

12 GCA AUTONOMOUS AGENCIES
CH. 13 PUBLIC UTILITIES FAIR PRACTICES ACT

CHAPTER 13
PUBLIC UTILITIES FAIR PRACTICES ACT

- § 13101. Short Title.
- § 13102. Definitions.
- § 13103. Complaints.
- § 13104. Appeal From Agency Action.
- § 13105. Appeals: Commission Rules.

§ 13101. Short Title.

This Chapter may be cited as the *Public Utilities Fair Practices Act*.

SOURCE: Enacted as GC §21150 by P.L. 14-030 (May 31, 1977).

§ 13102. Definitions.

As used in this Chapter:

(1) *Customer* means a person standing in contractual relationship with the Guam Waterworks Authority or the Guam Power Authority whereby said contract calls for the respective agency to supply the customer with water or power, respectively.

(2) *Agency* means the Guam Waterworks Authority and the Guam Power Authority, as may appear from the context.

(3) *Commission* means the Public Utilities Commission.

(4) *Customer complaint* means the complaint filed with an agency detailing reasons why a customer believes an agency billing is erroneous or an agency action is harmful to him.

(5) *Agency statement* means a written statement prepared by the agency involved responding to a customer complaint.

(6) *Deposit payment* means a cash payment to be made at the time a customer complaint is filed. The deposit payment shall not exceed an amount equal to the average of three (3) months' billing prior to the time that the dispute arose.

SOURCE: Enacted as GC §21151 by P.L. 14-030 (May 31, 1977). Subsection (3) repealed/reenacted by P.L. 16-049:7 (Dec. 2, 1981); P.L. 20-031:1 (June 29, 1989); P.L. 20-066:1 (Sept. 14, 1989). Subsection (d) repealed/reenacted by P.L. 16-049:7 (Dec. 2, 1981). Subsections (1) and (2) repealed and reenacted by P.L. 27-110:11 (Nov. 1, 2004). Subsection (6) amended by P.L. 36-099:2 (May 13, 2022).

**12 GCA AUTONOMOUS AGENCIES
CH. 13 PUBLIC UTILITIES FAIR PRACTICES ACT**

§ 13103. Complaints.

A customer who in good faith believes that he has been incorrectly billed for services by an agency or harmed by another action of the agency except a rate increase, may submit a customer complaint to the agency involved. Upon receipt of the customer complaint, and the deposit payment in the case of a billing dispute, the agency shall investigate the matters raised in the customer complaint. The agency shall forthwith furnish the customer with a statement indicating the right of appeal provided by § 13104 of this Chapter. Within thirty (30) days, the agency shall respond to the customer as to its findings with respect to the complaint. If required, the agency shall make an adjustment of account, including a credit for or return of any deposit payment or portion thereof made towards the amount disputed if the agency statement indicates an adjustment is due a customer. However, if the agency indicates that the dispute should be resolved in favor of the agency, and it is a billing dispute, the agency shall charge the customer's account the amount due less any deposit payments made towards the disputed amount and may offer a payment plan. If the agency determines that one of its actions has harmed the customer, then it shall pay to the customer liquidated damages, if any, for such action. Disconnection or termination of services shall not be undertaken by the agency with respect to the disputed amount until the expiration of thirty (30) days from the date the statement required by this Section shall be mailed to the customer.

SOURCE: Enacted as GC §21152 by P.L. 14-030 (May 31, 1977).
Repealed/reenacted by P.L. 16-049:8 (Dec. 2, 1981). Amended by P.L. 36-099:3 (May 13, 2022).

§ 13104. Appeal From Agency Action.

(a) If an agency statement is adverse to a customer, the customer may file an appeal with the Commission within thirty (30) days of the issuance of the agency statement. The Commission shall have jurisdiction to resolve the dispute. During the pendency of said appeal, no action adverse to the customer with respect to the disputed amount may be undertaken. An appeal pursuant to this Section shall operate as a stay.

(b) If the agency's determination is reversed by the Commission, then the Commission shall require the agency to make an

12 GCA AUTONOMOUS AGENCIES
CH. 13 PUBLIC UTILITIES FAIR PRACTICES ACT

adjustment of account, including a credit, return of any deposit payment or a portion thereof. The remedies contained in this section are not exclusive, and the customer may, at the customer's sole option, proceed under this Section, proceed pursuant to Article 2 of Chapter 4, Title 7, Guam Code Annotated, or may pursue any other remedies available.

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

SOURCE: Enacted as GC §21153 by P.L. 14-030 (May 31, 1977). Amended by P.L. 16-049:9 (Dec. 2, 1981); P.L. 20-031:3 (June 29, 1989); P.L. 20-066:2 (Sept. 14, 1989). Amended by P.L. 36-099:4 (May 13, 2022).

§ 13105. Appeals: Commission Rules.

The Commission shall promulgate rules and regulations for entertaining the appeals provided by § 13104 of this Chapter.

SOURCE: Enacted as GC §21154 by P.L. 14:030 (May 31, 1977). Amended by P.L. 16-049:10 (Dec. 2, 1981); P.L. 20-031:2 (June 29, 1989).
