



# COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

**Benigno R. Fitial**  
Governor

**Eloy S. Inos**  
Lt. Governor

1 **EXECUTIVE ORDER 2009-9**

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4

**DECLARATION OF A STATE OF DISASTER EMERGENCY:**

5

**COMMONWEALTH UTILITIES CORPORATION'S**

6

**IMMINENT GENERATION AND OTHER FAILURE AND THE NEED TO**

7

**PROVIDE IMMEDIATE RELIABLE POWER, WATER AND WASTEWATER**

8

**SERVICES**

9

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**CONTINUATION #14**

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I, **BENIGNO R. FITIAL**, pursuant to the authority vested in me as Governor of the

13

Commonwealth of the Northern Mariana Islands by Article III, Section 10 of the Commonwealth

14

Constitution and 3 CMC § 5121 of the Commonwealth Disaster Relief Act of 1979, do hereby

15

declare a State of Disaster Emergency for the Commonwealth of the Northern Mariana Islands

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due to the inability of the Commonwealth Utilities Corporation (CUC) to provide critical power

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generation service to the CNMI and the extreme, immediate and imminent threat such condition

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poses to the Commonwealth of the Northern Mariana Islands.

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This Executive Order is intended to, and does, continue in effect portions of the Governor's

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preceding disaster emergency declarations on this matter, EO 2009-01 through -08, except as

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specifically modified. As more fully stated below, this Executive Order shall expire on the 31st

23

day following the date of my signature. The following findings and conclusions further support

24

continuation of the Declaration and issuance of directives.

Caller Box 10007 Saipan, MP 96950 Telephone: (670) 664-2200/2201 Facsimile: (670) 664-2211

1 **FINDINGS**

2  
3 I find that:

4  
5 1. All findings and conclusions of EO 2009-01 through -08 are incorporated by reference,  
6 except as specifically varied in this Executive Order.

7  
8 **MANPOWER CRISIS DUE TO RESTRICTIVE LEGISLATION**

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10 2. **Summary.** A shortage of manpower forced by legislation limiting skilled foreign workers  
11 has continued to place CUC operations at risk. Presently CNMI law (PL 16-14) prohibits CUC  
12 from hiring any more non-US technical workers than the 19 skilled professionals recently with  
13 CUC. CUC has repeatedly asked the Legislature for relief from this statute regulating the  
14 Government's workforce, to no avail. Further, errors in wording in the CUC enabling legislation  
15 recently re-enacted, PL 16-17, as amended, would bar the Executive Director from day-to-day  
16 management of the corporation, effectively shutting CUC down. This EO eliminates these  
17 problems while it is in effect.

18  
19 3. **Background.** CUC has substantially minimized the risk of losing the services of its owned  
20 generating capacity, which losses created intermittent blackouts on portions of its system. It  
21 therefore allowed the Aggreko year-long temporary power contract to terminate, as provided in  
22 the agreement, effective September 12, 2009. This will save CUC customers at least \$6 million  
23 per year in fees. But it still presents risks, as the strategy requires proper operation and  
24 maintenance of CUC's owned engines by CUC's technical staff, and the timely securing of  
25 materials and supplies.

26  
27 4. CUC bears a substantial obligation to deliver highly technical work on time to the satisfaction  
28 of the US District Court and the US EPA, pursuant to two consent, or "stipulated", orders. The  
29 first requires the upgrade and smooth functioning in virtually all aspects of CUC's water and  
30 wastewater divisions. The second requires CUC to properly eliminate over 400,000 gallons of  
31 used oil and to institute measures to avoid uncontrolled buildup of such inventories. Failure to  
32 meet the requirements of the federal court orders could subject CUC and the CNMI to  
33 substantial fines and charges, and, in the extreme, to a federal takeover of their finances.

34  
35 5. CUC is thoroughly regulated by the Commonwealth Public Utilities Commission (CPUC).  
36 The regulator has plenary power over CUC rates, charges, fees, operations and capital  
37 investments. CUC's failure to timely and competently meet CPUC orders and other  
38 requirements can result in severe rate discipline, and fines and other penalties.

1 6. CUC is the sole electricity supplier to the Government of the CNMI, including all public  
2 safety activities, the schools, and the only hospital. CUC also supplies electricity to most of the  
3 CNMI's businesses and homes. While some businesses and agencies own backup generators,  
4 they are not generally organized to use the backups as permanent power sources; and the diesel  
5 oil purchased to run these generators is substantially more expensive than that used for CUC  
6 power.

7  
8 7. Without CUC electricity:

- 9
- 10 a. most CNMI economic activity would come to a halt, the courts would soon close,  
11 much refrigeration and air conditioning would end, and the airports and ports  
12 would be forced to rely on emergency generation and the limited oil supply for it;  
13
  - 14 b. the CNMI's health and safety would immediately be at risk, since traffic signals  
15 and street lighting would cease to function, emergency, fire and police facilities  
16 and their communications systems, and the Hospital and island clinics would have  
17 to rely on limited oil supplies for emergency generation and then cease  
18 functioning, much refrigeration of food and medicines would end, as would air  
19 conditioning for the elderly and medically fragile;  
20
  - 21 c. the public schools and the Northern Marianas College would close. Other  
22 educational institutions would close as their backup oil supplies for emergency  
23 generators were exhausted; and  
24
  - 25 d. water and sewage treatment would soon end. One of CUC's largest electric  
26 customers is the combined CUC Water and Wastewater Divisions. CUC is the  
27 sole supplier of electricity for these systems. CUC's water system relies on  
28 electricity to maintain the system pressure needed to avoid the backflow of  
29 pathogens, to chlorinate, and to pump, store and distribute water supplies. CUC's  
30 wastewater system requires electricity to collect, pump, process, treat and  
31 discharge sewage. The lack of electricity could result in sewage overflows,  
32 contamination of land and water and rendering unsafe CNMI beaches, which are  
33 also principal tourist destinations.  
34

35  
36 **Staffing CUC with the technical experts to permit continued electric service**

37  
38 8. CUC continues to maintain and rehabilitate its owned power plants. CUC tries to maintain  
39 and rehabilitate the operating units to adequately meet load. CUC has secured federal funds to  
40 buy many needed parts to avoid outages. CUC has begun the needed overhaul of PP #1 unit DE-

1 5 in September. In October four other units will undergo required overhaul during the ensuing  
2 12-month period.

3  
4 9. Adequate technical staff is essential to this work. A major challenge to carrying out this  
5 rehabilitation has been finding the trained technicians needed to carry out these rehabilitation  
6 projects, and maintain and run the equipment. The technicians must be ready for service when  
7 needed and their services must be affordable. Any significant reduction in CUC's present  
8 technical workforce could seriously compromise CUC's ability to generate and distribute power.

9  
10 10. With respect to CUC's lines, equipment used by CUC's Transmission and Distribution unit  
11 (T & D) is dilapidated and bordering on being unsafe. There is an insufficient number of skilled  
12 workers to operate T & D. The linemen must be trained to, and skillful in, meeting US  
13 standards.

14  
15 11. For example, Saipan's early-September brush with Typhoon Choi-Wan 15W that passed to  
16 the north of Saipan, underscored the extreme vulnerability of CUC's power transmission and  
17 distribution (T & D) system. Over 150 calls of no- power and line faults were fielded by crews  
18 when, for a storm of this size, there should have been no more than a score. Accelerating  
19 improvements to the T & D system ,with proper staff under an Emergency Order, would allow  
20 CUC to "harden" the system in anticipation of a bigger storm event. The alternative, in a more  
21 serious storm, is CUC's inability to recover in any reasonable time period.

22  
23 12. Further, utility industry safety margins for isolated, island systems typically require a  
24 reserve equal to the capacity of the two largest units; in CUC's case this would be another 15  
25 MW of load, equivalent to the departed Aggreko temporary units. Meeting this reserve  
26 requirement means CUC must have an adequate repair and maintenance staff.

27  
28 13. The Legislature, through 3 CMC § 4972(5), as amended by PL 16-14 (Aug. 27, 2008), has  
29 limited CUC's ability to hire technical staff; allowing up to 19 foreign workers only. The CUC  
30 Act, as subsequently re-enacted by PL 16-17 (Oct 1, 2008), provides that CUC shall hire such  
31 persons as are necessary for operations, *except as otherwise limited by other law.* 4 CMC §  
32 8123(h).

33  
34 14. PMIC at PP #4 and Telesource on Tinian, as Independent Power Producers (IPPs), are not  
35 subject to the Legislature's limitation on foreign workers.

36  
37 15. There are not enough technical specialists at CUC to get the power generation work done,  
38 particularly specialists with experience in the type of engines that CUC uses. CUC believes that  
39 the vast majority of skill sets must come from non-US personnel.  
40

1 16. CUC has tried to hire diesel mechanics in the CNMI, but has been unsuccessful in finding  
2 all the qualified candidates. In the summer of 2009 CUC identified 16 potential new staff after  
3 interviews – 7 mechanics, 1 welder, 1 machinist, and 7 operators. Two of the operator  
4 candidates were US citizens.

5  
6 17. CUC has hired some local staff recently thanks to the aggressive steps of CUC HR and the  
7 Executive Director. In 2009 to date CUC has hired 9 US citizens, plus 3 skilled trade  
8 technicians, foreign workers who have IR status, and an additional 9 trade technicians, for a total  
9 of 21 new workers. But CUC also lost 4 US citizen technical workers, who resigned, this year.

10  
11 18. CUC, as of this month, still needs 5 skilled trade technicians for power plant operations and  
12 maintenance. As more units begin working after the rehabilitations are largely complete, CUC  
13 will need more staff to operate and maintain them.

14  
15 19. The impact of an inadequate workforce would be three-fold:

16  
17 a. First, there would be a direct negative effect on the existing consumers. There  
18 would be brownouts, or area blackouts, with the above-mentioned loss of service.

19  
20 b. Second, the power plants would again ~~outage~~, producing more of these outages.

21  
22 c. Third, there would be an indirect effect, increasing rates, because small  
23 consumers would have to shoulder more of the fixed costs of the CUC system.  
24 First, there would be loss of large customers. If the hotels were to become part of  
25 the system, they could help pay CUC fixed costs, which would lower everyone  
26 else's rates. The hotels need reliable, 24/7 power. But with unreliable power,  
27 CUC would be unable to convince large commercial customers, particularly the  
28 hotels, to join, or rejoin, its system. Second, would come additional expenses. If  
29 CUC fails to meet federal court deadlines for the stipulated orders, the Court  
30 could appoint a federal receiver and its consulting team – with all expenses  
31 charged to CUC customers. Thus, the indirect effect of an inadequate workforce  
32 would be to boost rates.

33  
34 20. Rota has recently suffered blackouts from inadequate generator maintenance. The power  
35 plant's other facilities and the island's distribution system similarly need the attentions of  
36 additional manpower. The present alternative for Rota is akin to Saipan's – purchasing higher  
37 cost power from the Rota Resort. Two Rota units must undergo overhaul.

38  
39 21. Since EO 2009-8 late last month, and the suspension of the harmful legislative employment  
40 restriction, CUC has taken steps to hire the expertise to operate and maintain the Saipan and

1 Rota power generation facilities. Hired were 11 foreign workers. Another 3 foreign workers  
2 are awaiting authorization from their current employer to transfer to CUC. CUC needs to  
3 continue trying to get to the level of 14 additional, foreign national skilled workers it anticipated  
4 last month. Further, CUC needs to be able to hire beyond 14 additional, foreign nationals as the  
5 work requires. Otherwise, if CUC had to discharge these workers its staffing levels would  
6 return to those which overworked its limited staff. For example, over pay period numbers 2  
7 through 11 of the year 2009, CUC accumulated 18,053 hours of overtime from technical  
8 employees who each worked 40 or more hours of overtime in a pay period. This condition is  
9 extreme, and a repeat can result in inefficiencies and poor work quality. It can lead to dangerous  
10 mistakes, producing injury or death.

11  
12 22. CUC has repeatedly asked the Legislature to lift the restrictions on foreign workers. The  
13 Legislature has failed to act on the CUC request. Without relief, this inaction will effectively set  
14 the stage for loss of service and higher rates. Among other things it will thereby reverse the \$6  
15 million-per-year benefit of terminating the Aggreko temporary power contract.

16  
17 23. CUC has demonstrated that the required workers are available as nonresident workers, and  
18 cost-effectively so. Thus, continued relief from the legislative prohibition of hiring foreign  
19 national workers is necessary to ensure the delivery of uninterrupted power services to the  
20 people of the Commonwealth.

21  
22  
23 **Complying with the federal court order on disposal of used oil**

24  
25 24. CUC has taken concrete steps to address the storage and disposal of used oil, consonant  
26 with the federal court's Stip Order 2. Federal court Stipulated Order # 2, relates to the used oil  
27 from the engines for four facilities (Power Plants 1, 3, 4 and Rota) and all CUC transformers.  
28 *USA v. CUC & CNMI*, Civ. No. 08-0051 (D. NMI Mar. 11, 2009) ("Stip Order 2"). With an  
29 adequate complement of trained technical employees, CUC can meet these requirements.

30  
31 25. Recent inspection by the US Coast Guard (USCG) has resulted in the imposition of another  
32 cost that was unanticipated even with Stip Order 2. The USCG now requires additional and  
33 more stringent measures to contain or eliminate the possibility of any oil reaching the ocean  
34 from Power Plants 1, 2 and the power plant in Rota. This requires trained staff.

35  
36  
37 **Complying with the federal court order on managing the water and wastewater systems**

38  
39 26. As long as the Water and Wastewater Divisions can hire competent staff and receive power  
40 from the Power Division, they can function.

1  
2 27. The U.S. Department of Justice (DoJ), Environment and Natural Resources Division, has  
3 sued CUC in federal court to come into compliance with critical water and sewage treatment  
4 requirements. *USA v. CUC & CNMI*, Civ. No. 08-0051 (D. NMI Mar. 11, 2009) (“Stip Order  
5 1”). See also [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). In July 2008 CUC, the CNMI  
6 and (in September 2008) the U.S. Environmental Protection Agency (EPA) stipulated to this first  
7 of two orders lodged with the U.S. District Court on the date the Complaint was filed. This  
8 order requires CUC to implement a series of improvements to its water and wastewater systems  
9 that respond to years of neglect, for which it presently lacks the funds and the complete technical  
10 capability. CUC must be able to hire the staff to perform the required technical functions.

11  
12 28. The Water and Wastewater Divisions cannot carry out their missions without adequate  
13 staff. While the bulk of their employees are drawn from local and US populations, their  
14 management estimates that at least 4 trained foreign technicians will be required – an  
15 instrumentation specialist, a generator repair/rehab specialist with extensive transfer switch  
16 experience, a fabrication specialist, with steel/aluminum and strong inert gas welding  
17 experience, and an experienced wastewater treatment operator.

18  
19 29. CUC also requires a constant supply of electricity to run its water and wastewater treatment  
20 systems. CUC has very limited on-site emergency generation capability for only portions of  
21 these systems.

22  
23  
24 **Meeting US District Court and CNMI PUC requirements to produce timely, accurate**  
25 **financial reports**

26  
27 30. The federal Stip Orders require CUC to produce and carry out an Interim Financial Plan,  
28 beginning this month. The IFP must develop over time, becoming more than “interim”. CUC  
29 cannot do this unless it has a staff of trained accounting and other financial experts who can  
30 gather data, put the data in the required form and generate the IFP and its later versions.

31  
32 31. Further, CUC is comprehensively regulated by the Commonwealth Public Utilities  
33 Commission (CPUC). The CPUC is charged by statute to oversee carefully CUC’s operations  
34 and capital expenditures, and to develop rates that fully pay the costs of safely operating CUC’s  
35 water and wastewater systems.

36  
37 32. In its most recent electric and water/wastewater orders, of September 3, 2009, the CPUC  
38 addressed CUC’s inability to deliver complete on-time financial reports, requiring CUC, in  
39 effect, to enhance its staff capability to provide critical regulatory information. (Docket No.’s

1 09-1 and 09-2.) The Commission will be revisiting CUC rates, fees, charges and operations at  
2 its November meeting.

3  
4 33. CUC cannot upgrade its financial and accounting staff unless it has a staff of trained  
5 accounting and other financial experts who can gather data, put the data in the required form and  
6 generate the required reports and filings with the CPUC, as well as provide the CPUC consulting  
7 staff with the data required for their oversight.

8  
9 34. CUC has lost 2 senior accountants plus a related specialist. The IT and billing department  
10 last month was reduced by one staffer, having advertised for a replacement for 4 weeks to no  
11 avail. While it appeared that CUC might have to look to employing foreign technical specialists,  
12 CUC has just hired back 2 former accountants and anticipates bringing a third person aboard in  
13 October. All are US citizens. Nonetheless, CUC must have the flexibility to hire competent  
14 professionals as needed.

15  
16 35. To summarize: Without properly trained technical staff CUC's ability to supply power is at  
17 risk. So is its ability to manage the rest of its systems, including its finances and accounting.  
18 CUC's services could not be adequately staffed without last month's immediate lifting of the  
19 artificial legislative regulation of CUC's workforce, in EO 2009-08, Directive #10, suspending  
20 the limitations on CUC hiring foreign workers. It is obvious that the hiring authority must be  
21 continued.

22  
23 36. There is no indication that any of the above manpower situation will be resolved in the next  
24 month without continuation in effect of this EO and Directive #10.

25  
26  
27 **MANAGEMENT CRISIS IN ABSENCE OF A PROPER BOARD/CEO STRUCTURE**

28  
29 37. **Summary.** CUC is a \$70 million-per-year business, critical to the CNMI's economy and  
30 the public health. Yet, the recently-renewed statute organizing it places the Board of Directors  
31 in the position of day-to-day management of the corporation, and requires a complex mix of  
32 technical, geographic and other qualifications for Board membership. There is no Board because  
33 it has been impossible to meet these criteria. Without the Board, or its equivalent, CUC cannot  
34 take a critical step toward solvency and the ability to borrow to finance its work.

1 **Forestalling corporate paralysis**

2  
3 38. A critical concern is that the CUC Act's constricted scope of authority for the Executive  
4 Director, and the complementary daily management by a host of volunteers, would paralyze the  
5 corporation. This is particularly worrisome in light of the above-listed tasks before CUC.  
6

7 39. A careful reading of the CUC Act, PL 16-17, as amended, particularly its sections 4 CMC  
8 §§ 8131 (Bd qualifications), 8134 (Bd approval of all "allocations" of money and property), and  
9 1 CMC § 8247 (limited daily reimbursement of \$60.00); 4 CMC §§ 8132 (E.D. described), 8133  
10 (limited E.D. functions listed), and 8134 (Bd approval of all "allocations" of money and  
11 property), demonstrates that the Executive Director is to be left with little more to do than  
12 provide reports to a Board of volunteers who are nonetheless to run CUC on a day-to-day basis.  
13 This includes such decision-making as purchasing materials and supplies, signing paychecks and  
14 other checks, hiring staff, assigning work crews, connecting customers, deciding on making  
15 repairs, collecting debts, complying with the details of federal and CPUC regulatory  
16 requirements, and insuring that, on a day-to-day basis, the power and water flow and the sewage  
17 is treated.  
18

19 40. Permitting CUC to be managed this way would plunge the CNMI into economic chaos and  
20 a public health care crisis, as corporate activity and the Hospital's operations ground to a halt –  
21 with or without a Board in place.  
22

23 41. No private or public utility company in the United States runs this way – with a group of  
24 volunteers managing a \$70-million corporation's day-to-day operations. No other legislature in  
25 the United States has mandated this form of corporate management for a public utility.  
26

27 42. I can only conclude that the legislation's extraordinary structure for CUC is the result of a  
28 drafting error, and the People, through their elected representatives, wish their utility company to  
29 continue to supply them with essential services at a reasonable cost, meeting industry standards.  
30

31  
32 **Fixing CUC's technical insolvency**

33  
34 43. CUC has been unable to borrow money to run its operations since the inception of this State  
35 of Disaster Emergency due to (a) its poor financial condition and (b) the existence on its books  
36 of a liability to the Commonwealth Development Authority ("CDA") of approximately \$115  
37 million. This situation may be corrected if the Executive Director is recognized to have the  
38 authority to correct it.  
39

1 44. The booked CDA obligation has rendered CUC nominally insolvent. While CUC is deemed  
2 insolvent, CUC cannot borrow money. But CUC must be able to borrow money to bridge the  
3 gap between (a) the need to spend money on essential goods and services to provide electricity,  
4 and (b) the lagged collection of revenues from the sale of that electricity.

5  
6 45. The CPUC, in its September 3 electric order, Docket No. 09-1, approved a CUC-CDA  
7 settlement converting the CDA debt to preferred stock. But the deal requires CUC's Board to  
8 agree to it.

9  
10 46. There is no Board. CUC has functioned without a Board of Directors, because it has had to.  
11 While CUC's enabling act, reenacted as PL 16-17, as amended, authorizes a Board, there is no  
12 CUC Board yet because, while the staff of the Governor's Office have diligently tried to find  
13 Board volunteers who meet the complex statutory qualifications, they have been unable to do so.  
14 Nonetheless, CUC must continue to function, including borrowing money.

15  
16 47. EO 2009-08's Directive # 9 provides the required authority to the Executive Director. It  
17 also permits him to continue to run CUC, providing power, water and wastewater services, until  
18 the remaining members of a properly constituted Board can be identified, confirmed, and  
19 convened for business.

20  
21  
22 **Providing the basis for proper CPUC oversight**

23  
24 48. The statutory scheme of utility regulation provides that the utility regulator, the CPUC, will  
25 carefully examine CUC activities, particularly financial activities.

26  
27 49. This extensive oversight satisfies the policy need for a body of arms-length, well-informed  
28 citizens to watchdog the activities of this, the Commonwealth's key resource. Thus, the statute's  
29 error-infused creation of a Board which would run the corporation on a day-to-day basis,  
30 becomes much less important than satisfying CPUC requirements.

31  
32 50. What becomes very important is CUC's capability to provide the CPUC with accurate and  
33 timely financial and accounting information. But such reporting is not possible without a  
34 competent, trained staff of accounting and financial experts at CUC, and a properly-empowered  
35 Executive Director to lead them.

1           **CRISIS FROM THE LACK OF LEGISLATIVE ACTION**

2  
3           51. There is no Legislative relief coming. For months CUC has repeatedly asked the  
4           Legislature for such relief, including submission of draft legislation in July. The Legislature has  
5           declined to respond. There is no alternative to providing this relief other than an order from the  
6           Governor. Inaction will produce a disaster in which CUC is unable to provide its critical  
7           community services. Directives # 9 and #10 were designed to avert this crisis. (The other  
8           Directives, #1 through #8, are no longer relevant, and have been discontinued.)  
9

10          52. This Declaration is necessary to protect the health and safety of our children, our senior  
11          citizens, businesses and all other CNMI residents and visitors.  
12  
13  
14

15           **CONCLUSION AND ORDER**

16  
17          Therefore, I hereby invoke my authority under Article III, § 10 of the Commonwealth  
18          Constitution and 3 CMC § 5121(f) to take all necessary measures to address the imminent threat  
19          facing the Commonwealth of the Northern Mariana Islands.  
20

21          Exercise of the Constitutional and statutory authority invoked herein will be effectuated by the  
22          issuance of Executive Directives setting forth the measures to be taken to address the State of  
23          Disaster Emergency pursuant to 3 CMC § 5121(f), which states:  
24

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

27  
28                         (1) Suspend the provisions of any regulatory statute prescribing the procedures  
29                         for conduct of the Commonwealth's business, or the orders, rules, or regulations  
30                         of any Commonwealth activity or agency, if strict compliance with the provision  
31                         of any such statute, order, rule or regulation would in any way prevent, hinder, or  
32                         delay necessary action in coping with the emergency;  
33

34                         (2) Utilize all available resources of the Commonwealth as reasonably necessary  
35                         to cope with the disaster emergency of the Commonwealth;  
36

37                         (3) Transfer the direction, personnel, or functions of the Commonwealth  
38                         departments and agencies or units thereof for the purpose of performing or  
39                         facilitating emergency services;  
40

EO 2009-9

Declaration of Disaster Emergency: CUC Continuation 14

1 3 CMC § 5121(f)(1)-(3).

2  
3 By today's disaster emergency declaration, I intend to enable CUC to continue to provide  
4 necessary service to the people of the Commonwealth.

5  
6 This Declaration of a State of Disaster Emergency shall take effect immediately and all  
7 memoranda, directives and other measures taken in accordance with this Declaration shall  
8 remain in effect for thirty (30) days from the date of this Executive Order unless I, prior to the  
9 end of the thirty (30) day period, notify the Presiding Officers of the Legislature that the state of  
10 emergency has been lifted or has been extended for an additional period of thirty (30) days. 1  
11 CMC § 7403(a); 3 CMC § 5121(c).

12  
13 A comprehensive report on the exercise of my constitutional authority shall be transmitted to the  
14 presiding officers of the Legislature as soon as practicable in accordance with 1 CMC § 7403(a).

15  
16  
17 **DIRECTIVES**

18 I direct the following:

19 Directive 1: Deleted.

20  
21 Directive 2: Deleted.

22  
23 Directive 3: Deleted.

24  
25 Directive 4: Deleted.

26  
27 Directive 5: Deleted.

28  
29 Directive 6: Deleted.

30  
31 Directive 7: Deleted.

32  
33 Directive 8: Deleted.

34  
35 Directive 9: The Executive Director of CUC shall have all the powers of the CUC Board,  
36 thereby enabling him to carry out all critical business of CUC, pending the earlier of either (1)  
37 the confirmation and convening of an operating CUC Board, or (2) the termination of the  
38 authority of this order. In particular, the Executive Director shall have full power and authority  
39  
40

EO 2009-9

Declaration of Disaster Emergency: CUC Continuation 14

1 to agree to swap CDA debt and related obligations for preferred stock and related features and  
2 rights.

3  
4 Directive 10: The following strike-out-formatted language of the quoted provision of the  
5 following statute regulating government employment is, as indicated, suspended immediately:  
6

7 (b) Transition exemptions for government employment. . . . (5) Commonwealth  
8 Utilities Corporation. Engineers, and professional employees in technical or trade  
9 areas may be exempted and CUC may contract with manpower services or  
10 directly hire power plant mechanics and utility technicians who may be  
11 exempted; ~~provided that direct or manpower hire of foreign national workers shall~~  
12 ~~not exceed nineteen (19) employees. This exemption shall expire on September~~  
13 ~~30, 2010, and no contract may provide to the contrary.~~  
14

15 3 CMC § 4972(b)(5), as most recently amended by PL 16-14. (Underlining in original) That is,  
16 the following language is suspended: "provided that direct or manpower hire of foreign national  
17 workers shall not exceed nineteen (19) employees. This exemption shall expire on September  
18 30, 2010, and no contract may provide to the contrary."  
19

20 The effect of the suspension shall be that CUC shall have the complete power, without regard to  
21 citizenship or otherwise lawful immigration status, to hire engineers, professional employees in  
22 technical or trade areas, power plant mechanics and utility technicians, either directly or  
23 indirectly. These professional employees may include, but shall not be limited to, sanitarians,  
24 engineers, accountants, financial experts, information technology specialists, mechanics,  
25 electricians, well-drillers, pipefitters, plumbers, wastewater treatment facilities operators, and  
26 other trades technicians.  
27

28  
29 Done this 27th day of September 2009.  
30

31  
32   
33  
34 BENIGNO R. FITIAL  
35 Governor  
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