

**BEFORE THE GUAM PUBLIC UTILITIES COMMISSION**

RATE REQUEST FOR )  
SOLID WASTE SYSTEM ) DPW Docket 10-01  
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**ORDER REGARDING SOLID WASTE MANAGEMENT DIVISION RATE REQUEST**

This matter comes before the Guam Public Utilities Commission [PUC] upon the “Rate Request” to establish rates for the Solid Waste Management Division [SWMD], which was filed herein on September 28, 2010.<sup>1</sup> In said Rate Request, the District Court appointed receiver for the SWMD, Gershman, Brickner & Bratton (GBB) asks that the PUC not take action on said Request until certain issues are resolved.<sup>2</sup> Those issues include: who will be the qualified landfill operator and the cost of such operator’s services; cost of the contract for a commercial transfer station; whether the military will participate as a customer of the Layon landfill; a judicial determination of the value of the land taken by condemnation for the Layon landfill; results of the pilot curbside recycling program and its potential expansion to all residential customers; the final Cost of the landfill and associated projects; and the timeframe for completion of bridge replacements and rehabilitation, and other road improvements, which effect the operational cost of the new landfill.

PUC Counsel has filed a Report herein on November 15, 2010, recommending that the Commission temporarily hold the Rate Request of GBB in abeyance pending resolution of the unresolved issues set forth above.<sup>3</sup> The Commission herein adopts Counsel’s recommendations.

Upon consideration of the record herein, the Rate Request of the Solid Waste Management Division and the PUC Counsel Report, and for good cause shown, upon motion duly made, seconded and carried by the affirmative vote of the undersigned Commissioners, the Commission hereby ORDERS that:

1. The PUC has jurisdiction over SWMD’s Rate Request pursuant to 10 GCA §§51118 and 51805.

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<sup>1</sup> GBB Rate Request, DPW Docket 10-01, filed September 28, 2010.

<sup>2</sup> See testimony of David L. Manning, DPW Docket 10-01, filed September 28, 2010, at p. 11.

<sup>3</sup> PUC Counsel Report, DPW Docket 10-01, filed November 15, 2010.

2. Present consideration of the Rate Request of the SWMD will be suspended and held in abeyance until those issues identified in the testimony of the Receiver's Representative are resolved, or unless otherwise ordered by the Commission.
3. PUC will not take further action upon such Rate Request until written notice from the SWMD that the pending issues have been resolved and that the Commission is in a position to set accurate, just and reasonable rates for the Solid Waste Management Division.
4. In the meantime, PUC Counsel is directed to work with the Utilities Committee of the Guam Legislature to resolve any issues concerning the procedures which apply to the SWMD in a PUC rate proceeding, and to clarify whether the SWMD should be a "public utility."
5. The timeframe for consideration by the PUC of the Rate Request of SWMD pursuant to Rule 24 of the PUC Rules of Practice and Procedure does not commence to run until SWMD has provided written notice to the PUC that the necessary issues for its consideration of the Rate Request have been resolved, and the Administrative Law Judge determines that the SWMD has made a "final filing" of all necessary documentation.
6. Commission staff is directed to proceed with the procurement of an appropriate PUC consultant to advise it concerning solid waste matters.

Dated this 29th day of November, 2010.

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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

ORDER  
Rate Request for Solid Waste System  
DPW Docket 10-01  
November 29, 2010

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