

TITLE 50 COMMONWEALTH UTILITIES CORPORATION

CHAPTER 50-10

ELECTRICAL POWER DIVISION; ELECTRIC SERVICE REGULATIONS

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Chapter Authority: 4 CMC § 8157; 4 CMC § 8143.

Chapter History: Amdts Proposed 30 Com. Reg. 28140 (Jan. 31, 2008);* Amdts Emergency and Proposed 29 Com. Reg. 27158 (Nov. 19, 2007)(effective for 120 days from Nov. 2, 2007);* Adopted 28 Com. Reg. 26256 (Oct. 30, 2006); Amdts Proposed 28 Com. Reg. 26156 (Sept. 27, 2006); Emergency and Proposed 28 Com. Reg. 25937 (July 21, 2006) (effective for 120 days from July 20, 2006); Amdts Adopted 27 Com. Reg. 25144 (Oct. 24, 2005); Amdts Emergency and Proposed 27 Com. Reg. 24692 (Aug. 22, 2005) (effective for 120 days from June 29, 2005); Amdts Emergency and Proposed 27 Com. Reg. 24647 (July 20, 2005) (effective for 120 days from June 29, 2005); Amdts Adopted 27 Com. Reg. 24088 (Feb. 17, 2005); Amdts Proposed 26 Com. Reg. 22970 (Oct. 26, 2004); Amdts Adopted 26 Com. Reg. 22985 (Sept. 24, 2004); Amdts Proposed 26 Com. Reg. 22851 (July 26, 2004); Amdts Adopted 24 Com. Reg. 19115 (Apr. 29, 2002); Amdts Proposed 24 Com. Reg. 19016 (Feb. 28, 2002); Amdts Proposed 22 Com. Reg. 17085 (Mar. 20, 2000);* Amdts Adopted 21 Com. Reg. 16904 (Aug. 23, 1999); Amdts Proposed 21 Com. Reg. 16449 (Jan. 18, 1999); Amdts Adopted 19 Com. Reg. 15219 (Mar. 15, 1997); Amdts Proposed 19 Com. Reg. 14846 (Jan. 15, 1997); Amdts Proposed 19 Com. Reg. 14841 (Jan. 15, 1997); Amdts Proposed 18 Com. Reg. 14480 (Nov. 15, 1996);* Amdts Proposed 18 Com. Reg. 14286 (Aug. 15, 1996);* Amdts Adopted 18 Com. Reg. 14308 (Aug. 15, 1996); Amdts Proposed 18 Com. Reg. 14126 (May 15, 1996); Amdts Adopted 16 Com. Reg. 12471 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 12225 (July 15, 1994); Amdts Adopted 15 Com. Reg. 10490 (Feb. 15, 1993); Amdts Proposed 14 Com. Reg. 9381 (July 15, 1992); Amdts Proposed 14 Com. Reg. 8755 (Feb. 15, 1992);* Amdts Proposed 12 Com. Reg. 6864 (Apr. 15, 1990);* Amdts Proposed 12 Com. Reg. 6771 (Jan. 15, 1990);* Amdts Adopted 11 Com. Reg. 6268 (June 15, 1989); Amdts Proposed 11 Com. Reg. 6120 (Apr. 15, 1989); Adopted 11 Com. Reg. 5848 (Jan. 15, 1989); Proposed 10 Com. Reg.

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5687a (Sept. 15, 1988); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988); Emergency 10 Com. Reg. 5584 (July 15, 1988) (effective for 120 days from June 13, 1988).

*A notice of adoption has not been published.

Commission Comment: Title 4, division 8 of the Commonwealth Code governs utilities. PL 4-47 (effective October 1, 1985), the “Commonwealth Utilities Corporation Act,” codified as amended at 4 CMC §§ 8111-8158, creates the Commonwealth Utilities Corporation (CUC) as a public corporation within the Commonwealth government. 4 CMC § 8121(a). 4 CMC § 8123 empowers CUC to implement the provisions of the act and regulate utilities in the Commonwealth. 4 CMC § 8157 authorizes the Board of CUC to issue regulations necessary to carry out the purposes of the act.

Executive Order 94-3 (effective Aug. 23, 1994) reorganized the Commonwealth government executive branch, changed agency names and official titles and effected numerous other revisions. According to Executive Order 94-3 § 304(b):

Section 304. Department of Public Works.

...

(b) Commonwealth Utilities Corporation. The Commonwealth Utilities Corporation is allocated to the Department of Public Works for purposes of administration and coordination.

The full text of Executive Order 94-3 is set forth in the commission comment to 1 CMC § 2001.

The Governor issued seven emergency declarations regarding CUC in 2005. See Emergency Declaration (May 2005), 27 Com. Reg. 24533 (June 20, 2005); Renewal (June 2005), 27 Com. Reg. 24634 (July 20, 2005); Renewal (July 2005), 27 Com. Reg. 24635 (July 20, 2005); Renewal (August 2005), 27 Com. Reg. 24845 (Sept. 22, 2005); Renewal (September 2005), 27 Com. Reg. 24846 (Sept. 22, 2005); Renewal (October 2005), 27 Com. Reg. 24995 (Oct. 24, 2005); Renewal (November 2005), 27 Com. Reg. 25160 (Nov. 25, 2005). The emergency declarations declared a continued state of emergency with respect to the Commonwealth Utilities Corporation and its inability to provide power generation service and gave the Governor broad powers to assume full control of CUC.

In 2006, Governor Benigno R. Fitial issued an emergency declaration and two executive orders regarding the Commonwealth Utilities Corporation (CUC) and the legislature passed two public laws regarding the regulatory authority of CUC.

Art. III § 15 of the CNMI Constitution authorizes the governor to “make changes in the allocation of offices, agencies and instrumentalities and in their functions and duties that are necessary for efficient administration.” Any executive order affecting existing law must be submitted to the legislature and “shall become effective sixty days after submission, unless specifically modified or disapproved by a majority of the members of each house of the legislature.” CNMI Constitution Art. III § 15.

On January 27, 2006, Governor Fitial issued Executive Order No. 2006-1 (Reorganization Plan No. 1 of 2006). In Executive Order No. 2006-1, Governor Fitial allocated CUC to the Department of Public Works (DPW), as a division of DPW; abolished the Board of Directors of CUC; and transferred the Board’s functions to DPW. 28 Com. Reg. 25520 (Feb. 28, 2006).

On January 27, 2006, Governor Fitial signed Emergency Declaration No. 2006-2 (28 Com. Reg. 25519 (Feb. 28, 2006)). In Emergency Declaration No. 2006-2, Governor Fitial assumed full control of the CUC; suspended “all regulatory statute provisions and regulations applicable to the CUC, including procurement regulations;” suspended the authority of the Board of Directors; and reprogrammed all necessary money to provide CUC with funds to address the imminent fuel shortage. 28 Com. Reg. 25519 (Feb. 28, 2006).

On March 29, 2006, Governor Fitial signed Executive Order No. 2006-03. Governor Fitial ordered that the utilities division of DPW (formerly CUC) be under a state of emergency. Executive Order No. 2006-03 (28 Com. Reg. 25527 (Mar. 30, 2006)).

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On May 5, 2006, Governor Fitial issued Executive Order No. 2006-4 which rescinded Reorganization Plan No. 1 of 2006 (Executive Order No. 2006-1). Executive Order No. 2006-4, the “Commonwealth Utilities Corporation Reorganization Executive Order,” reestablished CUC as a public corporation and set forth its duties and powers. 28 Com. Reg. 25626 (May 19, 2006). Executive Order No. 2006-4 addressed corporate directors, officers and employees; general corporate operations and miscellaneous matters, including providing the executive director of CUC with the power to issue regulations necessary to carry out the purposes of the Commonwealth Utilities Corporation Reorganization Executive Order.

Executive Order No. 2006-4 specifically rescinded the fuel surcharge fee (§ 50-10-2125) “as of the effective date of a new utility rate schedule to be adopted by the CUC as provided in this Executive Order.” 28 Com. Reg. 25627 (May 19, 2006). In October of 2006, CUC adopted amendments to its electric service regulations (Chapter 50-10), including the repeal of § 50-10-2125.

Public Law 15-35 (effective Oct. 24, 2006) amended Executive Order No. 2006-4 and created the Public Utilities Commission (PUC) as the agency responsible for regulatory oversight of all public utilities, telecommunications companies and cable television companies. The definition of “public utilities” in PL 15-35 specifically includes CUC. See PL 15-35 § 2 (§ 8402(e)), codified at 4 CMC § 8402(e).

PL 15-35 § 3(b)(2) establishes PUC as the successor agency to CUC for “regulatory purposes, including the setting of rates, the approval of prices, fees, charges, terms and services and the resolution of disputes between a regulated utility and its customers.” See comment to 4 CMC § 8401 regarding conforming amendments found in PL 15-35 § 3.

CUC remained a public corporation and its regulations remained in effect. PL 15-35 § 3(b)(3), provides:

Except as otherwise provided herein, the regulations, standards, procedures, franchises and all other such aspects related to the regulation of the functions and operation of a regulated power, water, wastewater or cable television regulated utility that are in force when this Act becomes effective, shall continue to apply until amended or repealed by PUC.

Public Law 15-40 (effective Dec. 22, 2006) made several amendments to PL 15-35. PL 15-40 §3(h), codified at 4 CMC § 8122(f), provides:

For purposes of a deliberate and uninterrupted transition to regulation under the Public Utilities Commission and notwithstanding § 8425 [4 CMC § 8433], § 8429 [4 CMC § 8442] and any other provision of law, the Commonwealth Utilities Corporation’s power and authority to set rates, fees, charges and rents shall continue until such time as the Public Utilities Commission shall issue an order setting rates, fees, charges or rents for a utility service.

The Commission has found that, to date, PUC has not published any order setting rates, fees, charges or rents for a utility service. The Attorney General’s Office, and other agencies, interpret the Administrative Procedure Act to require notice of proposed regulations and an adoption notice before such regulations take effect. See 1 CMC §§ 9101, et seq.

In 2007 and 2008, the Legislature passed numerous laws addressing electric rates and charges and establishing standards for CUC’s services to customers. See PL 15-94 (effective October 4, 2007) codified at 4 CMC §§ 8144-8146; PL 15-97 (effective October 4, 2007) amending 4 CMC § 8141; PL 15-123 (effective December 3, 2007) amending 4 CMC § 8143; PL 15-122 (effective Dec. 5, 2007); PL 16-2 (effective May 3, 2008).

Public Law 16-17, effective October 1, 2008, repealed and reenacted 4 CMC §§ 8111-8158 and specifically superseded Executive Order 2006-4. 4 CMC §§ 8123(l) and (m) authorizes CUC to regulate utility services and establish utility rates and other fees for electric, power and sewer. See part 2100 of this chapter for rate schedules. PL 16-17 is intended to be read consistently with PL 16-2.

Public Law 17-3 (effective May 12, 2010) amended 4 CMC § 8122(d) to the effect that the rate decisions made by CUC’s Executive Director are ratified.

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On December 3, 2011, PL 17-62 was enacted to authorize the Executive Director to execute a loan in the absence of an organized board of directors.

On May 18, 2012, Governor Benigno R. Fitial signed Executive Order No. 2012-05 (34 Com. Reg. 032412 (May 28, 2012)). In Executive Order No. 2012-05, Governor Fitial declared a state of disaster emergency and assumed all of the executive power of CUC; suspended all provisions in Title 4 of the Commonwealth Code, and P.L. 17-34; and suspended 3 CMC § 4531 regulating government employment. 34 Com. Reg. 032412 (May 28, 2012)

On August 16, 2012, Acting Governor Eloy S. Inos signed Executive Order No. 2012-10 (34 Com. Reg. 032735 (August 29, 2012)). In Executive Order No. 2012-10, Acting Governor Inos declared a state of disaster emergency and assumed all of the executive power of CUC; suspended all provisions in Title 4 of the Commonwealth Code, and P.L. 17-34 concerning PUC; and suspended 3 CMC § 4531 regulating government employment. 34 Com. Reg. 032412 (May 28, 2012). This Executive Order was renewed as Executive Order No. 2012-12 (34 Com. Reg. 32795 (Sept. 29, 2012)), Executive Order No. 2012-14 (34 Com. Reg. 32875 (Oct. 29, 2012)); Executive Order No. 2012-16 (34 Com. Reg. 33111 (Nov. 29, 2012)); Executive Order No. 2013-02 (35 Com. Reg. 33135 (Jan. 28, 2013)); and Executive Order No. 2013-03 (35 Com. Reg. 33299 (Mar. 28, 2013)).

On March 22, 2013, Governor Eloy S. Inos signed Executive Order No. 2013-05 (35 Com. Reg. 33318 (Apr. 28, 2013)). In Executive Order No. 2013-05, Governor Inos declared a state of disaster emergency and assumed all of the executive power of CUC and suspended 3 CMC § 4531 regulating government employment. 35 Com. Reg. 33321 (Apr. 28, 2013). This Executive Order was renewed as Executive Order No. 2013-07 (35 Com. Reg. 33325 (Apr. 28, 2013)); Executive Order No. 2013-10 (35 Com. Reg. 33544 (May 28, 2013)); and Executive Order No. 2013-12 (Jun. 28, 2013)).

Part 001 - General Provisions

§ 50-10-001 Authority

The regulations in this chapter are promulgated under the authority of 4 CMC § 8157 and in accordance with 1 CMC §§ 9104, et seq.

Modified, 1 CMC § 3806(d).

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

§ 50-10-005 Definitions

The following terms, wherever used in this chapter shall have the following meaning unless the context clearly indicates otherwise:

- (a) “Application”: A written request by a customer to the CUC for electric service.
- (b) “Authorized agent”: Any person or firm authorized in writing by the CUC to act as CUC’s agent or on CUC’s behalf.
- (c) “Billing period”: The time interval between two consecutive billings.
- (d) “Business day”: Mondays through Fridays, excluding legal holidays. All other references to “days” shall be calendar days.

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- (e) “Conductors”: Electrical wires used to conduct electrical current from the CUC power source to and within the customers building or other structure, or an otherwise defined area.
- (f) “Cost of line extension”: The sum of the costs of labor materials, transportation, equipment, and road repair, if any, and other incidental charges necessary for the construction of line extensions, including, among others, overhead, design costs, and profits.
- (g) “Cost of service connection”: The sum of the costs of labor, materials, transportation, equipment, and road repair, if any, and other incidental charges (such as overhead, design costs, profits, etc.) necessary for the complete installation of a service connection, excluding the cost of a meter, but including the installation costs of a meter.
- (h) “CUC”: Commonwealth Utilities Corporation.
- (i) “Customer”: Any person, partnership, firm, corporation, municipality, cooperative, governmental agency, or other entity who/which has made application for service and is responsible for payment of the bills resulting from electric service at the location identified in the application. The owner or operator of commercial premises is the customer rather than the tenants of the premises.
- (j) “Date of presentation”: The date upon which a bill or notice is mailed or delivered to the customer, not the date upon which the bill is received by the customer or the date on the bill.
- (k) “Demand”: The real power consumed, at any given time, measured in kilowatts (kW).
- (l) “Demand subscribed”: The demand requested by the customer in the application form. This value is used in the design of the system for the customer.
- (m) “Electric service”: The availability of electric energy at the point of delivery for use by the customer, even if no electric energy is consumed.
- (n) “Energy”: Electric energy measured in kilowatt-hours (kW-h).
- (o) “Line extension”: All power lines and components required to extend electric service from existing permanent facilities to the point of delivery of the customer, including transformers, meters, primary and secondary facilities, etc.
- (p) “Mailed”: Any notice or other communication shall be considered “mailed” when it is properly addressed and deposited in any United States Post Office mail drop, postage paid.
- (q) “NEC”: American National Electric Code.
- (r) “Past due bill”: Bills are past due if not paid within fifteen days after presentation of date billed.

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(s) “Point of delivery”: The point where conductors of the CUC are connected to the conductors of the customer, regardless of the location of the meters or transformers.

(t) “Premises”: Land, buildings or part of a building, or apparatus where electric service is to be rendered.

(u) “Secondary service conductors”: Electrical wires used to conduct electrical current from the secondary voltage side of the transformer to the customer’s main service disconnect.

(1) “Service drop”: The overhead service conductors from the last pole or other aerial support to and including the splices, if any, connecting to the service-entrance conductors at the customer’s building or other structures.

(2) “Service entrance conductors, overhead system”: The service conductors, provided by the customer, extending from the customer weather head.

(3) “Service entrance conductors, underground system”: The service conductors between the terminals of the service equipment and the point of connection to the service lateral.

(4) “Service lateral”: The underground service conductors between the street main, including any risers at a pole or other structure or from transformers, and the first point of connection to the service-entrance conductors in a terminal box, meter or other enclosure with adequate space, inside or outside the building wall. Where there is no terminal box, meter, or other enclosure with adequate space, the point of connection shall be considered to be the point of entrance of the service conductors into the building.

(v) “Service connection”: All secondary service connection conductors required to extend electric service from the existing permanent facilities to the point of delivery of the customer, including but not limited to, transformer, conductors, connectors, insulators, and accessories.

(w) “Service entrance equipment”: The equipment usually consisting of a weatherhead, dead-end insulator(s), mast conduit, meter socket, main disconnect and appurtenant wiring, or service lateral, intended to constitute the main supply, and means of cutoff of the main supply, to a building or structure.

(x) “Temporary service”: Service for enterprises or activities that are temporary in character or where it is known in advance such service is of limited duration. Service that in the opinion of CUC is for operations of a speculative nature, or the permanency of which has not been established, also shall be considered temporary service.

(y) “Works”: All power service equipment for both high and low voltage, construction and maintenance materials and operations, including but not limited to, poles, conductors, insulators, switches, anchors, guy wires, transformers, concrete pads, grounding equipment, conduits, hardware, right of ways, tree trimming, clearing, grading, excavation, backfill, metering, and all other such operations required to conduct electrical power from the CUC power source to the customers service entrance conductors.

Modified, 1 CMC § 3806(e), (f).

History: Amdts Adopted 26 Com. Reg. 22985 (Sept. 24, 2004); Amdts Proposed 26 Com. Reg. 22851 (July 26, 2004); Amdts Proposed 18 Com. Reg. 14480 (Nov. 15, 1996); Amdts Proposed 12 Com. Reg. 6864 (Apr. 15, 1990);

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Amdts Proposed 12 Com. Reg. 6771 (Jan. 15, 1990); Amdts Adopted 11 Com. Reg. 6268 (June 15, 1989); Amdts Proposed 11 Com. Reg. 6120 (Apr. 15, 1989); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: The 1989 amendments amended subsections (q) and (w).

The January 1990 amendments proposed to amend subsections (g) and (x) and add a new definition of “pro-rata marginal cost.” A notice of adoption for the January 1990 proposed amendments was never published and, therefore, the proposed changes are not incorporated.

The April 1990 amendments proposed to amend subsection (u). A notice of adoption for the April 1990 proposed amendments was never published and, therefore, the proposed changes are not incorporated.

The November 1996 amendments proposed to add a new subsection (s) and redesignate the remaining sections. A notice of adoption for the November 1996 proposed amendments was never published and, therefore, the Commission has not incorporated the proposed changes.

The 2004 amendments amended subsections (j), (k), (l), (m), (o), (p), (r), (t), (u)(1) and (2), (v) and (x).

The Commission inserted quotation marks around defined terms. The Commission inserted a comma after the word “metering” in subsection (y) pursuant to 1 CMC § 3806(g).

Part 100 - Right of Way; Right of Access

§ 50-10-101 Condition of Service

As a condition for receiving electric service by customers, CUC and its authorized agents shall have the free right and authority to enter upon the roads, right of way, and other public or private property, for the purpose of constructing and installing its* therewith, and for repairing, operating, maintaining, removing, replacing, and conducting compliance surveys on all or any portion of its distribution system.

* So in original, see commission comment to this section.

History: Amdts Adopted 26 Com. Reg. 22985 (Sept. 24, 2004); Amdts Proposed 26 Com. Reg. 22851 (July 26, 2004); Amdts Proposed 12 Com. Reg. 6771 (Jan. 15, 1990); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: The Commission created the section titles in part 100.

A notice of adoption for the January 1990 proposed amendments was never published and, therefore, the Commission has not incorporated the proposed changes.

The 2004 amendments republished this section in its entirety. The phrase “power distribution system and all necessary facilities connected” was omitted after “its,” apparently in error.

§ 50-10-105 Compensation Not Due

No compensation shall be due to or from any customer, public or private, for clearance work around the electric distribution system that is performed on such customer’s premises (e.g. tree trimming, etc.).

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History: Amdts Adopted 26 Com. Reg. 22985 (Sept. 24, 2004); Amdts Proposed 26 Com. Reg. 22851 (July 26, 2004); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

§ 50-10-110 Installations Are Property of CUC

All facilities installed on a customer's premises, including, but not limited to conductors, transformers, poles and meters, which are furnished by the CUC in order to rendered electric service shall remain the sole property of the CUC. CUC shall have the right of access to the customer's premises without payment of any charge or rent therefore, at all reasonable hours for any purpose related to the furnishing of electric service, including, but not limited to, meter reading, testing, inspection, construction, maintenance, compliance surveying, and repair or upgrade of facilities. Upon termination of service, and for reasonable period thereafter, CUC shall have the right of access to the customer's premises to remove its facilities installed thereon.

Modified, 1 CMC § 3806(g).

History: Amdts Adopted 26 Com. Reg. 22985 (Sept. 24, 2004); Amdts Proposed 26 Com. Reg. 22851 (July 26, 2004); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: The Commission inserted a comma after "meter reading" to correct a manifest error.

§ 50-10-115 Works on Public and Private Property

The appropriate governmental entities shall provide the CUC with the necessary areas of public property for the laying out of the works on public property. Special arrangements, where necessary, shall be made between the CUC and owners of private property for the laying out of the works on private property.

History: Amdts Adopted 26 Com. Reg. 22985 (Sept. 24, 2004); Amdts Proposed 26 Com. Reg. 22851 (July 26, 2004); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Part 200 - General Characteristics of Service

§ 50-10-201 Compliance with Codes

All power system facilities installed by CUC shall comply with all applicable codes and standards enforced in the CNMI.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 26 Com. Reg. 22985 (Sept. 24, 2004); Amdts Proposed 26 Com. Reg. 22851 (July 26, 2004); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: The Commission created the section titles in part 200.

§ 50-10-205 Distributed Current

The distributed current shall be either three-phase or single-phase, a.c.

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History: Amdts Adopted 26 Com. Reg. 22985 (Sept. 24, 2004); Amdts Proposed 26 Com. Reg. 22851 (July 26, 2004); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

§ 50-10-210 Frequency

The frequency shall be 60 Hertz.

History: Amdts Adopted 26 Com. Reg. 22985 (Sept. 24, 2004); Amdts Proposed 26 Com. Reg. 22851 (July 26, 2004); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

§ 50-10-215 Voltage

Voltages supplied shall be designated by CUC according to availability and the customer's needs.

History: Amdts Adopted 26 Com. Reg. 22985 (Sept. 24, 2004); Amdts Proposed 26 Com. Reg. 22851 (July 26, 2004); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

§ 50-10-220 Nominal Voltages Applicable in CNMI

The following nominal voltages are applicable in the CNMI:

Secondary single-phase	Secondary phase	three-	Primary three-phase
120 or 240 or 480 V (3W)	208Y/120 (4W)		13,800 (4W)
120/240 V (3W)	240/120 (4W)		4,160 (4W) (Tinian and Rota only)
240/480 V (3W)	480Y/277 (4W)		
+120/208 (3W)	V 240 (3W) 480 (3W)		

+120/208 V (3W) single phase may be provided only when a 208y/120 (4W) three phase system exists within the customer location. Otherwise, single phase 120/208 V (3W) will not be provided by CUC.

History: Amdts Adopted 26 Com. Reg. 22985 (Sept. 24, 2004); Amdts Proposed 26 Com. Reg. 22851 (July 26, 2004); Amdts Proposed 12 Com. Reg. 6864 (Apr. 15, 1990); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: A notice of adoption for the April 1990 proposed amendments was never published and, therefore, the Commission has not incorporated the proposed changes.

§ 50-10-225 Voltage Subject to CUC Approval

Service at any voltage is subject to the CUC's approval.

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History: Amdts Adopted 26 Com. Reg. 22985 (Sept. 24, 2004); Amdts Proposed 26 Com. Reg. 22851 (July 26, 2004); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

§ 50-10-230 Actual Voltage Levels May Vary

Voltages referred to herein and in the rate schedules are cited at nominal levels as normally intended to be delivered. Actual levels may fall below these nominal values until such time as necessary improvements are made to the existing distribution system to bring voltage levels to within nominal values.

History: Amdts Adopted 26 Com. Reg. 22985 (Sept. 24, 2004); Amdts Proposed 26 Com. Reg. 22851 (July 26, 2004); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

§ 50-10-235 Electric Service Classifications

There shall be three electric service classifications, commercial, governmental and residential.

History: Amdts Adopted 26 Com. Reg. 22985 (Sept. 24, 2004); Amdts Proposed 26 Com. Reg. 22851 (July 26, 2004); Amdts Proposed 12 Com. Reg. 6864 (Apr. 15, 1990); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: A notice of adoption for the April 1990 proposed amendments was never published and, therefore, the Commission has not incorporated the proposed changes.

Part 300 - Application for Service

§ 50-10-301 Application for Each Service Connection

A separate application for electric service shall be made for each service connection unless otherwise authorized by CUC.

History: Amdts Adopted 16 Com. Reg. 12471 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 12225 (July 15, 1994); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: The Commission created the section titles in part 300. The 1994 amendments republished and readopted former part 5 (now part 300) in its entirety. The Commission therefore cites the 1994 amendments in the history sections throughout this part.

§ 50-10-305 Requirements for Application

Each applicant for electric service shall be required to sign an application form provided by the CUC and to:

- (a) Pay a deposit for electric service pursuant to part 400 of these regulations; and
- (b) If necessary, execute an easement using standard CUC forms, such easement being at no cost to CUC.

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Modified, 1 CMC § 3806(c), (f).

History: Amdts Adopted 16 Com. Reg. 12471 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 12225 (July 15, 1994); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

§ 50-10-310 Application Not Binding until Approved

The application is a request to provide electric service and, until approved, does not bind the CUC to provide such service, nor does it bind the customer to take service for a longer period than the minimum requirements of the rate. All customers of the CUC, whether they have signed an application for service or not, shall comply with the rules, regulations, policies, and rate schedules of the CUC. Approved applications become contracts by which the customer becomes responsible to pay for all power consumed, as measured by the power meter, until the customer's account is closed out.

History: Amdts Adopted 16 Com. Reg. 12471 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 12225 (July 15, 1994); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: The Commission inserted a comma after the word "policies" pursuant to 1 CMC § 3806(g).

§ 50-10-315 Cancellation of Application

If an application for service is canceled prior to the establishment of service, the deposit shall be applied to any charges applicable in accordance with the rate schedules and the excess portion of the deposit, if any, shall be returned. The customer shall be advised of the reason(s) for any deduction from the deposit. Upon discontinuance of service, the CUC shall refund the customer's deposit by applying it to the customer's account and/or issuing a check.

History: Amdts Adopted 16 Com. Reg. 12471 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 12225 (July 15, 1994); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: The 1994 amendments deleted the original section 5.4 and redesignated the sections in this part accordingly. See 10 Com. Reg. 5676 (Sept. 15, 1988); see also proposed amendments to former section 5.4 at 12 Com. Reg. 6774 (Jan. 15, 1990).

§ 50-10-320 Increase in Demand

Customers shall give the CUC written notice of the extent and nature of any increase in demand of electric service resulting from the change in the size, character, or extent of equipment or operations for which service was originally supplied. The notice shall be given before making any such change(s).

History: Amdts Adopted 16 Com. Reg. 12471 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 12225 (July 15, 1994); Amdts Proposed 12 Com. Reg. 6771 (Jan. 15, 1990); Amdts Adopted 11 Com. Reg. 6268 (June 15, 1989); Amdts Proposed 11 Com. Reg. 6120 (Apr. 15, 1989); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: A notice of adoption for the January 1990 proposed amendments was never published and, therefore, the Commission has not incorporated the proposed changes. The Commission inserted a comma after the word "character" pursuant to 1 CMC § 3806(g).

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§ 50-10-325 Temporary Service

The CUC shall, if no undue hardship to its existing customers is likely to result therefrom, furnish temporary service under the following conditions:

- (a) The applicant shall pay, in advance or otherwise as required by the CUC, the estimated cost of service connection. Commercial rates shall be applicable.
- (b) The applicant shall pay a deposit, as described above, prior to installation of service connection, except that the amount of deposit shall not exceed the estimated bill for power consumption for the duration of service plus the cost of service connection.

History: Amdts Adopted 16 Com. Reg. 12471 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 12225 (July 15, 1994); Amdts Proposed 12 Com. Reg. 6771 (Jan. 15, 1990); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: The 1990 amendments proposed to amend subsection (a). A notice of adoption for the January 1990 proposed amendments was never published and, therefore, the Commission has not incorporated the proposed changes.

§ 50-10-330 Change from Temporary to Permanent

If at any time the character of a temporary load changes so that, in the opinion of the CUC, the customer may be classified as permanent, the amount of payment made in excess of that required for permanent service shall be refunded to the customer. The payment made in excess by the applicant shall be calculated on the basis of the extension rule in effect at the time of status change. Total refunds shall not exceed the amount deposited and no interest shall be paid on the amount advanced.

History: Amdts Adopted 16 Com. Reg. 12471 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 12225 (July 15, 1994); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

§ 50-10-335 Transfer of Accounts Prohibited

No transfer of accounts shall be permitted. When a customer moves from one location to another, the account for the first location shall be closed out and an application must be submitted for receiving service to the second location.

History: Amdts Adopted 16 Com. Reg. 12471 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 12225 (July 15, 1994); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

§ 50-10-340 Resale of Electric Power Prohibited

- (a) Electric power sold by CUC to a customer shall not be resold by the customer to third parties. A commercial customer may allocate the cost of electric power among tenants.

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(b) In instances involving the allocation of the cost of electric service to tenants where the tenants are metered, the meters must be ANSI (American National Standards Institute) rated C-12.1 with cyclometer dials.

History: Amdts Adopted 16 Com. Reg. 12471 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 12225 (July 15, 1994); Amdts Proposed 12 Com. Reg. 6864 (Apr. 15, 1990); Amdts Adopted 11 Com. Reg. 6268 (June 15, 1989); Amdts Proposed 11 Com. Reg. 6120 (Apr. 15, 1989); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

The 1989 amendments amended subsection (b).

The April 1990 amendments proposed to amend subsection (a). A notice of adoption for the April 1990 proposed amendments was never published and, therefore, the Commission has not incorporated the proposed changes.

Part 400 - Security Deposits

§ 50-10-401 Security Deposit Required

The Commonwealth Utilities Corporation shall collect from every customer account a two month security deposit.

Modified, 1 CMC § 3806(e).

History: Amdts Adopted 19 Com. Reg. 15219 (Mar. 15, 1997); Amdts Proposed 19 Com. Reg. 14846 (Jan. 15, 1997); Amdts Adopted 16 Com. Reg. 12471 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 12225 (July 15, 1994).

Commission Comment: The Commission created the section titles in part 400.

The 1994 amendments added this new part 400. The 1997 amendments republished and readopted part 400 in its entirety.

Public Law 15-80, effective August 17, 2007, codified at 4 CMC §§ 8143(b) through (c), requires that CUC collect a one month security deposit from residential customers to be held in an interest-earning trust fund, which “shall not be used for any other purpose.” 4 CMC § 8143(b). Public Law 16-2 (effective May 3, 2008) amended 4 CMC § 8143(b) to allow CUC to use up to 50 % of the security deposit funds to pay fuel expenses during fiscal year 2008. Public Law 16-17, effective October 1, 2008, repealed and reenacted 4 CMC § 8143. PL 16-17 again requires that a one month security deposit from residential customers be held in an interest-earning trust fund and shall not be used for any other purpose. 4 CMC § 8143(b). PL 15-80, PL 16-2 and PL 16-17 require that residential customers receive a refund of the security deposit with interest within 30 days after disconnection. 4 CMC §§ 8143(b). The provisions of PL 16-17 supersede this section to the extent that they conflict.

§ 50-10-405 Security Deposit Payable After Inspection

The CUC Engineering Division shall be responsible for calculating the actual cost of the customer’s deposit based on a sliding scale of estimated kilowatt usage. Customers may be required to provide blueprints, electrical load calculations or building code certificates.

(a) The security deposit shall be payable when the customer is notified by CUC that the application is complete and after the property has passed inspection. Customers shall not be

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required to pay the deposit before CUC is prepared to connect the customer. If CUC fails to connect the customer within two weeks of receipt of the deposit, the customer may request a refund. If the customer receives a refund, he shall be required to pay a new deposit prior to connection to the CUC system.

(b) CUC shall not expend funds (beyond administrative costs and the cost of inspection) in anticipation of connecting a customer until a security deposit has been paid.

Modified, 1 CMC § 3806(e).

History: Amdts Adopted 19 Com. Reg. 15219 (Mar. 15, 1997); Amdts Proposed 19 Com. Reg. 14846 (Jan. 15, 1997); Amdts Adopted 16 Com. Reg. 12471 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 12225 (July 15, 1994).

§ 50-10-410 Deposit Recalculated After One Year

After a customer has utilized the CUC full time for a period of one year, the customer will have established a credit history with the corporation. At that time, the customer may request his deposit be recalculated based on actual kilowatt usage rather than the sliding scale.

Modified, 1 CMC § 3806(e), (f).

History: Amdts Adopted 19 Com. Reg. 15219 (Mar. 15, 1997); Amdts Proposed 19 Com. Reg. 14846 (Jan. 15, 1997); Amdts Adopted 16 Com. Reg. 12471 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 12225 (July 15, 1994).

§ 50-10-415 Annual Recalculation

After one year of established use, and annually thereafter, the CUC may also recalculate the security deposit.

History: Amdts Adopted 19 Com. Reg. 15219 (Mar. 15, 1997); Amdts Proposed 19 Com. Reg. 14846 (Jan. 15, 1997); Amdts Adopted 16 Com. Reg. 12471 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 12225 (July 15, 1994).

§ 50-10-420 Calculation of Adjustments

All adjustments to the original security deposit shall be calculated by averaging the two highest months of actual kilowatt hour usage during the one year period. In the event that the actual customer usage is fifteen percent higher or lower than the estimate used in § 50-10-405, then the corporation shall adjust, either higher or lower, the security deposit based on the new calculations.

Modified, 1 CMC § 3806(c), (e), (f).

History: Amdts Adopted 19 Com. Reg. 15219 (Mar. 15, 1997); Amdts Proposed 19 Com. Reg. 14846 (Jan. 15, 1997); Amdts Adopted 16 Com. Reg. 12471 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 12225 (July 15, 1994).

§ 50-10-425 Adjustments on Monthly Bill

Adjustments in the customer's security deposit shall appear on the regular monthly bill either in the form of a credit or in the form of an additional payment required by the customer.

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History: Amdts Adopted 19 Com. Reg. 15219 (Mar. 15, 1997); Amdts Proposed 19 Com. Reg. 14846 (Jan. 15, 1997); Amdts Adopted 16 Com. Reg. 12471 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 12225 (July 15, 1994).

§ 50-10-430 Additional Security Deposit Owed

Customers who are found to owe an additional security deposit are obligated to pay such amount or their services are subject to disconnection as with any past due bill.

History: Amdts Adopted 19 Com. Reg. 15219 (Mar. 15, 1997); Amdts Proposed 19 Com. Reg. 14846 (Jan. 15, 1997); Amdts Adopted 16 Com. Reg. 12471 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 12225 (July 15, 1994).

§ 50-10-435 Accountability of Security Deposits

(a) The corporation shall be liable for all security deposits received. The Corporation shall maintain an account indicating customer name, date of security deposit and amount of deposit. Effective January 15 of each year, each account shall be credited an amount equal to the average “passbook” savings interest rate payable during the past year based on rates from at least three local FDIC insured banks.

(b) The corporation’s comptroller shall prepare for the Board of Directors an annual report in January of each year which explicitly details amounts of deposits received, interest rate to be paid for the previous year and total account liabilities.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 27 Com. Reg. 25144 (Oct. 24, 2005); Amdts Emergency and Proposed 27 Com. Reg. 24692 (Aug. 22, 2005) (effective for 120 days from June 29, 2005); Amdts Emergency and Proposed 27 Com. Reg. 24647 (July 20, 2005) (effective for 120 days from June 29, 2005); Amdts Adopted 19 Com. Reg. 15219 (Mar. 15, 1997); Amdts Proposed 19 Com. Reg. 14846 (Jan. 15, 1997); Amdts Adopted 16 Com. Reg. 12471 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 12225 (July 15, 1994).

Commission Comment: The 1997 amendments added former subsection (c). The 2005 amendments repealed and replaced this section in its entirety, deleted former subsections (b), (c) and (d), redesignated former subsection (e) and amended subsections (a) and (b).

Public Law 15-80, effective August 17, 2007, codified at 4 CMC §§ 8143(b) and (c), requires that CUC collect a one month security deposit from residential customers to be held in an interest-earning trust fund, which “shall not be used for any other purpose.” 4 CMC § 8143(b). Public Law 16-2 (effective May 3, 2008) amended 4 CMC § 8143(b) to allow CUC to use up to 50 % of the security deposit funds to pay fuel expenses during fiscal year 2008. Public Law 16-17, effective October 1, 2008, repealed and reenacted 4 CMC § 8143. PL 16-17 again requires that a one month security deposit from residential customers be held in an interest-earning trust fund and shall not be used for any other purpose. 4 CMC § 8143(b). PL 15-80, PL 16-2 and PL 16-17 require that residential customers receive a refund of the security deposit with interest within 30 days after disconnection. 4 CMC §§ 8143(b). The provisions of PL 16-17 supersede this section to the extent that they conflict.

§ 50-10-440 Refunding the Security Deposits; Power, Water and Sewer

(a) Upon the termination of a utility account, the customer shall receive a full, cash refund of any deposit in excess of any remaining unpaid charges.

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(b) Refund of security deposit is to be provided within thirty days of account closing, unless the amount of the charges or security account balance is in dispute.

Modified, 1 CMC § 3806(e).

History: Amdts Adopted 27 Com. Reg. 25144 (Oct. 24, 2005); Amdts Emergency and Proposed 27 Com. Reg. 24692 (Aug. 22, 2005) (effective for 120 days from June 29, 2005); Amdts Emergency and Proposed 27 Com. Reg. 24647 (July 20, 2005) (effective for 120 days from June 29, 2005); Amdts Adopted 19 Com. Reg. 15219 (Mar. 15, 1997); Amdts Proposed 19 Com. Reg. 14846 (Jan. 15, 1997); Amdts Adopted 16 Com. Reg. 12471 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 12225 (July 15, 1994).

Commission Comment: The 1997 amendments added former subsections (d) through (h) and redesignated former subsection (i). The 2005 amendments repealed and replaced this section in its entirety, deleted former subsections (b) through (i), added new subsection (b) and amended subsection (a).

Public Law 15-80, effective August 17, 2007, codified at 4 CMC §§ 8143(b) and (c), requires that CUC collect a one month security deposit from residential customers to be held in an interest-earning trust fund, which “shall not be used for any other purpose.” 4 CMC § 8143(b). Public Law 16-2 (effective May 3, 2008) amended 4 CMC § 8143(b) to allow CUC to use up to 50 % of the security deposit funds to pay fuel expenses during fiscal year 2008. Public Law 16-17, effective October 1, 2008, repealed and reenacted 4 CMC § 8143. PL 16-17 again requires that a one month security deposit from residential customers be held in an interest-earning trust fund and shall not be used for any other purpose. 4 CMC § 8143(b). PL 15-80, PL 16-2 and PL 16-17 require that residential customers receive a refund of the security deposit with interest within 30 days after disconnection. 4 CMC §§ 8143(b). The provisions of PL 16-17 supersede this section to the extent that they conflict.

Part 500 - Line Extensions and Extensions of Service

§ 50-10-501 General

Extension of electrical distribution lines at standard voltages, described in part 200, to supply electric service to any applicant shall be designed, constructed, operated, maintained and owned by CUC. Non-CUC owned electric lines beyond CUC’s point of delivery must be constructed and maintained without expense to CUC and must conform to standards for electric line construction acceptable to CUC.

Modified, 1 CMC § 3806(c).

History: Amdts Adopted 26 Com. Reg. 22985 (Sept. 24, 2004); Amdts Proposed 26 Com. Reg. 22851 (July 26, 2004); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

§ 50-10-505 Moratorium

CUC may impose a moratorium on providing new service to customers or upgrading service to existing customers, if CUC determines that such new service would overburden the existing distribution or generation capacity. If a customer violates the conditions of the moratorium by increasing its electric load, the customer shall be subject to disconnection.

History: Amdts Adopted 26 Com. Reg. 22985 (Sept. 24, 2004); Amdts Proposed 26 Com. Reg. 22851 (July 26, 2004); Amdts Adopted 11 Com. Reg. 6268 (June 15, 1989); Amdts Proposed 11 Com. Reg. 6120 (Apr. 15, 1989); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

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§ 50-10-510 Planned Extension

CUC's planned extension of electrical distribution lines is contingent upon the availability of funds identified by CUC for expansion purposes. CUC has discretion to determine where and when distribution lines shall be extended.

History: Amdts Adopted 26 Com. Reg. 22985 (Sept. 24, 2004); Amdts Proposed 26 Com. Reg. 22851 (July 26, 2004); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

§ 50-10-515 Unplanned Extension

Any electrical distribution line extension to an area, not part of CUC's planned expansion area, shall be primarily at the customer's expense.

(a) CUC's Base Cost. CUC shall be responsible for the cost of a service conductor connected to customer's weatherhead, not to exceed 100 feet in length. Any excess conductor length will be the customer's cost.

(b) CUC's Free Extension Allowance. CUC shall also be responsible for the cost of the extension up to 30 times the monthly revenue from such extension, exclusive of all fuel expenses and fuel adjustments included in the CUC rate schedule, as estimated by CUC or as guaranteed by such customers, whichever amount of revenue is higher.

(c) Customer's Free Length. The customer's free length will be computed as follow:

Let: T = Total Line Extension Cost
A = Free Line Extension Allowance (subsection (b))
L = Total Line Extension Length in Feet
U = Unit Cost per Feet
U = T/L in \$/ft
L_r = Free Length = A/U = (A/T)xL in feet

(d) Customer's Cost. The customer shall be responsible for all other expenses, in excess of CUC's responsibility covered in subsections (a) and (b) above, associated with extending the electrical distribution lines to the customer's premises.

(e) Advance Payment (AP) by Customer Required. All line extensions will be made only after the customer makes an advance payment to CUC of the estimated installed cost in excess of CUC's base cost plus CUC's free extension allowance as covered in subsections (a) and (b).

(f) Refund of Advance Payment. Advance payment by the customer for this line extension is subject to refund by CUC whenever connection of additional separately metered, permanent load or customer(s) are made to this extension. The amount of this refund shall be based on the footage that

(1) The allowable free length of the additional load or customer, as computed under subsection (c) exceed

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- (2) The length of line required to provide service to the additional load or customer, multiplied by
- (3) The unit cost per foot applicable at the time of the original construction of this line extension.
- (g) Unit Cost Used for Refund. The unit cost for refund will be based on the unit cost per foot at the time of original construction of the line extension.
- (h) No Interest Refund. Refunds made hereunder will be without interest.
- (i) When CUC Will Make Refund. CUC will make the refund to the customer within 90 days after the date of first service to such additional load or customers except that refunds may be accumulated to a \$25.00 minimum, or to the total refundable balance if less than \$25.00, before each refunding.
- (j) No Refunds Will Be Made in Excess of the Amount Advanced by the Customer. CUC will only refund up to the amount advanced by the customer and not after a period of 5 years from the date CUC is first ready to render service from the line extension, and any un-refunded amount remaining at the end of the 5-year period will become the property of CUC.
- (k) Ownership of Installed Components. All installed equipment and materials required for such extension of service shall be the property of CUC.

Modified, 1 CMC § 3806(c), (f).

History: Amdts Adopted 26 Com. Reg. 22985 (Sept. 24, 2004); Amdts Proposed 26 Com. Reg. 22851 (July 26, 2004); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: The 2004 amendments added subsections (a) through (k).

§ 50-10-520 Easement Requirements

All electrical distribution line extensions shall be constructed on public properties with dedicated utility easements or on private properties with an owner-signed utility easement dedicated for CUC's use.

History: Amdts Adopted 26 Com. Reg. 22985 (Sept. 24, 2004); Amdts Proposed 26 Com. Reg. 22851 (July 26, 2004).

§ 50-10-525 Advance Notice Required

Any applicant for electrical distribution line extension will be required to provide CUC sufficient advance notice so that design and construction may be scheduled to meet the customer's desired service time.

History: Amdts Adopted 26 Com. Reg. 22985 (Sept. 24, 2004); Amdts Proposed 26 Com. Reg. 22851 (July 26, 2004).

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§ 50-10-530 Amortization Payment Plan

The customer may request from CUC for an amortization payment plan for the customer's cost of the electrical distribution line extension. Upon approval by CUC, the cost may be amortized for up to five years and shall be included in the customer's monthly electric bill along with the customer's power consumption charges and other charges.

Modified, 1 CMC § 3806(e).

History: Amdts Adopted 26 Com. Reg. 22985 (Sept. 24, 2004); Amdts Proposed 26 Com. Reg. 22851 (July 26, 2004); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: On January 15, 1990, CUC published amendments that proposed to add a new section 6.6 to this part (then part 6). A notice of adoption was never published. See 12 Com. Reg. at 6775 (Jan. 15, 1990).

On March 20, 2000, CUC published amendments that proposed to add a new section 7.6 to this part (then part 7). A notice of adoption was never published. See 22 Com. Reg. at 17089 (Mar. 20, 2000).

Part 600 - Service Connections

§ 50-10-601 Construction, Operation and Maintenance

The CUC shall construct, operate, and maintain all service connections. The cost of service connection construction shall be paid by the customer before the connection is installed.

History: Amdts Proposed 12 Com. Reg. 6771 (Jan. 15, 1990); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: The Commission created the section titles in part 600.

A notice of adoption for the January 1990 proposed amendments was never published and, therefore, the Commission has not incorporated the proposed changes.

§ 50-10-605 Delivery Point

The delivery point is the point where the CUC's service drop attaches to a service mast. The delivery point must be in clear view of a power pole. The CUC shall not own or maintain any facilities beyond the point of delivery, except for the meter. The CUC shall provide only one delivery point per structure. Where there is multiple occupancy in a structure, one service drop must supply all meters. The meters shall be grouped or ganged at one central point.

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

§ 50-10-610 One Service Connection Per Structure

The CUC shall connect only one service connection to any one structure, except where such additional service is required by law for emergency lighting or where, in the CUC's judgment, such service is warranted for technical reasons.

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

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§ 50-10-615 Overhead Service Connections

Service connections shall be overhead unless the CUC desires, or the customer requests, an underground service connection. Any underground service desired by a customer, whether primary service feeders or secondary laterals, shall be installed, paid for, and maintained by the customer, and:

- (a) CUC shall not finance underground facilities for customers in whole or in part, whether the service is primary or secondary;
- (b) CUC shall not assist in financing underground facilities for customers either through direct contribution or through rebate on power bills;
- (c) The CUC shall not maintain underground facilities for any customer or group of customers.

History: Amdts Proposed 12 Com. Reg. 6864 (Apr. 15, 1990); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

The April 1990 amendments proposed to amend the opening paragraph, delete subsection (c) and add new subsections (c) and (d). A notice of adoption for the April 1990 proposed amendments was never published and, therefore, the Commission has not incorporated the proposed changes.

§ 50-10-620 Underground Facilities Connected to CUC's System

Only such underground service facilities as are properly installed and maintained shall be connected, or be permitted to remain connected, to CUC's distribution system. Work on CUC's utility poles shall only be performed by CUC or under CUC's supervision. If at any time it becomes necessary for CUC to change the location of a utility pole upon which underground service is installed, the customer shall bear the expense required to change the service.

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

§ 50-10-625 Use of Transformer

Where, in CUC's judgment, service to a single customer requires the exclusive use of a transformer bank and such bank cannot properly be accommodated on a CUC easement or right of way, such customer shall provide a site for a totally enclosed, pad-mounted transformer, or an outdoor transformer station enclosure, or an indoor transformer room or vault as required by this section. At its option, the CUC may elect to install the transformer bank on a pole structure. If such a structure cannot properly be accommodated on a CUC easement or right of way, the customer shall provide a location for the CUC for installation of facilities and access for maintenance purposes.

Modified, 1 CMC § 3806(d).

History: Amdts Proposed 12 Com. Reg. 6864 (Apr. 15, 1990); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

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Commission Comment: A notice of adoption for the April 1990 proposed amendments was never published and, therefore, the Commission has not incorporated the proposed changes.

§ 50-10-630 Transformer Site Requirements

(a) If a site for either a totally enclosed, pad-mounted transformer or an outdoor transformer station enclosure is provided, the customer shall also

- (1) Construct the necessary concrete pad for the transformer, and
- (2) Request CUC to terminate the service facilities at the CUC's transformer terminal at the customer's expense.

(b) Such site and related improvements, including proper fencing, shall be according to specifications prescribed by the CUC. If a transformer room or underground vault is provided, it shall conform to the requirements of the CUC pertaining to safety, grounding, size, ventilation, security, and access.

Modified, 1 CMC § 3806(f).

History: Amdts Proposed 12 Com. Reg. 6864 (Apr. 15, 1990); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

The April 1990 amendments proposed to amend subsection (a). A notice of adoption for the April 1990 proposed amendments was never published and, therefore, the Commission has not incorporated the proposed changes.

Part 700 - Customer's Installation

§ 50-10-701 Substandard Customer Installations

The CUC reserves the right to refuse new service and to disconnect existing service, where customer installations do not comply with this chapter or with any code or standard applicable in the CNMI, or where the customer operates equipment which may cause interference with service, or where there is or may be an unsafe condition.

Modified, 1 CMC § 3806(d).

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: The Commission created the section titles in part 700.

§ 50-10-705 Customer Equipment Responsibilities

The customer shall be responsible for installation of all equipment and materials necessary to provide safe metering from the point of delivery into and through the customer's building. Such equipment and materials include, but are not limited to, service mast, weatherheads, back guys,

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dead-end insulators, meter bases, grounding, wire and cable, underground laterals, terminations, current transformers, potential transformers, overload protection devices, enclosures, and fittings.

Modified, 1 CMC § 3806(d).

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

§ 50-10-710 CUC Installation Charged to Customer

For existing customers, the CUC may elect to install standard electrical service equipment and/or metering systems in the event the customer does not correct a non-complying and unsafe entrance metering installation within sixty days and the customer agrees to such installation. The cost for such installation by the CUC shall be charged to the customer.

Modified, 1 CMC § 3806(e).

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

§ 50-10-715 CUC Installed Equipment Responsibility of Customer

At the time of power service connection to the point of delivery for the new CUC installed metering installation, all electrical equipment and material other than the meter itself shall become the property and responsibility of the customer.

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

§ 50-10-720 Protective Devices; Equipment Requirements

Protective devices (e.g. main current breakers, main fuses) shall be calibrated according to the customer's power demand, approved by the CUC, and installed by and at the customer's own expense.

(a) CUC shall require all commercial customers to provide design load calculations computed by a registered professional electrical engineer.

(b) All main service disconnects shall be located on the outside of the building in a readily accessible location. The service disconnect shall be located no more than six feet from the electric meter unless otherwise approved by CUC. All service feeders, meter sockets, CT enclosures, disconnects, gutters, and transfer switches shall be NEMA 3 rated and shall be surface mounted. None of the above mentioned equipment shall be enclosed within the wall of the building.

(c) When a fuse disconnect is used as a main service protection device the wire size, line side and load side, must be of the same amperage capacity as the amperage rate of the disconnect.

Modified, 1 CMC § 3806(f), (g).

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History: Amdts Proposed 12 Com. Reg. 6864 (Apr. 15, 1990); Amdts Adopted 11 Com. Reg. 6268 (June 15, 1989); Amdts Proposed 11 Com. Reg. 6120 (Apr. 15, 1989); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: The 1989 amendments added new subsections (a) through (c).

The April 1990 amendments proposed to amend subsection (b) and add a new subsection (d). A notice of adoption for the April 1990 proposed amendments was never published and, therefore, the Commission has not incorporated the proposed changes.

In the opening paragraph, the Commission corrected the spelling of “calibrated.”

§ 50-10-725 Neutral Conductor

(a) In no case shall a neutral conductor be used as a ground conductor.

(b) The neutral conductor shall be the same size as existing phase wires, unless a design load has been professionally engineered and calculated by a registered professional electrical engineer.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 11 Com. Reg. 6268 (June 15, 1989); Amdts Proposed 11 Com. Reg. 6120 (Apr. 15, 1989); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

The 1989 amendments added new subsection (b).

§ 50-10-730 Defective Customer-installed Power Installations

The CUC shall not be responsible for defective customer-installed electrical power installations.

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

§ 50-10-735 CUC Not Responsible for Electrical Equipment

The CUC shall not be responsible at any time for any installed electrical equipment and materials, or the condition thereof, or damage resulting therefrom.

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

§ 50-10-740 Customer Installations on CUC Utility Poles

Any customer-made installation on CUC utility poles shall be in accordance with CUC’s standards.

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

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Part 800 - Metering

§ 50-10-801 Meter Accessibility

All meters shall be installed by the CUC upon the customer's premises in a location approved by the CUC and such location shall at all times be kept accessible for meter inspection, reading, and testing. If such location becomes inaccessible, the CUC may require the customer to provide a new meter location at the customer's expense or, in the alternative, have service disconnected upon thirty days written notice.

Modified, 1 CMC § 3806(e).

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: The Commission created the section titles in part 800.

§ 50-10-805 Meters Sealed

All meters shall be sealed by the CUC and no such seal shall be broken or tampered with by the customer.

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

§ 50-10-810 Meters Owned and Maintained by CUC

All meters shall be owned, provided, installed, and maintained by the CUC. Meters shall be rented by the CUC to customers. All meter related equipment, such as CT's (current transformers), PT's (potential transformers), transducers, and CT cabinets shall be provided and installed by customers except when pole-mounted. When pole-mounted, CUC shall install customer-provided CT's and PT's.

History: Amdts Proposed 12 Com. Reg. 6864 (Apr. 15, 1990); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: A notice of adoption for the April 1990 proposed amendments was never published and, therefore, the Commission has not incorporated the proposed changes.

§ 50-10-815 Standards for Service Entrance Equipment

All service entrance equipment installed by the customer to accommodate CUC metering shall be constructed and installed in accordance with the current edition of the NEC. Panel boxes and meter boxes must have equal ratings. Equipment must be UL or ANSI (American National Standards Institute) approved.

History: Amdts Adopted 11 Com. Reg. 6268 (June 15, 1989); Amdts Proposed 11 Com. Reg. 6120 (Apr. 15, 1989); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

§ 50-10-820 Separate Meter for Each Connection on Premises

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A separate meter shall be used for each service outlet/connection on a customer's premises and any service to other premises by extension cord, weatherhead to weatherhead connections, or other means, shall be a cause for discontinuance of service and any other remedies allowed by law.

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

§ 50-10-825 Meter Required for New Service

All new service shall be metered.

History: Amdts Proposed 12 Com. Reg. 6864 (Apr. 15, 1990); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: A notice of adoption for the April 1990 proposed amendments was never published and, therefore, the Commission has not incorporated the proposed changes.

Part 900 - Meter Tests

§ 50-10-901 Frequency at CUC's Discretion

The CUC shall be entitled to test the meters as often as required.

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: The Commission created the section titles in part 900.

§ 50-10-905 Test Prior to Installation Required

Meters shall be tested prior to installation, either individually or, in case of newly purchased meters, by valid sampling methods. No meter shall be placed in service or allowed to remain in service when found to have an error in registration in excess of three percent under conditions of normal operation.

Modified, 1 CMC § 3806(e).

History: Amdts Proposed 12 Com. Reg. 6864 (Apr. 15, 1990); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: A notice of adoption for the April 1990 proposed amendments was never published and, therefore, the Commission has not incorporated the proposed changes.

§ 50-10-910 Standards for Testing

Meters and associated metering devices shall be tested and adjusted in conformity with the standards of the American National Standards Institute Code for Electricity Metering ANSI C12-1975, or the latest edition.

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History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

§ 50-10-915 Request for Testing; Deposit

Any customer may have CUC test his electric meter. Tests shall be scheduled as meter tests are received and depending upon work load. A deposit shall be required from the customer to cover the reasonable cost of the test.

Modified, 1 CMC § 3806(g).

History: Amdts Proposed 12 Com. Reg. 6864 (Apr. 15, 1990); Amdts Adopted 11 Com. Reg. 6268 (June 15, 1989); Amdts Proposed 11 Com. Reg. 6120 (Apr. 15, 1989); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: The notice of adoption for the 1989 amendments changed the proposed language of this section. See 11 Com. Reg. at 6268 (June 15, 1989).

A notice of adoption for the April 1990 proposed amendments was never published and, therefore, the Commission has not incorporated the proposed changes.

§ 50-10-920 Customer Deposit for Meter Test

The amount deposited shall be returned to the customer if the meter is found, upon testing, to register more than three percent fast or slow under conditions of normal operations. If the meter is determined to be within the three percent tolerance the deposit shall be forfeited to the CUC.

Modified, 1 CMC § 3806(e).

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

§ 50-10-925 Right to Witness Meter Test

A customer, or the customer's representative, shall have the right to witness the test of the meter.

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

§ 50-10-930 Written Report on Request

If requested, a written report showing the result of the test shall be supplied to the customer within a reasonable time after completion of the test.

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Part 1000 - Adjustment of Bills for Meter Error

§ 50-10-1001 Date of Meter Malfunction Established

When it is found that an error in a meter reading is due to device malfunction, the date of which can be reliably established, the overcharge or the undercharge shall be computed back to but not beyond such date.

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History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: The Commission created the section titles in part 1000.

§ 50-10-1005 Refund of Overcharge from Fast Meter

When, upon testing, any meter is found to be registering more than three percent fast, the CUC shall refund to the customer the amount of the overcharge based upon corrected meter readings for the preceding three months, subject to the provisions of § 50-10-1001.

Modified, 1 CMC § 3806(c), (e).

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

§ 50-10-1010 Bill for Undercharge from Slow Meter

When, upon testing, any meter is found to be registering more than three percent slow, the CUC may bill the customer for the amount of the undercharge based on corrected meter readings for the preceding three months, subject to the provisions of § 50-10-1001.

Modified, 1 CMC § 3806(c), (e).

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

§ 50-10-1015 Non-registering Meter

When, upon testing, any meter is found to be non-registering, the CUC may bill the customer for the estimated amount of electricity consumed but not registered for a period of three months, subject to the provisions of § 50-10-1001. Billings for this purpose may be estimated based upon the customer's prior use, the customer's subsequent use correctly metered, or the CUC's experience with other customers of the same class, and the general characteristics of the customer's operation, depending on which source gives the most accurate results.

Modified, 1 CMC § 3806(c), (e).

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Part 1100 - Temporary Suspension for Repairs or Maintenance

§ 50-10-1101 Right to Temporarily Suspend Electricity

The CUC shall have the right to temporarily suspend the delivery of electricity over whatever area is necessary, and whenever necessary, for the purpose of making repairs, improvements, or maintenance to its system.

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

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Commission Comment: The Commission created the section titles in part 1100. The Commission inserted a comma after the word “improvements” pursuant to 1 CMC § 3806(g).

§ 50-10-1105 Reasonable Notice of Planned Suspension

In cases of planned temporary suspension of service, as circumstances permit, the CUC shall give a minimum of three days notice to customers. Radio announcements regarding temporary suspension of service, shall be deemed reasonable notice for this purpose.

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

§ 50-10-1110 CUC Shall Minimize Inconvenience

The CUC shall perform such repairs, improvements or maintenance as rapidly as practicable and, if practicable, at such times as shall cause the least inconvenience to customers.

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Part 1200 - Power Factor

§ 50-10-1201 Customer Increase of Power Factor

The CUC may require the customer to provide, at the customer’s own expense, equipment to increase the operating power factor of the customer’s electrical load to not less than 95% lagging or leading.

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: The Commission created the section titles in part 1200.

§ 50-10-1205 Penalties for Low Power Factors

When the applicable rate schedule allows, the CUC may apply penalties for low power factors.

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Part 1300 - Rendering of Bills

§ 50-10-1301 Monthly Bills

Bills for electrical service shall be rendered monthly as provided in the rate schedules.

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: The Commission created the section titles in part 1300.

§ 50-10-1305 Meter Required

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All customers shall be metered.

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

§ 50-10-1310 Bills Based on Meter Registrations

Bills for metered service shall be based on meter registrations. Meters shall be read as required for the preparation of regular bills, opening bills, and closing bills.

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

§ 50-10-1315 Prorated Bills

It may not always be possible to read meters on the same day of the month, and if a monthly billing period contains less than 27 days or more than 34 days, a prorated computation shall be made in the bill.

History: Amdts Proposed 12 Com. Reg. 6771 (Jan. 15, 1990); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: The January 1990 proposed amendments proposed to delete this section in its entirety. A notice of adoption for the January 1990 proposed amendments was never published and, therefore, the Commission has not incorporated the proposed changes.

Part 1400 - Separate Meters for Same Customer

§ 50-10-1401 One Meter Per Location

When a single customer requires electric service on separate premises, the customer shall have as many meters as there are different locations for service, and each meter shall be considered as a different customer.

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: The Commission created the section titles in part 1400.

§ 50-10-1405 Each Meter Billed Separately

For the purposes of billing, each meter upon a customer's premises shall be considered separately, and the readings of two or more meters shall not be combined except as follows:

- (a) Where combinations of meter readings are specifically provided for in the rate schedule;
- (b) Where the CUC's operating convenience requires the use of more than one meter.

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

§ 50-10-1410 Commercial Rates Charged for Mixed Use

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Where premises are used for both residential and commercial purposes, the service shall be billed as commercial service. If the area of residential use and commercial use is clearly defined, then the residential area may be served under the residential rate if a separate meter is installed.

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

§ 50-10-1415 One Service Drop Per Structure

There shall be only one service drop or lateral for any building or structure.

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

§ 50-10-1420 Commercial Sites

At its option, CUC may require only one meter to be installed at any commercial development site or apartment complex.

History: Amdts Adopted 11 Com. Reg. 6268 (June 15, 1989); Amdts Proposed 11 Com. Reg. 6120 (Apr. 15, 1989).

Part 1500 - Payment and Non-payment of Bills

§ 50-10-1501 Bills Due upon Presentation

All bills shall be due and payable upon presentation, and are past due if unpaid fifteen days after presentation. Payment shall be at the CUC's office or to an authorized representative or agent.

Modified, 1 CMC § 3806(e).

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: The Commission created the section titles in part 1500. Part 1500 combines former parts 16 and 17, as amended. See 10 Com. Reg. at 5683-84 (Sept. 15, 1988); 16 Com. Reg. at 12477 (Oct. 15, 1994).

§ 50-10-1505 Customer Obligated without Bill

If a customer does not receive a bill for electric service the customer continues to be obligated to pay for electric service received.

History: Amdts Adopted 11 Com. Reg. 6268 (June 15, 1989); Amdts Proposed 11 Com. Reg. 6120 (Apr. 15, 1989).

§ 50-10-1510 Late Charge

All bills that remain unpaid for thirty calendar days after the billing date will incur a one percent late charge. This charge becomes part of the balance due. Thereafter, late charges on the past due balance accrue at the rate of one percent per month, compounded monthly.

Modified, 1 CMC § 3806(e).

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History: Amdts Adopted 26 Com. Reg. 22985 (Sept. 24, 2004); Amdts Proposed 26 Com. Reg. 22851 (July 26, 2004); Amdts Adopted 16 Com. Reg. 12471 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 12225 (July 15, 1994).

Commission Comment: The 1994 amendments republished and readopted former part 17 (now §§ 50-10-1510 through 50-10-1540) in its entirety.

§ 50-10-1515 Disconnection

All customers with past due bills are subject to disconnection for non-payment.

History: Amdts Adopted 16 Com. Reg. 12471 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 12225 (July 15, 1994); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: PL 15-122 (effective December 5, 2007), codified at 4 CMC §§ 8144-8145, sets forth requirements for the disconnection and reconnection of utility services. Public Law 16-17, effective October 1, 2008, repealed and reenacted 4 CMC § 8144-45. PL 16-17 requires: using security deposits to offset past due amounts; CUC may not disconnect before the disconnection date; disconnections may not occur during disputes regarding billing statements; and CUC may not disconnect utility services when a delinquent payment involves only one utility service. 4 CMC § 8144. The provisions of PL 16-17 supersede this section to the extent that they conflict.

§ 50-10-1520 Delinquency Notice

Before it may disconnect a customer for non-payment of bill, the CUC must serve a delinquency notice on a customer at any time after any account becomes past due.

(a) CUC may serve delinquency notices by mail to any customer to whom it regularly sends bills by mail. Where the customer is not regularly billed by mail, CUC must serve the delinquency notice personally upon an adult at the service location, and obtain an acknowledgment of receipt. Refusal to acknowledge receipt waives service.

(b) Service is considered to have been accomplished upon deposit of the properly addressed delinquency notice into the U.S. Mail, with proper postage.

History: Amdts Adopted 16 Com. Reg. 12471 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 12225 (July 15, 1994); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: The 1994 amendments added new subsections (a) and (b).

§ 50-10-1525 Payment to Prevent Disconnection

(a) Any amount past due shall be paid within fourteen calendar days after the date of service of a disconnect notice to prevent disconnection.

(b) The delinquency notice shall be valid for 45 days from the date of service. If the customer remains delinquent, but has not been disconnected after 45 days, a new delinquency notice must be served and 14 additional days must pass before the customer may be disconnected.

Modified, 1 CMC § 3806(e).

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History: Amdts Adopted 16 Com. Reg. 12471 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 12225 (July 15, 1994); Amdts Proposed 12 Com. Reg. 6771 (Jan. 15, 1990); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

The January 1990 amendments proposed to amend subsection (a). A notice of adoption for the January 1990 proposed amendments was never published and, therefore, the Commission has not incorporated the proposed changes.

The 1994 amendments added new subsection (b).

§ 50-10-1530 Disconnection for Non-payment of Previous Service

Subject to the provisions of this part, a customer's service may be discontinued for non-payment of a bill for service rendered previously at any location served by the CUC.

History: Amdts Adopted 16 Com. Reg. 12471 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 12225 (July 15, 1994); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

§ 50-10-1535 Re-connection Charges

Upon payment of a past due bill after disconnection of service, the customer shall be responsible for payment of any re-connection charge prior to resumption of service.

History: Amdts Adopted 16 Com. Reg. 12471 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 12225 (July 15, 1994); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

§ 50-10-1540 Payment Schedules

If a customer makes an agreement with CUC establishing a payment schedule in return for CUC's agreement not to disconnect or to reconnect that customer's service, and the customer breaches that agreement, CUC shall serve the customer with notice not less than five days before disconnecting the customer's service. Service shall be pursuant to § 50-10-1520(a) and (b).

Modified, 1 CMC § 3806(c), (e).

History: Amdts Adopted 16 Com. Reg. 12471 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 12225 (July 15, 1994).

Commission Comment: The January 1990 amendments proposed to add a new section 17.6 to this part (then part 17). See 12 Com. Reg. at 6775 (Jan. 15, 1990). A notice of adoption for the January 1990 proposed amendments was never published and, therefore, the Commission has not incorporated the proposed changes.

Public Law 15-97 (effective October 4, 2007) amended 4 CMC § 8141 to provide residential customers "up to one year to pay in full any outstanding balance on their accounts." 4 CMC § 8141(h). Public Law 16-17, effective October 1, 2008, repealed and reenacted 4 CMC § 8141(h) using the same language. The provisions of PL 16-17 supersede this section to the extent that they conflict.

Part 1600 - Disputes

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§ 50-10-1601 CUC Bills Assumed Correct

All bills rendered by the CUC are assumed correct unless a request for an investigation of a bill is initiated by the customer within fifteen days of presentation.

Modified, 1 CMC § 3806(e).

History: Amdts Adopted 16 Com. Reg. 12471 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 12225 (July 15, 1994); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: The Commission created the section titles in part 1600.

§ 50-10-1605 Disputed Bills

When a customer and the CUC fail to agree on the amount of a bill for electric service, the dispute between the parties shall be adjudicated in accordance with the CUC Regulations Regarding Customer Billing and Disputes [NMIAC, title 50, chapter 40]. Should it be necessary to bring an action in court to collect any amount due or to appear in court to defend or enforce any order issued pursuant to this chapter, CUC shall if it prevails receive its reasonable costs and attorney's fees.

Modified, 1 CMC § 3806(d).

History: Amdts Adopted 24 Com. Reg. 19115 (Apr. 29, 2002); Amdts Proposed 24 Com. Reg. 19016 (Feb. 28, 2002); Amdts Adopted 16 Com. Reg. 12471 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 12225 (July 15, 1994); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

§ 50-10-1610 Payment for Undisputed Portion Due

In the event of disagreement and/or adjudication of a bill, the customer shall pay the undisputed portion of a challenged billing and any unchallenged additional billings received before agreement is reached or the adjudication process is completed. Failure by a customer to pay such amount shall constitute a basis for discontinuance of electric service by the CUC.

History: Amdts Adopted 16 Com. Reg. 12471 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 12225 (July 15, 1994); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Part 1700 - Fraud

§ 50-10-1701 Discontinuance of Service for Fraud

(a) The CUC may refuse to provide service, or may discontinue existing service if the acts of the customer or the condition upon the customer's premises are such as to reasonably indicate an intent to defraud the CUC (e.g. meter tampering, connection without a meter, broken seals, etc.).

(b) Except where the condition constitutes a health or safety hazard, CUC shall give a customer not less than five days written notice of the illegal condition prior to disconnection. Notice shall be pursuant to § 50-10-1520(a) and (b).

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Modified, 1 CMC § 3806(c), (e).

History: Amdts Adopted 16 Com. Reg. 12471 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 12225 (July 15, 1994); Amdts Adopted 11 Com. Reg. 6268 (June 15, 1989); Amdts Proposed 11 Com. Reg. 6120 (Apr. 15, 1989); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

The 1994 amendments added new subsection (b).

The Commission created the section titles in part 1700.

§ 50-10-1705 Illegal Connections

Persons who have connected illegally to CUC electric lines shall be subject to immediate disconnection. Before re-connection, the person must pay the estimated cost of electric service over the length of time the illegal connection was active plus other penalties which may be assessed. The person must file an application with CUC before being considered for re-connection of electric service.

History: Amdts Adopted 16 Com. Reg. 12471 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 12225 (July 15, 1994); Amdts Adopted 11 Com. Reg. 6268 (June 15, 1989); Amdts Proposed 11 Com. Reg. 6120 (Apr. 15, 1989).

Part 1800 - Non-compliance with Rate Schedules

§ 50-10-1801 Non-compliance with Rate Schedules

Except as otherwise specifically provided in this chapter, the CUC may discontinue service to a customer for non-compliance with rate schedules.

Modified, 1 CMC § 3806(d).

History: Amdts Adopted 16 Com. Reg. 12471 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 12225 (July 15, 1994); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Part 1900 - Customer's Request for Discontinuance of Service

§ 50-10-1901 Notice Required

When a customer desires to terminate responsibility for service, the customer shall give the CUC not less than five days notice and state the date on which termination of service is to become effective.

Modified, 1 CMC § 3806(e).

History: Amdts Adopted 16 Com. Reg. 12471 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 12225 (July 15, 1994); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: The Commission created the section titles in part 1900.

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§ 50-10-1905 Customer Responsible Until Termination Date

A customer shall be responsible for all service furnished at the customer's premises until five days after receipt of such notice by the CUC or until the date of termination specified in the notice, whichever date is later in time.

Modified, 1 CMC § 3806(e).

History: Amdts Adopted 16 Com. Reg. 12471 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 12225 (July 15, 1994); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Part 2000 - Deposits in Lieu of Payments & Disconnections

§ 50-10-2001 Security Deposit Applied to Balance Due

Should any customer be disconnected, the customer's security deposit shall automatically be applied toward the balance due on the account.

History: Amdts Adopted 16 Com. Reg. 12471 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 12225 (July 15, 1994).

Commission Comment: The Commission created the section titles in part 2000.

Public Law 15-122 (effective December 5, 2007) set forth requirements for the disconnection and reconnection of utility services. 4 CMC § 8144. Public Law 16-17, effective October 1, 2008, repealed and reenacted 4 CMC § 8144. Both PL 15-122 and PL 16-17 require that CUC use security deposits to offset past due amounts prior to disconnection. 4 CMC § 8144(a). The provisions of PL 16-17 supersede this section to the extent that they conflict.

§ 50-10-2005 Re-connection; Security Deposit

Should a customer who has been disconnected desire to have utility services re-connected, the customer must re-establish a two month security deposit pursuant to § 50-10-405 or § 50-10-410, whichever applies. Customers who have been disconnected must pay in full all deposits before services are restored.

Modified, 1 CMC § 3806(c), (e).

History: Amdts Adopted 16 Com. Reg. 12471 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 12225 (July 15, 1994).

Commission Comment: Public Law 15-80, effective August 17, 2007, codified at 4 CMC §§ 8143(b) and (c), required that CUC collect a one month security deposit from residential customers to be held in an interest-earning trust fund, which "shall not be used for any other purpose." 4 CMC § 8143(b). Public Law 16-2 (effective May 3, 2008) amended 4 CMC § 8143(b) to allow CUC to use up to 50 % of the security deposit funds to pay fuel expenses during fiscal year 2008. Public Law 16-17, effective October 1, 2008, repealed and reenacted 4 CMC § 8143. Public Laws 15-80, 16-2 and 16-17 require that residential customers receive a refund of the security deposit with interest within 30 days after disconnection. 4 CMC §§ 8143(b). The provisions of PL 16-17 supersede this section to the extent that they conflict.

§ 50-10-2010 Re-connection Charge

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The CUC shall require payment in full of a re-connection charge before restoring service which has been disconnected for any of the reasons stated in parts 700 and 1500 through 1900 of this chapter.

- (a) Commercial re-connection fees shall be the greater of \$150 or ten percent of the monthly utility bill. This amount will be calculated by averaging the two highest months during the last 12 month period times point ten percent.
- (b) Residential re-connection fees shall be \$75.

Modified, 1 CMC § 3806(c), (d), (e), (g).

History: Amdts Adopted 19 Com. Reg. 15219 (Mar. 15, 1997); Amdts Proposed 19 Com. Reg. 14841 (Jan. 15, 1997); Amdts Adopted 16 Com. Reg. 12471 (Oct. 15, 1994); Amdts Proposed 16 Com. Reg. 12225 (July 15, 1994); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: The cross-references in this section were not updated from the original 1988 regulations. The Commission updated the references based on the addition of new parts since 1988.

The 1994 amendments added new subsections (a) and (b). The 1997 amendments amended subsection (b).

Part 2100 - Rate Schedules

§ 50-10-2101 Establishment of Rates and Charges

CUC shall establish rates and charges for electric service in a fair and rational manner for all consumers of electricity so that CUC will be financially independent of all appropriations by the Commonwealth Legislature as required by 4 CMC § 8140, as amended by Executive Order 2006-4. Electric rates and charges established by CUC shall be sufficient to recover all costs associated with the administration, operation, maintenance, transmission, generation, and delivery of electric service as required by 4 CMC § 8141(c), as amended by Executive Order 2006-4. The term “costs” shall include adequate financial reserves for any debt associated with electric service and for the replacement of obsolete, worn-out, or damaged equipment as required by 4 CMC § 8141, as amended by Executive Order 2006-4. These electric rates and charges shall take effect immediately upon compliance with the Administrative Procedures Act, 1 CMC §§ 9101 et. seq.

Modified, 1 CMC § 3806(g).

History: Amdts Proposed 30 Com. Reg. 28140 (Jan. 31, 2008);* Amdts Emergency and Proposed 29 Com. Reg. 27158 (Nov. 19, 2007)(effective for 120 days from Nov. 2, 2007);* Adopted 28 Com. Reg. 26256 (Oct. 30, 2006); Amdts Proposed 28 Com. Reg. 26156 (Sept. 27, 2006); Emergency and Proposed 28 Com. Reg. 25937 (July 21, 2006) (effective for 120 days from July 20, 2006); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Amdts Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

* A notice of adoption has not been published.

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Commission Comment: The 2006 amendments repealed and replaced this section in its entirety. The Commission changed the 2004 section title of “Rates Schedules for Customer Categories” to “Establishment of Rates and Charges” based on the content of the 2006 amendments to this section.

The Commission created the section titles for Part 2100. The Commission added the word “by” before “4 CMC § 8141” in the second and third sentences to correct manifest errors.

Public Law 15-94 (effective October 4, 2007), codified at 4 CMC § 8146-8148, established a specific schedule of electric rates and charges for the purpose of superseding the electric rates and charges set forth in this part. 4 CMC § 8146. In November 2007, CUC made emergency and proposed amendments repealing and replacing this section. The emergency amendments took effect for 120 days on November 2, 2007. On January 31, 2008, CUC proposed to repeal and replace this section. A notice of adoption has not been published.

Public Law 16-2 (effective May 3, 2008) suspended the electric rates and charges set forth in PL 15-94 from May 3, 2008 to December 31, 2008. PL 16-2 § 2. PL 16-2 temporarily reinstated CUC’s regulatory rates as set forth in this part until such rates may be superseded by rates adopted by the Commonwealth Public Utilities Commission (PUC). PL 16-2 § 3. Section 3 of PL 16-2 provides that the rates set forth in PL 15-94 shall become effective again and “supersede temporary electric charges and rates established pursuant to this Act upon the failure of the Commonwealth Utilities Corporation and the Commonwealth Public Utilities Commission to adopt an electrical rate structure on or before December 31, 2008.” PL 16-2 § 3. PUC and/or CUC did not publish any regulations between May 3, 2008 and December 31, 2008. Consequently, the electrical charges and rates in this part are superseded by the rates in PL 15-94 as of January 1, 2009 until such time as CUC establishes rates consistent with the provisions of Public Law 16-17, effective October 1, 2008. PL 16-17 requires that CUC “comply with any requirement regarding the holding of public hearings within the Commonwealth required by the PUC” before proposing any schedule affecting rates. 4 CMC § 8142.

Public Law 17-3 (effective May 12, 2010) amended 4 CMC § 8122(d) to the effect that the rate decisions made by CUC’s Executive Director are ratified.

On May 18, 2012, Governor Benigno R. Fitial signed Executive Order No. 2012-05 (34 Com. Reg. 032412 (May 28, 2012)). In Executive Order No. 2012-05, Governor Fitial declared a state of disaster emergency and assumed all of the executive power of CUC; suspended all provisions in Title 4 of the Commonwealth Code, and P.L. 17-34; and suspended 3 CMC § 4531 regulating government employment. 34 Com. Reg. 032412 (May 28, 2012)

On August 16, 2012, Acting Governor Eloy S. Inos signed Executive Order No. 2012-10 (34 Com. Reg. 032735 (August 29, 2012)). In Executive Order No. 2012-10, Acting Governor Inos declared a state of disaster emergency and assumed all of the executive power of CUC; suspended all provisions in Title 4 of the Commonwealth Code, and P.L. 17-34 concerning PUC; and suspended 3 CMC § 4531 regulating government employment. 34 Com. Reg. 032412 (May 28, 2012). This Executive Order was renewed as Executive Order No. 2012-12 (34 Com. Reg. 32795 (Sept. 29, 2012)), Executive Order No. 2012-14 (34 Com. Reg. 32875 (Oct. 29, 2012)); Executive Order No. 2012-16 (34 Com. Reg. 33111 (Nov. 29, 2012)); Executive Order No. 2013-02 (35 Com. Reg. 33135 (Jan. 28, 2013)); and Executive Order No. 2013-03 (35 Com. Reg. 33299 (Mar. 28, 2013)).

On March 22, 2013, Governor Eloy S. Inos signed Executive Order No. 2013-05 (35 Com. Reg. 33318 (Apr. 28, 2013)). In Executive Order No. 2013-05, Governor Inos declared a state of disaster emergency and assumed all of the executive power of CUC and suspended 3 CMC § 4531 regulating government employment. 35 Com. Reg. 33321 (Apr. 28, 2013). This Executive Order was renewed as Executive Order No. 2013-07 (35 Com. Reg. 33325 (Apr. 28, 2013)); Executive Order No. 2013-10 (35 Com. Reg. 33544 (May 28, 2013)); and Executive Order No. 2013-12 (Jun. 28, 2013)).

§ 50-10-2105 Applied According to Terms

The CUC’s rate schedules shall be interpreted and applied by the CUC for each customer’s service requirements in accordance with the terms and conditions of such rate schedules and the size and characteristic of such service requirements, as these are determined from time to time.

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History: Adopted 28 Com. Reg. 26256 (Oct. 30, 2006); Amdts Proposed 28 Com. Reg. 26156 (Sept. 27, 2006); Emergency and Proposed 28 Com. Reg. 25937 (July 21, 2006) (effective for 120 days from July 20, 2006); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Amdts Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: In 2006, this section was repromulgated in its entirety without modification.

§ 50-10-2110 Challenges to Rates

A customer who is adversely affected by the application of any rate or charge for electric service may challenge the rate or charge, and if the customer and the CUC do not reach agreement, the matter shall be adjudicated in accordance with Administrative Procedures Act (1 CMC §§ 9108 et. seq.).

History: Adopted 28 Com. Reg. 26256 (Oct. 30, 2006); Amdts Proposed 28 Com. Reg. 26156 (Sept. 27, 2006); Emergency and Proposed 28 Com. Reg. 25937 (July 21, 2006) (effective for 120 days from July 20, 2006); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Amdts Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: In 2006, this section was repromulgated in its entirety without modification.

§ 50-10-2115 Change in Rate Schedules

If a customer elects to change to another appropriate customer classification and applicable rate schedule, the change shall be allowed provided:

- (a) A change has not been allowed within the past twelve month period; or
- (b) A change is made to a new or revised rate schedule, for purposes of Part 2100, monthly changes in the “electric fuel rate,” as set forth in § 50-10-2135(d), shall not constitute a “new or revised rate schedule”; or
- (c) A change has occurred in the customer’s principal activities and or functions for that service, which, in the opinion of the CUC, justifies a change in the customer classification, if such a change has not been allowed within the past twelve months.
- (d) All requests for change must be by written notice to the CUC. The change shall become effective for the billing period during which the customer requested the change.
- (e) No changes will be made retroactively unless it can be ascertained that the CUC did not promptly act on a written notice for change.

Modified, 1 CMC § 3806(c), (e).

History: Adopted 28 Com. Reg. 26256 (Oct. 30, 2006); Amdts Proposed 28 Com. Reg. 26156 (Sept. 27, 2006); Emergency and Proposed 28 Com. Reg. 25937 (July 21, 2006) (effective for 120 days from July 20, 2006); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Amdts Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: The 2006 amendments made several changes throughout this section and added subsection (e).

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§ 50-10-2120 Classifications of Apartments and Mixed Use Buildings

- (a) Residential customers are those who purchase power for use in a single-family house or an apartment. An apartment building used solely for residential purposes, which has only one meter for the entire building, the customer shall be classified as residential.
- (b) An apartment building, which has separately metered apartments, those customers shall be classified as residential. If a part of the building is for commercial purposes, which is separately metered, those customers shall be classified as commercial.
- (c) An apartment building, which has only one meter serving the entire building, where there is a commercial business located in the building, the customer shall be classified as commercial.
- (d) Buildings, which are used for housing workers (barracks, houses, or apartments), where the power is purchased and paid for by a commercial business for profit, shall be classified as commercial.
- (e) A residence which includes a commercial business shall be classified as commercial.
- (f) A commercial customer is defined as such if a business license is required for the business operation.
- (g) A non-profit organization is defined as such if it provides CUC with written determination of tax exempt status from the Commonwealth Division of Revenue and Taxation that it qualifies as a charitable organization under Sections 501 and 503(c) of the Northern Marianas Territorial Income Tax or proof that it is not required to file for such a determination. A non-profit organization has the option to be billed as either residential or commercial for each service location as allowed under § 50-10-2130(c). However, non-profit organizations that operate a for profit business, that business shall be classified as commercial.

Modified, 1 CMC § 3806(c), (d).

History: Amdts Proposed 30 Com. Reg. 28140 (Jan. 31, 2008);* Amdts Emergency and Proposed 29 Com. Reg. 27158 (Nov. 19, 2007)(effective for 120 days from Nov. 2, 2007);* Adopted 28 Com. Reg. 26256 (Oct. 30, 2006); Amdts Proposed 28 Com. Reg. 26156 (Sept. 27, 2006); Emergency and Proposed 28 Com. Reg. 25937 (July 21, 2006) (effective for 120 days from July 20, 2006); Amdts Adopted 27 Com. Reg. 24088 (Feb. 17, 2005); Amdts Proposed 26 Com. Reg. 22970 (Oct. 26, 2004); Amdts Adopted 21 Com. Reg. 16904 (Aug. 23, 1999); Amdts Proposed 21 Com. Reg. 16449 (Jan. 18, 1999); Amdts Proposed 18 Com. Reg. 14286 (Aug. 15, 1996); Amdts Adopted 18 Com. Reg. 14308 (Aug. 15, 1996); Amdts Proposed 18 Com. Reg. 14126 (May 15, 1996); Amdts Adopted 15 Com. Reg. 10490 (Feb. 15, 1993); Amdts Proposed 14 Com. Reg. 9381 (July 15, 1992); Amdts Proposed 14 Com. Reg. 8755 (Feb. 15, 1992); Amdts Adopted 11 Com. Reg. 6268 (June 15, 1989); Amdts Proposed 11 Com. Reg. 6120 (Apr. 15, 1989); Adopted 11 Com. Reg. 5848 (Jan. 15, 1989); Proposed 10 Com. Reg. 5687a (Sept. 15, 1988).

*A notice of adoption has not been published.

Commission Comment: The June 1989 amendments added subsections (a) through (f). The August 1996 amendments added new subsection (g) and amended subsection (d). The 1999 amendments added subsection (h).

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The January 1989 Electric Service Regulations first adopted the precursor to subsection (h) as separate “Electric Power Rates.” The 1992 amendments proposed to amend the separate Electric Power Rates. A notice of adoption for the 1992 proposed amendments was never published. The 1993 Electric Power Rates amendments raised the rates for the government consumer class retroactively to October 1, 1992. See 15 Com. Reg. at10490 (Feb. 15, 1993).

The August 1996 amendment proposed to add a new section 24.6 to this part stating the proposed increased Electric Service Rates. A notice of adoption for the August 1996 proposed amendments was never published and, therefore, the Commission has not incorporated the proposed changes.

The 1999 amendments amended the Electric Service Rates and incorporated the separate Electric Service Rates into the Electric Service Regulations as subsection (h) of this section.

The February 2005 amendments amended subsection (h) to provide for a fuel surcharge fee in base electric rates. The Commission codified this amendment as § 50-10-2125.

The 2006 amendments made several changes throughout this section and repealed § 50-10-2125.

In November 2007, CUC made emergency and proposed amendments to subsection (g) of this section. The emergency amendments took effect for 120 days on November 2, 2007. On January 31, 2008, CUC again proposed to amend subsection (g). A notice of adoption has not been published.

§ 50-10-2125 Fuel Surcharge Fee

[Repealed.]

History: Amdts Adopted 28 Com. Reg. 26256 (Oct. 30, 2006) (repealed); Amdts Proposed 28 Com. Reg. 26156 (Sept. 27, 2006); Emergency and Proposed 28 Com. Reg. 25937 (July 21, 2006) (effective for 120 days from July 20, 2006); Amdts Adopted 27 Com. Reg. 24088 (Feb. 17, 2005); Amdts Proposed 26 Com. Reg. 22970 (Oct. 26, 2004).

§ 50-10-2130 Customer Classifications

(a) The regulations in this part develop and implement rate and charge schedules segregated into the following customer classifications:

- (1) Residential;
- (2) Commercial;
- (3) Government;
- (4) Non-Conforming Load.

(b) The non-conforming load classification is defined as any customer with a maximum demand of at least 3,000 kilowatts (kW) in the preceding twelve calendar months and daily operations where the ratio of the maximum demand to the minimum demand exceeded three, three times in any 30-day period during the preceding 12 calendar months.

(c) Non-profit organizations, as defined by 50-10-2120(g), shall have the option to consult with CUC and elect to be billed at either the residential or commercial rates for each service location, whichever is more beneficial to the organization. Changes between customer classification rate schedules shall be made in accordance with CUC Electric Service Regulations [Chapter 50-10], Part 2100, Rate Schedules.

Modified, 1 CMC § 3806(c), (d), (e), (f).

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History: Amdts Proposed 30 Com. Reg. 28140 (Jan. 31, 2008);* Amdts Emergency and Proposed 29 Com. Reg. 27158 (Nov. 19, 2007) (effective for 120 days from Nov. 2, 2007);* Adopted 28 Com. Reg. 26256 (Oct. 30, 2006); Amdts Proposed 28 Com. Reg. 26156 (Sept. 27, 2006); Emergency and Proposed 28 Com. Reg. 25937 (July 21, 2006) (effective for 120 days from July 20, 2006).

*A notice of adoption has not been published.

Commission Comment: This section was added in the 2006 amendments. The Commission codified a subsection of this section regarding rates and charges as § 50-10-2135.

Public Law 15-94 (effective October 4, 2007), codified at 4 CMC § 8146-8148, established a specific schedule of electric rates and charges for the purpose of superseding the electric rates and charges set forth in this part. 4 CMC § 8146. In November 2007, CUC made emergency and proposed amendments repealing and replacing this section. The emergency amendments took effect for 120 days on November 2, 2007. On January 31, 2008, CUC proposed to repeal and replace this section. A notice of adoption has not been published.

Public Law 16-2 (effective May 3, 2008) suspended the electric rates and charges set forth in PL 15-94 from May 3, 2008 to December 31, 2008. PL 16-2 § 2. PL 16-2 temporarily reinstated CUC's regulatory rates as set forth in this part until such rates may be superseded by rates adopted by the Commonwealth Public Utilities Commission (PUC). PL 16-2 § 3. Section 3 of PL 16-17 provides that the rates set forth in PL 15-94 shall become effective again and "supersede temporary electric charges and rates established pursuant to this Act upon the failure of the Commonwealth Utilities Corporation and the Commonwealth Public Utilities Commission to adopt an electrical rate structure on or before December 31, 2008." PL 16-2 § 3. PUC and/or CUC did not publish any regulations between May 3, 2008 and December 31, 2008. Consequently, the electrical charges and rates in this part are superseded by the rates in PL 15-94 as of January 1, 2009.

§ 50-10-2135 Rates and Charges

(a) CUC costs shall be recovered through the following rates and charges:

- (1) Monthly Customer Charges;
- (2) Electric Non-Fuel Rates; and
- (3) Electric Fuel Rates.

(b) Monthly Customer Charges.

(1) CUC shall institute a monthly customer charge schedule for each customer classification as a minimum monthly flat-rate charge, with no credit for usage. The monthly customer charge was determined by the electric rate study conducted by Economists.com (see exhibit 1 "Schedule of Electric Charges and Rates," page 1 of 2).

(2) The monthly customer charge shall recover a portion of the costs directly associated with serving customers, irrespective of the amount of electric usage. Such costs are for meter reading, billing, accounting, and collecting and for maintaining and providing capital costs related to meters, equipment, and associated services.

(c) Electric Non-Fuel Rates.

(1) CUC shall institute an electric non-fuel rate schedule for each customer classification, under which consumers shall be billed, based on the number of kilowatt-hours (kW-h) of electricity consumed during a billing period. The electric non-fuel rates were determined by the electric rate study conducted by Economists.com (see exhibit 1 "Schedule of Electric Charges and Rates," page 1 of 2). So as not to create a financial hardship or adversely affect the amount billed, a billing period shall contain not less than 28 days nor more than 32 days. If the billing

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period is outside these parameters, CUC shall compute a prorated bill based on a 30-day billing period. This provision shall supersede those in § 50-10-1315 pertaining to billing period.

(2) The electric non-fuel rates shall pass through monthly, to all consumers of CUC electricity, approximately one-twelfth of all CUC annual operating costs associated with electric service; excluding the cost of production fuel and lubricating oils and those costs that are recovered through the monthly customer charge.

(3) For residential customers, an inverted block rate schedule, with four rate levels, shall be established. Each successive rate level shall have a higher rate per kW-h than the previous level, as distinguished by ascending levels of consumption. Total usage will be applied first to the lowest level of the block rate (001 to 500 kW-h). For any usage that is above 500 kW-h and up to 1,000 kW-h shall be billed at the second rate level. Any usage that is above 1,000 kW-h and up to 2,000 kW-h shall be billed at the third rate level. Any and all usage above 2,000 kW-h shall be billed at the fourth level. The inverted block method provides an effective means of promoting conservation when CUC lacks sufficient generating capacity to provide constant reliable electric service to all of its customers. Further, the first (lowest) rate level within the schedule provides a lifeline rate for consumers that use 500 kW-h or less of electricity during a billing period. Refer to exhibit 1, pages 2 of 2, for examples of how CUC would compute the monthly non-fuel charges for residential customers.

(4) For commercial, government, and non-conforming load customers, separate rate schedules shall be established having only one rate level for each customer classification. Customers within these three classifications shall be charged at the respective rates per kW-h. Refer to exhibit 1, page 2 of 2, for examples of how CUC would compute the monthly non-fuel charges for commercial customers.

(5) The charges based on electric non-fuel rate(s) and the monthly customer charge shall be combined and appear as a separate item, "electric non-fuel charges," on the monthly customer billing statement.

(6) The non-fuel rates and monthly customer charges shall remain in effect for approximately one year from the date of this section, unless unanticipated circumstances warrant the need to adjust the rates and charges sooner. Prior to the expiration of the one year period, and each year thereafter, CUC shall commission a review to determine if the non-fuel rates and monthly customer charges should increase or decrease or remain the same.

(7) The CUC chief financial officer shall provide public notice of any adjustments to the electric non-fuel rates and the monthly customer charges, maintain on file the methodology used to determine the rates and charges, take comments, and arrange for public hearings and workshops, as needed, which may be attended by the customers and other members of the public.

(d) Electric Fuel Rate: CUC shall institute an electric fuel rate schedule, under which all consumers shall be billed, based on the number of kilowatt-hours (kW-h) of electricity consumed during the billing period (see exhibit 1, page 1 of 2). The charge per kW-h will be the same for all customer classifications, regardless of the level of consumption.

(1) The electric fuel rate shall pass through to all consumers of CUC electricity, the monthly fuel costs for generating electricity. Fuel costs subject to cost recovery shall include only production fuel and lubricating oils. Accordingly, the electric fuel rate may increase or decrease or remain the same from month-to-month.

(2) The electric fuel rate shall take effect on the date that this section becomes effective and shall remain in effect through August 31, 2006. The interim electric fuel rate shall be \$0.215 per

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kW-h, as determined by the electric rate study conducted by Economists.Com (see exhibit 1 “Schedule of Electric Charges and Rates,” page 1 of 2). Thereafter, the CUC chief financial officer shall calculate an initial electric fuel rate for September 2006 and for each month thereafter, compute the subsequent month’s electric fuel rate.

(3) On the first day of each month, CUC shall announce the electric fuel rate that will be in effect for that month. If the first day of the month falls on a Saturday, Sunday, or holiday, the new fuel rate will be announced on the first business day thereafter. Regardless of when announced, the rate shall be in effect from the first day through the last day of each month.

(4) Because CUC monthly billing periods generally overlap portions of two months, e.g. September 12 through October 13, the fuel rate shall be applied on a pro rata basis according to the number of days each month’s usage (September and October) is to the total number of days in the billing period. In the example above, the billing period consists of 31 days, of which 18 days (rounded to 58 percent or .58) are in September and 13 days (rounded to 42 percent or .42) are in October. For illustration purposes, assume that electric consumption for the 31-day period is 2,345 kW-h and electric fuel rates were \$0.222 per kW-h for September and \$0.216 for October. Thus, the electric fuel charges for the billing period would be \$514.68, which is computed as follows:

(i) For September, multiply 2,345 kW-h times .58 times \$0.222, which equals \$301.94. For October, multiply 2,345 kW-h times .42 times \$0.216, which equals \$212.74. Next, add the two amounts (\$301.94 plus \$212.74) for the total charges, which equals to \$514.68 (see EXHIBIT 2).

(ii) Computations:

$$\begin{array}{rcl} 2345 \times .58 \times .222 & = & \$301.94 \\ 2345 \times .42 \times .216 & = & \underline{\$212.74} \\ 301.94 + 212.74 & = & \$514.68 \end{array}$$

(5) The charges based on the electric fuel rate shall appear as a separate item, “electric fuel charges,” on the monthly customer billing statement.

(6) The methodology in this section provides for the computation of the initial and all subsequent target months’ electric fuel rates (see EXHIBIT 3).

(7) The initial, and the first subsequent, target month’s electric fuel rate shall be computed as follows (see Formula No. 1 (EXHIBIT 3, page 1 of 2) and Example of Computation of Initial and First Subsequent Target Months’ Fuel Rate (EXHIBIT 3, page 2 of 2)):

(i) Projected fuel costs for the target month.

(ii) Divided by projected sales, in kW-h, for the target month.

For purposes of Part 2100, the initial target month shall be September 2006 and the first subsequent target month shall be October 2006.

(8) Because CUC billing periods generally overlap portions of two months, e.g. September 12 through October 13, the second, and each successive, subsequent target month’s electric fuel rate shall be computed as follows (see Formula No. 2 (exhibit 3, page 1 of 2) and Example of Computation for Second, and Each Successive, Subsequent Target Month’s Fuel Rate (exhibit 3, page 2 of 2)):

(i) Projected fuel costs for the target month.

(ii) Plus or minus any adjustment for the third preceding month’s under- or over-recovery of fuel costs.

(iii) Divided by projected sales, in kW-h, for the target month.

For purposes of Part 2100, the second subsequent target month shall be November 2006; each successive subsequent target month shall be the consecutive months that follow.

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- (9) Computation of the under- or over-recovery of fuel costs shall be as follows:
- (i) Third preceding month's actual fuel costs.
 - (ii) Minus total of third preceding month's actual sales, in kW-h, multiplied by the third month's fuel rate per kW-h.
- See Formula No. 2 (exhibit 3, Page 1 of 2) and Example of Computation for Second, and Each Successive, Subsequent Target Month's Fuel Rate (exhibit 3, page 2 of 2).
For purposes of Part 2100, the third preceding month shall be the third month prior to the target month. For example, if the target month is November 2006, the third preceding month is August 2006.
- (10) Any difference between the actual fuel costs and the electric fuel rate revenues shall be accumulated in a deferred account and shall be subject to annual reconciliation. No interest shall be charged or paid on any under- or over-recovery balance in the deferred account.
- (11) The CUC chief financial officer shall be responsible for calculating the initial and subsequent months' electric fuel rates; maintaining on file the methodology used to determine the fuel rates; prescribing the accounts, forms, and details of the calculations; and providing public notice of the monthly electric fuel rates.
- (12) The CUC executive director or designated representative shall approve the initial and all subsequent months' electric fuel rates before they are published and implemented.

Modified, 1 CMC § 3806(d), (e), (f), (g).

History: Amdts Proposed 30 Com. Reg. 28140 (Jan. 31, 2008);* Amdts Emergency and Proposed 29 Com. Reg. 27158 (Nov. 19, 2007)(effective for 120 days from Nov. 2, 2007);* Adopted 28 Com. Reg. 26256 (Oct. 30, 2006); Proposed 28 Com. Reg. 26156 (Sept. 27, 2006); Emergency and Proposed 28 Com. Reg. 25937 (July 21, 2006) (effective for 120 days from July 20, 2006).

* A notice of adoption has not been published.

Commission Comment: This section was originally a subsection of § 50-10-2130, Customer Classifications. For clarity, the Commission codified this subsection separately as § 50-10-2135.

The Commission inserted a period at the end of the first sentence in subsection (c)(1). Towards the end of subsection (c)(3), the Commission changed the "and" in "page 2 and 2" to "of" to correct a manifest error. The Commission inserted the comma after "billed" in the first sentences of subsections (c) and (d).

In subsection (c)(11), the Commission changed the following: "maintain" to "maintaining;" "prescribe" to "prescribing;" and "provide" to "providing" for consistency.

The Commission changed "months" to "month's" in subsection (d)(2). In subsection (d)(4)(i), the Commission removed the period after "514.68" and placed it after the final parenthesis. The Commission inserted the second comma in section (d)(5). In subsection (d)(7), the Commission removed the comma after "(exhibit 3, page 1 of 2)" and changed "month's" to "months".

Public Law 15-94 (effective October 4, 2007), codified at 4 CMC § 8146-8148, established a specific schedule of electric rates and charges for the purpose of superseding the electric rates and charges set forth in this part. 4 CMC § 8146. In November 2007, CUC made emergency and proposed amendments repealing and replacing this section and the exhibits to this section. The emergency amendments took effect for 120 days on November 2, 2007. On January 31, 2008, CUC proposed to repeal and replace this section and the exhibits to this section. A notice of adoption has not been published.

Public Law 16-2 (effective May 3, 2008) suspended the electric rates and charges set forth in PL 15-94 from May 3, 2008 to December 31, 2008. PL 16-2 § 2. PL 16-2 temporarily reinstated CUC's regulatory rates as set forth in this

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part until such rates may be superseded by rates adopted by the Commonwealth Public Utilities Commission (PUC). PL 16-2 § 3. The rates set forth in PL 15-94 shall become effective again and “supersede temporary electric charges and rates established pursuant to this Act upon the failure of the Commonwealth Utilities Corporation and the Commonwealth Public Utilities Commission to adopt an electrical rate structure on or before December 31, 2008.” PL 16-2 § 3. PUC and/or CUC did not publish any regulations between May 3, 2008 and December 31, 2008. Consequently, the electrical charges and rates in this part are superseded by the rates in PL 15-94 as of January 1, 2009 until such time as CUC establishes rates consistent with the provisions of Public Law 16-17, effective October 1, 2008. PL 16-17 requires that CUC “comply with any requirement regarding the holding of public hearings within the Commonwealth required by the PUC” before proposing any schedule affecting rates. 4 CMC § 8142.

The Commonwealth Utilities Corporation published the following exhibits with the regulation codified in this section. For the original exhibits, see 28 Com. Reg. 26277-26281 (Oct. 30, 2006). In November 2007, CUC made emergency and proposed amendments repealing and replacing the exhibits to this section. The emergency amendments took effect for 120 days on November 2, 2007. On January 31, 2008, CUC proposed to repeal and replace the exhibits to this section. A notice of adoption has not been published.

Public Law 17-3 (effective May 12, 2010) amended 4 CMC § 8122(d) to the effect that the rate decisions made by CUC’s Executive Director are ratified.

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EXHIBIT 1 (Page 1 of 2)

**COMMONWEALTH UTILITIES CORPORATION
SCHEDULE OF ELECTRIC CHARGES AND RATES**

CUSTOMER CLASSIFICATIONS	MONTHLY CUSTOMER CHARGES (FIXED)	RATES PER KILOWATT-HOUR (kWh)		
		ELECTRIC		TOTAL RATES PER kWh
		NON-FUEL RATES (FIXED)	FUEL RATES (FLUCTUATES)	
RESIDENTIAL	\$ 5.60			
1) First 500 kWh (1 To 500)		\$ 0.016	\$ 0.215	\$ 0.231
2) Second 500 kWh (501 To 1,000)		0.066	0.215	0.281
3) Next 1,000 kWh (1,001 To 2,000)		0.086	0.215	0.301
4) All kWh Over 2,000		0.127	0.215	0.342
COMMERCIAL (All kWh Billed)	7.67	0.086	0.215	0.301
GOVERNMENT (All kWh Billed)	7.67	0.091	0.215	0.306
NON-CONFORMING LOAD (All kWh Billed)	\$ 56.00	\$ 0.222	\$ 0.215	\$ 0.437

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EXHIBIT 1 (Page 2 of 2)

COMPUTATIONS OF MONTHLY BILLINGS FOR RESIDENTIAL AND COMMERCIAL CUSTOMERS;

Assume RESIDENTIAL CUSTOMER consumed 2,345 kWh during a billing period.

Electric Non-Fuel (Monthly Customer Charge and Electric Non-Fuel):

<u>Monthly Customer Charge</u>			\$ 5.60
<u>Non-Fuel Rate Charges:</u>	<u>Rate per kWh</u>	<u>Usage</u>	
1) First 500 kWh (1 To 500)	\$ 0.016	500	8.00
2) Second 500 kWh (501 To 1,000)	0.066	500	33.00
3) Next 1,000 kWh (1,001 To 2,000)	0.086	1,000	86.00
4) All kWh Over 2,000	0.127	345	43.82
Electric Non-Fuel Charges (as shown on billing)			\$ 176.42
<u>Electric Fuel Charges</u> (prorated, EXHIBIT 2) (as shown on billing)	\$0.222 / \$0.216 (see EXHIBIT 2)	2,345	514.68
TOTAL ELECTRIC CHARGES (NON-FUEL CHARGES & FUEL CHARGES)			\$ 691.10

Assume COMMERCIAL CUSTOMER consumed 2,345 kWh during a billing period.

Electric Non-Fuel (Monthly Customer Charge and Electric Non-Fuel):

<u>Monthly Customer Charge</u>			\$ 7.67
<u>Non-Fuel Rate Charges:</u>	<u>Rate per kWh</u>	<u>Usage</u>	
All kWh used during a billing period	\$ 0.086	2,345	201.67
Electric Non-Fuel Charges (as shown on billing)			\$ 209.34
<u>Electric Fuel Charges</u> (prorated, EXHIBIT 2) (as shown on billing)	\$0.222 / \$0.216 (see EXHIBIT 2)	2,345	514.69
TOTAL ELECTRIC CHARGES (NON-FUEL CHARGES & FUEL CHARGES)			\$ 724.03

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EXHIBIT 2 (Page 1 of 1)

**COMPUTATION OF MONTHLY ELECTRIC FUEL CHARGES
PRORATING CHARGES BETWEEN MONTHS
REFERENCE REGULATIONS, PART 24.6.3.3.4**

**EXAMPLE FOR A THEORETICAL BILLING PERIOD AND ELECTRIC FUEL RATES FOR
THE PERIOD OF SEPTEMBER 12 TO OCTOBER 13.**

	<u>READING DATES</u>	<u>BILLING PERIOD NO. DAYS PER MONTH</u>	<u>MONTHLY PERCENT (Rounded)</u>	<u>METER READING</u>
PREVIOUS READING	12-Sep	18 days (September)	58	71606
CURRENT READING	13-Oct	13 days (October)	42	73951
TOTAL		<u>31</u>	<u>100</u>	
TOTAL MONTHLY USAGE (Current minus Previous Reading)				2,345 kWh

TOTAL MONTHLY USAGE (Current minus Previous Reading) 2,345 kWh

<u>MONTH</u>	<u>MONTHLY ELECTRIC FUEL RATE (per kWh)</u>	<u>MONTHLY PERCENT (Rounded)</u>	<u>PRO RATA USAGE (kWh)</u>	<u>MONTHLY ELECTRIC FUEL CHARGES</u>
SEPTEMBER	\$0.222	58	1,360	\$301.94
OCTOBER	\$0.216	42	985	212.74
TOTAL		<u>100</u>	<u>2,345</u>	<u>\$514.68</u>

ELECTRIC FUEL CHARGES (as shown on billing)	\$514.68
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EXHIBIT 3 (Page 1 of 2)

FORMULAE FOR THE COMPUTATION OF MONTHLY ELECTRIC FUEL RATE REFERENCE REGULATIONS, PART 24.6.3.3.7 THROUGH 24.6.3.3.9

Formula No. 1:

The initial, and first subsequent, target month's Electric Fuel Rate shall be computed as follows:

$$\text{Electric Fuel Rate} \\ \text{(Initial \& 1st Subsequent Month)} = \frac{A}{B}$$

A = Projected fuel costs for the target month.

B = Projected sales, in kilowatt-hours (kWh), for the target month.

For purposes of Formula No. 1, the initial target month shall be September 2006 and the first subsequent target month shall be October 2006 (see Part 24.6.3.3.7 of these Regulations).

Formula No. 2:

The second, and each successive, subsequent target month's Electric Fuel Rate shall be computed as follows:

$$\text{Electric Fuel Rate} \\ \text{(2nd \& Successive Subsequent Months)} = \frac{C \ +/- \ D}{E}$$

C = Projected fuel costs for the target month.

D = Under- or over-recovery of fuel costs for the third preceding month.

(Calculation: The third preceding month's actual fuel costs minus (the third preceding month's actual sales, in kWh, multiplied by the third preceding month's electric fuel rate per kWh).)

E = Projected sales, in kWh, for target month.

For purposes of Formula No. 2:

- the second subsequent target month shall be November 2006 and, each successive subsequent target month shall be the consecutive months that follow (see Part 24.6.3.3.8 of these Regulations).

- the third preceding month shall be the third month prior to the target month. For example, if the target month is November 2006, the third preceding month is August 2006 (see Part 24.6.3.3.9 of these Regulations).

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EXHIBIT 3 (Page 2 of 2)

COMPUTATION OF MONTHLY ELECTRIC FUEL RATE INITIAL AND SECOND SUBSEQUENT TARGET MONTHS REFERENCE REGULATIONS, PART 24.6.3.3.7 THROUGH 24.6.3.3.9

Example of how the initial and the first subsequent, target month's Electric Fuel Rate would be computed based on the following assumptions:

Assume: September 2006 projected fuel costs of \$7,100,000 and projected electric sales of 32,000,000 kWh.

Electric Fuel Rate =	$\frac{\$7,100,000}{32,000,000 \text{ kWh}}$	or	\$0.222 per kWh
(Initial & 1st Subsequent Target Month)			(rounded to nearest 1/10 cent)

Example of how a second, and each successive, subsequent target month's Electric Fuel Rate would be computed for any subsequent (target) month after October 2006:

Assume: Subsequent target month (November 2006) projected fuel costs of \$7,200,000 and electric sales of 32,500,000 million kWh.

Assume: The third preceding month's (August 2006) actual fuel costs of \$7,040,000, actual electric sales of 32,500,000 kWh, and fuel recovery charge \$0.222 per kWh.

Electric Fuel Rate =	$\frac{\$7,200,000 - \$175,000^*}{32,500,000 \text{ kWh}}$	or	\$0.216 per kWh
(2nd & Successive Subsequent Months)			(rounded to nearest 1/10 cent)

* For August 2006, actual fuel costs of \$7,040,000 minus (actual sales of 32,500,000 kWh multiplied by Electric Fuel Rate of \$0.222 per kWh). This results in an over-recovery of fuel costs in the amount of \$175,000, which then must be subtracted from the projected fuel costs for the target month (November 2006). Conversely, had an under-recovery of fuel costs occurred, this amount would be added to the projected fuel costs for the target month.)

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Part 2200 - Responsibility

§ 50-10-2201 Reasonable Care for CUC Facilities

The customer shall exercise reasonable care to prevent facilities of the CUC installed on the customer's premises from being damaged or destroyed and shall refrain from tampering or interfering with such facilities, and if any defect therein is discovered by the customer, the customer shall promptly notify the CUC thereof.

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: The Commission created the section titles in part 2200.

§ 50-10-2205 Customer Responsibility from CUC Lines

It shall be the customer's sole risk and expense to furnish, install, inspect, and keep in good and safe condition all electrical facilities required for receiving electric energy from the lines of the CUC, regardless of the location of the transformers, meters or other equipment of the CUC, and for utilizing such energy, including all necessary protective devices and suitable housing there for, and the customer shall be solely responsible for transmission and delivery of all electric energy over or through his wires and equipment, and the CUC shall not be responsible for loss or damage occasioned by the failure of the customer to comply with the requirement to this section.

Modified, 1 CMC § 3806(d).

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

§ 50-10-2210 Standards for Customer Installations

All service switches, fuses, breakers, and similar devices required in connection with service and meter installation on the customer's premises shall be furnished, installed, and maintained by the customer in accordance with CUC's specifications and the NEC.

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

§ 50-10-2215 Responsibility Arises on Receiving Service

By receiving electric service the customer assumes responsibility for the reasonable care and protection of CUC metering equipment and appurtenant apparatus.

History: Amdts Adopted 11 Com. Reg. 6268 (June 15, 1989); Amdts Proposed 11 Com. Reg. 6120 (Apr. 15, 1989); Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Part 2300 - Interruption of Service and Liability

§ 50-10-2301 Reasonable Diligence

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The CUC shall exercise reasonable diligence to furnish a continuous and sufficient supply of electricity to its customers. The CUC cannot, however, guarantee complete freedom from interruption.

Modified, 1 CMC § 3806(d).

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: The Commission created the section titles in part 2300.

§ 50-10-2305 CUC Not Liable for Interruptions

The CUC shall not be liable for interruptions of service or shortage of supply, nor for loss or damage occasioned thereby, unless occasioned by the negligence or wrongful act of the CUC.

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Part 2400 - Inspections

§ 50-10-2401 National Electric Code

The American National Electric Code as amended or revised, is hereby adopted and made the applicable standard in the CNMI.

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

Commission Comment: The Commission created the section titles in part 2400.

§ 50-10-2405 New Electric Service Entrances

All new electric service entrances must pass an inspection by CUC before connection to the utility lines. The first two inspections of the customer's service entrance are provided to the customer at no expense. All subsequent inspections shall be charged to the customer based on a standard inspection fee.

History: Amdts Adopted 11 Com. Reg. 6268 (June 15, 1989); Amdts Proposed 11 Com. Reg. 6120 (Apr. 15, 1989).

§ 50-10-2410 Inspection Order

Inspections shall be made in the order in which requests for inspections are received.

History: Amdts Adopted 11 Com. Reg. 6268 (June 15, 1989); Amdts Proposed 11 Com. Reg. 6120 (Apr. 15, 1989).

§ 50-10-2415 Illegal Service Connection

Discovery of an illegal service connection shall result in an immediate failure to pass an inspection with no further examination of the service entrance equipment.

History: Amdts Adopted 11 Com. Reg. 6268 (June 15, 1989); Amdts Proposed 11 Com. Reg. 6120 (Apr. 15, 1989).

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§ 50-10-2420 Inspection Before Re-connection

(a) A customer whose service is disconnected for any reason shall have the service entrance inspected before it shall be reconnected.

(b) Service connections made by CUC during disaster conditions (such as typhoons) may be made without inspections. CUC reserves the right to reinspect after the emergency to enforce code compliance. CUC shall not be held liable for damages for service connections made during disaster conditions.

History: Amdts Proposed 12 Com. Reg. 6864 (Apr. 15, 1990); Amdts Adopted 11 Com. Reg. 6268 (June 15, 1989); Amdts Proposed 11 Com. Reg. 6120 (Apr. 15, 1989).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

The April 1990 amendments proposed to delete subsection (a). A notice of adoption for the April 1990 proposed amendments was never published and, therefore, the Commission has not incorporated the proposed changes.

§ 50-10-2425 Limit of Inspection Responsibility

CUC's responsibility for inspection includes the service entrance equipment but shall not extend beyond the main service disconnect switch or switches.

History: Amdts Proposed 12 Com. Reg. 6864 (Apr. 15, 1990); Amdts Adopted 11 Com. Reg. 6268 (June 15, 1989); Amdts Proposed 11 Com. Reg. 6120 (Apr. 15, 1989).

Commission Comment: A notice of adoption for the April 1990 proposed amendments was never published and, therefore, the Commission has not incorporated the proposed changes.

CUC published amendments on November 15, 1996 that proposed to add a new part 28, entitled "NEC Clearances." See 18 Com. Reg. at 14480 (Nov. 15, 1996). A notice of adoption for the November 1996 proposed amendments was never published and, therefore, the Commission has not incorporated the proposed changes.

Part 2500 - Miscellaneous Provisions

§ 50-10-2501 Severability

If any provision or provisions of the regulations in this chapter, or the application of any such provision or provisions to any person or circumstance, shall be held invalid by a court of competent jurisdiction, the remainder of this chapter, or the application of such provision or provisions to persons or circumstances other to those to which it is held invalid, shall not be affected thereby.

Modified, 1 CMC § 3806(d).

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).

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Commission Comment: The sections in this part were originally parts 27 and 28 of the 1988 regulations. See 10 Com. Reg. at 5687 (Sept. 15, 1988).

§ 50-10-2505 Previous Regulations

The regulations in this chapter supersede all previous regulations.

Modified, 1 CMC § 3806(d).

History: Adopted 10 Com. Reg. 5730 (Nov. 15, 1988); Proposed 10 Com. Reg. 5668 (Sept. 15, 1988).