

**PUBLIC UTILITIES COMMISSION
OF GUAM**

Jeffrey C. Johnson

Judge

Joseph M. McDonald
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David A Mair
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Lourdes R. Palomo
Administrator

RESOLUTION NO. 11-04

**RE: AUTHORIZATION FOR THE PUBLIC UTILITIES COMMISSION TO
ISSUE REQUESTS FOR PROPOSALS FOR THE RETENTION OF
PROFESSIONAL CONSULTANTS TO ADVISE IT WITH REGARD
TO REGULATION OF THE WATER, POWER, AND
TELECOMMUNICATIONS UTILITIES**

WHEREAS, the Guam Public Utilities Commission (“PUC”) is an autonomous instrumentality within the Government of Guam;

WHEREAS, the PUC has the authority to retain consultants;

WHEREAS, the PUC, similar to other autonomous instrumentalities in the Government of Guam, follows the Guam Procurement Laws when retaining consultants and other professional services;

WHEREAS, Title 5 Guam Code Annotated Section 5030(k) expressly states that the Procurement Laws of Guam shall apply to a “Commission”;

WHEREAS, Title 5 Guam Code Annotated Section 5004(b) expressly states that the Procurement Laws of Guam “shall apply to every expenditure by any governmental body of public funds irrespective of their source”;

WHEREAS, Title 5 Guam Code Annotated Section 5125 expressly states that it is “the intent *I Liheslaturan Guahan* [the Legislature] to require all Executive Branch governmental bodies, including autonomous agencies, and other above-named bodies, to be governed to the maximum extent practicable” by the Procurement Laws of Guam;

WHEREAS, the PUC finds that it is in the public interest to retain consultants in a transparent and fair manner pursuant to the established procedures in the Procurement Laws of Guam;

WHEREAS, the PUC has a need to retain the services of professional consultants to provide it with advice and other consulting services with regard to regulation of utilities, including water (GWA), power (GPA) and telecommunications (GTA and other telecom companies);

WHEREAS, the PUC has a need to retain a professional consultant in water/power matters; and

WHEREAS, the PUC has a need to retain the services of a professional consultant to provide it with advice and other consulting services with regard to regulation of Telecommunications companies in Guam under the Telecommunications Act of 2004;

NOW THEREFORE, in due consideration of the above recitals and for good cause shown, the PUC hereby resolves that:

1. PUC Counsel is authorized to cause the preparation and publication of procurement documents for the retention of two separate consultants to advise the PUC: one consultant to advise it on water and power matters, and another consultant to advise it on telecommunications matters;
2. PUC Counsel shall take steps to prepare and publish these procurement documents within no more than 60 days after the date of this Resolution;
3. Chairman Johnson and Board Members Perez, McDonald, Cantoria and Pangelinan shall form a Committee to follow the procedures set forth in Title 2 Guam Administrative Rules and Regulations Section 3114, et seq., for evaluating potential consultants;
4. The Committee shall then select and negotiate with the highest ranking offerors;
5. At the next scheduled meeting of the PUC after proposals are received by potential offerors to serve as PUC Consultants, the Committee shall make recommendations to the PUC regarding awards to the selected consultants;

6. The PUC may then adopt, reject or amend the recommendations of the Committee.

Dated: June 30, 2011

JEFFREY C. JOHNSON
Chairman

Dated: June 30, 2011

JOSEPH M. MCDONALD
Commissioner

Dated: June 30, 2011

FILOMENA M. CANTORIA
Commissioner

Dated: June 30, 2011

ROWENA E. PEREZ
Commissioner

Dated: June 30, 2011

MICHAEL A. PANGELINAN
Commissioner