

BEFORE THE GUAM PUBLIC UTILITIES COMMISSION

GWA

ORDER

IN RE: REQUEST BY THE GUAM

WATERWORKS AUTHORITY FOR

APPROVAL OF BOND PROJECTS FUNDED BY GWA'S 2010 SERIES

BOND PROCEEDS

This matter comes before the Guam Public Utilities Commission (the "PUC") pursuant to two July 30, 2012 orders issued in this docket. The first order issued by the PUC approved the request by the Guam Waterworks Authority ("GWA") to reallocate \$23,246,000 of 2010 Bond funds, but conditioned such approval "on GWA reserving, restricting, and leaving unencumbered from such bond funds, the amount of \$20 million" pursuant to Public Law 30-145. The second order issued by the PUC vacated the PUC's June 2, 2011 Order, but "recommended" that GWA "comply with the obligation required by P.L. 30-145, and therefore, pay GovGuam the amount of \$20 million from the proceeds of the 2010 Series Bond."

DETERMINATIONS

On August 29, 2012, GWA filed a Petition for Judicial Review of Agency Decision and for Declaratory Judgment, in a lawsuit denominated as <u>Guam Waterworks</u>

<u>Authority v. Guam Public Utilities Commission</u>, Special Proceedings No. SP0148-12, in the Superior Court of Guam. That lawsuit seeks declaratory relief with respect to the two PUC orders identified above.

In addition, on August 31, 2012, GWA concurrently filed with the PUC a motion for reconsideration of these two orders. On September 20, 2012, the Administrative Law Judge Page 1 of 3

of the PUC (the "ALJ") continued the PUC's consideration of GWA's motion until the PUC's meeting scheduled for October 30, 2012.

On October 26, 2012, the Administrative Law Judge and GWA filed a Stipulation in the instant docket agreeing to the following terms: that the parties are presently engaged in efforts to amicably settle outstanding disputes concerning this docket; that, in consideration of settlement negotiations, the parties have stipulated to stay the proceedings in this docket relating to the request for reconsideration filed by GWA until September 2, 2013.

Based on the foregoing, the Commission hereby issues the following.

ORDERING PROVISIONS

Upon consideration of the October 26, 2012 Stipulation, the record herein, and for good cause shown, on motion duly made, seconded and carried by the affirmative vote of the undersigned Commissioners, the Commission hereby ORDERS the following:

1. The October 26, 2012 Stipulation executed by GWA and the ALJ in the instant docket is hereby APPROVED.

/ / / /

11

Page 2 of 3

2. GWA is further ordered to pay the PUC's regulatory fees and expenses, including and without limitation, consulting and counsel fees, and the fees and expenses associated with this docket. Assessment of the PUC's regulatory fees and expenses is authorized pursuant to 12 G.C.A. §§ 12002(b) and 12024(b), and Rule 40 of the Rules of Practice and Procedure before the PUC.

SO ORDERED this 30th day of October, 2012.

Jeffrey C. Johnson Chairman

Joseph M. McDonald Commissioner

Rowena E. Perez Commissioner

Filomena M. Cantoria Commissioner

Michael A. Pangelinan

Commissioner

Peter Montinola Commissioner