



OFFICE OF PUBLIC ACCOUNTABILITY

Doris Flores Brooks, CPA, CGFM

Public Auditor

**BEFORE THE PUBLIC AUDITOR**

**PROCUREMENT APPEALS**

**TERRITORY OF GUAM**

**IN THE APPEAL OF  
TELEGUAM HOLDINGS LLC and its  
WHOLLY OWNED SUBSIDIARIES,  
GTA TELECOM LLC; GTA SERVICES  
LLC; and PULSE MOBILE LLC,**

**Appellants.**

**Docket OPA PA 12-016**

**IN THE APPEAL OF  
PACIFIC DATA SYSTEMS, INC.,**

**Appellant.**

**Docket OPA PA 12-017**

**IN THE APPEAL OF  
TELEGUAM HOLDINGS LLC and its  
WHOLLY OWNED SUBSIDIARIES,  
GTA TELECOM LLC; GTA SERVICES  
LLC and PULSE MOBILE LLC,**

**Appellants.**

**Docket OPA PA 12-018**

**ORDER CONSOLIDATING APPEALS and  
SCHEDULING ORDER**

A pre-hearing conference for scheduling came before the Public Auditor on November 20, 2012, on notice duly given to all parties of record. Those present included Elyze M. Iriarte of Carlsmith Ball for Teleguam Holdings LLC (Teleguam) and its subsidiaries, Wilfred R. (Bill) Mann of Berman O'Connor & Mann for Pacific Data Systems, Inc. (PDS), Fred S. Nishihara of the Office of the Attorney General for Guam's General Services Agency (GSA) and staff support from the Office of Public Accountability. Peter C. Perez of Lujan Aguigui & Perez LLP, the designated hearing officer in all three appeals, was not present due to necessity of his attending as counsel for a defendant a criminal proceeding in the Superior Court.

1 Each of the appeals arises from protests pertaining to GSA IFB 064-11. Pursuant to the  
2 inherent authority of the Public Auditor to deal with procurement appeals so that procurement  
3 appeals are expeditiously resolved (§12101, Chapter 12, Division 4, Title 2, Guam Administrative  
4 Rules and Regulations), in accord with § 12018, Chapter 12, Division 4, Title 2 of the Guam  
5 Administrative Rules and Regulations, and without objection from any of the parties present, the  
6 Public Auditor orders that the appeals be and are consolidated and all matters pertaining to the  
7 appeals shall be heard concurrently.

8 Carlsmith Ball has entered its appearance as counsel for the Teleguam as appellant in PA  
9 12-016 and PA 12-018 and as an interested party in PA 12-017; Berman O'Connor & Mann has  
10 entered its appearance as counsel for PDS as appellant in PA 12-017 and as an interested party in  
11 PA 12-016 and PA 12-018; the Office of the Attorney General has entered its appearance for  
12 GSA in PA 12-016 and PA 12-017.

13 To maintain a proper record, the Public Auditor orders that the Office of the Attorney  
14 General enter its appearance in PA 12-018, Mr. Nishihara having indicated at the hearing that the  
15 Attorney General will represent GSA in each of the cases. Notice of the entry shall be served on  
16 counsel of the other parties.

17 A single motion, that of PDS to dismiss the Teleguam appeal, pends.

18 At the pre-hearing conference, counsel for Teleguam and PDS waived the necessity of a  
19 hearing in PA 12-016; Teleguam requested that a hearing be conducted in PA 12-017; counsel for  
20 Teleguam requested additional time to confer with her clients as to whether a hearing is necessary  
21 in PA 12-018. Counsel stated she would know the clients' position no later than November 26.  
22 Counsel for PDS stated that PDS's position on the necessity of a hearing in PA 12-018 would be  
23 dictated by whether Teleguam requests a hearing.

24 Upon consideration of the statements of counsel made at the hearing relative to  
25 scheduling, the Public Auditor orders that the following schedule is adopted and ordered:

- 26 a. Counsel for Teleguam shall file and serve a request for or a waiver of a hearing in PA 12-  
27 018 no later than 5:00 p.m., November 26, 2012;

- 1 b. Counsel for the parties shall meet and confer in an attempt to develop an agreed statement  
2 of material facts and their compilation of agreed material facts shall be filed no later than  
3 5 p.m., December 17, 2012.
- 4 c. All counsel shall file and serve their witness lists no later than 5 p.m., December 17, 2012;
- 5 d. All counsel shall lodge and serve such exhibits as they may wish to offer and which are  
6 not a part of the existing procurement record no later than 5:00 p.m., December 17, 2012;
- 7 e. Any motion in limine to exclude a proposed exhibit or any other motion a party deems  
8 necessary to offer shall be filed and served no later than 5:00 p.m., December 24, 2012;
- 9 f. Any opposition to a motion in limine or other motion shall be filed and served no later  
10 than 5:00 p.m., December 28;
- 11 g. Any reply to an opposition to a motion in limine or other motion shall be filed and served  
12 no later than 5:00 p.m., January 2, 2013;
- 13 h. There shall be no oral argument on motions; they shall be decided on the papers filed;
- 14 i. Each party shall file and serve a hearing brief no later than 5 p.m., January 4, 2013;
- 15 j. Proposed exhibits that are not a part of the record shall be marked, lodged with the Public  
16 Auditor and served upon other counsel no later than 5 p.m., January 4, 2013; and
- 17 k. The hearing on the consolidated appeals shall commence at the Public Auditor's hearing  
18 room, Room 907, DNA Building, Hagatna, Guam, at 9:00 a.m., January 9, 2013, and may  
19 be continued, if necessary, January 10-11, 2013.

20 **IT IS SO ORDERED this 21<sup>st</sup> day of November, 2012.**

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23 **DORIS FLORES BROOKS,**  
24 **PUBLIC AUDITOR**