



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Eloy S. Inos
Lt. Governor

1 **EXECUTIVE ORDER 2009-11**

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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**

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10 **CONTINUATION #15**

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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.

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This Executive Order is intended to, and does, continue in effect portions of the Governor's
preceding disaster emergency declarations on this matter, EO 2009-01 through -09, except as
specifically modified. As more fully stated below, this Executive Order shall expire on the 31st
day following the date of my signature. The following findings and conclusions further support
continuation of the Declaration and issuance of directives.

24

1 **FINDINGS**

2
3 I find that:

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5 1. All findings and conclusions of EO 2009-01 through -09 are incorporated by reference,
6 except as specifically varied in this Executive Order.

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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.

39

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 began the needed overhaul of PP #1 unit DE-5 in

1 September. In October four other units have begun required overhaul, which will take 12
2 months. In November, the following work must start, and will last for varying periods of time:
3 The critical replacement of the PP #1 anchor bolts, in order to stop the shifting and vibration that
4 has ruined the plant; foundation repairs to Engines 1 and 8; and, shortly thereafter the
5 replacement of turbochargers and oil water separators. All this work is essential.

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

12
13 10. With respect to CUC's lines, equipment used by CUC's Transmission and Distribution unit
14 (T & D) is dilapidated and bordering on being unsafe. There is an insufficient number of skilled
15 workers to operate T & D. The linemen must be trained to, and skillful in, meeting US
16 standards. The critical upcoming projects in T & D include the replacement of the antiquated,
17 rundown and unsafe vehicle fleet; the redesign of T & D using national Rural Utility Service
18 standards; the replacement/installation of insulators, transformers, overcurrent protection,
19 sectionalizers and the installation of efficient LED streetlighting.

20
21 11. For example, Saipan's early-September brush with Typhoon Choi-Wan 15W that passed to
22 the north of Saipan, and typhoon Melor, which passed just north of Saipan in October,
23 underscored the extreme vulnerability of CUC's power transmission and distribution (T & D)
24 system. In September, over 150 calls of no-power and line faults were fielded by crews when,
25 for a storm of this size, there should have been no more than a score. In October, fortunately, the
26 CUC power system avoided a direct hit from a supertyphoon. Accelerating improvements to the
27 T & D system, with proper staff under an Emergency Order, would allow CUC to "harden" the
28 system in anticipation of a bigger storm event. The alternative, in a more serious storm, is
29 CUC's inability to recover in any reasonable time period.

30
31 12. Further, utility industry safety margins for isolated, island systems typically require a
32 reserve equal to the capacity of the two largest units; in CUC's case this would be another 15
33 MW of load, equivalent to the departed Aggreko temporary units. Meeting this reserve
34 requirement means CUC must have an adequate repair and maintenance staff.

35
36 13. The Legislature, through 3 CMC § 4972(5), as amended by PL 16-14 (Aug. 27, 2008), has
37 limited CUC's ability to hire technical staff; allowing up to 19 foreign workers only. The CUC
38 Act, as subsequently re-enacted by PL 16-17 (Oct 1, 2008), provides that CUC shall hire such
39 persons as are necessary for operations, *except as otherwise limited by other law.* 4 CMC §
40 8123(h).

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

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

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

17. CUC has hired some local staff recently thanks to the aggressive steps of CUC HR, the Executive Director and Directive 10.

18. Therefore, CUC, as of this month, still needs skilled trade technicians for power plant operations and maintenance. The Power Division still needs a trades technician. The Division just hired a welder and is waiting for the paperwork on another trades technician. For Rota, CUC has announced the need for a mechanic-operator and an electrical operator. As more units begin working after the rehabilitations are largely complete, CUC will need more staff to operate and maintain them.

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

- a. First, there would be a direct negative effect on the existing consumers. There would be brownouts, or area blackouts, with the above-mentioned loss of service.
- b. Second, the power plants would again degrade, producing more of these outages.
- c. Third, there would be an indirect effect, increasing rates, because small consumers would have to shoulder more of the fixed costs of the CUC system. First, there would be loss of large customers. If the hotels were to become part of the system, they could help pay CUC fixed costs, which would lower everyone else's rates. The hotels need reliable, 24/7 power. But with unreliable power, CUC would be unable to convince large commercial customers, particularly the hotels, to join, or rejoin, its system. Second, would come additional expenses. If CUC fails to meet federal court deadlines for the stipulated orders, the Court could appoint a federal receiver and its consulting team – with all expenses

1 charged to CUC customers. Thus, the indirect effect of an inadequate workforce
2 would be to boost rates.

3
4 20. Rota has recently suffered blackouts from inadequate generator maintenance. The power
5 plant's other facilities and the island's distribution system similarly need the attentions of
6 additional manpower. The present alternative for Rota is akin to Saipan's – purchasing higher
7 cost power from the Rota Resort. Two Rota units must undergo overhaul. Rota's status today is
8 precarious, with only one dependable engine running

9
10 21. Since EO 2009-8 in August, and the suspension of the harmful legislative employment
11 restriction, CUC has taken steps to hire the expertise to operate and maintain the Saipan and
12 Rota power generation facilities. CUC needs to be able to hire the workers it needs when it
13 needs them. Otherwise, if CUC had to discharge these workers its staffing levels would return to
14 those which overworked its limited staff. For example, over pay period numbers 2 through 11 of
15 the year 2009, CUC accumulated 18,053 hours of overtime from technical employees who each
16 worked 40 or more hours of overtime in a pay period. This condition is extreme, and a repeat
17 can result in inefficiencies and poor work quality. It can lead to dangerous mistakes, producing
18 injury or death.

19
20 22. CUC has repeatedly asked the Legislature to lift the restrictions on foreign workers. The
21 Legislature has failed to act on the CUC request. Without relief, this inaction will effectively set
22 the stage for loss of service and higher rates. Among other things it will thereby reverse the \$6
23 million-per-year benefit of terminating the Aggreko temporary power contract.

24
25 23. CUC has demonstrated that the required workers are available as nonresident workers, and
26 cost-effectively so. Thus, continued relief from the legislative prohibition of hiring foreign
27 national workers is necessary to ensure the delivery of uninterrupted power services to the
28 people of the Commonwealth.

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30
31 **Complying with the federal court order on disposal of used oil**

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

38
39 25. A September inspection by the US Coast Guard (USCG) has resulted in the imposition of
40 another cost that was unanticipated even with Stip Order 2. The USCG now requires additional

1 and more stringent measures to contain or eliminate the possibility of any oil reaching the ocean
2 from Power Plants 1, 2 and the power plant in Rota. Further, as of October, CUC faces the
3 following staffing needs in this area: It critically needs the resources to inspect and redesign, the
4 entire fuel storage, pumping and handling system in order to meet the more stringent
5 requirements of today. The clean fuel storage tanks at Lower Base were originally designed for
6 another application. The fuel line from the oil company's terminal is in danger of rupturing
7 during a transfer; the pumping rate has to be reduced to prevent this. This requires trained staff.
8
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10 **Complying with the federal court order on managing the water and wastewater systems**
11

12 26. As long as the Water and Wastewater Divisions can hire competent staff and receive power
13 from the Power Division, they can function.
14

15 27. The U.S. Department of Justice (DoJ), Environment and Natural Resources Division, has
16 sued CUC in federal court to come into compliance with critical water and sewage treatment
17 requirements. *USA v. CUC & CNMI*, Civ. No. 08-0051 (D. NMI Mar. 11, 2009) ("Stip Order
18 1"). See also http://www.usdoj.gov/enrd/Consent_Decrees.html. In July 2008 CUC, the CNMI
19 and (in September 2008) the U.S. Environmental Protection Agency (EPA) stipulated to this first
20 of two orders lodged with the U.S. District Court on the date the Complaint was filed. This
21 order requires CUC to implement a series of improvements to its water and wastewater systems
22 that respond to years of neglect, for which it presently lacks the funds and the complete technical
23 capability. CUC must be able to hire the staff to perform the required technical functions.
24

25 28. The Water and Wastewater Divisions cannot carry out their missions without adequate
26 staff. These staff are essential to clean, safe water supplies and removal of stormwater and
27 sewage in a safe, timely manner. While the bulk of their employees are drawn from local and
28 US populations, their management estimates that, as of October, at least 4 trained foreign
29 technicians will be required – an instrumentation specialist, a generator repair/rehab specialist
30 with extensive transfer switch experience, a fabrication specialist, with steel/aluminum and
31 strong inert gas welding experience, and an experienced wastewater treatment operator.
32

33 29. CUC also requires a constant supply of electricity to run its water and wastewater treatment
34 systems. CUC has very limited on-site emergency generation capability for only portions of
35 these systems.
36

37
38 **Meeting US District Court and CNMI PUC requirements to produce timely, accurate**
39 **financial reports**
40

1 30. The federal Stip Orders require CUC to produce and carry out an Interim Financial Plan,
2 beginning in September. The IFP must develop over time, becoming more than “interim”. CUC
3 cannot do this unless it has a staff of trained accounting and other financial experts who can
4 gather data, put the data in the required form and generate the IFP and its later versions.
5

6 31. Further, CUC is comprehensively regulated by the Commonwealth Public Utilities
7 Commission (CPUC). The CPUC is charged by statute to oversee carefully CUC’s operations
8 and capital expenditures, and to develop rates that fully pay the costs of safely operating CUC’s
9 water and wastewater systems.
10

11 32. In its most recent electric and water/wastewater orders, of September 3, 2009, the CPUC
12 addressed CUC’s inability to deliver complete on-time financial reports, requiring CUC, in
13 effect, to enhance its staff capability to provide critical regulatory information. (Docket No.’s
14 09-1 and 09-2.) The Commission will be revisiting CUC rates, fees, charges and operations at
15 its November meeting.
16

17 33. CUC cannot upgrade its financial and accounting staff unless it has a staff of trained
18 accounting and other financial experts who can gather data, put the data in the required form and
19 generate the required reports and filings with the CPUC, as well as provide the CPUC consulting
20 staff with the data required for their oversight.
21

22 34. CUC has lost 2 senior accountants plus a related specialist. The IT and billing department
23 in August was reduced by one staffer, having advertised for a replacement for 4 weeks to no
24 avail. While it appeared that CUC might have to look to employing foreign technical specialists,
25 CUC has hired back 2 former accountants in September and is bringing on a third person aboard
26 in October. All are US citizens. Nonetheless, CUC must have the flexibility to hire competent
27 professionals as needed. CUC is still short-staffed, however, and needs an accounting assistant
28 and a specialist.
29

30 35. To summarize: Without properly trained technical staff CUC’s ability to supply power is at
31 risk. So is its ability to manage the rest of its systems, including its finances and accounting.
32 CUC’s services could not be adequately staffed without August’s lifting of the artificial
33 legislative regulation of CUC’s workforce, in EO 2009-08, Directive #10, suspending the
34 limitations on CUC hiring foreign workers. It is obvious that the hiring authority must be
35 continued.
36

37 36. There is no indication that any of the above manpower situation will be resolved in the next
38 month without continuation in effect of this EO and Directive #10.
39
40

MANAGEMENT CRISIS IN ABSENCE OF A PROPER BOARD/CEO STRUCTURE

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

Forestalling corporate paralysis

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

39. A careful reading of the CUC Act, PL 16-17, as amended, particularly its sections 4 CMC §§ 8131 (Bd qualifications), 8134 (Bd approval of all "allocations" of money and property), and 1 CMC § 8247 (limited daily reimbursement of \$60.00); 4 CMC §§ 8132 (E.D. described), 8133 (limited E.D. functions listed), and 8134 (Bd approval of all "allocations" of money and property), demonstrates that the Executive Director is to be left with little more to do than provide reports to a Board of volunteers who are nonetheless to run CUC, a complex \$70 million/year corporation, on a day-to-day basis. This includes such decision-making as purchasing materials and supplies, signing paychecks and other checks, hiring staff, assigning work crews, connecting customers, deciding on making repairs, collecting debts, complying with the details of federal and CPUC regulatory requirements, making and funding long-term technical power and water/wastewater plans, and insuring that, on a day-to-day basis, the power and water flow and the sewage is treated.

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

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

1 42. I can only conclude that the legislation's extraordinary structure for CUC is the result of a
2 drafting error, and the People, through their elected representatives, wish their utility company to
3 continue to supply them with essential services at a reasonable cost, meeting industry standards.
4

5
6 **Fixing CUC's technical insolvency**

7
8 43. CUC has been unable to borrow money to run its operations since the inception of this State
9 of Disaster Emergency due to (a) its poor financial condition and (b) the existence on its books
10 of a liability to the Commonwealth Development Authority ("CDA") of approximately \$115
11 million. This situation may be corrected if the Executive Director is recognized to have the
12 authority to correct it.

13
14 44. The booked CDA obligation has rendered CUC nominally insolvent. While CUC is deemed
15 insolvent, CUC cannot borrow money. But CUC must be able to borrow money to bridge the
16 gap between (a) the need to spend money on essential goods and services to provide electricity,
17 and (b) the lagged collection of revenues from the sale of that electricity.

18
19 45. The CPUC, in its September 3 electric order, Docket No. 09-1, approved a CUC-CDA
20 settlement converting the CDA debt to preferred stock. But the deal requires CUC's Board to
21 agree to it.

22
23 46. There is no Board. CUC has functioned without a Board of Directors, because it has had to.
24 While CUC's enabling act, reenacted as PL 16-17, as amended, authorizes a Board, there is no
25 CUC Board yet because, while the staff of the Governor's Office have diligently tried to find
26 Board volunteers who meet the complex statutory qualifications, they have been unable to do so.
27 Nonetheless, CUC must continue to function, including borrowing money.

28
29 47. EO 2009-08's Directive # 9 provides the required authority to the Executive Director. It
30 also permits him to continue to run CUC, providing power, water and wastewater services, until
31 the remaining members of a properly constituted Board can be identified, confirmed, and
32 convened for business.

33
34
35 **Providing the basis for proper CPUC oversight**

36
37 48. The statutory scheme of utility regulation provides that the utility regulator, the CPUC, will
38 carefully examine CUC activities, particularly financial activities.
39

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36
37 48. The statutory scheme of utility regulation provides that the utility regulator, the CPUC, will
38 carefully examine CUC activities, particularly financial activities.
39

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

5
6 50. What becomes very important is CUC's capability to provide the CPUC with accurate and
7 timely financial and accounting information. But such reporting is not possible without a
8 competent, trained staff of accounting and financial experts at CUC, and a properly-empowered
9 Executive Director to lead them.

10
11
12 **CRISIS FROM THE LACK OF LEGISLATIVE ACTION**

13
14 51. There is no Legislative relief coming. For months CUC has repeatedly asked the
15 Legislature for such relief, including submission of draft legislation in July. The Legislature has
16 declined to respond. There is no alternative to providing this relief other than an order from the
17 Governor. Inaction will produce a disaster in which CUC is unable to provide its critical
18 community services. Directives # 9 and #10 were designed to avert this crisis. (The other
19 Directives, #1 through #8, are no longer relevant, and were discontinued.)

20
21 52. This Declaration is necessary to protect the health and safety of our children, our senior
22 citizens, businesses and all other CNMI residents and visitors.

23
24
25
26 **CONCLUSION AND ORDER**

27
28 Therefore, I hereby invoke my authority under Article III, § 10, of the Commonwealth
29 Constitution and 3 CMC § 5121(f) to take all necessary measures to address the imminent threat
30 facing the Commonwealth of the Northern Mariana Islands.

31
32 Exercise of the Constitutional and statutory authority invoked herein will be effectuated by the
33 issuance of Executive Directives setting forth the measures to be taken to address the State of
34 Disaster Emergency pursuant to 3 CMC § 5121(f), which states:

35
36 (f) In addition to any other powers conferred upon the Governor by law, the Governor
37 may, during a state of disaster emergency:

38
39 (1) Suspend the provisions of any regulatory statute prescribing the procedures
40 for conduct of the Commonwealth's business, or the orders, rules, or regulations

1 of any Commonwealth activity or agency, if strict compliance with the provision
2 of any such statute, order, rule or regulation would in any way prevent, hinder, or
3 delay necessary action in coping with the emergency;

4
5 (2) Utilize all available resources of the Commonwealth as reasonably necessary
6 to cope with the disaster emergency of the Commonwealth;

7
8 (3) Transfer the direction, personnel, or functions of the Commonwealth
9 departments and agencies or units thereof for the purpose of performing or
10 facilitating emergency services;

11
12 3 CMC § 5121(f)(1)-(3).

13
14 By today's disaster emergency declaration, I intend to enable CUC to continue to provide
15 necessary service to the people of the Commonwealth.

16
17 This Declaration of a State of Disaster Emergency shall take effect immediately and all
18 memoranda, directives and other measures taken in accordance with this Declaration shall
19 remain in effect for thirty (30) days from the date of this Executive Order unless I, prior to the
20 end of the thirty (30) day period, notify the Presiding Officers of the Legislature that the state of
21 emergency has been lifted or has been extended for an additional period of thirty (30) days. 1
22 CMC § 7403(a); 3 CMC § 5121(c).

23
24 A comprehensive report on the exercise of my constitutional authority shall be transmitted to the
25 presiding officers of the Legislature as soon as practicable in accordance with 1 CMC § 7403(a).

26
27
28 **DIRECTIVES**

29
30 I direct the following:

31
32 Directive 1: Deleted.

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34 Directive 2: Deleted.

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36 Directive 3: Deleted.

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38 Directive 4: Deleted.

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40 Directive 5: Deleted.

EO 2009-11
Declaration of Disaster Emergency: CUC Continuation 15

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Directive 6: Deleted.

Directive 7: Deleted.

Directive 8: Deleted.

Directive 9: The Executive Director of CUC shall have all the powers of the CUC Board, thereby enabling him to carry out all critical business of CUC, pending the earlier of either (1) the confirmation and convening of an operating CUC Board, or (2) the termination of the authority of this order. In particular, the Executive Director shall have full power and authority to agree to swap CDA debt and related obligations for preferred stock and related features and rights.

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

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

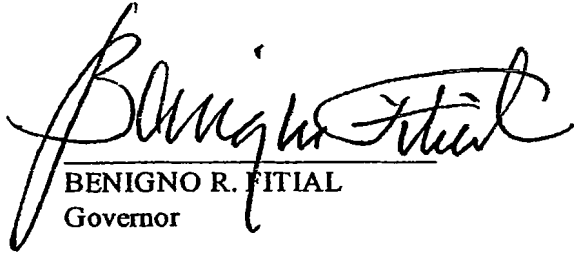
3 CMC § 4972(b)(5), as most recently amended by PL 16-14. (Underlining in original; ~~strikeout is deliberately added~~) That is, the following language is suspended: “provided that direct or manpower hire of foreign national workers shall not exceed nineteen (19) employees. This exemption shall expire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

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Declaration of Disaster Emergency: CUC Continuation 15

1 The effect of the suspension shall be that CUC shall have the complete power, without regard to
2 citizenship or otherwise lawful immigration status, to hire engineers, professional employees in
3 technical or trade areas, power plant mechanics and utility technicians, either directly or
4 indirectly. These professional employees may include, but shall not be limited to, sanitarians,
5 engineers, accountants, financial experts, information technology specialists, mechanics,
6 electricians, well-drillers, pipefitters, plumbers, wastewater treatment facilities operators, and
7 other trades technicians.
8
9

10 Done this 27th day of October 2009.
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16 BENIGNO R. FITIAL
17 Governor

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