

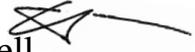
I Mina'trentai Sais Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
9-36 (COR)	Clynton E. Ridgell	AN ACT TO AMEND § 12127 AND TO REPEAL § 12128 OF CHAPTER 12, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO BACK BILLING CUSTOMERS OF THE GUAM WATERWORKS AUTHORITY AND THE GUAM POWER AUTHORITY DUE TO FAULTY METERS OR PREVIOUS BILLING ERRORS.	1/4/21 4:57 p.m.						

I MINA 'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 9-36 (COR)

Introduced by:

Clynton E. Ridgell 

**AN ACT TO AMEND § 12127 AND TO REPEAL § 12128
OF CHAPTER 12, TITLE 12, GUAM CODE
ANNOTATED, RELATIVE TO BACK BILLING
CUSTOMERS OF THE GUAM WATERWORKS
AUTHORITY AND THE GUAM POWER AUTHORITY
DUE TO FAULTY METERS OR PREVIOUS BILLING
ERRORS.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that as the cost of living continues to increase significantly and as the island's economy recovers from the effects of the COVID-19 pandemic, utility ratepayers already struggle with existing law that allows utilities to back bill customers for up to four billing cycles based on estimates of up to two months of subsequent consumption as a result of faulty meters. *I Liheslatura* further finds that one out of every four power meters fails to record consumption accurately, and the water utility has previously reported that approximately 1,400 back bills have been issued to its customers.

I Liheslatura intends to provide relief to customers by repealing Back Billing and further intends to prohibit utilities from billing customer consumption based upon estimated usage for up to two subsequent months of consumption.

1 **Section 2.** § 12127 of Chapter 12, Title 12, Guam Code Annotated, is
2 *amended* to read:

3 **“§ 12127. Estimated Billings.**

4 ~~Except as provided in § 12128 of this title neither~~ Neither the Guam
5 Waterworks Authority nor the Guam Power Authority may bill consumers for
6 consumption based upon estimated usage.

7 (a) All bills shall be rendered only upon actual readings taken within no more
8 than seventy (70) days of the billing, provided, that regular bills are sent at
9 approximately thirty (30) day intervals, and further provided that effective July 1,
10 1994, all meters shall be read at least every forty (40) days unless the Public Utilities
11 Commission (PUC) has approved a billing plan to read the meters approximately
12 every two (2) months and estimate every other bill.

13 (b) All estimated bills shall clearly reflect that they are based on estimated
14 readings. After July 1, 1994, all estimated billings permitted pursuant to this section
15 ~~and § 12128, Title 12, Guam Code Annotated,~~ shall be allowed only if the PUC has
16 approved a comprehensive billing plan permitting estimated readings as permitted
17 by said sections, and has established a formula for determining the estimated bills
18 and has established a formula to ensure that all under- and over-estimated bills be
19 fully adjusted for actual usage at the next subsequent billing based on actual usage.

20 (c) If a utility fails to read a meter for more than seventy (70) days, it can only
21 charge the customer for actual usage based upon consumption between the dates of
22 a new actual reading of the customer’s meter and a subsequent timely reading to
23 determine actual usage, and subsequent timely readings thereafter.

24 (d) In the event of a natural disaster such as a typhoon, earthquake, tidal wave
25 or other natural disaster or unusual circumstances, the Governor may by executive
26 order, extend this seventy-(70) day period for readings of the utility in question, up
27 to a period of one hundred twenty (120) days, in increments of fifteen (15) days at a

1 time, with any subsequent orders signed at least three (3) days after the previous
2 order, which orders may not cumulatively extend the time for billing beyond a total
3 of one hundred twenty (120) days from the date of the last billing. This section shall
4 not apply in any case where the utility proves that there was fraud or tampering with
5 the meter in question on the part of the consumer or by an agent or employee of the
6 consumer, or where there is proof of fraud, collusion or conspiracy by the consumer
7 to pay less than the proper charges to the utility concerned.

8 If the meter in question is inaccessible to the utility’s meter readers as a result
9 of the fault of the consumer, and the consumer has been notified in writing of such
10 inaccessibility, then this section shall not apply and the utility can make estimated
11 billings until the meter is accessible.”

12 **Section 3.** § 12128 of Chapter 12, Title 12, Guam Code Annotated, is
13 *repealed* in its entirety:

14 “~~§ 12128. Back Billing.~~

15 ~~Neither the Guam Waterworks Authority nor the Guam Power Authority~~
16 ~~("GPA") may back bill customers for additional consumption of water, sewer, or~~
17 ~~electric power due to faulty meters or previous billing errors, except as provided in~~
18 ~~this section.~~

19 ~~(a) In cases of non-functioning or defective meters, GPA and Guam~~
20 ~~Waterworks Authority are prohibited from back billing customers for additional~~
21 ~~consumption of water and power based upon estimated usage except for back billing~~
22 ~~not exceeding the four billing cycles of approximately thirty (30) days each~~
23 ~~immediately preceding the discovery by such utility of the error, and not to exceed~~
24 ~~four (4) months, for the reasonably estimated usage for such cycles, using reasonable~~
25 ~~estimates based upon subsequent actual average daily consumption by the consumer~~
26 ~~over a two (2) month period, or other formula, with any such other formula to~~
27 ~~approved by the Public Utilities Commission.~~

1 ~~(b) In cases of other billing errors or omissions GPA and Guam Waterworks~~
2 ~~Authority are prohibited from back billing customers for additional consumption of~~
3 ~~water, sewer and power except for back billing not exceeding the four billing cycles~~
4 ~~of approximately thirty (30) days each immediately preceding the discovery by such~~
5 ~~utility of the error, and not to exceed four (4) months.~~

6 ~~(c) The time limitations of this section shall not apply in any case where a~~
7 ~~meter is shown by the utility to have been damaged or to be unavailable to be read~~
8 ~~as a result of actions or negligence of the consumer, where there is active fraud or~~
9 ~~tampering with the meters in question on the part of the consumer or by an agent or~~
10 ~~employee of the consumer, or where there is proof of fraud, collusion or conspiracy~~
11 ~~by the consumer to pay less than the proper charges for water, sewer or power.~~

12 ~~For purposes of this Section, the burden of proof shall be on the utility by clear~~
13 ~~and convincing evidence that the meters were actually read.”~~

14 **Section 4. Effective Date.** This Act shall become effective upon enactment.

15 **Section 5.** *I Liheslaturan Guåhan* authorizes the Guam Compiler of Laws
16 to delete all references to § 12128 of Chapter 12, Title 12, Guam Code Annotated.

17 **Section 6. Severability.** If any provision of this Act or its application to any
18 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*
19 *not* affect other provisions or applications of this Act that can be given effect without
20 the invalid provision or application, and to this end the provisions of this Act are
21 severable.