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BEFORE THE GUAM PUBLIC UTILITIES COMMISSION

IN THE MATTER OF:) **GPA DOCKET NO. 22-17**
The Application of the Guam Power Authority)
to Approve the Contract Extension with Tristar) **PETITION FOR CONTRACT REVIEW**
Terminals Guam, Inc. for the Dock Facility)
Agreement for GPA.)

COMES NOW, the GUAM POWER AUTHORITY (GPA), by and through its counsel of record, D. GRAHAM BOTHA, ESQ., and hereby files GPA's Petition for the Public Utilities Commission of Guam to review and approve the Contract extension with Tristar Terminals Guam, Inc. for the Dock Facility Agreement, as follows:

BACKGROUND

The Guam Power Authority has a contract with Tristar Terminals Inc. for the handling and receiving of fuel oil import deliveries into GPA's storage facilities. Tristar is the current manager of the Dock Facility, owned by the Port Authority of Guam. The CCU in Resolution 2022-23 has approved the Dock Facility Agreement contract extension for the period September 1, 2022 to August 31, 2025.

DISCUSSION

GPA hereby petitions the PUC, pursuant to the Contract Review Protocol for the Guam Power Authority, approved by the PUC, to review and approve the Contract extension with Tristar Terminals Guam, Inc. for the Dock Facility Agreement. In support of this Petition, GPA hereby provides the PUC with Consolidated Commission on Utilities (CCU) Resolution No. 2022-23, which authorizes the General Manager to enter into a contract extension with Tristar

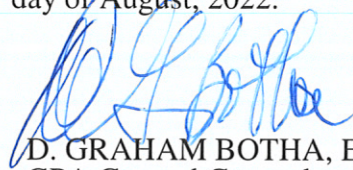
ORIGINAL

1 Terminal Guam, Inc. for a three (3) year term from September 1, 2022 to August 31, 2025. Said
2 resolution and its exhibits are attached herein as Exhibit A, and incorporated by reference herein
3 as if fully set forth.

4 **CONCLUSION**

5 The PUC should approve GPA's request to proceed with the Contract extension with
6 Tristar Terminals Guam, Inc. for the Dock Facility Agreement for a three-year period from
7 September 1, 2022 to August 31, 2025. The contract extension with Tristar Terminal Guam, Inc.
8 is reasonable, prudent, and necessary.

9 **RESPECTFULLY SUBMITTED** this 3rd day of August, 2022.

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11 D. GRAHAM BOTHA, ESQ.
12 GPA General Counsel
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GPA RESOLUTION NO. FY2022-23

**AUTHORIZING THE MANAGEMENT OF THE GUAM POWER AUTHORITY (GPA)
TO ENTER INTO AN AGREEMENT EXTENSION TERM WITH TRISTAR TERMINALS GUAM, INC. FOR THE
DOCK FACILITY USER AGREEMENT**

WHEREAS, the Guam Power Authority ("GPA" or "Authority") utilizes the services of Tristar Terminals Guam, Inc. ("Tristar" or "TTGI") for the use of the F-1 Dock facility for the docking of ocean-freight vessels delivering fuel to the GPA facilities through a **Dock Facility User Agreement** ("Dock Agreement"); and

WHEREAS, The F-1 Dock Facility is owned by the Port Authority of Guam ("PAG") with TTGI as the current contractor for the Management and Operation until March 31, 2026; and

WHEREAS, the current contract between GPA and TTGI for the Dock Facility User Agreement under TTGI-DA-2013 will expire on March 31, 2023; and

WHEREAS, GPA and TTGI have negotiated for an extension of the Dock Agreement until March 31, 2026; and

WHEREAS, the fee schedule for the Dock Agreement shall remain the same at the prevailing PAG rates and is subject to automatic adjustments based on changes to the PAG rates; and

WHEREAS, the annual expenses for the Dock Agreement is estimated at \$1,924,512 per year, or \$5,773,536 for the 3-year extension period; and

WHEREAS, GPA has determined that the contract extension will serve the best interest of the Authority and its ratepayers by ensuring uninterrupted supply of fuel to GPA; and

WHEREAS, GPA is requesting the approval of the CCU for the extension of the Dock Facility User Agreement to commence on April 1, 2023 and to expire on March 31, 2026; and


33 **NOW THEREFORE, BE IT RESOLVED**, by the Consolidated Commission on Utilities, subject to the
34 review and approval of the Public Utilities Commission, as follows:

- 35 1. GPA is authorized to petition the Guam Public Utilities Commission for the review and
36 approval of the extension of the **Dock Facility User Agreement (TTGI-DA-2013)** with Tristar
37 Terminal Guam, Inc.
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39 **RESOLVED**, that the Chairman of the Commission certifies and the Secretary of the Commission
40 attests the adoption of this Resolution.

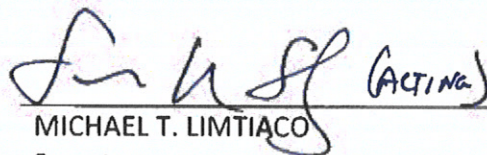
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42 **DULY AND REGULARLY ADOPTED AND APPROVED THIS 26th DAY OF JULY 2022.**
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Certified by:



JOSEPH T. DUENAS
Chairperson
Consolidated Commission on Utilities

Attested by:

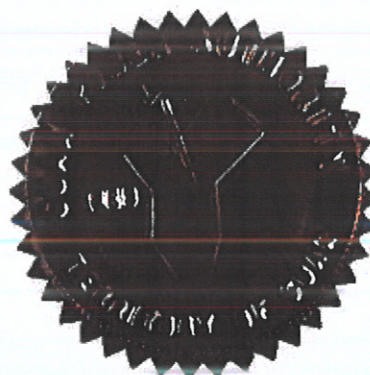


MICHAEL T. LIMTIACO
Secretary
Consolidated Commission on Utilities

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46 **SECRETARY'S CERTIFICATE**
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48 I, Michael T. Limtiaco, Secretary for the Consolidated Commission on Utilities (CCU), as
49 evidenced by my signature above do certify as follows: The foregoing is a full, true, and accurate
50 copy of the resolution duly adopted at a regular meeting of the members of Guam Consolidated
51 Commission on Utilities, duly and legally held at a place properly noticed and advertised at which
52 meeting a quorum was present and the members who were present voted as follows:

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54 Ayes: 3
55 Nays: 0
56 Absent: 1
57 Abstain: 0
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Exhibit A

F-1 DOCK FACILITY USER AGREEMENT - Estimated Expenses

Fee Schedule	Parameters		3-Year Contract Extension		
			Apr2023-Mar2026		
A. Dock Agreement			<u>\$/Shipment</u>	<u>Annual \$/yr</u>	<u>3-Year Total \$</u>
1. Dock Operator O.T. Fee (Minimum of 4 Operators)	Outside 0800H-1600H on Weekdays All hrs on weekdays & holidays	\$38.00 per manhour 48 hrs/shipment 12 ships/yr	\$7,296.00	\$87,552.00	\$262,656.00
2. Excess Laytime	0-36 hrs upon start of discharge Over 36 hrs & less than 72 hrs Over 72 hrs	\$0.00 per Hour \$1,000.00 per Hour \$600.00 per Hour			
	Excess hrs	24 hrs/shipment 12 shipment/yr	\$24,000.00	\$288,000.00	\$864,000.00
3. Imports (RFO & ULSD Receiving)					
a. Throughput Fee	RFO & ULSD received (Gross) - PAG Fee	\$0.50 \$/bbl 250,000 bbl/shipment 12 shipment/yr	\$125,000.00	\$1,500,000.00	\$4,500,000.00
4. Exports (Bunkering)					
a. Port Royalty Fee	RFO & ULSD delivered (Gross) - PAG fee	3000 bbl/shipment 24 shipment/yr	\$1,980.00	\$47,520.00	\$142,560.00
b. Maritime Security Fee	RFO & ULSD delivered (Gross) - PAG Fee	\$0.02 \$/bbl	\$60.00	\$1,440.00	\$4,320.00
TOTAL			\$158,336.00	\$1,924,512.00	\$5,773,536.00

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Exhibit B

DOCK FACILITY USER AGREEMENT - Fee Comparison

Fee Schedule		Initial Contract 5 Years Sep2013-Aug2018	Contract Extn 4 Years Sep2018-Mar2023	Contract Extn 3 Years Apr2023-Mar2026	Variance/Remarks	
Dock Agreement (TTGI-DA-2013)						
Fees Effective until March 31, 2019					Subject to Port Fee Adjustments	
1. Dock Operator O.T. Fee per Operator (Minimum of 4 Operators) Outside 0800H-1600H on Weekdays All hrs on weedays & holidays	per Hour	\$38.00	\$38.00	\$38.00	\$0.00	0% Increase No change
2. Excess Laytime	per Hour	\$0.00	\$0.00	\$0.00	No change	0% Increase
0-36 hrs upon start of discharge	per Hour	\$1,000.00	\$1,000.00	\$1,000.00	No change	0% Increase
Over 36 hrs & less than 72 hrs	per Hour	\$600.00	\$600.00	\$600.00	No change	0% Increase
Over 72 hrs						
3. Imports (RFO & ULSD Receiving)						
a. Throughput Fee (RFO & ULSD delivered-Gross)	\$/bbl	\$0.50	\$0.50	\$0.50	No change	0% Increase
4. Exports (Bunkering) (RFO & ULSD delivered-Gross)						
a. Port Royalty Fee	\$/bbl	\$0.66	\$0.66	\$0.66	No change	0% Increase
b. Maritime Security Fee	\$/bbl	\$0.02	\$0.02	\$0.02	No change	0% Increase