


I Mina'trentai Sais Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
267-36 (COR)	Sabina F. Perez Telo T. Taitague	AN ACT TO AMEND § 13103 AND § 13104 ALL OF ARTICLE 1, CHAPTER 13, DIVISION 1 OF TITLE 12, GUAM CODE ANNOTATED AND TO AMEND § 2121 TO ARTICLE 1, CHAPTER 2 OF TITLE 28, GUAM ADMINISTRATIVE RULES AND REGULATIONS RELATIVE TO ESTABLISHING A FAIR PROCESS RESOLVING RATEPAYER DISPUTES.	3/4/22 4:31 p.m.						

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (SECOND) Regular Session

Bill No. 267-36 (COR)

Introduced by:

Sabina Flores Perez ^{SFP}
Telo T. Taitague 

**AN ACT TO *AMEND* § 13103 AND § 13104 ALL OF
ARTICLE 1, CHAPTER 13, DIVISION 1 OF TITLE 12,
GUAM CODE ANNOTATED AND TO *AMEND* § 2121 TO
ARTICLE 1, CHAPTER 2 OF TITLE 28, GUAM
ADMINISTRATIVE RULES AND REGULATIONS
RELATIVE TO ESTABLISHING A FAIR PROCESS
RESOLVING RATEPAYER DISPUTES**

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

2 **Section 1. Findings and Intent.** *I Liheslaturan Guåhan* finds that current
3 laws and regulations pertaining to complaints may pose a barrier to power and water
4 customers who are seeking prompt resolution of billing issues. Often, billing issues
5 result from the sudden, unexplained rise in power or water consumption that can
6 indicate water leaks, faulty meters, or other conditions that require immediate
7 attention.

8 *I Liheslatura* further finds the current requirement deposits held in escrow and
9 paying interest of 9% on disputed bill amounts is outdated and not aligned with
10 reasonable interest rates nor a simple process for administering disputes that require
11 timely investigation and resolution.

12 *I Liheslatura* further finds that prompt resolution of water billing issues will
13 improve customer satisfaction and assist ratepayers in understanding if any problems
14 that may negatively impact their property and financial situation.

1 *I Liheslaturan Guåhan* intends to provide a fair process to resolve complaints
2 for power and water customers that can potentially prevent financial burdens on low-
3 and fixed income customers.

4 **Section 2.** To amend § 13103 of Article 1, Division 1 of Chapter 13 of Title
5 12, Guam Code Annotated, to read:

6 “**§13103. Complaints.**

7 A customer who in good faith believes that he has been incorrectly
8 billed for services by an agency or harmed by another action of the agency,
9 except a rate increase, may submit a customer complaint to the agency
10 involved. Upon receipt of the customer complaint ~~and the proper deposit~~, in
11 the case of a billing dispute, the agency shall investigate the matters raised
12 in the customer complaint. The agency shall forthwith furnish the customer
13 with a statement indicating the right of appeal provided by ~~§21153~~ §13104.
14 Within thirty (30) days, the agency shall respond to the customer as to its
15 findings with respect to the complaint. If required, the agency shall make
16 an adjustment of account including a credit for or return of any deposit
17 payment ~~or part of deposit and interest at the rate of nine percent (9%) per~~
18 ~~annum~~ made towards the amount disputed if the agency statement indicates
19 an adjustment is due a customer. However, if the agency indicates that the
20 dispute should be resolved in favor of the agency, then if it is a billing
21 dispute, the customer’s account shall be offered a payment plan. ~~of interest~~
22 ~~payable at the rate of nine percent (9%) per annum on the disputed amount~~
23 ~~during the time of pendency of the investigation. The deposit shall be~~
24 ~~deemed paid over to the agency.~~ If the agency determines that one of its
25 actions has harmed the customer, then it shall pay to the customer
26 liquidated damages for such action ~~and interest at the rate of nine percent~~
27 ~~(9%)~~ from the time the complaint was made with the agency to its
28 resolution. Disconnection or termination of services shall not be undertaken

1 by the agency with respect to the disputed amount until the expiration of
2 thirty (30) days from the date the statement required by this Section shall
3 be mailed to the customer.”

4 **Section 3.** To *amend* § 13104 of Article 1, Division 1 of Chapter 13 of Title
5 12, Guam Code Annotated, to read:

6 **“§13104. Appeal From Agency Action.**

7 (a) If an agency statement is adverse to a customer, the customer
8 may take the appeal to the Commission within thirty (30) days of the
9 issuance of the agency statement, ~~take appeal to the Commission~~ which shall
10 have jurisdiction to resolve the dispute. During the pendency of said appeal,
11 no action adverse to the customer with respect to the disputed amount may
12 be undertaken. The taking of appeal pursuant to this ~~s~~Section shall operate as
13 a stay. ~~The deposit shall remain in escrow until resolution of the appeal.~~

14 (b) If the agency’s determination is reversed by the Commission,
15 then the Commission, shall require the agency to make an adjustment of
16 account including a credit for or return of any deposit payment or part of
17 deposit and interest at the rate of nine percent (9%) per annum made towards
18 the amount disputed ~~award reasonable attorney’s fees to the customer and~~
19 ~~costs.~~ The remedies contained in this ~~s~~Section are not exclusive, and the
20 customer may, at the customer’s sole option, proceed under this ~~s~~Section,
21 ~~under Section 100 of Chapter III-B of Title I of the Guam Code of Civil~~
22 ~~Procedure~~ proceed pursuant to Article 2 of Chapter 4, Title 7 Guam Code
23 Annotated, or may pursue any other remedies available.

24 (c) Advance notice of a proposed filing for change of rates or
25 tariffs by a utility must be filed not less than one hundred twenty (120) days
26 prior to the filing of the application and not more than one hundred fifty
27 (150) days prior to such filing.”

1 **Section 4.** To *amend* § 2121 of Article 1, Chapter 2 of Title 28, Guam
2 Administrative Rules and Regulations, to read:

3 “§ 2121. **Administrative and Hearing Requirements.**

4 (a) Bill disputes. In the event a consumer questions the accuracy of
5 a bill rendered to him by GWA, the question shall be brought to the attention
6 of the Agency for an oral explanation. After the oral explanation, if the
7 consumer still believes that the billing is in error, ~~and after depositing in~~
8 ~~escrow with GWA, an amount equal to the amount of the disputed bill or an~~
9 ~~amount equal to the average of the three (3) months' prior billing prior to the~~
10 ~~time the dispute arose, whichever is less,~~ the consumer may request a written
11 statement from GWA as stated in 12 GCA, Sections 13103 and 13104. That
12 written statement may be appealed to the General Manager who must render
13 a decision and respond to the customer within thirty (30) days of the appeal.

14 (1) If an adjustment is due a consumer, GWA shall render an
15 adjustment of account including a credit for or return of any deposit
16 payment ~~or part of deposit and interest at the rate of six percent (6%)~~
17 ~~per annum made towards the amount disputed.~~ However, should the
18 dispute be resolved in favor of the Agency, the customer's account
19 shall be charged an amount equal to the amount under dispute ~~of~~
20 ~~interest payable at the rate of six percent (6%) per annum on the~~
21 ~~disputed amount during the time that said dispute was outstanding and~~
22 ~~the deposit shall be paid over to the Agency.~~ Disconnection or
23 termination of services shall not be undertaken by GWA with respect
24 to the disputed amount until the expiration of thirty (30) days from the
25 date the written statement shall be mailed or delivered to the
26 customer.”

1 **Section 5. Promulgation of Rules and Regulations.** Guam Waterworks
2 Authority shall promulgate rules and regulations no later than 90 calendar days after
3 enactment.

4 **Section 6. Severability.** If any provision of these Regulations or its
5 application to any person or circumstance is found to be invalid or contrary to law,
6 such invalidity shall not affect other provisions or applications of these Regulations
7 which can be given effect without the invalid provisions or application, and to this
8 end the provisions of these Regulations are severable.