MONTH OF: Manut 1992
PREPARED BY: SON AND DATE: 820 - 210

			١	\	. \	, ,	, \	, \			•				
PENDING															
APPROVED AMOUNT	*														
DENIED	7	7	7	7	7	7	7	7							
CAUSE OF DAMAGE	Had Shillens	Haroldyner Haboin	Soft Shedding	(11) 11	1) 11) }	1) 79	77							
CLAIMANT	Johnson Lick & Com som.	Mielson lutain W.	Ragen, Owin M.	Ambardo, Peter a.	ballin draves	Gloss Hai delana	Upra Orishme	Richaes Jones	1						
DATE, FILED	Spells,	,	1/4/92	,	8/25/42	18/2/1/2	, ,	•							
CLAIM NO.	92-29	232	299	234	2.95	236	287	228							

TOTAL

:3TAO PREPARED BY: MONTHLY REPORT **MONTH OF:** SUPPORT SERVICES

	PENDING	GEVOR99A TNUOMA	DENIED	CAUSE OF DAMAGE	CLAIMANT	DATE FILED	CLAIM NO.
	DAHGAG	110014114	<i></i>	Jours Lusa	Leader, Demand	80%	658-26
			. 000	Rung to John Luster	confirm more	, , ,	Offo
			1	Ald Godding	froctor - roughed	19/6	HYE
			/	Sense die	Jear, Benus C.	10/2	Tepre
_			/	Good Stiday	Lunardi denald	0/6	afri
			1		frogos generation	,	Stro
~			1	Lower Mancher	Unadernas wheno	1/0	
			1	Hower Durge	Donum Sinner	11/6	THE STATE
			1	Good Shellery	James, medias	11/6	Stro Lifto
			1	Menor-Johns	Joseph Laras (11/1	bhe
			1	Level Jones	Thumpy and Anna	21/6	094
9			1	untovations would	James Comment	- col	1920
9			1		founds ancounder		262
			+	(Lord Childian	Line More ourgins	<u> </u>	890
			+	Mestalotod modal	Albertonn James & B.	/	150
0			1	Namedon words	Jupan, Johnson	1/6	308
0		-	1	ار ار	yang, William		256
()			1	<i>)</i> 1 ×1	Corper Danais		490
		ļ	/))	Mills, Stix		2020
	20	X 8	81	JATOT			

CLAIMS

MONTH OF: PREPARED BY

DATE:

CLAIM NO.	DATE FILED	CLAIMANT	CAUSE OF DAMAGE	DENIED	APPROVED AMOUNT	PENDING	
92-259	9/16	Ungaota Felix Haras	Suphoon boteration		\$		0
260		Potent, John	/ " " " " " " " " " " " " " " " " " " "	~			0
26/	/	Poredo, Cine P/ Juquisk	Pour Restoration				0
262		G.C.A. Stricial # #38	Samered Vohiol	~			1
263		agum, Jous P.	0				1
264		Hanribal, Lee	Load Shedding				
245		Suon Guerrero, John P.	Suphoon Restoration	~			0
266		Oser Jesus D.) u "	~			0
261		Assa De S.	4 6	~			0
268	,	Jerre Danetrio C.	Support Resteration	~			-
269		Jansay Poensamin 7.	W 4 11	1			0
270		Denosa Sancel & Selica		V			0
271		Hobsling Lenneth Cinne		L L			0
272		Orisos Jone, God	и и	V			0
273		Jablan Cious 7	4 4	L .			<i>(</i>)
074		Jarres Glisabeth	<i>"</i> '(~			0
215	9/17	wooland Hophen	K ((ν			0
ary		Wilder Michael 1		1 1	1,000.		0
277		Suntas, avelino D.	1 / Maria Wic		11000.		~
278	9/18	materne Oristina a	Syphoon Lestenation	 			0
		- war owner of		10			0
			TOTAL	<u> </u>	\$ 1,000.		

MONTH OF: September
PREPARED BY: Amanil
DATE: 18 - 24

CLAIM NO.	DATE FILED	CLAIMANT	CAUSE OF DAMAGE	DENIED	APPROVED AMOUNT	PENDING	
92-219	9/18	Kallingal George	Syption Resteration	1	\$		0
280	9/19	Ward; alkain-Rlugang					
281		nauta, Selle	Support Restantion	V			0
282	9/2/	Verlaie, Kenneth C.	J'n A	~			0
283		manibusan Lenn Mira	2 " "	~			0
284		Quenaa Quoto C.	Yowar Fluenstion	~			1~
285		mesa, William C.	Sad Shedding	~			1
286	9/22	Saipo natividad	Power flueud-tion	~			1
281		agum Dorotheo	Suphon Restoration	V			0
288		manglona Pedro,	From Suration	~			12
289	9/23	Quickocho, dayard thy	Lufo Desident	~			4
290	/	grangelish Vicente	Syphoon Restoration	V			0
291		Dudo Meresa m.	I ii ii	1			0
292		agron Jeanne &.	li 1c	~			0
293		Jejarang Corprine a		V			0
294		Blas, David M.	le or	-			0
295	9/24	Gumafastas, Dave	Soad Shedling	~			
BOL		angoco, Joseph	Sephoon Restoration	V			0
091		Garriedo, Somas	Land Shedding	V			
298		Crisastomo, Jarquin	Syptim Restartion	~			0
			TOTAL	20	\$ -0	2	

MONTH OF: <u>September 1992</u>
PREPARED BY: <u>Smarin</u>
DATE: 24-28

CLAIM NO.	DATE FILED	CLAIMANT	CAUSE OF DAMAGE	DENIED	APPROVED AMOUNT	PENDING	
92-299	9/24	Caraig, & R.	Support Restantion	~	\$		70
300		maches Claudette	There Outage	~			
30/		angoes, Judy / marie	a N	~]
312		Chamberlain Maria				$\overline{}$	
313		forgurgur, Derio S.A.	Sigh Volfage	4]
304		angoed anthony .	Power Judation],
305	9/25	Baga Bugnond S.	Suphoon Restoration	~] (
ECCo		Miarte, Jeda V.	// 11	-			7
301		Phillips, William R.	Goad Shedding	V			۱ [
<i>3</i> 08		navarro, Pedro J.	Cuto accident			\vee	1
309		Mandona, Denry	Syphoon Resperation	V			1
3/0	9/24	francised, klisa	/a u				10
811	ghs	Crisostoria Juan / Conseque	ion Soul Shedding	v			١,
3/2	7	Meorgon, Januar X.	" "	-			1,
3/3		miller Suy Q.	fower Flucustion	-			1-
3/4		Huar Woel C.	Damaged Vehicle			Regeral	1
315		Hark Greg	Suphon Resperation	~		7	10
016		Cundity Robert &.	Thur Hucuation				1,
917		Bene Charle of	Syphoon Restoration	~			10
318		Wong Lus L.	Your Surge	V			
		7/ 7/	TOTAL	11	3 -0-	3	1

PREPARED BY: Ofmaria
DATE: 29-30

CLAIM NO.	DATE FILED	CLAIMANT	CAUSE OF DAMAGE	DENIED	APPROVED AMOUNT	PENDING
92-3/9	9/29	Luistivano, Sally	Suphoon Restoration		\$	
320	/	Bauman Thands	Hower Surges	~		
32/	9/30	ngissungas Gus M.	Good Streeting	V		
322		Dimanala angel	Power Thucaston	-		
923		Santos, Protty	Sow Vellage	V		
	·	J	O			
			TOTAL	5	* ' &	X

MONTH OF: JUMBUN 1972,
PREPARED BY: WILLINGS.

DATE: 01-15

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	0	₹.		0			0	0	0		0	7	0		0	٥	ζ		0		
PENDING																					10
APPROVED AMOUNT	*									8111.75											\$ 111.75
DENIED	7	1	7	7	7	7	7	1	7		1	1	1	7	7	7	version	8	7	7	61
CAUSE OF DAMAGE	Juplier Ratenation	How Hueuchon	Jones Owtoge	Supposed Respection	Howen Surge) 10 Je	tuphorn months	1 11))))	Waterline	Tuphorn Restoration	Huse Aucuston	(Juphan Parlaution	Thus Luge	Lustures Protosation	// u	From Huewation How	1 1 1 1	Lyphorn Restouction	There Sugar	/ TOTAL
CLAIMANT	Alop, John	Jan, Miniel J.	Chille, Jonald	1) support att, payalde.	1	Thispudine hose	Babausta Vineent P.	00, Pon	B	James Co. Inc.	Weekley Joh	more Virgan	Jugas Rodo 16/ Inella	Hindal	Fallotino Hesus 7.	Redona, Ope 7.	agueso, Anita	Wooller aristopher	Bondoc, Rodel	Ovlares mark or.	
DATE FILED	Ch/10/01			19/2			54/01	, ,	rajol	,		Lifai			,	80/01			10/14	5/0/	
CLAIM NO.	48-324	945	326	327	328	838	930	186	392	933	pres .	395	966	186	398	339	940	1/16	342	6/16	

MONTH OF: October 1992
PREPARED BY MUNICIPAL
DATE: 14-29

					APPROVED		
CLAIM NO.	DATE FILED	CLAIMANT	CAUSE OF DAMAGE	DENIED	AMOUNT	PENDING	-
73-344	14/14	magnes, meldie P.	Hoad Indders	<u></u>	\$		سا
345	10/19	Jompichy nechus	Voltage Fluestown	~			1
346	/	RODS, Daniel	<i>D u</i> .	-			
341	10/03	Or Rosario, Gladio	support Restoration	/			0
348		Privas dric	Doad Shedding	~			_
949		Cariaga aracole	n to J	V] –
350	_	10	10 10	V] ~
957	10/26	Oslino, albert	from fluenation	-]
<i>35</i> Q	14 .	a (1	1° 1' 1'	1			1
353		Harpwich, James	u ((u			1
.25	10/27	Geor Guerrero Doseph &	<i>(</i> t	V			1~
355		Camacho, Quah L.	Aver Surge	~			
356	_	P.U. A.G	Examplion Disterline				
351	10/28	"	(* "				
338		Guarn Delephone Northanita	Delephone Caple	1			
309		4 11 11	le "	-			
360		majanane, morie	How Waltage.	~			
361		mesa, June A.	Syphoon Restoration	1			0
362	10/29	machado yerne	Jouer Surge	V			
343	1,7,50	Santes Carmen	or Yolfad.	1			
		MATTER CANTED	TOTAL	10	• 80	2	1

MONTH OF: Defotor 1992 PREPARED BY: Amfrick DATE: 29 - 30

CLAIM NO.	DATE FILED	CLAIMANT	CAUSE OF DAMAGE	DENIED	APPROVED AMOUNT	PENDING
93-364	10/29	Paloma Jours Duenas, Marthe	Stigh Voltage	1	\$	
345	10/30	Quenas marthe	Had Shoulding	V		
			2]			
•						
	`					
	· ·					
		<u> </u>	TOTAL	2	\$ &	X

PREPARED BY Smaring
DATE: 02-29

CLAIM NO.	DATE FILED	CLAIMANT	CAUSE OF DAMAGE	DENIED	APPROVED AMOUNT	PENDING	
93-364	11/02	aistinations pool X.	Awer Flucaction	-	\$		~
367		Oriotagua, Frances	Goad Shedding	V			_ •
368	11/04	P.U.A.G	Sewer Line		1595.99		
369	<u> </u>	Whitney, alice of	Load Shedding	V			س
370		Valda aroulto	damaged danch	V			
37/		Sport Sperrero, Freddie	Suprom Responsion				0
372		Cofassen Sheron	How Veltage	~			
379		Quichocho, Vaig	Syphom Pastration	~			0
374		Selman Joni S.	The w	L			0
375	•	Simpahan, Juanita	4 4	V			0
376		Escalona, Charalino	u n	1			0
371		General Devitt	4	1-			0
978		PU.A.G.	Darrage Waterline				
319	11/05	Sun Nuoles, Anul 7.	Jephon Restorator	~			0
380	<u> </u>	penavante dobei XI	Awar Humation	V			~
38/		Colimoto Stulgues	Had Shedding	V			<u> </u>
382		Sell, mike	a al	4			<u> </u>
383	11/09	Guadaluse Kin	u 11	-			
384		Delando mayen A	v	-			
385		And was Addes	((((~
			TOTAL	18	\$1,595.99		

MONTH OF: PREPARED BY:
DATE:

	7	?	7	٥		<u></u>	7	7	7	/	0		O	/	0	0			7	2	
PENDING												7			>						8
APPROVED AMOUNT	*																				×
DENIED	1	7	7	1	1	7	1	1	7	7	7		1	7		7	7	7	7	7	6)
CAUSE OF DAMAGE	Sped Shedding	4 4	ار، ع	Medaration (radges ation	frash Luge	Lyphorn Robuston	God Medding	(17) W	1) 1)	97))	Lyphoon Restocken	Janopomer	certination resulting	Had Gredding	Sy photon partition	1, 60	From Jachene	Orew rut over watering	Had Indiany	Applion Restriction	TOTAL
CLAIMANT	Duras, July	mena Jeous	Carted Joseph N.	Deffer James	Column, Brida	Ward, Som H.	Pinaule, Denise A.	Jeele Bavil A.	Baya, Spatiel	arbeita, marge Holde	Champion Grand	Che Passin Hadio	Shuw Parada.	Bass, Ruthy M.	Phioto Murhael	Jule (minimin	Orderna Corregado	Moones, Linting	mine heard 4.	Mulberg, Hay nord	
DATE FILED	orpri	,	11/12	11/13			,	` .	MI	•	•		11/19		06/11	,	11/04		11/35	11/27	•
CLAIM NO.	13-89h	287	988	289	340	166	893	999	SHE	gy.	26	W	398	899	alta	104	400	AD.	prape	100	

MONTH OF: November 1992
PREPARED BY Musik
DATE: 30

CLAIM NO.	DATE FILED	CLAIMANT	CAUSE OF DAMAGE	DENIED	APPROVED AMOUNT	PENDING
73-106	11/80	Roman Alfredo Guerrero, Daniel C.	Youd Shedding		\$	
407		Guerrero, Paniel C.	a u J			
		•				
•						
			TOTAL	1-2	* X	2

MONTH OF:
PREPARED BY:

DATE:

	,	7 (٥		/	7	7	7				7						7			
	PENDING	>		7				\ \	7												,	4
APPROVED	AMOUNT	*																				-0-
	DENIED		- 4	,	7	7	7	-	•	7	7	1	7	1	,	7	\	7	7	1	•	4
	CAUSE OF DAMAGE	Goad Shedding	Goboon & God Shall	Intron Restatisfons	thorn Lestantion	and Inedans	nd Sheddud	/ " "	non Twenton),	Gw Westape	boun Sural	Lack Marthus	rwn Hundern	, ,	ط (ر	7)	haved arrive dop	run Ruguston	lathas	Candyed Which	"O TOTAL
	CLAIMANT	Duaras, Gregerio	greeth, Cotone I. L.	Sulmador Consud	Carried Lizabeth A	Sandis, Torkethur J	0	Park Lwarg UB?	win E. P	Ibrigan, Bora		2,	Silva David	mia 🗘	Eutrantes, Carnelite	Guan Gibb Scook	municopan, R.	rid On. S	reach C. 14	Mural, Dariel 1	Quidachuy, chotoriag A	10
	DATE FILED	12/01	12/02	cafel	•	fro/81) Lo/81			12/09	0/18/	,		<i>filte</i> 1	12/15		115/16	19/17	13/28	12/19	
	CLAM NO.	93-408	box	0#	1114	A2	4/3	†IH	SITTY.	416	CH	8/15	bH	00%	/c/r	AD2	423	Hoh	405	266	40,4	428

TWENTY-SECOND GUAM LEGISLATURE 1993 (FIRST) REGULAR SESSION

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Bill No. 13(LS)

Introduced By:

D. Parkinson

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AN ACT TO MAKE GUAM POWER AUTHORITY LIABLE FOR DAMAGES CAUSED TO APPLIANCES AD ELECTRICAL CONSUMERS AS A RESULT OF POWER SURGES OR FLUCTUATIONS IN VOLTAGE OR FREQUENCY IN GPA SUPPLIED POWER BY ADDING A NEW 12 GCA 8119.

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

section 1. Legislative Findings. The Legislature has received numerous complaints about ruined appliances resulting from power surges. The Legislature finds that there is a continuing problem with consumers with ruined appliances and electrical equipment as a result of power surges and fluctuations with voltage over the Guam Power Authority lines. Legislature finds that this situation is totally unacceptable. The consumers have no control over the quality of power delivered by Guam Power Authority. Control over power voltages and power frequency (60 mhz) is strictly in the hands of Guam Power Authority. Despite this Guam Power Authority takes the position that it is the responsibility of the consumers to provide elaborate voltage control devices and power conditioning units to protect refrigerators, air conditioners, televisions, vcr's, and other electrical appliances. The consumers of GPA are entitled to quality, reliable power and should not be required to bear the costs of damages caused by voltage and frequency fluctuations nor

GPA Surge Liability

should they be required to buy voltage and frequency regulators which in some cases cost more than some of the appliances they are designed to protect. The Legislature finds that this problem is unique to Guam among the States and Territories of the United States. The Legislature finds that the People of Guam, as Americans, are entitled to the same quality of electrical power as the United States mainland. The Legislature also find that GPA should bear the costs of damages to electrical appliances caused by GPA's negligence.

Section 2. A new section 8119 is added to Title 12 of the Guam Code Annotated to read as follows:

"Section 8119. The Guam Power Authority shall be liable for damages caused to electrical appliances and devices when such damages are proximately caused by power surges, voltages fluctuations or frequency fluctuations in the power supplied by the Guam Power Authority to a consumer when such damage is not a result of any negligence on the part of the consumer and is not a result of an otherwise defective appliance or electrical device.

Except for computer equipment or equipment for which the manufacturer recommends that a voltage protection device, surge protector, or power conditioning device be installed by the consumer, the Guam Power Authority may not require the use of voltage protection devices, surge protectors or power conditioners and may not raise the failure to use such devices as a defense to claims for damages arising out of voltage or frequency fluctuations or

· GPA Surge Liability

power surges. In establishing liability for damages
pursuant to this section, the consumer need only prove that
the appliance or electrical device was damaged by a
variation of voltage or a variation of frequency or a surge
in power supplied by the Guam Power Authority. The Guam
Power Authority may raise as an affirmative defense proof
that the appliance or electrical device in question was
defective or that the fluctuation of voltage or frequency or
power surge was not caused by the Guam Power Authority but
was in fact caused by the consumer's electrical wiring
system or devices or equipment belonging to the consumer.
It shall be an affirmative defense for the Guam Power
Authority to establish that the quality of power delivered
to the consumer's meter was satisfactory."

F:\22\bills\GPASurge.bil\sh

TWENTY-SECOND GUAM LEGISLATURE 1993 (FIRST) REGULAR SESSION

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5 Bill No. 13

As substituted by the

Committee on Electrical

Power and Consumer Protection

Introduced By:

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AN ACT TO MAKE GUAM POWER AUTHORITY LIABLE-FOR DAMAGES CAUSED TO APPLIANCES AD ELECTRICAL CONSUMERS AS A RESULT OF POWER SURGES OR FLUCTUATIONS IN VOLTAGE OR FREQUENCY IN GPA SUPPLIED POWER BY ADDING A NEW 12 GCA 8119.

D. Parkinson
M. Kardallo

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

Section 1. Legislative Findings. The Legislature has received numerous complaints about ruined appliances resulting from power surges. The Legislature finds that there is a continuing problem with consumers with ruined appliances and electrical equipment as a result of power surges and fluctuations with voltage over the Guam Power Authority lines. Legislature finds that this situation is totally unacceptable. The consumers have no control over the quality of power delivered by Guam Power Authority. Control over power voltages and power frequency (60 mhz) is strictly in the hands of Guam Power Authority. Despite this Guam Power Authority takes the position that it is the responsibility of the consumers to provide elaborate voltage control devices and power conditioning units to protect refrigerators, air conditioners, televisions, vcr's, and other electrical appliances. The consumers of GPA are entitled to quality, reliable power and should not be required to bear the costs of damages caused by voltage and frequency fluctuations nor 1

GPA Surge Liability

should they be required to buy voltage and frequency regulators which in some cases cost more than some of the appliances they are designed to protect. The Legislature finds that this problem is unique to Guam among the States and Territories of the United States. The Legislature finds that the People of Guam, as Americans, are entitled to the same quality of electrical power as the United States mainland. The Legislature also find that GPA should bear the costs of damages to electrical appliances caused by GPA's negligence.

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Except for computer equipment or equipment for which the manufacturer recommends that a voltage protection device, surge protector, or power conditioning device be installed by the consumer, the Guam Power Authority may not require the use of voltage protection devices, surge protectors or power conditioners and may not raise the failure to use such devices as a defense to claims for damages arising out of voltage or frequency fluctuations or power surges. In establishing liability for damages

- GPA Surge Liability

65	pursuant to this section, the consumer need only prove that
66	the appliance or electrical device was damaged by a
67	variation of voltage or a variation of frequency or a surge
68	in power supplied by the Guam Power Authority. The Guam
69	Power Authority may raise as an affirmative defense proof
70	that the appliance or electrical device in question was
71	defective or that the fluctuation of voltage or frequency or
72	power surge was not caused by the Guam Power Authority but
73	was in fact caused by the consumer's electrical wiring
74	system or devices or equipment belonging to the consumer.
75	It shall be an affirmative defense for the Guam Power
76	Authority to establish that the quality of power delivered
77	to the consumer's meter was satisfactory."
78	Any Consumer claiming damages from the Guam Power
79	Authority who relies upon the provisions of this section as
80	authority must file such claims with the Guam Power
81	Authority within ninety (90) days of the date of the alleged
82	damage. Otherwise, except for the shortened period in which
83	to make a claim, the procedures contained in the Government
84	of Guam Claims Act shall apply to claims brought pursuant to
85	this section to the extent not otherwise inconsistent
86	herewith. This section shall be effective only as to
87	damages occurring after the date that this section becomes
88	law.

SENATOR DON PARKINSONT

22nd GUAM LEGISLATURE 192 ARCHBISHOP FLORES ST. - ROOM 203 AGANA, GUAM 96910

MAJORITY LEADER and CHAIRPERSON, COMMITTEE ON ELECTRICAL POWER AND CONSUMER PROTECTION

LEADER					CONSUMER PROJECTION	
*******	****	***********	***********	********		************

WITNESS SIGN-IN SHEET

DATE:

February 2, 1992

TIME:

1:30 P.M.

PLACE:

Public Hearing, Guam Legislature

BILL NO. 13: AN ACT TO MAKE GUAM POWER AUTHORITY LIABLE FOR DAMAGES CAUSED TO APPLIANCES AND ELECTRICAL CONSUMERS AS A RESULT OF POWER SURGES OR FLUCTUATIONS IN VOLTAGE OR FREQUENCY IN GPA SUPPLIED POWER BY ADDING A NEW 12 GCA 8119.

NAME:	DEPT/AGENCY:	ORAL/WRITTEN:	FOR/AGAINST:
		Marie Comment Parish and Advisory	
		-	

JLA(20-30/WITNESS.DOC)

FISCAL NOTE AU OF BUDGET AND MANAGEMENT RESERCH

11) No. 13 mendatory Bill				Dat Dat	e Received 1. e Reviewed 2.	-22-93 -1-93
epartment/Agency epartment/Agency	Affected:	Guam Power Au John M. Benav	thority ente			
epartment/Agency otal FY Appropria	tion to Dat	\$40,573,572 \$17,894,473	Laborinon	labor (excludi	ng oil and N	avy Contract
ill Title (preamb	ole) : AN AC	T TO MAKE GUA	M POWER AUTHO	ORITY LIABLE F	OR DAMAGES C	AUSED TO
APPLIANCES AD ELE	ECTRICAL CON	SUMERS AS A R	ESULT OF POWI	ER SURGES OR F	LUCTUATIONS	IN
VOLTAGE OR FREQUE	ENCY IN GPA	SUPPLIED POWE	R BY ADDING	A NEW 12 GCA 8	119	
hange in Law: To	add new Sec	tion 8119 to	12 GCA			
31]]'s Impact on $\frac{1}{2}$	Present Prog	ram Funding: Decrease	Real1	ocation	No Change	
				\underline{x} Other (Liabilities	
		FINANCI	AL/PROGRAM II	PACT		
	CCTIMAT	EN STUGIF-YFA	R FUND REOUI!	REMENTS (Per E	3111)	
PROGRAM CATEGO		GENERAL FUN		OTHER GPA Fur	nd TOTAL	
tonomous/Semi-Auto	nomous		-	1/		•
	ESTIMA	TED MULTI-YEA	R FUND REQUIS	REMENTS (Per B	111)	
FUND	lst	2nd	3rd	4th	5th	TOTAL
GENERAL FUND					-	
OTHER GPA Fund TOTAL				·····		
						• 1/
FUNDS ADEQUATE TO AGENCY/PERSON/DAT	O COVER INTE	INT OF THE BIL	L? YES/NO-IF /	NO, ADO'L AM	MAI KEÚDIKED	1/
AGENCT/PERSON/DA						
CIMD	1st	STIMATED POTE 2nd	3rd	YEAR REVENUES 4th	5th	TOTAL
FUND						
GENERAL FUND				-		
GENERAL FUND OTHER GPA Fund	N/A					
GENERAL FUND	N/A					

FOOTNOTES: 1/ Information on the cost to cover GPA liabilities is not included in the bill language. Additionally, information, as it pertains to the bill intent cannot be ascertained at this time.



IN THE DISTRICT COURT OF GUAM TERRITORY OF GUAM APPELLATE DIVISION

RUFIN HENRY SUAREZ PEREZ,

Plaintiff-Appellee,

vs.

GUAM POWER AUTHORITY,

Defendant-Appellant.

OPINION

BEFORE: DUENAS, LAURETA, and WEIGEL*, District Judges
DUENAS, District Judge

On or about May 21, 1984, the Plaintiff-Appellee experienced a partial power loss to his residence and soon thereafter a complete power outage. The Plaintiff-Appellee contacted Guam Power Authority (hereinafter referred to as GPA) and GPA sent its trouble shooter to his residence. The GPA crew replaced a power line and restored the Plaintiff-Appellee's power. After power was restored to the Plaintiff-Appellee's residence, he discovered that his refrigerator and certain light fixtures were not functioning.

The Plaintiff-Appellee contacted the deputy director of GPA concerning his broken refrigerator but was unable to receive

^{*} The Honorable Stanley A. Weigel, Senior Judge, U.S. District Court, Northern District of California, sitting by designation.

any assistance. The Plaintiff-Appellee then filed suit in small claims court alleging that GPA's negligence in failing to trim trees near its power lines caused the power fluctuation and outage which damaged his refrigerator and light fixtures. The Plaintiff-Appellee was awarded judgment in the amount of \$500.00.

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GPA moved for a trial de novo in the Superior Court of Guam pursuant to Rule 92(j), Superior Court Rules of Civil A trial de novo was granted and a court trial was held on August 24, 1984, with the Plaintiff-Appellee appearing pro se and Defendant-Appellant being represented by counsel. Superior Court issued its decision and order granting judgment in favor of the Plaintiff-Appellee in the total amount of \$800.00 (\$500.00 plus costs and disbursements of this action) September 4, 1984. The court found as follows: "[i]t could be said that the fact that wires strung through a camachele (sic) tree could rub against the thorny limbs of the tree and cause breaking and ultimately a power shortage should have been reasonably anticipated and defendant is therefore liable for (Decision & Order of the Superior Court of Guam, negligence." September 4, 1984, p.2).

A timely appeal was filed by the Defendant-Appellant alleging that the Plaintiff-Appellee had failed to sustain his burden of proof with respect to the element of causation and that the Superior Court had erred in finding GPA negligent, and liable for the damages incurred by the Plaintiff-Appellee as a result of the power fluctuation and outage. We agree with the

Defendant-Appellant and reverse the decision and order of the Superior Court.

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The standard for review in this case is the "clearly erroneous" standard. Schenck v. Government of Guam, 609 F.2d 387, 390 (9th Cir., 1979). "A finding is 'clearly erroneous' when although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed." United States v. United States Gypsum Co., 333 U.S. 364, 395, 68 S.Ct. 525, 92 L.Ed 746 (1948).

In the case at bar, the Plaintiff-Appellee had the burden of proving that GPA was negligent in failing to trim the camachili tree in question and that this negligence was the actual and proximate cause of the claimed damage to his refrigerator and light fixtures. Spencer v. Beatty Safway Scaffold Co., 141 Cal. App. 2d 875, 297 P.2d 746, 751 (1956); and Montgomery Light & Water Power Co. v. Thombs, 87 So. 205, 209 (Ala. 1920).

After completely and carefully reviewing the record below, it is clear to this Court that the Plaintiff-Appellee failed to meet his burden of proof with respect to the element of The committed. mistake has been a that and causation Plaintiff-Appellee testified at trial that the power connected to his house ran through a very thorny camachili tree that was located across the street from his house. He alleged that the constant rubbing of the lines on the thorny tree caused

the breakage in the power line which resulted in the power The Plaintiff-Appellee, however, admits that he never saw the power line or any breakage in the power line and that he must rely on what GPA offers into evidence. The Plaintiff-Appellee presented no further witnesses or evidence. GPA, on the other hand, called its line electrician and its manager for transmission and distribution of electric power, as witnesses. The line electrician, who was the first person that had examined the power line after the outage, testified that the short occurred from two spans of breakage in the power line that were not in close proximity to any trees or obstructions. He testified that the initial breakage point was located two feet from the power pole on copper wire which caused the second breakage point on the aluminum wire located above the street. GPA's manager then testified that shorts in power lines could result from any number of causes; that the intermixing of copper and aluminum wire in power lines is an accepted utility practice that is done islandwide; and that these particular power lines were insulated with high technology material to withstand abrasion.

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Our in-depth review of the record reveals that the evidence below does not support the finding and decision of the trial court. We would have agreed with the decision and order of the trial court had there been any proof that the breakage in the power line occurred near the tree. If that had been the case, then GPA would have been negligent for failing to properly trim and maintain such tree and ultimately liable for the Plaintiff-

Appellee's damage since this would have been the type of injury that GPA could have reasonably anticipated would occur due to its negligence. However, there was absolutely no proof before the Superior Court that the breakage in the power line occurred near Instead, there was direct proof that the two spans of breakage occurred nowhere near any trees or any obstructions. Mere speculation that GPA's failure to trim the tree of cause

Plaintiff-Appellee's damage is possible insufficient to sustain the judgment. The Plaintiff-Appellee must have either shown direct proof of causation or raised a reasonable inference that the negligence complained of was the proximate cause of the injury. Spencer, supra at p. 751. neither.

Accordingly, the decision and order of the Superior Court is reversed.

ALFRED LAURETA, District Judge

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DISTRICT COURT OF GUAM TERRITORY OF GUAM APPELLATE DIVISION

RUFIN HENRY SUAREZ PEREZ,

Plaintiff-Appellee,

vs.

GUAM POWER AUTHORITY,

Defendant-Appellant.

D.C. CASE NO. 84-0063A

S.C. CASE NO. 688-84

STIPULATION FOR EXTENSION OF TIME TO FILE APPELLEE'S BRIEF

IT IS HEREBY STIPULATED AND AGREED by and betwen the parties hereto that Appellee, Rufin Henry Suarez Perez, may file his Appellee's Brief on or by January 31, 1985.

Dated this 2/5 day of January, 1985.

ARRIOLA & COWAN
P.O. Box X, Agana, Guam 96910
Counsel for Appellant

by:

OLIVER W. BORDALLO

RUFIN HENRY SUAREZ PEREZ

'JAN 2 2 1985

SO ORDERED:

/ Cristobal C. Duenas

JUDGE, DISTRICT COURT OF GUAM

