

**BEFORE THE GUAM PUBLIC UTILITIES COMMISSION**

IN RE: )            **GTA Docket 12-09**  
          )             
JOINT APPLICATION OF TELEGUAM )  
HOLDINGS, LLC AND GTA TELECOM, ) **ORDER**  
LLC TO ASSIGN AND TRANSFER GTA )  
TELECOM’S INTERCONNECTION )  
AGREEMENT WITH PTI PACIFICA, INC. )  
TO TELEGUAM HOLDINGS. )  
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1. This matter comes before the Guam Public Utilities Commission [“PUC”] upon the Joint Application of Teleguam Holdings, LLC [“Teleguam”] and GTA Telecom, LLC [“Telecom”] to assign and transfer GTA Telecom’s Interconnection Agreement with PTI Pacifica, Inc. d/b/a IT&E [“IT&E”] to Teleguam Holdings.<sup>1</sup>

**BACKGROUND**

2. PUC Counsel filed his report herein on September 18, 2012. The Commission adopts the statement of background for this matter as set forth therein.<sup>2</sup>
3. On December 19, 2011, the PUC approved the Interconnection Agreement between GTA Telecom, LLC and PTI Pacifica Inc. d/b/a IT&E.<sup>3</sup>
4. In GTA Docket 11-14, the PUC authorized the assignment and transfer of GTA Telecom’s Certificate of Authority and Eligible Telecommunications Carrier Certificate to Teleguam Holdings, LLC.<sup>4</sup>
5. The PUC recognized that the purpose of the transfer of the COA and ETC Certificate from Telecom to Teleguam was to consolidate GTA into one corporate entity, withdraw the foreign registrations in Guam to all of Teleguam’s wholly owned subsidiaries, and to establish Teleguam as the sole entity providing telecommunications services in Guam as GTA.<sup>5</sup>

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<sup>1</sup> Joint Application of Teleguam Holdings, LLC and GTA Telecom, LLC, GTA Docket 12-09, filed September 14, 2012.

<sup>2</sup> PUC Counsel Report, GTA Docket 12-09, dated September 18, 2012.

<sup>3</sup> PUC Order, GTA Docket 11-13, dated December 19, 2011.

<sup>4</sup> PUC Order, GTA Docket 11-14, filed March 26, 2012, at p. 10.

<sup>5</sup> Id. at p. 1.

6. In GTA Docket 11-14, the Order required Teleguam to pay all costs and expenses related to any necessary amendments of the interconnection agreements presently in effect between Telecom and other carriers.<sup>6</sup>
7. Furthermore, the ICA between GTA Telecom and IT&E allows either party to assign or transfer the Agreement, and all rights and obligations thereunder, upon compliance with certain procedures.<sup>7</sup>
8. Teleguam Holdings, LLC and GTA Telecom, LLC followed the proper procedure under Section 5.1.2 of the ICA in notifying IT&E of their intent to transfer and assign the Interconnection Agreement to Teleguam Holdings, LLC.<sup>8</sup>
9. PTI Pacifica, Inc., d/b/a IT&E, has agreed and concurred with the Joint Application of Teleguam and Telecom to assign and transfer the Interconnection Agreement between IT&E and GTA Telecom, LLC to Teleguam Holdings, LLC<sup>9</sup>, assuming that all terms and conditions of the Stipulation between the parties are complied with.

#### **DETERMINATIONS**

10. Interconnection Agreements between an incumbent local exchange carrier [Teleguam] and a competitive local exchange carrier [IT&E] are subject to the approval of the Guam Public Utilities Commission.<sup>10</sup>
11. Teleguam Holdings, LLC is now the duly authorized corporate entity to provide telecommunications services pursuant to its Certificate of Authority; Telecom no longer possesses a Certificate of Authority to provide such services. As GTA Telecom no longer has a COA, all Interconnection Agreements involving GTA should be in the name of Teleguam Holdings and not GTA Telecom.

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<sup>6</sup> Id. at p. 11.

<sup>7</sup>Section 5.1.2 of the ICA between GTA Telecom and IT&E, approved by the PUC on December 19, 2011.

<sup>8</sup> Joint Application of Teleguam Holdings LLC and GTA Telecom LLC to Assign and Transfer GTA Telecom's Interconnection Agreement with PTI Pacifica, Inc. to Teleguam Holdings, LLC, GTA Docket 12-09, filed September 14, 2012, p. 2.

<sup>9</sup> STIPULATION TO ASSIGN AND TRANSFER INTERCONNECTION AGREEMENT BETWEEN PTI PACIFICA INC. AND GTA TELECOM, LLC TO TELEGUAM HOLDINGS, LLC, ATTACHMENT B to Joint Application of Teleguam Holdings, LLC and GTA Telecom, LLC, GTA Docket 12-09, filed September 14, 2012.

<sup>10</sup>47 U.S.C. §252(e)(1) [Section 252(e) of the Telecommunications Act of 1996].

12. The transfer of the Interconnection Agreement is consistent with the prior orders of the PUC and clarifies that the proper party to such Interconnection Agreement is Teleguam Holdings, LLC and not GTA Telecom.
13. The other party to the Interconnection Agreement, PTI Pacifica, Inc. d/b/a IT&E, concurs with the transfer and assignment of the ICA from GTA Telecom to Teleguam Holdings, LLC.
14. However, in accordance with the Stipulation of the Parties herein, the transfer and assignment of the ICA, and all rights and obligations of Telecom, to Teleguam, must be in accordance with each of the seven conditions referred to in the Stipulation made Attachment B to the Joint Application and incorporated herein by reference.<sup>11</sup>

### **ORDERING PROVISIONS**

After review of the Joint Application and the PUC Counsel Report, for good cause shown, the Guam Public Utilities Commission **HEREBY ORDERS** that:

1. The Joint Application of GTA Telecom and Teleguam Holdings, LLC to Assign and Transfer the Interconnection Agreement with PTI Pacifica, Inc. to Teleguam, is approved.
2. Said Transfer and Assignment of the Interconnection Agreement to Teleguam shall be in strict accordance with each of the seven conditions referred to in the Stipulation made Attachment B to the Joint Application.
3. GTA is ordered to pay for the PUC's regulatory fees and expenses incurred in this Docket, including, without limitations, consulting and counsel fees and expenses. Assessments of the PUC's regulatory fees and expenses is authorized pursuant to 12 GCA §12002(b) and 12024(b), 12104, 12103, the Rules Governing Regulatory fees for

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<sup>11</sup> IT&E and Teleguam have agreed to seven conditions for transfer and assignment of the ICA to Teleguam: (1) all rights and obligations of Telecom in the ICA will be assigned to Teleguam;(2) Teleguam's obligation to obtain and maintain proper Commission certification and approvals will continue; (3) Telecom will remain responsible for continuing compliance with all provisions of the ICA by itself and Teleguam; (4) Telecom shall not be relieved of any liability incurred pursuant to this ICA prior to the assignment; (5) all rights and obligations of Telecom under the ICA will be binding upon Teleguam; (6)all terms and conditions of the ICA remain unchanged and will continue in full force and effect; and (7) any costs associated with the assignment and transfer of the ICA to Teleguam will be paid by Teleguam. See Attachment B to the Joint Application

Order  
Joint Application of Telecom and Teleguam to  
Assign and Transfer ICA with PTI Pacifica  
GTA Docket 12-09  
September 25, 2012

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Telecommunications Companies, and Rule 40 of the Rules of Practice and  
Procedure before the PUC.

Dated this 25<sup>th</sup> day of September, 2012.

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Jeffrey C. Johnson  
Chairman

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Joseph M. McDonald  
Commissioner

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Rowena E. Perez  
Commissioner

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Filomena M. Cantoria  
Commissioner

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Michael A. Pangelinan  
Commissioner

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Peter Montinola  
Commissioner