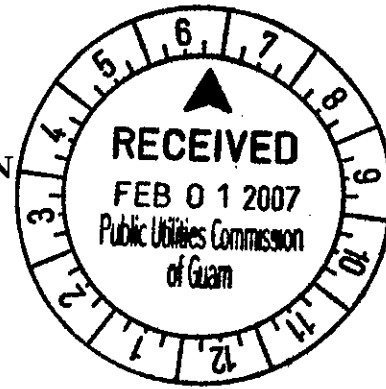


BEFORE THE GUAM PUBLIC UTILITIES COMMISSION

GUAM TELECOMMUNICATIONS ACT
OF 2004

DOCKET 05-1



ORDER

[Private line service detariffing for non-dominant carriers]

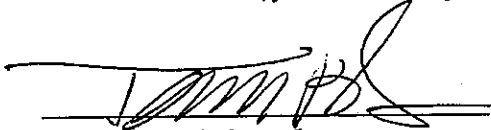
By order dated November 20, 2006 in Docket 06-9 [*Application of Guam Telecom LLC for Certificate of Authority*], the Guam Public Utilities Commission [PUC] authorized the commencement of a rulemaking proceeding under 12 GCA 12111 of the Guam Telecommunications Act of 2004 [Act] to propose rules to detariff private line service for non-dominant carriers [Rules]. On December 1, 2006, PUC's independent regulatory consultant [Georgetown Consulting Group (GCG)] filed proposed Rules and commentary.

On December 6, 2006 PUC issued public notice of the proposed Rules and invited interested persons to file comments on or before January 15, 2007. No comments were filed.

After careful review of the Rules and GCG's commentary, for good cause shown, the Guam Public Utilities Commission, on motion duly made, seconded and carried by the undersigned commissioners **HEREBY ORDERS THAT:**

1. The Rules, in form attached to this order, are approved.
2. Consistent with the requirement of 12 GCA 12111, PUC finds that:
 - a. Tariff review of non-dominant carriers' private line service [*Service*] is not necessary to ensure that the rates, charges, classifications, terms and conditions of this service are just and reasonable and are not unjustly or unreasonably discriminatory;
 - b. Tariff review of the Service is not necessary for the protection of customers; and
 - c. The promulgation of these Rules is consistent with the public interest and the legislative findings and intent of 12 GCA 12101.


Dated this 1st day of February 2007.


Terrence M. Brooks


Edward C. Crisostomo

Rowena E. Perez


Joseph M. McDonald


Filomena M. Cantoria

Jeffrey C. Johnson

BEFORE THE GUAM PUBLIC UTILITIES COMMISSION

**GUAM TELECOMMUNICATIONS
ACT**

DOCKET 05-1

**RULES RELATING TO DETARIFFING OF
PRIVATE LINE SERVICE FOR NON-DOMINANT CARRIERS**

Rule 1. Background and Authority

By virtue of 12 GCA 12106, all telecommunications companies, except commercial mobile service providers, are required to file a tariff with the Commission indicating the rates and charges and the classifications, terms and conditions of its telecommunications services. Further, 12 GCA 12106(c) provides that no telecommunications company may (1) charge, demand, collect or receive a greater or less or different compensation for such service than the charges specified in its tariffs, (2) refund or remit by any means or device any portion of the charges so specified, or (2) extend to any person any privileges or facilities or employ or enforce any classifications, terms and conditions, except as specified in such tariffs.

The Commission has authority and jurisdiction under 12 GCA 12111 to forbear from applying any provision of 12 GCA 12106 to a telecommunications company or telecommunications service if the Commission determines that:

- (1) enforcement of such provision is not necessary to ensure that the rates, charges, classifications, terms and conditions by, for or in connection with that telecommunications company or telecommunications service are just and reasonable and are not unjustly or unreasonably discriminatory;
- (2) enforcement of such provision is not necessary for protection of consumers; and
- (3) forbearance from applying such provision is consistent with the public interest and the legislative findings and intent set forth in 12 GCA 12101.

Pursuant to such authority and jurisdiction, the Commission has determined that Private Line Service provided by Non-Dominant Carriers, each as defined herein, should be detariffed and should not be subject to the requirements of 12 GCA 12106.

Rule 2. Definitions

For purposes of these rules, the following definitions shall apply:

- (a) "Commission" means the Public Utilities Commission of Guam.

- (b) “Dominant Carrier” means the incumbent local exchange carrier in the Territory of Guam, as defined in 47 U.S.C. § 251(h) or designated by the FCC, and any other telecommunications company providing Private Line Service in the Territory of Guam that the Commission designates as a Dominant Carrier by Order.
- (c) “FCC” means the Federal Communications Commission.
- (d) “Non-Dominant Carrier” means any telecommunications company other than a Dominant Carrier.
- (e) “Private Line Service” means any point-to-point or point-to-multipoint service dedicated to the exclusive use of an end user for the transmission of any intrastate telecommunications service but does not include any service used to connect multiple customers.

Rule 3. Detariffing of Private Line Service

The Commission shall forbear from applying the requirements of 12 GCA 12106 to Private Line Service provided by Non-Dominant Carriers. Accordingly, Non-Dominant Carriers shall not be required to file or maintain tariffs for Private Line Service, including the filing of proposed tariffs for Private Line Service with a Non-Dominant Carrier’s application for a certificate of authority. In lieu of a tariff, Private Line Service shall be provided by Non-Dominant Carriers pursuant to either a price list or customer contracts in accordance with Rule 5 below.

Rule 4. Notice to Affected Customers

Consistent with 12 GCA 12111(c), each Non-Dominant Carrier providing Private Line Service prior to the effective date of these rules shall give notice to its customers purchasing Private Line Service that such service will be detariffed on the effective date. Such notice shall be given at least thirty (30) days prior to the effective date of these rules.

Rule 5. Price Lists, Customer Contracts and Rates and Terms

- (a) If Private Line Service is offered by a Non-Dominant Carrier pursuant to a price list, the price list for such Private Line Service must be submitted to the Commission and conspicuously posted and maintained on the Non-Dominant Carrier’s website prior to providing Private Line Service pursuant to such price list. Any change to an existing price list shall be submitted to the Commission and conspicuously posted and maintained on the Non-Dominant Carrier’s website at least ten (10) days prior to its effective date. Existing customers affected by any change to a price list shall be provided with notice of such change at least thirty (30) days prior to the effective date thereof.
- (b) If Private Line Service is offered by a Non-Dominant Carrier pursuant to a customer contract, the contract must include a provision that the Commission, after investigation, may change or void any contract provision in accordance with the law or the Commission’s rules or regulations. The customer contract must also inform customers of their rights to pursue with the Commission any complaints within the jurisdiction of the Commission regarding Private Line Service.

- (c) Except as specifically provided in these rules, the rates, terms and conditions applicable to any price list or customer contract for Private Line Service shall comply with applicable law and the Commission's rules and regulations. Without limiting the foregoing, the rates, charges, classifications, terms and conditions offered by a Non-Dominant Carrier for Private Line Service shall not unreasonably discriminate between similarly situated customers in accordance with 12 GCA 12105(c).
- (d) Non-Dominant Carriers providing Private Line Service shall maintain and make available to the Commission upon request a historical database of rates, terms and conditions of Private Line Service, including copies of customer contracts, for no less than three (3) years after the expiration of such rates, terms and conditions.

Rule 6. Reservation of Commission Jurisdiction

- (a) Except as provided in these rules, Non-Dominant Carriers providing Private Line Service are subject to all other provisions of the Guam Telecommunications Act of 2004, as amended, and the Commission's rules and regulations.
- (b) Without limiting paragraph (a) of this rule, Private Line Service provided any Non-Dominant Carrier shall remain subject to petitions, complaints and investigations in accordance with 12 GCA 12107 and penalties in accordance with 12 GCA 12108. Nothing in these rules is intended to limit the Commission's jurisdiction to investigate, resolve complaints or impose penalties pursuant to such provisions of law or to take any other actions permitted under applicable law.
- (c) The Commission may, in its discretion, impose special reporting requirements on Non-Dominant Carriers providing Private Line Service.

Rule 7. Effective Date

These rules shall be effective February 1, 2007, except that Rule 4 shall be effective sixty (60) days prior to such date.