

BEFORE THE GUAM PUBLIC UTILITIES COMMISSION

The Port Authority Of Guam
[PAG] Request For PUC Investigation
of Rates and Tariffs

Port Docket 09-02

ORDER APPROVING REVISED FACILITY MAINTENANCE FEE POLICY

Background

This matter comes before the Guam Public Utilities Commission [PUC] upon the request of the Port Authority of Guam [PAG] to revise its Facility Maintenance Fee Policy.

On January 29, 2010, the PUC authorized the Port Authority of Guam [PAG] to implement a proposed facility maintenance fee of \$25.00 for each bill of lading. The purpose of the fee is to provide funding for the maintenance, replacement, and repair of port facilities. The fee is assessed to port users utilizing the facilities in the receipt and delivery of cargo. Prior to implementation of the Facilities Maintenance Fee, the PAG was required to develop a process and policy for the implementation of the fee. Subsequently, on February 25, 2010, the PUC adopted the Facility Maintenance Fee and Implementation Policy. At present, the policy provides for a fee of \$25.00 per bill of lading, with certain exceptions.

On April 20, 2010, the Port Authority submitted a letter to the PUC requesting that the Facility Maintenance Fee Policy be revised. The PAG has recommended to the PUC that it change the fee from \$25.00 per bill of lading fee to \$25.00 for each container and \$1.35 by revenue ton for breakbulk. The Port includes projected revenue calculations and a Facility Maintenance Fee Policy and Guidelines with its Request.

On April 27, 2010, the Consultants to the PUC on Port Authority matters, Slater, Nakamura & Co. LLC, recommended that the PUC approve the Facility Maintenance Fee Policy and Guidelines proposed by the Port. The Consultants conclude that the proposed policy is "just and reasonable."

Order

Upon review of the proposed Revised Facility Maintenance Fee Policy submitted by the PAG on April 20, 2010, the Report of Slater, Nakamura & Co., LLC, for good cause

shown, and on motion duly made, seconded and carried by the undersigned Commissioners, the Guam Public Utilities Commission hereby ORDERS that:

1. The Revised Facility Maintenance Fee Policy submitted by the Port to PUC on April 20, 2010 is hereby approved.
2. The recommendations of Consultant Slater, Nakamura & Co., LLC, filed herein on April 27, 2010, are hereby adopted. The anticipated annual revenues which the Port will obtain from the Revised Facility Maintenance Fee Policy, based upon a container and revenue-ton-based levy fees, is approximately 12% less than the facility maintenance fees previously approved by the PUC in its Order dated January 29, 2010.
3. The fees charged in the Revised Facility Maintenance Fee Policy are “just and reasonable” pursuant to 12 GCA §§12015 and 12017.
4. PAG shall implement its Revised Facility Maintenance Fees in accordance with the Policy and Guidelines submitted by it to PUC on April 20, 2010.
5. PAG shall publish its revised Facility Maintenance Fee Policy and Guidelines on its website.

Dated this 27th day of May, 2010.

Jeffrey C. Johnson
Chairman

Joseph M. McDonald
Commissioner

Rowena E. Perez
Commissioner

Filomena M. Cantoria
Commissioner

Michael A. Pangelinan
Commissioner