



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Timothy P. Villagomez
Lieutenant Governor

Declaration of State of Emergency: 2006-02
Commonwealth Utilities Corporation
Lack of Power February 2006

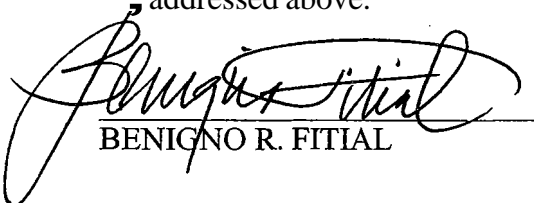
I, Benigno R. Fitial, by the authority vested in me as the Governor of the Commonwealth of the Northern Mariana Islands, and being fully advised in the premises, hereby declare a state of disaster emergency for the Commonwealth of the Northern Mariana Islands, with respect to Commonwealth Utilities Corporation ("CUC") and its inability to provide service, pursuant to the CNMI Constitution, N.M.I. Const. art. III, §10, and the CNMI Local Disaster Relief Act, 3 CMC §5101, et seq..

I find that CUC is currently purchasing fuel in a three-day supply and, thus, has no reserve in the event of non-delivery or other emergency. It must make payment for fuel by January 31, 2006 and will run out of its current fuel supply that same day. I further find that a fuel tanker is due in the Commonwealth on January 31, 2006 and that CUC is planning to purchase fuel to last through February 15, 2006. I find that after February 15, 2006, CUC will be unable to pay for its fuel oil supplies; its generation levels are already reduced to almost zero reserves. Without electricity the CUC water and wastewater pumping systems will fail. These conditions present an extreme, immediate and imminent emergency.

I find that this Declaration is necessary to insure the continued provision of power to critical CNMI public health and public safety facilities, the continued provision of electricity to our schools, homes, and work places, and the continued operation of our water and wastewater systems. This Declaration is to protect the health and safety of our children, our senior citizens, businesses, and all other CNMI residents and visitors.

Therefore, I hereby invoke my Constitutional authority to take all necessary measures, including but not limited to:

1. Assume full control of the Commonwealth Utilities Corporation;
2. Suspend all regulatory statute provisions and regulations applicable to the CUC, including procurement regulations;
3. Suspend the CUC Board of Directors' power, authority and/or responsibility during the period of this emergency, except as specifically stated in writing by me; and
4. Reprogram all necessary money to provide CUC the funds to address the conditions addressed above.


BENIGNO R. FITIAL

Dated this 27th day of January, 2006.