



BEFORE THE PUBLIC UTILITIES COMMISSION

)	PAG DOCKET 14-01
)	
IN RE: REVIEW OF SLE LOAN)	CERTIFICATION BY
WITH BANK OF GUAM)	ADMINISTRATIVE LAW JUDGE
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)	

This matter comes before the Guam Public Utilities Commission (the "PUC") pursuant to the Petition filed by the Jose D. Leon Guerrero Commercial Port, Port Authority of Guam ("PAG") on December 3, 2013, whereby PAG requested review and approval of the \$10 million Bank of Guam loan to be used to fund certain Service Life Extension ("SLE") repairs, the acquisition of cargo handling equipment, as well as upgrades to its Financial Management System.

In an Order dated January 30, 2014 in this Docket, the PUC conditionally approved the Loan Agreement with Bank of Guam for \$10 million. The approval was conditioned on PAG's submission of a copy of legislation resolving PAG's sovereign immunity waiver issue. The Order further provided that once PAG has filed a copy of such legislation, the Administrative Law Judge (the "ALJ") would certify compliance with the Order.

On February 7, 2014, PAG provided the ALJ with a copy of Public Law 32-107 ("P.L. 32-107"). P.L. 32-107 expressly provides the following: "the Authority *shall not* be entitled to immunity from any suit or action in contract on any indebtedness authorized by this Article" and that "[f]or purposes of this Article *only*, immunity is also waived as to the award of

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attorney fees and related costs in connection with any suit brought to enforce any right or obligation given under this Article, in connection with the enforcement of the terms of any agreement of indenture that arises directly from the issuance of bonds or indebtedness authorized by the Article.” P.L. 32-107, pp. 1-2 (Feb. 4, 2014) (emphases in original).

Based on the foregoing, the ALJ hereby certifies that on February 7, 2014, PAG submitted a copy of the legislation required under the January 30, 2014 Order. Accordingly, PAG is authorized to execute the Loan Agreement with the Bank of Guam, and related documents, for an aggregate amount not to exceed \$10 million.

SO CERTIFIED this 13th day of February, 2014.

By: _____


JOEPHET R. ALCANTARA
Administrative Law Judge

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