

The views expressed are solely my own and do not represent the opinions of the CCU or any other persons or organizations with whom I'm affiliated.

AG Moylan's letter of March 4 to Senator Parkinson contains many representations and allegations that have no basis in fact. His letter reveals his ignorance and a complete misunderstanding of the state of our utilities, the military buildup plans, the professional review process performed by the independent PUC and its independent experts, and federal and local law.

1. DoD has not indicated publicly nor privately to GPA, GWA, nor the CCU that it intends to place 45,000 people in Guam in the next 12-24 months. If DoD were to plan this magnitude of the move, it would have made it clear and public to all, and not just to the AG. Even private sector businesses/organizations who are aware of and/or bidding on buildup projects will confirm that DoD has not indicated such magnitude of personnel arrivals is about to happen this quickly. Camp Blaz is not even finished. Where would DoD put 45,000 people in the next two years? Marwar's damage to AAFB and Big Navy further highlights DoD's inability to host such numbers so quickly. Mr. Moylan is wrong on the facts.
2. DoD is in regular communication with GPA/GWA/CCU regarding their buildup plans to insure they receive the service they need. DoD has recently signed up again for another ten-year service contract with GPA because they know GPA can meet their needs. DoD recently paid for the Northern Wastewater Treatment plant upgrade of approximately \$160M+, at no cost to ratepayers. DoD and GWA agreed to increase the capacity of the upgraded plant to ensure that Guam's organic growth and the planned military buildup could be served with sufficient wastewater treatment capacity and reserves for future expansion. Mr. Moylan is wrong that there will be insufficient power capacity to meet Guam and DoD's future needs.
3. Mr. Moylan is also wrong that there won't be enough water for GWA and DOD to meet their future growth. The military get their own water and only use GWA for wastewater services to Andersen AFB and Camp Blaz. The good Lord provides Guam an average of 100 inches a year of rain per year. Mr. Moylan has no background in utilities, as further reflected in his poor and inaccurate assessments.
4. The independent PUC has consistently approved rate adjustments based on the evidence and facts presented by GPA and GWA and its qualified management over the past twenty years while under the governance of an elected CCU. The PUC hires independent professionals to review utility proposals to have a basis for their decisions. These professionally and independently reviewed rate hikes, approved by the independent PUC, have funded over \$3B in infrastructure through public- private partnership investment and borrowings since 2005. The Guam Legislature, the Governors of Guam and previous AG's

(including Mr. Moylan) have also approved all the public borrowings since the CCU took over in Jan 2023. Mr. Moylan's call for independent review shows a complete lack of knowledge of how infrastructure spending and PUC approvals/denials/changes occur. The utilities must prove their rate case to the PUC and the PUC hires experts to review utility requests and provide their independent review to the PUC for their disposition. Guam law already requires independent review of utility infrastructure proposals that might affect rates.

5. Mr. Moylan has signed off bond financings and representations to the Federal Court that the CCU has legally authorized GPA or GWA to enter into agreements with USEPA during his first and current term in office. While he has recently issued an opinion on the Organicity of the CCU, no court of law has ruled that the CCU is in-organic. And he has never informed USEPA nor the Federal Court that the CCU is inorganic and therefore cannot authorize GPA/GWA to enter into legally binding agreements with USEPA and the DoJ, including the recently CCU approved GWA Consent Decree waiting final Federal Court ok.
6. Mr. Moylan's poor legal understanding of the Organic Act and Guam law have been proven by recent cases involving GIAA and several cases in which Atty Mike Philips successfully defended GovGuam clients against Mr. Moylan's incorrect reading of the law. He is not considered to be a good lawyer by most of Guam's attorneys. Even with the current corruption cases, defense attorneys correctly argued that AG Moylan was in conflict, which, I surmise, has led to his latest questionable decision to completely abandon government clients that Guam law requires him to defend. For Mr. Moylan not to recognize his inherent conflict from the beginning further reveals his poor understanding of the law. And now his remedy is to abandon his clients due to his own incompetence.
7. The Guam Legislature must now consider how to allow and fund government agencies no longer represented by Mr. Moylan. This funding would be better spent on other critical needs like GMH and our schools. Is the AG going to be allowed to keep his current budget when he's now admitted he will only perform part of his legally required services? What will non-prosecutors in the AG's office do now?
8. It's becoming increasingly clear to me, as an elected representative, citizen, and taxpayer, that Mr. Moylan is an incompetent lawyer and manager. When 40% of experienced and capable attorneys that used to work in the AG's office leave the AG's office upon his return, it's clear that I'm not alone in the perception that Mr. Moylan is a poor manager and lawyer. But of course, Mr. Moylan blames the departing employees...all bad managers blame their employees....

9. Finally, voters threw out Mr. Moylan after his first term, rejected his 2nd attempt to be elected AG and, in the last election, 53% of voters wanted someone other than Mr. Moylan to be their AG. Ti mamaigo si Yu'us...Ti mamaigo y "voters" (God/Voters never sleep)....It is my hope that the other branches of government and voters take note of Mr. Moylan's bizarre behavior, poor management and poor legal representation to protect the public and themselves from his incompetence.