



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

JUN 27 1995

The Honorable Ted S. Nelson  
Acting Speaker  
Twenty-Third Guam Legislature  
424 West O'Brien Drive  
Julale Center - Suite 222  
Agana, Guam 96910

Via: Office of Speaker Don Parkinson

Dear Speaker Nelson:


Enclosed please find a copy of Substitute Bill No. 94 (LS), "AN ACT TO AMEND 12 GCA §12004, RELATIVE TO ALLOWING THE PUBLIC UTILITIES COMMISSION TO CONSIDER EVIDENCE AND TESTIMONY PRESENTED BY THE PUBLIC AT ANY HEARING REGARDING RATES AND RATE CHANGES", which I have signed into law today as **Public Law No. 23-30**.

Very truly yours,

  
Carl T. C. Gutierrez

Attachment

**230521**

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u></u>
Time	<u>9:10 am</u>
Date	<u>6-28-95</u>

Rec'd 6-27-95  
bae

TWENTY-THIRD GUAM LEGISLATURE  
1995 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 94 (LS), "AN ACT TO AMEND 12 GCA §12004, RELATIVE TO ALLOWING THE PUBLIC UTILITIES COMMISSION TO CONSIDER EVIDENCE AND TESTIMONY PRESENTED BY THE PUBLIC AT ANY HEARING REGARDING RATES AND RATE CHANGES," was on the 6th day of June, 1995, duly and regularly passed. The Bill received twenty votes to pass, with one member off-island.



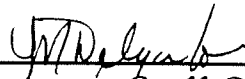
\_\_\_\_\_  
DON PARKINSON  
Speaker

Attested:



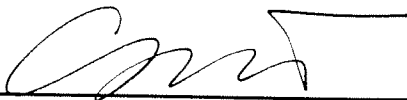
\_\_\_\_\_  
JUDITH WON PAT-BORJA  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 16 day of June,  
1995, at 10:30 o'clock A.M.



\_\_\_\_\_  
Assistant Staff Officer  
Governor's Office

APPROVED:



\_\_\_\_\_  
CARL T. C. GUTIERREZ  
Governor of Guam

Date: 6-27-95

Public Law No. 23-30

TWENTY-THIRD GUAM LEGISLATURE  
1995 (FIRST) Regular Session

Bill No. 94 (LS)  
As substituted on the floor.

Introduced by:

D. Parkinson  
J. T. San Agustin  
F. E. Santos  
T. C. Ada  
J. P. Aguon  
E. Barrett-Anderson  
A. C. Blaz  
J. M. S. Brown  
F. P. Camacho  
M. C. Charfauros  
H. A. Cristobal  
M. Forbes  
A. C. Lamorena V  
C. Leon Guerrero  
L. Leon Guerrero  
T. S. Nelson  
S. L. Orsini  
V. C. Pangelinan  
A. L. G. Santos  
A. R. Unpingco  
J. Won Pat-Borja

AN ACT TO AMEND 12 GCA §12004, RELATIVE TO  
ALLOWING THE PUBLIC UTILITIES COMMISSION  
TO CONSIDER EVIDENCE AND TESTIMONY  
PRESENTED BY THE PUBLIC AT ANY HEARING  
REGARDING RATES AND RATE CHANGES.

1

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

1           Section 1. §12004 of Chapter 12, Guam Code Annotated, is hereby  
2 amended to read as follows:

3           "§12004. **General powers and duties.** The Commission shall  
4 have regulatory oversight supervision of rates as set forth in this  
5 Chapter over each public utility and shall perform the duties and  
6 exercise the powers imposed or conferred upon it by this Chapter.  
7 The Commission in the discharge of any of its duties or the exercise  
8 of any of its powers, except a final determination affecting a public  
9 utility, may act through one or more of its Commissioners  
10 designated by the Commission for this purpose. The Commission  
11 shall investigate and examine any rates and charges charged by  
12 any utility, and all records pertinent thereto. The Commission may  
13 seek advice from an independent utility expert, shall approve,  
14 disapprove, increase or reduce rates for each utility. The  
15 Commission shall establish and modify from time to time,  
16 reasonable rates and charges for services, including General  
17 Lifeline Rates, which as far as Guam Telephone Authority and  
18 Guam Power Authority are concerned, when all rates for respective  
19 blocks of usage are considered together, shall be at least adequate  
20 to cover the full cost of such service or subject to any contractual  
21 agreements of the utilities to the holders of any bonds and shall  
22 increase rates or charges from time to time as may be necessary  
23 pursuant to any contractual obligations, except that General  
24 Lifeline Rates may only be increased when the total actual overall  
25 cost of providing service to all classes of customers, increases by no  
26 less than twenty percent (20%). The utilities shall not, however,  
27 enter into any contractual agreements or obligations which could

1 increase rates and charges prior to the written approval of the  
2 Commission. No money in any utility sinking fund may be released  
3 except for the purpose for which it is dedicated.

4 No rate change may be approved by the Commission unless it  
5 is affirmatively established, by a preponderance of the evidence,  
6 that a rate change is necessary. The Commission shall conduct such  
7 investigation and hearings as to any such rate changes as it deems  
8 necessary. As to the Guam Power Authority, the Commission shall  
9 ensure that rates will, at all times, be sufficient to enable the utility  
10 to meet its financial obligations, operating expenses, debt service  
11 and capital improvement needs. Any rate change shall be  
12 considered by the Commission using standards and financial  
13 criteria consistent with generally accepted rate-making practices of  
14 public utilities and in full consideration of the requirement to  
15 establish and maintain General Lifeline Rates.

16 The Commission shall have the power to enter into contacts  
17 and execute all instruments necessary or convenient in the exercise  
18 of its powers, adopt a seal, and sue or to be sued in its own  
19 corporate name.

20 At any public hearing concerning the establishment or  
21 modification of any rate, the commission may consider any factual  
22 testimony and evidence presented by the general public. In  
23 addition, any member of the public may present witnesses at such  
24 public hearing, upon a timely application made to the commission.  
25 The commission, in determining whether a member of the public  
26 may be allowed to present witnesses, shall take into account an  
27 offer of proof to be filed with the application for such privilege and

1 determine whether the proof offered would add anything to the  
2 proceedings. The request to present witnesses may be denied if the  
3 commission finds that such action is of a dilatory nature or would  
4 otherwise impede the operations of the commission unduly. The  
5 right to present evidence and witnesses shall be liberally granted as  
6 long as such activity would not unduly impede the activities of the  
7 commission or delay the decision making process of the  
8 commission. Nothing herein shall prevent any witness from  
9 testifying at a public hearing on his own behalf and presenting any  
10 type of documentary or physical evidence at the time of testimony  
11 which may be relevant to the matter before the commission. The  
12 commission shall give such weight to the testimony and evidence  
13 presented by the general public as it gives to evidence presented by  
14 the participants before the Public Utility Commission in the docket  
15 concerned and shall hold the evidence presented by the general  
16 public to the same criteria, the same standards of proof, and the  
17 same rules of evidence as would be applicable to a participant. Any  
18 participant may make objections to the introduction of evidence by  
19 any member of the general public upon any grounds which would  
20 be appropriate if such evidence were being presented by a  
21 participant to the proceedings. The commission may allow cross-  
22 examination of witnesses by participants to the proceedings and  
23 may, if appropriate, allow participants an opportunity to refute  
24 evidence presented by the general public if the interests of justice so  
25 require."

# TWENTY-THIRD GUAM LEGISLATURE

1995 (FIRST) Regular Session

Date: 6/6/95

## VOTING SHEET

Bill No. 94

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

NAME	AYE	NO	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.	✓			
AGUON, John P.				✓
BARRETT-ANDERSON, Elizabeth	✓			
BLAZ, Anthony C.	✓			
BROWN, Joanne S.	✓			
CAMACHO, Felix P.	✓			
CHARFAUROS, Mark C	✓			
CRISTOBAL, Hope A.	✓			
FORBES, MARK	✓			
LAMORENA, Alberto C., V	✓			
LEON GUERRERO, Carlotta	✓			
LEON GUERRERO, Lou	✓			
NELSON, Ted S.	✓			
ORSINI, Sonny L.	✓			
PANGELINAN, Vicente C	✓			
PARKINSON, Don	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Angel L. G.	✓			
SANTOS, Francis E.	✓			
UNPINGCO, Antonio R.	✓			
WONPAT-BORJA, Judith	✓			

TOTAL

20      \_\_\_\_\_      1

**SPEAKER DON PARKINSON**  
 23RD GUAM LEGISLATURE  
 424 W. O'BRIEN DRIVE - JULALE CENTER, SUITE 222  
 AGANA, GUAM 96910

**SPEAKER and CHAIRPERSON, COMMITTEE ON ELECTRICAL POWER AND CONSUMER PROTECTION**

April 5, 1995

Senator Judith Won Pat-Borja  
 Legislative Secretary  
 23rd Guam Legislature  
 Temporary Building  
 155 Hesler St.  
 Agana, Guam 96910

Dear Senator Won Pat-Borja,

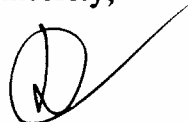
The Committee on Electrical Power and Consumer Protection wishes to report out its findings on **BILL NO. 94: AN ACT TO AMEND 12 GCA SECTION 12004 BY ADDING A PARAGARPH AT THE END THEREOF TO PROVIDE THAT THE PUBLIC UTILITIES COMMISSION MAY CONSIDER EVIDENCE IN TESTIMONY PRESENTED BY MEMBERS OF THE GENERAL PUBLIC AT ANY HEARING REGARDING RATES AND RATE CHANGES.**

The Committee's Voting Record is as follows:

<b>TO PASS:</b>	<u>8</u>
<b>NOT TO PASS:</b>	<u>0</u>
<b>ABSTAIN:</b>	<u>0</u>
<b>TO PLACE IN INACTIVE FILE:</b>	<u>0</u>

A copy of the Committee Report and other pertinent information are attached for your information.

Sincerely,



Speaker Don Parkinson  
 Chairman, Committee on  
 Electrical Power and  
 Consumer Protection



**SPEAKER DON PARKINSON**  
 23RD GUAM LEGISLATURE  
 424 W. O'BRIEN DRIVE - JULALE CENTER, SUITE 222  
 AGANA, GUAM 96910

**SPEAKER and CHAIRPERSON, COMMITTEE ON ELECTRICAL POWER AND CONSUMER PROTECTION**

**VOTING SHEET ON:**

**BILL NO. 94: AN ACT TO AMEND 12 GCA SECTION 12004 BY ADDING A PARAGRAPH AT THE END THEREOF TO PROVIDE THAT THE PUBLIC UTILITIES COMMISSION MAY CONSIDER EVIDENCE IN TESTIMONY PRESENTED BY MEMBERS OF THE GENERAL PUBLIC AT ANY HEARING REGARDING RATES AND RATE CHANGES.**

<u>COMMITTEE MEMBERS</u>	<u>INITIAL</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>TO PLACE IN INACTIVE FILE</u>
Speaker Don Parkinson	<i>DP</i>	✓			
Sen. Joe T. San Agustin	<i>JS</i>	✓			
Sen. Elizabeth Barrett-Anderson	<i>EB</i>	✓			
Sen. Anthony C. Blaz	<i>AB</i>	✓			
Sen. Felix P. Camacho	<i>FC</i>	✓			
Sen. Sonny L. Orsini	<i>SO</i>	✓			
Sen. Francis E. Santos	<i>FS</i>	✓			
Sen. Antonio R. Unpingco	<i>AR</i>	✓			

**SPEAKER DON PARKINSON**  
 23RD GUAM LEGISLATURE  
 424 W. O'BRIEN DRIVE - JULALE CENTER, SUITE 222  
 AGANA, GUAM 96910

**SPEAKER and CHAIRPERSON, COMMITTEE ON ELECTRICAL POWER AND CONSUMER PROTECTION**

**REPORT OF THE COMMITTEE ON ELECTRICAL POWER AND CONSUMER PROTECTION ON BILL NO. 94: AN ACT TO AMEND 12 GCA SECTION 12004 BY ADDING A PARAGRAPH AT THE END THEREOF TO PROVIDE THAT THE PUBLIC UTILITIES COMMISSION MAY CONSIDER EVIDENCE IN TESTIMONY PRESENTED BY MEMBERS OF THE GENERAL PUBLIC AT ANY HEARING REGARDING RATES AND RATE INCREASES.**

**PREFACE**

The Committee on Electrical Power and Consumer Protection held a public hearing on March 31, 1995, at 1:00 p.m. in the Legislative Public Hearing Room at the Guam Legislature, Temporary Building in Agana to hear testimony on Bill No. 94: AN ACT TO AMEND 12 GCA SECTION 12004 BY ADDING A PARAGRAPH AT THE END THEREOF TO PROVIDE THAT THE PUBLIC UTILITIES COMMISSION MAY CONSIDER EVIDENCE IN TESTIMONY PRESENTED BY MEMBERS OF THE GENERAL PUBLIC AT ANY HEARING REGARDING RATES AND RATE CHANGES. Committee members present at the hearing were Speaker Don Parkinson, Chairperson, and members Senators Anthony C. Blaz, Felix P. Camacho, Francis E. Santos and Antonio R. Unpingco.

**TESTIMONY**

Written testimony in favor of this legislation was submitted to the Committee by Mr. Austin J. Shelton, Acting General Manager, Guam Power Authority, who also appeared before the Committee to give oral testimony; Mr. Roman L. Cepeda, General Manager, Guam Telephone Authority, and Mr. Terrance Brooks, Chairman, Public Utilities Commission.

Speaker Parkinson stated that the Public Utilities Commission had submitted written testimony in favor of the Bill No. 94, however it was the PUC's position that the bill was redundant to rules and procedure that the PUC had established. Speaker Parkinson indicated that though this issue has been addressed by the PUC, it was still necessary that this legislation ensure that the general public have an opportunity to provide evidence that is credible to rates and rate changes. He stated that in the past it was the PUC's position that though members of the general public presented relevant and factual testimony it was not taken into account as evidence by the PUC in rate hearings.

Mr. Shelton stated that the Guam Power Authority was in full support of Bill No. 94. He indicated that it has been GPA's experience that the opportunity for the public to present testimony has been mutually beneficial for GPA and the PUC. "Since GPA is owned by the people, their input into the rate hearing process is similar to stockholder providing their opinions to management," Mr. Shelton reiterated.

Mr. Roman Cepeda submitted written testimony supporting Bill No. 94 on behalf of the Guam Telephone Authority. It was GTA's position that the bill would allow members of the public the opportunity to be effective contributors in the rate making process.

### **FINDINGS AND RECOMMENDATIONS**

The Committee on Electrical Power and Consumer Protection finds that it is in the best interest of the utility consumers that their relevant and factual testimonies be considered as credible evidence in any hearing regarding rates and rate changes. All testimony presented before the

Committee was in support of the intent of Bill No. 94. The Committee finds no reason why Bill No. 94 should not be passed by the Twenty-Third Guam Legislature.

Accordingly, based on the testimonies presented before the Committee on Electrical Power and Consumer Protection, the Committee recommends that the Twenty-Third Guam Legislature pass **BILL NO. 94: AN ACT TO AMEND 12 GCA SECTION 12004 BY ADDING A PARAGRAPH AT THE END THEREOF TO PROVIDE THAT THE PUBLIC UTILITIES COMMISSION MAY CONSIDER EVIDENCE IN TESTIMONY PRESENTED BY MEMBERS OF THE GENERAL PUBLIC AT ANY HEARING REGARDING RATES AND RATE CHANGES.**

**Attachments:** Committee on Rules referral of Bill No. 94  
BBMR Fiscal Note on Bill No. 94  
Written Testimony from Terrance Brooks, Chairman, PUC  
Written Testimony from Austin J. Shelton, General Manager, GPA  
Written Testimony from Roman L. Cepeda, Chairman, GTA  
Witness Sign-in Sheet: Bill No. 94  
Public Hearing Notice: Bill No. 94



# COMMITTEE ON RULES

Twenty-Third Guam Legislature  
155 Hesler St., Agana, Guam 96910

M. T. TORRES  
RECEIVED  
9:15M

February 3, 1995

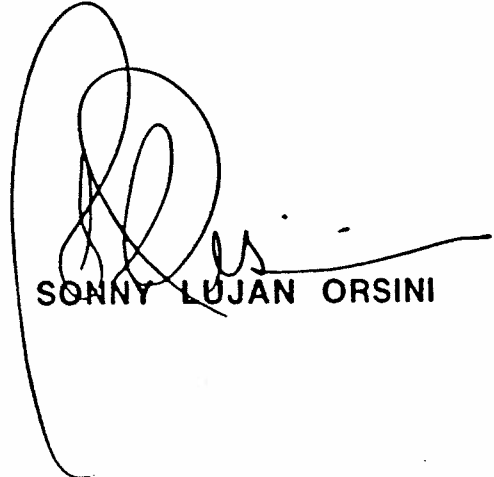
## MEMORANDUM

**TO:** Chairperson, Committee on Electrical Power and  
Consumer Protection

**FROM:** Chairman, Committee on Rules

**SUBJECT:** Referral - Bill No. 94

The above Bill is referred to your Committee as the principal committee. Please note that the referral is subject to ratification by the Committee on Rules at its next meeting. It is recommended you schedule a public hearing at your earliest convenience.



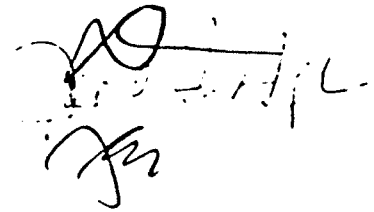
SONNY LUJAN ORSINI

Attachment

TWENTY-THIRD GUAM LEGISLATURE  
1995 (FIRST) REGULAR SESSION

Bill No. 94  
Introduced By:

D. Parkinson



AN ACT TO AMEND 12 GCA SECTION 12004 BY ADDING A PARAGRAPH AT THE END THEREOF TO PROVIDE THAT THE PUBLIC UTILITIES COMMISSION MAY CONSIDER EVIDENCE IN TESTIMONY PRESENTED BY MEMBERS OF THE GENERAL PUBLIC AT ANY HEARING REGARDING RATES AND RATE CHANGES.

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

1 Section 1: Section 12004 of Chapter 12 of Guam Code Annotated is hereby amended by adding a  
2 paragraph at the end of said section to read as follows: with all other previous first two paragraphs now existing  
3 in said section 12004 to remain intact and unchanged:

4 \*At any public hearing concerning the establishment or modification of any rate the commission  
5 may consider any factual testimony and evidence presented by the general public. In addition, any  
6 member of the public may witnesses at such public hearing, upon a timely application made to the  
7 commission. The commission, in determining whether a member of the public may be allowed to present  
8 witnesses shall take in to account offer a proof to be filed with the application for such privilege and  
9 determine whether the proof offered would add anything to the proceedings. The request to present  
10 witnesses may be denied if the commission finds that such action is of a dilatory nature or would  
11 otherwise impede the operations of the commission unduly. The right to present evidence and witnesses  
12 shall be liberally granted as long as such activity would not unduly impede the activities of the  
13 commission or delay the decision making process of the commission. Nothing herein shall prevent any  
14 witness from testifying at a public hearing on his own behalf and presenting any type of documentary or

15 physical evidence at the time of testimony which may be relevant to the matter before the commission.  
16 The commission shall give such weight to the testimony and evidence presented by the general public as  
17 it gives to evidence presented by the participants before the Public Utility Commission in the docket  
18 concerned and shall hold the evidence presented by the general public to the same criteria, the same  
19 standards of proof, and the same rules of evidence as would be applicable to a participant. Any  
20 participant may make objections to the introduction of evidence by any member of the general public  
21 upon any grounds which would be appropriate if such evidence were being presented by a participant to  
22 the proceedings. The commission may allow cross-examination of witnesses by participants to the  
23 proceedings and may, if appropriate, allow participants an opportunity to refute evidence presented by  
24 the general public if the interests of justice so require. "

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**BUREAU OF BUDGET & MANAGEMENT RESEARCH**  
OFFICE OF THE GOVERNOR, Post Office Box 2950, Agaña, Guam 96910

**CARL F. C. GUTIERREZ**  
GOVERNOR

**MADELINE Z. BORDALLO**  
1<sup>ST</sup> GOVERNOR

**JOSEPH E. RIVERA**  
DIRECTOR

**FRANCES J. BALAJADIA**  
DEPUTY DIRECTOR

The Bureau requests that Bill No(s) 94 be granted a waiver pursuant to Public Law 12-229 for the following reasons:

Although existing procedural rules of the Public Utilities Commission allow public participation during hearings, Bill No. 94 would require greater procedural right to participation in the Commission hearings.

The effect of Bill No. 94 is administrative in nature and does not pose a fiscal impact on the General Fund.

*for Frances J. Balajadia*  
JOSEPH E. RIVERA,  
Acting Director





**PUBLIC UTILITIES COMMISSION  
OF THE TERRITORY OF GUAM**

Terrence M. Brooks, Chairman  
Raymond K.S. Lum, Vice-Chairman  
Vicente D. Gumatsoto, Member  
Mary Louise Anderson, Member  
Kathleen M. Perez, Member  
Kaico S. Moylan, Member

SUITE 400 G.C.I.C. BUILDING  
P.O. BOX 882  
AGANA, GUAM 96910  
TELEPHONE: 477-9708/472-8888  
FAX: (671) 477-0783/2611

Harry M. Boertzel, Esq.  
Administrative Law Judge

Joseph A. Celvo, Esq.  
Assistant Administrative  
Law Judge

March 27, 1995

**HAND DELIVER**

Speaker Don Parkinson  
23RD GUAM LEGISLATURE  
424 W. O'Brien Drive  
Julale Center, Suite 222  
Agana, Guam 96910

Dear Mr. Speaker:

With regard to your request for the Commission's comments about Bills 94 and 176:

**1. Bill 94:**

The Commission's current rules of procedure permit public participation in Commission evidentiary proceedings without need for formal intervention [Rule 20008.2]. As a matter of practice, the Commission also encourages public comment at every public evidentiary hearing. Accordingly, the Commission views Bill 94 as duplicative of existing Commission procedures. We would also note that 12 GCA § 12013 empowers the Commission to "establish its own procedures for the conduct of hearings and the admission of evidence".

On March 15, 1995 the Commission transmitted to you its FY94 annual report, which enclosed proposed, revised Commission rules of procedure. Proposed Rule 11 addresses participation in evidentiary proceedings without intervention. Should you conclude that the public requires greater procedural right to participate in Commission hearing than currently available under Commission procedure, we encourage you to address this concern as part of your review and approval of the Commission's proposed rules rather than through amendment of our enabling legislation.

**2. Bill 176.**

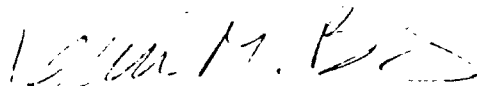
On March 3, 1995 the Commission transmitted to you its order approving proposed Amendment II to the Navy-GPA Customer Service Agreement, subject to

Speaker Don Parkinson  
March 27, 1995  
Page 2

conditions therein stated.

Please let me know if we can be of further assistance with regard to these matters.

Cordially,

  
Terrence M. Brooks

TMB/kw  
D#SP.27M  
DIR.HMBLTRS

Enclosure:

1. Rule 2000.B.2  
Rule 11

CC: PUC Commissioners

simplifying the issues; arranging for the exchange or proposed exhibits or prepared expert testimony; limitation of number of witnesses; and such other matters as may expedite orderly conduct and disposition of the proceeding.

Hearing:

20008. Notice.

(n) In any proceedings, including applications and complaints, where there shall be a public hearing, the Commission shall give notice of hearing, with the purpose stated thereof and the date, time, and place at which it will be held, by advertising not less than once in each of three weeks, in a newspaper of general circulation in Guam, the first publication being not more than twenty-one (21) days before the scheduled hearing, and the last publication being not less than two (2) days before the scheduled hearing.

(b) In addition to the notice required by this rule, parties shall provide such notice of hearing as the presiding officer may designate. Sample copies of the notices shall be filed at or before the hearing.

20008.1. Intervention. In a proceeding, petitions to intervene and become a party thereto shall be in writing, shall set forth the grounds of the proposed intervention, and the position and interest of the petitioner in the proceeding. Such a petition shall be served and filed by petitioner at least five (5) days before the proceeding is called for hearing, except for good cause shown. If petitioner seeks a broadening of the issues and shows that they would not thereby be unduly broadened, then the petition shall be served and filed by petitioner at least ten days, and the parties may serve and file replies at least five days, before the matter is called for hearing.

Leave will not be granted except on averments which are reasonably pertinent to the issues already presented, but do not unduly broaden them. If leave is granted, the petitioner thereby becomes an intervener and a party to the proceeding to the degree indicated by the order allowing intervention, or by the presiding officer at the hearing.

20008.2. Participation Without Intervention. In an application proceeding, an appearance may be entered at the hearing without filing a pleading if there is full disclosure of the persons or entities in whose behalf the appearance is to be entered; if the interest of such persons or entities in the proceeding and the position intended to be taken are stated fairly; and, if the contentions will be reasonably pertinent to the issues already presented and any right to broaden them unduly is disclaimed.

A person or entity in whose behalf an appearance is entered in this manner becomes a party to and may participate in the

proceeding to the degree indicated by the presiding officer.

20008.3. Motion to Dismiss. A motion to dismiss (other than a motion based upon a lack of jurisdiction) any proceeding before this Commission, which is based upon the pleadings or any matter occurring before the first day of hearing may only be made upon five (5) days' written notice thereof duly filed and served upon all parties to the proceeding and all other parties upon whom service of copies of the pleadings are therein shown to have been made.

20008.4. Order of Procedure. The complainant, applicant, or petitioner shall open and close hearings on complaints, applications, and petitions.

#### Subpoenas:

20009. Issuance. Request for subpoenas and subpoenas duces tecum may be made to the Commission, Presiding Officer, or the Administrative Law Judge.

20009.1. Contents and Service. Subpoena or subpoena duces tecum shall only be served on behalf of a party. Before service, all appropriate portions of the subpoena or subpoena duces tecum shall be completed, and the name, address, and telephone number of the requesting party shall be included. Service of subpoenas or subpoenas duces tecum shall be in accordance with the provisions of the Code of Civil Procedure.

20009.2. Affidavit in Support of Subpoena Duces Tecum. A copy of an affidavit shall be served with a subpoena duces tecum showing good cause for the production of the matters described in such subpoena, specifying the exact matters desired to be produced, setting forth in full detail the relevance thereof to the issues involved in the proceeding, and stating that the witness has the desired matters in his possession or under his control. The original affidavit in support of the subpoena duces tecum shall be filed prior to the time the documents are due to be produced.

20009.3. Motions to Quash or for Protective Orders. An original and one copy of a motion to quash a subpoena or subpoena duces tecum or for a protective order may be filed prior to the time that appearance or production is required. A certificate of service indicating service on the party who obtained the subpoena or subpoena duces tecum shall accompany the motion. The presiding officer may require service on additional parties. The presiding officer shall then give such notice of the procedure he intends to follow on the motion as time permits. If no notice is feasible, argument on the motion shall be heard at the time that appearance or production is required.

If time does not permit filing a motion, it may be submitted to the presiding officer or made orally at a hearing. Motions must

be afforded to any such party and the Commission staff.

**Rule 10. Action by Commission.**

As soon as practicable after expiration of the time for filing answer to a petition for intervention, the ALJ will grant or deny the petition in whole or in part, or if found to be appropriate may authorize limited participation. A person granted leave to intervene in whole or in part is an intervenor and shall be a party to the proceeding. The granting of a petition to intervene in whole or in part is not recognition that the intervenor may have rights to appeal from any order of the Commission entered in that proceedings, except as otherwise provided by law.

**Rule 11. Participation Without Petition for Intervention.**

(a) A person may appear in a proceeding before the Commission in lieu of a formal petition to intervene, if there is full disclosure of the identity of the person whose appearance is to be entered; the interest of such person in the proceeding and the position intended to be taken are fully and fairly stated; and the contentions of such person will be reasonably pertinent to the issues already presented and any right to broaden the issues unduly is disclaimed.

(b) An appearance under this rule entitles the person to make a statement of his position at a time during the hearing designated by the ALJ, with notice to all parties, and subject to such conditions as may be made by the ALJ; provided, however, that such person shall not be regarded as a party.

**PART 3. COMPLAINTS**

**Rule 12. Contents and Kinds.**

(a) A complaint shall be limited to matters involving alleged unlawful or unreasonable acts, practices or omissions of a utility. A complaint may be either formal or informal and may be made by a person having good or sufficient reason therefor or by the Commission on its own motion.

(b) An informal complaint shall be in writing and signed by complainant, and contain a concise statement of the facts involved and the name and address of the complainant and the party complained against. The Commission will attempt to settle problems arising under an informal complaint without formal action when possible.



# GUAM POWER AUTHORITY

ATURIDÁT ILEKTRESEDÁT GUAHAN  
P.O. BOX 2977 • AGANA, GUAM U.S.A. 96910-2977

March 28, 1995

The Honorable Don Parkinson  
Speaker, 23rd Guam Legislature  
424 W. O'Brien Drive  
Julale Center, Suite 222  
Agana, Guam 96910

Dear Senator Parkinson,

The Guam Power Authority (GPA) is pleased to offer testimony on proposed bill 94 which provides for public testimony at all Public Utility Commission (PUC) rate hearings. GPA supports the positive intent of this bill. It is GPA's experience in the rate hearings over the past years that the opportunity for the public to provide testimony has been mutually beneficial to both the PUC and GPA. Since GPA is owned by the people, their input into the rate hearing process is similar to having stockholders providing their opinions to management.

In summary, GPA is in full support of continuing to have public input into the rate hearing process and therefore supports proposed bill 94.

Should you have any further questions, my staff and I will do our best to provide satisfactory answers.

Sincerely,

A.J. Sonny Shelton  
Acting General Manager

# GTA

## Guam Telephone Authority

Post Office Box 9008 • Tamuning, Guam 96931 • Telephone: 646-8607 • Fax: 649-4821

March 31, 1995

Honorable Don Parkinson  
Speaker 23rd Guam Legislature  
424 W. O'Brien Drive  
Julale Center, Suite 222  
Agana, Guam 96910

RE: WRITTEN TESTIMONY IN SUPPORT OF PASSAGE OF  
BILL NO. 94, AN ACT TO PROVIDE THAT PUC MAY  
CONSIDER EVIDENCE IN TESTIMONY PRESENTED  
BY MEMBERS OF THE GENERAL PUBLIC AT ANY  
HEARING REGARDING RATES AND RATE CHANGES.

Dear Mr. Speaker and Chairperson:

My name is Roman L. Cepeda, Chairman, Board of Directors,  
Guam Telephone Authority (GTA).

I am submitting this written testimony supporting passage  
of Bill No. 94 in response to your request of March 23, 1995,  
that I or a representative appear at the public hearing of  
said bill.

Meaningful public participation in government affairs  
has always been recognized as one of the most cherished rights  
in a democracy. Our Open Government Law is an example that  
in Guam we want the public to be informed and have the  
opportunity to be present when public agency meet to decide  
public policy.

Bill 94 allows the Public Utilities Commission to permit  
a member of the general public to testify and present evidence  
at rate hearings including presenting other witnesses. This  
allows members of the public the opportunity to be effective  
contributors in the rate making process.



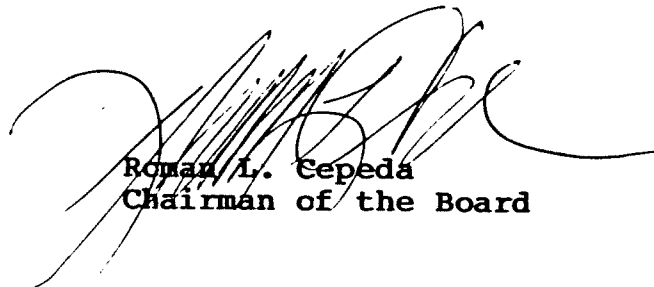
Commonwealth Now!

Honorable Don Parkinson  
Speaker 23rd Guam Legislature  
March 31, 1995  
Page 2

The possibility of abusing the privilege for the sole purpose of delaying action is present, however, the bill sufficiently protects against it.

Again, GTA supports passage of Bill 94. I want to thank you and the members of the Committee of Electrical Power and Consumer Protection for inviting me and GTA to participate in the hearing process.

Sincerely,



Roman L. Cepeda  
Chairman of the Board



**SPEAKER DON PARKINSON**  
 23RD GUAM LEGISLATURE  
 424 W. O'BRIEN DRIVE - JULALE CENTER, SUITE 222  
 AGANA, GUAM 96910

SPEAKER and CHAIRPERSON, COMMITTEE ON ELECTRICAL POWER AND CONSUMER PROTECTION

**PUBLIC HEARING**  
**WITNESS SIGN-IN SHEET**

**DATE:** Friday, March 31, 1995

**TIME:** 1:00 p.m.

**PLACE:** Legislative Public Hearing Room, Guam Legislature, 155 Hesler Street, Agana.

**RE:** **Bill No. 94: AN ACT TO AMEND 12 GCA SECTION 12004 BY ADDING A PARAGRAPH AT THE END THEREOF TO PROVIDE THAT THE PUBLIC UTILITIES COMMISSION MAY CONSIDER EVIDENCE IN TESTIMONY PRESENTED BY MEMBERS OF THE GENERAL PUBLIC AT ANY HEARING REGARDING RATES AND RATE CHANGES.**

<u>NAME:</u>	<u>DEPT./AGENCY:</u>	<u>TESTIMONY</u> <u>ORAL/WRITTEN:</u>	<u>FOR/AGAINST:</u>
<u>SUNNY SHELTON</u>	<u>GPA</u>	✓ ✓	✓
<u>BUCK UNPINGCO</u>	<u>GPA</u>	/ /	/
<u>ROMAN L. CEREDA</u>	<u>GTA</u>	✓	✓
<u>CARL PLEON GUERRERO</u>	<u>GTA</u>	✓	✓
<u>Terrance Brooks</u>	<u>PUC</u>	Submitted Written Testimony	

PACIFIC DAILY NEWS, Friday, March 31, 1995

**TWENTY-THIRD GUAM LEGISLATURE**

**NOTICE OF PUBLIC HEARING**

**SPEAKER DON PARKINSON  
CHAIRPERSON**

**COMMITTEE ON ELECTRICAL POWER  
AND CONSUMER PROTECTION**

**1:00 PM, FRIDAY, MARCH 31, 1995  
LEGISLATIVE PUBLIC HEARING ROOM  
TEMPORARY LEGISLATIVE BUILDING,  
155 HESLER STREET, AGANA, GUAM**

**AGENDA**

**BILL NO. 94: AN ACT TO AMEND 12 GCA SECTION 12004 BY ADDING A PARAGRAPH AT THE END THEREOF TO PROVIDE THAT THE PUBLIC UTILITIES COMMISSION MAY CONSIDER EVIDENCE IN TESTIMONY PRESENTED BY MEMBERS OF THE GENERAL PUBLIC AT ANY HEARING REGARDING RATES AND RATE CHANGES.**

**BILL NO. 176: AN ACT TO APPROVE THE PROPOSED AMENDMENT II TO THE CUSTOMER SERVICE AGREEMENT (CSA) WHICH ALLOWS FOR TRANSFER OF LAND BEFORE CLEANUP IS COMPLETE AS IS BEING DONE AT NAVAL AIR STATION; ALLOWS NAVY TO CONTINUE TO PROVIDE SERVICES THAT THE GUAM POWER AUTHORITY MAY NOT BE ABLE TO PROVIDE AFTER THE TERMINATION OF THE INTERIM PERIOD; RELAXES THE REQUIREMENTS FOR TERMINATION OF THE INTERIM PERIOD; AND TRANSFERS ADDITIONAL LANDS AND ALLOWS FOR FUTURE TRANSFERS OF FACILITIES.**

**GENERAL OVERSIGHT OF THE GUAM POWER AUTHORITY.**

**THE PUBLIC IS INVITED TO TESTIFY.**

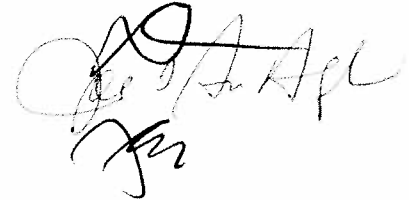
TWENTY-THIRD GUAM LEGISLATURE  
1995 (FIRST) REGULAR SESSION

Introduced

MAR 13 1995

Bill No. 94 (LS)  
Introduced By:

D. Parkinson



**AN ACT TO AMEND 12 GCA SECTION 12004 BY ADDING A PARAGRAPH AT THE END THEREOF TO PROVIDE THAT THE PUBLIC UTILITIES COMMISSION MAY CONSIDER EVIDENCE IN TESTIMONY PRESENTED BY MEMBERS OF THE GENERAL PUBLIC AT ANY HEARING REGARDING RATES AND RATE CHANGES.**

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

1           **Section 1:** Section 12004 of Chapter 12 of Guam Code Annotated is hereby amended by adding a  
2 paragraph at the end of said section to read as follows: with all other previous first two paragraphs now existing  
3 in said section 12004 to remain intact and unchanged:

4           "At any public hearing concerning the establishment or modification of any rate the commission  
5 may consider any factual testimony and evidence presented by the general public. In addition, any  
6 member of the public may witnesses at such public hearing, upon a timely application made to the  
7 commission. The commission, in determining whether a member of the public may be allowed to present  
8 witnesses shall take in to account offer a proof to be filed with the application for such privilege and  
9 determine whether the proof offered would add anything to the proceedings. The request to present  
10 wiatnesses may be denied if the commission finds that such action is of a dilatory nature or would  
11 otherwise impede the operations of the commission unduly. The right to present evidence and witnesses  
12 shall be liberally granted as long as such activity would not unduly impede the activities of the  
13 commission or delay the decision making process of the commission. Nothing herein shall prevent any  
14 witness from testifying at a public hearing on his own behalf and presenting any type of documentary or

15 physical evidence at the time of testimony which may be relevant to the matter before the commission.  
16 The commission shall give such weight to the testimony and evidence presented by the general public as  
17 it gives to evidence presented by the participants before the Public Utility Commission in the docket  
18 concerned and shall hold the evidence presented by the general public to the same criteria, the same  
19 standards of proof, and the same rules of evidence as would be applicable to a participant. Any  
20 participant may make objections to the introduction of evidence by any member of the general public  
21 upon any grounds which would be appropriate if such evidence were being presented by a participant to  
22 the proceedings. The commission may allow cross-examination of witnesses by participants to the  
23 proceedings and may, if appropriate, allow participants an opportunity to refute evidence presented by  
24 the general public if the interests of justice so require."

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35 F:\23\bills\PUCPH.bill\jlg