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OCT 30 2009

TIME: 3:35 PM  
BY: AC  
FILE No. OPA-PA 09-008

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7 *Attorneys for Taiwan Electrical and Mechanical Engineering Services*

8 BEFORE THE OFFICE OF THE PUBLIC AUDITOR

9 In the Appeal of  
10 O&M ENERGY, S.A.,  
11 Appellant.

Docket No. OPA-PA-09-008

**EX-PARTE MOTION TO INTERVENE;  
MEMORANDUM OF LAW**

12 Comes now, Taiwan Electrical & Mechanical Engineering Services, Inc. (hereinafter  
13 referred to as "TEMES") and moves the Office of the Public Auditor for an order allowing it to  
14 intervene as a matter of right as a defendant in this action.

15 TEMES also moves the Office of the Public Auditor for an order shortening time for the  
16 notice of this motion to allow it to be heard as soon as possible.

**MEMORANDUM OF LAW**

17 TEMES desires to intervene as a matter of right as a defendant under GRCP 24 as it  
18 claims an interest in the transaction which is the subject of this civil action. More specifically,  
19 TEMES is the lowest responsive and responsible bidder in this solicitation. As such, after  
20 receiving a notice of intent of possible award, TEMES has already placed a performance bond  
21 per the Guam Power Authority's request. As the incumbent contractor, TEMES' interests will  
22 be directly and substantially prejudiced. Unquestionably, TEMES has a right to intervene under  
23 GRCP 24(a) in order to protect its interests as a matter of right. TEMES right to intervene is  
24 obvious and indisputable. TEMES claims an interest relating to the property or transaction  
25 which is the subject of the action and the applicant is so situated that the disposition of the action

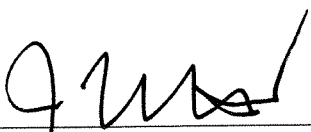
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1 may as a practical matter impair or impede the applicant's ability to protect that interest, unless  
2 the applicant's interest is adequately represented by existing parties.

3 Procedurally, this motion is based upon GRCP 24, Rule 6(c), CVR 7.1(j) and CVR 7.1.1.  
4 The OPA is requested to shorten time for the notice of the hearing of this motion. This motion is  
5 further supported by the Declaration of John S. Unpingco.

6 Dated this 30<sup>th</sup> day of October, 2009.

7  
8 **The Law Offices of John S. Unpingco  
& Associates, LLC**

9  
10 By:   
11 John S. Unpingco, Esq.  
12 Attorneys for TEMES  
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