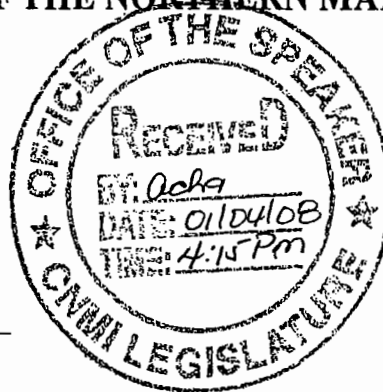




COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor



Timothy P. Villagomez
Lieutenant Governor

EXECUTIVE ORDER 2008- 01

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

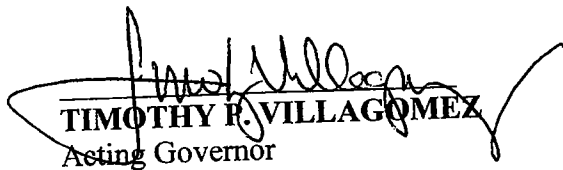
I, BENIGNO R. FITIAL, pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands by Article III, Section 10 of the Commonwealth Constitution and 3 CMC § 5121 of the Natural Disaster Relief Act of 1979, do hereby declare a continued State of Disaster Emergency for the Commonwealth of the Northern Mariana Islands due to the Commonwealth Utilities Corporation's ("CUC") inability 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.

This Declaration of a State of Disaster Emergency is made after finding that the justifications that existed for the Declaration of a State of Disaster Emergency issued on December 5, 2007 (Executive Order 2007-11) remain in existence and that the emergency measures taken pursuant to such Declaration must remain in place in order to insure the safety of the people of the CNMI. See Attachment (Power Generation Report, January 2, 2008).

Accordingly, the Declaration of State of Disaster Emergency dated December 5, 2007, all memoranda, directives and other measures taken in accordance with such Declaration shall remain in effect for an additional thirty (30) days unless I, prior to the end of the thirty (30) day period, notify the Presiding Officers of the Legislature that the state of

shall remain in effect for an additional thirty (30) days 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 4th day of February, 2008.


TIMOTHY R. VILLAGOMEZ
Acting Governor

Commonwealth Utilities Corporation
Power Generation Division, Lower Base



Generation Status

February 4, 2008

| Power Plant | Design MW | Available MW | Restriction % | Sched. Hours for PMI | Run Hrs after last OH | Overdue Hours | Remarks |
|--------------|--------------|--------------|---------------|----------------------|-----------------------|---------------|--|
| PP I | | | | | | | |
| D/E 1 | 7.27 | 0.0 | 0.0 | 36000 | 1,131 | -869 | Down Crankshaft Replacement |
| D/E 2 | 7.27 | 6.0 | 82.5 | 8,000 | 25,316 | 13,316 | Operational |
| D/E 3 | 7.27 | 6.0 | 82.5 | 12000 | 37,046 | 25,046 | Operational |
| D/E 4 | 7.27 | 0.0 | 0.0 | 36000 | 44,690 | 8,690 | Down (7/16/05) Crankshaft problem |
| D/E 5 | 13.04 | 8.5 | 65.2 | 12000 | 42,169 | 6,169 | Operational / Engine cooling problem |
| D/E 6 | 13.04 | 8.5 | 65.2 | 4000 | 42,229 | 6,229 | JCW Radiator Tubings/Motor |
| D/E 7 | 13.04 | 0.0 | 0.0 | 12000 | 41,892 | 5,892 | Down Generator Repair |
| D/E 8 | 13.04 | 0.0 | 0.0 | 4000 | 8,832 | 832 | Down Foundation Repair |
| Total | 81.24 | 29 | | | | | |
| PP II | | | | | | | |
| D/E 1 | 2.5 | 1.8 | 72.0 | | | | Operational |
| D/E 2 | 2.5 | 0.0 | 0.0 | | | | Under Rehabilitation/waiting for parts |
| D/E 3 | 2.5 | 0.0 | 0.0 | | | | Under Rehabilitation/waiting for parts |
| D/E 4 | 2.5 | 0.0 | 0.0 | | | | Down Bearing & Power Packs |
| D/E 5 | 2.5 | 1.8 | 72.0 | | | | Operational |
| D/E 6 | 2.5 | 0.0 | 0.0 | | | | Down Water Pump 1/9/08 |
| Total | 15.0 | 3.6 | | | | | |

| | | | | | | | |
|--------------|--------------|--------------|------|--|--|--|-------------|
| PP IV | | | | | | | |
| D/E 1 | 3.50 | 0.00 | 0.0 | | | | Down |
| D/E 2 | 2.50 | 2.00 | 87.3 | | | | Operational |
| D/E 3 | 2.50 | 2.00 | 87.3 | | | | Operational |
| D/E 4 | 2.50 | 2.20 | 88.0 | | | | Operational |
| D/E 5 | 2.50 | 2.20 | 88.0 | | | | Operational |
| D/E 6 | 1.00 | 0.90 | 78.9 | | | | Operational |
| D/E 7 | 1.00 | 0.90 | 78.9 | | | | Operational |
| D/E 8 | 1.00 | 0.90 | 78.9 | | | | Operational |
| D/E 9 | 1.00 | 0.90 | 78.9 | | | | Operational |
| D/E 10 | 2.50 | 2.20 | 84.6 | | | | Operational |
| Total | 19.00 | 14.20 | | | | | |

Grand Total 115.24 46.80

Commonwealth Utilities Corporation
 Power Generation Division, Lower Base

Total Hours since last Overhaul

As of 2/4/2008

| | This Month Run Hrs. | Total RH after last OH (last Month) | Total RH after last OH (this Month) |
|-------|------------------------|--|--|
| D/E 1 | 0 | 61,019.0 | 61,019.0 |
| D/E 2 | 417.6 | 13,229.8 | 13,647.4 |
| D/E 3 | 431.2 | 25,031.6 | 25,462.8 |
| D/E 4 | 0 | 44,690.0 | 44,690.0 |
| D/E 5 | 417.9 | 31,156.0 | 31,573.9 |
| D/E 6 | 394.5 | 11,064.4 | 11,458.9 |
| D/E 7 | 424 | 31,448.3 | 31,872.3 |
| D/E 8 | 372.5 | 5,071.9 | 5,444.4 |

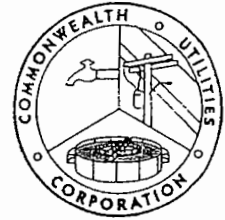
Remarks:

- PP 1 Unit # 1 for crankshaft replacement (down since 11/12/06)
- PP 1 Unit # 4 for crankshaft replacement (down since 7/16/05)
- Unit # 3,5,6 & 7 are overdue for 36,000 PMI: Unit # 2 is overdue for 12,000 hrs PMI
- PP 1 Unit # 7 went down last 7/27/07 replacement of crankpin & main bearing bolts,
- Upon generation excitation on 8/18/07 sparks were noted, generator winding damage.
- PP 1 Unit # 8 was shut down last 1/24/07 due to crack crankcase bed & foundation



Commonwealth Utilities Corporation

Office of the Executive Director



February 4, 2008

The Honorable Timothy P. Villagomez
Acting Governor
Commonwealth of the Northern Mariana
Islands
Capitol Hill
Saipan, MP 96950

Dear Acting Governor Villagomez:

This is to inform your office that we received confirmation last Friday by Mobil Oil Marianas, Inc. that the scheduled tanker payment and delivery for the Commonwealth Utilities Corporation (CUC) is now set for this coming Thursday, February 7, 2008.

This delivery to CUC is for 25,000KB/barrels at \$120.0864/barrel or \$2.8592/gallon for a total of \$3,002,160.00. Please note that Mobil requires that payment be made in full prior to commencement of the pipeline delivery.

CUC will require again the assistance of the Administration to meet the above obligation to Mobil.

Thank you for your utmost attention on the above matter and for your understanding.

Sincerely,

ANTHONY C. GUERRERO
Executive Director

cc: Secretary of Finance
Special Assistant for Management & Budget
CUC Acting Chief Financial Officer
CUC Purchasing Officer
CUC Legal Counsel



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Timothy P. Villagomez
Lieutenant Governor

EXECUTIVE ORDER NO. 08- 03

SUBJECT: Re-organization Plan No. 01 of 2008

AUTHORITY: Constitution, Article III, Section 15

WHEREAS, Section 15 of Article III of the Constitution requires that Executive Branch offices, agencies and instrumentalities of the Commonwealth Government be allocated among and within not more than fifteen principal departments, groups as far as practicable according to major purposes; and

WHEREAS, pursuant to that section, regulatory, quasi-judicial, and temporary agencies may be so allocated, but need not be; and

WHEREAS, the Governor may make changes in the allocation of offices, agencies and instrumentalities, and in their functions and duties, as necessary for efficient administration; and

WHEREAS, such changes may affect existing law; and

WHEREAS, the existence of a multitude of offices, agencies, and instrumentalities outside of the principal departments has resulted in duplication of functions, overlaps of responsibility, lack of coordination, and other forms of inefficient administration; and

WHEREAS, the power of the Governor to reorganize the Executive Branch has been affirmed and upheld by the Superior Court of the Commonwealth of the Northern Mariana Islands in its Decision and Judgment dated June 23, 1994, in the case of *Marianas Visitors Bureau v. Commonwealth*, Civ. No. 94-0516 (Memorandum Decision and Judgment);

WHEREAS, the Commonwealth Ports Authority, through its inability to get a quorum at a number of its board of director meetings, has approached technical default on the March 1, 1998 indenture on the Commonwealth Ports Authority Airport Revenue Bonds; and

WHEREAS, such technical default will adversely effect the ability of the Commonwealth Ports Authority to maintain and manage the ports of the Commonwealth.

NOW, THEREFORE, to comply with the mandate of the Constitution and to promote efficient administration, it is hereby

ORDERED:

That the following provisions shall constitute Re-organization Plan No. 01 of 2008:

PART 1. COMMONWEALTH PORTS AUTHORITY

Section 101. Commonwealth Ports Authority. The Commonwealth Ports Authority is allocated to the Office of the Governor for a period of one hundred and twenty days.

PART 2. GENERAL PROVISIONS

Section 201. Definition of Agency. As used in this part, the term "agency" means any office, division, bureau, board, commission, authority, corporation, instrumentality, or other entity or component of the Commonwealth Government, other than one within the Legislative or Judicial branches.

Section 202. Legal and Regulatory References. All references in law or regulation to any agency or official re-designated by this plan shall be deemed to be a reference to such agency or official as so re-designated. In addition, references to an agency and to the head of such agency are used interchangeably in this plan as regards the authority or a function thereof.

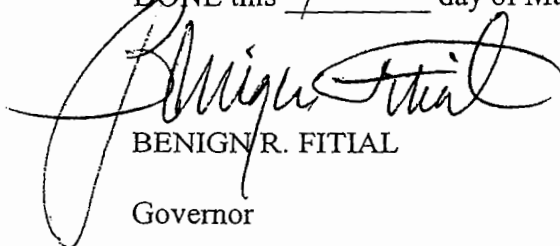
Section 203. Transfer of Records, Property, and Personnel. All records and property (including office equipment) of the various agencies, and all records and property used primarily in the administration of any function transferred by this plan and, except as otherwise provided, all the personnel used in the administration of such agencies and functions (including employees whose chief duties relate to such administration) are hereby transferred to the respective departments or other agencies concerned for use in the administration of the agencies and functions transferred by this plan.

Section 204. Transfer of Funds. So much of the unexpended balances of appropriations, allocations, allotments, or other funds available for the use of any agency in the exercise of any function transferred by this plan, or for the use of the head of any department or other agency in the exercise of any function so transferred, shall be transferred to the department or other agency concerned for use in connection with the exercise of the function so transferred. In the transfer of such funds, an amount may be included for the liquidation of obligations incurred prior to the transfer. The Governor may reprogram any portion of such balances not so transferred.

Section 205. Codification of Changes. The Law Revision Commission shall codify the designations, allocations, and changes in existing law affected by this plan.

Section 206. Effective Date. In accordance with the Constitution, this plan shall become effective upon signing.

DONE this 12th day of May, 2008.



BENIGNO R. FITIAL
Governor



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Timothy P. Villagomez
Lieutenant Governor

May 13, 2008

TO: LEE CABRERA
ACTING EXECUTIVE DIRECTOR
COMMONWEALTH PORTS AUTHORITY

CC: FRANCES C. MAFNAS
ACTING COMPTROLLER
COMMONWEALTH PORTS AUTHORITY

RE: INSTRUCTIONS AS TO THE IMPLEMENTATION OF EXECUTIVE ORDER
08-04; DECLARATION OF STATE OF DISASTER EMERGENCY, and
EXECUTIVE ORDER 08-05; REORGANIZATIONS PLAN NO. 2 OF 2008.

As you are aware, on May 13, 2008 I executed Executive Order No. 08-04 relating to the Commonwealth Ports Authority declaring a state of a disaster emergency to ensure the fiscal integrity of the Commonwealth Ports Authority and compliance with, among other things, its enabling statute and the Bond Indenture Agreement for the 1998 Airport Revenue Bonds. I also executed Executive Order No. 08-04 reorganizing the Commonwealth Ports Authority.

The following constitute the implementing instructions consistent with the declaration of a disaster emergency and the reorganization. Unless changed by me by further instructions, these implementing instructions shall become effective immediately and shall remain in effect during the existence of the disaster emergency. They shall also be in effect under the reorganization plan unless such plan is modified or disapproved by a majority of the members of each house of the Legislature.

1. The CPA Board of Directors is hereby suspended, from today's date, from taking any action since Executive Order No. 08-04 confers such administration of CPA to the Executive Branch Office of the Governor. This suspension of duties includes any meetings; board meetings; travel authorization; official representation; policy-setting; resolutions; expenditure approvals; and any other matters requiring board approval. Board Members are to take no official agency action or speak for CPA during this period of direct administration by the Office of the Governor.

2. I hereby appoint you as the Acting Executive Director to continue as the Acting Executive Director for the Commonwealth Ports Authority during the period of this emergency and direct that he shall report to the Office of the Governor during such period of administration.
3. You and the Acting Comptroller, as well as all present or acting managers, are hereby directed to undertake all measures consistent with your duties and responsibilities for the best interest of CPA consistent with its enabling act and applicable rules and regulations and the directions of the Acting Executive Director.
4. All contracting and signatory authority for any contracts or agreements for CPA is vested with the Acting Executive Director, with the concurrence of the Acting Comptroller and their legal counsel. However, any contract for employment renewals or new hires are subject to approval by the Governor pursuant to CPA's Personnel Rules & Regulations.
5. All approval or requests for any official travel out of the Commonwealth, whether or not such travel is fully reimbursable by any federal agencies, is vested with the Governor or his designee. Any inter-island travel within the Commonwealth for CPA purposes remains with the Acting Executive Director. All authority for such signatures required of any Board member is hereby suspended.
6. The Acting Executive Director shall have signatory and expenditure authority for any expenditures or fiscal obligations by the Commonwealth Ports Authority subject to the limits, requirements or provisions of the Bond Indenture Agreement and from its own operating funds or accounts.
7. To be clear, the Commonwealth Ports Authority shall maintain its fiscal autonomy under its enabling act to be self-sustaining as to its revenues for both aviation and non-aviation collections. At no time shall CPA receive any funds from the CNMI General Fund. Nor shall the Secretary of Finance cause to be diverted, reprogrammed, or allocated to CPA any funds from the CNMI General Fund without an express legislative appropriation. Any reprogramming authority from the Legislature conferring reprogramming authority upon the Governor shall not and does not include CPA.
8. Further, all monetary collections and funds generated by CPA and collected by CPA shall remain under CPA control by the Acting Executive Director and subject to any applicable terms of its Bond Indenture Agreement with the Bond Trustee. As required, any collections shall be used solely for CPA operations and no CPA-generated funds shall be reprogrammed; committed or obligated for any non-CPA activities of the central government at any time.
9. The Acting Executive Director and Acting Comptroller shall file Interim Bond

Indenture Compliance and Fiscal Reports (“Interim Reports”) at 15, 30, 60, and 90 days from May 13th to the Administration, to the CNMI Legislature, and to the Bond Trustee. These Interim Reports shall detail CPA’s administrative status; fiscal integrity; and compliance with its enabling act directing that CPA generate revenues for its operations and for the Bond Indenture.

10. CPA is directed to undertake a review of its operations and fees/charges, in consultation with its Bond Consultant, pursuant to CPA’s services agreement with Ricondo & Associates. That contract, executed April 25, 2008, I hereby ratify and approve for Ricondo & Associates to undertake an update of its June 2006 Rate Covenant Review as required under the CPA Bond Indenture Agreement.

To the extent that these implementing instructions are inconsistent with the provisions of the Bond Indenture Agreement, those provisions shall prevail. Otherwise, CPA shall comply with these interim measures during the period E.O. 08-04 is in effect.

It is my intention, in setting forth the above implementing instructions, to allow CPA significant autonomy as to its daily operations and management while conferring upon CPA Management the substantial responsibility of ensuring compliance with all provisions of the Bond Indenture Agreement.

At the present time, the Bond Trustee has impressed upon the Administration and the Legislature that CPA’s financial situation compels such action as being necessary to protect CPA and the people of the Commonwealth. As drastic as EO 08-04 and 05 may be, such measures pale in comparison to the unavoidable and devastating consequences of a default on the revenue bond agreement upon CPA and upon the people of the Commonwealth. I have invoked my authority as the Governor of the Commonwealth and acted with all good faith and deliberate speed for the best interest of CPA and the people of the Commonwealth. Continued inaction or failure to correct the situation with the bond indenture placed the interest of the people at risk with the critical services of CPA at our ports and for our economy.

It is with these concerns in mind that I direct the foregoing implementing instructions forthwith to CPA and its Management. Ultimately I look forward to the return of governance


BENIGNO R. FITIAL
GOVERNOR

5/13/08
DATE

cc: Speaker, CNMI Legislature
Senate President
Secretary of Finance
Attorney General



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR

ACKNOWLEDGEMENT OF RECEIPT OF HAND-DELIVERED DOCUMENT(S)

DOCUMENT DESCRIPTION:

Governor Fitial transmitting **Executive Order No. 08-09 re: Re-organization Plan No. 04 of 2008 – Amendment to Re-organization Plan No. 02 of 2006 (EO 2006-4)** to the Senate and the House of Representatives, 16th CNMI Legislature. This document is dated July 30, 2008.

RECEIVED BY:

Wanny Concepcion
(Signature and Printed Name)

Office of the Senate President
The Senate, 16th CNMI Legislature

7/30/08 10:30 a.m.
Date/Time

RECEIVED BY:

J.T. Sablan
(Signature and Printed Name)

Office of the Speaker
House of Representatives, 16th CNMI Legislature

073008 10:43 AM
Date/Time

DELIVERED BY:

Nea N. Sebbi
(Signature and Printed Name)

OFFICE OF THE GOVERNOR

7/30/08 10:44 a.m.
Date/Time



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Timothy P. Villagomez
Lieutenant Governor

EXECUTIVE ORDER NO. 08-08

SUBJECT: Re-organization Plan No. 03 of 2008 — Amendment to
Re-organization Plan No. 02 of 2006 (Executive Order 2006-4)

AUTHORITY: Constitution, Article III, Section 15

WHEREAS, Section 15 of Article III of the Constitution requires that Executive Branch offices, agencies and instrumentalities of the Commonwealth Government be allocated among and within not more than fifteen principal departments, groups as far as practicable according to major purposes; and

WHEREAS, pursuant to that section, regulatory, quasi-judicial, and temporary agencies may be so allocated, but need not be; and

WHEREAS, the Governor may make changes in the allocation of offices, agencies and instrumentalities, and in their functions and duties, as necessary for efficient administration; and

WHEREAS, such changes may affect existing law; and

WHEREAS, the existence of a multitude of offices, agencies, and instrumentalities outside of the principal departments has resulted in duplication of functions, overlaps of responsibility, lack of coordination, and other forms of inefficient administration; and

WHEREAS, the power of the Governor to reorganize the Executive Branch has been affirmed and upheld by the Superior Court of the Commonwealth of the Northern Mariana Islands in its Decision and Judgment dated June 23, 1994, in the case of *Marianas Visitors Bureau v. Commonwealth*, Civ. No. 94-0516 (Memorandum Decision and Judgment); and

WHEREAS, the Commonwealth Utilities Corporation (CUC) was reorganized under Re-organization Plan No. 02 of 2006 (Executive Order 2006-4) issued Friday, May 5, 2006 and received by the 15th Commonwealth Legislature on Monday, May 8, 2006, becoming effective 60 days thereafter in the absence of modification or disapproval by a majority of the members of each house of the Legislature; and

WHEREAS, Section 8123(c) of Re-organization Plan No. 02 of 2006 (Executive Order 2006-4), *codified at* 1 CMC § 8123(c), requires that any CUC borrowing in excess of \$500,000 be “approved by law specifically authorizing such borrowing”.

NOW, THEREFORE, to comply with the mandate of the Constitution and to promote efficient administration, it is hereby

ORDERED:

That the following shall constitute Re-organization Plan No. 03 of 2008:

1. Amendment of Prior Executive Order. Executive Order No. 2006-04 promulgating Re-organization Plan No. 02 of 2006 is amended upon the effective date of this Executive Order.
2. Provisions of the Executive Order. The provisions of the Executive Order amend Title One of the Commonwealth Code, Subsection 8123(e), deleting the \$500,000 debt ceiling “provided” clause to read as follows:

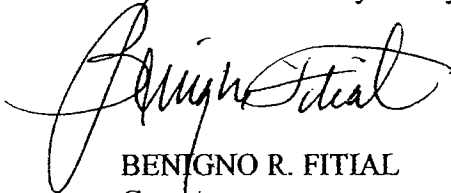
§ 8123. Commonwealth Utilities Corporation: Powers.

* * *

(e) To borrow money from any private or public source, either within the Commonwealth or the United States or in any country, and to give security in connection with such borrowing.

3. Codification of Changes. The Law Revision Commission shall codify the changes in existing law affected by this plan.
4. Effective Date. In accordance with Article III, Section 15 of the Constitution, this plan shall become effective sixty days after submission to the Legislature, unless specifically modified or disapproved by a majority of the members of each house of the Legislature; provided that in the event it is approved by one house of the Legislature it shall become effective immediately upon such approval.

DONE this 25th day of July, 2008.



BENIGNO R. FITIAL
Governor



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Timothy P. Villagomez
Lieutenant Governor

EXECUTIVE ORDER NO. 08-08

SUBJECT: Re-organization Plan No. 03 of 2008 — Amendment to
Re-organization Plan No. 02 of 2006 (Executive Order 2006-4)

AUTHORITY: Constitution, Article III, Section 15

WHEREAS, Section 15 of Article III of the Constitution requires that Executive Branch offices, agencies and instrumentalities of the Commonwealth Government be allocated among and within not more than fifteen principal departments, groups as far as practicable according to major purposes; and

WHEREAS, pursuant to that section, regulatory, quasi-judicial, and temporary agencies may be so allocated, but need not be; and

WHEREAS, the Governor may make changes in the allocation of offices, agencies and instrumentalities, and in their functions and duties, as necessary for efficient administration; and

WHEREAS, such changes may affect existing law; and

WHEREAS, the existence of a multitude of offices, agencies, and instrumentalities outside of the principal departments has resulted in duplication of functions, overlaps of responsibility, lack of coordination, and other forms of inefficient administration; and

WHEREAS, the power of the Governor to reorganize the Executive Branch has been affirmed and upheld by the Superior Court of the Commonwealth of the Northern Mariana Islands in its Decision and Judgment dated June 23, 1994, in the case of *Marianas Visitors Bureau v. Commonwealth*, Civ. No. 94-0516 (Memorandum Decision and Judgment); and

WHEREAS, the Commonwealth Utilities Corporation (CUC) was reorganized under Re-organization Plan No. 02 of 2006 (Executive Order 2006-4) issued Friday, May 5, 2006 and received by the 15th Commonwealth Legislature on Monday, May 8, 2006, becoming effective 60 days thereafter in the absence of modification or disapproval by a majority of the members of each house of the Legislature; and

WHEREAS, Section 8123(c) of Re-organization Plan No. 02 of 2006 (Executive Order 2006-4), *codified at* 1 CMC § 8123(c), requires that any CUC borrowing in excess of \$500,000 be “approved by law specifically authorizing such borrowing”.

NOW, THEREFORE, to comply with the mandate of the Constitution and to promote efficient administration, it is hereby

ORDERED:

That the following shall constitute Re-organization Plan No. 03 of 2008:

1. Amendment of Prior Executive Order. Executive Order No. 2006-04 promulgating Re-organization Plan No. 02 of 2006 is amended upon the effective date of this Executive Order.
2. Provisions of the Executive Order. The provisions of the Executive Order amend Title One of the Commonwealth Code, Subsection 8123(e), deleting the \$500,000 debt ceiling “provided” clause to read as follows:

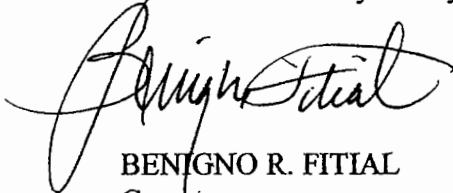
§ 8123. Commonwealth Utilities Corporation: Powers.

* * *

(e) To borrow money from any private or public source, either within the Commonwealth or the United States or in any country, and to give security in connection with such borrowing.

3. Codification of Changes. The Law Revision Commission shall codify the changes in existing law affected by this plan.
4. Effective Date. In accordance with Article III, Section 15 of the Constitution, this plan shall become effective sixty days after submission to the Legislature, unless specifically modified or disapproved by a majority of the members of each house of the Legislature; provided that in the event it is approved by one house of the Legislature it shall become effective immediately upon such approval.

DONE this 25th day of July, 2008.



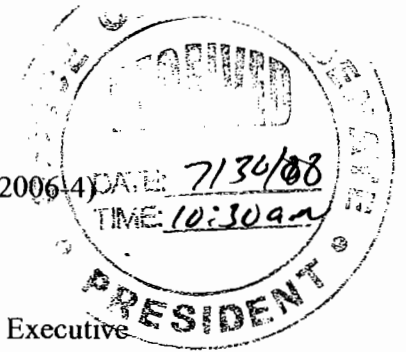
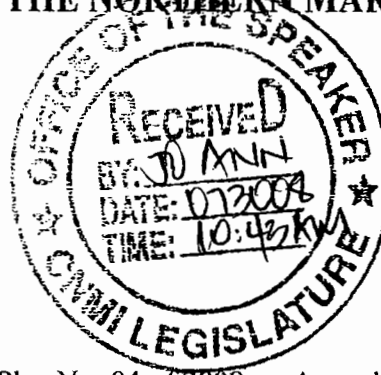
BENIGNO R. FITIAL
Governor



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Timothy P. Villagomez
Lieutenant Governor



EXECUTIVE ORDER NO. 08-09

SUBJECT: Re-organization Plan No. 04 of 2008 — Amendment to
Re-organization Plan No. 02 of 2006 (Executive Order 2006-4)

AUTHORITY: Constitution, Article III, Section 15

WHEREAS, Section 15 of Article III of the Constitution requires that Executive
Branch offices, agencies and instrumentalities of the Commonwealth Government be
allocated among and within not more than fifteen principal departments, groups as far as
practicable according to major purposes; and

WHEREAS, pursuant to that section, regulatory, quasi-judicial, and temporary
agencies may be so allocated, but need not be; and

WHEREAS, the Governor may make changes in the allocation of offices,
agencies and instrumentalities, and in their functions and duties, as necessary for efficient
administration; and

WHEREAS, such changes may affect existing law; and

WHEREAS, the existence of a multitude of offices, agencies, and
instrumentalities outside of the principal departments has resulted in duplication
of functions, overlaps of responsibility, lack of coordination, and other forms
of inefficient administration; and

WHEREAS, the power of the Governor to reorganize the Executive Branch
has been affirmed and upheld by the Superior Court of the Commonwealth of the
Northern Mariana Islands in its Decision and Judgment dated June 23, 1994, in the case
of Marianas Visitors Bureau v. Commonwealth, Civ. No. 94-0516 (Memorandum
Decision and Judgment); and

WHEREAS, the Commonwealth Utilities Corporation (CUC) was reorganized
under Re-organization Plan No. 02 of 2006 (Executive Order 2006-4) issued Friday,
May 5, 2006 and received by the 15th Commonwealth Legislature on Monday, May 8,
2006, becoming effective 60 days thereafter in the absence of modification or
disapproval by a majority of the members of each house of the Legislature; and

WHEREAS, Section 8123(e) of Re-organization Plan No. 02 of 2006 (Executive
Order 2006-4), codified at 4 CMC § 8123(e), requires that any CUC borrowing in excess
of \$500,000 be "approved by law specifically authorizing such borrowing".

NOW, THEREFORE, to comply with the mandate of the Constitution and to promote efficient administration, it is hereby

ORDERED:

That the following shall constitute Re-organization Plan No. 04 of 2008:

1. Withdrawal and Rescission of Prior Executive Order. Executive Order No. 08-08 promulgating Re-organization Plan No. 03 of 2008, transmitted to the 16th Commonwealth Legislature on Friday, July 25, 2008 and not yet acted upon, is withdrawn and rescinded effective immediately.
2. Amendment of Prior Executive Order. Executive Order No. 2006-04 promulgating Re-organization Plan No. 02 of 2006 is amended upon the effective date of this Executive Order.
3. Provisions of the Executive Order. The provisions of the Executive Order correct a typographic error in paragraph 4 of Executive Order No. 2006-04, in that "1 CMC Section 8111" is hereby changed to "4 CMC Section 8111", and amend Title Four of the Commonwealth Code, Subsection 8123(e), to increase the debt ceiling from \$500,000 to \$5,000,000, causing this subsection to read as follows:

§ 8123. Commonwealth Utilities Corporation: Powers.

* * *

(e) To borrow money from any private or public source, either within the Commonwealth or the United States or in any country, and to give security in connection with such borrowing; provided that any such borrowing that is in excess of \$5,000,000 is approved by law specifically authorizing such borrowing.

4. Codification of Changes. The Law Revision Commission shall codify the changes in existing law affected by this plan.
5. Effective Date. In accordance with Article III, Section 15 of the Constitution, this plan shall become effective sixty days after submission to the Legislature, unless specifically modified or disapproved by a majority of the members of each house of the Legislature.

DONE this 30th day of July, 2008.

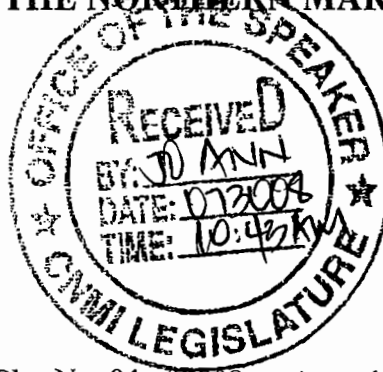


BENIGNO R. FITIAL
Governor

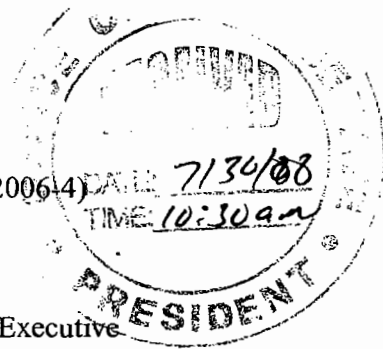


COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor



Timothy P. Villagomez
Lieutenant Governor



EXECUTIVE ORDER NO. 08-09

SUBJECT: Re-organization Plan No. 04 of 2008 — Amendment to
Re-organization Plan No. 02 of 2006 (Executive Order 2006-4)

AUTHORITY: Constitution, Article III, Section 15

WHEREAS, Section 15 of Article III of the Constitution requires that Executive
Branch offices, agencies and instrumentalities of the Commonwealth Government be
allocated among and within not more than fifteen principal departments, groups as far as
practicable according to major purposes; and

WHEREAS, pursuant to that section, regulatory, quasi-judicial, and temporary
agencies may be so allocated, but need not be; and

WHEREAS, the Governor may make changes in the allocation of offices,
agencies and instrumentalities, and in their functions and duties, as necessary for efficient
administration; and

WHEREAS, such changes may affect existing law; and

WHEREAS, the existence of a multitude of offices, agencies, and
instrumentalities outside of the principal departments has resulted in duplication
of functions, overlaps of responsibility, lack of coordination, and other forms
of inefficient administration; and

WHEREAS, the power of the Governor to reorganize the Executive Branch
has been affirmed and upheld by the Superior Court of the Commonwealth of the
Northern Mariana Islands in its Decision and Judgment dated June 23, 1994, in the case
of Marianas Visitors Bureau v. Commonwealth, Civ. No. 94-0516 (Memorandum
Decision and Judgment); and

WHEREAS, the Commonwealth Utilities Corporation (CUC) was reorganized
under Re-organization Plan No. 02 of 2006 (Executive Order 2006-4) issued Friday,
May 5, 2006 and received by the 15th Commonwealth Legislature on Monday, May 8,
2006, becoming effective 60 days thereafter in the absence of modification or
disapproval by a majority of the members of each house of the Legislature; and

WHEREAS, Section 8123(e) of Re-organization Plan No. 02 of 2006 (Executive
Order 2006-4), codified at 4 CMC § 8123(e), requires that any CUC borrowing in excess
of \$500,000 be "approved by law specifically authorizing such borrowing".

NOW, THEREFORE, to comply with the mandate of the Constitution and to promote efficient administration, it is hereby

ORDERED:

That the following shall constitute Re-organization Plan No. 04 of 2008:

1. Withdrawal and Rescission of Prior Executive Order. Executive Order No. 08-08 promulgating Re-organization Plan No. 03 of 2008, transmitted to the 16th Commonwealth Legislature on Friday, July 25, 2008 and not yet acted upon, is withdrawn and rescinded effective immediately.
2. Amendment of Prior Executive Order. Executive Order No. 2006-04 promulgating Re-organization Plan No. 02 of 2006 is amended upon the effective date of this Executive Order.
3. Provisions of the Executive Order. The provisions of the Executive Order correct a typographic error in paragraph 4 of Executive Order No. 2006-04, in that "1 CMC Section 8111" is hereby changed to "4 CMC Section 8111", and amend Title Four of the Commonwealth Code, Subsection 8123(e), to increase the debt ceiling from \$500,000 to \$5,000,000, causing this subsection to read as follows:

§ 8123. Commonwealth Utilities Corporation: Powers.

* * *

(e) To borrow money from any private or public source, either within the Commonwealth or the United States or in any country, and to give security in connection with such borrowing; provided that any such borrowing that is in excess of \$5,000,000 is approved by law specifically authorizing such borrowing.

4. Codification of Changes. The Law Revision Commission shall codify the changes in existing law affected by this plan.
5. Effective Date. In accordance with Article III, Section 15 of the Constitution, this plan shall become effective sixty days after submission to the Legislature, unless specifically modified or disapproved by a majority of the members of each house of the Legislature.

DONE this 30th day of July, 2008.



BENIGNO R. FITIAL
Governor

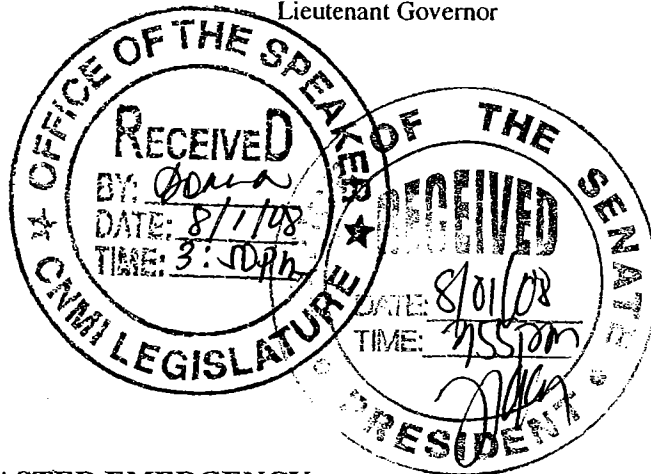


COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Timothy P. Villagomez
Lieutenant Governor

ACTING PRESIDENT
RECEIVED
8/01/08
3:55 PM
[Signature]



EXECUTIVE ORDER 2008-10

DECLARATION OF A STATE OF DISASTER EMERGENCY:
COMMONWEALTH UTILITIES CORPORATION'S
IMMINENT GENERATION FAILURE AND THE NEED TO PROVIDE
IMMEDIATE RELIABLE POWER DURING REPAIRS

I, BENIGNO R. FITIAL, pursuant to the authority vested in me as 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 Power Plant #1's engines will be unable to provide power necessary to meet basic needs of the island of Saipan and that one or more of its engines is so damaged by wear and lack of adequate maintenance for many years that it may experience a catastrophic failure.

Such a failure could produce an explosion that could maim or kill CUC power plant workers. The condition of the engines is so bad that the technical experts at the Plant cannot predict precisely the time of failure. But they do predict such a catastrophic failure.

EO - 2008-10

Decl of disaster emergency: CUC engines

If one or more of Power Plant #1's engines fails as described, CUC's Saipan service territory will experience massive blackouts, even more extensive than the present load-shedding which Saipan's residents have been experiencing for the past months. CUC's ability to generate electricity could be so compromised that Saipan could experience a complete shut-down of its power generation system.

The effect of the failure described above would likely include the following: CUC will be without power to pump and purify water; CUC will be unable to pump or treat sewage; street lights and traffic lights would go offline; the Hospital and medical clinics would be without CUC power, dependent on their limited diesel oil supplies and on-site generators; communications media would go offline, including MCV cable television and radio stations which do not have their own fuel supplies and generation. Also, our schools, homes, and work places will be subject to blackouts. In particular, the very young, the ill and the elderly who are dependent on refrigeration for food and medicine will be without power.

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

EO - 2008-10

Decl of disaster emergency: CUC engines

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).

Directive 1: CUC's Procurement Regulations and the CNMI Procurement Regulations applicable to CUC, if any, are hereby suspended as to CUC procurements, except that CUC must fully document all procurement activity for Executive, Public Auditor and Legislative review.

Directive 2: The Commonwealth Public Utility Commission ("PUC") Act of 2006, PL 15-35, as amended, is hereby suspended insofar as it would require the presentation of CUC procurement information, including contracts and other measures relating to the supply of power or the operation and maintenance of CUC's generation, for PUC review.

Directive 3: CUC is specifically empowered to execute the wholesale generation power contract it has negotiated with an independent power producer for a period of two years or less.

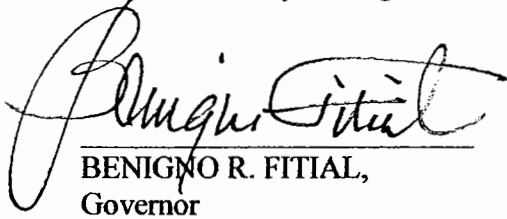
A measure passed yesterday by the Legislature, and which I have signed, removes substantial impediments to CUC's securing by contract immediate, reliable, and cost-effective temporary power from an independent, non-utility power producer. PL 16-9. That law amends the Commonwealth PUC Act of 2006, specifically requiring a gubernatorial declaration of disaster emergency pursuant to 3 CMC § 5121, so that CUC may sign an emergency wholesale power generation contract for two years or less without pre-review of the PUC or the PUC's issuance of a certificate of convenience and necessity. Each of these PUC decisions would have taken so long to investigate and make that the conditions discussed above may have developed in the meantime. If CUC can immediately execute such a contract, it can quickly have temporary replacement generators placed into service and then shut down the dangerous Power Plant #1 engines. By this disaster declaration I intend to enable CUC, within the definitions of PL 16-9, to sign a power contract with the appropriate "person".

EO - 2008-10

Decl of disaster emergency: CUC engines

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 1st day of August 2008.



BENIGNO R. FITIAL,
Governor

0 Declaration of State of Disaster Emergency EO 2008-10(31Jul08).wpd





Commonwealth of the Northern Mariana Islands OFFICE OF THE GOVERNOR

ACKNOWLEDGMENT OF RECEIPT OF HAND-DELIVERED DOCUMENT(S)

DOCUMENT (s) DESCRIPTION:

1. Transmitting Governor's letter dated 08/01/08 re: **EXECUTIVE ORDER 2008-10: DECLARATION OF A STATE OF DISASTER EMERGENCY: COMMONWEALTH UTILITIES CORPORATION'S IMMINENT GENERATION FAILURE AND THE NEED TO PROVIDE IMMEDIATE RELIABLE POWER DURING REPAIRS.**

Received by: EMILYN CH. ALDARI  8/1/08 3:55 PM
 (Signature/Print Name) Date/Time
Senate President

Received by: Donna Flores  8/1/08 3:50 pm
 (Signature/Print Name) Date/Time
Speaker's Office

Received by: Margaret Neenfeldt  8/1/08 3:57 P.M.
 (Signature/Print Name) Date/Time
Office of Programs & Legislative Review



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Timothy P. Villagomez
Lieutenant Governor

ACTING PRESIDENT
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8/01/08
3:55 PM
[Signature]

OFFICE OF THE SPEAKER OF THE SENATE
RECEIVED
BY: *[Signature]*
DATE: 8/1/08
TIME: 3:00 PM
CNMI LEGISLATURE
RECEIVED
DATE: 8/01/08
TIME: 3:55 PM
[Signature]
ACTING PRESIDENT

EXECUTIVE ORDER 2008-10

DECLARATION OF A STATE OF DISASTER EMERGENCY: COMMONWEALTH UTILITIES CORPORATION'S IMMINENT GENERATION FAILURE AND THE NEED TO PROVIDE IMMEDIATE RELIABLE POWER DURING REPAIRS

I, BENIGNO R. FITIAL, pursuant to the authority vested in me as 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 Power Plant #1's engines will be unable to provide power necessary to meet basic needs of the island of Saipan and that one or more of its engines is so damaged by wear and lack of adequate maintenance for many years that it may experience a catastrophic failure.

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EO - 2008-10

Decl of disaster emergency: CUC engines

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The effect of the failure described above would likely include the following: CUC will be without power to pump and purify water; CUC will be unable to pump or treat sewage; street lights and traffic lights would go offline; the Hospital and medical clinics would be without CUC power, dependent on their limited diesel oil supplies and on-site generators; communications media would go offline, including MCV cable television and radio stations which do not have their own fuel supplies and generation. Also, our schools, homes, and work places will be subject to blackouts. In particular, the very young, the ill and the elderly who are dependent on refrigeration for food and medicine will be without power.

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

EO - 2008-10

Decl of disaster emergency: CUC engines

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).

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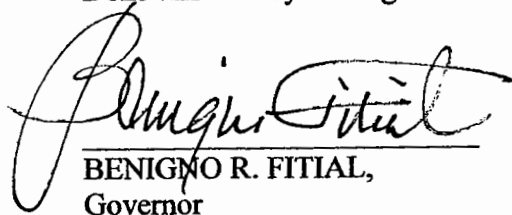
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EO - 2008-10

Decl of disaster emergency: CUC engines

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 1st day of August 2008.



BENIGNO R. FITIAL,
Governor

0 Declaration of State of Disaster Emergency EO 2008-10(31Jul08).wpd



Commonwealth of the Northern Mariana Islands OFFICE OF THE GOVERNOR

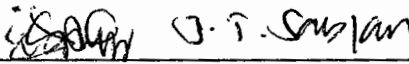
ACKNOWLEDGMENT OF RECEIPT OF HAND-DELIVERED DOCUMENT(S)

DOCUMENT (S) DESCRIPTION:

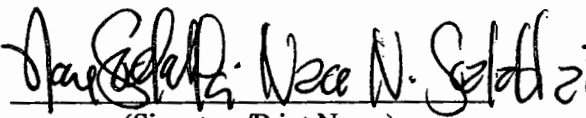
1. Transmitting Governor's letter dated 08/13/08 re: EXECUTIVE ORDER NO. 08-11:
Renewal of Declaration of a State of Disaster Emergency: Commonwealth Ports Authority's
Approach of Technical Default on \$20 Million Indenture

Received by: 
(Signature/Print Name)
Senate President

8/13/08 4:21 P
Date/Time

Received by:  J. T. Suslan
(Signature/Print Name)
Speaker of the House

08/13/08 4:20pm
Date/Time

Received by:  Nancy N. Seddai
(Signature/Print Name)
Office of Programs & Legislative Review

8/13/08 4:20 p.m.
Date/Time



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Timothy P. Villagomez
Lieutenant Governor

EXECUTIVE ORDER 08-11

RENEWAL OF DECLARATION OF A STATE OF DISASTER EMERGENCY:

COMMONWEALTH PORTS AUTHORITY'S APPROACH OF TECHNICAL DEFAULT ON \$20 MILLION INDENTURE

I, BENIGNO R. FITIAL, pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands ("CNMI") by Article III, Section 10 of the Commonwealth Constitution and 3 CMC § 5121 of the Commonwealth Disaster Relief Act of 1979, do hereby renew the declaration a State of Disaster Emergency for the Commonwealth of the Northern Mariana Islands which was issued due to the inability of the Commonwealth Ports Authority ("CPA"), as a result of a lack of a board of directors, to continue the actions and policies set into place by this administration to avoid technical default on the March 1, 1998 indenture on the CPA Airport Revenue Bonds and due to the need to maintain the proper operation of the CPA. The extreme, immediate and imminent threat such condition poses to the Commonwealth of the Northern Mariana Islands must be avoided. The original declaration of a state of disaster was set forth in Executive Order 08-07 issued on July 14, 2008.

The July 14, 2008 declaration of emergency was a result of my findings that a technical default could result in the entire principal and interest of the bonds becoming immediately due and payable, adversely affecting CPA's ability to raise future capital. Such a default would have degraded the ability of CPA to maintain and manage the ports of the Commonwealth, to the extreme detriment of the economy and the people of the CNMI. It was also based upon my finding that the resignation of all of the members of the CPA board of directors resulted in an ongoing vacuum of leadership at the CPA and that until strong

and appropriate leadership is restored the danger of technical default will remain a significant risk to the CPA and the CNMI as a whole. I further found that while some of appointments have been made to fill vacancies on the board of directors of the CPA, other appointments are awaiting the advice and consent of the Senate. Until a sufficient number of the appointments have been made and consented to by the Senate, the state of emergency continues to exist.

I found that the declaration was necessary to insure that a CPA technical default does not have a cumulative impact on the CNMI economy, which has been in a constant and prolonged downward trend as shown, among other examples, by the closure of several businesses, the withdrawal of Japan Airlines from CNMI service, the decline in tourism, and the persistent rise in fuel and electricity costs.

I find that the emergency conditions that resulted in Executive Order 08-07 still exist. Thus, ultimately, this renewal of that declaration is necessary to protect the health and safety of all CNMI residents and visitors.

Therefore, I hereby invoke my authority under Article III, § 10 of the Commonwealth Constitution and 3 CMC § 5121(c) and (f) to take all necessary measures to address the imminent threat facing the Commonwealth of the Northern Mariana Islands by extending the declaration of emergency.

Exercise of the Constitutional and statutory authority invoked herein will be effectuated by the issuance or implementation, or both, 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;

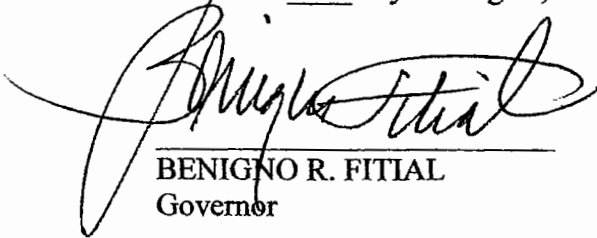
- (2) Utilize all available resources of the Commonwealth as reasonably necessary to cope with the disaster emergency of the Commonwealth;
- (3) Transfer the direction, personnel, or functions of the Commonwealth departments and agencies or units thereof for the purpose of performing or facilitating emergency services;

3 CMC § 5121(f)(1)-(3).

This renewed 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).

As I stated in that declaration of emergency, the administration looks forward to working with the Senate to address this problem.

Done this 13th day of August, 2008.



BENIGNO R. FITIAL
Governor