

BEFORE THE GUAM PUBLIC UTILITIES COMMISSION

In the Matter of:)
) GTA Docket 17-07
Petition of TeleGuam Holdings LLC)
requesting Reconsideration of the PUC) **ORDER**
Rules Governing Regulatory Fees for)
Telecommunications Companies.)

This matter comes before the Guam Public Utilities Commission [“PUC”] pursuant to the September 8, 2017 TeleGuam Holdings LLC [“GTA”] Petition requesting Reconsideration of the PUC Rules Governing Regulatory Fees for Telecommunications Companies.

Petitioner GTA requests that the PUC revise the current method by which the PUC calculates the apportionment of administrative fees pursuant to the Rules Governing Regulatory Fees.

Each year, at the end of the fiscal year (September), the PUC issues an assessment Order in which it assesses the amount of administrative fees owed by each entity/company regulated by the PUC. These administrative fees are utilized by the PUC to fund its operations.

The present method of allocation of such fees to Telecommunications Companies on Guam is based solely upon the percentage of the total amount of regulatory fees incurred by each telecom company before the PUC in the prior fiscal year. The theory has been that the more each such company utilizes the services of the PUC, the higher should be the allocated amount of its administrative fees.

GTA submits that all of the Telecommunication Companies on Guam should bear at least some portion of the PUC administrative fees, regardless of the regulatory fees that they incur, as all such companies benefit from the services provided by the PUC.

The Administrative Law Judge has indicated to the parties that the PUC does provide a number of activities that benefit all Telecom Companies, such as, monitoring, assessment, reporting and compliance activities involving the E911 system; submission of the annual E911 Report to the Office of Public Accountability, Governor and Legislature; annual review and certification regarding Universal Support Funds; granting of Certificates of Authority and the conduct of proceedings for the transfer of such Certificates; review of telecom legislation proposed by the Guam Legislature; and

review proceedings concerning Interconnection Agreements between the ILEC and the CLECs as well as others.¹

The PUC also reviews activities of the ILEC GTA to ensure that there is a “level playing field” in the Telecommunications arena.

The parties have already met a number of times at the PUC office on the subject matter herein: on September 29, 2017, October 16, 2017, October 31, 2017, November 14, 2017 and November 22, 2017.

At the meeting of November 22, 2017, TeleGuam Holdings LLC [GTA] appeared through its Counsel Serge Quenga and its Vice President Daniel Tydingco; Docomo Pacific Inc. appeared through its General Counsel James Hofman; PTI Pacific Inc., dba IT&E, appeared through its General Counsel Steve Carrera; Pacific Data Systems Inc. appeared through its President John Day; and I-Connect appeared through its President Richard Yu.

The parties indicated that considerable progress had been made concerning a base line agreed apportionment of administrative fees which said telecommunications companies would pay annually to the PUC. Pursuant to the proposal, a portion thereof would be a fixed amount owed by each company, and the balance would be apportioned based upon the regulatory services utilized by each such company in the prior fiscal year.

After discussions between the Administrative Law Judge and the parties, the ALJ hereby **ORDERES** as follows:

1. A hearing in this matter is scheduled for December 12, 9:00a.m. at the PUC Office.
2. At the hearing on December 12, 2017, those parties that agree to a stipulated resolution of this matter will present a Stipulation to the ALJ for filing with the PUC. The parties shall set forth any and all agreements that they are able to reach concerning the apportionment of administrative fees to be paid as a base line amount by each company for each fiscal year, and the basis for apportionment of the remaining administrative fees.

¹ Email from the Administrative Law Judge to the parties dated October 9, 2017, GTA Docket 17-07, at p. 1.

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3. Should any party be unwilling to agree to the Stipulation, such party shall present any argument or evidence at the hearing concerning its view of how the PUC administrative fees should be apportioned and/or allocated.
4. Any party contesting the Stipulation should serve upon all other parties and file with the PUC, no later than the close of business on December 11, 2017, such position statements, evidence or other materials which it intends to introduce at the hearing.
5. The hearing on December 12, 2017, shall be a final hearing on the merits in this matter.

SO ORDERED this 25th day of November, 2017.

Frederick J. Horecky
Administrative Law Judge