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10 *For the Guam Power Authority*  
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13 **BEFORE THE PUBLIC UTILITIES COMMISSION**  
14

15  
16 IN THE MATTER OF ) DOCKET NO. **94-04**  
17 )  
18 GUAM POWER AUTHORITY ) **GPA's Response to PUC's 3/29/07**  
19 ) **Letter, Item 10, re GPA's Service**  
20 GPA SERVICE RULES AND ) **Rules and PUC's 9/28/06 Order,**  
21 ) **Item 7, re Filing of GPA's**  
22 COLLECTION POLICY ) **Amended Collection Policy**  
23 )  
24

25 **COMES NOW**, GUAM POWER AUTHORITY and hereby submits its filing  
26 vis-à-vis item 10, GPA Service Rules, requested by the Administrative Law Judge (ALJ)  
27 in his March 29, 2007 letter regarding the GPA May 2007 Regulatory Session. The ALJ  
28 transmitted this letter to the Authority and the Georgetown Consulting Group  
29 electronically. Item 10 of the aforementioned request directs the Authority to ensure that  
30 its current rates and service rules, including recently approved rules regarding estimated  
31 bills and its collection policy for faulty meters, are posted and clearly identified on  
32 [www.guampowerauthority.com](http://www.guampowerauthority.com) on or before May 18, 2007.

33 Exhibit A lists the Universal Resource Locators (URLs) on the Authority's web  
34 site associated with GPA Service Rules.

35 Further, in its September 28, 2006 Regulatory Order, PUC approved GPA's May  
36 3, 2006 Petition to amend its Collection Policy subject to text described in Item 8 of the

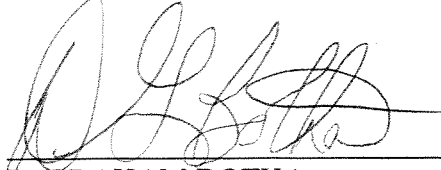
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Order. In that same Order, Item 7, PUC directs GPA to file the amended Collection Policy with PUC and herewith complies with attached Exhibit B.

The Authority believes that it complies fully with the ALJ's request at this time. However, the Authority will, from time-to-time, update the information on these pages as needed and include additional information that may benefit its customers. The Authority is continuously developing new content to ensure greater transparency and better information.

**RESPECTFULLY SUBMITTED** this 25th day of April, 2007, by:

  
\_\_\_\_\_  
D. GRAHAM BOTHA  
Legal Counsel, Guam Power Authority

**EXHIBIT A: GPA Service Rules**

Table A-1 GPA Service Rules URL Summary

Subject Matter	Web Link URL
Rate Schedules	<a href="http://www.guampowerauthority.com/rates/schedules.html">http://www.guampowerauthority.com/rates/schedules.html</a>
Surcharges	<a href="http://www.guampowerauthority.com/rates/surcharges.html">http://www.guampowerauthority.com/rates/surcharges.html</a>
Service Rules	<a href="http://www.guampowerauthority.com/custservice/regulations.html">http://www.guampowerauthority.com/custservice/regulations.html</a>
Connection Standards	<a href="http://www.guampowerauthority.com/custservice/standards.html">http://www.guampowerauthority.com/custservice/standards.html</a>
Explanation of Residential Bills	<a href="http://www.guampowerauthority.com/custservice/yourbill.html">http://www.guampowerauthority.com/custservice/yourbill.html</a>
Residential Rate Calculator	<a href="http://www.guampowerauthority.com/custservice/res-calc.html">http://www.guampowerauthority.com/custservice/res-calc.html</a>
Account Termination Procedures	<a href="http://www.guampowerauthority.com/custservice/terminate.html">http://www.guampowerauthority.com/custservice/terminate.html</a>
Power Application	<a href="http://www.guampowerauthority.com/custservice/getconnected.html">http://www.guampowerauthority.com/custservice/getconnected.html</a>
Collection Policy	<a href="http://www.guampowerauthority.com/custservice/regulations.html">http://www.guampowerauthority.com/custservice/regulations.html</a>
Back Billing and Estimated Billing Policy (Guam Public Law No. 22-53)	<a href="http://www.guampowerauthority.com/custservice/regulations.html">http://www.guampowerauthority.com/custservice/regulations.html</a>
FAQs related to Customer Service and paygpa	<a href="http://www.guampowerauthority.com/FAQ_Manager/">http://www.guampowerauthority.com/FAQ_Manager/</a>

# **EXHIBIT B**

## **COLLECTION POLICY**

### **RECITALS**

**WHEREAS** the Guam Power Authority hereby establishes a Collection Policy whose purpose is to enforce uniform electrical service practices, uniform procedures governing disconnection, uniform practices concerning the collection of past due bills, and uniform practices concerning installment payment agreements.

**WHEREAS** this Collection Policy is meant to assure the adequate provision of electrical service, to restrict unreasonable disconnection of electrical service, to provide functional alternatives to disconnection or refusal to provide electrical service, and to establish and enforce fair and equitable procedures governing electrical service disconnection for past due bills, the collection of past due bills, and installment payment agreements.

**WHEREAS** the Guam Power Authority's Collection Policy shall be as follows:

### **§1 DISCONNECTION OF ELECTRIC SERVICE TO CUSTOMERS.**

(a) Disconnection Policy: It shall be the policy of the Guam Power Authority to disconnect electrical service from Customers pursuant to the Guam Power Authority's Service Rules and Regulations as codified in Title 28, Guam Administrative Rules and Regulations (Hereafter referred to as "G.A.R."). However, in implementing this policy, the Guam Power Authority shall treat such Customers with dignity and shall implement this disconnection policy in ways that are consistent and non-discriminatory.

(b) In accordance with 28 G.A.R. §3121 and §3124 (a), all bills are due and payable upon presentation, and are past due if unpaid 15 days after presentation. This includes bills to the Executive, Legislative, and Judicial Branches of the Government of Guam or their respective Departments, Agencies, Public Corporations, and Instrumentalities.

(c) In accordance with 28 G.A.R. §3122, all customers with past due bills are subject to disconnection of electrical service on receipt of a disconnect notice, which may be included in any bill for electrical service sent to the customer, and any amount past due and appearing as arrears of "balance last month" on a bill is immediately payable, along with current charges, if the bill states that the account will be disconnected within 15 days from date of the billing. This includes the Executive, Legislative, and Judicial Branches of the Government of Guam or their respective Departments, Agencies, Public Corporations, and Instrumentalities.

(1) In accordance with 28 G.A.R. §3124 (b), a customer's electrical service may be discontinued for non-payment of a bill for service rendered to such customer previously at any location served by GPA. This rule shall apply to the Executive, Legislative, and Judicial Branches of the Government of Guam or their respective Departments, Agencies, Public Corporations, and Instrumentalities.

## EXHIBIT B

(2) In accordance with 28 G.A.R. §3124 (c), if a customer is receiving more than one service, any or all services may be disconnected when any service, regardless of location, is discontinued for non-payment, except that residential service will not be discontinued because of non-payment of bills for other classes of service. This rule shall apply to the Executive, Legislative, and Judicial Branches of the Government of Guam or their respective Departments, Agencies, Public Corporations, and Instrumentalities.

(d) The Authority shall disconnect electrical service to all customers, to include the Executive, Legislative, and Judicial Branches of the Government of Guam and their respective Departments, Agencies, Public Corporations, and Instrumentalities, anytime after the 46<sup>th</sup> day a customer's bill becomes past due, with the following exceptions:

(1) Customers, to include the Executive, Legislative, and Judicial Branches of the Government of Guam and their respective Departments, Agencies, Public Corporations, and Instrumentalities, who comply with the requirements of 28 G.A.R. §3123 to dispute their bills.

(2) Customers, to include the Executive, Legislative, and Judicial Branches of the Government of Guam and their respective Departments, Agencies, Public Corporations, and Instrumentalities who comply with the provisions of §5 of this policy.

(e) Disconnection with notice: Electric Service shall be disconnected after proper notice. Proper notice shall be any notice the Authority deems reasonable and is currently a notice of disconnection that is included in the customer's bill for electrical service sent to the customer the month after the customer's account is in arrears for any amount past due. GPA shall notify the Public Utilities Commission of any changes in the form of the notice used by the Authority 30 days prior to such notice being implemented. Proper notice may include but is not limited to the publication in a newspaper of general circulation on Guam, a notice stating that all customers with past due bills owed to the Authority living in a specified Municipal Boundary, as defined in 1 G.C.A. §403, are submit to disconnection within 4 days from the date of such notice's publication. Disconnection with notice can be made for any of the following:

(1) The Customer's failure to pay a bill for electric service or make an installment payment agreement by the date of disconnection;

(2) The Customer's failure to comply with the terms of an installment payment agreement;

(3) A Customer's violation of the Guam Power Authority's Service Rules and Regulations, or a Customer's use of electrical service in a manner which interferes with the electrical service of others or the customer's operation of non-standard equipment;

(4) A Customer's failure to pay a deposit required by this policy, the Authority's Service Rules and Regulations, and any other deposit required by the laws of Guam or any federal laws.

(5) The Authority shall give 30 days notice to occupants of a residence when the account holder for electrical service for such residence is deceased. Such notices shall be given via U.S. Mail and state that electrical service will be disconnected 30 days from the date the notice was mailed, unless the current occupant of such residence applies for electrical service in such occupant's own name.

## EXHIBIT B

(f) Disconnection without prior notice: Electric service may be disconnected without prior notice for any of the following reasons:

(1) Where a dangerous condition exists for as long as such condition exists. Where reasonable, given the nature of the hazardous condition, the Authority, in its sole discretion, shall post a notice of disconnection and the reason for the disconnection at the place of common entry or upon the front door of each affected point of service unit as soon as possible after electric service has been disconnected.

(2) Where electric service is connected without the Authority's permission by a person or entity who has not made an application for electrical service.

(3) Where electric service is reconnected without the Authority's permission after disconnection for a past due bill or other reason, valid under this policy or the Guam Power Authority's Service Rules and Regulations.

(4) Where there has been tampering with the Guam Power Authority's equipment or any evidence of theft of the Guam Power Authority's electrical service.

(5) Where the Authority has been informed that a customer is deceased, and if the customer was the account holder for a residence, the authority is not aware of any other persons residing at such residence.

(g) Disconnection Prohibited: Electric service may not be disconnected for any of the following reasons:

(1) Past due bills for electric service by a previous occupant of the premises, unless a current occupant used electrical service under the previous occupant's name for any portion of the period that is part of the past due bill.

(2) Failure to previously pay disputed charges after a customer complies with the requirements of 28 G.A.R. §3123, except for the customer's failure to pay the deposit for the average billing period required by 28 G.A.R. §3123, and GPA has determined the charges are accurate and the Customer has been notified of this determination.

(3) Failure to pay charges arising from under-billing due to any faulty metering, unless the meter has been tampered with.

(A) GPA shall use an estimated monthly billing amount and bill its customers for each month, not to exceed 4 months, for the period that under-billing due to faulty metering occurred. The estimated billings shall be determined by averaging two months of the customer's electrical charges incurred either two months prior to the meter becoming faulty, or two months after said faulty meter was repaired or replaced.

(B) In accordance with 28 G.A.R. §3153, in the event that, upon test, a meter is found to be registering more than two (2%) fast, GPA will refund to the customer the amount of the overcharge based on the corrected meter readings for the preceding three (3) months; provided, however, that if the registering error in the meter is due to causes the date of which can be reliably established, the overcharge will be computed back to but not beyond that date.

## **EXHIBIT B**

(h) Disconnection on holidays or weekends: Unless a dangerous condition exists, or the Authority has discovered evidence of meter tampering, or theft of electrical service, or the customer requests disconnection, electric service shall not be disconnected on holidays or weekends, or the day immediately preceding a holiday or weekend, unless Guam Power Authority employees are available on such holidays and weekends to take payments and reconnect service.

(i) Disconnection of the ill and disabled: The Guam Power Authority shall not disconnect service at a permanent, individually metered dwelling unit of a Customer because such Customer has a past due bill when such Customer establish that disconnection of electrical service will cause some person who resides at that residence to become seriously ill or disabled, or more seriously ill or disabled.

(1) Each time a Customer seeks to avoid disconnection of service under this rule, the Customer must comply with all of the following by the stated date of disconnection of electrical service:

(A) The person's, who is alleged to become seriously ill or disabled, or more seriously ill or disabled, attending physician (for purposes of this subsection, the term "physician" shall mean any public health official, including medical doctors, doctors of osteopathy, and any other equivalent public health official licensed to practice on Guam ) must submit a written statement to the Guam Power Authority stating that electrical service to the person's dwelling is necessary to prevent a specific serious illness or disability such person is threatened by, or to prevent a serious illness or disability such person has been diagnosed with, from becoming worse;

(B) The Customer must qualify and enter into an installment payment plan for the past due bill owed to the Guam Power Authority in accordance with §5 of this Policy.

(2) Notwithstanding any other provision under this policy or the Guam Power Authority's Service Rules and Regulations, the prohibition against disconnection of electric service under this rule shall last for a period agreed upon by the Guam Power Authority, and the Customer or Physician, but such period shall not be longer than 90 days from the date the bill for electrical service became past due, or the expiration of the terms of an installment payment agreement if §5 of this policy applies.

### **§2 COLLECTION OF PAST DUE BILLS.**

(a) Collection Policy: It shall be the policy of the Guam Power Authority to make reasonable efforts to collect all past due bills owed by the Authority's customers pursuant to the Guam Power Authority's Service Rules and Regulations as codified in Title 28 G.A.R. However, the Guam Power Authority shall implement this collection policy in ways that are consistent and non-discriminatory.

(b) In accordance with 28 G.A. R. §3121, all bills are due and payable upon presentation, and are past due if unpaid 15 days after presentation. This includes bills to the Executive, Legislative, and Judicial Branches of the Government of Guam or their respective Departments, Agencies, Public Corporations, and Instrumentalities.

## **EXHIBIT B**

(c) Place of Payment of past due bills: Payment of all past due bills shall be made at the offices of the Authority in person, or at the Authority's option, to duly authorized representatives of the Authority to include, but not limited to, collection agencies and the Authority's legal counsel.

(d) Customer Deposits applied to the amount of past due bills: Any amounts which the Customer paid to the Authority as a deposit to establish or maintain electric service shall be applied to any past due bills the Customer owes the Authority whether or not such deposit was made for the service connection account that is delinquent. The Customer shall be required to make payments to the Authority to replenish any such deposits applied to the Customer's past due bills within 15 days after the Customer receives notice that the deposit was applied to a such bill. Failure of the Customer to replenish any deposits applied to the Customer's past due bills will result in the disconnection of the Customer's account the deposit secured. Should the amount of the deposit not satisfy the past due bill in full, the Authority shall proceed with collecting the remaining balance the customer owes the Authority after such customer's electrical service account has been disconnected in accordance with this policy and the Authority's Service Rules and Regulations.

(e) Customer liable for all costs associated with past due bill: The Customer shall be liable for all costs that result from past due bills to include, but not limited to, the following:

(1) Bank-Returned Check Charges: Whenever a check is received by the Authority in payment of billing for electric services, security deposits, or other charges, and when negotiated, said check is not paid by the issuing bank, the Authority will assess an additional charge of \$25 on the customer's account for electrical service. That amount of the Bank-Returned Check Charge shall be determined from time to time by the Authority, and it shall be approved by the Authority's Board of Directors and the Public Utilities Commission before being implemented.

(2) Late Payment Charge: Whenever payment of a regular bill for electric service is received after 5:00 P.M. of the date specified in the original bill as the date such payment is due, the Authority shall assess an additional charge of .75% of the amount of said bill as a late payment charge, and the minimum amount of the late payment charge shall be \$2.50. The amount of the Late Payment Charge shall be determined from time to time by the Authority, and it shall be approved by the Authority's Board of Directors and the Public Utilities Commission before being implemented.

(3) Field Collection Charge: A field collection charge, in an amount to be determined from time to time by the Authority, and approved by the Authority's Board of Directors and the Public Utilities Commission before it is implemented, may be assessed when the Authority's field collector sends a disconnect notice or collects the delinquent bill.

(4) Attorney's Fees and Court Costs: In the event recourse to litigation is required against a customer for the customer's failure to pay a past due bill for electrical service, in addition to the sums due and payable for electric service, the attorney representing the Authority shall petition the Court for an order requiring the customer to pay the Authority's reasonable attorney's fees, as well as all court costs incurred by the Authority in the litigation.

## EXHIBIT B

(5) Assessment Lien Processing Fees: In the event that the Authority obtains a Judgment against a customer as a result of the customer's failure to pay a past due bill for electrical service, and a filing is required against the customer's property to collect the customer's past due bill, in addition to sums due and payable, the Authority's attorney shall petition the Court for an order requiring the customer to pay the Authority reasonable costs incurred for assessing and processing the lien on the customer's property.

(6) Other Fees: The Authority reserves the right to obtain from customers any fees or sums of money available to the Authority by law, whether or not stated above, which result from the customer's past due bills or any other past due amounts the customer owes the Authority. Such fees shall be determined by the Authority from time to time, and they shall be approved by the Authority's Board of Directors and the Public Utilities Commission before they are implemented.

(f) The Authority shall take all reasonable steps, to include hiring a collection agency or attorney to collect all past due bills its customers owe, to include any past due bills owed by the Executive, Legislative, and Judicial Branches of the Government of Guam or their respective Departments, Agencies, Public Corporations, and Instrumentalities. The Authority shall also require any collection agency or attorney it hires to seek reimbursement of the Authority's collection costs or attorney's fees and costs from the Authority's customers that such collection agency or attorney is collecting from.

(g) No later than 120 days after a customer's electrical service is disconnected for a past due bill, the Authority may transfer the matter to a collection agent or attorney. No later than 180 days after a customer's electrical service is disconnected for a past due bill, the Authority may file a suit to collect such past due bill in the Superior Court of Guam.

(1) The Authority shall file suit in the Superior Court of Guam to collect any past due bills its customers owe, to include any past due bills owed by the Executive, Legislative, and Judicial Branches of the Government of Guam or their respective Departments, Agencies, Public Corporations, and Instrumentalities, within 1 year of the following:

(i) The date the bill became past due, if the customer does not qualify for an installment payment agreement.

(ii) The date of any breach of an installment payment agreement.

(2) The Authority shall have the discretion to not pursue collection, by collection agency or attorney, for customer accounts that are \$100 or less in arrears. The Authority shall report such uncollected accounts to the Public Utilities Commission pursuant to §8 of this policy.

(3) If a suit has been filed in the Superior Court of Guam to collect a customer's past due bill for electrical service, the Authority shall have the discretion to settle such suit by a payment from the customer for an amount less than the balance of the customer's account that is in arrears. The Authority shall report such settlements to the Public Utilities Commission pursuant to §8 of this policy.

## **EXHIBIT B**

(h) The Authority shall have the discretion to write off any past due bills for \$100 or less within the same fiscal year they are incurred. The Authority shall report such write offs pursuant to §8 of this policy. The Authority shall not write off any past due bill over \$100 until a suit to collect such bill has been filed and adjudicated in a court of law.

(1) Complete adjudication shall include the following:

(i) A Court determination that a customer is not liable to pay the past due bill to the Guam Power Authority

(ii) A period of one year has expired after the date a default judgment was entered on the court's docket against any customer who is no longer on Guam and who has no personal and / or real property on Guam, or other property that the Guam Power Authority can obtain a judgment lien against and foreclose on.

(2) The Authority may write off the amounts of any past due bills that it does not pursue through litigation pursuant to §2(g)(2) of this policy, and it may write off the amount equal to the difference between the settlement amount and the amount claimed in a suit filed in Superior Court pursuant to §2(g)(3) of this policy. The Authority must report any such amounts written off pursuant to §8 of this policy.

### **§3 COLLECTION OF PAST DUE BILLS FOR ELECTRICAL SERVICE PROVIDED TO OPERATE PUBLIC STREET LIGHTS.**

(a) In Accordance with 12 G.C.A. Sec. 8105.1, GPA shall at all times provide power necessary for operation of at least as many public street lights as were working on July 1, 1983. If the Authority does not receive prompt payment for such power consumption, it shall notify the legislature and it shall not disconnect any streetlights until 30 days after so notifying the legislature.

(b) Unless otherwise directed by the Public Utilities Commission, the Guam Power Authority shall determine which Public Streetlights will be disconnected for past due bills.

### **§4 DISCONNECTION OF ELECTRICAL SERVICE AND COLLECTION OF PAST DUE BILLS FROM THE U.S. NAVY.**

(a) The U.S. Navy operates electrical production, transmission, and certain distribution facilities which are used jointly for the supply of electricity to U.S. Department of Defense installations on Guam and for retail distribution to the Guam Power Authority's Customers.

(b) The Guam Power Authority operates electric production, transmission, and distribution facilities which are used for the supply of electricity for retail distribution to the Guam Power Authority's Customers and to the U.S. Navy on Guam.

## **EXHIBIT B**

(c) The terms, conditions rate setting procedures, service rules, and regulations applicable to energy and capacity sold and delivered by the Guam Power Authority to the U.S. Navy, the services provided by the U.S. Navy to the Guam Power Authority, and the services provided by the Guam Power Authority to the U.S. Navy are governed by the Utility Service Contract between the U.S. Navy and the Guam Power Authority.

(d) The disconnection of electrical service to the U.S. Navy and collection of any past due bills owed to the Guam Power Authority by the U.S. Navy shall be made in accordance with the Utility Service Contract between the U.S. Navy and the Guam Power Authority.

### **§5 INSTALLMENT PAYMENT AGREEMENTS.**

(a) An applicant or account holder, to include the Executive, Legislative, and Judicial Branches of the Government of Guam or their respective Departments, Agencies, Public Corporations, and Instrumentalities, who are unable to pay a past due bill, may at the sole discretion of the Guam Power Authority and subject to the general regulatory oversight powers of the Public Utilities Commission, receive electrical service under an installment payment agreement subject to the following conditions:

(1)The agreement shall require such customer to pay 25% of the balance of the past due bill and any other amounts such customer owes the Authority, contemporaneous with the execution of the installment payment agreement, except for past due bills in excess of \$250,000.00 and except for customers with past due amounts resulting from defective [through no fault or actions of the customer] under-billing meters who shall pay 10% of the balance from such past due bill and any other amounts such customers owe the Authority contemporaneous with the execution of the installment payment agreement.

(2) The agreement shall require such customer to pay the remaining balance of the past due bill, and any other amounts such customer owes the Authority:

(A) No later than 90 days after the date of the execution of the agreement if such customer has a past due bill for electrical service that is over 120 days past due;

(B) No later than 30 days after the date of the execution of the agreement if such customer has a past due bill for electrical service that is under 120 days past due.

(C) No later than 5 years after the date of the execution of the agreement if such customer has a past due bill for a line extension or owes the Authority more than \$250,000.00 in past due bills for electrical service. However, the 5 year term shall only be for past due amounts for line extensions and customers who owe over \$250,000.00 in past due bills for electrical service.

(D) No later than 6 months after the date of the execution of the agreement for customer with past due amounts resulting from defective [through no fault or actions of the customer] under- billing meters. However, the 6-month term shall only be for past due amounts resulting from defective [through no fault or actions of the customer] under- billing meters.

## EXHIBIT B

(3) The agreement shall require such customer to pay a \$25 re-connection fee if such customer's electrical service has been disconnected prior to the execution of the installment payment agreement.

(4) The agreement shall require such customer to pay all costs, to include reasonable attorney's fees, the Authority may incur as a result of such customer breaching any term of the installment payment agreement.

(5) The agreement shall require such customer to pay all monthly bills and the installment payments when due during the term of the installment payment agreement.

(6) The agreement shall allow such customer to pre-pay any outstanding balance due under an installment payment agreement at any time during the term of the agreement without pre-payment penalty.

(7) The agreement shall require such customer to pay any deposits such customer owes the Authority and such deposit sum can be included in the installment payment amount. The agreement shall further require that any amounts the customer pays shall be deemed to be for the amount of the deposit first, and for a past due bill for electrical service and any other balances second.

(8) If the agreement is for a past due bill for a line extension or for a past due bill for electrical service over \$250,000.00, the agreement shall require such customer to pay interest at a rate equal to the interest rate for five-year U.S. Constant Maturity Treasury Bills as of the date the agreement was entered into. Said interest rate shall remain fixed through the entire term of the agreement. The applicable interest rate for installment agreements may be reviewed by the Authority from time to time and altered or revised upon the approval of the Public Utilities Commission.

(9) If customers have past due amounts for electrical services and line extensions, such customers shall be allowed to have separate installment payment agreements to pay off such amounts, i.e. they shall have an installment payment agreement for past due amounts on their line extensions, and an installment payment agreement for past due amounts for their electrical service.

(10) If the agreement is for installment payments for a past due bill for a line extension, the agreement shall provide that such customer shall not be entitled to any refunds, adjustments, or credits from other customers who subsequently use such line extensions for electrical service if the customer with a past due bill for the line extension failed to make the advance payment required by 28 G.A.R. §3139(b)(1), or a period of 5 years has expired from the date the Authority became ready to render service from the line extension.

## EXHIBIT B

(b) If the applicant or account holder is a Department, Agency, Public Corporation, or Instrumentality of the Executive, Legislative, or Judicial Branches of the Government of Guam, such government entity must provide the Authority with assurance of payment of the past due balance, that is the subject of the installment payment agreement, and current balances that will be owed during the term of the agreement. Such assurances shall be in the form of a certification by a certifying officer of the Government of Guam and be made in accordance with 4 G.C.A. §1401 et. seq., that states that such payments are available for the term of the installment payment agreement. Such certification can be made yearly if funding for the government entity is limited to 1 year, however, the Authority shall require such certification for each year during the term of the Agreement.

(c) The Authority shall not enter into an installment payment agreement if the applicant or account holder, to include the Executive, Legislative, and Judicial Branches of the Government of Guam, any of their respective Departments, Agencies, Public Corporations, and Instrumentalities, is unable to make the payments required under an installment payment agreement, or is not authorities to enter into such Agreement. The Authority shall require the following conditions to establish that a customer can make payments under an installment payment agreement:

(1) The customer shall not have filed bankruptcy for a period of 7 years prior to the customer's application for an installment payment agreement.

(2) The customer shall not have defaulted on a prior installment payment agreement with the Authority for a two year period prior to the customer's current application for an installment payment agreement.

(3) The customer shall provide proof of current employment with the customer's application for an installment payment agreement.

(4) The customer shall not have any record of meter tampering, connection of electrical service without a meter, unauthorized re-connection of electrical service after disconnection, theft of the Authority's property, or any other act that allows the Guam Power Authority to refuse or discontinue electrical service to the customer under 28 G.A.R. §3127.

(5) If the customer is the Executive, Legislative, or Judicial Branch of the Government of Guam, and/or any of their respective Departments, Agencies, Public Corporations, and Instrumentalities, pursuant to 4 G.C.A. §14101 et. seq., such customer's Certifying Officer shall certify that the funds required to make the payments under the agreement are available for the term of the agreement.

(6) If the customer is a partnership or corporation, the partnership or corporate representative shall provide proof that such representative is authorized to enter into the agreement and bind the partnership or corporation.

## **EXHIBIT B**

(d) The Authority shall have the exclusive option to determine the amount of monthly payments under any installment payment agreement. The Authority may permit uniform monthly payments over the term of the agreement if such payments are feasible, or the Authority may permit the customer to make unequal payments provided that such unequal payment amounts result in the customer paying off the past due bill within the term of the installment payment agreement.

(e) Breach: If an applicant or account holder breaches any term or condition of an installment payment agreement, the Guam Power Authority shall disconnect electric service 15 days after the date of such breach, unless the applicant or account holder cures such breach within 14 days after the date of such breach. There shall be no penalty for such breach if the applicant or account holder cures the breach within 14 days after the date of such breach.

### **§6 COLLECTION FROM CUSTOMERS WHO HAVE FILED FOR BANKRUPTCY.**

(a) In all cases where customer has filed bankruptcy, the Authority shall take all reasonable steps to preserve any pre-petition claims it has against such customer by properly filing the appropriate proof of claims with the Bankruptcy Court. The Authority shall make a reasonable effort to collect any pre-Bankruptcy Petition past due bills such customer owes the Authority in the Bankruptcy Court Proceedings.

(b) In all cases where a customer has filed for bankruptcy, the Authority shall require that such customer make a deposit equal to two months of such customer's average electrical consumption no later than 20 working days after such customer files the Bankruptcy Petition, in accordance with 11 U.S.C.A. §366(b). The Authority shall require this deposit as adequate assurance of the customer's payment for such customer's post-Bankruptcy Petition electrical service.

(c) The authority shall disconnect electrical service for all customers who have filed for Bankruptcy and who have failed to pay the deposit within the 20 day time period required in §6(b) above.

(d) The Authority shall require all customers who had their electrical service disconnected under the provisions of §6(c) above, to pay the deposit required by §6(b) above, plus a \$25 re-connection fee, plus any past due bill for such customer's post-Bankruptcy Petition electrical service, before re-connecting such customer's electrical service.

(e) The Authority shall disconnect electrical service for all customers who have filed for Bankruptcy that have past due bills for their post-Bankruptcy Petition electrical service in accordance with this Collection Policy and the Authority's Service Rules and Regulations.

### **§7 COLLECTION FROM CUSTOMERS WHO ARE DECEASED.**

(a) In all cases where customers become deceased, the Authority shall take all reasonable steps to preserve any claims it has against such customers for any past due bills such customers owe the Authority, by properly filing the appropriate claims against such customer's estate with the Probate Court. The Authority shall make a reasonable effort to collect any past due bills such customers owe the Authority in any Probate Court Proceedings.

## **EXHIBIT B**

### **§8 REPORTING REQUIREMENTS.**

(a) The Guam Power Authority shall make quarterly reports informing the Public Utilities Commission of the following:

(1) All customer accounts or incidents, that the Authority is aware of, where the Authority did not follow this policy and the reasons why.

(2) All customer accounts with past due balances of \$100 or less, that the Authority exercised its discretion, pursuant to §2(g)(2) of this policy, to not to file a suit in the Superior Court of Guam to collect past due bills.

(3) All customer accounts that the Authority filed a suit in Superior Court to collect past due balances and, pursuant to the discretion granted in §2(g)(3), the Authority settled for an amount less than the full amount of the customer's unpaid bill.

(4) Any amounts written off for any past due bills that the Authority does not pursue through litigation pursuant to §2(g)(2) of this policy, any amounts equal to the difference between the settlement amount and the amount claimed in a suit filed in Superior Court from litigation settlements made pursuant to §2(g)(3) of this policy.

(5) Any amounts written off for any past due bill for \$100 or less pursuant to §2(h) of this policy.