

BEFORE THE GUAM PUBLIC UTILITIES COMMISSION

PETITION TO APPROVE ACQUISITION) OF 17 ACRES OF LAND FOR THE) EXPANSION OF THE NORTHERN) DISTRICT WASTEWATER) TREATMENT PLANT) <hr style="width: 40%; margin-left: 0;"/>	GWA DOCKET 18-03 ALJ REPORT
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This matter comes before the Guam Public Utilities Commission (the “PUC” or the “Commission”) pursuant to the Petition to approve the acquisition of seventeen (17) acres of land for the expansion of the Northern District Wastewater Treatment Plant (“NDWTP”), filed by the Guam Waterworks Authority (“GWA”) on January 12, 2018 (the “Petition”).

DISCUSSION

A. Review of GWA’s Contract Review Protocol

Pursuant to 12 G.C.A. §12105, GWA may not enter into any contractual agreements or obligations which could increase rates and charges without the PUC’s express approval.

B. Land Acquisition

In its Petition, GWA maintains that it presently faces an increasing volume of wastewater produced by the residential and commercial expansion in the northern part of the island, due in part to the increasing military footprint of Anderson Air Force Base.¹ In addition, GWA further maintains that the U.S. Environmental Protection Agency (the “U.S. E.P.A.”) will require that a secondary treatment facility be added to the NDWTP to

¹ Petition, p. 1.

comply with the National Pollutant Discharge Elimination System (“NPDES”) Permit Program, which ensures that mandatory standards for clean water are met.²

With regard to the specific piece of property, GWA’s initial attempts to purchase property from adjacent landowners were not fruitful.³ As a result, GWA intends to purchase property northwest of the NDWTP, across an easement, which is owned by the Guam Ancestral Land Commission (“GALC”).⁴

Moreover, according to GWA, a report by the U.S. Navy recommended that the design and construction of NDWTP upgrades comply with the NPDES Permit Program.⁵ GWA submits that the purchase of the subject property will allow it to make the necessary improvements to the NDWTP.

1. Cost

GWA submits that the total cost of the purchase of the property is \$2,542,922.00.⁶ This cost includes \$2,490,000.00 for the land purchase, which reflects the fair market value of the property. This fair market value was obtained as a result of an average of two appraisals obtained by GWA. This cost also includes the following: \$32,530.00 for mapping and surveys; \$10,820.00 for the appraisal fees; and \$9,572.00 for title and escrow fees.⁷

² Petition, p. 1.

³ Petition, p. 2.

⁴ Petition, p. 2.

⁵ Petition, p. 2.

⁶ Petition, p. 3.

⁷ Petition, p. 3.

2. Sources of Funding

GWA also submits that the funding sources for the purchase will comprise of the following: a grant from the U.S. Department of Defense; 2010 Bond funds; SDC fund; and internal operating capital.⁸ In particular, \$560,000.00 will be funded by the U.S. Department of Defense's grant; \$1,000,000.00 from GWA's 2010 Bond; \$950,000.00 from GWA's SDC fund; and \$32,922.00 from GWA's operating capital.⁹

3. Public Law 33-198

In 2016, the Guam Legislature enacted Public Law 33-198, which expressly found that:

. . . Guam's existing Northern District Wastewater Treatment Plant (NDWWTP) presently provides only the court-ordered chemically enhanced primary treatment (CEPT) without disinfection. The Guam Waterworks Authority (GWA) has determined that an upgrade of the NDWWTP will ensure that permit requirements of the National Pollutant Discharge Elimination System (NPDES) are met for all discharges of current and future increases in wastewater flows from the population, civilian and military, in northern and central Guam. Additionally, the upgrade is necessary to mitigate the impact to marine resources resulting from increased ocean discharges, and to protect the northern Guam lens aquifer.

P.L. 33-198, Section 1, p. 2 (Dec. 2, 2016). A copy of this legislation is attached hereto.

In addition, the Guam Legislature also found that the U.S. Department of Defense "supports the construction of the NDWWTP upgrade and expansion to ensure that the military wastewater requirements can be met, and that the Federal Clean Water Act (CWA) and Guam's water quality standards are met." *Id.*

⁸ Petition, p. 3.

⁹ Petition, p. 3.

Further, the law expressly authorizes GALC to transfer a portion property identified as “Anderson Communication Annex No. 1 (AJKD),” an area of approximately 70,000 ± square meters, to GWA “for the construction of the upgrade and expansion of the existing wastewater treatment plant, to include, but not to be limited to, the oxidation ditches, odor control, enhanced headworks, secondary clarifiers, digesters, pumps and associated piping, and storm water basins.” *Id.* at Section 2(b), p. 3.

4. CCU Resolution No. 9-FY 2018

The instant Petition is supported by Resolution No. 9-FY 2018 issued by the Consolidated Commission on Utilities (the “CCU”) on November 22, 2017. In the resolution, the CCU noted its prior approval of \$1,000,000.00 to fund this project out of GWA’s 2010 Bond funds. The CCU further authorized GWA to utilize other funding sources, such as GWA’s System Development Charge (“SDC”) fund and other applicable bond funding to fully fund the cost of the land purchase.

CONCLUSION AND RECOMMENDATION

Based on the documents submitted by GWA and the record before this Commission, the ALJ finds that the acquisition of the seventeen (17) acres described in the Petition and its supporting documents are critical and necessary in order for GWA to adequately service the current and future increase in wastewater flow produced by the residential and commercial, civilian and military, expansion in the northern part of the island. Acquiring the property will further ensure that the federal NPDES Permit Program requirements will be met. It will also ensure the protection of Guam’s marine resources and freshwater. Moreover, the ALJ further finds that the purchase of property has been specifically authorized by the Guam Legislature in P.L. 33-198.

Accordingly, based on the record before this Commission, the ALJ recommends the following. The ALJ recommends PUC approval of the purchase of the subject property, for the total cost of \$2,542,922.00. Further, based on the findings discussed above, the ALJ recommends that the PUC authorize GWA to utilize SDC proceeds to help fund this purchase. A proposed Order is submitted herewith for the Commissioners' consideration.

Respectfully submitted this 26th day of March, 2018.



JOEPHET R. ALCANTARA
Administrative Law Judge

P183008.JRA

I Mina'Trentai Tres Na Liheslaturan Received
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
PUBLIC LAW 33-198 393-33 (COR)	T. C. Ada	AN ACT TO TRANSFER WITH COMPENSATION A PORTION OF THE LOT IDENTIFIED AS "ANDERSEN COMMUNICATION ANNEX NO. 1 (AJKD), MUNICIPALITY OF DEDEDO" AN AREA OF ±70,000 SQUARE METERS OR 17.297 ACRES FROM THE GUAM ANCESTRAL LANDS COMMISSION INVENTORY OF SPANISH CROWN LANDS TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSE OF CONSTRUCTION OF THE EXPANSION OF THE NORTHERN DISTRICT WASTEWATER TREATMENT PLANT (NDWWTP); AND TO REZONE THE TRANSFERRED PORTION FROM THE CURRENT HOTEL ("H") ZONE TO PUBLIC FACILITY ("PF") ZONE.	10/27/16 10:13 a.m.	10/27/16	Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement	11/10/16 2:00 p.m.	11/22/16 10:03 a.m.	Fiscal Note Request 10/31/16 Fiscal Note 11/15/16
	DATE PASSED	TITLE	DATE AND TIME TRANSMITTED		DUE DATE	<small>DATE SIGNED BY I MAGA'LÀ HEN GU'À HAN</small> 12/15/16	PUBLIC LAW NO.	NOTES
	12/02/16	AN ACT TO TRANSFER WITH COMPENSATION A PORTION OF THE LOT IDENTIFIED AS "ANDERSEN COMMUNICATION ANNEX NO. 1 (AJKD)" IN THE MUNICIPALITY OF DEDEDO, CONTAINING AN AREA OF 70,000 ± SQUARE METERS, FROM THE GUAM ANCESTRAL LANDS COMMISSION INVENTORY OF SPANISH CROWN LANDS TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSE OF CONSTRUCTION OF THE UPGRADE AND EXPANSION OF THE NORTHERN DISTRICT WASTEWATER TREATMENT PLANT; AND TO REZONE THE TRANSFERRED PORTION FROM THE CURRENT HOTEL ZONE (H) TO PUBLIC FACILITY ZONE (PF).	12/05/16	4:50 p.m.	12/16/16		P.L. 33-198	M&C No. 33GL-16-2269



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor Of Guam.

DEC 15 2016

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Tres Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

33-16-2269
Office of the Speaker
Judith T. Won Pat, Ed.D.

Date: 12-19-16
Time: 9A14
Received By: [Signature]

Dear Madame Speaker:

Transmitted herewith is Bill No. 393-33 (COR), "AN ACT TO TRANSFER WITH COMPENSATION A PORTION OF THE LOT IDENTIFIED AS "ANDERSEN COMMUNICATION ANNEX NO. 1 (AJKD)" IN THE MUNICIPALITY OF DEDEDO, CONTAINING AN AREA OF 70,000 ± SQUARE METERS, FROM THE GUAM ANCESTRAL LANDS COMMISSION INVENTORY OF SPANISH CROWN LANDS TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSE OF CONSTRUCTION OF THE UPGRADE AND EXPANSION OF THE NORTHERN DISTRICT WASTEWATER TREATMENT PLANT; AND TO REZONE THE TRANSFERRED PORTION FROM THE CURRENT HOTEL ZONE (H) TO PUBLIC FACILITY ZONE (PF)," which was signed into law on December 15, 2016, as Public Law 33-198.

Senseramente,

[Signature]
EDDIE BAZA CALVO

2016 DEC 19 AM 10:49
[Signature]

2269



I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LÅHEN GUÅHAN*

This is to certify that **Bill No. 393-33 (COR), "AN ACT TO TRANSFER WITH COMPENSATION A PORTION OF THE LOT IDENTIFIED AS "ANDERSEN COMMUNICATION ANNEX NO. 1 (AJKD)" IN THE MUNICIPALITY OF DEDEDO, CONTAINING AN AREA OF 70,000 ± SQUARE METERS, FROM THE GUAM ANCESTRAL LANDS COMMISSION INVENTORY OF SPANISH CROWN LANDS TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSE OF CONSTRUCTION OF THE UPGRADE AND EXPANSION OF THE NORTHERN DISTRICT WASTEWATER TREATMENT PLANT; AND TO REZONE THE TRANSFERRED PORTION FROM THE CURRENT HOTEL ZONE (H) TO PUBLIC FACILITY ZONE (PF),"** was on the 2nd day of December 2016, duly and regularly passed.




Judith T. Won Pat, Ed.D.
Speaker

Attested:


Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 5th day of Dec,
2016, at 4:00 o'clock P.M.


Assistant Staff Officer
Maga'låhi's Office

APPROVED:


EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: DEC 15 2016

Public Law No. 33-198

OFFICE OF THE GOVERNOR
CENTRAL FILES

RECEIVED BY
TIME 4:50 PM DATE 12-15-16

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session

Bill No. 393-33 (COR)

As amended by the Committee on Transportation,
Infrastructure, Lands, Border Protection,
Veterans' Affairs and Procurement; and further
amended on the Floor.

Introduced by:

T. C. Ada
Judith T. Won Pat, Ed.D.
V. Anthony Ada
FRANK B. AGUON, JR.
Frank F. Blas, Jr.
B. J.F. Cruz
James V. Espaldon
Brant T. McCreadie
Tommy Morrison
T. R. Muña Barnes
R. J. Respicio
Dennis G. Rodriguez, Jr.
Michael F.Q. San Nicolas
Mary Camacho Torres
N. B. Underwood, Ph.D.

**AN ACT TO TRANSFER WITH COMPENSATION A
PORTION OF THE LOT IDENTIFIED AS “ANDERSEN
COMMUNICATION ANNEX NO. 1 (AJKD)” IN THE
MUNICIPALITY OF DEDEDO, CONTAINING AN AREA
OF 70,000 ± SQUARE METERS, FROM THE GUAM
ANCESTRAL LANDS COMMISSION INVENTORY OF
SPANISH CROWN LANDS TO THE GUAM
WATERWORKS AUTHORITY FOR THE PURPOSE OF
CONSTRUCTION OF THE UPGRADE AND EXPANSION
OF THE NORTHERN DISTRICT WASTEWATER
TREATMENT PLANT; AND TO REZONE THE
TRANSFERRED PORTION FROM THE CURRENT
HOTEL ZONE (H) TO PUBLIC FACILITY ZONE (PF).**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that Guam's existing Northern District Wastewater Treatment Plant (NDWWTP)
4 presently provides only the court-ordered chemically enhanced primary treatment
5 (CEPT) without disinfection. The Guam Waterworks Authority (GWA) has
6 determined that an upgrade of the NDWWTP will ensure that permit requirements
7 of the National Pollution Discharge Elimination System (NPDES) are met for all
8 discharges of current and future increases in wastewater flows from the population,
9 civilian and military, in northern and central Guam. Additionally, the upgrade is
10 necessary to mitigate the impact to marine resources resulting from increased ocean
11 discharges, and to protect the northern Guam lens aquifer.

12 *I Liheslaturan Guåhan* finds that the U.S. Department of Defense supports the
13 construction of the NDWWTP upgrade and expansion to ensure that the military
14 wastewater requirements can be met, and that the Federal Clean Water Act (CWA)
15 and Guam's water quality standards are met.

16 *I Liheslaturan Guåhan* further finds that an Implementation Plan was
17 developed in 2015 by the Economic Adjustment Committee that supports the
18 preferred alternative for upgrades to the civilian water and wastewater infrastructure,
19 and that in conjunction with that plan, the U.S. Department of Defense, Office of
20 Economic Adjustment has been authorized to provide the necessary funds to GWA
21 to expand and upgrade the NDWWTP.

22 *I Liheslaturan Guåhan* finds that GWA has identified Spanish Crown Lands,
23 located adjacent to the existing NDWWTP, that is held in trust by the Guam
24 Ancestral Lands Commission (GALC). The property of interest would be suited for
25 the purpose of expanding and upgrading the NDWWTP. *I Liheslaturan Guåhan*

1 further finds that GWA's interest in obtaining the property for public benefit with
2 the appropriate compensation agreement is consistent with 21 GCA § 80104(e).

3 *I Liheslaturan Guåhan* finds that this NDWWTP project is necessary and will
4 benefit the people of Guam and, therefore, intends to authorize the Guam Ancestral
5 Lands Commission to transfer approximately 70,000 ± square meters to GWA to
6 accomplish the necessary improvements described in this Section. GWA and GALC
7 have discussed the basic terms of the transfer to meet the needs and mandates of both
8 parties, and are committed to finalize compensation to GALC within one hundred
9 twenty (120) days of the enactment of this Act.

10 **Section 2. Authorization to Transfer Land to Guam Waterworks**
11 **Authority (GWA).**

12 (a) Notwithstanding any other provision of law, rule or regulation, *I*
13 *Liheslaturan Guåhan* authorizes the Guam Ancestral Lands Commission
14 (GALC) to transfer from its Spanish Crown Lands inventory a portion of the
15 lot identified as "*Andersen Communication Annex No. 1 (AJKD)*" in the
16 municipality of *Dededo*, with an area of approximately 70,000 ± square
17 meters, as shown in the Department of Land Management sketch identified as
18 Northern District Wastewater Treatment Plant (Exhibit A), to the Guam
19 Waterworks Authority for the construction of the upgrade and expansion of
20 the existing wastewater treatment plant, to include, but not be limited to, the
21 oxidation ditches, odor control, enhanced headworks, secondary clarifiers,
22 digesters, pumps and associated piping, and storm water basins.

23 (b) The administrative transfer of said property *shall* become
24 effective upon the enactment of this Act. GALC grants right of entry
25 immediately to enable GWA to initiate the required geotechnical survey,
26 topographic survey, and other required testing and studies pertinent to the

1 construction design of the expansion of the NDWWTP while both parties are
2 finalizing compensation and the deed is recorded.

3 (c) Appraisal. GWA *shall* pay for the appraisal of the property by
4 two (2) different appraisers, one (1) of which *shall* be selected by the
5 Executive Director of GALC. The appraisal *shall* be based on the Hotel Zone
6 (H).

7 (d) Survey. GWA *shall* have the property surveyed at its own
8 expense, and the survey map *shall* be approved and recorded by the
9 Department of Land Management.

10 (e) Purchase Price and Transfer Agreement. The purchase price
11 *shall* be based on the average of two (2) appraisals. A compensation and
12 transfer agreement *shall* be finalized within one hundred twenty (120) days
13 of enactment of this Act. Failure to achieve an agreement may result in the
14 reversion of the property to GALC.

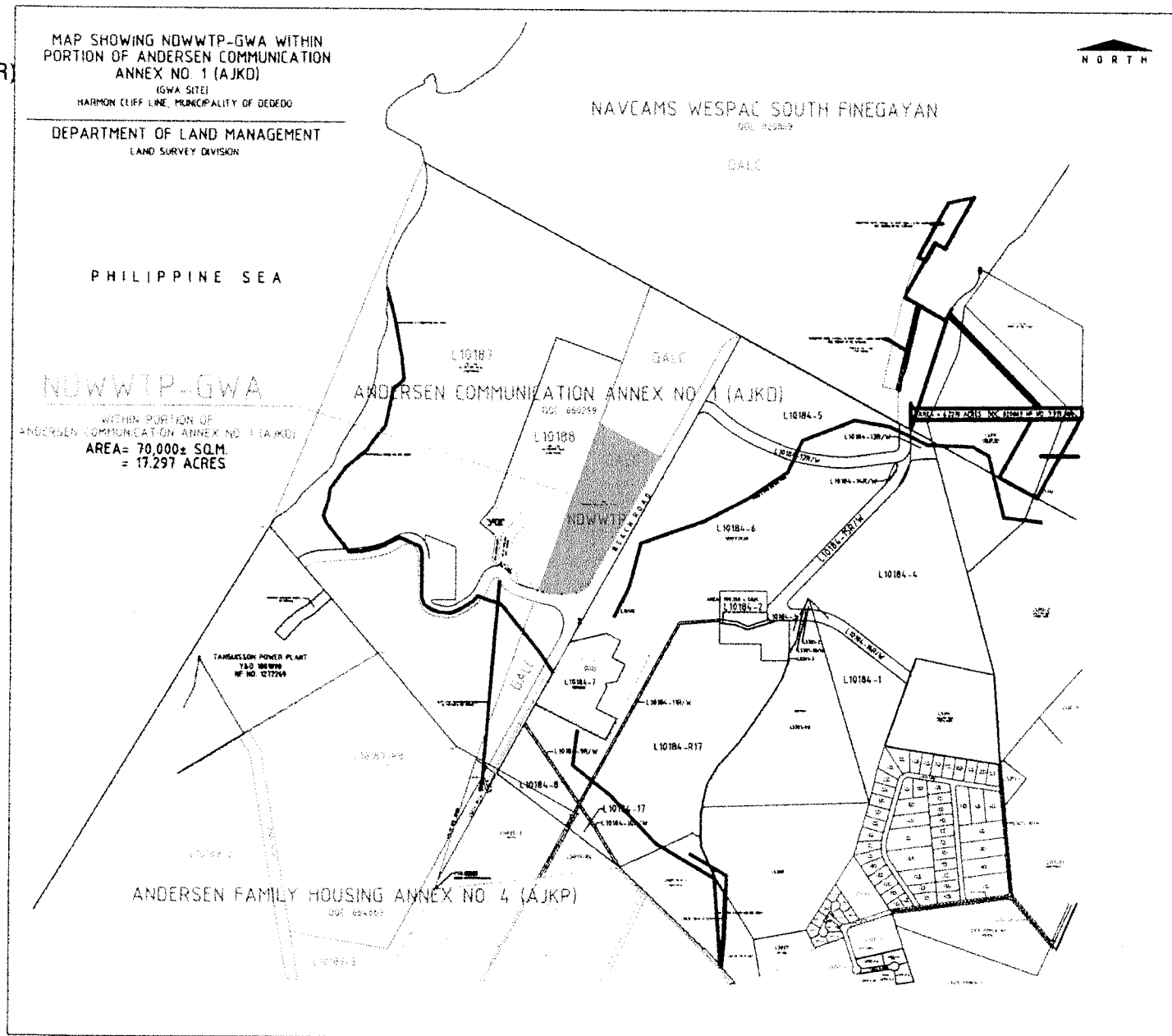
15 (f) Proceeds from the land sale *shall* be deposited in the land bank
16 account established in 21 GCA § 80104(e).

17 **Section 3. Zoning Designation.** The portion of the lot identified as
18 “*Andersen Communication Annex No. 1 (AJKD)*” in the municipality of
19 *Dededo*, as shown in the Department of Land Management sketch identified
20 as NDWWTP (Exhibit A), that will be utilized for the upgrade and expansion
21 of the Northern District Wastewater Treatment Plant (NDWWTP), *shall* be
22 rezoned from Hotel Zone (H) in accordance with the Official Zoning Map
23 covering the municipality of *Dededo*, “*Dos Amantes*” Planning Area,
24 Instrument No. 817995, to Public Facility Zone (PF) pursuant to 21 GCA §
25 61313.

26 **Section 4. Severability.** If any provision of this law or its application
27 to any person or circumstance is found to be invalid or contrary to law, such

1 invalidity *shall not* affect other provisions or applications of this law that can
2 be given effect without the invalid provisions or applications and to this end
3 the provisions of this law are severable.

Bill No. 393-33 (COR)
Exhibit A



BEFORE THE GUAM PUBLIC UTILITIES COMMISSION

PETITION TO APPROVE ACQUISITION) OF 17 ACRES OF LAND FOR THE) EXPANSION OF THE NORTHERN) DISTRICT WASTEWATER) TREATMENT PLANT) <hr style="width: 40%; margin-left: 0;"/>)	GWA DOCKET 18-03 ORDER
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This matter comes before the Guam Public Utilities Commission (the “PUC” or the “Commission”) pursuant to the Petition to approve the acquisition of seventeen (17) acres of land for the expansion of the Northern District Wastewater Treatment Plant (“NDWTP”), filed by the Guam Waterworks Authority (“GWA”) on January 12, 2018 (the “Petition”).

On March 26, 2018, the Administrative Law Judge of the PUC (the “ALJ”) assigned to this matter filed an ALJ Report that included his findings and recommendations based on the administrative record before the PUC. The ALJ found the following.

DETERMINATIONS

A. Review of GWA’s Contract Review Protocol

Pursuant to 12 G.C.A. §12105, GWA may not enter into any contractual agreements or obligations which could increase rates and charges without the PUC’s express approval.

B. Land Acquisition

In its Petition, GWA maintained that it presently faces an increasing volume of wastewater produced by the residential and commercial expansion in the northern part

of the island, due in part to the increasing military footprint of Anderson Air Force Base.¹ In addition, GWA further maintained that the U.S. Environmental Protection Agency (the “U.S. E.P.A.”) will require that a secondary treatment facility be added to the NDWTP to comply with the National Pollutant Discharge Elimination System (“NPDES”) Permit Program, which ensures that mandatory standards for clean water are met.²

With regard to the specific piece of property, GWA’s initial attempts to purchase property from adjacent landowners were not fruitful.³ As a result, GWA intends to purchase property northwest of the NDWTP, across an easement, which is owned by the Guam Ancestral Land Commission (“GALC”).⁴

Moreover, according to GWA, a report by the U.S. Navy recommended that the design and construction of NDWTP upgrades comply with the NPDES Permit Program.⁵ GWA submitted that the purchase of the subject property will allow it to make the necessary improvements to the NDWTP.

1. Cost

GWA submitted that the total cost of the purchase of the property is \$2,542,922.00.⁶ This cost includes \$2,490,000.00 for the land purchase, which reflects the fair market value of the property. This fair market value was obtained as a result of an average of two appraisals obtained by GWA. This cost also includes the following:

¹ Petition, p. 1.

² Petition, p. 1.

³ Petition, p. 2.

⁴ Petition, p. 2.

⁵ Petition, p. 2.

⁶ Petition, p. 3.

\$32,530.00 for mapping and surveys; \$10,820.00 for the appraisal fees; and \$9,572.00 for title and escrow fees.⁷

2. Sources of Funding

GWA also submitted that the funding sources for the purchase will comprise of the following: a grant from the U.S. Department of Defense; 2010 Bond funds; SDC fund; and internal operating capital.⁸ In particular, \$560,000.00 will be funded by the U.S. Department of Defense's grant; \$1,000,000.00 from GWA's 2010 Bond; \$950,000.00 from GWA's SDC fund; and \$32,922.00 from GWA's operating capital.⁹

3. Public Law 33-198

In 2016, the Guam Legislature enacted Public Law 33-198, which expressly found that:

. . . Guam's existing Northern District Wastewater Treatment Plant (NDWWTP) presently provides only the court-ordered chemically enhanced primary treatment (CEPT) without disinfection. The Guam Waterworks Authority (GWA) has determined that an upgrade of the NDWWTP will ensure that permit requirements of the National Pollutant Discharge Elimination System (NPDES) are met for all discharges of current and future increases in wastewater flows from the population, civilian and military, in northern and central Guam. Additionally, the upgrade is necessary to mitigate the impact to marine resources resulting from increased ocean discharges, and to protect the northern Guam lens aquifer.

P.L. 33-198, Section 1, p. 2 (Dec. 2, 2016).

In addition, the Guam Legislature also found that the U.S. Department of Defense "supports the construction of the NDWWTP upgrade and expansion to ensure that

⁷ Petition, p. 3.

⁸ Petition, p. 3.

⁹ Petition, p. 3.

the military wastewater requirements can be met, and that the Federal Clean Water Act (CWA) and Guam's water quality standards are met." *Id.*

Further, the law expressly authorizes GALC to transfer a portion property identified as "Anderson Communication Annex No. 1 (AJKD)," an area of approximately 70,000 ± square meters, to GWA "for the construction of the upgrade and expansion of the existing wastewater treatment plant, to include, but not to be limited to, the oxidation ditches, odor control, enhanced headworks, secondary clarifiers, digesters, pumps and associated piping, and storm water basins." *Id.* at Section 2(b), p. 3.

4. CCU Resolution No. 9-FY 2018

The instant Petition is supported by Resolution No. 9-FY 2018 issued by the Consolidated Commission on Utilities (the "CCU") on November 22, 2017. In the resolution, the CCU noted its prior approval of \$1,000,000.00 to fund this project out of GWA's 2010 Bond funds. The CCU further authorized GWA to utilize other funding sources, such as GWA's System Development Charge ("SDC") fund and other applicable bond funding to fully fund the cost of the land purchase.

CONCLUSION

Based on the documents submitted by GWA and the record before this Commission, the ALJ found that the acquisition of the seventeen (17) acres described in the Petition and its supporting documents are critical and necessary in order for GWA to adequately service the current and future increase in wastewater flow produced by the residential and commercial, civilian and military, expansion in the northern part of the island. Acquiring the property will further ensure that the federal NPDES Permit Program requirements will be met. It will also ensure the protection of Guam's marine resources

and freshwater. Moreover, the ALJ further found that the purchase of property has been specifically authorized by the Guam Legislature in P.L. 33-198.

Accordingly, based on the record before this Commission, the ALJ recommended the following. The ALJ recommended PUC approval of the purchase of the subject property, for the total cost of \$2,542,922.00. Further, based on the findings discussed above, the ALJ recommended that the PUC authorize GWA to utilize SDC proceeds to help fund this purchase.

The Commission hereby adopts the findings made in the March 26, 2018 ALJ Report, and therefore, issues the following:

ORDERING PROVISIONS

Upon careful consideration of 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. That the instant Petition is hereby APPROVED and GWA is authorized to purchase the property described in its Petition, for the total cost of \$2,542,922.00. Further, GWA is authorized to utilize SDC proceeds to help fund this purchase.
2. GWA is 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 matter. Assessment of the PUC's regulatory fees and expenses is authorized pursuant to 12 G.C.A. §§ 12103(b) and 12125(b), and Rule 40 of the Rules of Practice and Procedure before the PUC.

SO ORDERED this 29th day of March, 2018.

JEFFREY C. JOHNSON
Chairman

ROWENA E. PEREZ
Commissioner

JOSEPH M. MCDONALD
Commissioner

FILOMENA M. CANTORIA
Commissioner

MICHAEL A. PANGELINAN
Commissioner

PETER MONTINOLA
Commissioner

ANDREW L. NIVEN
Commissioner

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