

**BEFORE THE GUAM PUBLIC UTILITIES COMMISSION**

**IN RE:  
PACIFIC DATA SYSTEMS, INC.  
REQUEST FOR RULEMAKING**

**PDS DOCKET 09-02**

**ORDER AMENDING RULE 1.b.iii OF THE RULES GOVERNING  
REGULATORY FEES FOR TELECOMMUNICATIONS COMPANIES**

On September 4, 2009, Pacific Data Systems, Inc. ["PDS"] submitted a request that the Guam Public Utilities Commission ["PUC"] undertake a Rule Making Proceeding to adopt an amendment to the Commission's Rules Governing Regulatory Fees for Telecommunication Companies. <sup>1</sup> At its Special Meeting of September 30, 2009, the Commission authorized the institution of a docket to investigate the propriety of a rule change whereby the Commission would have the discretion to decide which party should bear regulatory fees and costs in a proceeding. <sup>2</sup>

The PUC Counsel submitted two Reports herein which recommend that the Commission adopt an amendment to Rule 1.b.iii that would provide for the allocation of PUC's regulatory expenses in regulatory proceedings, including dispute resolution under Rule 4 of the Interconnection Implementation Rules, against such party or parties as the Commission deems appropriate. <sup>3</sup> Public notice of the proposed amended rule and an invitation to file comments were published in the Pacific Daily News on January 13, 2010. In addition, all parties and interested members of the public were provided with the opportunity to give public comment at the PUC meeting of January 29, 2010. Both GTA and PDS availed themselves of the opportunity to file written comments and to present oral testimony regarding the proposed amended rule on January 29, 2010.

After careful review of the amended rule proposed by PUC Counsel in his January 12, 2010 and February 25, 2010 Reports, and the comments filed by GTA and PDS, and for good cause shown, on motion duly made, seconded and unanimously carried by the undersigned Commissioners, the Guam Public Utilities Commission **HEREBY ORDERS THAT:**

1. Amended Rule 1.b.iii, in the form attached to this Order, is approved.
2. PUC adopts the analysis, reasoning and recommendations set forth in the aforementioned PUC Counsel Reports.

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<sup>1</sup> Letter from Robert J. Maloney, Chairman & CEO of PDS, to Jeffrey C. Johnson, Chairman PUC, dated September 4, 2009.

<sup>2</sup> Minutes of Special Meeting of September 30, 2009, p. 4.

<sup>3</sup> PUC Legal Counsel Report and PUC Supplemental Counsel Report, PDS Docket 09-02, filed January 12, 2010 and February 25, 2010 respectively.

3. PDS and GTA should equally share the regulatory expenses which the PUC incurred in this proceeding.

Dated this 25<sup>th</sup> day of February 25, 2010.

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Jeffrey C. Johnson  
Chairman

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Joseph M. McDonald  
Commissioner

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Filomena M. Cantoria  
Commissioner

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Rowena E. Perez  
Commissioner

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Michael A. Pangelinan  
Commissioner