

BEFORE THE GUAM PUBLIC UTILITIES COMMISSION

IN RE:)
) PDS Docket 14-02
The Complaint of Pacific Data Systems,)
Inc. [PDS] Regarding Interconnection)
Agreement Dispute with Teleguam)
Holdings LLC-PDS Request for Fiber)
Layout Maps)

ORDER

This matter comes before the Guam Public Utilities Commission ["PUC"] upon the Stipulation of the Parties to Dismiss the PDS Complaint regarding Dark Fiber Surveys.¹

Previously, on September 25, 2014, the PUC issued its Order regarding the Dark Fiber Survey Dispute.² The PUC affirmed the finding of the Administrative Law that GTA had a duty pursuant to Section 8.2.19.1 of the Network Elements Attachment of the PDS-GTA ICA to timely produce the GTA Fiber Layout Maps. The PUC determined that the review requirements of the Security Agreement between GTA and the United States Federal Government did not in any matter abrogate, affect, restrict, diminish or limit the duty of GTA to provide Fiber Layout Maps to PDS under the ICA.

In the Order, the only unresolved issue was whether attorney's fees should be assessed against GTA and, if so, in what amount.³ GTA and PDS have now resolved this issue and all outstanding matters in the Stipulation of the Parties to Dismiss the PDS Complaint regarding Dark Fiber Surveys, a copy of which is attached hereto.⁴

Having considered the record of the proceedings herein, and the Stipulation to Dismiss the PDS Complaint regarding Dark Fiber Field Surveys, the Guam Public Utilities Commission hereby **ORDERS** as follows:

1. The Stipulation of the Parties is hereby approved;

¹ STIPULATION TO DISMISS PDS COMPLAINT REGARDING DARK FIBER FIELD SURVEYS, PDS Docket 14-02, filed January 5, 2015.


² PUC Order, PDS Docket 14-02, issued September 25, 2014.

³ Id. at p.3.


⁴ STIPULATION TO DISMISS PDS COMPLAINT REGARDING DARK FIBER FIELD SURVEYS, PDS Docket 14-02, filed January 5, 2015.

2. The Parties are ordered to comply with all duties and obligations in accordance with the Stipulation; and
3. This matter is hereby dismissed.


Dated this 29th day of January, 2015.



Jeffrey C. Johnson
Chairman



Rowena E. Perez
Commissioner



Michael A. Pangelinan
Commissioner




Filomena M. Cantoria
Commissioner

Joseph M. McDonald
Commissioner



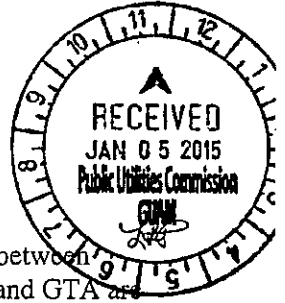
Peter Montinola
Commissioner



Andrew E. Niven
Commissioner

Scan
PDS 14-02

STIPULATION TO DISMISS PDS COMPLAINT
REGARDING DARK FIBER FIELD SURVEYS



This Stipulation is made this 5th day of JANUARY, 2015, by and between Pacific Data Systems, Inc. ("PDS") and Teleguam Holdings, LLC. ("GTA"). PDS and GTA are sometimes referred to collectively as the "Parties."

WHEREAS, on November 24, 2013, PDS submitted to GTA a written request for dark fiber field surveys pursuant to the PDS-GTA 2010 Interconnection Agreement ("ICA") Network Elements Attachment Section 8.2.19.2; and

WHEREAS, subsequent communications from GTA to PDS indicated that GTA was restrained by its Network Security Agreement ("NSA") and had sought guidance from federal authorities party to the NSA; and

WHEREAS, on April 28, 2014 PDS notified GTA of a dispute regarding the failure of GTA to respond to the request for dark fiber field survey; and

WHEREAS, on July 14, 2014, PDS filed a formal complaint with the Guam Public Utilities Commission ("PUC") alleging GTA's failure to negotiate via the ICA dispute resolution process and failure to respond to the request for dark fiber field surveys; and

WHEREAS, on August 29, 2014, GTA provided dark fiber field survey information to PDS; and

WHEREAS, the Administrative Law Judge, held a hearing on this matter on September 3, 2014, which hearing considered the concurrent complaint by PDS against GTA regarding GTA's failure to provide fiber layout maps pursuant to the aforementioned ICA section; and

WHEREAS, at the September 3rd hearing, the Parties agreed to meet to discuss deficiencies within the survey information and schedule joint site visits to GTA central offices to conduct fiber surveys; and

WHEREAS, joint central office fiber surveys were conducted between September 18 and September 22, 2014.

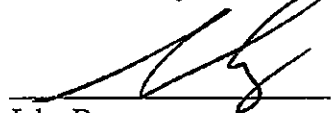
NOW THEREFORE, in consideration of the mutual covenants, terms and conditions set forth herein, the Parties agree as follows:

1. GTA has provided updated dark fiber field survey consistent with the data obtained from the above-mentioned joint site surveys; and
2. GTA has provided clarification of the GTA email to PDS dated, July 17, 2013 notifying PDS of new fiber installation between Agana and Piti; and

3. GTA acknowledges and accepts the findings of fact and conclusions of law adopted and approved by the PUC in PDS Docket 14-02 dated September 23, 2014 (the "PUC Order") as applicable to this Docket 14-03; and
4. GTA will comply with the PUC Order, wherein the PUC requires GTA "to fully comply with the information disclosure requirements under the ICA or federal regulation"; and
5. GTA agrees to pay the PUC's regulatory expenses associated with this Docket 14-03; and
6. GTA agrees to pay PDS's attorney's fees in this Docket 14-03 as provided in the Berman, O'Connor & Mann Invoice # 21424, dated October 20, 2014, in the amount of \$3400.00.
7. PDS and GTA agree to request the ALJ to dismiss this matter without further action.

IN WITNESS WHEREOF, Teleguam Holdings, LLC. and Pacific Data Systems, Inc. have duly executed this Stipulation on the dates below indicated:

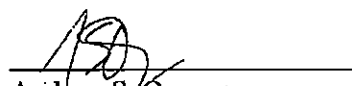
Pacific Data Systems, Inc.



John Day
President

Dated: 1-05-2015

Teleguam Holdings, LLC.



Andrew S. Quenga
General Counsel

Dated: 1-5-15