

BEFORE THE GUAM PUBLIC UTILITIES COMMISSION

CONTRACT REVIEW PROTOCOL FOR
DEPARTMENT OF PUBLIC WORKS
DIVISION OF SOLID WASTE
MANAGEMENT

DOCKET 05-9



ORDER

On October 27, 2005, the Guam Public Utilities Commission [PUC], pursuant to its authority under 12 GCA § 5118(e), established a protocol for regulating DPW solid waste management procurements. By memorandum dated May 23, 2008, PUC's administrative law judge [ALJ] has recommended that this regulatory protocol should be amended, given the Federal District Court of Guam's appointment of a receiver to manage and control DPW solid waste operations under the court's supervision¹.

When Guam Waterworks Authority's operations were brought under the supervision and control of the Federal Court in Civil Case 02-35, PUC concluded in its order dated April 11, 2003 that no reasonable regulatory purpose would be served in reviewing procurements, which were mandated by Federal order and subject to review by both the court and the U.S. Environmental Protection Agency². In similar vein, ALJ has recommended that this logic be applied to solid waste procurements, which have been brought under the power and control of the Federal receiver.

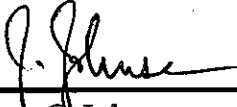
After review of the ALJ memorandum and for good cause shown, on motion duly made, seconded and carried by the affirmative vote of the undersigned commissioners, the Guam Public Utilities Commission

HEREBY ORDERS THAT the Department of Public Works solid waste management division and the Federal receiver, which has been invested with the government of Guam's procurement authority over solid waste management, shall not be required to comply with the contract review protocol established by PUC order dated October 27, 2005, except for procurements for external financing and third party relationships.

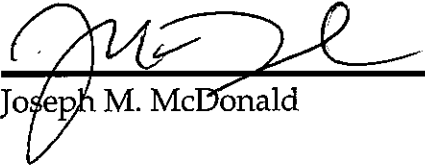
¹ March 17, 2008 *Order Appointing Receiver* in Federal District Court of Guam Civil Case 02-22.

²External financing and third party relationships, as defined in the ALJ memorandum remained subject to PUC review under the GWA contract review protocol.


Dated this 30th day of May 2008.



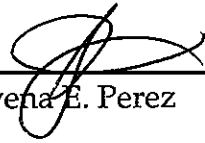
Jeffrey C. Johnson



Joseph M. McDonald



Filomena M. Cantoria



Rowena E. Perez