

BEFORE THE GUAM PUBLIC UTILITIES COMMISSION

IN THE MATTER OF:                    )  
  )  
  )  
E-911 SURCHARGE                    )  
[Creation of Docket to Establish E911   )  
Surcharge for Voice Over Internet   )  
Protocol Calls]                        )

GTA Docket 17-03  
ALJ REPORT

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INTRODUCTION

1. This matter comes before the Guam Public Utilities Commission [“PUC”] upon its Order establishing a Docket for the creation of an E-911 Surcharge for Voice Over Internet [VOIP] Protocol Calls.<sup>1</sup>

BACKGROUND

2. Public Law No. 32-096, enacted on November 27, 2013, amended the existing law regarding the Collection of the 911 Surcharge to include Voice Over Internet Protocol (VOIP) Providers.<sup>2</sup>
3. In its May 26, 2016, Order, the PUC authorized the creation of a new docket to address the implementation of the E-911 Surcharge on VOIP telephone services.<sup>3</sup>
4. The Administrative Law Judge [ALJ] was authorized to conduct appropriate proceedings, and to then recommend a procedure for implementation of the E-911 Surcharge on VOIP calls.<sup>4</sup>
5. On June 12, 2017, the ALJ notified the Collection Agents and the PUC Consultant Slater Nakamura that a meeting to establish the implementation of the E-911 Surcharge on VOIP calls would be held on July 6, 2017, at the PUC Office.<sup>5</sup>

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<sup>1</sup> PUC Order, GTA Docket 16-01 [Creation of a Docket to Establish E911 Surcharge for Voice Over Internet Protocol Calls] , dated May 26, 2016.

<sup>2</sup> Public Law No. 32-096, enacted on November 27, 2013.

<sup>3</sup> PUC Order, GTA Docket 16-01 [Creation of a Docket to Establish E911 Surcharge for Voice Over Internet Protocol Calls] , dated May 26, 2016, at p. 2.

<sup>4</sup> Id.

<sup>5</sup> Email from ALJ Fred Horecky to Five Collection Agents, Telecom Parties, and PUC Consultant Slater Nakamura.

ANALYSIS

6. At the July 6, 2017, meeting certain Collection Agents and the ALJ developed a procedure and protocol for the implementation of the E911 Surcharge on VOIP Calls.<sup>6</sup>
7. The ALJ and the Parties collectively developed the following implementation protocol:
  - a. On or before October 31, 2017, each Collection Agent shall file a report with the PUC and Slater Nakamura which includes the following: whether such ILEC or CLEC inclusive of CMRS Carriers is presently reporting and collecting E911 surcharges on VOIP lines, and if so, when such company started collecting such surcharges; how many VOIP accounts it has and how much it has collected on VOIP accounts.
  - b. The E911 Surcharge shall be charged for lines/stations that have full access to VOIP, such that VOIP calls can be made and received.
  - c. On or before December 30, 2017, each Collection Agent for ILEC/CLEC/CMRS shall have fully set up the procedure for implementation of the E911 Surcharge on VOIP calls. Each Collection Agent shall also submit an application to the PUC by that date for approval of any administrative expense sought to be claimed for implementation of the E911 Surcharge on VOIP Calls.
  - d. Commencing on January 1, 2018, each ILEC/CLEC/CMRS shall commence billing the E911 Surcharge to customers for VOIP Calls.
  - e. Each VOIP provider shall remit the amounts collected from the VOIP E911 Surcharge to the Department of Administration no later than forty-five (45) days after the end of the month in which the amount is collected.
  - f. All requirements in law or established by the PUC relative to the E911 Surcharge in general shall also be applicable to the VOIP E911 Surcharge.

Commented [A1]: Should be CLEC

Commented [A2]: Wireless/Mobile Companies

<sup>6</sup> The meeting was attended by the ALJ, Collection Agent of TeleGuam Holdings LLC Lucia Perez, Managing Director-Legal, Regulatory & External Affairs, and Josephine Chong, Representative of Pacific Data Systems Inc.

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- g. PUC Consultant Slater Nakamura will amend the Collection Agent Reporting worksheet to include VOIP under the landline spreadsheet as a separate Row.

RECOMMENDATIONS

- 8. The ALJ recommends that the PUC adopt the procedures and protocol for implementation of the E-911 Surcharge on VOIP telephone services as set forth herein.
- 9. An Order is submitted herewith for the consideration of the Commissioners.

Dated this 10th day of July, 2017.

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Frederick J. Horecky  
Administrative Law Judge  
Guam Public Utilities Commission