



CONSOLIDATED COMMISSION ON UTILITIES
Guam Power Authority | Guam Waterworks Authority
P.O. Box 2977 Hagatna, Guam 96932 | (671)649-3002 | guamccu.org

February 1, 2024

Honorable Douglas B. Moylan
Attorney General of Guam
Ufisinan Hinirat Abugao
Office of the Attorney General
590 S. Marine Drive, Suite 901
Tamuning, Guam 96913

Re: Requirements of 5 G.C.A. §10107, Annual Report

Dear Attorney General Moylan,

Pursuant to the requirements of 5 G.C.A. §10107, the Consolidated Commission on Utilities ("CCU") hereby responds as follows:

5 G.C.A. §10107. Annual Report.

(a) On or before February of each year, each agency shall submit to the Attorney General a report which shall cover the preceding fiscal year and which shall include:

(1) The number of determinations made by the agency not to comply with requests for records made to such agency under §10108 of this Chapter and the reasons for each such determination;

CCU Response: To the best of my knowledge, the CCU has responded to all FOIA Requests for FY2023 and no determinations were made by the CCU not to comply with the requests for records except that within 1 of the 2 FOIA responses issued the CCU did limit the disclosure of CCU Executive Session transcripts and recordings where personnel matters or active or threatened litigation was discussed. The document limitation was done pursuant to 5 GCCA §10108 and 5 GCA §8111.

(2) The number of requests for records pending before the agency as of September 30 of the preceding year, and the median number of days that such requests had been pending before the agency as of that date;

CCU Response: I am not aware of any pending requests before the CCU as of September 30, 2023.

- (3) The number of requests for records received by the agency and the number of requests which the agency processed;

CCU Response: For FY2023, the CCU received and responded to two (2) FOIA Requests.

- (4) The median number of days taken by the agency to process different types of requests;

CCU Response: Four (4) days was the median number of days to address one (1) of the FOIA request, but for the other FOIA request, due to the volume of the request and a requirement to pour over records page by page, the CCU requested two extensions of time to respond for a total of nearly 60 days to provide a completed FOIA response. In both instances the CCU was granted said extension by the requestor without objection.

- (5) The number of full-time staff of the agency devoted to processing requests for records under this Section, and the total amount expended by the agency for processing such requests.

CCU Response: There was a minimum of two and a maximum of four (4) employees that received the requests, obtained the necessary information from the agency/section(s) that possessed or may have possessed documents requested and then prepared the responses. Our estimate of the total amounts expended by the CCU were largely absorbed by the staff hours needed to complete the requests. Still, and although almost all responses were sent electronically; the estimated staffing cost for said employees to work on 2 FOIAs exceeded \$4,000.00 in staff hourly costs.

- (b) Each agency shall make each such report available to the public, including by computer telecommunications, or if computer telecommunications means have not been established by the agency, by other electronic means.

CCU Response: The report will be posted on the CCU website at www.quamccu.org as required.

- (c) The Attorney General of Guam shall make each report which has been made available by electronic means available at a single access point. The Attorney General of Guam shall notify the Legislature Secretary of *I Liheslaturan Guahan*, no later than April 1 of the year in which each such report is issued, that such reports are available by electronic means.

CCU Response: See item (b) above. CCU will post its annual report on our website.

- (d) The Attorney General of Guam shall develop reporting and performance guidelines in connection with reports required by this Section by October 1,

Letter to Honorable Douglas B. Moylan
Attorney General of Guam
February 1, 2024
Page 3

1999, and may establish additional requirements for such reports as the Attorney General determines may be useful.
CCU Response: N/A to CCU.

If you have any questions or concerns, please feel free to contact me at 671-686-1512 or Ms. Lourissa Gilman at 671-648-3202 or via email at joey49duenas@gmail.com and lgilman@gpagwa.com, respectively.

Sincerely,

A handwritten signature in black ink, appearing to read 'JTD' with a stylized flourish extending to the right.

Joseph T. Duenas
Chairman

JTD/TGR/abg