

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

**CHAPTER 13**  
**PUBLIC UTILITIES FAIR PRACTICES ACT**

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**§ 13101. Short Title.**

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

**SOURCE:** Enacted as GC §21150 by P.L. 14-30 (5/31/1977).

**§ 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* means a cash deposit to be made at the time a customer complaint is filed. The deposit shall be in an amount equal to the amount of a disputed billing provided that the deposit 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. 14-30. Subsection (3) repealed/reenacted by P.L. 16-49:7; 20-31:1; 20-66:1. Subsection (d) repealed/reenacted by P.L. 16-49:7. Subsections (1) and (2) repealed and reenacted by P.L. 27-110:11.

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**§ 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 proper deposit, 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 §21153. 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 or part of deposit and interest at the rate of nine percent (9%) per annum 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, then if it is a billing dispute, the customer's account shall be charged an additional amount equal to the amount of interest payable at the rate of nine percent (9%) per annum on the disputed amount during the time of pendency of the investigation. The deposit shall be deemed paid over to the agency. If the agency determines that one of its actions has harmed the customer, then it shall pay to the customer liquidated damages for such action and interest at the rate of nine percent (9%) from the time the complaint was made with the agency to its resolution. 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. 14-30. Repealed/reenacted by P.L. 16-49:8.

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

(a) If an agency statement is adverse to a customer, the customer may within thirty (30) days of the issuance of the agency statement take appeal to the Commission which 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. The taking of appeal pursuant to this section shall operate as a stay. The deposit shall remain in escrow until resolution of the appeal.

(b) If the agency's determination is reversed by the Commission, then the Commission shall award reasonable attorney's fees to the

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customer and costs. The remedies contained in this section are not exclusive, and the customer may, at the customer's sole option, proceed under this section, under Section 100 of Chapter III-B of Title I of the Guam Code of Civil Procedure, 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. 14-30. Amended by P.L. 16-49:9; 20-31:3; 20-66:2.

**§ 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. 14:30. Amended by P.L. 16-49:10; 20-31:2.

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