

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.)

INTRODUCTION

1. This matter comes before the Guam Public Utilities Commission [“PUC”] pursuant to the September 8, 2017 TeleGuam Holdings LLC [“GTA”] Petition requesting Review and Reconsideration of the PUC Rules Governing Regulatory Fees for Telecommunications Companies.¹

BACKGROUND

2. In its Petition, GTA requests that the PUC reevaluate the methodology utilized in determining annual administrative assessment fees for telecommunications companies.²
3. In GTA’s view, it pays a disproportionately high amount toward the annual administrative fees of the PUC. On average, the table attached to its Petition indicates that GTA paid 68% per year of all PUC administrative fees for telecom companies for the period of 2009 to 2016.³
4. 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.⁴
5. GTA requests that the PUC administrative fees be shouldered equally and uniformly by all telecom companies over which the PUC has oversight. Larger telecom

¹ GTA Petition to Reconsider the PUC Rules Governing Regulatory Fees for Telecommunications Companies, GTA Docket 17-07, dated September 8, 2017, at p. 1.

² Id.

³ Id.

⁴ ALJ Order, GTA Docket 17-07, dated November 25, 2017, at p. 1.

companies pay nearly all of the administrative assessments, but all telecom companies benefit from the regulatory oversight of the PUC.⁵

6. The Administrative Law Judge (“ALJ”) submitted his Report to the Commission on January 18, 2018.

DETERMINATIONS

7. Five telecommunications companies regulated by the PUC have participated in this Docket: TeleGuam Holdings, LLC (“GTA”), Pacific Data Systems, Inc. (“PDS”), Docomo Pacific, Inc. (“DPAC”), PTI Pacifica, Inc. (“IT&E”), and Choice Phone, LLC (“iConnect”).
8. On January 11, 2018, the five Telecom companies submitted a Stipulation of the Parties regarding Apportionment of Administrative Assessments. A true and correct copy thereof is attached to the ALJ Report.
9. Therein the Parties stipulated that there would be a base line assessment for each telecom company for PUC administrative fees on an annual basis, as follows: GTA-\$16,000.00; PDS-\$5,000.00; DPAC-\$11,000.00; IT&E-\$11,000.00; and iConnect-\$2,000.00. The total annual base line assessment of the PUC administrative fees would be \$45,000.
10. For each fiscal year, after each company pays its base line assessment, any remaining Administrative Assessments will be apportioned among the Telecom companies based upon the percentage of total regulatory fees assessed against each company for the prior fiscal year.
11. It is fair and equitable that all Telecom companies share in at least a portion of the PUC administrative costs.
12. The PUC provides a number of activities that benefit all Telecom Companies, such duties related to the annual E911 Report, 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

⁵ GTA Petition to Reconsider the PUC Rules Governing Regulatory Fees for Telecommunications Companies, GTA Docket 17-07, dated September 8, 2017, at p. 1.

proposed by the Guam Legislature, and review proceedings concerning Interconnection Agreements between the ILEC and the CLECs as well as others.⁶

ORDERING PROVISIONS

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

1. The Stipulation of the Parties Regarding Apportionment of Administrative Assessments is hereby approved.
2. The base line annual amount of fees proposed in the Stipulation is a fair and equitable manner of dividing at least a portion of the annual PUC administrative fees owed by telecom companies.
3. A yearly base line fee for PUC Administrative Fees is hereby established. Each Telecom Company shall pay its annual base line Administrative Fees in accordance with the Stipulation and comply with all obligations thereunder.
4. PUC administrative fees in excess of the agreed base line shall be paid in the same manner as they are presently paid by telecom companies – based upon the extent to which each company has utilized the regulatory services of the PUC in the preceding year.
5. The ALJ is directed to revise the PUC Rules Governing Regulatory Fees for Telecommunication Companies, Docket 05-01, to incorporate the new Administrative Fee provisions in accordance with the Stipulation of the Parties.
6. The ALJ shall further update and revise the PUC Rules Governing Regulatory Fees for Telecommunication Companies, and add certain amendments that have previously been made to the Rules.
7. The Rules as Revised by the ALJ shall be submitted to the Commission for final review and approval.

⁶ ALJ Order, GTA Docket 17-07, dated November 25, 2017, at pgs. 1-2.

8. The regulatory fees incurred herein by the Commission shall be shared by the Parties in this proceeding in accordance with the formula adopted for baseline fees.

Dated this 30th day of January, 2018.

Jeffrey C. Johnson
Chairman

Rowena E. Perez
Commissioner

Joseph M. McDonald
Commissioner

Michael A. Pangelinan
Commissioner

Filomena M. Cantoria
Commissioner

Andrew L. Niven
Commissioner

Peter Montinola
Commissioner