

SEVENTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

FIRST REGULAR SESSION, 2010

PUBLIC LAW NO. 17-3

SENATE BILL NO. 17-18

AN ACT

TO AMEND SUBSECTION (D) OF SECTION 8122 OF TITLE FOUR OF THE COMMONWEALTH CODE TO MERELY CLARIFY AN AMBIGUITY REGARDING THE COMMONWEALTH UTILITIES CORPORATION'S AUTHORITY TO SET RATES UNTIL SUCH TIME AS THE PUBLIC UTILITIES COMMISSION SHALL ISSUE AN ORDER SETTING RATES, FEES, CHARGES OR RENTS FOR A UTILITY SERVICE; AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE SEVENTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 **Section 1. Findings and Purposes.** The Legislature finds that the Commonwealth
2 Supreme Court, in Torres v. Commonwealth Utilities Corporation, 2009 MP 14, determined
3 that the Legislature, in enacting Public Laws 15-35 and 15-40, intended the laws to apply
4 prospectively. However, the Legislature in enacting Public Laws 15-35 and 15-40,
5 intended that the CUC increased rates, which sought to address a perilous shortfall in CUC's
6 ability to pay for fuel and related costs of operations, would be retroactively recognized and
7 retroactively effective.

8 It is therefore the purpose of this Act to clarify the ambiguity surrounding subsection
9 (d) of Section 8122 of Title Four of the Commonwealth Code such that the rate decisions
10 made by CUC's Executive Director are ratified, as was the original intent of the Legislature.
11 The Legislature finds and declares that this Act is a proper use of the Legislative power
12 granted by Article II section 1 of the Constitution of the Commonwealth of the Northern
13 Mariana Islands.

1 **Section 2. Amendment.** Subsection (d) of Section 8122 of Title Four of the
2 Commonwealth Code is hereby amended as follows:

3 “(d) For the purposes of a deliberate and uninterrupted transition to regulation under
4 the Public Utilities Commission, and notwithstanding 8433, 8442 and any other
5 provision of law, the Commonwealth Utilities Corporation’s Executive Director’s
6 power and authority to set rates, fees, charges and rents shall take effect on January
7 27, 2006 and continue until such time as the Public Utilities Commission shall issue
8 an order setting rates, fees, charges or rents for a utility service.”

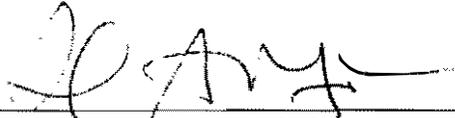
9 **Section 3. Applicability.** This Act is intended to clarify the intent of the
10 Legislature in passing Public Laws 15-35 and 15-40 on the dates of enactment. This Act and
11 every modification or repealer herein shall constitute the law to be applied to any
12 administrative proceeding in the Commonwealth or any case filed the courts of the
13 Commonwealth which has not been reduced to final judgment as of the effective date of this
14 act, regardless of when such proceeding or case was filed, as was originally intended.

15 **Section 4. Savings Clause.** Subject to Section 3, the enactment of this Act shall
16 not have the effect of terminating, or in any way modifying, any liability, civil or criminal,
17 which shall already be in existence at the date this Act becomes effective.

18 **Section 5. Severability.** If any provision of this Act or the application of any such
19 provision to any person or circumstance should be held invalid by a court of competent
20 jurisdiction, the remainder of this Act or the application of its provisions to persons or
21 circumstances other than those to which it is held invalid shall not be affected thereby.

22 **Section 6. Effective Date.** This Act shall take effect upon approval by the
23 Governor or upon becoming law without such approval.

CERTIFIED BY:



PAUL A. MANGLONA
PRESIDENT OF THE SENATE

ATTESTED BY:



JOVITA M. TAIMANAO
SENATE LEGISLATIVE SECRETARY

Approved this 12TH day of MAY, 2010



~~BENIGNO R. FITIAL~~ ELOY S. INOS
Acting Governor
Commonwealth of the Northern Mariana Islands