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8 **BEFORE THE GUAM PUBLIC UTILITIES COMMISSION**

9 **IN RE:** ) **PDS DOCKET NO: 09-04**  
10 **GTA TELEGUAM LLC AND GUAM** )  
11 **POWER AUTHORITY/ POLE** ) **STIPULATION**  
12 **ATTACHMENTS** )

13 Stipulation between GTA and GPA in pole attachment case:

14 The parties to this proceeding, Guam Power Authority (GPA) and GTA Teleguam LLC  
15 (GTA) hereby stipulate and agree as follows:

- 16 1. The parties believe that the complaint filed by GTA has merit and that the  
17 Commission should convert this matter to a rate setting proceeding and set a uniform  
18 tariff for pole attachments.
- 19 2. The parties agree that different rates are being charged to different companies that  
20 have infrastructure attached to GPA poles.
- 21 3. The parties agree that there is no reasonable basis for the difference in the amounts  
22 being charged to different companies for pole attachments.
- 23 4. The parties believe that the Guam PUC has the authority to exercise jurisdiction over  
24 this matter and set a uniform tariff for pole attachments.

25 Set forth below is a more detailed discussion of the issues set forth in the stipulation.  
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27  
28

1 **Guam PUC should set a uniform tariff for pole attachments.**

2 Guam law requires that “[a]ll rates, charges, assessments, and costs made or charged by any  
3 public utility shall be just and reasonable and in conformance with public law, and shall be filed  
4 with the Commission; and no rate, charge, or assessment cost shall be established. . .without a public  
5 hearing and the prior approval of the Commission.” 12 GCA 12015(a).  
6

7 The Commission is also charged with the responsibility to, “fix and change all such rates,  
8 charges,. . .or assessment costs so that the same shall be just and reasonable, and may prohibit  
9 rebates and discrimination between localities, or between consumers, under substantially similar  
10 conditions.” 12 GCA 12015(a).  
11

12 The parties agree and acknowledge that GPA does assess a charge or rate for pole  
13 attachments and the rate or charge has not been established as a uniform tariff and has not been  
14 approved by the Commission after a public hearing. They further agree that different rates have  
15 been charged to different companies in substantially similar conditions. The exhibits attached to the  
16 complaint establish that GPA has charged different rates to different companies.  
17

18 The federal government has established laws and formulas for computing pole attachment  
19 rates. However, the federal law, 47 USC §224, only authorizes the Federal Communications  
20 Commission (FCC) to regulate rates, terms and conditions for pole attachments for private  
21 companies. GPA, a Guam public corporation, is exempt from regulation by the FCC. Therefore, the  
22 Guam PUC is the proper entity to adjudicate pole attachment rates.  
23

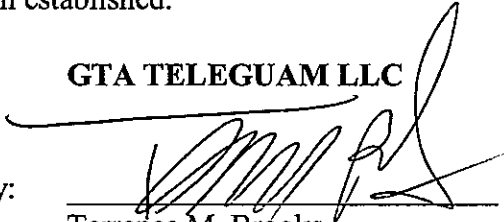
24 Because significant research went into the creation of the federal formulas and a large body  
25 of law has been established under the federal statute, the parties believe that one of the federal  
26 formulas should be adopted by the Guam PUC to set the pole attachment tariff.

27 The parties believe the Guam PUC has the authority under Guam law to set pole attachment  
28 tariffs for GPA. The parties also believe that Guam law requires the PUC to review the conditions

1 and expenses related to pole attachments on Guam and set a uniform tariff. The Parties therefore  
2 request that the Guam PUC exercise its authority and set a tariff for pole attachments based upon  
3 one of the federal formulas that has already been established.  
4

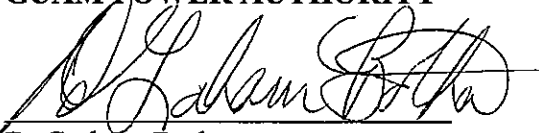
5  
6 Date: 3/2/10

**GTA TELEGUAM LLC**

By:   
Terrence M. Brooks  
GTA General Counsel

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8  
9  
10  
11 Date: 3/8/10

**GUAM POWER AUTHORITY**

By:   
D. Graham Botha  
GPA Legal Counsel