



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Timothy P. Villagomez
Lieutenant Governor

EXECUTIVE ORDER 2007- 11

**DECLARATION OF A STATE OF DISASTER EMERGENCY:
COMMONWEALTH UTILITIES CORPORATION'S INABILITY TO
PROVIDE CRITICAL POWER GENERATION SERVICES TO THE
CNMI DUE TO LACK OF NECESSARY FUEL RESOURCES**

I, TIMOTHY P. VILLAGOMEZ, pursuant to the authority vested in me as Acting Governor of the Commonwealth of the Northern Mariana Islands by Article III, Section 10 of the Commonwealth Constitution and 3 CMC § 5121 of the Commonwealth Disaster Relief Act of 1979, do hereby declare a State of Disaster Emergency for the Commonwealth of the Northern Mariana Islands due to the inability of the Commonwealth Utilities Corporation ("CUC") to provide critical power generation service to the CNMI and the extreme, immediate and imminent threat such condition poses to the Commonwealth of the Northern Mariana Islands.

I find that CUC will be unable to pay for its fuel oil supplies within days; that its power generation capacity levels will be reduced due to an inability to operate without fuel, thereby immediately necessitating drastic load-shedding from 12 to 18 hours daily or a complete shut-down of the power generation system.

I also find that this Declaration is necessary to insure the continued provision of power to critical CNMI public health and public safety facilities, including our schools, homes, and work places, and the continued operation of our water and wastewater systems. Without adequate fuel to assure adequate power generation capacity, CUC's water pumps and wastewater systems will fail. This Declaration is necessary 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 authority under Article III, § 10 of the Commonwealth Constitution and 3 CMC § 5121(f) to take all necessary measures to address the imminent threat facing the Commonwealth of the Northern Mariana Islands.

Exercise of the Constitutional and statutory authority invoked herein will be effectuated by the issuance of Executive Directives setting forth the measures to be taken to address the State of Disaster Emergency pursuant to 3 CMC § 5121(f), which states:

(f) In addition to any other powers conferred upon the Governor by law, the Governor may, during a state of disaster emergency:

- (1) Suspend the provisions of any regulatory statute prescribing the procedures for conduct of the Commonwealth's business, or the orders, rules, or regulations of any Commonwealth activity or agency, if strict compliance with the provision of any such statute, order, rule or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;
- (2) Utilize all available resources of the Commonwealth as reasonably necessary to cope with the disaster emergency of the Commonwealth;
- (3) Transfer the direction, personnel, or functions of the Commonwealth departments and agencies or units thereof for the purpose of performing or facilitating emergency services;

3 CMC § 5121(f)(1)-(3).

This Declaration of a State of Disaster Emergency shall take effect immediately and all memoranda, directives and other measures taken in accordance with this Declaration shall remain in effect for thirty (30) days from the date of this Executive Order unless I, prior to the end of the thirty (30) day period, notify the Presiding Officers of the Legislature that the state of emergency has been lifted or has been extended for an additional period of thirty (30) days. A comprehensive report on the exercise of my constitutional authority shall be transmitted to the presiding officers of the Legislature as soon as practicable in accordance with 1 CMC § 7403(a).

Done this 5th day of December 2007.


TIMOTHY P. VILLAGOMEZ
Acting Governor



Commonwealth of the Northern Mariana Islands
OFFICE OF THE GOVERNOR
PROGRAMS & LEGISLATIVE REVIEW OFFICE

1. **Transmittig EXECUTIVE ORDER NO. 2007-11:**
Declaration of a State of Disaster Emergency: Commonwealth Utilities Corporation's inability to provide critical power generation services to the CNMI due to lack of necessary fuel resources.

KIMBERLY DIAZ
Signature/Print
Speaker's Office

12/06/07 1:02PM
Date/Time

Chris Costello
Signature/Print
Senate President's Office

12/06/07 12:30pm
Date/Time

Lucy D. Carrera
Signature/Print
Office of Programs & Legislative Review

12/06/07 12:30pm
Date/Time