



Office of the Governor of Guahan

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

MAY 19 2010

2010 MAY 19 PM 3:42

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 320-30 (COR) "AN ACT TO *AMEND* §§8502(c) (2) AND (3) OF ARTICLE 5, AND 8312 OF ARTICLE 3 OF CHAPTER 8, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO NET METERING", which I signed into law on May 17, 2010 as Public Law 30-141.

Sinsерu yan Magåhet,

MICHAEL W. CRUZ, M.D.
I Maga'låhen Guahan para pa'go
Acting Governor of Guahan

Attachment: copy of Bill

30-10-0459

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 320-30 (COR), "AN ACT TO AMEND §§ 8502(c) (2) AND (3) OF ARTICLE 5, AND 8312 OF ARTICLE 3 OF CHAPTER 8, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO NET METERING"**, was on the 3rd day of May, 2010, duly and regularly passed.

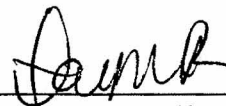


Judith T. Won Pat, Ed. D.
Speaker

Attested:


Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 5th day of may, 2010, at
4:00 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



MIKE W. CRUZ, MD
GOVERNOR OF GUAM ACTING

Date: MAY 17 2010

Public Law No. P.L. 30-141

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

Bill No. 320-30 (COR)

As amended on the Floor.

Introduced by:

v. c. pangelinan
T. C. Ada
V. Anthony Ada
F. B. Aguon, Jr.
F. F. Blas, Jr.
E. J.B. Calvo
B. J.F. Cruz
J. V. Espaldon
Judith P. Guthertz, DPA
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
R. J. Respicio
Telo Taitague
Ray Tenorio
Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* §§ 8502(c) (2) AND (3) OF
ARTICLE 5, AND 8312 OF ARTICLE 3 OF CHAPTER 8,
TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO
NET METERING.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds
that Guam Power Authority (GPA) has determined that the installation of
alternative energy generation capacity will require a large investment which
according to GPA will increase the cost of electricity to GPA's entire customer
base. *I Liheslatura* finds there is substantial interest by private parties to make

1 these investments on their own *if* they are allowed access to the net metering
2 program. Expanding the development of alternative energy customer installed
3 units by *not* limiting the kilowatts capacity of these privately financed and installed
4 alternative energy units to participate in the net metering program, integration onto
5 the grid will be available to more customers. It will also ensure that the cost of the
6 financing and installation of these alternative energy generating units are fully paid
7 for by private parties and will *not* be passed on to other GPA customers.

8 It is further the intent of *I Liheslaturan Guåhan* to amend §8312, of Article
9 3, Chapter 8, Title 12, Guam Code Annotated, relative to Guam Power Authority's
10 alternative energy production capacity percentage requirement. GPA *shall* be
11 allowed to use the rated generation capacity of these privately installed alternative
12 energy generating units.

13 **Section 2.** §8502(c) (2) and (3) of Article 5, Chapter 8, Title 12, Guam
14 Code Annotated, are hereby *amended* to read as follows:

15 “(2) has a generating capacity limited to the following,
16 provided, however, that the rated capacity of the renewable energy
17 generation *does not* exceed the customer-generator power service
18 entrance capacity:

19 (a) *not* exceed twenty-five (25) kilowatts for Guam
20 Power Authority residential class customers; and

21 (b) *not* exceed one hundred (100) kilowatts for Guam
22 Power Authority non-residential class customers;

23 (3) is located on the customer-generator's single contiguous
24 premises and *does not* serve loads outside the customer-generator's
25 single contiguous premises;”

26 **Section 3.** §8312 of Article 3, Chapter 8, Title 12, Guam Code Annotated,
27 is hereby *amended* to read as follows:

1 **“§8312. Same.** The Guam Power Authority *shall* undertake all
2 interconnection requirements *or* outsourcing agreements, including,
3 automatic generation control, subject to the Guam Power Authority’s
4 interconnection policy, so as to provide for the maximum feasible ability to
5 add renewable resources to the Island-wide Power System. Each customer-
6 generator based installation *shall* be credited to GPA pursuant to §8311,
7 Chapter 8, 12 GCA.”

8 **Section 4. Severability.** *If* any of the provisions of this Act or the
9 application thereof to any person or circumstance is held invalid, such invalidity
10 shall *not* affect any other provision or application of this Act which can be given
11 effect without the invalid provision or application, and to this end the provisions of
12 this Act are severable.



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
30th Guam Legislature • I Mina' Trenta Na Liheslaturan Guåhan

April 19, 2010

The Honorable Judith T. Won Pat, Ed.D.

Speaker

I Mina' Trenta Na Liheslaturan Guåhan

155 Hesler Place

Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules

RE: Committee Report on Bill No. 320-30 (COR)

2010 APR 22 PM 3:31

Dear Speaker Won Pat:

The Committee on Utilities, Transportation, Public Works, and Veterans Affairs, to which was referred **Bill No. 320-30 (COR)** – “An act to amend §8501, §8502(c)(2) and §8312 of Chapter 8, 12 Guam Code Annotated relative to net metering” – sponsored by v.c. pangelinan, hereby recommends **TO REPORT OUT ONLY** Bill No. 320-30 (COR).

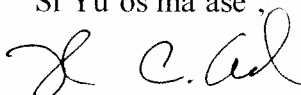
Transmitted herewith for your consideration and action is our committee report on the above subject matter.

The voting record is as follows:

<u>2</u>	To Pass
<u> </u>	Not to Pass
<u>4</u>	To Report Out Only
<u> </u>	Abstain
<u> </u>	To Place in Inactive File

Copies of the Committee Report and other pertinent documents are attached. Thank you for your attention on this matter.

Si Yu'os ma'åse',


Thomas C. Ada



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
30th Guam Legislature • I Mina' Trenta Na Liheslaturan Guåhan

Committee Report

Bill No. 320-30 (COR)

v.c. pangelinan

An act to amend §8501, §8502(c)(2) and §8312 of Chapter 8, 12 Guam Code
Annotated relative to net metering.”



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
30th Guam Legislature • I Mina' Trenta Na Liheslaturan Guåhan

April 19, 2010

MEMORANDUM

To: **All Members**
Committee on Utilities, Transportation, Public Works, and
Veterans Affairs

From: **Senator Thomas C. Ada**
Committee Chairperson

Subject: **Committee Report on Bill No. 320-30 (COR)**

Included herewith for your consideration and action is the Committee Report on –
“An act to amend §8501, §8502(c)(2) and §8312 of Chapter 8, 12 Guam Code
Annotated relative to net metering” – sponsored by v.c. pangelinan.

This report includes the following:

- Committee Voting Sheet
- Committee Report Narrative
- Copy of Bill No. 320-30 (COR)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Copy of COR Referral of Bill No. 320-30 (COR)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda

Please take the appropriate action on the attached voting sheet. Should you have any questions regarding the report or accompanying documents, please do not hesitate to contact me. Your attention and cooperation on this matter is greatly appreciated.

Si Yu'os ma'åse',


Thomas C. Ada




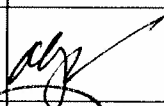
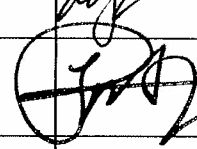
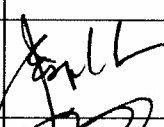
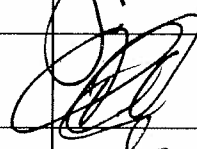

Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
30th Guam Legislature • I Mina' Trenta Na Liheslaturan Guåhan

COMMITTEE VOTING SHEET

Bill No. 320-30 (COR) – v.c. pangelinan

An act to amend §8501, §8502(c)(2) and §8312 of Chapter 8, 12 Guam Code Annotated relative to net metering.

Committee Members	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT ONLY	ABSTAIN DUE TO POTENTIAL CONFLICT	TO PLACE IN INACTIVE FILE
Senator Thomas C. Ada, Chairperson				✓ 4/19/10		
Senator Adolpho B. Palacios, Sr., Vice Chairperson		4/20/10				
Senator Frank B. Aguon, Jr.						
Vice Speaker Benjamin J. F. Cruz						
Senator Tina Rose Muña-Barnes						
Senator Rory J. Respicio						
Senator James V. Espaldon				4/20/10		
Senator Telo Taitague				✓ 4/20/10		
Senator Ray Tenorio				✓ 4/19/10		

Committee Report Digest

Bill No. 320-30 (COR) – v.c. pangelinan

An act to amend §8501, §8502(c)(2) and §8312 of Chapter 8, 12 Guam Code Annotated relative to net metering.

I. Findings and Recommendation

The Committee on Utilities, Transportation, Public Works, and Veterans Affairs finds that GPA has determined that the installation of alternative energy generation capacity will require a large investment and will likely increase the cost of electricity to GPA's entire customer base. It is further noted that alternative energy sources being explored are “intermittent”, i.e. subject to the sun or wind energy that is supplied by nature. Geothermal energy sources are not considered at this point because of the entry costs.

Expanding the development of alternative energy units by increasing the allowed kilowatt capacity of privately financed and installed alternative energy units will incentivize the larger commercial class customers to invest in the installation of these units for power needs at their commercial facilities.

Larger, commercial class alternative power units however could have a significant impact on a power grid. Hence, it would be imperative that appropriate technical analyses of each proposed commercial class unit be performed to determine its potential impact. The concern would be more with respect to the potential requirement for GPA power in the event the alternative energy source is lost, i.e. wind dies out, extended overcast, etc. If GPA is required to pay for the cost of the impact study, this would be a business startup cost that would be subsidized by GPA's customers.

A second, and equally significant concern, is that existing legislation mandates GPA to “*undertake all necessary investments or outsourcing agreements, including, automatic generation control, so as to provide for the maximum feasible ability to add renewable resources to the IWPS*”. This requirement under the previous limitation of 25 KWH units would, in most cases, be inconsequential. For larger units however, the costs may be significant and would only benefit a few customers.

The Committee recommends the following considerations:

1. Increase generating capacity limit, but maintain a limit as follows:
 - a. Residential customer generating capacity limited to no more than 25 KW,
 - b. Non-residential customer generating capacity limited to no more than 100 KW,
 - c. Installed generating capacity does not exceed capacity of Customer-generator power service entrance.
2. Loads limited to customer contiguous premises. Customer load(s) should be limited to loads located on the customer-generator's single contiguous premise. Net metering cannot be used to credit other off-site customer premises.

3. Aggregate total net metering capacity limited to 1% (approximately 3 MW) of GPA gross system peak demand (of prior fiscal year).
4. Allocation of Net Metering capacity: reserve 40% of capacity (in 1.d. above) for residential customers or systems 25KW or smaller.
5. Interconnection and operation must be consistent with GPA's interconnection rules.
6. Customer to bear costs for Impact Study and Interconnection.
7. PUC should not be mandated to declare the associated costs as being "prudent costs". This would be an infringement of PUC authority to set rates.

In addition to concerns the Committee has regarding the potential for destabilization of the system, the Committee is concerned about the impact Net Metering might have on power rates. Specifically, even if the entry cost was to be borne by the customer proposing to install the alternative energy unit(s), loss of sales may impact rates.

Bill 320-30 (COR) as heard by the Committee on Utilities, Transportation, Public Works, and Veterans Affairs is duly reported to *I Liheslaturan Guåhan* with the recommendation **"TO REPORT OUT ONLY."**

II. Overview

The Committee on Utilities, Transportation, Public Works, and Veterans Affairs convened on February 10, 2010 at 9:00 a.m. to hold a public hearing that included Bill No. 320-30 (COR). Notice of the hearing was disseminated to all local media outlets via facsimile and email on February 2 and February 8, 2010, thus meeting the requirements of the Open Government Law. Notice of the hearing was also posted on the Guam Legislature's website.

Committee Members and Senators present:

Senator Thomas C. Ada	Chairperson
Senator Adolpho B. Palacios, Sr.	Vice Chairperson
Senator Frank B. Aguon	Member
Senator Telo Taitague	Member
Senator James V. Espaldon	Member
Senator vicente c. pangelinan	

Testimony submitted by:

Bill Hagen	Hagen, Inc., Pacific Solar and Photovoltaics
Frederick J. Horecky	Legal Counsel, Guam Public Utilities Commission
Joaquin Flores	General Manager, Guam Power Authority
Cole Herndon	Public-at-large

III. Summary of Testimonies

Bill Hagen

Provided oral and written testimony (written testimony attached).

Bill Hagen of Pacific Solar and Photovoltaics testified in support of Bill 320-30. He states the limitation of twenty-five (25) kilowatts under current net metering law restricts interested commercial establishments suitable for larger net metering projects.

Frederick J. Horecky

Provided oral and written testimony on behalf of Jeffrey C. Johnson, Chairperson, Guam Public Utilities Commission [PUC].

The PUC testified in support of the intent of Bill 320-30 and suggest the following changes:

1. SECTION 1. Legislative findings and intent, lines 6-8, should be changed to read: “Expanding the development of alternative energy customer installed units by increasing the kilowatts capacity of these privately financed and install alternative energy units ...”.
2. SECTION 2 §8502(c)(2) Chapter 8, 12 GCA should be amended to read, “(2) has a generating capacity of not more than twenty-five (25) kilowatts for residential customers and one hundred (100) kilowatts for nonresidential customers (commercial/government).”

The PUC expresses support of the proposed amendment to 12 GCA §8312, which would credit each customer-generator based installation to the Guam Power Authority with regard to the energy percentage requirements. The PUC states that the current limitation of twenty-five (25) kilowatts does not constrain residential implementation of net metering systems, as few residential customers exceed this capacity, and less than five residential customers have availed themselves to the net metering option. Should the Guam Legislature allow private parties to increase kilowatt capacity up to one hundred (100) kilowatts, the Guam Power Authority may incur costs as a result of feasibility studies to determine interconnection. If GPA cannot recover its direct costs for such studies the cost requirement will result in an additional subsidy by other customers. Therefore, PUC recommends that a new section (c) be added to 12 GCA §8504, Net Metering Safety and Quality Stands, as follows: “in the event that Guam Power Authority is required to conduct system studies on an application by a non-residential party to develop and install an alternative energy customer installed unit, GPA may apply to the PUC to allow the assessment of charges, for studies needed to insure system security and stability, to such non-residential customers”. Attached to the written testimony is Exhibit A: U.S. Net Metering Map, and Exhibit B: Amendments to Bill 320-30.

Joaquin Flores

Provided oral and written testimony on behalf of the Guam Power Authority.

Mr. Flores states GPA management supports the intent of Bill 320-30, but recommends the removal of portions that GPA management feels do not protect the interest of the Authority, the Legislature, and the people of Guam. GPA recommends the following provisions be made to Bill 320-30:

1. A limitation of the total net metering capacity installed to five percent (5%) of GPA’s Gross System Peak Demand.
2. Net metering capacity is limited to the peak demand of the customer.

3. Net metering must be installed at and on the customer's premises.
4. Net metering cannot be aggregated at a single site for customers who have multiple accounts spread throughout different non-contiguous geographical sites.
5. Net metering tariffs are set at the sole discretion of the Guam Public Utilities Commission.
6. The Guam Public Utilities Commission is the arbiter of what are prudent and imprudent utility costs.

In reference to Bill 320-30, Section 1, lines 1-4, GPA states:

1. The results of its Phase I bid yielded proposals that would have increased the cost of electricity to all customers if awarded.
2. GPA will rebid Phase I and Phase II of its renewable energy acquisition program, which they believe will attract renewable energy projects that are competitive with GPA energy production costs.
3. Projects must produce energy competitive with the variable portion of the LEAC in order to be competitive.

In reference to Bill 320-30, Section 1, lines 4-9, GPA states:

1. The introduction of an unlimited amount of non-firm renewable energy plants will eventually raise costs to all customers, decrease power quality, and decrease the reliability of the grid,
2. Unlimited net metering will impact GPA's ability to collect revenue required to pay off bonds/loans used to build new facilities,
3. Net metering can have an affect on GPA dispatching and planning for the next base load as net metering customers are not obligated to maintain supply to GPA, and
4. Having GPA provide renewable energy benefits all customers.

In reference to Bill 320-30, Section 1, lines 9-12, GPA states:

1. Regardless if it is GPA investing or a private firm investing, their customers pay for these investments, and
2. GPA believes that larger net metering capacities may benefit some larger customers but not residential customers.

Cole Herndon

Provided oral testimony.

Mr. Herndon states his support for Bill 320-30 as it reduces dependence on energy generated from fossil fuels.

Question and Answer

Senator pangelinan: Asks Bill Hagen his opinion, as someone interested in net metering projects, regarding whether the kilowatt limitation is needed, or if it should be left open.

Bill Hagen: Answers that that GPA should have the ability to approve or disapprove net metering applications to plan ahead for capacity and the impacts on transmission lines.

Senator Taitague: Asks Joaquin Flores at what point do net metering credits impact the rates paid by the customers of GPA.

Joaquin Flores: Answers that it is difficult to predict the potential for net metering projects to impact customers, as they vary in quantity, size and power generation.

Senator Taitague: Asks Joaquin Flores how the Energy Policy Act of 2015 impacts GPA.

Joaquin Flores: Answers that GPA must reduce fossil fuel produced energy by 5% of its total power generation in 2015. And that the law further states GPA should analyze whether this is feasible and reduce its fossil fuel produced energy accordingly without penalties.

Senator Espaldon: Asks Joaquin Flores his opinion regarding PUC's recommendation of the twenty-five (25) kilowatt limit for residential customers and one hundred (100) kilowatt limit for commercial customers.

Joaquin Flores: Answers that he has no objections.

Senator Espaldon: Asks Joaquin Flores what energy requirements large customers (hotels) have.

Joaquin Flores: Answers that the energy requirements are much higher than one hundred (100) kilowatts. States hotels would require one thousand (1000) to two thousand (2000) kilowatts.

Senator Espaldon: Asks Joaquin Flores how would a system at peak demand (such as a hotel) impact GPA in terms of planning.

Joaquin Flores: Answers that it is complicated when studies are required to determine the capability of limitless systems as the customers would bear additional costs to the initial investment for engineer impact studies to determine how it would impact the circuit.

Senator Ada: Asks Joaquin Flores who would pay for the ability of a commercial business to transfer excess energy generated from a renewable resource to the GPA grid.

Joaquin Flores: Answers that in order to tie into the grid and extension would be paid for by the business. The excess power, under net metering, rolls over month to month to cover the utility costs and is not reimbursable. States the PUC would determine the rate at which a customer would be reimbursed.

Senator Espaldon: Asks what an average household requires.

Joaquin Flores: Answers that an average household consumes one thousand two hundred (1200) to one thousand five hundred (1500) kilowatts.

Senator Ada: States that with no further questions or comments, Bill 320-30 (COR) is duly heard.

I MINA' TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) REGULAR SESSION

Bill No. 320-30(corr)

Introduced by:

v.c. pangelinan

2010 JUL 23 PM 4:15

AN ACT TO AMEND §8501, §8502(2)(c) AND §8312
OF CHAPTER 8, 12 GUAM CODE ANNOTATED
RELATIVE TO NET METERING.

BE IT ENACTED BY THE PEOPLE OF GUAM:

SECTION 1. Legislative findings and intent. *I Liheslaturan Guahan* finds

that GPA has determined that the installation of alternative energy generation capacity will require a large investment which according to GPA will increase the cost of electricity to GPA's entire customer base. The Legislature finds there is substantial interest by private parties to make these investments on their own if they are allowed access to the net metering program. Expanding the development of alternative energy customer installed units by not limiting the kilowatts capacity of these privately financed and installed alternative energy units to participate in the net metering program, integration onto the grid will be available to more customers. It will also ensure that the cost of the financing and installation of these alternative energy generating units are fully paid for by private parties and will not be passed on to other GPA customers.

1 It is further the intent of *I Liheslaturan Guahan* to amend §8312 Chapter 8, 12
2 Guam Code Annotated, relative to Guam Power Authority’s alternative energy
3 production capacity percentage requirement. GPA shall be allowed to use the rated
4 generation capacity of these privately installed alternative energy generating units.

5 **SECTION 2. Section 8502 (2)(c) Chapter 8, 12 Guam Code Annotated is**
6 **hereby amended to read as follows:**

7 “(c) Net Metering System’ means a facility for the production of
8 electrical energy that:

9 (1) uses fuel cells, micro turbines, wind, biomass, hydroelectric,
10 solar energy or a hybrid system consisting of these facilities, as its
11 primary source of fuel;

12 ~~(2) has a generating capacity of not more than twenty-five (25)~~
13 ~~kilowatts;~~

14 (2) is located on the customer-generator’s premises;

15 (3) operates in parallel with the utility’s transmission and distribution
16 facilities; and

17 (4) is intended primarily to offset part or all of the customer-generator’s
18 requirements for electricity.”

19 **SECTION 3. Section 8312 Chapter 8, 12 Guam Code Annotated is hereby**
20 **amended to read as follows:**

1 **“§8312. Same.** The Guam Power Authority *shall* undertake all necessary
2 investments *or* outsourcing agreements, including, automatic generation control, so as
3 to provide for the maximum feasible ability to add renewable resources to the Island-
4 wide Power System. Each customer-generator based installation *shall* be credited to
5 Guam Power Authority pursuant to the energy percentage requirement intent in this
6 bill. The Public Utilities Commission is directed to deem such renewable resource as
7 prudent costs for purposes of rate setting to ensure such investments do *not* hinder the
8 Guam Power Authority’s financial stability to support the capital activities associated
9 with the intent of this Public Law.”

10 **SECTION 4. Severability.** If any of the provisions of this Act or the
11 application thereof to any person or circumstance is held invalid, such invalidity shall
12 not affect any other provision or application of this Act which can be given effect
13 without the invalid provision or application, and to this end the provisions of this Act
14 are severable.

Committee on Utilities, Transportation, Public Works and Veterans Affairs

Public Hearing

February 10, 2010

9:00 am

I Liheslaturan Guahán, Hagáña

[illegible]

Written testimony on

Bill No. 320-30 (cor)

February 10, 2010

Good Morning.

We, my wife terry and I, are Hagens Inc. doing business as Pacific Solar and Photovoltaics and have been actively involved in the installation of both solar water heaters and photovoltaic generation systems for the past year. It was our company which installed Guam's first net metering installation in February of last year and since then we have installed a number of systems both hot water and power generation. To date we have installed almost 50 KW of generation capacity in 5 separate locations and are currently working on the installation of a 25KW system on a new building. Our latest system was limited to 25 KW by the current net metering law and we fully support lifting the limit on net metering projects. We have been approached by a number of commercial establishments with large roof spaces suitable for photovoltaics but could not design any system larger what is currently provided for by law.

Photovoltaics is proven technology available now. It has no moving parts, consumes no fuel, can be typhoon proofed and insured and its the right thing to do for our planet.

With the current level of technology the cost of power generated by photovoltaics can be frozen for the next 25 years as reflected by the manufacturers warranty. The cost of electricity generated by imported fossil fuels has, and will continue to rise, in the future. In GPA's Integrated Resource Plan it was projected that the cost of imported crude would not reach \$77.00 per BBL until the year 2019. We are currently 9 years ahead of that schedule and no one expects the price to go down in the long run.

As a customer of GPA for 40 plus years I applaud the level of service currently being provided. They have come a long way since I had to attend night classes under a 200 watt bulb while listening to the Honda generator outside but its time for the Agency to move into the 21st century and this piece of legislation is certainly a step in the right direction. We are however concerned that GPA is going to shift their burden of meeting their mandated goal of renewable energy onto to the private sector as suggested.

If we on Guam are really committed to our environment and to breaking our addiction to fossil fuels it needs to be a community effort with all members of Guam's population involved. In every area of the world where renewables have been successful it is often the incentives provided by local governments and the utilities which make the difference. Guam currently provides no incentive to encourage the growth of the renewable energy market. It is being left to the private sector and as an investment in our future it is not that expensive.

The private sector is willing and able to provide the mandated 5% of renewable energy which can be accomplished with a number of small home and commercial installation rather than one or two large installations however, what will be the incentive that attracts the homeowner and the small business.

The last page of the presentation is a spreadsheet of an existing installation. The owner applied for, and received, a grant from the United States Department of Agriculture for about 25% of the cost. The tax code allows for a 30% tax credit, not deduction but credit, on the cost of the installation and based upon current GPA's current and projected rates this 15.8KW system not only pays for its self but at the end of 20 years the owner will have saved \$185,000. in power payments.

This particular USDA grant is only available for businesses but between small grants, loan guarantees and other incentives Guam's renewable market could easily

become a major industry. We on Guam, with very little effort, could easily make a major statement regarding its commitment to the environment.

We understand that the Guam Energy Office has considerable funds available for energy savings programs. How about putting renewable energy systems on some of the government buildings. These buildings are often used only 5 days per week but, can generate power 7 days a week reducing our carbon foot print and saving the government money in operating expenses.

Thank you for attention.

We are now available for questions.

A 15.8 KW SOLAR PHOTOVOLTAIC SYSTEM WITH SOLAR WATER COLLECTORS

FEBRUARY 1, 2010

System Value 95,000.00
 USDA 25% Grant 23,750.00
 Total System Cost \$71,250.00
 Total loan amount \$67,000.00
 Monthly KWH Produced or saved 2,054
 Current GPA Rate / KWH \$0.285
 GPA Annual Rate Increase 7.50%
 Total Tax Credit based on 30% \$28,500.00

Year	Loan Payment (1 st)		ELECTRICITY PRODUCED/SAVED		30% TAX CREDIT		Down Payment	Net Annual Cash Flow (2 nd)
	Monthly	Annual	Monthly	Annual	Monthly	Annual		
1	541.12	6,493.44	585.39	7,024.68	(44.27)	(531.24)	7,143.00	7,143.00
2	541.12	6,493.44	629.29	7,551.53	(88.17)	(1,058.09)		0.00
3	541.12	6,493.44	676.49	8,117.90	(135.37)	(1,624.46)		0.00
4	541.12	6,493.44	727.23	8,726.74	(186.11)	(2,233.30)		0.00
5	541.12	6,493.44	781.77	9,381.24	(240.65)	(2,887.80)		0.00
6	541.12	6,493.44	840.40	10,084.84	(299.28)	(3,591.40)		0.00
7	541.12	6,493.44	903.43	10,841.20	(362.31)	(4,347.76)		0.00
8	541.12	6,493.44	971.19	11,654.29	(434.76)	(5,226.95)		7,116.10
9	541.12	6,493.44	1,044.03	12,528.36	(512.36)	(6,185.32)		6,034.92
10	541.12	6,493.44	1,122.33	13,467.99	(595.99)	(7,189.31)		6,974.55
11	541.12	6,493.44	1,206.51	14,478.09	(686.51)	(8,271.82)		7,984.65
12	541.12	6,493.44	1,297.00	15,563.94	(784.00)	(9,439.80)		9,070.50
13	541.12	6,493.44	1,394.27	16,731.24	(887.47)	(10,694.27)		10,237.80
14	541.12	6,493.44	1,498.84	17,986.08	(996.76)	(12,037.01)		11,492.64
15	541.12	6,493.44	1,611.25	19,335.04	(1,111.85)	(13,473.86)		12,841.60
16	541.12	6,493.44	1,732.10	20,785.17	(1,233.62)	(15,000.48)		20,785.17
17	0.00	0.00	1,862.00	22,344.05		0.00		22,344.05
18	0.00	0.00	2,001.65	24,019.86		0.00		24,019.86
19	0.00	0.00	2,151.78	25,821.35		0.00		25,821.35
20	0.00	0.00	2,313.16	27,757.95		0.00		27,757.95
		97,401.60		304,201.53		28,550.99		185,338.14

Total 10 yr Investment

12,982.57

Maintenance allowance \$10,000.00

Interest rate based on 15 year financing @6% Interest may be deductible.

Electricity produced/saved projected to increase @ 7.5% per year.

Total out of pocket at the end of 10 years is a plus \$12,982.57 minus any maintenance. Tax credit can be taken any time starting the year of installation Check with your tax preparer.

Designed for 155 MPH. Insurance by homeowner

solar water heater expected to save 208 kwh per month

Guam Power Authority



Testimony on Bill 320

This section also states:

“The Legislature finds there is substantial interest by private parties to make these investments on their own if they are allowed access to the net metering program. Expanding the development of alternative energy customer installed units by not limiting the kilowatts capacity of these privately financed and installed alternative energy units to participate in the net metering program, integration onto the grid will be available to more customers.”

GPA comments there are no shortages of private parties willing to sell. There is a famous saying “caveat emptor” or “let the buyer beware”. GPA tests the claims of private parties willing to sell services and products that GPA is willing to buy under the conditions of a transparent procurement wherein, the interests of the Authority and its customers are protected.

Furthermore, the introduction of an unlimited amount of non-firm renewable energy plants will eventually raise costs to all customers, decrease power quality, and decrease the reliability of the grid. Therefore, GPA objects to having an unlimited net metering capacity.

GPA would still be required to address standby or additional capacity address future peak demand because non-firm renewable energy does not address being able to serve loads reliably.

Unlimited net metering will impact GPA’s ability to collect revenue required to pay off bonds/loans used to build new facilities. A baseload plant under a Purchase Power Agreement will also require a mechanism to ensure that they are able to recover their investment. This may be in the form of capacity fees or fixed fees, which will be impacted on how the plant is dispatched. If there is a substantial amount of net metering this may require increases to base rates that affect those customers without net metering.

Also, this provision in Bill 320 is a backdoor to retail competition. The Senators have received testimony before prior Legislative bodies that showed that this deregulation of the market markedly increased the costs for electricity in those jurisdictions that adopted this business model.

Finally, unlimited net metering can have an affect on GPA dispatching and planning for the next baseload. Unlike the Authority’s requirements to provide power to its customers, net metering customers are not obligated to maintain supply to GPA. Spinning reserve requirements may also require GPA generators to be dispatched at their less efficient loads in order for GPA to respond to system issues resulting from net metering supply or unavailability of supply.

This section also states:

**PUBLIC UTILITIES COMMISSION
OF GUAM**

Jeffrey C. Johnson

Suite 207, GCIC Building
Post Office Box 862
Hagatna, Guam 96932

David A Mair
Administrative Law Judge

Joseph M. McDonald
Filomena M. Cantoria
Rowena E. Perez
Michael A. Pangelinan

Telephone: (671) 472-1907
Fax: (671) 472-1917
Email: info@guampuc.com

Lourdes R. Palomo
Administrator

February 9, 2010

Senator Thomas C. Ada
Chairperson
Committee on Utilities, Transportation,
Public Works and Veterans Affairs

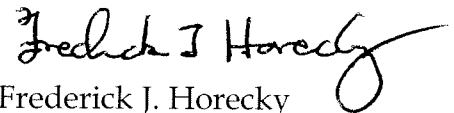
Re: Testimony of the Guam Public Utilities Commission on
Bill No. 320-30 (COR)

Dear Chairperson Ada:

Enclosed is the written testimony of the Guam Public Utilities Commission on Bill No. 320-30 (COR), "An Act to Amend §8501, §8502(2)(c) and §8312 of Chapter 8 12 Guam Code Annotated Relative to Net Metering."

The Guam Public Utilities Commission appreciates the opportunity to submit comment on Bill 320-30 (COR). Please let me know if you have any questions in this regard.

Sincerely,



Frederick J. Horecky
PUC Legal Counsel

Enclosure

**Before the
MINA'TRENTA NA LIHESLATURAN GUAHAN
THIRTIETH GUAM LEGISLATURE**

In the Matter of :)	
)	
Bill No. 320-30 (COR))	WRITTEN TESTIMONY OF
)	JEFFREY C. JOHNSON,
An Act to Amend §8501, §8502(2)(c) and)	CHAIRMAN, ON BEHALF
§8312 Chapter 8, 12 Guam Code Annotated)	OF THE GUAM PUBLIC
Relative to Net Metering)	UTILITIES COMMISSION
)	
)	
)	

The Guam Public Utilities Commission [PUC] is pleased to have been afforded an opportunity to comment on Bill 320-30 (COR).

In general, the PUC supports the intent of Bill No. 320-30 (COR) to expand the development of alternative energy in customer installed units. However, the PUC recommends that the current 25kW limitation on installed capacity be retained as to residential customers, but that the limitation be increased to 100kW for non-residential customers (i.e. commercial/government). This recommendation is in accord with the suggestions of the PUC's Consultant Georgetown Consulting Group.

The current limitation on 25kW for residential customers has not had any adverse impact upon the ability of such customers to avail themselves of the opportunity to install net metering facilities - - few residential customers use this amount of capacity such that the existing limitation is not a constraint. At present there have been less than five residential customers availing themselves of this net metering option.

Our Consultant has reviewed jurisdictions across the United States with regard to the issue of capacity limitations on net metering programs. Most states do impose limitations: generally, 10-25kW for residential customers and 100kW for non-residential customers. See Exhibit "A" attached hereto. Only three states have no limitation. We are concerned that the removal of any limitation on installed capacity could cause problems for the Guam Power Authority with interconnection to the existing grid.

Increasing the kilowatt capacity for commercial customers to 100kW will facilitate private party financing and development of additional net metered facilities. Such is a positive effect, as indicated by the proposed Bill.

We suggest the following changes to Bill No. 320-20 (COR):

SECTION 1 Legislative findings and intent, lines 6-7, should be changed as follows: "Expanding the development of alternative energy customer installed units by increasing the kilowatts capacity of these privately financed and installed alternative energy units..."

SECTION 2 [12 GCA §8502(2)(c) should be amended to read as follows:

(2) has a generating capacity of not more than twenty-five (25) kilowatts for residential customers and one hundred (100) kilowatts for nonresidential customers (commercial/government).

The proposed changes are indicated in the copy of Bill 320 attached hereto as Exhibit "B".

The PUC supports the proposed amendment to 12 GCA §8312 which would credit each customer-generator based installation to the Guam Power Authority with regard to the energy percentage requirements.

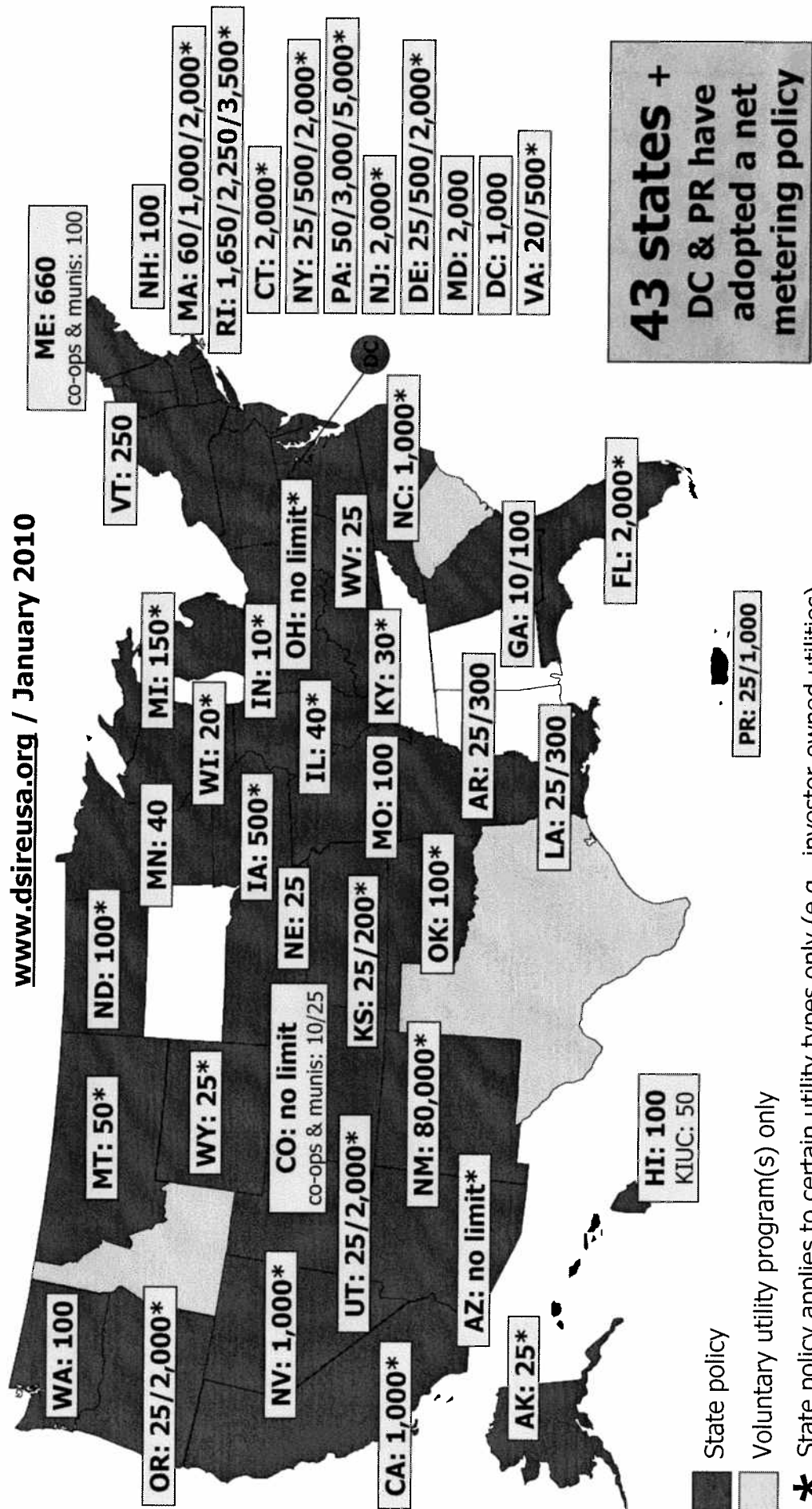
Should the Guam Legislature allow private parties to increase kilowatt capacity for alternative energy units up to 100kW, the Guam Power Authority may be required to incur costs in system studies before interconnection is feasible. In such event, unless GPA can recover its direct costs for such studies, the cost requirement will result in an additional subsidy by other customers.

Therefore, PUC recommends that a new section (c) be added to 12 GCA §8504, Net Metering Safety and Quality Standards, as follows:

(c) in the event that the Guam Power Authority is required to conduct system studies on an application by a non-residential party to develop and install an alternative energy customer installed unit, GPA may apply to the PUC to allow the assessment of charges, for studies needed to insure system security and stability, to such non-residential customers.

Net Metering

www.dsireusa.org / January 2010



I MINA' TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) REGULAR SESSION

Bill No. 320-30(corr)

Introduced by:

v.c. pangelinan

2010 JUN 23 PM 4:15

AN ACT TO AMEND §8501, §8502(2)(c) AND §8312
OF CHAPTER 8, 12 GUAM CODE ANNOTATED
RELATIVE TO NET METERING.

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **SECTION 1. Legislative findings and intent.** *I Liheslaturan Guahan* finds
2 that GPA has determined that the installation of alternative energy generation capacity
3 will require a large investment which according to GPA will increase the cost of
4 electricity to GPA's entire customer base. The Legislature finds there is substantial
5 interest by private parties to make these investments on their own if they are allowed
6 access to the net metering program. Expanding the development of alternative energy
7 customer installed units by ^{increasing} ~~not limiting~~ the kilowatts capacity of these privately
8 financed and installed alternative energy units to participate in the net metering
9 program, integration onto the grid will be available to more customers. It will also
10 ensure that the cost of the financing and installation of these alternative energy
11 generating units are fully paid for by private parties and will not be passed on to other
12 GPA customers.

EXHIBIT "B"

1 It is further the intent of *I Liheslaturan Guahan* to amend §8312 Chapter 8, 12
2 Guam Code Annotated, relative to Guam Power Authority's alternative energy
3 production capacity percentage requirement. GPA shall be allowed to use the rated
4 generation capacity of these privately installed alternative energy generating units.

5 **SECTION 2. Section 8502 (2)(c) Chapter 8, 12 Guam Code Annotated is**
6 **hereby amended to read as follows:**

7 “(c) Net Metering System’ means a facility for the production of
8 electrical energy that:

9 (1) uses fuel cells, micro turbines, wind, biomass, hydroelectric,
10 solar energy or a hybrid system consisting of these facilities, as its
11 primary source of fuel;

12 ~~(2) has a generating capacity of not more than twenty five (25)~~

13 ~~has a generating capacity of not more than~~
~~twenty-five (25) kilowatts for residential customers~~
~~and one hundred (100) kilowatts for non-residential~~
~~customers (including commercial/government customers)~~
14 (2) is located on the customer-generator's premises;

15 (3) operates in parallel with the utility's transmission and distribution
16 facilities; and

17 (4) is intended primarily to offset part or all of the customer-generator's
18 requirements for electricity.”

19 **SECTION 3. Section 8312 Chapter 8, 12 Guam Code Annotated is hereby**
20 **amended to read as follows:**

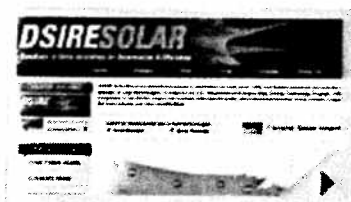
1 “§8312. Same. The Guam Power Authority *shall* undertake all necessary
2 investments *or* outsourcing agreements, including, automatic generation control, so as
3 to provide for the maximum feasible ability to add renewable resources to the Island-
4 wide Power System. Each customer-generator based installation *shall* be credited to
5 Guam Power Authority pursuant to the energy percentage requirement intent in this
6 bill. The Public Utilities Commission is directed to deem such renewable resource as
7 prudent costs for purposes of rate setting to ensure such investments do *not* hinder the
8 Guam Power Authority’s financial stability to support the capital activities associated
9 with the intent of this Public Law.”

10 **SECTION 4. Severability.** If any of the provisions of this Act or the
11 application thereof to any person or circumstance is held invalid, such invalidity shall
12 not affect any other provision or application of this Act which can be given effect
13 without the invalid provision or application, and to this end the provisions of this Act
14 are severable.

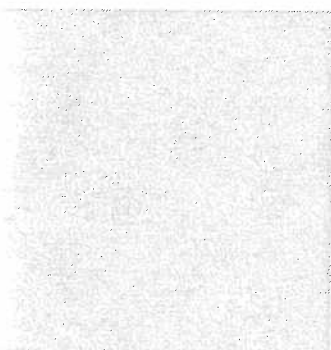
EXHIBIT “B”

[Home](#)[Glossary](#)[Links](#)[FAQs](#)[Contacts](#)

DSIRE SOLAR



Resources

[Summary Maps](#)[Summary Tables](#)[Library](#)[Search](#)[What's New?](#)

VIRGIN ISLANDS

Incentives/Policies for Renewable Energy

U.S. Virgin Islands - Net Metering

Last DSIRE Review: 05/12/2009

Program Overview:

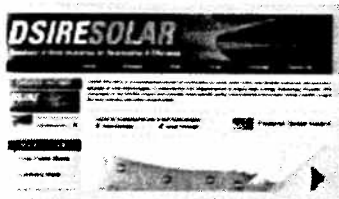
State:	Virgin Islands
Incentive Type:	Net Metering
Eligible Renewable/Other Technologies:	Photovoltaics, Wind, or other Renewable Energy Systems
Applicable Sectors:	Commercial, Residential
Applicable Utilities:	VIWAPA
System Capacity Limit:	10 kW
Aggregate Capacity Limit:	5 MW for St. Croix; 10 MW for St. Thomas, St. John, and St. John's islands
Net Excess Generation:	Credited to customer's next bill at retail rate; granted in 12-month cycle
REC Ownership:	Not addressed
Meter Aggregation:	Not addressed
Web Site:	http://www.vienergy.org

Summary:

In February 2007, the U.S. Virgin Islands Public Services Commission approved a limited net-metering program for residential and commercial photovoltaic (PV), wind-energy or other renewable energy system up to 10 kW. The aggregate capacity limit of all net-metered systems is five megawatts (MW) on St. Croix, a Water Island and other territorial islands. These limits are equal to 10% of the peak load of the Authority's (VIWAPA) electric system. VIWAPA is permitted to charge a \$25 application fee.

Any net excess generation (NEG) produced by a customer is credited at the utility's full retail rate to the customer's next monthly bill. At the end of a 12-month period, any remaining NEG is granted to the customer.

As for interconnection, all installations must comply with the IEEE 1547 standard, the UL 1741 standard, and the Uniform Building Code. The utility will furnish, install, own and maintain all net-metering equipment.

[Home](#)[Glossary](#)[Links](#)[FAQs](#)[Contacts](#)**DSIRE SOLAR****HAWAII****Incentives/Policies for Renewables & Efficiency****Hawaii - Net Metering**

Last DSIRE Review: 01/11/2010

Program Overview:**Resources**[Summary Maps](#)[Summary Tables](#)[Library](#)[Search](#)[What's New?](#)**State:** Hawaii**Incentive Type:** Net Metering**Eligible Renewable/Other Technologies:** Photovoltaics, Wind, Biomass, Hydroelectric, Small**Applicable Sectors:** Commercial, Residential, Local Government, State**Applicable Utilities:** All utilities**System Capacity Limit:** 100 kW for HECO, MECO, HELCO customers; 50 kW for**Aggregate Capacity Limit:** 3% of utility's peak demand for HELCO and MECO; and HECO**Net Excess Generation:** Credited to customer's next bill at retail rate; granted cycle**REC Ownership:** Not addressed**Meter Aggregation:** Not addressed**Web Site:** <http://www.hawaii.gov/dbedt/info/energy>**Authority 1:**[HRS § 269-101 et seq.](#)**Date Enacted:**

6/25/2001 (subsequently amended)

Authority 2:[HI PUC Order, Docket 2006-0084](#)**Date Enacted:**

12/28/2008

Summary:



COMMITTEE ON RULES

I Mina' Trenta na Liheslaturan Guåhan • 30th Guam Legislature

155 Hesler Place, Hagatña, Guam 96910 • tel: (671)472-7679 • fax: (671)472-3547 • roryforguam@gmail.com

**SENATOR
RORY J.
RESPICIO
CHAIRPERSON**

**SENATOR
Judith P. Guthertz
VICE
CHAIRPERSON**

**MAJORITY
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**Benjamin J. F. Cruz
VICE SPEAKER**

**Tina Rose Mufia Barnes
LEGISLATIVE SECRETARY**

**Thomas C. Ada
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**Frank B. Aguon, Jr.
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**Matthew Rector
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SENATOR**

**James V. Espaldon
SENATOR**

January 28, 2010

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Chairperson, Committee on Rules

Subject: Referral of Bill Nos. 319-30 (COR) and 320-30 (COR)

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 319-30 (COR) and 320-30 (COR).

Please ensure that the subject bills are referred, in my name, to the respective committees, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina' Trenta Na Liheslaturan Guåhan*.

Should you have any questions, please contact Stephanie Mendiola or Elaine Tajalle at 472-7679.

Si Yu'os Ma'åse'!

(1) Attachment

2010 JAN 29 PM 3:04 PM

I Mina'Trenta Na Liheslaturan Guåhan
Bill Log Sheet
Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date)
B319-30 (COR)	v.c. pangelinan	An act to amend Section 30103 of Chapter 30, 22 Guam Code Annotated, to amend Section 104203 and Section 104208 and to repeal Section 104210 of Chapter 104, 21 Guam Code Annotated relative to real estate broker licensing requirements and other purposes.	1/28/10 4:15 p.m.	1/29/10	Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land			
B320-30 (COR)	v.c. pangelinan	An act to amend §8501, §8502(2)(c) and §8312 of Chapter 8, 12 Guam Code Annotated relative to net metering.	1/28/10 4:15 p.m.	1/29/10	Committee on Utilities, Transportation, Public Works, and Veterans Affairs			



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
30th Guam Legislature • I Mina' Trenta Na Liheslaturan Guåhan

February 2, 2010

MEMORANDUM

To: All Senators

From: Senator Thomas C. Ada, Chairperson, Committee on Utilities, Transportation, Public Works and Veterans Affairs

Subject: **Public Hearing Notice: February 10, 2010 at 9:00 am**

Please be advised that the Committee on Utilities, Transportation, Public Works and Veterans Affairs is holding a public hearing on February 10, 2010 at 9:00 am. This meeting will take place in the Public Hearing Room of *I Liheslatura*.

The agenda is as follows:

9:00 am – 12:00 pm

Bill No. 310-30 (COR)

An act to add a new §51120 to Chapter 54 of 10GCA relative to authorization to create a Feasibility Plan for the installation of a commercial methane recovery system of the Leyon Landfill.

Bill No. 320-30 (COR)

An act to amend §8501, §8502(2)(c) and §8312 of Chapter 8, 12 Guam Code Annotated relative to net metering.

1:00 pm – 3:00 pm

Status Report: Department of Public Works

Bridges slated for repair/upgrade in the next 24 months

3:00 pm – 5:00 pm

Status Report: Department of Public Works

Roads slated for repair/upgrade in the next 24 months

Testimonies should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagatña, Guam 96932, via email to office@senatorada.org, or via facsimile to (671) 473-3303 until February 20, 2010, 5pm. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to our office. Copies of Bill No. 310-30 and Bill No. 320-20 may be found on the official Guam Legislature website (www.guamlegislature.com). Please feel free to contact our office should you have any questions or concerns.

Senseramente,

Thomas C. Ada

cc: Clerk of the Legislature
Sergeant-at-Arms/ Protocol/ A/V
MIS



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
30th Guam Legislature • I Mina' Trenta Na Liheslaturan Guåhan

February 2, 2010

MEMORANDUM

To: All Media

From: Senator Thomas C. Ada, Chairperson, Committee on Utilities, Transportation, Public Works and Veterans Affairs

Subject: **Public Hearing Notice: February 10, 2010 at 9:00 am**

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Senseramente,

Thomas C. Ada

cc: Clerk of the Legislature
Sergeant-at-Arms/ Protocol/ A/V
MIS



Senator Tom Ada

Jimmy Camacho <jcamacho@senatorada.org>

Notice of Public Hearing: February 10, 2010

Jimmy Camacho <jcamacho@senatorada.org>

Tue, Feb 2, 2010 at 3:04 PM

To: news@k57.com, editor@mvguam.com, ksto@ite.net, news@guampdn.com, gdumat-ol@guampdn.com, bmkelman@guampdn.com, sabrina@kuam.com, nick.delgado@kuam.com, kevin@spbgum.com

Bcc: Jimmy Camacho <jcamacho@senatorada.org>, Tom Camacho <tcamacho@senatorada.org>, Jay Sunga <ajsunga@senatorada.org>

Hafa Adai,

Please find the attached memo from the Committee on Utilities, Transportation, Public Works, and Veterans Affairs for a Public Hearing on Wednesday, February 10, 2010 at 9:00 am.

Should you have questions and/or difficulty opening the file please feel free to contact our office at 473-3301.

Thank you,

Jimmy T. Camacho



PH FEB 10 ALL Media .pdf

82K



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
30th Guam Legislature • I Mina' Trenta Na Liheslaturan Guåhan

February 2, 2010

MEMORANDUM

To: All Stakeholders

From: Senator Thomas C. Ada, Chairperson, Committee on Utilities, Transportation,
Public Works and Veterans Affairs

Subject: **Public Hearing Notice: February 10, 2010 at 9:00 am**

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Senseramente,

Thomas C. Ada



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
30th Guam Legislature • I Mina' Trenta Na Liheslaturan Guåhan

February 8, 2010

MEMORANDUM

To: All Senators

From: Senator Thomas C. Ada, Chairperson, Committee on Utilities, Transportation, Public Works and Veterans Affairs

Subject: **Public Hearing Notice: February 10, 2010 at 9:00 am**

Please be advised that the Committee on Utilities, Transportation, Public Works and Veterans Affairs is holding a public hearing on February 10, 2010 at 9:00 am. This meeting will take place in the Public Hearing Room of *I Liheslatura*.

The agenda is as follows:

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Bill No. 310-30 (COR)

An act to add a new §51120 to Chapter 54 of 10GCA relative to authorization to create a Feasibility Plan for the installation of a commercial methane recovery system of the Leyon Landfill.

1:00 pm – 4:00 pm

Status Report: Department of Public Works

- a. Bridges slated for repair/upgrade in the next 24 months
- b. Roads slated for repair/upgrade in the next 24 months

Testimonies should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagatña, Guam 96932, via email to office@senatorada.org, or via facsimile to (671) 473-3303 until February 20, 2010, 5pm. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to our office. Copies of Bill No. 310-30 and Bill No. 320-20 may be found on the official Guam Legislature website (www.guamlegislature.com). Please feel free to contact our office should you have any questions or concerns.

Senseramente,

Thomas C. Ada

cc: Clerk of the Legislature
Sergeant-at-Arms/ Protocol/ A/V
MIS



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
30th Guam Legislature • I Mina' Trenta Na Liheslaturan Guåhan

February 8, 2010

MEMORANDUM

To: All Media

From: Senator Thomas C. Ada, Chairperson, Committee on Utilities, Transportation, Public Works and Veterans Affairs

Subject: **Public Hearing Notice: February 10, 2010 at 9:00 am**

Please be advised that the Committee on Utilities, Transportation, Public Works and Veterans Affairs is holding a public hearing on February 10, 2010 at 9:00 am. This meeting will take place in the Public Hearing Room of *I Liheslatura*.

The agenda is as follows:

9:00 am – 12:00 pm

Bill No. 320-30 (COR)

An act to amend §8501, §8502(2)(c) and §8312 of Chapter 8, 12 Guam Code Annotated relative to net metering.

Bill No. 310-30 (COR)

An act to add a new §51120 to Chapter 54 of 10GCA relative to authorization to create a Feasibility Plan for the installation of a commercial methane recovery system of the Leyon Landfill.

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Senseramente,

Thomas C. Ada



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
30th Guam Legislature • I Mina' Trenta Na Liheslaturan Guåhan

February 8, 2010

MEMORANDUM

To: All Stakeholders

From: Senator Thomas C. Ada, Chairperson, Committee on Utilities, Transportation,
Public Works and Veterans Affairs

Subject: **Public Hearing Notice: February 10, 2010 at 9:00 am**

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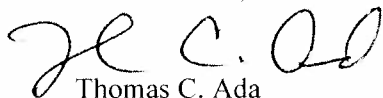
1:00 pm – 4:00 pm

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Senseramente,


Thomas C. Ada



Senator Tom Ada

Jimmy Camacho <jcamacho@senatorada.org>

Notice of Public Hearing: February 10, 2010

Jimmy Camacho <jcamacho@senatorada.org>

Tue, Feb 2, 2010 at 3:14 PM

To: judiguthertz@pticom.com, senadotbjcruz@aol.com, senjim@ite.net, "Adolpho B. Palacios" <senabpalacios@gmail.com>, Ben Pangelinan <senbenp@guam.net>, Benjamin JF Cruz <senadotbjcruz@gmail.com>, "Edward J.B. Calvo" <sencalvo@gmail.com>, "Frank B. Aguon, Jr." <aguon4guam@gmail.com>, "Frank F. Blas, Jr." <frank.blasjr@gmail.com>, Jimmy Espaldon <senator@espaldon.com>, Judi Won Pat <info@judiwonpat.com>, Matt Rector <matt@mattrector.com>, Ray Tenorio <ray@raytenorio.com>, "Rory J. Respicio" <roryforguam@gmail.com>, Telo Taitague <senartelo@gmail.com>, Tina Muna Barnes <tinamunabarnes@gmail.com>, alfredduenas@guamlegislature.org, andrasgrandma@yahoo.com, aokada@guamlegislature.org, bfartero@guamlegislature.org, bruce.lloyd.media@gmail.com, chris.budasi@guamlegislature.org, cory@mattrector.com, coy@senatorada.org, cyrus@senatorada.org, dcchaco@guamlegislature.org, doc.wytenbachsantos@gmail.com, ed@raytenorio.com, edpocague@judiwonpat.com, edpocague@yahoo.com, epogue@guamlegislature.org, epogue@hotmail.com, fba_irenem@yahoo.com, fbtorres@yahoo.com, geraldine@mattrector.com, gtmarcos612@yahoo.com, herbie@judiwonpat.com, hmcruz55@guam.net, irish@mattrector.com, jameleng_91@yahoo.com, jamespcastro@gmail.com, jcamacho@senatorada.org, jennifer@mattrector.com, jessica@raytenorio.com, joe_kamudo@yahoo.com, jonbdiaz@gmail.com, josie.mendiola@gmail.com, joyunpingco@guamlegislature.org, juliette@senatorada.org, legislativesecretary1@gmail.com, len@mattrector.com, lizama.frances@gmail.com, mark@judiwonpat.com, markaflague@gmail.com, maryfejeran@gmail.com, mcarlson@ite.net, mermae@raytenorio.com, mjperez48@yahoo.com, mona.duenas@gmail.com, natashaguon@hotmail.com, nenamillondaga@yahoo.com, patrickcepeda@hotmail.com, paul@raytenorio.com, peterlg@gmail.com, pjtcruz@yahoo.com, remytaijeron@yahoo.com, rhad@mattrector.com, rlikeke05@gmail.com, rob.tupaz@gmail.com, roberto.phil@gmail.com, roeann@raytenorio.com, roland@judiwonpat.com, rsmuna45@gmail.com, rsmuna@yahoo.com, sahara@judiwonpat.com, santos222@gmail.com, sayama01@yahoo.com, smendiola@guamlegislature.org, sonedera-salas@guamlegislature.org, stefcepeda@yahoo.com, tcamacho@senatorada.org, teddytaz_222@yahoo.com, therese@mattrector.com, tpmatanane@yahoo.com, trespicio@gmail.com, typhoonjvr@yahoo.com, vel.komiyama@yahoo.com, victoria.phillips@live.com, vqd@teleguam.net, vquenga@judiwonpat.com, wndycruz@gmail.com, zunior0831@hotmail.com, anaaleah <anaaleah@yahoo.com>, bill phillips <phillipsguam@gmail.com>, Chelsa Muna-Brecht <chelsamunabrecht@yahoo.com>, Derick Hills <derickhills@live.com>, Ed LeonGuerrero <edleonguerrero@gmail.com>, Elaine Tajalle <elainevtll@gmail.com>, Frank Torres <fbtorres@judiwonpat.com>, Fred Burgos <feaburgos@gmail.com>, Gina Tabonares <aguonmedia@gmail.com>, Jay Sunga <ajsunga@senatorada.org>, Jose Cruz <josecruzjr17@yahoo.com>, Joy Unpingco <joyunpingco@gmail.com>, Lisa Cipollone <cipo@guamlegislature.org>, Mary Lou Wheeler <mlwheeler2000@yahoo.com>, Maya Alonso <maya@guamlegislature.org>, Mike Lidia <mike.lidia9@gmail.com>, Nicole Santos <nsantos@senatorada.org>, Phillip Leon Guerrero <phill@raytenorio.com>, Ron Taitague <ez2plez57@yahoo.com>, ron teehan <rteehan@yahoo.com>, "teddytaz@ite.net" <teddytaz@ite.net>, tinaokada <tinaokada@gmail.com>, Toby Castro <tcastro@guam.net>, Tony Quitugua <tq@guamlegislature.org>, sem@guamlegislature.org

Hafa Adai,

Please find the attached memo from the Committee on Utilities, Transportation, Public Works, and Veterans Affairs for a Public Hearing on Wednesday, February 10, 2010 at 9:00 am.

Should you have questions and/or difficulty opening the file please feel free to contact our office at 473-3301.



Senator Tom Ada

Jimmy Camacho <jcamacho@senatorada.org>

Second Notice of Public Hearing Notice: February 10, 2010

Jimmy Camacho <jcamacho@senatorada.org>

Mon, Feb 8, 2010 at 9:00 AM

To: news@guampdn.com, gdumat-ol@guampdn.com, bmkelman@guampdn.com

Hafa adai,

Please find the attached PDF regarding a Public Hearing on February 10, 2010 at 9am - Bill 310-30 and Bill 320-30. We kindly request that you place this information in your Governmental Notices Section.

Changes have been made to the previous notice sent on February 2, 2010. Note, Bill No. 320-30 will be heard prior to Bill No. 310-20, and DPW will provide a status report on bridges and roads slated for repair/upgrade in the next 24 months between 1:00 and 4:00.

Should you have questions and/or difficulty opening the file please feel free to contact our office at 473-3301.

Thank you,

Jimmy T. Camacho

--

Jimmy Taitano Camacho
Staff Analyst
Office of Senator Thomas C. Ada
I Mina' Trenta na Liheslaturan Guåhan - 30th Guam Legislature



Public Hearing Notice - ALL Media.pdf

80K



Senator Tom Ada

Jimmy Camacho <jcamacho@senatorada.org>

Notice of Public Hearing: February 10, 2010

Jimmy Camacho <jcamacho@senatorada.org>

Tue, Feb 2, 2010 at 3:04 PM

To: news@k57.com, editor@mvguam.com, ksto@ite.net, news@guampdn.com, gdumat-ol@guampdn.com, bmkelman@guampdn.com, sabrina@kuam.com, nick.delgado@kuam.com, kevin@spbgum.com

Bcc: Jimmy Camacho <jcamacho@senatorada.org>, Tom Camacho <tcamacho@senatorada.org>, Jay Sunga <ajsunga@senatorada.org>

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Thank you,

Jimmy T. Camacho



PH FEB 10 ALL Media .pdf

82K



Senator Tom Ada

Jimmy Camacho <jcamacho@senatorada.org>

Public Hearing Notice: February 10, 2010, Testimonial Requested

Jimmy Camacho <jcamacho@senatorada.org>

Tue, Feb 2, 2010 at 4:40 PM

To: asc@aganacenter.com, jflores@gpagwa.com, lsablan@gpagwa.com, jeffcharjohnson@hotmail.com, gdcmgr@ite.net, info@ghra.org

Hafa Adai,

I would like to request your attendance and testimony to Bill 320-30 relative to net metering and alternative energy generation.

Please find the attached memo from the Committee on Utilities, Transportation, Public Works, and Veterans Affairs for a Public Hearing on Wednesday, February 10, 2010 at 9:00 am.

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Thank you,

Jimmy T. Camacho



PH FEB 10 - All Stakeholders.pdf
84K



Senator Tom Ada

Jimmy Camacho <jcamacho@senatorada.org>

Second Notice of Public Hearing: February 10, 2010

Jimmy Camacho <jcamacho@senatorada.org>

Mon, Feb 8, 2010 at 9:02 AM

To: judiguthertz@pticom.com, senadotbjcruz@aol.com, senjim@ite.net, "Adolpho B. Palacios" <senabpalacios@gmail.com>, Ben Pangelinan <senbenp@guam.net>, Benjamin JF Cruz <senadotbjcruz@gmail.com>, "Edward J.B. Calvo" <sencalvo@gmail.com>, "Frank B. Aguon, Jr." <aguon4guam@gmail.com>, "Frank F. Blas, Jr." <frank.blasjr@gmail.com>, Jimmy Espaldon <senator@espaldon.com>, Judi Won Pat <info@judiwonpat.com>, Matt Rector <matt@mattrector.com>, Ray Tenorio <ray@raytenorio.com>, "Rory J. Respicio" <roryforguam@gmail.com>, Telo Taitague <senatortelo@gmail.com>, Tina Muna Barnes <tinamunabarnes@gmail.com>, alfredduenas@guamlegislature.org, andrasgrandma@yahoo.com, aokada@guamlegislature.org, bfartero@guamlegislature.org, bruce.lloyd.media@gmail.com, chris.budasi@guamlegislature.org, cory@mattrector.com, coy@senatorada.org, cyrus@senatorada.org, dcchaco@guamlegislature.org, doc.wytenbachsantos@gmail.com, ed@raytenorio.com, edpocague@judiwonpat.com, edpocague@yahoo.com, epogue@guamlegislature.org, epogue@hotmail.com, fba_irenem@yahoo.com, fbtorres@yahoo.com, geraldine@mattrector.com, gtmarcos612@yahoo.com, herbie@judiwonpat.com, hmcruz55@guam.net, irish@mattrector.com, jameleng_91@yahoo.com, jamespcastro@gmail.com, jcamacho@senatorada.org, jennifer@mattrector.com, jessica@raytenorio.com, joe_kamudo@yahoo.com, jonbdiaz@gmail.com, josie.mendiola@gmail.com, joyunpingco@guamlegislature.org, juliette@senatorada.org, legislativesecretary1@gmail.com, len@mattrector.com, lizama.frances@gmail.com, mark@judiwonpat.com, markaflague@gmail.com, maryfejeran@gmail.com, mcarlson@ite.net, mermae@raytenorio.com, mjperez48@yahoo.com, mona.duenas@gmail.com, natashaguon@hotmail.com, nenamillondaga@yahoo.com, patrickcepeda@hotmail.com, paul@raytenorio.com, peterlg@gmail.com, pjtcruz@yahoo.com, remytaijeron@yahoo.com, rhad@mattrector.com, rlikeke05@gmail.com, rob.tupaz@gmail.com, roberto.phil@gmail.com, roeann@raytenorio.com, roland@judiwonpat.com, rsmuna45@gmail.com, rsmuna@yahoo.com, sahara@judiwonpat.com, santos222@gmail.com, sayama01@yahoo.com, smendiola@guamlegislature.org, sonedera-salas@guamlegislature.org, stefcepeda@yahoo.com, tcamacho@senatorada.org, teddytaz_222@yahoo.com, therese@mattrector.com, tpmatanane@yahoo.com, trespicio@gmail.com, typhoonjvr@yahoo.com, vel.komiyama@yahoo.com, victoria.phillips@live.com, vqd@teleguam.net, vquenga@judiwonpat.com, wndycruz@gmail.com, zunior0831@hotmail.com, anaaleah <anaaleah@yahoo.com>, bill phillips <phillipsguam@gmail.com>, Chelsa Muna-Brecht <chelsamunabrecht@yahoo.com>, Derick Hills <derickhills@live.com>, Ed LeonGuerrero <edleonguerrero@gmail.com>, Elaine Tajalle <elainevtll@gmail.com>, Frank Torres <fbtorres@judiwonpat.com>, Fred Burgos <feaburgos@gmail.com>, Gina Tabonares <aguonmedia@gmail.com>, Jay Sunga <ajsunga@senatorada.org>, Jose Cruz <josecruzjr17@yahoo.com>, Joy Unpingco <joyunpingco@gmail.com>, Lisa Cipollone <cipo@guamlegislature.org>, Mary Lou Wheeler <mlwheeler2000@yahoo.com>, Maya Alonso <maya@guamlegislature.org>, Mike Lidia <mike.lidia9@gmail.com>, Nicole Santos <nsantos@senatorada.org>, Phillip Leon Guerrero <phill@raytenorio.com>, Ron Taitague <ez2plez57@yahoo.com>, ron teehan <rteehan@yahoo.com>, "teddytaz@ite.net" <teddytaz@ite.net>, tinaokada <tinaokada@gmail.com>, Toby Castro <tcastro@guam.net>, Tony Quitugua <tq@guamlegislature.org>, sem@guamlegislature.org

Hafa Adai,

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Senator Tom Ada

Jimmy Camacho <jcamacho@senatorada.org>

Second Notice of Public Hearing: February 10, 2010

Jimmy Camacho <jcamacho@senatorada.org>

Mon, Feb 8, 2010 at 9:00 AM

To: news@k57.com, editor@mvguam.com, ksto@ite.net, sabrina@kuam.com, nick.delgado@kuam.com, kevin@spbgum.com, dondi@galaidegroup.com

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Jimmy Taitano Camacho
Staff Analyst
Office of Senator Thomas C. Ada
I Mina' Trenta na Liheslaturan Guåhan - 30th Guam Legislature



Public Hearing Notice - ALL Media.pdf

80K



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
30th Guam Legislature • I Mina' Trenta Na Liheslaturan Guåhan

AGENDA

PUBLIC HEARING

WEDNESDAY, FEBRUARY 10, 2010

Public Hearing Room, *I Liheslaturan Guåhan*

The agenda is as follows:

9:00 am – 12:00 pm

Bill No. 320-30 (COR)

An act to amend §8501, §8502(2)(e)(c)(2) and §8312 of Chapter 8, 12 Guam Code Annotated relative to net metering.

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An act to add a new §51120 to Chapter 54 51 of 10GCA relative to authorization to create a Feasibility Plan for the installation of a commercial methane recovery system of the Leayon Landfill.

1:00 pm – 4:00 pm

Status Report: Department of Public Works

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**Bureau of Budget & Management Research
Fiscal Note of Bill No. 320-30(COR)**

AN ACT TO AMEND §8501, §8502(2)(c) AND §8312 OF CHAPTER 8, 12 GUAM CODE ANNOTATED RELATIVE TO NET METERING.

Department/Agency Appropriation Information

Dept./Agency Affected: Guam Power Authority	Dept./Agency Head: Joaquin C. Flores, General Manager
Department's General Fund (GF) appropriation(s) to date:	\$0
Department's Other Fund (Specify) appropriation(s) to date:	\$0
Total Department/Agency Appropriation(s) to date:	\$0

Fund Source Information of Proposed Appropriation

	General Fund:	Other:	Total:
FY 2010 Adopted Revenues	\$540,218,638	\$112,566,011	\$652,784,649
FY 2010 Appro. (P.L. 30-55)	(\$540,228,723)	(\$113,243,583)	(\$653,472,306)
Sub-total:	(\$10,085)	(\$677,572)	(\$687,657)
Less appropriation in Bill	\$0	\$0	\$0
Total:	(\$10,085)	(\$677,572)	(\$687,657)

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of FY 2010 (if applicable)	FY 2011	FY 2012	FY 2013	FY 2014
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Tourist Attraction Fund	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

1. Does the bill contain "revenue generating" provisions? / / Yes /x/ No
If Yes, see attachment
2. 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
3. Does the Bill establish a new program/agency? / / Yes /x/ No
If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes /x/ No
Is there a federal mandate to establish the program/agency? / / Yes /x/ No
4. Will the enactment of this Bill require new physical facilities? / / Yes /x/ No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / / Yes /x/ No
/ / Requested agency comments not received by due date / / Other: _____

Analyst: [Signature] Date: _____ Director: [Signature] Date: 3/8/10
Bertha M. Duenas, Director, BBMR

Footnotes: The Bill has a potential for additional funding impact, however in its present form that impact cannot be determined at this time. However, the General Fund may not be impacted by the passage of this bill.

6

I MINA' TRENTA NA LIHESLATURAN GUÅHAN

2010 (SECOND) Regular Session

Date: 5/3/2010

VOTING SHEET

Bill No. 320-30(COR)

Resolution No. _____

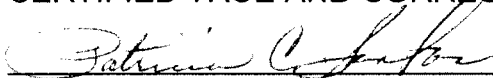
Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
AGUON, Frank B., Jr.	✓				
BLAS, Frank F., Jr.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J. F.					EA
ESPALDON, James V.	✓				
GUTHERTZ, Judith Paulette	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
TAITAGUE, Telo	✓				
TENORIO, Ray					EA
WON PAT, Judith T.	✓				

TOTAL

13 _____ _____ _____ 2

CERTIFIED TRUE AND CORRECT:


Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

**I MINA' TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) REGULAR SESSION**

Bill No. 320-30(corr)

Introduced by:

v.c. pangelinan

2010 JUN 23 PM 4:15

**AN ACT TO AMEND §8501, §8502(2)(c) AND §8312
OF CHAPTER 8, 12 GUAM CODE ANNOTATED
RELATIVE TO NET METERING.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

SECTION 1. Legislative findings and intent. *I Liheslaturan Guahan* finds that GPA has determined that the installation of alternative energy generation capacity will require a large investment which according to GPA will increase the cost of electricity to GPA's entire customer base. The Legislature finds there is substantial interest by private parties to make these investments on their own if they are allowed access to the net metering program. Expanding the development of alternative energy customer installed units by not limiting the kilowatts capacity of these privately financed and installed alternative energy units to participate in the net metering program, integration onto the grid will be available to more customers. It will also ensure that the cost of the financing and installation of these alternative energy generating units are fully paid for by private parties and will not be passed on to other GPA customers.

1 It is further the intent of *I Liheslaturan Guahan* to amend §8312 Chapter 8, 12
2 Guam Code Annotated, relative to Guam Power Authority's alternative energy
3 production capacity percentage requirement. GPA shall be allowed to use the rated
4 generation capacity of these privately installed alternative energy generating units.

5 **SECTION 2. Section 8502 (2)(c) Chapter 8, 12 Guam Code Annotated is**
6 **hereby amended to read as follows:**

7 “(c) Net Metering System’ means a facility for the production of
8 electrical energy that:

9 (1) uses fuel cells, micro turbines, wind, biomass, hydroelectric,
10 solar energy or a hybrid system consisting of these facilities, as its
11 primary source of fuel;

12 ~~(2) has a generating capacity of not more than twenty five (25)~~
13 ~~kilowatts;~~

14 (2) is located on the customer-generator's premises;

15 (3) operates in parallel with the utility's transmission and distribution
16 facilities; and

17 (4) is intended primarily to offset part or all of the customer-generator's
18 requirements for electricity.”

19 **SECTION 3. Section 8312 Chapter 8, 12 Guam Code Annotated is hereby**
20 **amended to read as follows:**

1 **“§8312. Same.** The Guam Power Authority *shall* undertake all necessary
2 investments *or* outsourcing agreements, including, automatic generation control, so as
3 to provide for the maximum feasible ability to add renewable resources to the Island-
4 wide Power System. Each customer-generator based installation *shall* be credited to
5 Guam Power Authority pursuant to the energy percentage requirement intent in this
6 bill. The Public Utilities Commission is directed to deem such renewable resource as
7 prudent costs for purposes of rate setting to ensure such investments do *not* hinder the
8 Guam Power Authority’s financial stability to support the capital activities associated
9 with the intent of this Public Law.”

10 **SECTION 4. Severability.** If any of the provisions of this Act or the
11 application thereof to any person or circumstance is held invalid, such invalidity shall
12 not affect any other provision or application of this Act which can be given effect
13 without the invalid provision or application, and to this end the provisions of this Act
14 are severable.