

BEFORE THE GUAM PUBLIC UTILITES COMMISSION

IN RE: GTA TELEGUAM LLC AND)
GUAM POWER AUTHORITY/) **GTA Docket 09-04**
POLE ATTACHMENTS)
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)

ORDER

INTRODUCTION

This matter comes before the Guam Public Utilities Commission ["PUC"] upon the STIPULATION of Guam Cable Vision LLC ["MCV"], GTA Teleguam LLC ["GTA"], and Guam Power Authority ["GPA"], a true and correct copy of which is attached hereto as Exhibit "A". The parties request that the PUC approve an interim pole attachment rate of Six Dollars (\$6.00) per pole per year, effective January 1, 2011.

BACKGROUND

1. On January 26, 2011, the Administrative Law Judge ["ALJ"] issued his ALJ Report regarding pole attachment rates charged by the Guam Power Authority ["GPA"].
2. In said report, the ALJ explained the procedural background of this proceeding. The Formal Complaint filed by GTA Teleguam LLC ["GTA"] alleged that GPA was charging discriminatory rates for pole attachments, and that uniform rates should be established by the PUC for GPA pole attachment charges.
3. On January 7, 2010 the parties hereto filed a "STIPULATION REGARDING INTERIM POLE ATTACHMENT RATES CHARGED BY THE GUAM POWER AUTHORITY." The ALJ recommends that the PUC adopt the Stipulation and approve an interim pole attachment rate of Six Dollars (\$6.00) per pole per year effective January 1, 2011.

DETERMINATIONS

4. Pursuant to 12 GCA §12004, the PUC is authorized to investigate, examine, establish and modify rates and charges for utility services. 12 GCA §12004. There is presently a disparity in pole attachment rates and charges paid by

different cable and telecommunications companies on Guam; it is appropriate for the PUC to exercise its authority to establish interim rates and charges for pole attachments.

5. The proposed interim pole attachment rate of \$6.00 per pole per year appears to be reasonable, as it is within the range of existing national pole attachment rates. The interim rate proposed by the parties in the Stipulation is “just” and “reasonable” pursuant to 12 GCA §§12015 and 12017.
6. It is further appropriate, at present, to postpone consideration of permanent pole attachment rates until the pending Federal Communications Commission rulemaking proceeding regarding pole attachment rate formulas is concluded.

ORDERING PROVISIONS

After careful review and consideration of the above determinations, the Report and Recommendations of the ALJ, the Stipulation, and the record herein, for good cause shown, on motion duly made, seconded and carried by the undersigned Commissioners, the Guam Public Utilities Commission **HEREBY ORDERS THAT:**

1. All rulings and orders of the ALJ in this proceeding are confirmed and ratified. All motions not heretofore granted or denied are denied. No other matters currently require discussion.
2. The ALJ Report filed herein is hereby adopted and approved.
3. The Stipulation of the parties, attached hereto as Exhibit “A”, is also approved; effective January 1, 2011, the interim pole attachment rates charged by GPA to all telecommunications companies shall be Six Dollars \$6.00 per pole per year.
4. The interim pole attachment rate adopted herein shall be binding upon the parties to the Stipulation and to all other companies which presently have, or subsequently have attachments on GPA poles, until such time as a permanent pole attachment rate is set by the PUC.
5. The PUC will keep this docket open in order to conduct the further proceedings stipulated to by the parties. Further proceedings and a status hearing in this matter shall be scheduled upon the FCC’s revision of its pole attachment rate formulas or on January 6, 2012 whichever is sooner.

6. The parties to the Stipulation, MCV, GTA, and GPA shall pay any outstanding Commission regulatory fees and expenses, including the expenses of conducting the hearing proceedings, in equal shares.

SO ORDERED this 31st day of January, 2011.

Jeffrey C. Johnson
Chairman

Joseph M. McDonald
Commissioner

Rowena E. Perez
Commissioner

Filomena M. Cantoria
Commissioner

Michael A. Pangelinan
Commissioner