

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NO. 21

WHEREAS the Government of the Commonwealth of the Northern Mariana Islands operates, maintains, distributes, regulates or otherwise provides public utility services; and WHEREAS the continued and efficient provision of such services is necessary and essential to the socio-economic development and stability of the Commonwealth and the health and welfare of its people; and

WHEREAS to be able to fulfill these objectives effectively, it is necessary that the public utility services be self-supporting; and

WHEREAS Chapter 15 of Title I of the Executive Branch (Organization Act of 1978 (Public Law No. 1-8) gives the Department of Public Works the authority to adopt rules and regulations regarding the operation of public utilities, although rates have previously been set by the Trust Territory High Commissioner and Northern Mariana Islands Resident Commissioner under authorities which have not been amended or repealed by law and therefore devolve upon the Governor, thus creating overlaps, ambiguities, and confusion; and

WHEREAS it is necessary for efficient administration that the authority to set utility rates reside in a single entity;

NOW, THEREFORE, by the power vested in me as Governor of the Commonwealth of the Northern Mariana Islands, pursuant to Section 15 of Article III of the Constitution, I hereby establish the Commonwealth Utility Rate Commission (hereinafter referred to as the "Commission") with the following objectives, powers, duties and functions:

Section 1.

A. The Commission shall adopt regulations, which shall have the force and effect of law, relating to the establishment of utility rates for use of water, sewer, electric power, and telecommunications systems in the Commonwealth, and may establish such rates.

The Commission shall consist of seven (7) members. The Director of Public Works shall be a member. The Governor will appoint six (6) members, none of whom shall be an elected official or an officer of any political party. The Governor shall appoint at least one member from each senatorial district. The Commission shall select a chairman and vice chairman from among its members every two years by a majority vote of the entire membership.

Section 3.

C. Pending regular appropriations, such sums as may be necessary to carry out the operation and activities of the Commission, as determined by the Governor, shall be transferred to the Commission from appropriations available to the Executive Office of the Governor or the Department of Public Works.

B. To the extent that the Governor, under the continuity of laws in force in the Commonwealth pursuant to Section 2 of the Schedule on Transitional Matters of the Constitution, has authority to set utility rates for water, sewer, electric power, or telecommunications services, such function is hereby transferred and allocated to the Commission.

A. To the extent that Public Law 1-8 authorizes the Department of Public Works to set utility rates for water, sewer, electric power, or telecommunications services, such function is hereby transferred and allocated to the Commission.

Section 2.

E. The Commission shall have such other powers and duties as may be necessary or incidental to the implementation of this Executive Order.

D. The Commission is empowered to conduct research, hold public hearings, have access to and inspect relevant government records, subpoena other relevant records and documents, and compel the attendance of any person on any matter relating to the powers, duties and functions of the Commission.

C. The Commission shall formulate and adopt an annual operating budget to be submitted by the Chairman to the Office of the Governor for inclusion in the CNMI budget.

B. The Commission may employ such staff as may be necessary to perform its powers, duties, and functions pursuant to the provisions of applicable Civil Service laws, rules and regulations.

Notwithstanding the provisions of Title 17 of the Trust Territory Code, as applicable in the Commonwealth, and the provisions of Title I, Chapter 3, Section 3(F) of the Executive Branch Organization Act of 1978 (P.L. 1-8), any rule, regulation, or rate adopted by the Commission shall take effect on a date specified by the Commission; provided that, except for emergency rules, regulations, or rates effective for not more than 120 days, reasonable prior notice shall be given the public and reasonable opportunity afforded interested persons to comment thereon.

Section 8.

The Commission shall have the power to establish rules and procedures necessary for the conduct of its business, which shall include the time and place of all regular meetings and a comprehensive conflict of interest provision.

Section 7.

The Commission shall meet pursuant to its by-laws at least four (4) times annually. All decisions shall be made by majority affirmative vote, a quorum being present. Five (5) members shall constitute a quorum. Proxy voting shall be prohibited. All meetings shall be open to the public where personnel matters or other information affecting the privacy of any person are to be considered, the Commission may, at the request of such person, consider such matters or information in closed session; however, any official action resulting therefrom shall be acted upon in an open meeting.

Section 6.

Members shall receive an honorarium of \$50.00 for each meeting of the Commission and for each day in travel status on behalf of the Commission, except that any member who is an employee of the Commonwealth, or any agency, government corporation, or instrumentality thereof, shall not receive such honorarium if such employee has been granted administrative leave to attend such meeting or engage in such travel.

Section 5.

The term of each appointed member shall be four (4) years except that the terms of the members first appointed shall be as follows: Three (3) shall serve for a term of two (2) years; and three (3) for a term of four (4) years. Vacancies shall be filled for the unexpired term in the same manner as the original appointments.

Section 4.

[Signature]
Clerk of the House
of Representatives
2/10/81

[Signature]
Clerk of the Senate

It is hereby acknowledged that Executive Order No. 21 dated February 10, 1981, was submitted to and received by the Second Northern Marianas Commonwealth Legislature on February 10, 1981.

ACKNOWLEDGEMENT

[Signature]
CARLOS S. CAMACHO
Governor

DATE: 2/5/81

This Executive Order shall become effective sixty (60) days from the date of submission to the Legislature for approval.

Section 11.

If any provision of this Order and rules and regulations adopted pursuant hereto, or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of this Order which can be given effect without the invalid provisions or application, and to this end the provisions of this Order are declared to be severable.

Section 10.

Not later than sixty (60) days after the close of the Commonwealth fiscal year, the Commission shall make an annual written report of its activities to the Governor and the Legislature.

Section 9.

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C. Pending regular appropriations, such sums as may be necessary to carry out the operation and activities of the Commission, as determined by the Governor, shall be transferred to the Commission from appropriations available to the Executive Office of the Governor or the Department of Public Works.

A. To the extent that Public Law 1-8 authorizes the Department of Public Works to set utility rates for water, sewer, electric power, or telecommunications services, such function is hereby transferred and allocated to the Commission.
B. To the extent that the Governor, under the continuity of laws in force in the Commonwealth pursuant to Section 2 of the Schedule on Transitional Matters of the Constitution, has authority to set utility rates for water, sewer, electric power, or telecommunications services, such function is hereby transferred and allocated to the Commission.

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B. The Commission may employ such staff as may be necessary to perform its powers, duties, and functions pursuant to the provisions of applicable Civil Service laws, rules and regulations.
C. The Commission shall formulate and adopt an annual operating budget to be submitted by the Chairman to the Office of the Governor for inclusion in the CNMI budget. The Commission is empowered to conduct research, hold public hearings, have access to and inspect relevant government records, subpoena other relevant records and documents, and compel the attendance of any person on any matter relating to the powers, duties and functions of the Commission.
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William J. Legler
Clerk of the House
of Representatives
2/10/81

[Signature]
Clerk of the Senate

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