

*I Mina'trentai Siette Na Liheslaturan Guåhan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
142-37 (COR)	William A. Parkinson	AN ACT TO AMEND § 8502(c)(2)(B) OF ARTICLE 5, CHAPTER 8, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO NET METERING.	6/22/23 11:18 a.m.	6/23/23	Committee on Fire, Agriculture, Power and Energy Utilities, Public Transit, Unemployment Insurance and Universal Health Insurance	Request: 6/23/23  7/3/23	9/7/23 9:00 a.m.	11/9/23 11:41 a.m.	As Amended by the Committee on Fire, Agriculture, Power and Energy Utilities, Public Transit, Unemployment Insurance and Universal Health Insurance



# Senator William A. Parkinson

Chairperson, Committee on Fire, Agriculture, Power and Energy Utilities, Public Transit, Unemployment Insurance and Universal Health Insurance

November 08, 2023

**The Honorable Therese M. Terlaje**  
**Speaker**

*I Mina'trentai Siette na Liheslaturan Guåhan*  
Guam Congress Building  
163 Chalan Santo Papa  
*Hagåtña*, Guam 96910

VIA: **The Honorable Chris Barnett, Senator** *DUB*  
Chairperson, Committee on Rules

RE: **Committee Report on Bill No. 142-37 (COR), As Amended**

*Buenas yan Háfa adai*, Speaker Terlaje

Transmitted herewith is the Committee Report on **Bill No.142-37(COR), As Amended by the Committee of Fire, Agriculture, Power and Energy Utilities, Public Transit, Unemployment Insurance and Universal Health Insurance**—Introduced by William A. Parkinson- **“AN ACT TO AMEND § 8502(c)(2)(B) OF ARTICLE 5, CHAPTER 8, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO NET METERING.”**

Committee votes are as follows:

<u>  3  </u>	TO DO PASS
<u>     </u>	TO NOT PASS
<u>  3  </u>	TO REPORT OUT ONLY
<u>     </u>	TO ABSTAIN
<u>     </u>	TO PLACE IN INACTIVE FILE

Sincerely,

Senator William A. Parkinson  
Chairperson,



COMMITTEE ON RULES

Received:

November 8, 2023 10:36 a.m.

*Beatrice Cruz*



# **Senator William A. Parkinson**

*Chairperson, Committee on Fire, Agriculture, Power and Energy Utilities, Public Transit, Unemployment Insurance and Universal Health Insurance*

## **COMMITTEE REPORT**

### **Bill No. 142-37 (COR)**

As amended by the Committee on Fire, Agriculture, Power and Energy Utilities, Public Transit, Unemployment Insurance and Universal Health Insurance

Introduced by: William A. Parkinson

**“AN ACT TO AMEND § 8502(c)(2)(B) OF ARTICLE 5, CHAPTER 8, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO NET METERING.”**




# Senator William A. Parkinson

Chairperson, Committee on Fire, Agriculture, Power and Energy Utilities, Public Transit, Unemployment Insurance and Universal Health Insurance

November 08, 2023

## MEMORANDUM:

**TO:** All Members  
Committee on Fire, Agriculture, Power and Energy Utilities, Public Transit, Unemployment Insurance and Universal Health Insurance

**FROM:** Senator William A. Parkinson   
Committee Chairperson

**SUBJECT:** Committee Report on Bill No. 142-37 (COR), As Amended

Transmitted herewith for your consideration is the Committee Report on **Bill No. 142-37 (COR)** – As Amended by the committee of Fire, Agriculture, Power and Energy Utilities, Public Transit, Unemployment Insurance and Universal Health Insurance “**AN ACT TO AMEND § 8502(c)(2)(B) OF ARTICLE 5, CHAPTER 8, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO NET METERING.**”

This report includes the following:

- Copy of COR Referral of Bill No. 142-37 (COR)
- Notice of Public Hearing
- Public Hearing Agenda
- Public Hearing Sign-in Sheet
- Written Testimonies and Additional Documents
- Committee Vote Sheet and E-mails
- Committee Report Digest
- Copy of Bill No. 142-37 (COR), As Introduced
- **Bill No. 142-37 (COR)**, As amended by the Committee
- Copy of Bill No. 142-37 (COR)- Mark-up Version
- Copy of Fiscal Note from the Bureau of Budget & Management Research

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

*Si Yu'os ma'åse'!*





## COMMITTEE ON RULES

Senator Chris Barnett, Chairperson  
*I Mina'trentai Siette Na Liheslaturan Guåhan*  
37<sup>th</sup> Guam Legislature

June 23, 2023

**To:** **Joaquin P. Taitague**  
Substitute Clerk of the Legislature

**Attorney Darleen Hiton**  
Legislative Legal Counsel

**From:** **Senator Chris Barnett**   
Chairperson, Committee on Rules

**Subject:** **Referral of Bill No. 142-37 (COR)**

---

*Håfa Adai yan Biba Guåhan!*

As per my authority as Chairperson of the Committee on Rules and subject to §6.01(d)(1), Rule VI of our Standing Rules, I am forwarding the referral of **Bill No. 142-37 (COR)** – William A. Parkinson. – “AN ACT TO AMEND § 8502(c)(2)(B) OF ARTICLE 5, CHAPTER 8, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO NET METERING.”

Please ensure that the subject bill is referred to the Committee on Fire, Agriculture, Power and Energy Utilities, Public Transit, Unemployment Insurance and Universal Health Insurance chaired by Senator William A. Parkinson. I also request that the same be forwarded to the Prime Sponsor of the subject bill and to Management Information Services (MIS) for posting on our website.

A copy of the bill is available on our legislative website <https://guamlegislature.com/index/bills/>.

Should you have any questions or concerns, please feel free to contact Kamarin J. A. Nelson, Committee on Rules Director at 671-472-2461.





# Senator William A. Parkinson

Chairperson, Committee on Fire, Agriculture, Power and Energy Utilities, Public Transit, Unemployment Insurance and Universal Health Insurance

August 30, 2023

## MEMORANDUM

**TO: All Honorable Senators, Stakeholders and Media**

**FROM: Senator William A. Parkinson**

**SUBJECT: FIRST NOTICE OF PUBLIC HEARINGS, Thursday – September 07, 2023 beginning at 8:00 a.m.**

*Håfa Adai!*

The Committee on Fire, Agriculture, Power and Energy Utilities, Public Transit, Unemployment Insurance, and Universal Health Insurance will conduct a public hearing on **Thursday - September 07, 2023 at 8:00 a.m.** at the Public Hearing Room in the Guam Congress Building. The committee will hear and accept testimonies on the following item:

### **AGENDA for 8: 00 to 9:00 a.m.**

- **OVERSIGHT HEARING ON Department of Agriculture:**

- I. Update on Crop Loss Compensation Program (CLCP).

### **AGENDA for 9: 00 to 12:00 p.m.**

- **PUBLIC HEARING on the following Bills.**

- I. **Bill No. 54-37 (COR)** - William A. Parkinson, Joanne M. Brown, Dwayne T.D. San Nicolas. – “AN ACT TO AMEND ARTICLE 1 OF CHAPTER 63 TITLE 5 GUAM CODE ANNOTATED RELATIVE TO GAME AND FISH REGULATIONS, PROTECTING OUR MARINE PRESERVES AND STANDARDIZING PENALTIES FOR VIOLATIONS OF GAME AND FISH STATUTES AND THE ADJUDICATION PROCESS THEREOF.”
  - II. **Bill No. 142-37 (COR)** – William A. Parkinson. – “AN ACT TO AMEND § 8502(c)(2)(B) OF ARTICLE 5, CHAPTER 8, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO NET METERING.”



# Senator William A. Parkinson

Chairperson, Committee on Fire, Agriculture, Power and Energy Utilities, Public Transit, Unemployment Insurance and Universal Health Insurance

- III. **Bill No. 147- 37 (COR)** - William A. Parkinson, Tina Rose Muña Barnes, Dwayne T.D. San Nicolas. – “AN ACT TO ADD A NEW ARTICLE 7 TO CHAPTER 8 DIVISION 1 OF TITLE 12 GUAM CODE ANNOTATED, RELATIVE TO CERTIFICATION OF ELECTRICAL REPAIRS TO WEATHERHEADS BY GPA AFTER A NATURAL DISASTER.”
- IV. **Bill No. 66-37 (COR)** – William A. Parkinson, Roy Anthony Benavente Quinata. – “AN ACT TO REPEAL ARTICLE 14, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO REMOVING GUAM PROCUREMENT ADVISORY COUNCIL.”
- V. **Bill No. 68-37 (COR)** - William A. Parkinson, Roy Anthony Benavente Quinata – “AN ACT TO REPEAL § 1309 OF ARTICLE 3, CHAPTER 1, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO REMOVING THE GUAM WORKFORCE INVESTMENT BOARD.”

If you have any questions, please do not hesitate to contact the Office of Senator William A. Parkinson via electronic mail at [senatorparkinson@guamlegislature.org](mailto:senatorparkinson@guamlegislature.org) or call 671-989-1101 no later than **September 06, 2023** for guidance.

In compliance with the Americans with Disabilities Act (ADA), individuals requiring assistance or accommodations should contact the Office of Senator William A. Parkinson at 671-989-1101 or email at [senatorparkinson@guamlegislature.org](mailto:senatorparkinson@guamlegislature.org) .

The hearing will be broadcast on local television, GTA Channel 21, Docomo Channel 117, and stream online via *I Liheslaturan Guåhan's* live feed on YouTube <https://www.youtube.com/@GuamLegislatureMedia>. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing.

We are looking forward to your participation!

Respectfully,

Senator William A. Parkinson  
Chairperson

**OBITUARIES**

**JULIA BABAUTA GARRIDO**

Julia "Julie" Babauta Garrido, of Hågat, passed away in Pleasanton, California at the age of 68. Cremation was held at Lima Family Milpitas-Fremont Mortuary, Warm Springs Boulevard, Fremont, California. She will be laid to rest in Klamath, Oregon.



**ANTONITA OGO REYES**

Antonita Ogo "Lisa" Reyes, of Hågat, passed away May 8 at the age of 67. Memorial Service will be held from 9-11 a.m., followed by Mass at noon Sept. 23 at Our Lady of Mount Carmel Catholic Church, Hågat. Interment of Ashes to follow at Hågat Cemetery.



**MARSELINO YSAOL**

Marselino Ysaol, of Dededo, formerly of Palau, died at the age of 60. Last respects will be held from 2-4 p.m. Sept. 7 at Ada's Mortuary. Cremation will follow.



**ITCHOR AMORA FELISAN**

Itchor "Erting"/"Cho" Amora Felisan, of Yigo, passed away Aug. 23 at the age of 77. Rosaries will be held at 7:30 nightly at the family residence: 164 Chalan Tun Jose Takano, Yigo. Last respects will be held from 10-11:30 a.m. Sept. 9 at the upper level of Santa Barbara Catholic Church, Dededo. Mass of Christian Burial will be held at noon. Interment will follow at Guam Memorial Park, Leyang, Barrigada.



**THOMAS FRANCIS GUZMAN BORJA**

Thomas Francis "TJ" Guzman Borja, of Santa Rita-Sumai, passed away Aug. 29 at the age of 62. Mass of Intention is being offered at 6:30 a.m. from weekdays except Thursday, at 5 p.m. Saturday and at 8 a.m. Sunday at Our Lady of Guadalupe Church, Santa Rita. Viewing and last respects may be paid Sept. 8 from 9-11:30 a.m. followed by Mass of Christian Burial at noon at



Our Lady of Guadalupe Church. Interment services will immediately follow at Our Lady of Peace Memorial Gardens, Windward Hills, Yona.

**MARINA DE GUZMAN MANDILAG**

Marina De Guzman Mandilag passed away Aug. 7 at the age of 83. Last respects will be held from 10-11:30 a.m. Sept. 6 at Ada's Mortuary, Sinajana. Cremation service will follow.



**RAYMOND QUINATA GOFIGAN**

Raymond Quinata Gofigan, of Humatak, passed away Aug. 19 at the age of 73. Viewing and last respects may be paid from 9-11:30 a.m. Sept. 2 followed by Mass of Christian Burial at noon at San Dionisio Catholic Church, Humatak. Private cremation service will be held at Our Lady of Peace Chapel and Crematorium, Windward Hills, Yona.



**DOMINADOR C. SALDUA**

Dominador "Domeng" C. Saldua, of Dededo, passed away Aug. 23 at the age of 69. Viewing and last respects may be paid from 10:30 a.m.-2 p.m. Sept. 2 at Our Lady of Peace Funeral Home, Barrigada. Cremation service will follow immediately at Our Lady of Peace Crematorium, Windward Hills, Yona.



**ANNIE LOIS SANTOS**

Annie Lois Santos, of Agana Heights, passed away Aug. 9 at the age of 63. Last respects will be held from 9-11:30 a.m. Sept. 2 at Ada's Mortuary, Sinajana. Mass will be celebrated at noon at Our Lady of the Blessed Sacrament Catholic Church, Agana Heights. Interment to follow at Guam Memorial Park, Barrigada.



**THE LAW OFFICES OF PHILLIPS & BORDALLO**

A Professional Corporation  
410 West O'Brien Drive, Ste. 102  
Hagåtña, Guam 96910-5044  
Telephone: (671) 477-ABCD (2223)  
Fax: (671) 477-2FAX (2329)  
"I Erensia, Lina'la, Espiritu-ta"

**IN THE SUPERIOR COURT OF GUAM**

**IN THE MATTER OF THE ESTATE OF MARIA TAISIPIC IRIARTE, Deceased.**

**PROBATE CASE NO. PRO102-23  
NOTICE TO CREDITORS:**

NOTICE IS HEREBY GIVEN by the undersigned, Sabrina Iriarte Tajeron, Administratrix of the ESTATE OF MARIA TAISIPIC IRIARTE, deceased, to the creditors of, and all persons having claims against the deceased, that within sixty (60) days after the date of the first publication of this Notice, they either file their claims with the necessary vouchers at the place of business of DARLEEN E. HITON, ESQ., at the Law Offices of Phillips & Bordallo P.C., 410 West O'Brien Drive, Hagåtña, Guam 96910.

Dated the 16th day of August, 2023

/s/SABINA IRIARTE TAJERON



**Senator William A. Parkinson**

Chairperson, Committee on Fire, Agriculture, Power and Energy Utilities, Public Transit, Unemployment Insurance and Universal Health Insurance

**FIRST NOTICE OF PUBLIC HEARINGS on**

Thursday - September 07, 2023 beginning at 8:00 a.m.  
Guam Congress Building, Public Hearing Room.

The committee will hear and accept testimonies on the following item:

**AGENDA for 8: 00 to 9:00 a.m.**

• **OVERSIGHT HEARING ON Department of Agriculture:**

- I. Stand by Generators for Water Wells and Resiliency of Infrastructure.

**AGENDA for 9: 00 to 12:00 p.m.**

• **PUBLIC HEARING on the following Bills.**

- I. **Bill No. 54-37 (COR)** - William A. Parkinson, Joanne M. Brown, Dwayne T.D. San Nicolas. - "AN ACT TO AMEND ARTICLE 1 OF CHAPTER 63 TITLE 5 GUAM CODE ANNOTATED RELATIVE TO GAME AND FISH REGULATIONS, PROTECTING OUR MARINE PRESERVES AND STANDARDIZING PENALTIES FOR VIOLATIONS OF GAME AND FISH STATUTES AND THE ADJUDICATION PROCESS THEREOF."
- II. **Bill No. 142-37 (COR)** - William A. Parkinson. - "AN ACT TO AMEND § 8502(c)(2)(B) OF ARTICLE 5, CHAPTER 8, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO NET METERING."
- III. **Bill No. 147-37 (COR)** - William A. Parkinson, Tina Rose Muña Barnes, Dwayne T.D. San Nicolas. - "AN ACT TO ADD A NEW ARTICLE 7 TO CHAPTER 8 DIVISION 1 OF TITLE 12 GUAM CODE ANNOTATED, RELATIVE TO CERTIFICATION OF ELECTRICAL REPAIRS TO WEATHERHEADS BY GPA AFTER A NATURAL DISASTER."
- IV. **Bill No. 66-37 (COR)** - William A. Parkinson, Roy Anthony Benavente Quinata. - "AN ACT TO REPEAL ARTICLE 14, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO REMOVING GUAM PROCUREMENT ADVISORY COUNCIL."
- V. **Bill No. 68-37 (COR)** - William A. Parkinson, Roy Anthony Benavente Quinata - "AN ACT TO REPEAL § 1309 OF ARTICLE 3, CHAPTER 1, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO REMOVING THE GUAM WORKFORCE INVESTMENT BOARD."

If you have any questions, please do not hesitate to contact the Office of Senator William A. Parkinson via electronic mail at [senatorparkinson@guamlegislature.org](mailto:senatorparkinson@guamlegislature.org) or call 671-989-1101 no later than September 06, 2023 for guidance.

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email at [senatorparkinson@guamlegislature.org](mailto:senatorparkinson@guamlegislature.org).

The hearing will be broadcast on local television, GTA Channel 21, Docomo Channel 117, and stream online via I Liheslaturan Guåhan's live feed on YouTube <https://www.youtube.com/@GuamLegislatureMedia>.

A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing.

We are looking forward to your participation!

*This ad is paid for by Legislature funds.*

Suite 906, DNA Building, 238 Archbishop FC Flores St, Hagåtña, 96910, Guam  
Phone number (671)989-1101 or via email: [senatorparkinson@guamlegislature.org](mailto:senatorparkinson@guamlegislature.org)

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Senator Will Parkinson &lt;senatorparkinson@guamlegislature.org&gt;

**FIRST NOTICE OF PUBLIC HEARINGS, Thursday – September 07, 2023 beginning at 8:00 a.m.**

2 messages

Senator Will Parkinson &lt;senatorparkinson@guamlegislature.org&gt;

Wed, Aug 30, 2023 at 11:05 AM

To: phnotice@guamlegislature.org

Cc: Audio / Video &lt;av@guamlegislature.org&gt;, Ed Pocaigue &lt;sgtarms@guamlegislature.org&gt;, mis@guamlegislature.org

Bcc: Senator Will Parkinson &lt;senatorparkinson@guamlegislature.org&gt;

August 30, 2023

**MEMORANDUM****TO: All Honorable Senators, Stakeholders and Media****FROM: Senator William A. Parkinson****SUBJECT: FIRST NOTICE OF PUBLIC HEARINGS, Thursday – September 07, 2023 beginning at 8:00 a.m.***Håfa Adai!*

The Committee on *Fire, Agriculture, Power and Energy Utilities, Public Transit, Unemployment Insurance, and Universal Health Insurance* will conduct a public hearing on **Thursday - September 07, 2023 at 8:00 a.m.** at the Public Hearing Room in the Guam Congress Building. The committee will hear and accept testimonies on the following item:

**AGENDA for 8: 00 to 9:00 a.m.****▪ OVERSIGHT HEARING ON Department of Agriculture:**

I. Update on Crop Loss Compensation Program (CLCP).

**AGENDA for 9: 00 to 12:00 p.m.****▪ PUBLIC HEARING on the following Bills.**

I. **Bill No. 54-37 (COR)** - William A. Parkinson, Joanne M. Brown, Dwayne T.D. San Nicolas. – “AN ACT TO AMEND ARTICLE 1 OF CHAPTER 63 TITLE 5 GUAM CODE ANNOTATED RELATIVE TO GAME AND FISH REGULATIONS, PROTECTING OUR MARINE PRESERVES AND STANDARDIZING PENALTIES FOR VIOLATIONS OF GAME AND FISH STATUTES AND THE ADJUDICATION PROCESS THEREOF.”

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**V. Bill No. 68-37 (COR)** - William A. Parkinson, Roy Anthony Benavente Quinata – “AN ACT TO REPEAL § 1309 OF ARTICLE 3, CHAPTER 1, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO REMOVING THE GUAM WORKFORCE INVESTMENT BOARD.”

If you have any questions, please do not hesitate to contact the Office of Senator William A. Parkinson via electronic mail at [senatorparkinson@guamlegislature.org](mailto:senatorparkinson@guamlegislature.org) or call 671-989-1101 no later than **September 06, 2023** for guidance.

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The hearing will be broadcast on local television, GTA Channel 21, Docomo Channel 117, and stream online via *I Liheslaturan Guåhan's* live feed on YouTube <https://www.youtube.com/@GuamLegislatureMedia>. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing.

We are looking forward to your participation!

–  
Respectfully,



**Office of Senator William A. Parkinson | 37th Guam Legislature**  
*Chairperson, Committee on Fire, Agriculture, Power and Energy Utilities,  
Public Transit, Unemployment Insurance, and Universal Health Insurance*


–  
Suite 905, DNA Building, 238 Archbishop FC Flores St, Hagåtña, 96910,  
Guam


671-989-1101


[senatorparkinson@guamlegislature.org](mailto:senatorparkinson@guamlegislature.org)


**6 attachments**


 **MEMO- FIRST PH Notice- 8-30-23.pdf**  
451K

 **Bill No. 54-37 (COR).pdf**  
3345K

 **Bill No. 142-37 (COR).pdf**  
1041K

 **Bill No. 147-37 (COR).pdf**  
443K

 **Bill No. 66-37 (COR).pdf**  
1137K

 **Bill No. 68-37 (COR).pdf**  
1127K

**Ed Pocaigue** <sgtarms@guamlegislature.org>  
To: Senator Will Parkinson <senatorparkinson@guamlegislature.org>

Wed, Aug 30, 2023 at 11:23 AM

Hafa Adai=)

Noted and Posted on Calendar.

[Quoted text hidden]

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*Si Yu'os Ma'åse'*

**Edward S. Pocaigue, Jr.**  
Sergeant at Arms

37th Guam Legislature  
*I Mina'trentai Siette na Liheslaturan Guåhan*

Tel: (671) 969-3514

Email: [sgtarms@guamlegislature.org](mailto:sgtarms@guamlegislature.org)

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# FIRST NOTICE OF PUBLIC HEARINGS, Thursday - September 07, 2023 beginning at 8:00 a.m.


 PRINT

**FIRST NOTICE OF PUBLIC HEARINGS, Thursday -  
September 07, 2023 beginning at 8:00 a.m.**

**PUBLIC HEARING**





 **Posted on:** 08/30/2023 12:49 PM

 **Posted by:** Keith Taliugyan

 **Public Hearing Date:** 09/07/2023 08:00 AM

 **Department(s):**  
**GUAM LEGISLATURE (/notices?department\_id=92)**

 **Division(s):**  
OFFICE OF SENATOR WILLIAM A. PARKINSON (/notices?division\_id=273)

 **Notice Topic(s):** PUBLIC HEARING (/notices?topic\_id=74)

 **Types of Notice:** PUBLIC HEARING (/notices?type\_id=7)

 **For Audience(s):** PUBLIC (/notices?public=1)

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August 30, 2023

**MEMORANDUM**

**TO: All Honorable Senators, Stakeholders and Media**

**FROM: Senator William A. Parkinson**

**SUBJECT: FIRST NOTICE OF PUBLIC HEARINGS, Thursday – September 07, 2023 beginning at 8:00 a.m.**

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We are looking forward to your participation!



# Senator William A. Parkinson

Chairperson, Committee on Fire, Agriculture, Power and Energy Utilities, Public Transit, Unemployment Insurance and Universal Health Insurance

September 5, 2023

## MEMORANDUM

**TO: All Honorable Senators, Stakeholders and Media**

**FROM: Senator William A. Parkinson**

**SUBJECT: SECOND NOTICE OF PUBLIC HEARINGS, Thursday – September 07, 2023 beginning at 8:00 a.m.**

*Håfa Adai!*

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### **AGENDA for 9: 00 to 12:00 p.m.**

- **PUBLIC HEARING on the following Bills.**
  - I. **Bill No. 54-37 (COR)** - William A. Parkinson, Joanne M. Brown, Dwayne T.D. San Nicolas. – “AN ACT TO AMEND ARTICLE 1 OF CHAPTER 63 TITLE 5 GUAM CODE ANNOTATED RELATIVE TO GAME AND FISH REGULATIONS, PROTECTING OUR MARINE PRESERVES AND STANDARDIZING PENALTIES FOR VIOLATIONS OF GAME AND FISH STATUTES AND THE ADJUDICATION PROCESS THEREOF.”
  - II. **Bill No. 142-37 (COR)** – William A. Parkinson. – “AN ACT TO AMEND § 8502(c)(2)(B) OF ARTICLE 5, CHAPTER 8, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO NET METERING.”



# Senator William A. Parkinson

Chairperson, Committee on Fire, Agriculture, Power and Energy Utilities, Public Transit, Unemployment Insurance and Universal Health Insurance

- III. **Bill No. 147- 37 (COR)** - William A. Parkinson, Tina Rose Muña Barnes, Dwayne T.D. San Nicolas. – “AN ACT TO ADD A NEW ARTICLE 7 TO CHAPTER 8 DIVISION 1 OF TITLE 12 GUAM CODE ANNOTATED, RELATIVE TO CERTIFICATION OF ELECTRICAL REPAIRS TO WEATHERHEADS BY GPA AFTER A NATURAL DISASTER.”
- IV. **Bill No. 66-37 (COR)** – William A. Parkinson, Roy Anthony Benavente Quinata. – “AN ACT TO REPEAL ARTICLE 14, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO REMOVING GUAM PROCUREMENT ADVISORY COUNCIL.”
- V. **Bill No. 68-37 (COR)** - William A. Parkinson, Roy Anthony Benavente Quinata – “AN ACT TO REPEAL § 1309 OF ARTICLE 3, CHAPTER 1, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO REMOVING THE GUAM WORKFORCE INVESTMENT BOARD.”

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We are looking forward to your participation!

Respectfully,

Senator William A. Parkinson  
Chairperson

**PUBLIC ANNOUNCEMENT**

This Advertisement is paid with Government Funds by:  
The Government of Guam Retirement Fund

**REQUEST FOR PROPOSAL No. GGRF-002-23****Independent Auditing Services**

The Government of Guam Retirement Fund (GGRF), a non-major component unit of the Government of Guam is soliciting proposals from a U.S. Certified Public Accounting Firm for an audit (to include the Single Audit Act Provision) of its financial operations for FY 2023 through FY 2025, subject to the availability of funds and certification from fiscal year to fiscal year, and with an option to renew for one additional fiscal year. Required audit reports include a report on the financial statements and reports on internal control and compliance.

Request for Proposal (RFP) packages may be obtained at the GGRF Director's Main Office, in Maite, Guam anytime from Monday through Friday, excluding holidays between 8:00 a.m. and 5:00 p.m. The RFP may also be downloaded from GGRF web-site at [www.ggrf.com](http://www.ggrf.com) and Office of Public Accountability's website at [www.opaguam.org](http://www.opaguam.org). **Deadline for submission of all proposals is 4:00 p.m. Chamorro Standard Time (Guam Time), Wednesday, September 20, 2023.** All proposals must be submitted to the attention of: Ms. Paula M. Blas, Director.

The GGRF, with the written approval of the Public Auditor, reserves the right to reject any or all proposals, solicit new proposals, waive minor informalities or irregularities or award the Independent Auditor in whole or in part.

All questions regarding the proposal should be made in writing and directed to Ms. Emma R. Reyes, Administrative Officer via facsimile at (671)475-8952 or email at [erreyes@ggrf.com](mailto:erreyes@ggrf.com). Except to the above persons named, direct or indirect contact with GGRF Management or Staff, Board members, or any person participating in the selection process is prohibited.

/s/ PAULA M. BLAS, Director

**Senator William A. Parkinson**

Chairperson, Committee on Fire, Agriculture, Power and Energy Utilities, Public Transit, Unemployment Insurance and Universal Health Insurance

**SECOND NOTICE OF PUBLIC HEARINGS on**

Thursday - September 07, 2023 beginning at 8:00 a.m.  
Guam Congress Building, Public Hearing Room.

The committee will hear and accept testimonies on the following item:

**AGENDA for 8: 00 to 9:00 a.m.****• OVERSIGHT HEARING ON Department of Agriculture:**

- I. Stand by Generators for Water Wells and Resiliency of Infrastructure.

**AGENDA for 9: 00 to 12:00 p.m.****• PUBLIC HEARING on the following Bills.**

- I. **Bill No. 54-37 (COR)** - William A. Parkinson, Joanne M. Brown, Dwayne T.D. San Nicolas. - "AN ACT TO AMEND ARTICLE 1 OF CHAPTER 63 TITLE 5 GUAM CODE ANNOTATED RELATIVE TO GAME AND FISH REGULATIONS, PROTECTING OUR MARINE PRESERVES AND STANDARDIZING PENALTIES FOR VIOLATIONS OF GAME AND FISH STATUTES AND THE ADJUDICATION PROCESS THEREOF."
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We are looking forward to your participation!

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DEPARTMENT OF CHAMORU AFFAIRS**

193 Chalan Santo Papa Juan Pablo Dos Hagåtña, Guam 96910  
Tel: (671) 989-2426/4455 • Fax: (671) 989-7219

**REGULAR BOARD OF TRUSTEES MEETING**

Thursday, September 7, 2023 - 10:00 a.m.

Guam Museum Conference Room and Zoom Video Conference

Zoom Link: <https://us02web.zoom.us/j/86183389843>

Meeting ID: 861 8338 9843 Passcode: 873986

**AGENDA:****I. Call to order****II. Roll Call****III. Approval of Minutes**

- a. December 1, 2022
- b. March 10, 2023

**IV. President's Report**

- a. CHamoru Village (Update/Typhoon Damage Assessment)
- b. Guam Museum (Update/Typhoon Damage Assessment)
- c. GCR Update
- d. Finance / Admin
  1. Financial Reports
  2. Fiscal Year 2022 Financial Audit

**V. Old Business**

- a. Annual AAM Conference Update
- b. Mes Chamoru 2023
- c. GM Arch Repair Project Update
- d. HVAC Replacement Bid Update

**VI. New Business**

- a. DCA Board of Trustees Membership/Ethics Training
- b. Emergency Procurement for Guam Museum (HVAC)
- c. Sasayan Cultural Project Collaboration
- d. JRM / Collections Management Plan

**VII. Adjournment**

For special accommodations, please contact Nathan Jon Cruz at (671) 989-2426

/s/ Melvin Won Pat-Borja, DCA President

This ad was paid for with government funds.

**SPEAKER THERESE M. TERLAJE**

*Committee on Health, Land, Justice & Culture  
I Mina'trentai Siette na Liheslaturan Guåhan*

**NOTICE OF PUBLIC HEARING • THURSDAY, SEPTEMBER 7, 2023**

Guam Congress Building, Public Hearing Room

**AGENDA****1:00PM:**

**Appointment of Dr. Alexander D. Wielaard-** TO SERVE AS A MEMBER( PHYSICIAN REPRESENTATIVE) OF THE GUAM BOARD OF MEDICAL EXAMINERS FROM MAY 13, 2020 TO MAY 12, 2024.

**2:00PM:**

- **Bill No. 99-37(COR)**-Telo T. Taitague/ Frank Blas, Jr./ Jesse A. Lujan/ Joanne Brown/ Dwayne T.D. San Nicolas/ Chris Barnett/ William A. Parkinson- AN ACT TO AMEND SECTION 29101 AND SECTION 29103 OF CHAPTER 29 OF TITLE 10 OF THE GUAM CODE ANNOTATED RELATIVE TO SWIMMING POOLS.

**3:00PM**

- **Bill No. 84-37(LS)**- William A. Parkinson- AN ACT TO ADD A NEW SUBSECTION (c) TO § 92111 OF ARTICLE 1, CHAPTER 92, TITLE 9 OF GUAM CODE ANNOTATED, RELATIVE TO REQUIRING THOSE CONVICTED OF VEHICULAR HOMICIDE WHILE IMPAIRED TO SUPPORT THE SURVIVING MINOR CHILDREN OF THE VICTIM.

The public is invited to provide oral testimony on the agenda items. Written testimony may be submitted to [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com) or hand delivered to the Office of Speaker Therese M. Terlaje at the Guam Congress Building. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations should contact the Office of Speaker Terlaje at (671) 472-3586 or [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com). All hearings broadcast on GTA TV Channel 21, Docomo Channel 117 and livestreamed on the Guam Legislature YouTube: <https://www.youtube.com/c/GuamLegislatureMedia>. This Ad was paid with Legislature Funds.



Senator Will Parkinson &lt;senatorparkinson@guamlegislature.org&gt;

**SECOND NOTICE OF PUBLIC HEARINGS, Thursday – September 07, 2023 beginning at 8:00 a.m.**

1 message

Senator Will Parkinson &lt;senatorparkinson@guamlegislature.org&gt;

Tue, Sep 5, 2023 at 8:30 AM

To: phnotice@guamlegislature.org

Cc: Audio / Video &lt;av@guamlegislature.org&gt;, Ed Pocaigue &lt;sgtarms@guamlegislature.org&gt;, mis@guamlegislature.org

Bcc: Senator Will Parkinson &lt;senatorparkinson@guamlegislature.org&gt;

September 5, 2023

**MEMORANDUM****TO: All Honorable Senators, Stakeholders and Media****FROM: Senator William A. Parkinson****SUBJECT: SECOND NOTICE OF PUBLIC HEARINGS, Thursday – September 07, 2023 beginning at 8:00 a.m.***Håfa Adai!*

The Committee on *Fire, Agriculture, Power and Energy Utilities, Public Transit, Unemployment Insurance, and Universal Health Insurance* will conduct a public hearing on **Thursday - September 07, 2023 at 8:00 a.m.** at the Public Hearing Room in the Guam Congress Building. The committee will hear and accept testimonies on the following item:

**AGENDA for 8: 00 to 9:00 a.m.****▪ OVERSIGHT HEARING ON Department of Agriculture:**

I. Update on Crop Loss Compensation Program (CLCP).

**AGENDA for 9: 00 to 12:00 p.m.****▪ PUBLIC HEARING on the following Bills.**

I. **Bill No. 54-37 (COR)** - William A. Parkinson, Joanne M. Brown, Dwayne T.D. San Nicolas. – “AN ACT TO AMEND ARTICLE 1 OF CHAPTER 63 TITLE 5 GUAM CODE ANNOTATED RELATIVE TO GAME AND FISH REGULATIONS, PROTECTING OUR MARINE PRESERVES AND STANDARDIZING PENALTIES FOR VIOLATIONS OF GAME AND FISH STATUTES AND THE ADJUDICATION PROCESS THEREOF.”



**II. Bill No. 142-37 (COR)** – William A. Parkinson. – “AN ACT TO AMEND § 8502(c)(2) (B) OF ARTICLE 5, CHAPTER 8, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO NET METERING”

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**V. Bill No. 68-37 (COR)** - William A. Parkinson, Roy Anthony Benavente Quinata – “AN ACT TO REPEAL § 1309 OF ARTICLE 3, CHAPTER 1, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO REMOVING THE GUAM WORKFORCE INVESTMENT BOARD.”

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We are looking forward to your participation!

--  
Respectfully,

**Keith Taliugyan**  
*Committee Director*



**Office of Senator William A. Parkinson | 37th Guam Legislature**  
*Chairperson, Committee on Fire, Agriculture, Power and Energy Utilities,  
Public Transit, Unemployment Insurance, and Universal Health  
Insurance*

–  
Suite 905, DNA Building, 238 Archbishop FC Flores St, Hagåtña, 96910,  
Guam  
671-989-1101





[senatorparkinson@guamlegislature.org](mailto:senatorparkinson@guamlegislature.org)


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**6 attachments**


 **MEMO- SECOND PH Notice- 9-5-23.pdf**  
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# **SECOND NOTICE OF PUBLIC HEARINGS, Thursday – September 07, 2023 beginning at 8:00 a.m.**

 PRINT

**SECOND NOTICE OF PUBLIC HEARINGS,  
Thursday – September 07, 2023 beginning at  
8:00 a.m.**

**PUBLIC HEARING**



 **Posted on:** 09/05/2023 08:36 AM

 **Posted by:** Keith Taliugyan

 **Public Hearing Date:** 09/07/2023 08:00 AM

 **Department(s):**  
**GUAM LEGISLATURE (/notices?department\_id=92)**

 **Division(s):**  
OFFICE OF SENATOR WILLIAM A. PARKINSON (/notices?division\_id=273)

 **Notice Topic(s):** PUBLIC HEARING (/notices?topic\_id=74)

 **Types of Notice:** PUBLIC HEARING (/notices?type\_id=7)

 **For Audience(s):** PUBLIC (/notices?public=1)

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September 5, 2023

**MEMORANDUM**

**TO: All Honorable Senators, Stakeholders and Media**

**FROM: Senator William A. Parkinson**

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Muña Barnes, Dwayne T.D. San Nicolas. – “AN ACT TO ADD A NEW ARTICLE 7 TO CHAPTER 8 DIVISION 1 OF TITLE 12 GUAM CODE ANNOTATED, RELATIVE TO CERTIFICATION OF ELECTRICAL REPAIRS TO WEATHERHEADS BY GPA AFTER A NATURAL DISASTER.”

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# Senator William A. Parkinson

Chairperson, Committee on Fire, Agriculture, Power and Energy Utilities, Public Transit, Unemployment Insurance and Universal Health Insurance

## Public Hearing Agenda Thursday, September 07, 2023 Public Hearing Room, Guam Congress Building

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# Senator William A. Parkinson

Chairperson, Committee on Fire, Agriculture, Power and Energy Utilities, Public Transit, Unemployment Insurance and Universal Health Insurance

## PUBLIC HEARING SIGN-IN SHEET

Committee on Fire, Agriculture, Power and Energy Utilities, Public Transit, Unemployment Insurance and Universal Health Insurance

Thursday, September 07, 2023 – 9:00 AM

Public Hearing Room, Guam Congress Building

Bill No. 142-37(COR) – William A. Parkinson. – “AN ACT TO AMEND § 8502(c)(2)(B) OF ARTICLE 5, CHAPTER 8, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO NET METERING.”

NAME:	AGENCY/ ORGANIZATION	POSITION	TESTIMONY	CONTACT INFORMATION
1. Tom Shively	Ambex	SUPPORT <input checked="" type="checkbox"/> OPPOSE <input type="checkbox"/>	WRITTEN <input type="checkbox"/> ORAL <input checked="" type="checkbox"/>	
2. SHAWN TAITMO	CAMACHO + TAITMO LLP	SUPPORT <input checked="" type="checkbox"/> OPPOSE <input type="checkbox"/>	WRITTEN <input type="checkbox"/> ORAL <input type="checkbox"/>	
3. Jennifer Camacho	Cars Plus	SUPPORT <input checked="" type="checkbox"/> OPPOSE <input type="checkbox"/>	WRITTEN <input type="checkbox"/> ORAL <input type="checkbox"/>	
4. BRIAN BATMBA	IPSE	SUPPORT <input checked="" type="checkbox"/> OPPOSE <input type="checkbox"/>	WRITTEN <input checked="" type="checkbox"/> ORAL <input checked="" type="checkbox"/>	
5. John Rivera	CITADEL Pacific	SUPPORT <input type="checkbox"/> OPPOSE <input type="checkbox"/>	WRITTEN <input checked="" type="checkbox"/> ORAL <input checked="" type="checkbox"/>	
6. WANSOO KIM	Gosolar Guam	SUPPORT <input checked="" type="checkbox"/> OPPOSE <input type="checkbox"/>	WRITTEN <input type="checkbox"/> ORAL <input type="checkbox"/>	
7. Reginald Diaz	GPA	SUPPORT <input type="checkbox"/> OPPOSE <input type="checkbox"/>	WRITTEN <input type="checkbox"/> ORAL <input type="checkbox"/>	
8. John Kim	GPA	SUPPORT <input type="checkbox"/> OPPOSE <input type="checkbox"/>	WRITTEN <input type="checkbox"/> ORAL <input type="checkbox"/>	
9. Tricee Limtiaco	GPA	SUPPORT <input type="checkbox"/> OPPOSE <input type="checkbox"/>	WRITTEN <input type="checkbox"/> ORAL <input type="checkbox"/>	
10. JOEY CRISTOFORINO	CARS PLUS	SUPPORT <input checked="" type="checkbox"/> OPPOSE <input type="checkbox"/>	WRITTEN <input checked="" type="checkbox"/> ORAL <input checked="" type="checkbox"/>	





September 6, 2023

Via email: [senatorparkinson@guamlegislature.org](mailto:senatorparkinson@guamlegislature.org)

**RE: Testimony from Citadel – COR 142-37**

Hafa Adai Senator Parkinson and Members of the 37<sup>th</sup> Guam Legislature,

Thank you for the opportunity to testify in favor of COR 142-37, a bill that would expand the opportunity for private commercial solar installations in Guam. We also want to take a moment and thank Senator Parkinson for having the foresight to introduce this bill. In the aftermath of Typhoon Mawar, we understand now, more than ever, the need to find solutions for our island community.

For background, the CITADEL is the parent company of IT&E, a telecommunications company; IP&E a fuel distribution and logistics company, which also established a renewable energy business 3 years ago; and several commercial properties on Guam, including the ITC building and Bank of Hawaii building in Hagåtña. At our core, the CITADEL is in the business of creating synergy around critical infrastructure and products that are essential to maintaining communications, power, and commerce in our island.

We believe it is important to share our experiences and observations with you in the context of this legislation.

Over 3 years ago, as we were developing our renewable energy business for the region, we started with our facilities in Guam. Our focus is not in residential solutions, but commercial solutions. Given the high cost of power in Guam and, our desire to introduce as much sustainable or “green” energy into our network as possible, we decided to conceptually test a Solar and Battery Micro-Grid system at one of our Shell Stations – in Upper Tumon, along Marine Drive on the way to Kmart. This is a unique facility in our fuel retail network because we happen to have enough land area to harvest the solar energy needed for 24/7 operations. During the sunlight hours, the solar panels generate power to the station and charge the batteries every day so that we can operate overnight, drawing energy from the batteries.

As we designed this system and worked with GPA, we came to understand that the only approval we could get for a renewable power system was for a maximum of 100kw of solar panels because of the current statutory cap. This location operates 24 hours a day, 7 days a week and, in order to maximize our use of renewable energy for this site, we had designed a system of 250kw of Solar panels and a containerized and fully integrated 588kwh Lithium-Ion battery system. Unfortunately, because of the existing legislation, we were told that this system could not be approved because we were over the 100kw maximum cap, per meter, for a solar system on a commercial facility. The only way we could pilot this project was to go completely off the GPA grid, and so we did. To go completely off the grid was not our first choice. We believe that GPA had no objection to our system design, but they were unable to approve this system simply because of the limitations currently set by Guam law.

This Upper Tumon Shell Station has been off the grid since July of 2021. The system has worked very well for us. In fact, after Typhoon Mawar and, in part, because of the solar power and batteries, this was the



first retail fuel station to open after the storm. As you may know, this facility was dedicated to providing fuel and support to first responders in the aftermath of the typhoon.

We also decided to install solar panels at the headquarters of ITE – at our main headquarters and network operations center in Harmon. This facility has 62,000 square feet of roof space, enough to accommodate between 500-600kw of solar panels. However, because we have 2 electrical meters at this facility, we are limited by current regulations to a maximum of 200kw of solar panels – 100kw per meter. All of the energy that these panels produce are consumed immediately by our network. There is no excess power produced that is fed back into the island power grid. In fact, these panels only produce around 10% of the facility's total power needs.

We believe that any commercial facility that can consume, on site, the power that it produces from solar panels should be allowed to install panels purely for self-consumption. In our experience, most commercial facilities on Guam, with enough roof space to accommodate 500kw of solar panels, are likely to consume 100% of that power on site. This would be the case for any warehouse facility that requires refrigeration, for example, or a commercial facility that consumes a large amount of power, like IT&E in Harmon. But again, the current legislation does not allow for this. The legislation is binary – one meter = 100kw.

We do understand that one way to get around this 100kw meter cap would be to have additional meters installed. However, we sincerely believe that this work around, which is authorized under the current legislation, defeats the purpose of having a comprehensive and robust system of private green / renewable energy policies that addresses the needs of commercial customers.

Residential customers are allowed to install solar and battery systems and remain tied to the GPA grid. Commercial customers are not. We believe this should change.

It is important to point out that we are not advocating for “unlimited” or “unchecked” solar systems. We believe that any system that is grid tied must be designed to standards that involve GPA and their approval, so that the stability and integrity of the overall power grid is kept in mind.

We do believe, however, that the time has come to address the needs of large-scale commercial customers who have the ability to generate energy from renewable systems and consume all of the energy they produce. We have many industry partners who have commercial facilities that are restricted by these same statutory limits – who would consume all the energy that their rooftops can generate, thereby reducing the load on the grid with clean, green, and renewable energy, but cannot do so today.

Currently, we continue to face load shedding, unreliable power from the grid, ongoing recovery efforts from the latest typhoon, and other issues we are all enduring together.

At IP&E, we fully understood, firsthand, the challenges our island faced when power was out, when the only way to keep your business running was from diesel generators. Here, the ability of the private sector to distribute enough diesel fuel to the right place, at the right time was vital to recovery and the continuity of critical operations. The entire fuel industry struggled with this in the aftermath of Typhoon Mawar. In



simple terms, the more solar you have in your facility, the less diesel you would need to burn to keep your facility running.

We understand that an integrated grid, combining large amounts of solar, requires batteries. We believe that the private sector should be, and is, willing to participate in the advancement of this “distributed” and integrated grid; with additional utility scale and private solar, as well as, battery systems, as needed. We are willing to work with GPA on developing this plan and look forward to any opportunity to do so.

We are here today to support taking a step in that direction. The reality is that the current law limits ANY commercial facility to only 100kw of solar panels, regardless of the profile of that facility, regardless of how much power the facility consumes, and what time of day it consumes that power. Limitations like these must be adapted to move with the changing needs of the time. The state of our power grid, when this original legislation was passed, has changed dramatically. We have multiple utility scale solar installations on Guam today and we have utility scale battery systems that have been integrated into the grid that we all share and that we all depend on.

Increasing the cap of solar installations that a commercial facility can install, from 100kw to 500kw, is a positive step in the right direction and is well within the power of this legislature to execute. The private commercial sector would like to be engaged partners in the overall transformation of our power grid. This endeavor, that we are currently undergoing together, will move us from a grid purely dependent on fossil fuels to an integrated, reliable, and sustainable system of baseload thermal generators, solar panels, and batteries (where appropriate).

Passing Bill 142-37 would allow both GPA and the private commercial sector of Guam to be engaged in a greater partnership. We understand the challenges that GPA is facing, with the limited existing generation capacity on island. The additional capacity required to meet grid demand can either come from existing resources or we can find alternative means to supplement the shortfalls. We believe Bill 142-37 can provide immediate solutions to assist GPA, most especially during this critical time of frequent load shedding.

Thank you for your consideration and we look forward to your favorable support.

Sincerely,

  
**Jim Beighley**  
Pacific Group CEO

  
**Brian Bamba**  
Managing Director, IP&E


  
**Jim Oehlerking**  
CEO, IT&E

To: Senator William Parkenson and the Committee Members

Re: Bill No. 142-37

We at Pacific Solar & Photovoltaics Inc. have no objection to Bill No. 142-37 so long as the installation meets with the approval of the Guam Power Authority.

Sincerely



William Hagen



September 6, 2023

Via email: [senatorparkinson@guamlegislature.org](mailto:senatorparkinson@guamlegislature.org)

**RE: Testimony for COR 142-37**

Hafa Adai Senator Parkinson and Members of the 37<sup>th</sup> Guam Legislature:

I represent Foremost Foods, Inc, a wholesale and distribution business with a history in Guam for over 70 years. I am writing to provide testimony for COR 142-37, which aims to increase the generating capacity limit for non-residential class customers from 100 kilowatts to 500 kilowatts.

This issue is important to us because as part of the island's critical food supply infrastructure, our ability to operate and maintain continuity of business during a state of emergency is a part of our crisis management plan. Foremost Foods, Inc. maintains contracts with the US military, various Government of Guam entities including the Guam Memorial Hospital and Department of Corrections, as well as being a major supplier to restaurants and retail establishments around the island.

Our facility houses two stories of offices, a large ambient warehouse, and temperature-controlled cold storage that utilizes a substantial combined power load. Throughout our history and most recently, during Super Typhoon Mawar, the island relied on our infrastructure to supply much needed food, water, and other supplies to the community. This was possible because of a robust infrastructure that includes multiple layers of redundancy.

We recently incorporated solar as a "green" energy source to supplement our electricity needs. The 100kw limit is well under our usage threshold and therefore, has limited the ability for this solution to be a meaningful supply source. Even at a 500kw limit, we would consume 100% of the electricity generated by a solar system, lowering our carbon footprint to the island without feeding anything back into the grid.

The intention for introducing solar into our electrical infrastructure is not to disconnect from the grid, but rather to lighten the load by being partially self-sufficient. The demand for electricity is straining the current public infrastructure and it is expected to grow in the coming years. The passage of this bill will enable the private sector, especially large utility consumers, to contribute towards a more comprehensive solution for the island's future utility needs.

Respectfully,

A handwritten signature in black ink, appearing to read "Marcos W. Fong", is written over a light blue horizontal line.

Marcos W. Fong  
CEO





# GUAM POWER AUTHORITY

ATURIDÁT ILEKTRESEDÁT GUÅHAN  
P.O.BOX 2977 • HAGÁTÑA, GUAM U.S.A. 96932-2977

September 7, 2023

Senator William A. Parkinson

Chairperson

Committee on Fire, Agriculture, Power and Energy Utilities, Public Transit, Unemployment Insurance, and Universal Health Insurance

Via email: senatorparkinson@guamlegislature.org

**SUBJECT: Testimony re. Bill 142-37 (COR)**

An Act to *Amend* § 8502(c)(2)(B) of Article 5, Chapter 8, Title 12, Guam Code Annotated Relative to Net Metering

Håfa adai, Senator Parkinson.

The proposed legislation intends to promote the use of renewable energy sources and permit businesses to maximize the use of solar energy technology by increasing the maximum generating capacity of the renewable energy generation for non-residential class customers from 100 kW to 500 kW. While GPA supports the intent of Bill 142-37 it does not support its passage because of the resulting impact on base rate revenues and rate increases for non-NEM customers.

The Net Energy Metering Program (NEM), initially mandated with good intentions to jump start customer-generated renewable energy, has resulted in a significant negative impact on base rate revenues and created two classes of customers: NEM and non-NEM customers. NEM customers receive a full rate credit for all energy they export into the GPA grid and avoid paying their share of costs associated with the islandwide power system operation, maintenance, debt, capital investment, etc. Rate increases to cover loss of revenue or increased cost is entirely borne by non-NEM customers, including low-income, fixed income, and other at-risk customers. Currently, NEM are not required to pay about \$5.2M of annual operating costs. These costs are subsidized by non-NEM customers.

As of March 2023, there are approximately 2,500 NEM customers with a combined capacity of 32MW of daytime generating power which may be exported to grid. The vast majority of these customers do not have energy shifting batteries thereby adding to the overall energy demand of the grid during the daily peak hours (5 p.m. – 11 p.m.). At this point, customers with batteries incorporated into their residential or commercial solar PV systems do not significantly reduce the overall demand or assist with providing additional capacity during peak.

Should this legislation become law, approximately 1,300 current NEM customers will have the opportunity to increase production. If 25% of these customers increase their production over 100kW, the revenue impact loss to GPA is estimated at \$12M. Add this to the current \$5M subsidy, and the NEM program's impact to non-NEM customers will be an estimated \$17M annually by



# GUAM POWER AUTHORITY

ATURIDÁT ILEKTRESEDÁT GUÅHAN  
P.O.BOX 2977 • HAGÁTÑA, GUAM U.S.A. 96932-2977

avoiding base rate costs (i.e., operating, maintenance, debt service, etc.). The projected impact does not include costs for impact studies and mitigation projects to address the proposed 400% energy generation increase. This change will certainly require GPA to file for a rate increase to cover its operating costs which is borne by only the non-NEM customers.

GPA has recommended the Guam Public Utilities Commission (PUC) replace the retail rate net metering credit with an avoided cost rate. An adjustment to the current NEM rate may significantly change the projected impact of Bill 142-37 to non-NEM customers. This issue should be referred to the PUC for its decision as required by bond covenants before any further action is taken.

Thank you for this opportunity to provide testimony.

*Senseramente,*

John M. Benavente, P.E.  
General Manager

Cc: Consolidated Commission on Utilities  
Public Utilities Commission

## Solar Bill – COR 142-37 Testimony

September 6, 2023

Hafa Adai Senator Parkinson and committee members,

My name is Joey Crisostomo and I am a businessman and an avid customer of solar generation.

I want to thank you for the opportunity to testify in favor of COR142-37, a bill that would expand the opportunity for private commercial solar installations from 100KW to 500KW.

Let me start by sharing my experience as a residential user of solar power. I presently have a 22KW solar system on my house with 32Kwh of battery storage. During the storm and until the grid was restored, (which took about 2 and a half weeks in my neighborhood) my system provided us with power 24/7. All this without having to rely on a noisy, polluting diesel generator, not to mention having to wait in line for hours to buy diesel. Also, our system goes off the grid from 5pm to 9pm every night. In this way, I am able to act as a “good steward of the grid” by reducing the load during GPA’s peak demand times. This is good for the island, good for the community, and a better alternative for our environment.

This bill represents an opportunity for businesses to do the same. Cars Plus presently has 100KW solar system on its roof which covers about 40% of our on-site demand. That is the maximum we can put on our roof because of the present law. A law that was put in place 13 years ago! We could get around this limitation by installing additional meters – but surely the legislature did not intend this inefficient route to the greening of Guam. With the current cap at 100KW, many businesses would not consider investing in solar energy and battery storage. The legislature has the power and opportunity to change that. If this bill is



passed and the limit is updated, a lot of businesses on island would consider going green and becoming an energy efficient business.

Now is the time to increase the cap up to 500KW so more businesses can utilize solar energy to cover up to 100% of the power they use. This will encourage more businesses to get in to energy storage such as batteries. Keeping in mind Guam's commitment to Net Zero emissions by 2045.

I want to thank Senator Parkinson for using the lessons we learned after Typhoon Mawar to find solutions for our community so that we can be better prepared when the next storm comes. I humbly ask that you support this bill.

Si Yu'os Ma'ase

A handwritten signature in black ink, appearing to be the name 'Fany' or similar, written in a cursive style.

07:34



SN: AL8002221090046

System

Statistics

Power

Profit

Weather



27°C~29°C  
2023-09-06



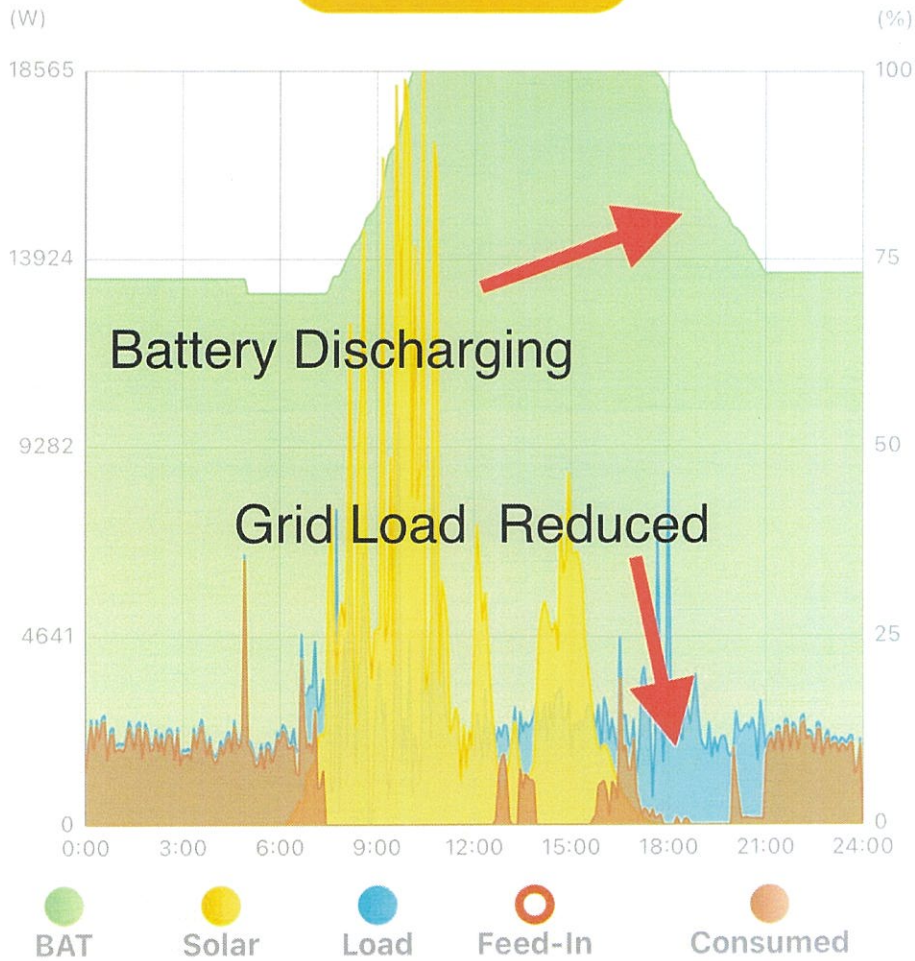
27°C~30°C  
2023-09-07



27°C~29°C  
2023-09-08



2023-09-06



Power Diagram Description

## PUBLIC UTILITIES COMMISSION OF GUAM

Jeffrey C. Johnson  
Chairman  
Law Judge

Suite 207, GCIC Building  
Post Office Box 862

Frederick J. Horecky  
Chief Administrative

Peter B. Montinola  
Vice-Chairman  
Judge

Hagåtña, Guam 96932  
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Joephet R. Alcantara  
Administrative Law

Commissioners  
Joseph M. McDonald  
Rowena E. Perez-Camacho  
Michael A. Pangelinan  
Doris Flores Brooks  
Pedro S.N. Guerrero

Lourdes R. Palomo  
Administrator

Anthony R. Camacho  
Legal Counsel

Colleen N.S. Charlson  
Administrative Assistant

September 15, 2023

Senator William A. Parkinson  
37<sup>th</sup> Guam Legislature  
Chairperson, Committee on Fire, Agriculture, Power and Energy Utilities,  
Public Transit, Unemployment Insurance and Universal Health Insurance  
Suite 905, DNA Building  
238 Archbishop FC Flores St.  
Hagatna, Guam 96910  
[senatorparkinson@guamlegislature.org](mailto:senatorparkinson@guamlegislature.org)

Re: Testimony of Chief Administrative Law Judge Frederick J. Horecky, Guam Public Utilities Commission, on Bill No. 142-37(COR)

The Guam Public Utilities Commission ["PUC"] opposes the enactment of Bill No. 142-37 (COR). Passage of this bill will probably increase the power rates of ratepayers, will likely be destructive and damaging to the island wide power system, and potentially cause more load shedding and power outages.

**I. PASSAGE OF A BILL TO INCREASE THE LIMIT OF NET METERING GENERATING CAPACITY FOR NON-RESIDENTIAL CLASS CUSTOMERS FROM 100KW TO 500KW WILL LIKELY CAUSE AND TRIGGER A SUBSTANTIAL RATE INCREASE.**

GPA's testimony on this bill indicates that it currently subsidizes net metering customers at a cost of \$5M annually. If Bill No. 142-37 is enacted into law, GPA will experience a revenue impact loss estimated at \$12M. The total NEM impact caused by this Bill will be an estimated \$17M annually. GPA cannot maintain an annual loss of \$17M without a rate increase: **"this**

**change will certainly require GPA to file for a rate increase to cover its operating cost which is borne by only the non-NEM customers.”** (Emphasis added). GPA’s estimated revenue loss impact does not even include new commercial net metering builds of 500kw nor the cost for impact studies in mitigation projects to address the proposed 400% energy generation increase. The Guam Public Utilities Commission is required by law to provide GPA with all rates necessary to cover the full cost of service. 12 GCA §12105(e). The PUC could not ignore the magnitude of such a revenue impact loss.

## **II. INCREASING COMMERCIAL NET METERING CAPACITY TO 500KW WILL NOT PROVIDE LOAD CAPACITY THAT GPA NEEDS NOR ASSIST GPA WITH LOAD SHEDDING.**

At the public hearing, a rosy view was presented that the added commercial net metering resulting from this bill would create sufficient load capacity for GPA and solve problems of load shedding. Such view is not accurate. The reality is that most existing customers, residential or commercial, do not have energy shifting batteries and do not significantly reduce the overall demand or assist with providing additional capacity during peak hours. Without battery storage, commercial systems will be useless to provide additional capacity. There is no reason to believe that commercial net metering customers will necessarily install batteries in their systems. The empirical evidence to date suggests that many or most commercial installers of 500kw systems will not include battery storage because of cost considerations. The alleged benefits of Bill No. 142-37 are illusory. The testimony of business owners indicates that they will expand solar capacity for their own use, or potentially for sale to other customers.

There will be an extreme negative financial impact on GPA caused by this bill. On the other hand, solar businesses will profit by selling new systems to other customers. Such systems may also be built by businesses for the purpose of excess capacity, which will be paid for by GPA. This proposal is not in the interest of most ratepayers who are non-NEM customers. Roughly 2,500 out of 51,000 ratepayers are NEM customers. Non-NEM customers will bear the cost and burden of these new systems.

## **III. INCREASING COMMERCIAL LOAD CAPACITY TO 500KW WILL PROBABLY CAUSE INSTABILITY IN THE POWER SYSTEM AND MORE OUTAGES.**

The sponsor and business supporters of this bill imply that the bill will have a positive and beneficial impact on the island power system. However, such an implication is also incorrect. Bill No. 142-37 will cause an increase in the load upon the existing system. Such additional load will be more than the system can handle. GPA has contended in prior PUC dockets that net metering systems without frequency control capability can overload system circuits, degrade system reliability, and cause intermittency and cause disruption in the system. There is a need to mitigate issues due to intermittent solar supply and its disruption of the system. NEM growth without batteries will significantly degrade reliability. The intermittency of solar PV supply can also cause conventional generators to trip offline.<sup>1</sup>

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<sup>1</sup> GPA’s Proposed Optional Energy Storage System (ESS) Rate, PUC Docket 20-09, submitted by John M. Benavente, General Manager, April 2021.



An influx of large 500KW systems into the island grid will potentially overload circuits and cause instability and unreliability in the system. Increasing the generation capacity limits of net metering customers from 100kw to 500kw will not address power outage issues. This is because grid tied net metering systems cannot stay on during power outages based on safety requirements. Such instability will cause more outages and load shedding. Also, there are voltage and reverse power issues that need to be mitigated with the increase of generation capacity by net metering customers. Increasing net metering generation capacity and the installation of additional large solar PVs without sufficient and properly configured energy storage systems and microgrid controllers add to the problems of stable grid operation. At present, many net metering systems cause electrical issues for their non-net metering neighbors. GPA is now in the process of conducting a study that analyzes the impacts of distributed generation on the distribution system.

In previous testimony, the PUC has taken the position that utility scale PV plants are a far more efficient means of adding solar power to the power system than net metering. Net Metering installed since 2008 has only produced 32MW of load capacity in fifteen years. Net metering is not a solution for the load capacity issues that GPA faces.

**IV. IF BILL NO. 142-37 BECOMES LAW, THE PUC MAY LIKELY BE COMPELLED TO REDUCE THE COMPENSATION RATE FOR ALL NET-METERING CUSTOMERS.**

At present, net metering customers, or “customer generators” are entitled to receive credit for 100% of the power generation capacity at the rate GPA currently charges the customer. 12 GCA §8506. Such customers contribute nothing to base rate costs such as operation and maintenance of the plants and distribution systems and debt service. With the proposed 400% energy generation increase, it can be expected that GPA’s revenue losses will rise substantially. Under the bill the benefits to commercial net metering customers will be subsidized by GPA to its financial loss.

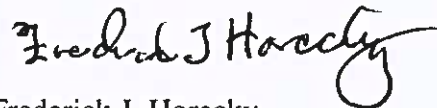
In the past, the PUC has declined to reduce the “one-to-one” compensation which net metering customers received, for each kw produced, on the theory that such reduction could inhibit the growth of the solar industry. The time may have come to reassess the current compensation level. The passage of this bill and the negative revenue loss impact on GPA may possibly compel PUC to reduce the current level of compensation to all net metering customers. GPA has recommended a “Value of Solar” (“VOS”) rate to replace the current one-to-one compensation. Many jurisdictions, including Hawaii and California have altered the one-to-one compensation rate for net metering customers. More recently, the PUC has been considering again examining the compensation rate; it is likely that, if this Bill is passed, the PUC will seriously undertake a reexamination of the existing compensation and possibly reduce that rate.

**CONCLUSION**

Bill No. 142-37(COR) should not be enacted. The Bill would likely result in higher power rates for the ratepayers of Guam, and the burden would particularly fall upon non-NEM customers.

There is a clear danger that this Bill could exacerbate the instability of the power system and cause even more outages than are presently occurring. This bill will not provide useful additional load capacity or reduce power outages. The bill may benefit some commercial net metering customers, but it will be to the detriment of average ratepayers. The PUC was responsible for the creation of the net-metering tariff and implementation of the renewable energy system in Guam. Whether the limit of commercial net metering capacity should be increased is an issue which should be addressed by the Guam Public Utilities Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Frederick J. Horecky". The signature is fluid and cursive, with a large, stylized initial 'F'.

Frederick J. Horecky  
Chief Administrative Law Judge  
Guam Public Utilities Commission




# Senator William A. Parkinson

Chairperson, Committee on Fire, Agriculture, Power and Energy Utilities, Public Transit, Unemployment Insurance and Universal Health Insurance

## COMMITTEE VOTE SHEET

**Bill No. 142-37 (COR) –As Amended by the Committee on Fire, Agriculture, Power and Energy Utilities, Public Transit, Unemployment Insurance, and Universal Health Insurance - William A. Parkinson- “AN ACT TO AMEND § 8502(c)(2)(B) OF ARTICLE 5, CHAPTER 8, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO NET METERING.”**

COMMITTEE MEMBERS	SIGNATURE/ DATE SIGN	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Senator William A. Parkinson Chairperson	 11/8/23	✓				
Senator Frank F. Blas, Jr. Vice. Chairperson	e-vote 11/8/23			✓		
Senator Joe S. San Agustin Member						
Vice Speaker Tina Rose Muña Barnes Member						
Senator Amanda L. Shelton Member	e-vote 11/6/23			✓		
Senator Roy A.B. Quinata Member	e-vote 11/8/23	✓				
Senator Dwayne San Nicolas Member	e-vote 11/6/23	✓				
Senator Jesse A. Lujan Member	e-vote 11/7/23			✓		
Speaker Therese M. Terlaje Ex-officio Member						

**REQUEST FOR E-VOTE: Bill No. 142-37 (COR) - As amended**

7 messages

Senator Will Parkinson <senatorparkinson@guamlegislature.org>

Mon, Nov 6, 2023 at 12:00 PM

To: "Office of Senator Frank Blas, Jr." <office@senatorfrankblas.com>, Senator Jesse Lujan <senatorlujan@guamlegislature.org>, Senator Dwayne San Nicolas <senatorsannicolas@guamlegislature.org>, Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>, "Honorable Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Senator Roy Quinata <officeofsenatorquinata@guamlegislature.org>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>  
 Bcc: Senator Will Parkinson <senatorparkinson@guamlegislature.org>

*Håfa Adai* Committee Members:

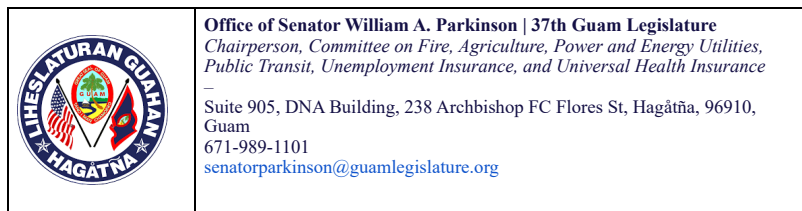
Please see attached the Committee Report on **Bill No. 142-37(COR) - As Amended by the Committee of Fire, Agriculture, Power and Energy Utilities, Public Transit, Unemployment Insurance and Universal Health Insurance - Introduced by William A. Parkinson-** " **AN ACT TO AMEND SUBSECTION § 8502(c)(2)(B) OF ARTICLE 5 CHAPTER 8, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO NET METERING,** "

Please indicate your preferred action, based on the following options:

- TO DO PASS;  
 TO NOT PASS;  
 TO REPORT OUT ONLY;  
 TO ABSTAIN;  
 TO PLACE IN INACTIVE FILE.

Please submit your response **ASAP**. Your responses will be logged into the Committee Vote Sheet for **Bill No. 142-37 (COR) As amended by the Committee**. Should you have any questions, please do not hesitate to contact our office.

--  
 Respectfully,



**COMMITTEE REPORT Bill No. 142-37 (COR).pdf**  
 8609K

Senator Dwayne San Nicolas <senatorsannicolas@guamlegislature.org>

Mon, Nov 6, 2023 at 1:13 PM

To: Senator Will Parkinson <senatorparkinson@guamlegislature.org>  
 Cc: "Office of Senator Frank Blas, Jr." <office@senatorfrankblas.com>, Senator Jesse Lujan <senatorlujan@guamlegislature.org>, Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>, "Honorable Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Senator Roy Quinata <officeofsenatorquinata@guamlegislature.org>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>

Hafa Adai,

To Do Pass





Senator Will Parkinson <senatorparkinson@guamlegislature.org>

**Re: REQUEST FOR E-VOTE: Bill No. 142-37 (COR) - As amended**

1 message

Senator Jesse Lujan <senatorlujan@guamlegislature.org> Tue, Nov 7, 2023 at 11:11 AM

To: "Joe S. San Agustin" <senatorjoessanagustin@gmail.com>  
Cc: Senator Will Parkinson <senatorparkinson@guamlegislature.org>, "Office of Senator Frank Blas, Jr." <office@senatorfrankblas.com>, Senator Dwayne San Nicolas <senatorsannicolas@guamlegislature.org>, Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>, Senator Roy Quinata <officeofsenatorquinata@guamlegislature.org>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>

To Report Out Only

On Tue, Nov 7, 2023 at 10:22 AM Joe S. San Agustin <senatorjoessanagustin@gmail.com> wrote:

To Do Pass

**The Office of Senator Joe S. San Agustin**

Committee on General Government Operations & Appropriations

*I Mina'trentai Siette na Liheslaturan Guåhan*

37th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

T: (671) 989-5445 F: (671) 969-6737 E: [senatorjoessanagustin@gmail.com](mailto:senatorjoessanagustin@gmail.com)

Website: [www.senatorjoessanagustin.com](http://www.senatorjoessanagustin.com)

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On Mon, 6 Nov 2023 at 12:00, Senator Will Parkinson <senatorparkinson@guamlegislature.org> wrote:

*Håfa Adai* Committee Members:


Please see attached the Committee Report on **Bill No. 142-37(COR) - As Amended by the Committee of Fire, Agriculture, Power and Energy Utilities, Public Transit, Unemployment Insurance and Universal Health Insurance - Introduced by William A. Parkinson- " AN ACT TO AMEND SUBSECTION § 8502(c)(2)(B) OF ARTICLE 5 CHAPTER 8, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO NET METERING, "**

Please indicate your preferred action, based on the following options:

- TO DO PASS;
- TO NOT PASS;
- TO REPORT OUT ONLY;
- TO ABSTAIN;
- TO PLACE IN INACTIVE FILE.

Please submit your response **ASAP**. Your responses will be logged into the Committee Vote Sheet for **Bill No. 142-37 (COR) As amended by the Committee**. Should you have any questions, please do not hesitate to contact our office.

--  
Respectfully,

	<p><b>Office of Senator William A. Parkinson   37th Guam Legislature</b>  <i>Chairperson, Committee on Fire, Agriculture, Power and Energy Utilities, Public Transit, Unemployment Insurance, and Universal Health Insurance</i></p> <p>–        Suite 905, DNA Building, 238 Archbishop FC Flores St, Hagåtña, 96910,        Guam        671-989-1101  <a href="mailto:senatorparkinson@guamlegislature.org">senatorparkinson@guamlegislature.org</a></p>
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*Si Yu'os Ma'åse'*



**Senator Jesse A. Lujan**

*Vice Chair, Committee on Maritime Transportation, Air Transportation, Parks, Tourism, Higher Education, and the Advancement of Women, Youth, and Senior Citizens*

**37th Guam Legislature**

*I Mina'trentai Siette Na Liheslaturan Guåhan*

259 Martyr St. Suite 101A, Calvo-Arriola Building

Hågatña Guam 96910

**Office:** (671)969-6525

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**Office of Senator Dwayne T.D. San Nicolas**  
*Committee on Emergency Response, Military and  
 Veteran Affairs, Border Safety and Mayors  
 Council*

I Mina'trentai Siette Na Liheslaturan Guahan | 37th  
 Guam Legislature  
**Telephone:** 671-989-4400  
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**Office of Senator Amanda L. Shelton** <[officeofsenatorshelton@guamlegislature.org](mailto:officeofsenatorshelton@guamlegislature.org)>

Mon, Nov 6, 2023 at 2:30 PM

To: Senator Dwayne San Nicolas <[sensorsannicolas@guamlegislature.org](mailto:sensorsannicolas@guamlegislature.org)>

Cc: Senator Will Parkinson <[senatorparkinson@guamlegislature.org](mailto:senatorparkinson@guamlegislature.org)>, "Office of Senator Frank Blas, Jr." <[office@senatorfrankblas.com](mailto:office@senatorfrankblas.com)>, Senator Jesse Lujan <[senatorlujan@guamlegislature.org](mailto:senatorlujan@guamlegislature.org)>, Vice Speaker Tina Rose Muña Barnes <[senatormunabarnes@guamlegislature.org](mailto:senatormunabarnes@guamlegislature.org)>, "Honorable Joe S. San Agustin" <[senatorjoessanagustin@gmail.com](mailto:senatorjoessanagustin@gmail.com)>, Senator Roy Quinata <[officeofsenatorquinata@guamlegislature.org](mailto:officeofsenatorquinata@guamlegislature.org)>, Senator Therese Terlaje <[senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com)>

To Report Out Only.

*Si Yu'os Ma'ase'.*



**Office of the People • Senator Amanda L. Shelton**  
 Majority Leader, Legislative Secretary, &  
 Chairwoman, Committee on Maritime Transportation,  
 Air Transportation, Parks, Tourism, Higher Education,  
 and the Advancement of Women, Youth, and Senior  
 Citizens

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**Senator Will Parkinson** <[senatorparkinson@guamlegislature.org](mailto:senatorparkinson@guamlegislature.org)>

Tue, Nov 7, 2023 at 3:18 PM

To: "Office of Senator Amanda L. Shelton" <[officeofsenatorshelton@guamlegislature.org](mailto:officeofsenatorshelton@guamlegislature.org)>

Cc: Senator Dwayne San Nicolas <[sensorsannicolas@guamlegislature.org](mailto:sensorsannicolas@guamlegislature.org)>, "Office of Senator Frank Blas, Jr." <[office@senatorfrankblas.com](mailto:office@senatorfrankblas.com)>, Senator Jesse Lujan <[senatorlujan@guamlegislature.org](mailto:senatorlujan@guamlegislature.org)>, Vice Speaker Tina Rose Muña Barnes <[senatormunabarnes@guamlegislature.org](mailto:senatormunabarnes@guamlegislature.org)>, "Honorable Joe S. San Agustin" <[senatorjoessanagustin@gmail.com](mailto:senatorjoessanagustin@gmail.com)>, Senator Roy Quinata <[officeofsenatorquinata@guamlegislature.org](mailto:officeofsenatorquinata@guamlegislature.org)>, Senator Therese Terlaje <[senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com)>

*Hafa Adai, Senators*

Kindly follow-up on E-vote for Bill No.142- 37 (COR)- As amended. Thank you.

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**Frank Blas Jr.** <[frank.blasjr@senatorfrankblas.com](mailto:frank.blasjr@senatorfrankblas.com)>

Wed, Nov 8, 2023 at 10:19 AM

To: Senator Will Parkinson <[senatorparkinson@guamlegislature.org](mailto:senatorparkinson@guamlegislature.org)>

Cc: "Office of Senator Amanda L. Shelton" <[officeofsenatorshelton@guamlegislature.org](mailto:officeofsenatorshelton@guamlegislature.org)>, Senator Dwayne San Nicolas <[sensorsannicolas@guamlegislature.org](mailto:sensorsannicolas@guamlegislature.org)>, "Office of Senator Frank Blas, Jr." <[office@senatorfrankblas.com](mailto:office@senatorfrankblas.com)>, Senator Jesse Lujan <[senatorlujan@guamlegislature.org](mailto:senatorlujan@guamlegislature.org)>, Vice Speaker Tina Rose Muña Barnes <[senatormunabarnes@guamlegislature.org](mailto:senatormunabarnes@guamlegislature.org)>, "Honorable Joe S. San Agustin" <[senatorjoessanagustin@gmail.com](mailto:senatorjoessanagustin@gmail.com)>, Senator Roy Quinata <[officeofsenatorquinata@guamlegislature.org](mailto:officeofsenatorquinata@guamlegislature.org)>, Senator Therese Terlaje <[senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com)>

To report out

Frank

Sent from my iPhone

On Nov 7, 2023, at 3:19 PM, Senator Will Parkinson <[senatorparkinson@guamlegislature.org](mailto:senatorparkinson@guamlegislature.org)> wrote:

[Quoted text hidden]

**Senator Roy Quinata** <officeofsenatorquinata@guamlegislature.org>

To: "Frank Blas Jr." <frank.blasjr@senatorfrankblas.com>

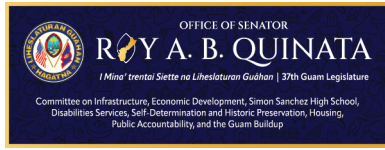
Cc: Senator Will Parkinson <senatorparkinson@guamlegislature.org>, "Office of Senator Amanda L. Shelton" <officeofsenatorshelton@guamlegislature.org>, Senator Dwayne San Nicolas <senatorsannicolas@guamlegislature.org>, "Office of Senator Frank Blas, Jr." <office@senatorfrankblas.com>, Senator Jesse Lujan <senatorlujan@guamlegislature.org>, Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>, "Honorable Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Senator Therese Terlaje <senatorterlajegum@gmail.com>


To do pass.

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Si Yu'os Ma'åse',



 (671)472-4826 (GUAM)



*Gumai pribilehu yan konfedensia este siha na mensåhi. Solo espesiåtmente para hågu ma entensioña pat ma aturisa para unrisibi. Sen prubidu kumu ti un ma aturisa para manribisa, na'setbe, pat mandespåtcha. Yanggen lachi rinisibu-mu nu este na mensåhi, put fabot ago' guatu gi l numa'huyong gi as [officeofsenatorquinata@guamlegislature.org](mailto:officeofsenatorquinata@guamlegislature.org) yan despues destrosa todü siha l kopian mensåhi. Si Yu'os ma'åse'.*

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**Senator Will Parkinson** <senatorparkinson@guamlegislature.org>

To: Senator Roy Quinata <officeofsenatorquinata@guamlegislature.org>

Cc: "Frank Blas Jr." <frank.blasjr@senatorfrankblas.com>, "Office of Senator Amanda L. Shelton" <officeofsenatorshelton@guamlegislature.org>, Senator Dwayne San Nicolas <senatorsannicolas@guamlegislature.org>, "Office of Senator Frank Blas, Jr." <office@senatorfrankblas.com>, Senator Jesse Lujan <senatorlujan@guamlegislature.org>, Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>, "Honorable Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Senator Therese Terlaje <senatorterlajegum@gmail.com>

Wed, Nov 8, 2023 at 10:28 AM

*Hafa Adai*, Senators

Thank you all very much.

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# Senator William A. Parkinson

Chairperson, Committee on Fire, Agriculture, Power and Energy Utilities, Public Transit, Unemployment Insurance and Universal Health Insurance

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## COMMITTEE REPORT DIGEST

### I. OVERVIEW

**Bill No. 142-37 (COR)** was introduced on June 22, 2023, by William A. Parkinson. Bill No. 142-37 (COR) was referred by the Committee on Rules to the Committee on Fire, Agriculture, Power and Energy Utilities, Public Transit, Unemployment Insurance and Universal Health Insurance, on June 23, 2023 which the Committee convened a public hearing on Thursday, September 07, 2023, at 10:00 a.m. in *I Liheslatura's* Congress Building in the Public Hearing Room. The Public Hearing for Bill No. 142-37 (COR) began at 10:00 a.m. and adjourned at 11:34 a.m.

#### **Public Notice Requirement:**

In accordance with the Open Government Law, public notices for the Public Hearing were disseminated via electronic mail to all senators and all main media outlets on Wednesday August 30, 2023 and again on Tuesday, September 05, 2023. Notice of this hearing was also posted and available on the Guam Legislature's website and the Government of Guam Public Notice Portal.

#### **Senator Present:**

Senator Roy A. B. Quinata- Committee Member/Presiding officer

Senator Joe S. San Augustin- Committee Member

Senator Joanne M. Brown – Legislative Member

Senator Telo T. Taitague – Legislative Member

#### **Appeared Before the Committee:**

Tom Shimizu- Ambros, Inc.

Dr. John Rivera – Citadel Pacific.

Joey Crisostomo – Cars Plus

Tricee Limtiaco – GPA

John Kim – GPA

#### **Submitted Written Testimony:**

Dr. John Rivera – Citadel Pacific



# Senator William A. Parkinson

*Chairperson, Committee on Fire, Agriculture, Power and Energy Utilities, Public Transit, Unemployment Insurance and Universal Health Insurance*

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William Hagen – Pacific Solar & Photovoltaics Inc.

Marcos W. Fong – Foremost Foods, Inc.

John M. Benavente, P.E. – GPA General Manager.

Joey Crisostomo – Cars Plus

Frederick J. Horecky – Chief Administrative Law Judge – PUC.

## II. SUMMARY OF TESTIMONY AND DISCUSSION

The Public Hearing was called to order at 10:00 AM.

**Senator Quinata:** Okay, *Håfa Adai* and good morning to you. Thank you we are back from recess the committee will now hear testimony for Bill No.142-37 (COR) introduced by Senator William A. Parkinson. Again, I just want to advise the body and those who are listening that Senator Parkinson is the Oversight Chair unfortunately was feeling under the weather and is not able to be here to conduct a hearing. So, with that being said, Bill 142-37 introduced by William A. Parkinson, **AN ACT TO AMEND SUBSECTION § 8502(c)(2)(B) OF ARTICLE 5 CHAPTER 8, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO NET METERING**, and at this time I'll go ahead and call on the individuals who like to testify whether support or opposing I have Mr. Tom Shimizu if you're going to please approach the table. My apologies Shannon Taitano. Okay no testimony. Jen Camacho okay written, Brian Bamba okay he had to leave okay. John Rivera, you can you can approach thank you Dr. Rivera, man I don't know if this is a W or an L Wang Lu or Lang Yu Kim. Wanju Kim. Okay not testifying sorry. Mr. Crisostomo, you're the only one else that's left on the testimony. Okay you can have a seat. GPA sorry I don't have your name listed my apologies Ms. Tricee okay John Kim. You guys can both it doesn't say you guys are going to provide testimony though but come my apologies. Okay, I guess we'll start from the right because you're the first one to sit. Mr. Shimizu go ahead.

**Tom Shimizu: Ambros Inc.:** Good morning, Senators I am just going to very short. I'm Tom Shimizu I work for Ambros Inc. and we support the bill to increase the limits for net metering at our company we have the maximum allowed for a commercial system but it doesn't even satisfy a third of our consumption. The adjustment to the regulation will allow us to you know remove our demand from the system and free that up for other companies or you know customers to consume those. So, yeah quite simply it's just we support it and we hope that you guys can pass the bill, thank you.



**Senator Quinata:** Duly noted and we'll proceed to the, Ms. Tricee Limtiaco you are recognized.

**Tricee Limtiaco: GPA Assistant General Manager:** *Håfa Adai* Senator Quinata and Senator Brown and Senator Taitague. Thank you for the opportunity to testify I'm going to read the testimony provided by our General Manager John Benavente and I believe that a copy of this has been already sent to Senator Parkinson's office.

**Tricee Limtiaco: GPA Assistant General Manager:** The proposed legislation intends to promote the use of renewable energy sources and permit businesses to maximize the use of solar energy technology by increasing the maximum generating capacity of the renewable energy generation for non-residential class customers from 100 kW to 500 kW. While GPA supports the intent of Bill 142-37 it does not support its passage because of the resulting impact on base rate revenues and rate increases for non-NEM customers.

**Tricee Limtiaco: GPA Assistant General Manager:** The Net Energy Metering Program (NEM), initially mandated with good intentions to jump start customer-generated renewable energy, has resulted in a significant negative impact on base rate revenues and created two classes of customers: NEM and non-NEM customers. NEM customers receive a full rate credit for all energy they export into the GPA grid and avoid paying their share of costs associated with the island wide power system operation, maintenance, debt, capital investment, etc. Rate increases to cover loss of revenue or increased cost is entirely borne by non- NEM customers, including low-income, fixed income, and other at-risk customers. Currently, NEM are not required to pay about \$5.2M of annual operating costs. These costs are subsidized by non-NEM customers.

**Tricee Limtiaco: GPA Assistant General Manager:** As of March 2023, there are approximately 2,500 NEM customers with a combined capacity of 32MW of daytime generating power which may be exported to grid. The vast majority of these customers do not have energy shifting batteries thereby

adding to the overall energy demand of the grid during the daily peak hours (5 p.m. – 11 p.m.). At this point, customers with batteries incorporated into their residential or commercial solar PV systems do not significantly reduce the overall demand or assist with providing additional capacity during peak.

**Tricee Limtiaco: GPA Assistant General Manager:** Should this legislation become law, approximately 1,300 current NEM customers will have the opportunity to increase production. If 25% of these customers increase their production over 100kW, the revenue impact loss to GPA is estimated at \$12M. Add this to the current \$5M subsidy, and the NEM program’s impact to non-NEM customers will be an estimated \$17M annually by avoiding base rate costs (i.e., operating, maintenance, debt service, etc.). The projected impact does not include costs for impact studies and mitigation projects to address the proposed 400% energy generation increase. This change will certainly require GPA to file for a rate increase to cover its operating costs which is born by only the non-NEM customers.

**Tricee Limtiaco: GPA Assistant General Manager:** GPA has recommended the Guam Public Utilities Commission (PUC) replace the retail rate net metering credit with an avoided cost rate. An adjustment to the current NEM rate may significantly change the projected impact of Bill 142-37 to non-NEM customers. This issue should be referred to the PUC for its decision as required by bond covenants before any further action is taken.

**Tricee Limtiaco: GPA Assistant General Manager:** Thank you for this opportunity to speak with you.

**Senator Quinata:** Thank you Ms. Limtiaco. Dr. Rivera you are now recognized.

**Dr. Rivera: Citadel Pacific:** Good morning, thank you Senator Quinata. Good morning, Senator Brown and Senator Telo Taitague. Thank you for giving me this opportunity and I'd like to read into record the letter from our

leadership at the Citadel in support of this bill and I believe a copy was also sent to Senator Parkinson's office earlier.

**Senator Quinata:** My apologies Dr. Rivera can you please push the mic towards your mouth.

**Dr. Rivera: *Citadel Pacific:*** Sure.

**Senator Quinata:** Thank you so much.

**Dr. Rivera: *Citadel Pacific:*** So, thank you for this opportunity to testify in favor of Bill 142-37, a bill that would expand the opportunity for private commercial solar installations in Guam. We also want to take a moment and thank Senator Parkinson for having the foresight to introduce this bill. In the aftermath of Typhoon Mawar, we understand now, more than ever, the need to find solutions for our island community. For background, the CITADEL is the parent company of IT&E, a telecommunications company; IP&E a fuel distribution and logistics company, which also established a renewable energy business 3 years ago; and several commercial properties on Guam, including the ITC building and Bank of Hawaii building in *Hagåtña*. At our core, the CITADEL is in the business of creating synergy around critical infrastructure and products that are essential to maintaining communications, power, and commerce in our island. We believe it is important to share our experiences and observations with you in the context of this legislation. Over 3 years ago, as we were developing our renewable energy business for the region, we started with our facilities in Guam. Our focus is not in residential solutions, but commercial solutions. Given the high cost of power in Guam and, our desire to introduce as much sustainable or “green” energy into our network as possible, we decided to conceptually test a Solar and Battery Micro-Grid system at one of our Shell Stations – in Upper Tumon, along Marine Drive on the way to Kmart. This is a unique facility in our fuel retail network because we happen to have enough land area to harvest the solar energy needed for 24/7 operations. During the sunlight hours, the solar panels generate power to the station and charge the batteries

every day so that we can operate overnight, drawing energy from the batteries. As we designed this system and worked with GPA, we came to understand that the only approval we could get for a renewable power system was for a maximum of 100kw of solar panels because of the current statutory cap. This location operates 24 hours a day, 7 days a week and, in order to maximize our use of renewable energy for this site, we had designed a system of 250kw of Solar panels and a containerized and fully integrated 588kwh Lithium-Ion battery system. Unfortunately, because of the existing legislation, we were told that this system could not be approved because we were over the 100kw maximum cap, per meter, for a solar system on a commercial facility. The only way we could pilot this project was to go completely off the GPA grid, and so we did. To go completely off the grid was not our first choice. We believe that GPA had no objection to our system design, but they were unable to approve this system simply because of the limitations currently set by Guam law. This Upper Tumon Shell Station has been off the grid since July of 2021. The system has worked very well for us. In fact, after Typhoon Mawar and, in part, because of the solar power and batteries, this was the first retail fuel station to open after the storm. As you may know, this facility was dedicated to providing fuel and support to first responders in the aftermath of the typhoon. We also decided to install solar panels at the headquarters of ITE – at our main headquarters and network operations center in Harmon. This facility has 62,000 square feet of roof space, enough to accommodate between 500-600kw of solar panels. However, because we have 2 electrical meters at this facility, we are limited by current regulations to a maximum of 200kw of solar panels – 100kw per meter. All of the energy that these panels produce are consumed immediately by our network. There is no excess power produced that is fed back into the island power grid. In fact, these panels only produce around 10% of the facility's total power needs. We believe that any commercial facility that can consume, on site, the power that it produces from solar panels should be allowed to install panels purely for self-consumption. In

our experience, most commercial facilities on Guam, with enough roof space to accommodate 500kw of solar panels, are likely to consume 100% of that power on site. This would be the case for any warehouse facility that requires refrigeration, for example, or a commercial facility that consumes a large amount of power, like IT&E in Harmon. But again, the current legislation does not allow for this. The legislation is binary – one meter = 100kw. We do understand that one way to get around this 100kw meter cap would be to have additional meters installed. However, we sincerely believe that this work around, which is authorized under the current legislation, defeats the purpose of having a comprehensive and robust system of private green / renewable energy policies that addresses the needs of commercial customers. Residential customers are allowed to install solar and battery systems and remain tied to the GPA grid. Commercial customers are not. We believe this should change. It is important to point out that we are not advocating for “unlimited” or “unchecked” solar systems. We believe that any system that is grid tied must be designed to standards that involve GPA and their approval, so that the stability and integrity of the overall power grid is kept in mind. We do believe, however, that the time has come to address the needs of large-scale commercial customers who have the ability to generate energy from renewable systems and consume all of the energy they produce. We have many industry partners who have commercial facilities that are restricted by these same statutory limits – who would consume all the energy that their rooftops can generate, thereby reducing the load on the grid with clean, green, and renewable energy, but cannot do so today. Currently, we continue to face load shedding, unreliable power from the grid, ongoing recovery efforts from the latest typhoon, and other issues we are all enduring together. At IP&E, we fully understood, firsthand, the challenges our island faced when power was out, when the only way to keep your business running was from diesel generators. Here, the ability of the private sector to distribute enough diesel fuel to the right place, at the right time was vital to recovery and the continuity of critical operations. The



entire fuel industry struggled with this in the aftermath of Typhoon Mawar. In simple terms, the more solar you have in your facility, the less diesel you would need to burn to keep your facility running. We understand that an integrated grid, combining large amounts of solar, requires batteries. We believe that the private sector should be, and is, willing to participate in the advancement of this “distributed” and integrated grid; with additional utility scale and private solar, as well as, battery systems, as needed. We are willing to work with GPA on developing this plan and look forward to any opportunity to do so. We are here today to support taking a step in that direction. The reality is that the current law limits ANY commercial facility to only 100kw of solar panels, regardless of the profile of that facility, regardless of how much power the facility consumes, and what time of day it consumes that power. Limitations like these must be adapted to move with the changing needs of the time. The state of our power grid, when this original legislation was passed, has changed dramatically. We have multiple utility scale solar installations on Guam today and we have utility scale battery systems that have been integrated into the grid that we all share and that we all depend on. Increasing the cap of solar installations that a commercial facility can install, from 100kw to 500kw, is a positive step in the right direction and is well within the power of this legislature to execute. The private commercial sector would like to be engaged partners in the overall transformation of our power grid. This endeavor, that we are currently undergoing together, will move us from a grid purely dependent on fossil fuels to an integrated, reliable, and sustainable system of baseload thermal generators, solar panels, and batteries (where appropriate). Passing Bill 142-37 would allow both GPA and the private commercial sector of Guam to be engaged in a greater partnership. We understand the challenges that GPA is facing, with the limited existing generation capacity on island. The additional capacity required to meet grid demand can either come from existing resources or we can find alternative means to supplement the shortfalls. We believe Bill 142-37 can provide immediate solutions to assist

GPA, most especially during this critical time of frequent load shedding. Thank you for your consideration and we look forward to your favorable support, and this is signed by our leadership Jim Beighley, Pacific Group CEO, Brian Bamba, the Managing Director of IP&E and Jim Oehlerking, the CEO of IT&E. Thank you Senators.

**Senator Quinata:** Thank you Dr. Rivera. Certainly thanks to you guys for fueling excellence and fueling our Island residential while we're on recovery mode. Most especially at this time I recognize Mr. Joey Crisostomo, please state your name and then you can carry on.

**Joey Crisostomo: *Cars Plus: Håfa Adai*** Senator Quinata, Senator Brown and Senator Taitague. My name is Joey Crisostomo. My name is Joey Crisostomo and I am a businessman and an avid customer of solar generation and green energy. I want to thank you for the opportunity to testify in favor of COR 142-37, a bill that would expand the opportunity for private commercial solar installations from 100KW to 500KW. Let me start by sharing my experience as a residential user of solar power these past several years. I presently have a 22KW solar system on my house with 32Kwh of battery storage. I had the battery storage for about a year now. During the storm and until the grid was restored, which took about 2 and a half weeks in my neighborhood my system provided us with power 24/7. All this without having to rely on a noisy, polluting diesel generator, not to mention having to wait in line for hours to buy diesel. Also, our system goes off the grid from 5pm to 9pm every night. So it cools off during peak hours, during GPA's peak hours. It puts us in a good steward it uses up about 30 percent of our battery storage but we're not impacting the grid during those critical times from 5 to 9 and I've been asked to look at going to 11. So we're going to see if we can do a 5 to 11 o'clock where we don't even impact GPA's grid we're off the system completely. In this way, I am able to act as a "good steward of the grid" by reducing the load during GPA's peak demand times. This is good for the island, good for the community, and a better alternative for our



environment. This bill represents an opportunity for businesses to do the same. Cars Plus presently has 100KW solar system on its roof which covers about 40% of our onsite demand. That is the maximum we can put on our roof because of the present law. A law that was put in place 13 years ago in 2010. We could get around this limitation by installing additional meters but surely the legislature did not intend this inefficient route to the greening of Guam. With the current cap at 100KW, many businesses would not consider investing in solar energy and battery storage. The legislature has the power and opportunity to change that. If this bill is passed and the limit is updated, a lot of businesses on island would consider going green and becoming an energy efficient business. Now is the time to increase the cap up to 500KW so more businesses can utilize solar energy to cover up to 100% of the power they use. This will encourage more businesses to get in to energy storage such as batteries. Keeping in mind Guam's commitment to Net Zero emissions by 2045. I want to thank Senator Parkinson and all of you for using the lessons we learned after Typhoon Mawar to find solutions for our community so that we can be better prepared when the next storm comes. I humbly ask that you support this bill. On another note a demand coming up in the very near future for energy use is going to be electric vehicles. There's already in the news Agana Shopping Center installed some EV charging stations by 2030 we'll probably have 30 percent of our sales be EV Vehicles. So there is going to be a demand coming up and you know GPA is asking us to try and cut down from 5 to nine 9 to 11 asking businesses and so forth this is a way that can we can get around that and if you look at the storm what happened after the storm. If we had key facilities that were solar powered had battery storage and water a water system, they can operate 24 7 right. The day after the storm and not be affected by it and keep things in operation thank you.

**Senator Quinata:** Thank you Mr. Crisostomo for your testimony. At this time it was requested by Mr. Marcus Fong CEO of foremost and wholesale. *“Håfa Adai* Senator Parkinson and members of the 37th Guam Legislature I

represent Foremost Foods, Inc, a wholesale and distribution business with a history in Guam for over 70 years. I am writing to provide testimony for COR 142-37, which aims to increase the generating capacity limit for non-residential class customers from 100 kilowatts to 500 kilowatts. This issue is important to us because as part of the island’s critical food supply infrastructure, our ability to operate and maintain continuity of business during a state of emergency is a part of our crisis management plan. Foremost Foods, Inc. maintains contracts with the US military, various Government of Guam entities including the Guam Memorial Hospital and Department of Corrections, as well as being a major supplier to restaurants and retail establishments around the island. Our facility houses two stories of offices, a large ambient warehouse, and temperature-controlled cold storage that utilizes a substantial combined power load. Throughout our history and most recently, during Super Typhoon Mawar, the island relied on our infrastructure to supply much needed food, water, and other supplies to the community. This was possible because of a robust infrastructure that includes multiple layers of redundancy. We recently incorporated solar as a “green” energy source to supplement our electricity needs. The 100kw limit is well under our usage threshold and therefore, has limited the ability for this solution to be a meaningful supply source. Even at a 500kw limit, we would consume 100% of the electricity generated by a solar system, lowering our carbon footprint to the island without feeding anything back into the grid. The intention for introducing solar into our electrical infrastructure is not to disconnect from the grid, but rather to lighten the load by being partially self-sufficient. The demand for electricity is straining the current public infrastructure and it is expected to grow in the coming years. The passage of this bill will enable the private sector, especially large utility consumers, to contribute towards a more comprehensive solution for the island’s future utility needs. Respectfully, Mr. Marcus W. Fung CEO of Foremost. That was his testimony we also have another testimony from Mr. William Hagin. Senator Will Parkinson and committee members Bill No. 142

we at Pacific Solar & Photovoltaics Inc. have no objection to Bill No.142-37 so long as the installation meets with the approval of the Guam Power Authority. Sincerely, Mr. William Hagan. At this time I will yield the floor to my colleague Senator Joanne Brown.

**Senator Brown:** Thank you very much Mr. Chairman certainly thank you to all of you who've come to provide your testimony with regards to this Bill 142. I did want to ask the Guam Power Authority just to clarify I mean the issue with regards to the net metering program and increasing the amount you're claiming is going to cost GPA a loss of about 12 million as you indicated in John Benavente's testimony and then you're talking about the subsidy is this the distribution system that the additional power from these companies or residents that are feeding power back into the system is your concern that they're not carrying the cost of the distribution of the power. I just want to get clarification with regards to the testimony.

**Tricee Limtiaco - GPA Assistant General Manager:** That's a good question Senator Brown I'm going to defer to John Kim our CFO.

**John Kim - GPA CFO:** Yes the what we did a calculation was the amount of estimated generation from the customers from the solar panels and apply the retail rates. So the 5 million dollars loss is revenue that we forego.

**Senator Brown:** And so where do you want to go from here I mean I understand I mean we're in a very interesting situation because of the timeline of the construction of the new Power Plant and the delays with the procurement we were aware of that long and winding road and then certainly. I'm sure the typhoon has caused some impact we did certainly see the tank at the new face have not been up there but just saw the photos of how that that would probably require the entire rebuilding of that looking at the damage that that happened which will further delay the completed construction operation of the new GPA power plant. So what is GPA recommending. I mean are you going to the PUC to have this issue address. Are you looking at charging a fee to these members of the community in the

private sector that are contributing additional energy capacity because I'll tell you right now we are all getting extremely tired of load shedding and many of us who are old enough to have been here for the last round 30 plus years ago and I understand I understand the delay. I understand the issues with regards to Cabras and the older facilities that it's just a timeline and life survival is coming to an end and the timing of the construction of the new plant which I know was foreseen many years ago. I know John who's worked with this for so many years you know knew this was coming but here we are and you just you're dealing with the community now that I just think is just totally tired having gone through the typhoon and the recovery and now appliances I've got a washer and a dryer that is sitting out for FEMA to pick up this year you know and I don't know if it's age I haven't had it that long I don't know if it's these constant on and off on and off on and off so.

**Tricee Limtiaco - GPA Assistant General Manager:** Well, those are good comments Senator Brown and we do appreciate it and we also, we did not project the delays that the Covid-19 pandemic would put on our current plans nor of course Typhoon Mawar so those are real and you're right we've been dealing with them and came up with some mitigating strategies that we're working on now. This conversation regarding this bill I believe is a part of a bigger conversation and this bigger conversation all goes back to GPA's integrated resource plan also known as our clean energy master plan. So that plan was just refreshed it's about a thousand pages long several volumes on GPA's website it was approved I believe mid or early last year late last year by both the CCU and the PUC and that plan reflects what is necessary to get to several goals to reach several goals. One of the overarching goals is the renewable portfolio standard that the legislative nature this legislature passed which requires us to be at 100 percent by 2045 and 50 renewable energy by 30, 2035. GPA's goals are to meet those portfolio standards five years before they're due and so while that is aggressive we know that it can be done and it's not just GPA so you're absolutely right our general manager John Benavente has been working with this legislature for

several years to come up with the agreeable plan and part of that plan must include the CCU and the PUC so if we go back to this bill for instance we believe that it really should be presented to the CCU so that the CCU can address the docket that is currently before them a GPA has requested that the PUC. I'm sorry did I say PUC or CCU. Pardon me that he PUC do address the net the current net metering program we also have other programs regarding renewable energy that we're working to put draft rules together and programs to present to the CCU and the PUC and that includes the virtual power plant program that this legislature passed I believe in the last term. So there are solutions and everybody here at work your GPA is not here to object to the intent of the legislation but as you know you know the legislature makes rules and regulations through law and we have to have the right rules and regulations in order to make these programs mutually beneficial to everyone including the non-NEM great pairs.

**Senator Brown:** Is there anything preventing you now from simply going to the PUC to address this because I mean I'm going to be concerned because eventually an understandable. I mean individually residents and private companies certainly have the right if they want to get off the grid and it's you know it's operational. They've demonstrated that they can generate their own power base and be self-sustaining and I think as time goes on I mean cell technology has been around for years decades and for a whole bunch of reasons you know including the politics it's never been put in place even though there are other more effective means of generating energy that are cost effective but.

**Tricee Limtiaco - GPA Assistant General Manager:** We have we actually do have a request to the PUC to review the current NEM program or there's no reason why we cannot go in and talk to them about this law however this law was not produced in conjunction or collaboration with GPA so we didn't have the opportunity to understand it and talk about options before it was introduced.



**Senator Brown:** Understandable but you may want to facilitate that because I mean I've been around enough also long enough to see what happened before with the previous Senator Parkinson. With what regards to and that was back in the day when the Guam Legislature used to decide the rates for the utilities and we see where that went. We see where our operational generation capability went it went down. I mean I was there with John Benavente when we were going to Federal EPA to get permitting for fast track generators are extremely expensive. Expensive fuel to operate and we went through that whole chaos and we were able at least for the last 25 years to get some stability but now because of where we're at we don't have that consistency you may have more residents now they're going to say hey I'm going to put up my solar panel and I'm going to get off the system and I'm going to you know contribute more power back and then you have less customers on GPA and you have a huge infrastructure to maintain. So you know it it's a thought but it's also the long-term vision of the viability of the Guam Power Authority itself if more people go off and do their own and by all means I mean I I take my solar panel that I have outside right now and the power is going to go out 9 to 10 and I take it into my house and it lights up my whole room. So I think it's something that that needs to be planned for we understand it's a long-term effort all the initiatives are being put in place. The marble project is a mess as that was getting off the ground. I understand the efforts but sometimes the challenges of structured organizations it takes a long time to move and other things are happening around it that may contribute to the continuing challenges of the Guam Power Authority so I'd recommend you facilitate because I'll tell you the popular thing is oh yes vote for this but with the long-term implications are to the residential customers that you have and the commercial customers of GPA and where we're going to be down the road. Nobody wants to think or do that heavy lifting it's politically why so I would facilitate with the PUC as quickly as you can to have this issue address. If you're going to have, I mean it's one thing if residents and commercial operators maintain their own

power system but if they're contributing it back into the system and you're claiming well you're using our you know. You're using our transmission lines and it's costing us money to maintain it but you're not paying for it. I think you need to have that addressed one way or the other because I also for those of us that are still on the GPA system don't want to be subsidizing that to our detriment. I don't think we have anything to gain from that but task is immense.

**Tricee Limtiaco - GPA Assistant General Manager:** Thank you Senator Brown. We will do that.

**Senator Brown:** I would hope that John stays long enough to see the construction of the new power plant because he definitely you know I'm sure 40 plus if not close to 50 years and he's been working at GPA and I appreciate the fact that he stayed on because he's certainly one of the more seasoned members that you have on your team but we think the challenges are there. We need to we need to address that I just want fairness for everybody. I don't want to see one over the other but I see the challenges for GPA if you don't facilitate with the PUC how to dress it and I commend all our commercial businesses that are here that are taking the initiative on their own for their own sake for their own operations to I mean keep costs down but also just contribute to clean energy in our community. I think we all want to see more of that. Thank you again. Thank you for all your testimony and providing your insight on this issue. Thank you Mr. Chair.

**Senator Quinata:** Thank you Senator Joanne Brown. This time I'll recognize my colleague Senator Telo Taitague, you have the floor.

**Senator Taitague:** Thank you Mr. Chair. Thank you everyone for coming to testify. It's so important that we see people in here to give us input many of you are the experts in the field and we go off your testimony so I appreciate especially those businesses that are here today taking time out to testify in favor of the bill. I mean I'm sure this is something that everybody is leaning toward like you said Joey there are more electrical vehicles coming on board



if I'm not mistaken. Federal mandates are coming in 2035. Saying a reproduction of vehicles have to go vehicle and these are federal mandates. I haven't confirmed if that is true to form it is true to form. Can you for the record since you're in the business community for the record 2035 what is going to happen.

**Joey Crisostomo: *Cars Plus:*** There are federal mandates to move to a hundred percent electrical vehicle electric vehicles and.

**Senator Taitague:** So, everyone should, so everybody should get ready for that and we know that it's not these electrical vehicles. I know my sister has electric vehicle and she found that she was using a lot of power from the regular grid and it was costing her so much so they decide to go to solar power and this is in Hawaii so now I mean it's substantially lower you know their solar panels are now you know powering up their electric vehicle and I'm pretty sure as we move forward with all these areas like the mall and other locations they're going to be using solar power to power up these vehicles because of the cost of fuel. I do want to ask with regards to GPA when you said that I read the fiscal note by the way for this bill and it actually said that according to GPA they told BBMR that it's going to be 18. 18.27 million dollars in increase but I'm reading your testimony here it says 12 million. So I don't know I'm just going to take your word for it since you're sitting in front of us that it is 12 million and not 18.27 million yeah so and then that is my next question the 12 million that you indicated here. So yeah 5 6 7 so it'll be 17 million but so the numbers are not jiving with me here. You're saying that currently 5 million is being subsidized through non-meters non, what do you call them, non-net metering individuals. Me the NEM non-NEM people are taking in that 5 million that you have lost through allowing 100 kilowatts for businesses. Now you're saying if that changes it's 12 million is that 12 million plus the 5 million or is that 12 million and then you actually technically it's 7 million and then we'll give you a total of 12 million on what would need to be subsidized by the non-MEN.

**Tricee Limtiaco: GPA Assistant General Manager:** The current subsidy for all non-NEM customers which includes residential and commercial is 5 million.

**Senator Taitague:** Okay.

**Tricee Limtiaco: GPA Assistant General Manager:** And so that that is at the capacity right now of approximately 2500 NEM customers with the combined capacity of 32 megawatts. So the so it is that 7 more millions the 12 million is the revenue impact the projected revenue impact of 25 percent of the 1300 current NEM commercial NEM customers because this bill is for commercial customers commercial NEM customers now Senator the I believe that the fiscal impact might have been submitted a couple months ago so are the numbers that we're using.

**Senator Taitague:** Before you go because you're giving a lot of information right now. So you're saying that the subsidies to cover those is coming the 1300 current NEM customers are businesses the 1300 right.

**Tricee Limtiaco: GPA Assistant General Manager:** I believe so.

**Senator Taitague:** Okay so if this increase happens or this bill passes and it goes up to 12 million. I would say go up to 7 million because you're saying that 5 million right now are being subsidized by current businesses commercial businesses because that's 1300 you have a total of 25,000 already on the grid right.

**Tricee Limtiaco: GPA Assistant General Manager:** 25 hundred 2,500.

**Senator Taitague:** Okay all right.

**Tricee Limtiaco: GPA Assistant General Manager:** The total NEM customers and so the 1300 are generally non-residential NEM customers.

**Senator Taitague:** Non-residential okay so.

**Tricee Limtiaco: GPA Assistant General Manager:** Non-residential. So we have it's not just commercial there are governments right there are there are other different basically government commercial and a residential so in the GM's testimony he is projecting that if only 25 percent of the current commercial NEM customers expand their generation capacity by 400 percent which is this law. The estimated loss revenue impact would be 12 million dollars on top of the current 5.

**Senator Taitague:** Okay.

**Tricee Limtiaco: GPA Assistant General Manager:** That's what our total would be 17.

**Senator Taitague:** Yep annual got it here so it is okay so BBMR had a different number. So it would be a total of 17. And these subsidies would go to the current would this go just for businesses or for everybody that's on the grid, the 12 million would be broken up.

**Tricee Limtiaco: GPA Assistant General Manager:** To non-NEM customers.

**Senator Taitague:** Non-NEM customers okay I mean the reason why I want to clear this is because the impact that it's going to have because even though the Government of Guam provided physical note they will be impacted too so the Government of Guam would actually have an increase in into their power if we had to subsidize this 12 million. Non-NEM okay. So why doesn't what funds or charges do you charge to people who use this 100 kilowatt the availability for them is there a certain surcharge that you add to their billing or and do you buy back whatever power they don't intake kind of like the residential scenario. Does the businesses have that same type of scenario where they can buy back the power at a lower rate than what you would charge a customer a GPA customer.

**John Kim: GPA CFO:** In the current name program is retail to retail.

**Senator Taitague:** Sorry.

**John Kim: GPA CFO:** It's a retail-to-retail rate to retail rate so we buy at retail rate and we sell it at retail rate.

**Senator Taitague:** So there's no okay so yes.

**John Kim: GPA CFO:** That's the word.

**Senator Taitague:** You don't buy it at a cheaper rate and then sell it to you know our regular GPA people for more money right so.

**John Kim: GPA CFO:** Yes.

**Senator Taitague:** Okay so it's even amount. Okay is there a surcharge on those who are using the utilizing that 100 metering kilowatt?

**John Kim: GPA CFO:** We don't we don't have surcharges.

**Senator Taitague:** Well you do for residential. Don't say you don't have a surcharge because I know you guys have surcharges for res for not residential for commercial.

**John Kim: GPA CFO:** There's no surcharges for using renewable energy.

**Senator Taitague:** Okay but do you do charge businesses a particular rate versus residential?

**John Kim: GPA CFO:** If you're asking different rate classes there's a different rate cases yeah but rate class is not based on business. It's based on kilowatt usage so it's not because you're residential you have rested different rate because residential classes have decent consumption rate. If you use over a thousand kilowatt hours you go to rate G. Right now your radar so it's based rates is based on consumption not based on what kind of what you occupy and demand also.

**Senator Taitague:** And demand okay that's not how I was told I was told that you know if there's a there's a difference like a just like the condominiums you know there was one meter and you were charging a resident a commercial rate and we had tried to clear that up and then so.

**John Kim: GPA CFO:** Yes, so like for the rest of we did the commercial I mean when we did the condominium rate a scheduled, we scheduled. What we did is that their consumption is some of them consumption was actually Class P but since back then the architecture design was to be more phase 3 meters and I aggregated together so since if you do it by individual their consumption rate is more residential. So, we created a Class D to benefit those high usage condominiums.

**Senator Taitague:** But there is a higher rate so all those all these businesses that have this 100-kilowatt opportunity with their solar power still are being charged when they're utilizing the grid a lot higher rate. With regards to these 12 million dollars increase you're saying it's an increase to non-NEM customers. Why would you only increase non-NEM customers and not increase those who are using solar power or who are NEM customers. Why would you only do to the non-NEM.

**John Kim: GPA CFO:** Well the idea is so some of the non-NEM customer who has solar panels. They actually contribute to the grid or they use significant portion of the bills so if they do that if the bill is zero and debate only get a basic charge of 15 dollars. They're not contributing to the grid to pay for the transmission lines the power poles transformers.

**Senator Taitague:** Yeah but they're only using 100 kilowatts that's only covering like what one third of some of their businesses or you know one-fourth of their business they're still on the grid.

**Tricee Limtiaco: GPA Assistant General Manager:** Right so Senator your rate in general your electric your rate your dollar per kilowatt hour is generally it has comprise of 2 components your base rate and then the fuel surcharge right or the LEAC and so for the base rate which I believe is currently 10 cents hasn't been increased in years. That base rate pays for everything that John Kim has just mentioned so general operations, debt service, you know personnel everything except fuel. When you address the different rate classes like Mr. Kim had mentioned. You had mentioned

commercial businesses. If depending on the customer's profile which includes not just consumption but also demand there may be demand charges. So I believe when not to discuss the condimental condominium bill too much but that was one of the issues that that we had to agree upon is the demand charge. A regular a typical regular residential profile does not have that same type of demand so that addresses the different charges in conjunction with the rates right. The energy the total energy rate when we're with your question if I if I understand you correctly you're saying if a commercial NEM customer has panels and they generate they have panels up to 100 KW but they generate more or I'm sorry they demand more from the grid why aren't they paying their fair share or are they paying their fair share and the answer is yes and no. So when they are pulling energy from the grid they are paying retail rate which includes the base rate. When they are exporting into the grid GPA is paying them under the current NEM program a hundred percent of the retail rate so the net is zero it can be zero. So depending on how much you export and import essentially you're not paying for some or all of the base rate.

**Senator Taitague:** Okay so I'm seeing how you guys are doing your calculations now with regards to that so these guys kind of get a little break because they're putting back into the grid or the power that they don't utilize. So let's say this bill passes. Okay the bill passes what is the process the next thing the bill passes. What do you do first you go to CCU? Do you go to the PUC? I mean what do you do first and then how do you implement it?

**Tricee Limtiaco: GPA Assistant General Manager:** Well yes we would have to go to the CCU and definitely the PUC as this impacts rates without even talking about.

**Senator Taitague:** But what are you going to ask the PUC?

**Tricee Limtiaco: GPA Assistant General Manager:** Well essentially what does Senator Brown asked us to do now is the PC has to review this and



there has to be some rules and regulations as we had mentioned before. This would be a different it could result right in a different rate class they would want to do an impact study a fiscal impact study. So that is why we are suggesting in our testimony that we go to that this matter be referred to the PUC so that we can create a program with the PUC and with all the stakeholders.

**Senator Taitague:** What about the CCU?

**Tricee Limtiaco: GPA Assistant General Manager:** And the CCU.

**Senator Taitague:** So, we always have to go to CCU first and then you go to the PUC.

**Tricee Limtiaco: GPA Assistant General Manager:** We do.

**Senator Taitague:** Okay so you'll go CCU first and then you go to the PUC and then from there they will look at that in assessment and they will probably ask you to go back to the impact statement but you'll probably already do that before you go to the PUC, correct? Because you're when I've noticed that when the CCU has made or GPA goes to PUC they've already got everything in order instead and kind of give your recommendations to the PUC and from there the PUC makes up their mind.

**Tricee Limtiaco: GPA Assistant General Manager:** Oh! they do and it's not unusual for the PUC to request for additional studies additional information so when we vet this through this process it does involve all the stakeholders at each level. So the CCU may call at their level for a stakehold for stakeholder engagement and at the PUC absolutely an additional round of stakeholder engagement.

**Senator Taitague:** And the PUC can also say well there will there be no rate increase to non-leader non-NEM individuals and that the GPA will have to eat it somehow you know and move from there. Joey you had something to say please go ahead. Turn on your microphone.



**Joey Crisostomo: *Cars Plus*:** Thanks.

**Senator Quinata:** Okay real quick I just want to recognize my colleague for joining us this morning Senator San Agustin. Thank you.

**Joey Crisostomo: *Cars Plus*:** Senator, welcome, you know just going through some of the numbers here if you look at the 1300 commercial businesses that have solar panels that maybe that consume up to 100 KW. They said 25 will expand up to 400 percent in other words going from 100 to 400, which is not 400 percent right and a majority of the businesses are going to be in the 200 to probably 300 kilowatt range. 25 percent of that is 325 businesses, and I don't think that many businesses have the roof space to handle it or the or they use that capacity speaking with Mr. Shimizu with Hambros, he has a roof space but their capacity that they use he was telling me they're probably only going to put 250 to 300 kilowatt hours kilowatt of panels on the roof. So I don't think that number is going to be that high and you know to assume that that the existing commercial NEM customers is going to come out of GPA's pocket and not charging the non-NEM customers that's that that could be somewhat misleading and I don't think we should you know. Looking at this bill looking at the simplicity of it and what we want. GPA can fix all the issues they want with PUC and GPA. GPA still has to give out the permits and approvals for the projects but it shouldn't delay. We should not have to wait for studies and reports and 3 years later be addressing the same thing. Personally, we have businesses that want to contribute want to go to green energy clean energy want to reduce their you know their power bills and operating expenses where with everything going up we're looking at everything we can to reduce our operating expenses and how can we help the environment at the same time. We could do that with this bill just from just from going from 100 to 400. That'll solve a majority of the problems the issues that GPA is bringing up they can bring up they can fix it. We're not against that they can address the NEM rates they can they can make it work and maybe moving forward with this they'll move a lot quicker knowing

that the more companies that come on and increase the more that's going to affect them but we cannot you know. I can increase up to 300 tomorrow I can go get an electrical contractor and pay the thousands of dollars and restructure it and apply for two meters and go get 200 more kilowatt hours right there kilowatt system on there but is that is that your intent is that the government's intent to make it harder on businesses to do it I I've talked to one businessman with Midpac Far East and Napa they have 300 KW on their roof. They had to have 3 meters to do that and it just doesn't make sense you know we researched it looking into getting more meters and it just keeps coming back to me shaking my head saying is this really what our government wants to do or GPA wants to do make it harder on businesses to be more efficient. We've got to get to clean energy we've got to get to renewable energy and we can address that in other avenues. This bill only occur amends a bill that was written 13 years ago. 25 KW for residential 100 KW for commercial. The 25 KW for residential is not addressed in here because that handles most of them there's very few homes that have the roof space to handle 25 KW or even 50 KW right. This is a is at 100 KW when panels were the efficiency of panels back then 13 years ago or 10 years ago was like 220 kilowatts per panel. Now they're in the 380 the 505s they've become more efficient and so that's less roof space needed and you know again I asked you to approve this and not get it tied in with net metering and things that can be fixed it shouldn't be tied to this bill to this amendment.

**Senator Taitague:** Thank you Mr. Crisostomo, I too I mean it has been 13 years I'm glad you brought that up and times are changes and technology is changing we're finding out that batteries now are not blowing up like they did you know 10 years ago when we when we stored whatever we couldn't utilize throughout the day and it's starting to improve and you know I mean going from 100 to 500 that that's a that's like wham you know huge impact but if we can find that some businesses like Mr. Shimizu said even if you were to go up to at least 300 you know kilowatts or even 350 might be better. I mean to gradually do this I think it's something that we should have done

13 years ago when we when we placed it at 100 kilowatts and then like every five years after that it goes up another hundred you know then it's not such a huge impact on our community if the P if the PUC decides to you know have the people of Guam's shoulder you know any cost to this increase. I mean we do realize we have a huge generator Dededo that's being built and someone's going to have to pay for that you know and regardless you know we're already playing an astronomical amount in power right now but you wanted to say something and then I'm going to go to.

**Joey Crisostomo: *Cars Plus:*** Yes, you know on the on the excess power produced by these solar plants solar projects on our roof it goes back to the GP it goes back to GPA at the end of the year December 31<sup>st</sup>. This this was changed two years ago in the past it used to be the user would get a check right for all the use basically the excess power we would get paid for it it's been changed now where it goes back to GPA at the end of the year. So it fluctuates during the year during the rainy season when solar is not producing much and you're cons you're using more power than what you're generating it'll offset your bill right. It goes it's a fluid up and down motion there movement there and that goes back to GPA that GPA can sell so right to others right and not going back to the res residents or the commercial customers that are producing that power.

**Senator Taitague:** Right.

**Joey Crisostomo: *Cars Plus:*** It's a big investment solar to put solar panels on your roof is a big investment and the payoff it's long term but it's again it's good for the environment. It's good for the business and the community.

**Senator Taitague:** I agree and solar power also is not something that lasts forever because as the years go by after every 10 years you have a certain percentage of the sales dying and then you have to be replaced so after about 25 years you're going to have to replace almost 15 percent of your cell capacity. So I do realize that but once again you know I think that in order for GPA to buy back power that you've generated as a solar user they need

the facility in order to transfer that power to and from other areas and we've got to keep that grid going. However, we also need to change with the times and technology and go green you know and I'm sure GPA has that perspective in mind and realize that they have goals and timelines they have to meet themselves which means going into a green capacity and I think technology is speed has gone faster than we anticipated which means that now is the time to go ahead and increase the amount that businesses and I support that you know. I do support it but I don't think we can go at such a huge you know 500 at this point like anything. I mean we just had a 22 increase in raises here which should have been done you know gradually throughout the 10 years instead of slam right one time you know hit that's going to us gun it yeah that's right and it's going to and it's hurting our government right now because we're doing that. So I think a gradual increase is something that's needed for this but Tricee, I'll let you go ahead. You wanted to say something earlier.

**Tricee Limtiaco: GPA Assistant General Manager:** Yeah, thank you Senator I don't want anyone to misconstrue GPA's position on this. We absolutely agree with the intent. We have our we have renamed our integrated resource plan, the clean energy master plan. We have said that we are going to meet our renewable portfolio goals ahead of the deadline. We are absolutely vested in what we're doing to ensure that we have clean and renewable energy and so we don't want to we want we want all of the commercial NEM-Customers to be our partners. But when we look at just this law as simple as it is and I do appreciate that that you know it was crafted very when it was crafted very well but the devil's in the details and so that law that we're currently wanting to change is absolutely connected to the net metering program and so it's not that GPA does not want to see this happen but it's very important that we see it through in the correct way and so one of the main entities some of the main entities that are missing from this conversation is the CCU and the PUC and so we really need to discuss this together and not have a side conversation change a bill and hope that there

aren't any unintended you know consequences later. It that's just our position.

**Senator Taitague:** Okay thank you I think it's not a I think it's something that we need to make happen you know and the intent is fine but the intent is to go with the times and this is something we have to do okay. So thank you Mr. Chairman for the opportunity and thank you everyone for testifying.

**Senator Quinata:** Yeah thank you Senator Taitague and this time I recognize my colleague Senator Joe San Agustin.

**Senator San Agustin:** Thank you. Thank you, Mr. Chair. You know I'm just reading everyone's testimony and I have no problem with where it's at bill. There may be questions about it I see GPS I see Mr. Crisostomo's testimony. I just finished reading that and also GPA's. I'm reading the others and I'm trying to understand where GPA is coming from and you know you talk about not the business it's more the impact of the non-business people like people like me who have a solar panel on my roof and I'm not getting the deal that I thought I would get. Okay that's something I'll deal with the Solar Company but what I'm hearing from the businesses is that they're not open 24 hours. They're not like home residential people. They have normal working hours and then they're closed and if the sun stays up they're going to still produce and the power is still going to go to you folks and I don't know if you're paying. Is GPA paying any of the businesses for the extra power that they generate or they're not generating enough. I don't know maybe you can answer that.

**Tricee Limtiaco: GPA Assistant General Manager:** Right. So, under the current program structure we do pay as Mr. Kim had said full retail rate for every kilowatt hour that is exported into the grid. So essentially given to GPA as Mr. Crisostomo mentioned at the end of the year. What if you have excess credit as a NEM customer that credit is just zeroed out so it is not paid out. It's essentially a use it or lose it within a certain within 12 months right calendar year.



**Senator San Agustin:** I'm trying to understand the word use it or lose it, you got it.

**Tricee Limtiaco: GPA Assistant General Manager:** Right.

**Senator San Agustin:** They lost they lost that they spend money to put solar energy and then you're saying use it or lose it. Wait a minute GPA you use the power.

**Tricee Limtiaco: GPA Assistant General Manager:** You see that's not necessarily. Senator sometimes we have excess solar power so during the day and so if we cannot direct that toward battery storage so we could use it later it is unused. GPA does not control or limit the amount of kwh of energy that is sold back into the grid so.

**Senator San Agustin:** Okay.

**Tricee Limtiaco: GPA Assistant General Manager:** We don't put caps for instance.

**Senator San Agustin:** I'm trying to understand all of that and I understand when you say battery but I picture this number one. Okay a bunch of the businesses are running solar. They're feeding to GPA and then GPA's got this Audis at night. You have a solar farm why don't you I mean I'm trying to understand why haven't you guys added more batteries so you can absorb all the solar that's being fed by every part.

**Tricee Limtiaco: GPA Assistant General Manager:** That it that is in the works adding more batteries. There is a limit and we have been here before to talk about the capacity limits of battery storage. The majority of them customers do not have battery storage GPA put in 40 megawatts of battery storage. I believe two years ago about 16 megawatts is it addresses the utility scale solar farm down in dundun the remainder of that battery storage addresses the intermittency for the now 32 megawatts generated by the by the NEM customers. So even with all of the battery storage we're still seeking more the Mangilao solar farm does have battery storage as well and that is

also addressing the intermittency. So similar to what Mr. Crisostomo said and we have we take no issue with everyone's testimony here but similar to what Mr. Crisostomo said, battery technology has improved and it is getting more well less expensive and however because of the demand it is hard to get right now and so that you know we all have to wait whether it's utility scale or residential scale.

**Senator San Agustin:** Okay I'm just trying to understand how GPA can say we like the intent but we don't agree with the bill. You understand the PUC?

**Tricee Limtiaco: GPA Assistant General Manager:** Yes.

**Senator San Agustin:** I am no problem. GPA GWA talk to PUC but for us if it's good, we're going to push it PUC. I you know this I don't I don't believe this bill was yesterday's bill. Bill 142 is not that long ago either but it's not something that was not talked about during the election and campaign time. They're trying to find a way to reduce the cost of the people, the north, the common folks, and the businesses and remember I have for GPA's standpoint fought hard for that second power plant and then you guys killed it and then typhoon hit and then now that that part band is in this is on us it's on a slow motion to get it repaired remember from typhoon.

**Tricee Limtiaco: GPA Assistant General Manager:** It's not slow Senator we're getting to it immediately. There is absolutely a push to get it done.

**Senator San Agustin:** I know there is just I'm just saying is that when we remember there was 2 power plants we pushed for.

**Tricee Limtiaco: GPA Assistant General Manager:** Yeah you're talking about the 40 megawatt reserve diesel units in Cabras and so even when John B. came to this legislature to get that bill passed. He did talk about the urgency and the time was of the essence and the legislation took a long time and we missed essentially we missed the opportunity. The price became too high and we couldn't no longer afford it.



**Senator San Agustin:** And what's the cost of impact right now? When you when you shutting down a bunch of power plants now that can't run? What is the impact that the people of Guam? Because I know I don't think I don't I don't think GPA even knows what the impact is because for me when I lose power at night. That's impact to me and there's many of us.

**Tricee Limtiaco: GPA Assistant General Manager:** We absolutely have that impact. So I can have John B. send that to you.

**Senator San Agustin:** Okay but I just recommend GPA GWA get PUC and get them on a fast track to figure out what they want to do because if this bill moves any forward and it moves fast enough. If it becomes law, it becomes law. Yes.

**Joey Crisostomo: Cars Plus:** Senator we're asking for this bill to pass and not wait for PUC to move. PUC and GPA have known this was coming for many years and they keep sitting on it right. They need to get going and this could force them to do that but we cannot wait and say okay let's not pass this bill until PUC does this and GPA does this. Then it defeats the purpose. I'll just businesses will go and add 3 more meters and spend more money to get to the capacity so that we can so we can take care of a hundred percent of the energy we use that's the goal. The goal is not to produce more or less the goal is to produce a hundred percent.

**Senator San Agustin:** Understood and I agree with you and that's why I'm mentioning the GPA GWA. They should be on a fast track with PUC or PUC should be on a fast track to identify and recognize whatever they need to do because we're going to make the excuse. Well let's not be concerned about businesses never mind about the businesses. The PUC figured out that's not going to work. I've always had reservations but you know exactly the 2 bills we try to catch up with it we snooze we lost GPA lost on that one because the cost went up fine but as long as that power plant is not up and running and we're still on a load shedding. I mean I thought load shedding was gone 12 years ago or 10 years ago and this and this typhoon sure it was a condition

for. I mean whatever we're still suffering as if this was 20 years ago. Unacceptable that's my opinion. I'm happy we have a power plant in Yigo. Sometimes I hear it on, sometimes I don't but I don't see the part going on but when it does turn off. That's a disruption and all the businesses in Yigo are disrupted and I'm from Yigo so I take I take offense to that. I mean for the other people other Senators that are from other villages raise your hand PUC do something. I'm not going to blame you on GPA I'm saying PUC I'll call Fred and say Fred what are you waiting for well we're going to schedule it. Come up a better excuse I know Fred is my attorney okay.

**Joey Crisostomo: *Cars Plus:*** Senator businesses are for that we want to see we want to pay our fair share and whatever needs to happen. We're not against that changing the net metering but we don't want it to drag out again for it's been on the table what 3 years now through the net metering it's been on the it's been on the table for over 3 years and no movement has happened.

**Senator San Agustin:** Well I'll convince the author and the chair of the committee too speed it up.

**Joey Crisostomo: *Cars Plus:*** Yeah

**Senator San Agustin:** Whatever it may be 500 or 300 whatever like my other colleague said maybe 2, 500. Well let's come up with a number and let's be done.

**Joey Crisostomo: *Cars Plus:*** Well let's again we don't want to go to an arbitrary number right. You look at what a lot of the states are doing over half of the states are over a hundred. There are several states that are in the megawatt range their limit is you know in the thousand KW capacity. There are states like that. We're just asking for 500. That's that might seem big but it's it really isn't is it going to be a big impact. I don't think it's going to impact I don't 300 I don't think 325 businesses are going to jump from 100 to 400 because they don't have the roof capacity or they don't use that much. There

are a lot of businesses that that use more than what they're going to be able to produce because they do not have the rough space for it.

**Senator San Agustin:** So, 500 will be sufficient?

**Joey Crisostomo: Cars Plus:** It'll be a big help from where they're at right now at 100. But right now Hambros is at a hundred.

**Senator San Agustin:** Well, what I'm going to ask both of you. What would be the capacity you needed to be?

**Joey Crisostomo: Cars Plus:** Oh! for us it's probably I would say 250.

**Senator San Agustin:** And for Hambros?

**Tom Shimizu: Ambros Inc.:** For us it's about 300 in my mind past this at 500 it whether it's a PUC or whoever makes the rules really it should be there. Should be no limit maybe except for you get to put generation capacity on your roof for what you consume and if you over produce GPA doesn't pay you back for it. Well like they do not they don't pay us back for it now but at least I would say don't even put a limit. Just let's say it's the whole supply and demand thing whatever you need you get to put up and that's it. I don't want to I don't want to be in the power production selling business. I just want to be as efficient as possible as efficient as I can. I'm not I don't want I'm not going to put so much up there that I'm selling power. I just want to make my cost be as low as possible.

**Senator San Agustin:** So you're looking at 325. You're looking at no more than 250 so the numbers really a lot less than 500 then.

**Joey Crisostomo: Cars Plus:** Yes but there are a few businesses that could go up to 500. Such as a cold storage. Such as the phone companies right.

**Dr. Rivera: Citadel Pacific:** So in our testimony Senator right we cite 200 megawatts. I'm sorry 200 kilowatts. 200 kilowatt meter systems and for IT&E in Harmon our main office, that that's only 10 percent. Right of that's what it produces right 10 percent and so what we're saying also you know to

round it off is that the investment is huge. So the ability for this to get out of hand is really saying also that people have this massive amount of money in space that they're just going to throw out and that's not that's not the case right and so as we look at this what we're asking for is the ability right now quantitatively 500 right. 500 so that we can have the conversations up to 500. Because they're still going to be as everybody's mentioning caps and rules right the rules that that GPA is going to put into place and the commissions are going to put into place are still there and if that means that we need to pay more or have a different rate class then so be it right. But allow us to have the conversation and allow us to get there and allow us the abilities to do it now because also assuming that this is the last time we're going to have a natural disaster. Assuming that we're not going to be faced with some of these challenges that have been uncovered is also not a reality right. We can't control those things and also in in GPA and what they said as they move into this green arena of their plan, they're also saying that they're shouldering the burden themselves. That they will meet they will meet the goal and I think as an island community, one of the things that we do best is not put that responsibility just on the government or GPA. The commercial sector is coming out saying we want to be partners. We want to be responsible stewards and give us the opportunity to have that and move this bill and move us in a position that gives us the ability to come to the table and help because we will right. And that's what makes us partners. Not shouldering the burden by yourself but making us partners true partners.

**Senator San Agustin:** Okay and I and I think maybe hopefully GPA's testimony will change a little bit so they can show the partnership and then we can move on that. Because I know that when your testimony was prepared I know that everybody says one and they're prepared it's before you sat here and I know that after the discussion today hopefully some of your testimonies will change and start identifying numbers and GPA will start coming because I don't want GPA to be footing the bill either because it'll come back it'll come back to me and to everyone here. You own a

business or not you still have a house. So you're going to still have to pay something and if it's going to come back and bite you and the businesses want to be part partnership with GPA and this this make it work and we'll just move on that but I will speak to the author that let's move on this bill let's move on. I'm not going to wait. I'm not going to be here 13 more years. Okay I'll tell you that much. I will not I refuse to be here for 13 more years. I'll be too old. Thank you. Thank you, Mr. Chair.

**Senator Quinata:** Thank you Senator San Agustin. At this time, I will conclude public hearing on a Bill 142-37 (COR). Again, Senator Parkinson was unable to hear this bill and that's why I'm overseeing it for now. Thank youn guys for your testimony. Thank you for coming out today. We appreciate all your testimonies. Have a great day drive safe. My apologies colleagues and those listening we are adjourned at 11:34 and we'll be right back after we reset AV's system. Thank you.

#### **FINDINGS & RECOMMENDATIONS:**


- ✓ GPA supports the intent of Bill No. 142-37, it does not support its passage because of the resulting impact on base rate revenues and rate increases for non-NEM customers.
- ✓ The Committee amended Bill No. 142-37 (COR), by inserting Section 3. which addresses the concerns with regards to compensations.

The Committee of Fire, Agriculture, Power and Energy Utilities, Public Transit, Unemployment Insurance and Universal Health Insurance hereby reports out Bill No. **142-37 (COR), As amended –“AN ACT TO AMEND § 8502(c)(2)(B) OF ARTICLE 5, CHAPTER 8, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO NET METERING.”**, with the recommendation TO REPORT OUT ONLY.

*I MINA' TRENTAI SIETTE NA LIHESLATURAN GUÅHAN*  
**2023 (FIRST) Regular Session**

**Bill No. 142-37 (COR)**

Introduced by:

William A. Parkinson 

**AN ACT TO *AMEND* § 8502(c)(2)(B) OF ARTICLE 5,  
CHAPTER 8, TITLE 12, GUAM CODE ANNOTATED,  
RELATIVE TO NET METERING.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 and declares that recovery after Typhoon Mawar has shown that, despite  
4 improvements, Guam still relies heavily on traditional power-generation systems.

5 Nearly twenty years ago, *I Liheslatura* recognized that photovoltaic, solar  
6 technology and other alternative energy-generation systems could help expand and  
7 safeguard the island's electric supply by the enactment of Public Law 27-123.

8 *I Liheslatura* finds that the one hundred (100) kilowatt generating capacity  
9 limit for Guam Power Authority non-residential class customers was set over  
10 thirteen (13) years ago by the enactment of Public Law 30-141.

11 *I Liheslatura* further finds that, since then, technology for renewable energy  
12 generation and storage has advanced significantly and will only continue to improve.

13 *I Liheslatura* further finds that increasing the limit for non-residential class  
14 customers to five hundred (500) kilowatts would create an opportunity for entities  
15 that provide critical services to our island community to be less reliant on fossil fuels  
16 and continue operations during a power outage and or fuel shortages.

17 *I Liheslatura* further finds that increasing the ability of businesses to  
18 maximize the use of solar energy technology aligns with the mandates of Public Law  
19 35-46, which requires the Guam Power Authority (GPA) to "establish a preliminary

1 renewables portfolio standard goal of one hundred percent (100%) of its net  
2 electricity sales by December 31, 2045.”

3 Therefore, it is the intent of *I Liheslaturan Guåhan* to promote the use of  
4 renewable energy sources and permit businesses to maximize the use of solar energy  
5 technology in a manner that provides environmental and economic benefits.

6 **Section 2.** Section 8502(c)(2)(b) of Article 5, Chapter 8, Title 12, Guam  
7 Code Annotated, Title 7 GCA is hereby *amended* to read as follows:

8 “(2) has a generating capacity limited to the following, provided,  
9 however, that the rated capacity of the renewable energy generation *does not exceed*  
10 the customer-generator capacity:

11 (b) not to exceed ~~one hundred (100)~~ five hundred (500)  
12 kilowatts for Guam Power Authority non-residential class  
13 customers;

14 **Section 3. Effective Date.** This Act *shall* be effective upon enactment.



***I MINA' TRENTAI SIETTE NA LIHESLATURAN GUÅHAN***  
**2023 (FIRST) Regular Session**

**Bill No. 142-37 (COR)**

As amended by the Committee on Fire,  
Agriculture, Power and Energy Utilities,  
Public Transit, Unemployment Insurance,  
and Universal Health Insurance.

Introduced by:

William A. Parkinson

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17 kilowatts for Guam Power Authority non-residential class customers;”

18 **Section 3.** Section 8505(b)(3) of Article 5, Chapter 8, Title 12, Guam Code  
19 Annotated, is hereby *amended* to read as follows:

20 “(b) The net energy measurement must be calculated in the following  
21 manner:

22 (3) If the electricity generated by the customer-generator  
23 which is fed back to the utility exceeds the electricity supplied by the  
24 utility during the billing period, the customer-generator is entitled to  
25 compensation for electricity provided to the utility during the billing  
26 period at a rate to be determined by the Public Utility Commission.  
27 However, non-residential class customers with a customer-generator

1           that exceeds one hundred (100) kilowatts in generating capacity shall  
2           not be entitled to compensation for any electricity provided to the utility  
3           under this section.”

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

***I MINA' TRENTAI SIETTE NA LIHESLATURAN GUÅHAN***  
**2023 (FIRST) Regular Session**

**Bill No. 142-37 (COR)**

As amended by the Committee on Fire,  
Agriculture, Power and Energy Utilities,  
Public Transit, Unemployment Insurance,  
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Introduced by:

William A. Parkinson

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## COMMITTEE ON RULES

Senator Chris Barnett, Chairperson  
*I Mina'trentai Siette Na Liheslaturan Guahan*  
37<sup>th</sup> Guam Legislature

July 3, 2023

**To:** **Joaquin P. Taitague**  
Substitute Clerk of the Legislature

**From:** **Senator Chris Barnett**   
Chairperson, Committee on Rules

**Subject:** **Fiscal Note for Bill No. 142-37 (COR)**

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*Håfa Adai yan Biba Guahan!*

Find the attached, Fiscal Note for the following bill:

**Bill No. 142-37 (COR).**

I also request that the same be sent to the respective Chairperson of the Standing Committee, to which this bill has been referred. Kindly forward the same to Management Information Services (MIS) for posting on our website.





**Bureau of Budget & Management Research**  
**Fiscal Note of Bill No. 142-37 (COR)**

**AN ACT TO AMEND § 8502(c)(2)(B) OF ARTICLE 5, CHAPTER 8, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO NET METERING.**

**Department/Agency Appropriation Information**

<b>Dept./Agency Affected:</b> Guam Power Authority (GPA)	<b>Dept./Agency Head:</b> John M. Benavente, P.E., General Manager
<b>Department's General Fund (GF) appropriation(s) to date:</b>	\$0
<b>Department's Other Fund appropriation(s) to date:</b>	\$0
<b>Total Department/Agency Appropriation(s) to date:</b>	\$0

**Fund Source Information of Proposed Appropriation**

	General Fund:	(Specify Special Fund):	Total:
<b>FY 2022 Unreserved Fund Balance</b>	\$0	\$0	\$0
<b>FY 2023 Adopted Revenues</b>	\$0	\$0	\$0
<b>FY2023 Appro. (P.L. 36-107 / 119 / 123 / 124)</b>	\$0	\$0	\$0
<b>Sub-total:</b>	\$0	\$0	\$0
<b>Less appropriation in Bill</b>	\$0	\$0	\$0
<b>Total:</b>	\$0	\$0	\$0

**Estimated Fiscal Impact of Bill**

	One Full Fiscal Year	For Remainder of FY 2023 (if applicable)	FY 2024	FY 2025	FY 2026	FY 2027
<b>General Fund</b>	1/	\$0	\$0	\$0	\$0	\$0
<b>Special Fund</b>	1/	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	1/	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? / / Yes /X/ No  
 If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /X/ N/A / / Yes / / No  
 If no, what is the additional amount required? /X/ N/A
- Does the Bill establish a new program/agency? / / Yes /X/ No  
 If yes, will the program duplicate existing programs/agencies? /X/ N/A / / Yes / / No  
 Is there a federal mandate to establish the program/agency? / / Yes /X/ No
- Will the enactment of this Bill require new physical facilities? / / Yes /X/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /X/ Yes / / No  
 / / Requested agency comments not received by due date / / Other:

Analyst: Arthur R. Mariano, B&MA Supervisor Date: 6/20/23 Director: Lester L. Carlson, Jr. Date: JUL 03 2023

**Notes:**  
 1/ As cited by the sponsor, the intent of the subject legislation is to promote the use of renewable energy sources and permit businesses to maximize the use of solar energy technology in a manner that provides environmental and economic benefits. The Bill amends Section 8502(c)(2)(b) of Article 5, Chapter 8, Title 12, Guam Code Annotated by increasing the rated capacity of renewable energy generation for non-residential class customers of the GPA from one hundred (100) to five hundred (500) kilowatts. Per the GPA, should the legislation be enacted, the Authority projects the current annual subsidy born by non-NEM (Net Metering) customers to increase to approximately \$18.27 million. This does not include potential costs for mitigation projects to address the proposed 400% increase in energy generation. It should be noted that costs resulting from the adoption of the proposed legislation will not have an impact on appropriations to the Government of Guam but may potentially impact costs to GPA ratepayers. Lastly, it should be noted that there are a couple of technical errors in the language of the Bill including the incorrect reference to P.L. 27-123 versus P.L. 27-132 and the reference to both Title 12 GCA and Title 7 GCA in Section 2 of the Bill.