



BEFORE THE GUAM PUBLIC UTILITIES COMMISSION

IN THE MATTER OF:)
)
)
E-911 FISCAL 2015 SURCHARGE)
[Collection Agent Obligations])
)
)
)

GTA Docket 16-01

ORDER

INTRODUCTION

1. This matter comes before the Guam Public Utilities Commission ["PUC"] upon the E-911 Fiscal 2015 Surcharge Summary prepared by PUC Consultant Slater, Nakamura & Co., LLC ["Slater"], filed on or about March 14, 2016.¹

BACKGROUND

2. In its E-911 Fiscal 2015 Surcharge Summary, Slater indicated that some Collection Agents are not properly carrying out their statutory and rule-created duties and responsibilities at present.²
3. The areas which require improvement in reporting by Collection Agents include timely submission of quarterly reports, submission of required information concerning uncollectable surcharges, timely payment of surcharge receipts to the Department of Administration, and provision by Collection Agents to PUC of copies of DOA payment receipts for all E-911 payments.³

DETERMINATIONS

4. There is a need for the Public Utilities Commission to remind the Collection Agents of their duties and responsibilities under the law and the prior Orders of the Commission.
5. While some Collection Agents are following proper accounting and administrative procedures, others are not.

¹ Slater, Nakamura & Co., LLC, GTA Docket 16-01, E-911 Fiscal 2015 Surcharge Summary, filed on March 14, 2016.

² Id. at pgs. 5-8.

³ Id. at pgs. 5-7.

6. The PUC adopts the statements of Slater in the E-911 Fiscal 2015 Surcharge Summary and in the PUC Counsel Report concerning the deficiencies of some Collection Agents in carrying out their reporting duties. It is necessary for the PUC to issue an Order reminding Collections Agents of their duties and clarifying the reporting obligations of Collection Agents
7. The PUC also will set forth new monitoring actions that Slater should undertake.


ORDERING PROVISIONS

After review of the record herein, including the Slater, Nakamura FY 2015 E-911 Surcharge Summary and the PUC Counsel Report, for good cause shown, on motion duly made, seconded and carried by the undersigned Commissioners, the Guam Public Utilities Commission **HEREBY ORDERS** that:


1. Each Collection Agent must review applicable legal requirements and procedures to assure that all reporting requirements are being met.
2. Quarterly reports, which indicate the number of lines and accounts serviced, E-911 revenues, collections, remittances, and administrative expenses, are not being filed with PUC in a timely manner. Each Collection Agent is required to file quarterly reports for his/her provider no later than forty-five (45) days after the end of each quarter of the fiscal year.
3. The failure of Collection Agents to timely file their quarterly reports has previously rendered it impossible for the PUC to file its annual E-911 Fiscal Surcharge Summary within 60 days of the Government of Guam fiscal year end.
4. Collection Agents must file all quarterly reports within forty-five (45) days after the end of each quarter of the fiscal year.
5. Collection Agents are required to remit the net collected E-911 Surcharges no later than forty-five (45) days following the last the day of the month in which the Surcharges were collected.
6. There had been numerous instances where remittances were paid later than the due date, and times when payments were skipped and then paid in lump sums for more than one month. Collection Agents must pay all remittances to the Department of Administration in a timely manner, in accordance with the time requirements of statute and PUC Orders.

7. Collection Agents are required to provide the PUC and Slater, Nakamura with a copy of the monthly DOA remittance receipts for the E-911 payments, together with their quarterly reports, when filed with the PUC.
8. All Collection Agents are required to make the monthly payments of collected E-911 Surcharges within the required 45-day period following the end of each month in which the surcharges were actually collected from customers.
9. Slater, Nakamura shall monitor such payments by the Collection Agents and send a notice of payment deficiency to any Collection Agent who fails to submit such payment documentation with a copy to the PUC.
10. Slater, Nakamura shall also monitor the filing of quarterly reports by Collection Agents and issue a notice of reporting deficiency to any Collection Agent who does not submit the required quarterly report with all supporting documentation within 45-days after the end of each quarter of the fiscal year as required by PUC Orders.
11. Should Collection Agents fail to comply with their mandated duties, the PUC may bring order to show cause proceedings. If appropriate, the PUC may impose penalties for willful violations of statute or rule in an amount not to exceed \$1,000.00.
12. GTA is ordered to pay the Commission's regulatory fees and expenses, including, without limitation, consulting and counsel fees and the fees and expenses of conducting the hearing proceedings, from the Enhanced 911 Emergency Reporting System Fund. Assessment of PUC's regulatory fees and expenses is authorized pursuant to 12 GCA §§12103(b) and 12125(b), and Rule 40 of the Rules of Practice and Procedure before the Public Utilities Commission.

Dated this 26th day of May, 2016.



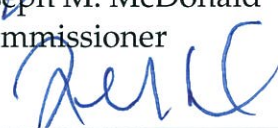
Jeffrey C. Johnson
Chairman



Rowena E. Perez
Commissioner



Joseph M. McDonald
Commissioner




Peter Montinola
Commissioner

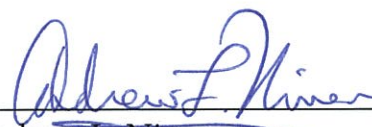
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Michael A. Pangelinan
Commissioner



Filomena M. Cantoria
Commissioner



Andrew L. Niven
Commissioner