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10 **BEFORE THE GUAM PUBLIC UTILITIES COMMISSION**

11 **IN RE:**

12 **GWA DOCKET 19-08 SEPTEMBER 28, 2022**
13 **RATE DECISION**

) **GWA DOCKET NO. 19-08**

) **PETITION TO AMEND THE PUC'S**
) **SEPT. 28, 2023, ORDER RE FILING**
) **DEADLINES, REVIEW TIMEFRAMES,**
) **AND SUBMITTALS REQUIRED FOR**
) **GWA'S FY2025-FY2029 RATE**
) **APPLICATION CASE**

14 The Guam Waterworks Authority ("GWA") hereby submits this request to amend the
15 PUC's September 28, 2023 Ordering Provision No. 4, and to further confirm that no additional
16 studies, except the staffing study required by Ordering Provision No. 5, shall be made without
17 a determination on whether the studies are necessary to support GWA's next rate application.
18 These requests are made to facilitate the efficient handling of GWA's upcoming five-year rate
19 application for FY2025-FY2029 and are made to comply with the Guam Ratepayer Bill of Right
20 at 12 G.C.A. §12102.2 (b) and to be consistent with the PUC's Rules for Practice and Procedure
21 Part 7, Rule 24 (e).
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24 **I. INTRODUCTION**

25 In the most recent comprehensive multi-year financial plan review, GWA's multi-year
26 rate application was interspersed with delays and pauses due to additional requests for
27

28 GWA Docket 19-08

Petition to Amend the PUC's Sept. 28, 2023, Order Re Filing Deadlines, Review Timeframes, And Submittals Required for
GWA's FY2025-2029 Rate Application Case

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discovery, studies, and financial schedules which were not anticipated from the start. The requests made herein are reasonable, prudent, and necessary to ensure a good faith start towards a timely and compliant submittal and a review of GWA's rate application on or before the start of FY 2025.

II. AMENDMENT REQUEST & CONFIRMATION

A. Ordering Provision No. 4.

Ordering provision No. 4 in the matter of PUC Petition for Approval of GWA's Third Five-Year Financial Plan (Base Rate Increases), in Re: Annual True-Up for FY2024 GWA Rates, dated September 28, 2023, states:

4. GWA shall file its next multi-year rate plan on or before April 1, 2024.

At this stage, an April 1, 2024, filing is not tenable as this would require GWA to publish a January 1, 2024, public notice informing the public of "any proposed rate increases" as required by the PUC's Ratepayer Bill of Rights. *See* 12 G.C.A. §12102.2 (b). To date, GWA's annual budget and capital program and update processes will require the remainder of CY 2023 for completion; therefore, to comply with both the PUC's order and the Ratepayer Bill of Rights, GWA requests the PUC amend Ordering Provision No. 4 to require an advance draft petition filing on March 4, 2023, and a final multi-year rate plan filing by June 3, 2024 (consistent with prior rate case scheduling). The advance draft petition, will in form and content, satisfy the intent of the PUC's rate order and will comply with rate application rules and all applicable laws. This proposed amendment will also allow GWA to meet public notices by March 4, 2024 (3-month notice requirements) and will conform to the petition review period contemplated in the PUC's September 28, 2023, order to prevent delay. GWA's advanced draft filing should also permit

and trigger PUC staff and PUC consultant review to send requests for information, comments on package completeness, and clarification requests ahead of GWA's final multi-year rate plan filing. Despite these requests, and any approval of a proposed advanced draft submission, GWA is clear that any continued review necessary to complete the PUC's review may be performed following GWA's final multi-year rate plan submission.

B. The Analytical Studies.

Unless ordered, GWA will not prepare to file any new Analytical Studies already completed under the prior year Comprehensive Review and Update for FY2020-FY2024. All information that is needed for its next five-year rate application will be integrated and referenced from the Analytical Studies recently completed and submitted on March 31, 2021. These include GWA's 1) Demand Forecasting study; 2) Comprehensive system-wide Water Loss Reduction and Control study; 3) Cost of Service / Rate Design study; 4) Affordability Study (concerning the ability of low-income rate payers to afford the rapidly increasing water and wastewater rates); 5) Financing and Alternatives to Bond Issuance study; 6) Capitalized Labor Expense protocol; and finally, a 7) Septic Tank Elimination Study. Under, the PUC's September 28, 2023 Order, a staffing study was ordered for GWA's next multi-year rate case by Ordering Provision No. 5. GWA shall complete and comply with the PUC's order for this study as required; but, if the completion of any additional study is ordered requiring additional time and costs GWA requests to be informed as early as possible AND further requests the PUC confirm that it shall consider whether there is a need to delay action on GWA's rate application requests if the study or studies cannot realistically be completed before GWA's final multi-year plan comes due (proposed to be June 3, 2024).

III. CONCLUSION

Based on the foregoing, GWA requests the PUC 1) amend its September 28, 2023, Ordering Provision No. 4 permitting an advance draft petition filing on March 4, 2023, and a final multi-year rate plan filing by June 3, 2024, and 2) further confirm that no additional studies shall be ordered without a determination on whether the studies are necessary to support GWA's next rate application before action on its rate application can be taken.

The requests made herein are reasonable, prudent, and necessary to ensure a timely and compliant submittal and a review of GWA's rate application on or before the start of FY 2025.

RESPECTFULLY SUBMITTED this 7th day of December, 2023.

By: _____/s/_____
THERESA G. ROJAS, ESQ.
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