

BEFORE THE GUAM PUBLIC UTILITIES COMMISSION



IN THE MATTER OF:

GPA DOCKET 23-03

THE PETITION OF THE GUAM
POWER AUTHORITY FOR APPROVAL)
OF PROPERTY INSURANCE)
CONTRACT EXTENSION WITH DB)
INSURANCE CO., LTD.)

ORDER

INTRODUCTION

1. This matter comes before the Guam Public Utilities Commission ["PUC"] upon the Guam Power Authority ["GPA"] Petition for Approval of Property Insurance Contract Extension with DB Insurance Co., Ltd.¹
2. The initial term of GPA's Property Insurance Contract with DB Insurance Co., Ltd., will expired on November 1, 2021, GPA exercised its right to extend the term for one year which will expire on November 1, 2022, and GPA requests that the PUC approve GPA's exercise of a second (1) year extension of the contract beginning November 2, 2022 and ending on November 1, 2023 that will cost \$7,062,144 for that coverage period.²

BACKGROUND

3. GPA's Bond Indenture Agreement requires GPA to "secure and maintain property insurance on all facilities constituting the system against risks of loss or damage to the extent that such insurance is obtainable at reasonable cost...". The Indenture further requires GPA to carry insurance "of a scope and nature as that usually carried in the industry...".³
4. GPA's previous Property Insurance Contract expired on November 1, 2018 and prior to that date, GPA prepared a new Property Insurance solicitation for the policy period beginning on November 1, 2018 and ending on November 1, 2021.
5. On March 27, 2018, the Consolidated Commission on Utilities ["CCU"] adopted Resolution No. 2018-06, which approved GPA's draft IFB for Property Insurance to

¹ GPA Petition for Approval of Property Insurance Contract Extension with DB Insurance Co., Ltd., GPA Docket 23-03, filed October 31, 2022. (Petition).

² Id., at 1 and 4. [NOTE: This report cites the PDF numbers because the numbers used in the Petition and its exhibits are not continuous].

³ Id., at 3.

include Boiler and Machinery and Terrorism coverage, and the resolution authorized GPA's General Manager was authorized to submit the IFB to the PUC.⁴

6. On April 26, 2018, the PUC authorized GPA to issue the Property Insurance IFB and required GPA to obtain the PUC's approval prior to making a final award of the contract.⁵
7. GPA subsequently issued the Property Insurance IFB as GPA-IFB-077-18 (Property Insurance)(Multi-Sealed Bid) and received one bid from DB Insurance Co., Ltd.⁶
8. On September 25, 2018, the CCU adopted Resolution No. 2018-22 which authorized GPA's General Manager to accept the terms of the annual premiums offered by DB Insurance Co., Ltd., and related parties at a cost of \$4,355,000 for each of the next three policy periods covered between November 1, 2018 and November 1, 2021 with two one-year options and to exercise the option to increase the coverage from \$200 million to \$300 million for an additional \$100 million annual premium.⁷
9. On October 28, 2018, the PUC approved GPA's Contract with DB Insurance Co., Ltd.⁸
10. On October 26, 2021 the CCU adopted Resolution No. FY2022-01 that authorized GPA's General Manager to accept the terms of the annual renewal premium offered by DB Insurance Co., Ltd., at a cost of \$5,777,567 for the policy period covered between November 2, 2021 and November 1, 2022 subject to the PUC's approval.
11. On or about October 28, 2021 the PUC approved GPA's first extension of the insurance contract with an annual renewal premium of \$5,777,567 for the policy period covered between November 2, 2021 and November 1, 2022.⁹

⁴ Guam Consolidated Commission on Utilities Resolution No. 2018-06, Relative to Petitioning the Public Utilities Commission for Authorization to Begin Procurement for Property Insurance, issued March 27, 2018, at 2.

⁵ PUC Order, GPA Docket 18-12, GPA Petition for Approval of Insurance IFB, dated April 26, 2018, at pg. 3.

⁶ Guam Consolidated Commission on Utilities Resolution No. 2018-22, Relative to the Authorization of the GPA to Award Property Insurance for a Three-Year Policy with Two One-Year Options, issued September 25, 2018 at p. 1.

⁷ Id., at p. 2.

⁸ PUC Order dated October 28, 2018, GPA Docket No. 19-03 at 4.

⁹ PUC Order dated October 28, 2021, GPA Docket No. 22-01 at 4.

12. On October 25, 2022 the CCU adopted Resolution No. FY2023-02 that authorized GPA's General Manager to accept the terms of the annual renewal premium offered by DB Insurance Co., Ltd., at a cost of \$7,062,144 for the policy period covered between November 2, 2022 and November 1, 2023 subject to the PUC's approval.¹⁰
13. PUC Legal Counsel issued his report herein on November 23, 2022.
14. GPA requests that the PUC approve GPA's exercise of the second one-year extension of the contract beginning November 2, 2022 and ending on November 1, 2023 that will cost \$7,062,144 for that coverage period.

DETERMINATIONS

15. The PUC's Contract Review Protocol mandates that GPA shall not incur expenses for PUC approved contracts and obligations in excess of 20% over the amount authorized by the PUC without prior PUC approval.¹¹ Here, the contract's total cost so far is \$18,842,567, 20% of that amount is \$3,768,513.40 and the \$7,062,144 cost of the second extension year exceeds that amount. Therefore, the PUC Contract Review Protocol requires GPA to obtain the PUC's prior approval for the second one-year extension of its Property Insurance Contract with DB Insurance Co., Ltd., because the cost of the extension exceeds 20% of the contract costs.
16. The \$7,062,144 cost of the second one-year extension is reasonable. The \$7,062,144 cost is \$2,707,144 higher than the contract's initial three-year term, which was \$4,355,000 for each of those years, and it is \$1,284,577 higher than the \$5,777,567 cost of the first one-year extension. GPA states that the higher price for the second one-year extension is caused by challenging conditions in the insurance market and fewer insurance companies participating in the power market. This is likely true due to the fact that the initial term of the contract began in 2018 and since then there are now a multitude of new threats, such as the current global pandemic emergency, that have caused prices, to include insurance premiums, to increase.
17. The contract extension is prudent. Even with an extension of the first one-year term, GPA has an insufficient amount of time to prepare a new property insurance solicitation, issue it, receive responses, and award a new property insurance

¹⁰ Petition at 4.

¹¹ PUC Order, Administrative Docket, filed on February 15, 2008 at 4.

contract. Hence, it is more prudent for GPA to exercise the second one (1) year extension of the contract instead of issuing a solicitation for a new contract.

18. The contract extension is necessary. As stated above, GPA is required by its Bond Indenture Agreements to maintain property insurance coverage.
19. Based on the foregoing, the second one-year extension of GPA's Property Insurance Contract with DB Insurance Co., Ltd., is reasonable, prudent, and necessary.

ORDERING PROVISIONS

After review of the record herein, GPA's Petition for Approval of its Property Insurance Contract Extension with DB Insurance Co., Ltd., by and through its local agent, AM Insurance, and the PUC Counsel Report, and for good cause shown, on motion duly made, seconded and carried by the undersigned Commissioners, the Guam Public Utilities Commission **HEREBY ORDERS** that:

1. GPA's Petition for approval of the second one-year extension of its Property Insurance Contract with DB Insurance Co., Ltd., by and through its local agent, AM Insurance, for the period of November 2, 2022, to November 1, 2023, is hereby approved.
2. GPA shall file a copy of its property insurance contract extension with the PUC.
3. GPA is ordered to pay the Commission's regulatory fees and expenses, including, without limitation, consulting and counsel fees and the fees and expenses of conducting the hearing proceedings. Assessment of the PUC's regulatory fees and expenses is authorized pursuant to 12 GCA §12002(b) and 12024(b), and Rule 40 of the Rules of Practice and Procedure before the Public Utilities Commission.

///

///

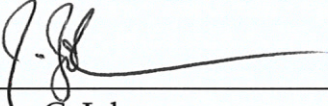
///

///

///

Order
Petition for Approval of
Property Insurance Contract
Extension With DB Insurance Co., Ltd.
GPA Docket 23-03
November 29, 2022

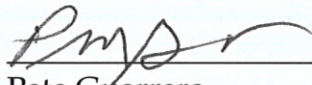
Dated this 29th day of November, 2022.




Jeffrey C. Johnson
Chairman

Rowena E. Perez-Camacho
Commissioner

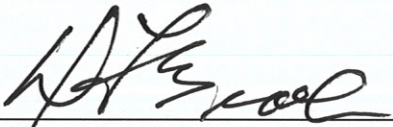
Michael A. Pangelinan
Commissioner



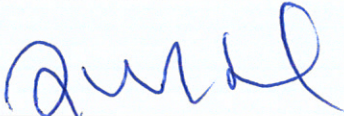
Pete Guerrero
Commissioner



Joseph M. McDonald
Commissioner



Doris Flores Brooks
Commissioner



Peter Montinola
Commissioner