

*I Mina'trentai Singko 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
188-35 (COR)	Clynton E. Ridgell	AN ACT TO REPEAL § 12128, CHAPTER 12, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO BACK BILLING.	8/1/19 4:40 p.m.						

*I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN*  
2019 (FIRST) Regular Session

Bill No. 188 -35 (COR)

Introduced by:

Clynton E. Ridgell



**AN ACT TO REPEAL § 12128, CHAPTER 12, TITLE 12,  
GUAM CODE ANNOTATED, RELATIVE TO BACK  
BILLING.**

**BE IT ENACTED BY THE PEOPLE OF GUAM:**

**Section 1.** § 12128, Chapter 12, Title 12, Guam Code Annotated, is hereby repealed in its entirety:

**§ 12128. Back Billing.**

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

~~(a) — In cases of non-functioning or defective meters, GPA and Guam Waterworks Authority are prohibited from back billing customers for additional consumption of water and power based upon estimated usage except for back billing not exceeding the four billing cycles of approximately thirty (30) days each immediately preceding the discovery by such utility of the error, and not to exceed four (4) months, for the reasonably estimated usage for such cycles, using reasonable estimates based upon subsequent actual average daily consumption by the consumer of a two (2) month period,~~

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1 ~~or other formula, with any such other formula to approved by the Public~~  
2 ~~Utilities Commission.~~

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

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

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

18 **Section 2.** § 12127, Chapter 12, Title 12, Guam Code Annotated, is hereby  
19 amended to read:

20 **“§ 12127. Estimated Billings.**

21 ~~Except as provided in § 12128 of this title n~~ Neither the Guam  
22 Waterworks Authority nor the Guam Power Authority may bill consumers for  
23 consumption based upon estimated usage.”

24 **Section 3.** § 12127(b), Chapter 12, Title 12, Guam Code Annotated, is  
25 amended to read:

26 “(b) All estimated bills shall clearly reflect that they are based on  
27 estimated readings. After July 1, 1994, all estimated billings permitted

1           pursuant to this section and ~~§ 12128, Title 12, Guam Code Annotated~~, shall  
2           be allowed only if the PUC has approved a comprehensive billing plan  
3           permitting estimated readings as permitted by said sections, and has  
4           established a formula for determining the estimated bills and has established  
5           a formula to ensure that all under- and over-estimated bills be fully adjusted  
6           for actual usage at the next subsequent billing based on actual usage.

7           **Section 4. Effective Date.** This Act *shall* become effective immediately  
8           upon enactment.

9           **Section 5.** *I Liheslaturan Guåhan* hereby authorizes the Guam Compiler of  
10          Laws to delete all references to 12 GCA § 12128.

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