25 utility services rendered to the violator.

26 Section 9. (a) For the purpose of securing self-supporting  
27 operation of the Agency, there is hereby established a fund to be known  
28 as the "Public Utility Agency of Guam Fund", which fund shall be maintained  
29 separate and apart from any other funds of the Government of Guam, and  
30 independent records shall be maintained in connection therewith.

31 (b) All moneys received by the Public Utility Agency of Guam,  
32 from whatever source derived, shall be deposited physically with the

1 Treasurer of Guam and credited to the Public Utility Agency of Guam  
2 Fund.

3 (c) All debts, liabilities and obligations, and operating  
4 expenses of the said Public Utility Agency, including settlement and  
5 payment of any claims arising from its operation are hereby authorized  
6 to be paid from said Public Utility Agency of Guam Fund by the Treasurer  
7 of Guam upon vouchers properly certified to by the Certifying Officer of  
8 the Agency; provided that the payment and settlement of claims arising  
9 out of operations of the Agency shall be subject to the legal review and  
10 approval of the Attorney General and; provided further, that such claims  
11 must be presented, in writing, to the Agency within one year after the  
12 accrual thereof in order to be paid as provided herein.

13 (d) The chief officer of the Agency shall quarterly render to  
14 the Governor a statement reflecting the financial condition of the Public  
15 Utility Agency of Guam Fund and a financial statement of operations of  
16 the Agency for the period covered. The Director of Finance or such other  
17 competent auditing agency as shall be designated by the Governor, shall  
18 periodically audit the accounts and records of said Public Utility Agency  
19 of Guam Fund and render a report thereon to the Governor.

20 Section 10. There are hereby authorized to be advanced from  
21 the General Fund, with the approval of the Governor, such temporary loans  
22 to the Agency, without interest, for periods not exceeding six (6) months,  
23 as may be necessary to finance the operating losses of the Agency, in  
24 case such should occur, pending subsidy appropriations by the Legislature.

25 Section 11. There are hereby authorized to be appropriated from  
26 unappropriated and unencumbered funds of the Government of Guam such sums  
27 as may be necessary to subsidize operating losses of the Agency, and also  
28 such sums, in the form of capital investment or long term loans, as may  
29 be necessary for capital replacement or expansion of the plant and other  
30 fixed assets of the Agency.

31 Section 12. The Governor, upon a finding that the public  
32 interest be served, may execute a contract with a qualified public



1 consulting firm to secure more efficient management of the Agency.

2 Section 13. (a) All utility services not specifically named  
3 herein shall be excluded from the application of this law unless and  
4 until a specific finding is made by the Governor of Guam that such  
5 exclusion no longer serves the interest of efficiency and proper  
6 management.

7 (b) Such finding shall be promulgated by Executive Order in  
8 a newspaper of general circulation in Guam at least thirty (30) days  
9 (including holidays) prior to the date when rescission of such exclusion  
10 is to take effect.

11 Section 14. The chief officer and the certifying officer of  
12 the Agency shall give such bond as the Treasurer of Guam shall require.

13 Section 15. All laws or parts of laws inconsistent herewith  
14 are, to the extent of such inconsistency, repealed.

15 Section 16. This is an urgency measure and shall be effective  
16 upon approval by the Governor.

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