



BEFORE THE GUAM PUBLIC UTILITIES COMMISSION

IN THE MATTER OF:)
) GPA DOCKET 12-09
)
THE APPLICATION OF THE GUAM)
POWER AUTHORITY TO APPROVE) ORDER
THE CONTRACT EXTENSION WITH)
PETROBRAS FOR SUPPLY OF)
RESIDUAL FUEL OIL NO. 6 TO GPA)

INTRODUCTION

1. On January 11, 2013, the Guam Power Authority filed a Petition for Review and Approval of the Contract for Supply of Residual Fuel Oil No. 6 with Vitol Asia Pte., Ltd ["Vitol"]. However, at the PUC Regular Meeting conducted on January 29, 2013, GPA requested that PUC not act on the approval of the Fuel Supply Contract with Vitol Asia Pte., Ltd., as a bid protest had been filed regarding the award of the Contract to Vitol.
2. On February 4, 2013, GPA requested that PUC approve a six month contract extension with its present supplier of RFO No. 6, Petrobras. On February 11, 2013, the PUC, acting through its Chairman pursuant to 12 GCA §12004, approved GPA's Petition authorizing a six month extension of the Fuel Supply Contract with Petrobras.
3. At the regular PUC meeting conducted on February 26, 2013, this matter came before the PUC Commissioners for ratification of the Order executed by the Chairman. PUC Counsel explained the background of the matter and then indicated that on February 19, 2013, Vitol Asia Pte., Ltd. had filed a complaint requesting that PUC reject ratification of the contract and order GPA to stay execution of the contract and rescind the extension.¹
4. At the February 26, 2013, meeting, Vitol Attorney John Terlaje was given an opportunity to present argument on the Vitol Complaint. He contended that the contract extension was illegal and violated provisions of the procurement law. GPA, through its Counsel, Graham Botha, argued in favor of ratification of the contract extension.

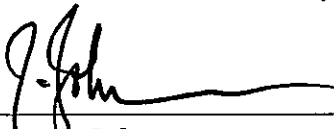
¹ Complaint and Notice of Objection by Vitol Asia Private Ltd., filed February 19, 2013.

ORDERING PROVISIONS


The Guam Public Utilities Commission, having heard the report of its Counsel, and the arguments of Counsel for Vitol Asia Pte., Ltd. and GPA, upon motion duly made, seconded, and unanimously approved, **HEREBY ORDERS**, that:

1. The Order of the Chairman of the PUC, dated February 11, 2013, which approved GPA's six month contract extension for fuel oil supply with Petrobras Singapore Private, Ltd., is hereby ratified and affirmed.
2. The Complaint of Vitol Asia Pte., Ltd., is denied. The arguments raised by Vitol concerning the alleged illegality of the contract extension and alleged violations of the procurement law should be addressed by the appropriate bodies for resolution of such complaints, the Office of Public Accountability and/or the Courts of Guam.


SO ORDERED this 26th day of February, 2013.



Jeffrey C. Johnson
Chairman




Rowena L. Perez
Commissioner

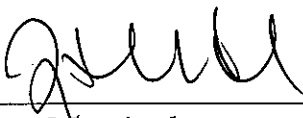


Joseph M. McDonald
Commissioner

Michael A. Pangelinan
Commissioner



Filomena M. Cantoria
Commissioner



Peter Montinola
Commissioner