

BEFORE THE PUBLIC UTILITIES COMMISSION

PETITION OF GUAM WATERWORKS AUTHORITY FOR RATE RELIEF _____	) ) ) ) ) ) ) )	GWA DOCKET 09-03  ALJ REPORT RE: EXTENSION OF DEADLINE FOR MULTI-YEAR RATE PLAN
--	--------------------------------------	---

INTRODUCTION

This matter comes before the Guam Public Utilities Commission (the “PUC”) pursuant to the September 28, 2012 Stipulation between the Guam Waterworks Authority (“GWA”) and the PUC’s water and wastewater consultants, Georgetown Consulting Group (“Georgetown”), the October 30, 2012 PUC Order approving the September 28, 2012 Stipulation, and the January 10, 2013 request by GWA to submit a five-year rate plan proposal by March 1, 2013, and to formally file a petition for approval of such multi-year rate plan by June 1, 2013. Pursuant to the September 28, 2012 Stipulation, Georgetown and GWA agreed that GWA would submit its next multi-year rate plan on or before January 15, 2013.

DISCUSSION

On September 28, 2012, GWA and Georgetown executed a stipulation, which made certain evidentiary stipulations and joint recommendations, related to the FY2013 true up. Included in the stipulation was a provision whereby the parties agreed that GWA would submit its next multi-year filing on or before January 15, 2013. On October 30, 2012, the PUC approved the September 28, 2012 Stipulation.

*Jan 15 - March 1*

**RECEIVED**  
**LAW OFFICES OF**  
**HORECKY & ASSOCIATES**  
 Date: 1/25/13  
 Time: 3:53pm By: Leahnn Harris

COPY

On January 10, 2013, GWA made a request to the Administrative Law Judge of the PUC (the "ALJ") requesting deferral of GWA's rate plan to March 1, 2013.

In its request, GWA maintained the following:

GWA was aggressive at the time because of concerns of the Ratepayers Bill of Rights but a recent conversation with our Bond Underwriter about the timing of our next bond financing confirmed that we have opportunity to file by March 1, 2013.

GWA's 5 year CIP plan and financing schedule indicates that GWA will need to approach the capital market by November or December 2013 in order to obtain the necessary funding for the projects. Under this timeline, it appears GWA has another 45-60 days available to file and still be in a good position to approach the capital market by October 2013. The March 1 timeline proposes a formal filing by June 1 which would give the PUC the whole summer to undertake its due diligence review of the Rate Plan.

In addition, on January 24, 2013, GWA and Georgetown submitted a Stipulation, which again made certain evidentiary stipulations and joint recommendations, related to the FY2013 true-up. In the January 24, 2013 Stipulation, GWA agreed to "initiate pursuant to the Ratepayer Bill of Rights a new multi-year rate plan no later than April 1, 2013, which will incorporate the latest requirements of the U.S. E.P.A. Amended District Court Order."

Based on the circumstances above, it appears that GWA will be in a position to file its next multi-year rate plan under the timeline it proposes. Accordingly, the ALJ hereby finds GWA's request to be reasonable. The ALJ reminds GWA, however, that it must comply with the Ratepayers Bill of Rights and, therefore, must "publish notice of any proposed rate increase in a newspaper of general circulation" "at least three (3)

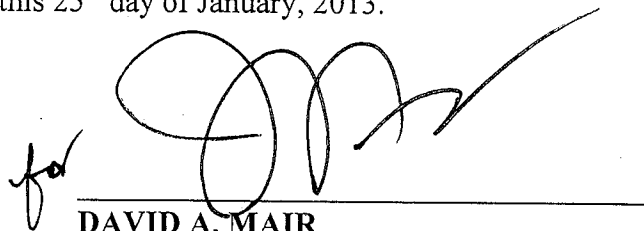
months *before* submitting it to the Commission.” 12 G.C.A. §12001.2(b) (emphasis in original). “The published notice shall include [GWA’s] intention to submit a proposed change in its rates in three (3) month’s time, its current utility rate, the amount of increase *and* a justification for the increase.” *Id.* (emphasis in original). Additionally, a month prior to submitting its formal petition to the PUC, GWA must “mail a notice to every ratepayer” stating GWA’s “intention to submit a proposal to increase its rates in one (1) month’s time, its current utility rate, the proposed rate, the amount of increase and a justification for the increase.” 12 G.C.A. §12001.2(c).

### **RECOMMENDATION**

According to GWA’s proposed timeline, GWA shall submit its proposed multi-year rate plan with the PUC by March 1, 2013, and thereafter shall file its petition requesting approval of its rate plan after the statutory provisions discussed above have been satisfied.

For good cause shown, the ALJ hereby recommends that the PUC approve GWA’s request to file its next multi-year rate plan by March 1, 2013. A proposed Order is attached hereto for the PUC’s consideration.

Respectfully submitted this 25<sup>th</sup> day of January, 2013.

  
\_\_\_\_\_  
**DAVID A. MAIR**  
Administrative Law Judge

**BEFORE THE PUBLIC UTILITIES COMMISSION**

<b>PETITION OF</b>	)	<b>GWA DOCKET 09-03</b>
<b>GUAM WATERWORKS AUTHORITY</b>	)	
<b>FOR RATE RELIEF</b>	)	<b>ORDER RE: EXTENSION</b>
	)	<b>OF DEADLINE FOR</b>
	)	<b>MULTI-YEAR RATE PLAN</b>
_____	)	

**INTRODUCTION**

This matter comes before the Guam Public Utilities Commission (the "PUC") pursuant to the September 28, 2012 Stipulation between the Guam Waterworks Authority ("GWA") and the PUC's water and wastewater consultants, Georgetown Consulting Group ("Georgetown"), the October 30, 2012 PUC Order approving the September 28, 2012 Stipulation, and the January 10, 2013 request by GWA to submit a five-year rate plan proposal by March 1, 2013, and to formally file a petition for approval of such multi-year rate plan by June 1, 2013. Pursuant to the September 28, 2012 Stipulation, Georgetown and GWA agreed that GWA would submit its next multi-year rate plan on or before January 15, 2013.

**DETERMINATIONS**

On September 28, 2012, GWA and Georgetown executed a stipulation, which made certain evidentiary stipulations and joint recommendations, related to the FY2013 true up. Included in the stipulation was a provision whereby the parties agreed that GWA would submit its next multi-year filing on or before January 15, 2013. On October 30, 2012, the PUC approved the September 28, 2012 Stipulation.

On January 10, 2013, GWA made a request to the Administrative Law Judge of the PUC (the "ALJ") requesting deferral of GWA's rate plan to March 1, 2013. In its request, GWA maintained the following:

GWA was aggressive at the time because of concerns of the Ratepayers Bill of Rights but a recent conversation with our Bond Underwriter about the timing of our next bond financing confirmed that we have opportunity to file by March 1, 2013.

GWA's 5 year CIP plan and financing schedule indicates that GWA will need to approach the capital market by November or December 2013 in order to obtain the necessary funding for the projects. Under this timeline, it appears GWA has another 45-60 days available to file and still be in a good position to approach the capital market by October 2013. The March 1 timeline proposes a formal filing by June 1 which would give the PUC the whole summer to undertake its due diligence review of the Rate Plan.

In addition, on January 24, 2013, GWA and Georgetown submitted a Stipulation, which again made certain evidentiary stipulations and joint recommendations, related to the FY2013 true-up. In the January 24, 2013 Stipulation, GWA agreed to "initiate pursuant to the Ratepayer Bill of Rights a new multi-year rate plan no later than April 1, 2013, which will incorporate the latest requirements of the U.S. E.P.A. Amended District Court Order."

On January 25, 2013, the Administrative Law Judge of the PUC (the "ALJ") filed an ALJ Report recommending approval of GWA's request. The ALJ found that based on the circumstances, GWA would be in a position to file its next multi-year rate plan by March 1, 2013. Accordingly, the ALJ found GWA's request to be reasonable. The ALJ reminded GWA, however, that it must comply with the Ratepayers Bill of Rights pursuant to 12 G.C.A. §12001.2.

The Commission hereby adopts the findings made in the January 25, 2013 ALJ Report and, therefore, issues the following:

**ORDERING PROVISIONS**

Upon consideration of the record herein, the January 25, 2013 ALJ Report, and for good cause shown, on motion duly made, seconded and carried by the affirmative vote of the undersigned Commissioners, the Commission hereby ORDERS the following:

1. GWA shall file its next multi-year rate plan by March 1, 2013.
2. GWA is ordered to pay the PUC's regulatory fees and expenses, including and without limitation, consulting and counsel fees, and the fees and expenses associated with the instant docket. Assessment of the PUC's regulatory fees and expenses is authorized pursuant to 12 G.C.A. §§ 12002(b) and 12024(b), and Rule 40 of the Rules of Practice and Procedure before the PUC.

**SO ORDERED** this 29<sup>th</sup> day of January, 2013.

\_\_\_\_\_  
Jeffrey C. Johnson  
Chairman

\_\_\_\_\_  
Joseph M. McDonald  
Commissioner

\_\_\_\_\_  
Rowena E. Perez  
Commissioner

\_\_\_\_\_  
Filomena M. Cantoria  
Commissioner

\_\_\_\_\_  
Michael A. Pangelinan  
Commissioner

\_\_\_\_\_  
Peter Montinola  
Commissioner