

CHAPTER 79
CONSOLIDATED COMMISSION ON UTILITIES

SOURCE: This Chapter was added by P.L. 26-76:8.

- § 79100. Creation of Commission.
- § 79101. Commissioners.
- § 79102. Non-partisan Office.
- § 79103. Terms of Office.
- § 79104. Reporting Requirements.
- § 79105. Vacancies.
- § 79106. Compensation.
- § 79107. Subpoena Powers.
- § 79108. Publishing Consumer Complaints.

§ 79100. Creation of Commission.

There is established an elected Consolidated Commission on Utilities whose purpose is to exercise powers vested in them by the laws establishing the Guam Power Authority ('GPA') and the Guam Waterworks Authority ('GWA'). The Consolidated Commission on Utilities, hereinafter referred to as 'Commission' shall be elected by the registered voters of Guam.

§ 79101. Commissioners.

The Commission shall be comprised of five (5) Commissioners elected at-large by the voters of Guam in a General Election. To be eligible to be a Commissioner, a person must be a registered voter of Guam and a minimum of twenty-five (25) years of age, and shall have been a resident of Guam for at least five (5) years immediately prior to the date of the Commissioner's election.

A person may not simultaneously serve as a Commissioner and an employee of the Guam Waterworks Authority, the Guam Power Authority, or the Public Utilities Commission, or simultaneously serve as a Commissioner and an unclassified or contracted employee of the government of Guam. An adjunct instructor, adjunct teacher, or adjunct professor employed by the University of Guam or the Guam Community College may serve as a Commissioner.

Persons retired from the government of Guam may serve as Commissioners. At their first official meeting, the Commissioners shall

12 GCA AUTONOMOUS AGENCIES
CH. 79 CONSOLIDATED COMMISSION ON UTILITIES

elect from among the Commissioners a chairperson, who shall preside over meetings of the Commission. A majority of the Commissioners holding office shall constitute a quorum. The affirmative vote of the Commissioners holding office shall constitute the decision of the Commission. The Commission may adopt rules and regulations governing the conduct of its affairs.

SOURCE: Added by P.L. 26-126:2. Amended by P.L. 27-065:2.

§ 79102. Non-partisan Office.

The Office of Commissioner is a non-partisan office. Candidates for the Office of Commissioner shall not identify themselves as members of any political party on Guam for the purpose of their campaign, nor shall they receive any endorsement or material support from any political party on Guam during the course of their campaigns. No Primary Election is required for candidates for this office. No nominating petitions shall be required of any candidate for this Office. Any qualified person applying to the Guam Election Commission, or its successor, for candidacy to this office shall be placed on the General Election ballot. In each election, the candidates receiving the highest numbers of votes shall be the elected Commissioners, without regard to the actual number of votes cast or received, and no runoff elections shall be required.

§ 79103. Terms of Office.

(a) Except as provided in § 79105 and in Subsection (b) of this Section, each Commissioner shall be elected to serve a term of four (4) years, commencing on the First (1st) day of January following their election.

(b) The first election for members of the Commission shall occur during the General Election in November, 2002. The three (3) candidates receiving the highest numbers of votes shall each be elected to serve a four (4) year term, and the two (2) candidates receiving the next highest numbers of votes shall each be elected to serve a two (2) year term.

§ 79104. Reporting Requirements.

Commissioners and candidates for the Office of Commissioner shall be subject to the same reporting requirements pertaining to their campaign contributions and expenditures as apply to candidates and members of I Liheslaturan Guåhan [the Legislature]. Commissioners

12 GCA AUTONOMOUS AGENCIES
CH. 79 CONSOLIDATED COMMISSION ON UTILITIES

and candidates for the Office of Commissioner shall be required to file a personal disclosure statement that shall contain the following items:

- (a) the source of all wages and commissions paid to the Commissioner, or candidate for the Office of Commissioner;
- (b) a list of all corporations or partnerships in which the Commissioner, or candidate for the Office of Commissioner, has a material interest of five percent (5%) or greater; and
- (c) a list of all corporations, partnerships or sole proprietorships in which the Commissioner, or candidate for the Office of Commissioner, has a material interest of fifty percent (50%) or more.

A candidate for the Office of Commissioner shall be required to file the personal disclosure statement required by this Section with the Guam Election Commission upon filing that person's candidacy with the Guam Election Commission. A Commissioner is required to file the personal disclosure statement required by this Section on an annual basis on the same dates personal financial disclosures are required from members of I Liheslaturan Guåhan.

SOURCE: Repealed/reenacted by P.L. 26-130:2.

§ 79105. Vacancies.

(a) A permanent vacancy in the Office of a Commissioner *shall* be filled as follows:

- (1) If the vacancy to be filled is for twelve (12) months or more, the vacancy shall be filled by the next highest vote-getter in the last General Election for Commissioner.
- (2) If the vacancy to be filled is for less than twelve (12) months, the position shall remain vacant until the next General Election.

For the purpose of items (1) and (2) in determining how many months remaining on the vacant position, the effective date of vacancy *shall* be the date from which to measure the months remaining, and not the date when the vacancy is actually filled.

(b) The vacancy being filled under this provision will be for the remaining balance of the term of the vacated position.

SOURCE: Amended by P.L. 29-036:1 (Oct. 25, 2007).

§ 79106. Compensation.

Commissioners shall be compensated at the rate of One Thousand Dollars (\$1,000.00) per month for their services. All funds required for the operations of the Commission shall be obtained by subscription from the Authorities administered by the Commission, pursuant to such formula as the Commission shall devise. Commissioners shall not be eligible for government of Guam retirement or insurance benefits, or other benefits associated with government of Guam employment. Commissioners who are government of Guam retirees may serve on the Commission without giving up their retirement benefits.

SOURCE: Amended by P.L. 27-05:IV:17(b). Amended by P.L. 28-150:V:44 (Sept. 30, 2006).

§ 79107. Subpoena Powers.

The Chairperson of the Consolidated Commission on Utilities, upon his or her own initiative, upon the request of any member of the Commission, or upon the request of any party before the Commission, may summon in writing any person to attend before a meeting of the Commission as a witness and in a proper case, to bring with him or her any book, record, or paper which may be deemed material as evidence in the case. The fees for such attendance shall be same as the fees of witnesses before the Superior Court, except that if the witness is a government employee no witness fees shall be given. The subpoena shall issue in the name of the Consolidated Commission on Utilities, and shall be directed to the person and shall be served in the same manner as subpoenas to appear and testify before the Superior Court. If any person or persons summoned to testify refuses or neglects to obey said subpoena, upon petition, the Superior Court may compel the attendance of such person or persons before the Commission, or punish said person or persons for contempt in the same manner provided by law for securing the attendance of witnesses or their punishment for neglect or refusal to attend in the Superior Court.

SOURCE: Added by P.L. 28-159:8 (Dec. 29, 2006).

§ 79108. Publishing Consumer Complaints.

(a) Within ninety (90) days of the enactment of this Section, the Commission shall adopt a policy, via Board Resolution, that establishes the acceptance, review, distribution, and resolution of consumer complaints filed with either the Guam Power Authority or the Guam

12 GCA AUTONOMOUS AGENCIES
CH. 79 CONSOLIDATED COMMISSION ON UTILITIES

Waterworks Authority. Such policy shall include the creation of a reporting template, herein referred to as the Consumer Complaint and Resolution Report, which will categorize the type of complaint lodged with each entity, the date the complaint was lodged, and the manner in which said complaint was addressed.

(b) The Commission shall publish the Consumer Complaint Report on its website on the twentieth (20th) day following the end of each calendar month, and shall transmit the same within fifteen (15) days after the end of every calendar quarter to *I Maga'lahen Guåhan*, the Speaker of *I Liheslaturan Guåhan*, and the Public Utilities Commission.

SOURCE: Added by P.L. 32-193:2 (Oct. 13, 2014).

2014 NOTE: Subsection designations were added by the Compiler pursuant to the authority granted by 1 GCA § 1606.
