

**BEFORE THE GUAM PUBLIC UTILITIES COMMISSION**

In re: )  
 ) PDS Docket 10-04  
 )  
Compliance Issues regarding E911 )  
and Petition for Reimbursement of )  
Administrative Costs )  
\_\_\_\_\_ )

**ORDER**

**INTRODUCTION**

1. This matter comes before the Guam Public Utilities Commission [“PUC”] upon the Petition of Pacific Data Systems Inc. [PDS] for Reimbursement of E911 Collection Agent Costs.<sup>1</sup>

**BACKGROUND**

2. On January 13, 2011, Georgetown Consulting Group Inc, the regulatory consultant of the PUC, issued Reports on PDS Petition for Reimbursement of the E911 Administrative Costs and on issues relative to PDS compliance with its E911 collection duties and responsibilities. <sup>2</sup>
3. PUC Counsel has also filed his Report recommending that the PUC adopt the recommendations of GCG.<sup>3</sup>
4. The PUC adopts the recitation of the background facts set forth in the GCG and Legal Counsel Reports.

**DETERMINATIONS**

5. PDS violated the statutory requirement of Public Law 25-55 by not remitting the E911 surcharge amounts collected to the Department of Administration no later than forty-five (45) days *after* the end of the month in which the amount is collected.<sup>4</sup>

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<sup>1</sup> Letter from PDS to PUC Legal Counsel dated September 14, 2010 re: Reimbursement of 911 Collection Agent Costs at p.1.

<sup>2</sup> GCG Report Re: E911 Fiscal 2010 Surcharge Summary, sub paragraph (3), PDS Docket 10-04, filed January 13, 2011; GCG Report Re: PDS Request for Reimbursement of E911 Administrative Costs, Docket 10-04, filed January 13, 2011.

<sup>3</sup> PUC Counsel Report, PDS Docket 10-04, issued April 3, 2011.

<sup>4</sup> Public Law 25-55, Section 3(b), enacted June 30, 1999.

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6. PDS violated the statutory procedure by deducting its expenses from the remittances [actual expenses incurred for collection services] without approval by the PUC.<sup>5</sup>
7. PDS also violated its duty under PUC Order to by failing to remit surcharge collections to DOA, by deducting administrative fees from said remittances without PUC approval, and by failing to comply with its quarterly reporting obligations.<sup>6</sup>
8. However, it does not appear that the violations of PDS were willful. PDS' obligations with respect to E911 surcharge collections may not have been adequately explained at the time it received a Certificate of Authority from the PUC. PDS' Certificate of Authority was issued by the PUC on March 16, 2005; it contained no references to E911 obligations. There is no indication in the PUC records that Collection Agent letters and notices were sent to PDS. The goal of the PUC should be to get PDS into compliance on a going forward basis.<sup>7</sup>
9. PDS has further indicated its good faith by the filing of its petition with the PUC for approval of its collection costs and expenses relative to the E911 surcharge.
10. PDS should be allowed to keep all surcharges collected through January 2011 in full satisfaction of all claims for reimbursement.
11. Starting February 2011, reimbursement to PDS should be \$469 per month. PDS should remit all amounts collected in excess of \$469 per month to the Department of Administration, as required by the E911 Law. In the required quarterly filings, PDS should positively affirm that it has fully collected the outstanding amounts.<sup>8</sup>

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<sup>5</sup> Id., Section 3(c)

<sup>6</sup> PUC Order, Docket 99-10, issued June 24, 2002.

<sup>7</sup> GCG Report Re: E911 Fiscal 2010 Surcharge Summary, Docket 99-10, filed January 13, 2011, at p.3.

<sup>8</sup> Id.

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### ORDERING PROVISIONS

After careful review and consideration of the Petition of PDS, the above determinations, the Reports of GCG and PUC Counsel, and the record herein, for good cause shown, on motion duly made, seconded and carried by the undersigned Commissioners, the Guam Public Utilities Commission **HEREBY ORDERS** that:

1. The PDS Petition for Reimbursement of Collection Agent Costs is hereby approved.
2. PDS is hereby authorized to keep all surcharges collected through January 2011 in full satisfaction of all claims for reimbursement.
3. Starting February 2011, reimbursement to PDS for Collection Agent Costs shall be \$469 per month. PDS shall remit all amounts collected in excess of \$469 per month to the Department of Administration, as required by the E911 Law.
4. PDS shall make all quarterly filings and any other filings required by law or PUC Order. In the required quarterly filings, PDS should positively affirm that it has fully collected the outstanding amounts.<sup>9</sup>
5. All regulatory expenses and fees in this docket shall be paid in accordance with the PUC Order, Docket 99-10, dated February 25, 2000, and PUC Order, Docket 99-10, dated June 24, 2002: "Pursuant to Commission Order dated February 25, 2000, the Commission has designated GTA as the Collection Agent responsible for paying from its surcharge receipts, the Commission's regulatory expenses which are incurred under the E-911 Act. GTA shall pay any Commission invoice for expenses incurred under the E-911 within 30 days of receipt."<sup>10</sup>

Dated this 18<sup>th</sup> day of April, 2011.

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<sup>9</sup> Id.

<sup>10</sup> PUC Order, Docket 99-10, dated June 24, 2002, Section 2i at p. 2.

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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