

BEFORE THE GUAM PUBLIC UTILITIES COMMISSION

IN THE MATTER OF:)
GTA TELECOM LLC PETITION FOR) GTA Docket 11-09
EXPEDITED DISPUTE RESOLUTION)
AGAINST PACIFIC DATA SYSTEMS) **ORDER**
INC. (REGARDING ICA SECTION 16)
FORECASTS))
_____)

INTRODUCTION

1. This matter comes before the Guam Public Utilities Commission [“PUC”] upon the Petition of GTA Telecom LLC [“GTA”] for expedited dispute resolution pursuant to the Interconnection Agreement between GTA and Pacific Data Systems [“PDS”], filed on August 22, 2011.¹GTA and PDS are collectively referred to herein as “the Parties.”
2. GTA alleged that PDS had not provided the required “forecasting” documents concerning its anticipated need for services, as required by the Interconnection Agreement [“ICA”] between GTA and PDS. According to GTA, such failure by PDS to provide the necessary forecasted service requirements directly affected GTA’s ability to continue to provision services in a timely manner as outlined in Interconnection Implementation Rule [“IIR”] 7(h).²

COURSE OF THE PROCEEDINGS

3. On August 29, 2011, the Administrative Law Judge [“ALJ”] advised the Parties that if they were unable to resolve this matter, he would schedule an expedited dispute resolution.³
4. On September 2, 2011, the Parties advised the ALJ that they had met and conferred on this matter and had negotiated and agreed upon certain itemized terms. The Parties requested that the ALJ suspend further proceedings in the matter pending

¹ GTA Petition for Expedited Dispute Resolution [Interconnection Agreement between GTA Telecom LLC and Pacific Data Systems (GTA Docket 11-09), filed August 22, 2011.]

² Id. at p. 2.

³ Email from Frederick J. Horecky to Eric Votaw and John Day, dated August 29, 2011.

the submission of the Stipulation to close the docket after all remaining items were resolved.⁴

5. Based upon the request of the Parties, the ALJ suspended the proceedings.⁵
6. On November 2, 2011, the Parties submitted their finalized and signed Stipulation in this Docket, a true and correct copy of which is attached hereto as Exhibit "1". Therein the Parties have reached agreement concerning filing timelines for the forecasts and an acceptable format for Unbundled Network Elements related to Section 16 of the ICA.

DETERMINATIONS

7. The parties appear to have resolved their disputes concerning the filing of "forecasts" by PDS under Section 16 of the ICA, which resolution is embodied In Exhibit "1" attached hereto; the proposed Stipulation appears to be reasonable.
8. The proposed Stipulation should be approved in the interest of avoiding further unnecessary dispute resolution and administrative costs.

ORDERING PROVISIONS

In consideration of the record herein, the Petition of GTA, the Stipulation filed by the Parties, for good cause shown, on motion duly made, seconded and unanimously carried by the affirmative vote of the undersigned Commissioners, the Commission hereby **ORDERS** that:

1. The Stipulation filed by the Parties herein, Exhibit "1", is hereby approved.
2. The Parties hereto shall comply with their specified duties and obligations in accordance with the Stipulation.
3. In accordance with the Stipulation, the Parties shall pay their respective legal costs and share equally in the PUC docket costs and expenses. GTA and PDS shall pay to the PUC, in equal shares, the PUC's regulatory fees and expenses incurred in this Docket.

⁴ Email from Serge Quenga, GTA Legal Counsel to ALJ and Parties, dated September 2, 2011.

⁵ Email from Frederick J. Horecky, ALJ, to Serge Quenga and Parties, GTA Docket 11-09, dated September 2, 2011.

ORDER
GTA Petition for Expedited
Dispute Resolution against PDS
GTA Docket 11-09
November 7, 2011

4. This Docket is dismissed without prejudice.

Dated this 7th day of November, 2011.

Jeffrey C. Johnson
Chairman

Joseph M. McDonald
Commissioner

Rowena E. Perez
Commissioner

Filomena M. Cantoria
Commissioner

Michael A. Pangelinan
Commissioner