

TITLE 50 COMMONWEALTH UTILITIES CORPORATION

CHAPTER 50-30

WATER SERVICES DIVISION; WATER SERVICES REGULATIONS

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

Chapter History: 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. 25142 (Oct. 24, 2005); Amdts Emergency and Proposed 27 Com. Reg. 24650 (July 20, 2005) (effective for 120 days from July 8, 2005); Amdts Adopted 24 Com. Reg. 19115 (Apr. 29, 2002); Amdts Proposed 24 Com. Reg. 19016 (Feb. 28, 2002); Amdts Adopted 17 Com. Reg. 13720 (Sept. 15, 1995); Amdts Proposed 17 Com. Reg. 13510 (June 15, 1995); Amdts Adopted 15 Com. Reg. 10492 (Feb. 15, 1993); Amdts Proposed 14 Com. Reg. 9383 (July 15, 1992); Amdts Proposed 12 Com. Reg. 6781 (Jan. 15, 1990);* Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

*A notice of adoption for the January 1990 proposed amendments was never published.

**As of December 2005, a notice of adoption for the July and August 2005 emergency and proposed amendments had not been published.

Commission Comment: For the history of the regulatory authority of the Commonwealth Utilities Corporation in the Commonwealth, see the general comment to chapter 50-10.

Public Law 15-123 (effective December 3, 2007) amended 4 CMC § 8143 to require CUC to bill water, power, and sewer separately. PL 15-123 prohibits CUC from disconnecting “a consumer’s water service for failure to pay for the electrical power portion of their bill.” 4 CMC § 8143. 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 Public Law 16-17, effective October 1, 2008, repealed and reenacted 4 CMC §§ 8143 -8144 in addition to other code sections. PL 16-17 contains similar requirements as PL 15-122 and PL 15-123. These requirements include: 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; CUC may not disconnect all services (power, water and sewer) when a delinquent payment involves only one utility service; and disconnection may not occur for consumers receiving utility assistance for failure of Department of Community and Cultural Affairs to pay the bill. 4 CMC § 8144.

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)).

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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

§ 50-30-001 Authority

The regulations in this chapter have been adopted by the Commonwealth Utilities Corporation (CUC) pursuant to Public Law 4-47 [4 CMC §§ 8111, et seq.] of the Commonwealth of the Northern Mariana Islands. The regulations in this chapter and technical provisions and specifications which may be adopted by CUC from time to time, shall have the force and effect of law and shall be binding on persons and entities subject to the jurisdiction of the Commonwealth of the Northern Mariana Islands.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-005 Purpose

(a) The purpose of this chapter is to establish requirements for connection to the CUC water system where and when the CUC water system is available and to establish fees for the use of and connection to the CUC water system.

(b) The adopted regulations include the following subject areas:

- (1) When residential and non-residential buildings must be connected to available CUC water systems.
- (2) When a CUC water system will be considered as being available for connection.
- (3) Design standards and requirements for water service connection to CUC water lines.
- (4) Establishment of fees for water use and connection to CUC water lines.
- (5) Sanctions and penalties for failure to pay water charge and for any other violation of this chapter.

Modified, 1 CMC § 3806(d), (f), (g).

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

Commission Comment: In subsection (b)(1), the Commission deleted the repeated word “CUC.” The Commission corrected the phrase “connection to CUC water system” to “connection to the CUC water system,” corrected the phrase “when CUC water system are available” to “when the CUC water system is available,” and corrected the phrase “connection to CUC water system” to “connection to the CUC water system” in subsection (a) pursuant to 1 CMC § 3806(g). The Commission corrected the word “building” to “buildings” and corrected “system” to “systems” in subsection (b)(1) pursuant to 1 CMC § 3806(g). The Commission corrected the word “waterline” in subsection (b)(3) to “water lines” pursuant to 1 CMC § 3806(g). The Commission corrected the phrase “violation to” to “violation of” in subsection (b)(5) pursuant to 1 CMC § 3806(g).

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§ 50-30-010 Applicability

This chapter is only applicable where CUC water systems exist in the Commonwealth of the Northern Mariana Islands.

Modified, 1 CMC § 3806(d).

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-015 Definitions

For the purpose of this chapter, unless it is evident from the context that a different meaning is intended, certain words and phrases used herein are defined as follows:

- (a) “Appurtenances” shall mean valves, stops, bends, elbows, reducers, bushings, plugs, caps, blocks, jackets, manholes, and all other objects, fittings, or installations required to make a complete installation.
- (b) “Chief Engineer” shall mean the person holding the position of Assistant Director, Water Division CUC, CNMI.
- (c) “Cost of service connection” shall mean the sum of the cost of the labor, materials, transportation, equipment, excavation and road repair, if any, and other incidental charges necessary for the complete installation of a service connection, but excluding the cost of the meter and meter box.
- (d) “Construction plans” shall mean engineering drawings representing the design of a specific project.
- (e) “Customer” shall mean the person, firm, partnership, corporation or association, regardless of government-connected status, governmental department, or other legal entity whose name appears on the record of CUC as the party responsible and liable for receiving water service.
- (f) “Customer’s pipe” shall mean the pipe extending from three feet outside the customer’s foundation, across his property to the service connection defined in § 50-30-015(r) at the main top property line.
- (g) “CUC” shall mean the Commonwealth Utilities Corporation of the Commonwealth of the Northern Marianas.
- (h) “CUC water system” shall mean the water system owned and operated by the Commonwealth of the Northern Marianas.
- (i) “Executive Director” shall mean the person holding the position of Executive Director of the Commonwealth Utilities Corporation, CNMI.

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- (j) “Governmental department” shall mean any department, and/or agency of the CNMI government, including autonomous agency.
- (k) “Main” shall mean CUC water system supply pipe to which service connections are made.
- (l) “Or approved equal” shall mean a substitute brand or article which may be installed in place of the one named where such substitute has been approved in writing by the Chief Engineer prior to the actual construction of the project.
- (m) In the matter of “ownership by CUC” and “conveyance of property and improvements to CUC” it shall be understood that the property and improvements are owned by, and that conveyance is made to, CUC.
- (n) “Project” shall mean the structure, undertaking, or improvement to be constructed in whole or in part through the performance of the work covered by this chapter and all other special provisions.
- (o) “Standards” shall mean CUC standards and/or water system planning, materials, and construction of the water division.
- (p) “Subdivision water system” shall mean the water system, within any subdivision, including mains, valves, hydrants, laterals, pumps, tanks, reservoirs, and all appurtenances necessary to provide water and fire protection for such subdivision, and where necessary, sources of supply.
- (q) “Subdivider” shall mean a person, firm, corporation partnership, association, governmental department, trust or other legal entity, or a combination of any thereof who, or which causes land to be divided into two or more lots, parcels, sites, or other divisions of land for the purpose, whether immediate or future, of sale, lease, rental, transfer of title to or interest in, any or all of such parcels, and shall include resubdivision, and when appropriate to the context shall relate to the process of subdividing or the land or territory subdivided.
- (r) “Service connection” shall mean the main tap, pipe, fittings, and valves, from the water main to and including the meter and shut-off valve.
- (s) “Service limits” shall mean the maximum elevation to which adequate water service is available. The service unit shall be that elevation which is 100 feet below the spillway elevation of the supplying reservoir for the area.
- (t) “Subdivision” shall mean improved or unimproved land or lands divided or proposed to be divided into two or more lots, parcels, sites, or other divisions of land including designation of easements, for the purpose, whether immediate or future, of sale, lease, rental, transfer of title to or interest in, any or all of such parcels, and shall include resubdivision, and when appropriate to the context shall relate to the process of subdividing the land or territory subdivided.

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(u) “Water authority” shall mean the Commonwealth Utilities Corporation, CNMI.

(v) “Water service” shall mean service connection as defined in § 50-30-015(r). This term also refers to the delivery of water to customer.

(w) “Work” shall be understood to mean all equipment, materials, operations and incidental activities necessary for the completion of any part or all of the project covered by this chapter.

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

History: Amdts Proposed 12 Com. Reg. 6781 (Jan. 15, 1990); Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

Commission Comment: Subsections (f) and (b) originally cross-referenced “item 17” in error. See 10 Com. Reg. at 5480-81 (Mar. 15, 1988). Item 17, codified at § 50-20-015(q), defines the term “subdivider.” The Commission corrected the citations so that they cross-reference the definition of “service connection.”

The 1990 amendments proposed to amend subsection (c) and add a new definition of “pro-rata marginal cost.” A notice of adoption for the 1990 proposed amendments was never published and, therefore, the Commission has not incorporated the proposed changes.

§ 50-30-020 Existing Rules and Regulations

Any regulations, concerning the provision of water services, in existence on the date of adoption of this chapter, are herewith repealed.

Modified, 1 CMC § 3806(d).

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

Part 100 - General Conditions

§ 50-30-101 Prospective Customers

Any prospective consumer whose premises are within service limits established by CUC, and adjacent to distributing main, may obtain water service where pressure conditions permits, provided that CUC has a sufficient water supply developed for that use and for the fire protection to take on new or additional service without detriment to those already served and the customer agrees to abide by the regulations in this chapter, and other CUC rules.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

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

§ 50-30-105 Main Extension or Substantial Investment Required

Where an extension of mains is necessary, or where large quantities of water are required, or a substantial investment is necessary to provide service the customer will be informed by CUC as

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to the conditions and charges to be made for the particular area and situation in question before water service will be approved.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-110 Meters; Rates

All water supplied by CUC will be measured by the means of suitable meters registering in U.S. gallons. The amounts to be paid for water and water service shall be in accordance with the rates established by CUC Board of Directors and shall be as indicated hereinafter. Rates shown are current rates and are subject to change upon proper processing of the rate changes in accordance with applicable laws.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-115 Service Connections Are Property of CUC

CUC will determine the location and size and brand of manufacturer of all meters and service connections to its system. All service connections including the meter box assembly shall become the property of the CUC for operation and maintenance after installation and new connections or disconnections may be made thereto by CUC at any time.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-120 CUC Not Liable for Interruption

CUC will exercise reasonable diligence and care to deliver an adequate supply of safe, potable water to the customer and to avoid shortages or interruptions in water service, but will not be liable for any interruption, shortage, insufficiency of supply, or any loss or damage occasioned thereby.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-125 Special Conservation Measures

Whenever, in the opinion of CUC special conservation measures are advisable in order to forestall water shortages and a consequent emergency, CUC will restrict the use of water until the water shortage no longer exists.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-130 Repairs; Alterations

CUC reserves the right at any and all times to shut-off water from the mains with proper notice considering the circumstances for the purpose of making repairs, extensions, alterations, or for other reasons. Customers depending upon a continuous supply of water shall provide emergency water storage and any check valves or other devices necessary for the protection of plumbing

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fixtures against failure to the pressure or supply of water in CUC mains. Repairs of improvements will be performed as rapidly as practicable and, insofar as practicable, at such times as will cause the least inconvenience to the customer.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-135 Pressure

CUC will make every effort to maintain proper pressure but will not accept responsibility for unforeseen loss of pressure in its water mains.

Modified, 1 CMC § 3806(g).

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

Commission Comment: The Commission corrected the spelling of “unforeseen.”

§ 50-30-140 Properties Above Certain Elevations

Where property is situated at such an elevation that it cannot be assured of a dependable supply or of adequate pressure from the CUC distribution system, the customer, in consideration of connection with the CUC system must agree to accept such water service as is available. When required by CUC, the customer shall install an air gap check valve, or other protective devices between the customer’s supply pipe and the service connection. The customer shall execute a written release in favor of CUC for all claims on account of any inadequacy in CUC system or inadequacy of water supply to the customer.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-145 Pressure Reducing Relief Valves

When the pressure of CUC supply is higher than that for which individual fixtures are designed, the customer shall protect such fixtures by installing and maintaining pressure reducing and relief valves. CUC will not be liable for damage due to pressure conditions caused by or arising from the failure or defective condition of such pressure regulators and relief valves or for damage that may occur through the installation, maintenance, or use of such equipment.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-150 Resale

The resale of water by the customer is not permitted unless approved in writing by the Executive Director of CUC.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-155 Permission Required

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No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any CUC water system without first obtaining a written permit from the Chief Engineer.

Modified, 1 CMC § 3806(f).

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

Part 200 - Application for Water Service and Service Connection

§ 50-30-201 Application Required for Service

Each prospective customer upon requesting water service is required to make an application in order to be considered for service.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

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

§ 50-30-205 Payment Required for Water Service

The customer shall be responsible for the payment of all charges for water service at the designated location. Charges, including construction and connection costs before service will begin when the water service is established and will continue until due notification from the customer or until discontinued by CUC for failure of the customer to comply with this chapter.

Modified, 1 CMC § 3806(d).

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-210 Outstanding CUC Bills

When an application for water service is made by a customer who was responsible for and failed to pay all bills previously rendered, regardless of location or time incurred, CUC will refuse to furnish water service to such applicant until his outstanding CUC bills are paid.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-215 Use of Existing Service at Property

Taking possession of a property and using water without having made application to CUC for water service to such property, shall be held liable for the water delivered. If proper application for water service is not made upon notification to do so by CUC and if accumulated bills for water service are not paid upon presentation the water service shall be subject to discontinuance without further notice.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-220 Guarantee Deposit

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Any new applicants for service or any existing customers shall be required to make a guarantee deposit to cover charges for utility services.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-225 Amount of Deposit

The amount of the deposit to establish credit required of any customer shall be an amount established by CUC approximately equal to two month's charges for the service or services involved, and as hereinafter indicated.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-230 Refund upon Discontinuance of Service

Upon discontinuance of services, CUC will refund the customer's deposit or the balance in excess of the unpaid bills for the services.

History: 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); Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

Commission Comment: The 2005 emergency and proposed amendments proposed to repeal and replace this section in its entirety. As of December 2005, a notice of adoption had not been published and therefore the Commission has not incorporated the proposed changes.

Part 300 - Installation of Water Service Connections

§ 50-30-301 Installation

When the application for water service has been approved, a service connection will be installed by CUC at the expense of the applicant. There shall be one meter for each service connection, unless CUC because of operating necessity, installs two or more meters in parallel. All meters will be sealed by CUC before installation and no seal shall be altered or broken except by one of its authorized employees.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-305 Installation Charge

The cost of the service connection shall be paid by the applicant before the connection is installed. Installation charges shall be based on the cost of such installation as established by CUC and shall be as initially set at the rates indicated in § 50-10-810(a) which would be revised time to time.*

*So in original; probably should be "will be revised from time to time."

Modified, 1 CMC § 3806(c).

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History: Amdts Proposed 12 Com. Reg. 6781 (Jan. 15, 1990); Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

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

§ 50-30-310 Customer's Pipe

The customer shall install and connect at his expense his supply pipe to the shut-off valve or outlet installed by CUC. The customer's pipe shall at all times remain the sole property of the customer, who shall be responsible for its maintenance and repair. If the customer's pipe is installed before the service connection is set, CUC will make the connection to it provided, however, it is requested, in writing, by the customer prior to the installation of the service connection.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-315 Connection to Main

Only employees of CUC or persons authorized by the Chief Engineer will be allowed to connect or disconnect the service connection to or from CUC main.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-320 Location of Service Connection or Main

No service connection or water main will be installed by CUC in any private road, lane, street, alley, court or place, until such private streets are open to the public and brought, to proper grade and CUC is given proper easements for the main or service connection. Otherwise, an applicant desiring water service to property fronting on such private roads, lanes, etc., must extend, his supply pipe to the nearest public street on which a main exists.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-325 Location of Meters

All meters shall be installed in locations determined by CUC.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-330 Change in Location or Size of Service Connection

When the proper size of service connection for any premise has been determined and the installation has been made, CUC has fulfilled its obligations as the size of the service and the location thereof are concerned. If thereafter the consumer desires a change in size of the service connection or a change in the location thereof, he shall bear all costs of such changes.

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History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-335 Alteration to CUC Water System

All work and materials in connection with the change in location and size or elevation of any part of the existing public water system made necessary by the new service connection shall be at the expense of the applicant.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-340 Contours or Elevation

When required by CUC, contours or elevations shall be furnished by the applicant, based on the Coast and Geodetic Survey Vertical Control System for the Commonwealth of the Northern Marianas.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-345 Size of Meter and Service Connection

CUC will determine the location and size of all meters and service connections to its system.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-350 One Water Service Supplying Multiple Structures

CUC reserves the right to limit the number of houses or buildings and the area of land to be supplied by one service connection.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-355 Water Service to Undeveloped Areas

(a) Any prospective consumer requesting water service for an undeveloped area or tract of land in which a distribution system has not been installed may be required to furnish CUC with plans and specifications for the proposed distribution system for such area or tract which shall conform to the standards and requirements of CUC. Such distribution system will be installed at the expense of the customer in accordance with the plans and specifications and reviewed and approved by CUC.

(b) In the case of water main replacement or extensions of new main funded by the CNMI the customer will only be charged for the service line connection and initial deposit as referred to previously.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

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

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§ 50-30-360 Damage to CUC's Property

Any damage to water mains, service connection, valves, fire hydrants, or other property of CUC shall be paid for by the person, persons, or legal entity responsible for the damage. Cost of damage will include cost of repairs and the amount of water loss as estimated by CUC based on accepted engineering practices.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

Commission Comment: The Commission changed the title of this section from "Drainage to CUC's Property" to "Damage to CUC's Property" to correct a manifest error.

Part 400 - Meter Reading and Rendering of Bills

§ 50-30-401 Meter Readings

Meters will be read and bills rendered monthly or at other intervals as determined by CUC. Special readings may be made when necessary for closing of accounts or for other reasons.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

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

§ 50-30-405 Closing Bills

Closing bills for short periods of time since the last meter reading date will ordinarily be determined by the amount of water actually used, as indicated by the meter reading.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-410 Each Metered Read Separately

Readings of separate meters not combined. For the purpose of computing charges, all meters serving the customer's premises shall be considered separately, and the readings thereof shall not be combined except in cases where CUC, because of operating necessity, installs two or more meters in parallel to serve the same consumer's supply pipe.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-415 Estimated Bills

The customer will receive estimated bills when the meters cannot be read by the meter reader for reasons beyond his control.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

Part 500 - Payment of Bills

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§ 50-30-501 Bills Due upon Mailing

All bills shall be due and payable upon deposit in the United States mail by CUC or upon other presentation to the customer. Payment shall be made at the office of CUC or to duly authorized collectors of CUC.

Modified, 1 CMC § 3806(f).

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

Commission Comment: The Commission created the section titles in part 500.

§ 50-30-505 Past Due Bills

(a) Any bill which is not paid within fifteen days after presentation or deposit in the United States mail shall be deemed past due, and incur a one percent late charge.

(b) This charge becomes part of the balance due. Thereafter, interest on the past due balance accrues at the rate of one percent per month, compounded yearly.

(c) CUC shall have the power to terminate water service to any customer who is past due in making payment of water service charges. The procedures for notice and governing termination shall be those set forth in the Electric Service Regulations of the CUC at NMIAC § 50-10-1520 to § 50-10-1540.

(d) When a customer and the CUC fail to agree on the amount of a bill for water service, the dispute between the parties shall be adjudicated in accordance with the Customer Billing and Disputes Regulations [NMIAC, title 50, chapter 40].

(e) 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(c), (d), (e).

History: Amdts Adopted 24 Com. Reg. 19115 (Apr. 29, 2002); Amdts Proposed 24 Com. Reg. 19016 (Feb. 28, 2002); Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-510 Joint Applicants Liability for Bills

Two or more persons who join in one application for service shall be jointly and severally liable thereunder and shall be billed by means of single periodic bills.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-515 Failure to Receive Bill; Account Due

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Failure of a customer to receive a bill does not prevent the account from becoming payable when due.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

Part 600 - Meter Tests and Adjustment of Bills

§ 50-30-601 Meter Tests

All meters shall be tested by CUC prior to installation. Any customer who, within reason, doubts the accuracy of the meter serving his premises may request a test of the meter. The customer, if he so requests, will be notified as to the time of the test and may witness the test if he so desires. No charge will be made for the first meter test.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-605 Adjustment of Bills for Meter Inaccuracy

If, as the result of the test, the meter is found to register more than two percent fast under conditions of normal operation. CUC will refund to the customer the overcharge, based on past consumption, for a period not exceeding four months, unless it can be proved that the error was due to some cause, the date of which can be fixed. In this latter case, the overcharge shall be computed back to, but not beyond, such date.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-610 Failure to Register

If a meter fails to register due to any cause except the non-use of water, an average bill will be rendered. Such average bill will be subject to equitable adjustment taking into account all factors before, during and after the period of said bill.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-615 Allowances

The customer has the responsibility for the control of the water delivered beyond CUC's service connection and CUC is not responsible for maintenance and repairs to pipes and fixtures beyond the service connection.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

Part 700 - Discontinuation of Water Service

§ 50-30-701 Discontinuation of Water Service

Water service may be discontinued for any of the reasons listed in this part.

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Modified, 1 CMC § 3806(d), (g).

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

Commission Comment: This section was originally the introductory sentence to Article IX (now part 700). The Commission designated it § 50-30-701 and changed the language slightly to accommodate the change. See 10 Com. Reg. at 5491 (Mar. 15, 1988).

§ 50-30-705 Non-payment of Bills

Water service may be discontinued for the non-payment of a bill within 30 days after the mailing or presentation thereof to the customer. If a customer is receiving service at more than one location, service at any or all locations may be discontinued if works for and service at any one or more locations are not paid within the period specified herein.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-710 Non-compliance with CUC's Regulations

If the customer fails to comply with any of the regulations in this chapter CUC will have the right to discontinue the service.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-715 Customer about to Vacate Premises

Each customer about to vacate any premises supplied with water by CUC shall give 10 working days notice of his intention to vacate prior thereto specifying the date service is desired to be discontinued. Before buildings are demolished, CUC should be notified so the service connection can be closed.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-720 Unauthorized Use of Water

CUC will refuse or discontinue water service to any premises if necessary, without giving notice, to protect itself against fraud, abuse, or unauthorized use of water.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-725 Wasteful Use of Water

Where negligent or wasteful use of water exists on any premises, CUC may discontinue the service if such conditions are not corrected within five days after giving the consumer written notice of its intent to do so.

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History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-730 Service Detrimental to Others

CUC will refuse to furnish water to any premises where the demands of the customer will result in inadequate service to the rest of the existing system.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-735 Fraud

CUC shall have the right to refuse service or discontinue service if the acts of the consumer or the conditions upon his premises are such as to indicate intention to defraud CUC.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-740 Restoration of Service

If water service is turned off because of failure to pay a bill, for violation of any of the regulations of CUC, or for other reasons, all outstanding accounts against the customer must be paid before water service will be restored. In addition, the re-connection charge, must be paid before water service will be restored.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

Part 800 - Schedule of Rates and Charges

§ 50-30-801 Current Rates and Charges

The following rates and charges are current for water services and shall be effective until such time as the CUC establishes new rates and charges.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

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

§ 50-30-805 Guarantee Deposit

Guarantee deposit is based on an average month's charges for the type of service and size of meter connected.

Size of Meters	Deposit
5/8", 3/4"	\$30.00
1"	90.00
1-1/2"	150.00
2"	350.00
3"	900.00
4"	2000.00

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6"	4000.00
8"	12,000.00
10"	18,000.00

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-810 Installation Charge

Installation charge is based on the cost of service installation.

(a) Service installation charges and distances from main.

Meter Size	0-20 Feet	20-40 Feet	40-60 Feet	60-80 Feet	80-100 Feet	Over 100 Feet
3/4"	\$135	\$155	\$175	\$195	\$215	\$ +
1"	145	165	185	205	225	+
1-1/4"	145	165	185	205	225	+
1-1/2"	145	165	185	205	225	+
2"	145	165	185	205	225	+
>2"	+	+	+	+	+	+

+ Charge will be based on case by case cost to be paid prior to installation.

(b)(1) Where it is necessary to cross streets or highways in making service installations, the extra costs for such crossings including paving repairs will be added to the charges under subsection (a) above.

(2) This charge will be collected in advance on an estimated basis subject to refund or additional charge when each job is completed. Service installation charges are collected from customers and are not refundable.

Modified, 1 CMC § 3806(c).

History: Amdts Proposed 12 Com. Reg. 6781 (Jan. 15, 1990); Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

Commission Comment: The original paragraphs of subsection (b) were not designated. The Commission designated subsections (b)(1) and (b)(2).

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

§ 50-30-815 Water Rates

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All water service shall be charged as follows:

(a) All customers shall pay a monthly service charge based on the size of the service connection, as set forth in the service charge chart in subsection (f) below.

(b) Customers who receive metered water service, as determined by the corporation, will also pay for the number of gallons of water consumed as registered on a water meter. The consumption charge shall be pursuant to the rate schedule in subsection (d) below.

(c) Customers who do not receive metered water service, as determined by the corporation, will also pay for the number of gallons of water consumed. Residential customers who do not receive metered water are deemed to consume 6,000 gallons per month. Commercial customers who do not receive metered water are deemed to consume 18,000 per month. The consumption charge shall be pursuant to the rate schedule in subsection (e) below.

(d) Rate schedule for residential and commercial customers receiving metered service:

Usage	Rate
0 to 3,000 gallons	\$1.00 per 1,000 gallons
3,001 to 15,000 gallons	\$2.40 per 1,000 gallons
15,001 to 30,000 gallons	\$3.00 per 1,000 gallons
30,001 to 60,000 gallons	\$3.50 per 1,000 gallons
Above 60,000	\$4.00 per 1,000 gallons

(e) Rate schedule for residential and commercial customers receiving other than metered service:

Usage	Rate
0 to 3,000 gallons	\$0.50 per 1,000 gallons
3,001 to 15,000 gallons	\$1.20 per 1,000 gallons
15,001 to 30,000 gallons	\$1.50 per 1,000 gallons
30,001 to 60,000 gallons	\$1.75 per 1,000 gallons
Above 60,000	\$2.00 per 1,000 gallons

(f) Monthly service charge:

Meter Size	Monthly Charge
5/8 inch, 3/4 inch	\$6.00 per month
1 inch	\$7.00 per month
1½ inch	\$11.00 per month
2 inch	\$14.00 per month
3 inch	\$35.00 per month
4 inch	\$55.00 per month
6 inch	\$75.00 per month
8 inch	\$110.00 per month
10 inch	\$155.00 per month
12 inch	\$200.00 per month

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Modified, 1 CMC § 3806(d), (f).

History: Amdts Adopted 27 Com. Reg. 25142 (Oct. 24, 2005); Amdts Emergency and Proposed 27 Com. Reg. 24650 (July 20, 2005) (effective for 120 days from July 8, 2005); Amdts Adopted 17 Com. Reg. 13720 (Sept. 15, 1995); Amdts Proposed 17 Com. Reg. 13510 (June 15, 1995); Amdts Adopted 15 Com. Reg. 10492 (Feb. 15, 1993); Amdts Proposed 14 Com. Reg. 9383 (July 15, 1992); Amdts Proposed 12 Com. Reg. 6781 (Jan. 15, 1990); Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

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

The 1993 amendments proposed new sewer rates for residential, commercial and government consumer classes. See 14 Com. Reg. at 9383 (July 15, 1992). The notice of the adoption published on February 15, 1993 stated:

After considering the comments received, the following water rates are adopted:

Consumer Class	Cost of Total Gallons Consumed
Government	\$0.0300

The above rate increase shall be effective retroactively to October 1, 1992.

15 Com. Reg. 10492 (Feb. 15, 1993).

The 1997 amendments revoked this section and amended and readopted it in its entirety. The 1997 amendments added new subsections (a), (b), (c) and (e) and redesignated and amended subsections (d) and (f) accordingly. The 2005 amendments added the opening sentence and republished this section in its entirety with numerous amendments.

§ 50-30-820 Procedure for Establishing New Rate Structures

When new rates are deemed necessary, a public hearing will be given and after receiving comments CUC Board will establish new rates considering those comments.

Modified, 1 CMC § 3806(f).

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

Part 900 - CUC Equipment on Customer's Premises

§ 50-30-901 Equipment Belongs to CUC

All equipment belonging to CUC and installed upon the customer's premises for measurement, test, check or any other purpose, shall continue to be the property of CUC, and may be repaired, replaced, or removed by CUC at any time by notifying the customers. The customer shall exercise reasonable care to prevent damage to meters and other equipment of CUC upon said premises and shall in no way interfere with the operation of same.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

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Commission Comment: The Commission created the section titles in part 900. The Commission inserted a comma after the word “replaced” pursuant to 1 CMC § 3806(g).

§ 50-30-905 Persons Liable for Damage

Any damage to water mains, service connections, valves, fire hydrants, or other property of CUC shall be paid for by the person or organization responsible for the damage.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-910 Customer Liable for Damage on Property

The customer shall be liable for any damage to a meter or other equipment or property of CUC caused by the customer or his tenants, agents, employees, contractors, licensees or permittees, on the customer’s premises and CUC shall be promptly reimbursed by the customer for any such damage upon presentation of a bill therefore. In the event settlement for such damage is not promptly made, CUC reserves the right to discontinue water service to such premises.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-915 Obstructions

No obstruction nor guard dogs or any other hindrances shall be placed on or around any water meter, fire hydrant, or valve so as to render it inaccessible.

Modified, 1 CMC § 3806(g).

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

Commission Comment: The Commission corrected the spelling of “hindrances.”

§ 50-30-920 CUC’s Right of Access

Any officer or employee of CUC shall have the right of ingress to and egress from the consumer’s premises at all reasonable hours for any purpose reasonably connected with the furnishing of water or other service to said premises and the exercise of any and all rights secured to it by law. In case any such officer or employee is refused admittance to any premises, or being admitted shall be hindered or prevented from making such inspection, CUC may cause the water to be turned off from said premises after giving 24 hours notice to the owner or occupant of said premises of its intention to do so.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

Part 1000 - Responsibility for Customer’s Equipment

§ 50-30-1001 CUC Not Liable for Damage

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The customer shall at his own risk and expense furnish, install, and keep in good and safe condition all equipment that may be required for receiving, controlling, applying, and utilizing water, and CUC will not be responsible for any loss or damage caused by the improper installation of such equipment, or the negligence, want of proper care, or wrongful act of the customer or any of his tenants, agents, employees, contractors, licensees, or permittees in installing, maintaining, using, operating, or interfering with any such equipment.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

Commission Comment: The Commission created the section titles in part 1000. The Commission inserted commas after the words “install,” “applying,” “care,” “licensees,” and “operating” pursuant to 1 CMC § 3806(g).

§ 50-30-1005 Objectionable Fixtures

Water service may be discontinued to any customer whose water system includes plumbing fixtures, or water containers in any form, or any use, which in the opinion of CUC may endanger CUC’s water supply from a public health standpoint. Any such discontinuation of service shall continue until objectionable installations have been corrected and CUC has been assured that the objectionable uses and practices will not be resumed.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-1010 Damage Caused by Open Equipment

CUC will not be responsible for damage to property caused by spigots, faucets, valves, and other equipment that may be open when water is turned on after a temporary shutdown.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

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

§ 50-30-1015 Pressure Relief Valves

Wherever a check valve or pressure reducing valve is installed on the customer’s cold water supply line between the main and a hot water storage tank and/or heater, there shall be installed on the customer’s hot water distributing system a suitable pressure relief valve.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-1020 Noises from Pipes

Where it has been determined that noises emanating from a customer’s premises are caused by plumbing fixtures or other equipment attached to water pipes and such noises are being transmitted through the water pipes and causing annoyance to other customers, CUC may issue a notice in writing to the offending customer or to the owner of such premises or to his agency, giving reasonable time within which to correct or to remove the cause of the complaint. Failure on the part of such customer, owner, or person responsible to correct or remove the cause of the

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noise will be sufficient reason for discontinuance of water service to the customer until such time as the condition complained of has been remedied.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

Part 1100 - Electrical Grounding

§ 50-30-1101 Protective Grounding of Alternating Current

Protective grounding of alternating current secondary distribution circuits made to the water system shall be subject to written approval by CUC.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

Commission Comment: The Commission created the section titles in part 1100.

§ 50-30-1105 No Grounding of Direct Current Systems

No grounding of direct current system to any portion of the water system shall be permitted.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-1110 Use of Non-conductive Material

CUC will not be responsible for the maintaining of a continuous metallic water piping system and reserves the right, without liability to public utility electric companies, electric customers, or any other agency or individual to create a physical break in its service connections and mains, or to incorporate non-metallic pipes and appurtenances in its system and to make joints of any materials, without regard to their efficiency as conductors of electricity and without giving notice.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

Part 1200 - Customer's Pumping Installation

§ 50-30-1201 Pumps to Main Not Permitted

Customers shall not be permitted to install or operate pumps that pump water directly from or into the mains of CUC system.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

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

§ 50-30-1205 Pumping System from Storage Tanks

If a customer would like to have a pumping system in his own premises, such pumping should be done from his own storage tanks. Such storage tanks should be constructed after the meter and

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there should be a 6” air gap between the inlet pipe to the tank and the maximum water level of the tank.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-1210 Existing Customer Pumps

All existing customer pumps after the effective date of this chapter shall cease to operate until approval is given by CUC. Failure on the part of the customer to comply with this chapter shall be subject* to disconnection of water services until requirements have been made.

*So in original.

Modified, 1 CMC § 3806(d).

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-1215 Approval for Storage Tank Construction

A written approval from the Chief Engineer should be obtained for construction of such storage tanks.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

Part 1300 - Cross-connection and Backflow Prevention

§ 50-30-1301 Cross-connections Prohibited

(a) In order to provide proper sanitary protection to CUC’s water supply and to comply with the applicable regulations under the Federal Safe Drinking Water Act, CUC will require that following the effective date of this chapter no cross-connections with other water supplies, or other physical connections, shall exist, or be installed, located, maintained, or operated which could permit backflow of contaminated water or any other dangerous, impure, unsanitary, or unpotable substance from the customer’s premises into CUC’s water supply system, except as provided below.

(b) Cross-connections with other water supplies. Owners (or operators) of presently existing water supplies which are in active use and cross-connected to CUC’s system will be required to install check valves, air gaps, or other devices to minimize the hazards of such cross-connections. Permits will be granted on a provisional basis, renewable yearly, under the following conditions:

(1) Where such water supplies are regularly examined by CUC and DEQ are approved by CUC and DEQ as acceptable, safe, and sanitary supplies and continue as such at all times while the connections are in existence.

(2) Where such water supplies do not meet the requirements of subsection (a)(1) above, are not normally under pressure and are maintained solely for fire fighting purposes, and where adequate protection against backflow to CUC water system is provided by mechanical, or other methods or devices satisfactory to CUC.

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Modified, 1 CMC § 3806(c), (d), (g).

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

Commission Comment: In subsection (a), the Commission replaced the final colon with a period. The Commission inserted commas after the words “maintained” in subsection (a), “gaps” in subsection (b), and “safe” in subsection (b)(1) pursuant to 1 CMC § 3806(g).

§ 50-30-1305 Separate Pressure System

CUC will require the installation of mechanical, or other, methods or devices on the customer’s side of the meter to prevent backflow whenever the customer maintains a separate pressure system or a separate storage facility, or in any way increases the pressure of the water within his premises above the pressure furnished by CUC or has such equipment devices or arrangement of piping, storage or industrial methods or processes that might, under certain conditions, raise the pressure of the water within his premises above the pressure of the water in the mains of CUC. Plans and specifications for such installations must be approved by CUC.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-1310 Location and Inspection of Protective Devices

Any device installed for the prevention of backflow as may be required under this chapter, shall, unless CUC approves otherwise in writing, be located above ground and in such a manner as to be safe from flooding or submergence in water or other liquids, properly protected from external damage, freely accessible and with adequate working room for inspection, testing and repairing. All such devices shall be tested and inspected internally not less than once annually or more often in those instances where successive inspections indicate repeated failure. Repairs, replacement of parts, etc., shall be made whenever necessary at the expense of the customer. Making tests and annual inspections shall be the responsibility of the customer and shall be furnished to CUC. Failure of the customer to make the proper tests and submission of records may result in CUC’s making the tests, needed repairs and replacements and charging the costs thereof to the customer.

Modified, 1 CMC § 3806(d).

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-1315 Affidavit of Compliance

Upon request of CUC, the customer shall present an affidavit either certifying to the fact that there are no connections or other installations of the type prohibited in § 50-30-1301 on his premises or describing in detail nonconforming connections or installation.

Modified, 1 CMC § 3806(c).

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

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§ 50-30-1320 Discontinuance of Water Service for Non-compliance

Failure on the part of the customer to comply with CUC's requirements relative to cross-connections and backflow prevention will be sufficient reason for discontinuing water service until such time as the requirements have been met.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

Part 1400 - Use of and Damage to Fire Hydrants, Change in Hydrant Location

§ 50-30-1401 Purpose of Fire Hydrants

The primary purpose of the provision of fire hydrants in CUC water systems is to assist the Department of Public Safety to carry out their responsibility of protecting the public from fire hazards. CUC and Department of Public Safety will enter into a Memorandum of Understanding delineating each other's obligations. CUC will provide specified services for agreed upon costs borne by the Department of Public Safety.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

Commission Comment: The Commission corrected the phrase "each others" to "each other's" pursuant to 1 CMC § 3806(g).

§ 50-30-1405 Use of Fire Hydrant

Any use of a fire hydrant or tampering therewith or the taking of water there from for purposes other than fire protection by persons other than authorized employees of the Department of Public Safety or of the CUC is prohibited, except upon prior application to and written permit by CUC. The Department of Public Safety shall have the prior right to use any hydrant at any time and shall have the authority to remove temporarily, if necessary in case of fire, any connection that may be made to a hydrant under a permit issued by CUC. The use of any hydrant under a permit and the connections thereto shall be subject to the direction and approval of the CUC, including the payment of appropriate charges.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-1410 Application for Permit

Application for a permit for the use of a fire hydrant for purposes other than fire protection shall be made in writing to CUC and when required, shall be accompanied by payment of the applicable connection charges. It shall be non-transferable and shall be shown, by the permittee, its agents, or employees upon demand. CUC reserves the right to reject any application, to refuse to issue any permit and to revoke any permit at any time. No permit will be issued unless the permittee agrees to notify CUC as soon as the use of the hydrant is finished. In the event that a permit shall be revoked, the use of the hydrant thereunder shall cease immediately and all connections thereto shall be properly removed forthwith. CUC will inspect each hydrant which has been used under a permit, and all costs of repairs which the CUC may adjudge to be due to such use and the cost of inspection shall be paid for by the permittee. All water drawn from a

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hydrant under permit shall be metered or estimated by CUC and shall be paid for by the permittee at the current water rates. A traveling portable meter will be issued the permittee by CUC for this purpose. The permittee shall make the meter available to CUC for reading upon request. Any damage caused to the meter during the time of use by the permittee shall be paid for by the permittee. The permittee shall pay all of the costs of connecting to and disconnecting from the hydrant.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

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

§ 50-30-1415 Hydrant Wrenches

Only regulations for* fire hydrant wrenches which shall have been approved by CUC shall be used for the operation of fire hydrants.

*So in original.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-1420 Damage to Hydrant or Property

The permittee shall report promptly any defect in or damage to the hydrant. The cost of any damage to property including the hydrant or of any injury to persons resulting from the use of the hydrant shall be paid for by the permittee. CUC will not be held responsible for any damage to property or injury to persons arising from the use of any hydrant for any cause whatsoever. Any damage to fire hydrants shall be paid for by the person or organization responsible for the damage.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-1425 Change in Hydrant Location

CUC will, if it approves the request for a change in location of hydrant, change such location provided the cost of all labor, material, equipment, and all other charges are paid by the person requesting such change.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

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

Part 1500 - Subdivision Water System Regulations

§ 50-30-1501 Availability of Water and Approval of Subdivision Map

(a) Extensions from and connections to the public water system will be approved by CUC where pressure conditions permit; provided that CUC has a sufficient water supply developed for

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domestic use and for fire protection to take on a new or additional service without detriment to those already served and the subdivision water system otherwise conforms to this chapter.

(b) In areas where there is no CUC water supply available, or where large quantities of water are required or a large investment is necessary to provide service, the subdivider will be informed as to the conditions under which the subdivision may be approved.

(c) After a governmental department submits the subdivision map to CUC along with the backup information, CUC will inform the department in writing of its approval, requirements for approval, or its disapproval of extension or connection to CUC water system map based on water utility service capabilities. No statement by CRM prior to CUC approval should be construed as to the availability of water at a certain location where development is proposed to take place.

Modified, 1 CMC § 3806(d).

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-1505 Extension to Subdivision

(a) General requirement. The subdivider shall install and pay for the subdivision water main extension required from CUC water system to the subdivision. All such subdivision water extensions shall be designed and located in accordance with CUC standards.

(b) Increase in size of water main extensions for services to other areas. Whenever CUC finds it is necessary that the water mains needs be of a greater capacity than to provide adequate service and fire protection for such subdivision, in order to supply water and fire protection to property not in the subdivision, it shall require the subdivider to install mains of such greater capacity.

Modified, 1 CMC § 3806(f).

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-1510 Installations Within Subdivision

(a) General requirement. The subdivider shall install in accordance with this chapter and the standards of CUC and pay for the subdivision water system required within a subdivision.

(b) Increase in size of water mains within subdivision for benefit of other areas. Whenever, in order to provide for existing or future services beyond the boundaries of a subdivision, CUC finds that mains to be installed within the subdivision should be of greater capacity than would be required to provide adequate service within such subdivision, CUC will require the subdivider to make installations of such greater capacity.

(c) If and when reimbursement to subdivider who is required to install a larger size main for the reasons set forth in the preceding paragraph, CUC will reimburse the subdivider, as soon as practicable after acceptance by CUC of the completed work, the additional cost of the

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installation over and above the cost of the mains that would have been required; provided, however, that in no case will reimbursement be made of any portion of the cost of an 8-inch main in other areas; provided further that reimbursement will not be made to the subdivider where such larger main or mains will serve only areas under the same ownership as the subdivision under consideration.

(d) After the installation has been completed and accepted by CUC, the subdivider shall furnish CUC with an affidavit itemizing the costs incurred by him in the installation of the said larger mains. The said additional costs shall be determined by CUC.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

Commission Comment: The final paragraph was not designated. The Commission designated it subsection (d).

§ 50-30-1515 Mains, Hydrants in Subdivisions

(a) Locations and sizes of mains, fire hydrant locations, and other pertinent design criteria shall be determined by CUC Chief Engineer.

(b) Fire Protection. In fixing the standards for fire protection insofar as water supply is concerned, CUC will be guided by the standards of the National Board of Fire Underwriters.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

Commission Comment: The Commission inserted a comma after the word “locations” in subsection (a) pursuant to 1 CMC § 3806(g).

§ 50-30-1520 Preparation and Approval of Plans, Elevation Agreement, Delays in Construction

(a) Preparation of Plans. All construction plans shall be prepared by a registered engineer to the extent of his professional qualifications and approved by the Chief Engineer, CUC. Tentative maps and final maps of subdivisions to be reviewed by the CUC shall fully conform to the definitions and requirements of the Subdivision Rules and Regulations of the Commonwealth of the Northern Mariana Islands.

(b) Elevation Agreement. Whenever a lot or lots within a subdivision are at such an elevation that they cannot be assured of a dependable water supply, the approval of the construction drawings will be subject to each owner of such lot or lots signing an “elevation agreement” whereby such lot owner agrees to accept such water service as CUC is able to render, and such owner agrees to construct, if necessary, and maintain at his expense a water tank or a pump with a water tank, all in accordance with the standards and requirements of CUC, of sufficient capacity to furnish a supply of water at such times as the pressure in the water mains may be insufficient to supply such lot or lots with water. When required, a statement as to this conditional approval will be clearly lettered on the construction drawings by CUC.

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(c) Approval of Plans. No construction of a subdivision water system, or any portions thereof shall be undertaken prior to approval of the final construction plans by CUC. After said approval, the subdivider shall transmit four sets of all final construction plans to CUC. In areas where there is no CUC water supply available to serve the subdivision, plans and specifications for the development of water sources, including wells, tunnels, shafts, pumps, buildings, mains, and other appurtenant structures and devices, shall be approved by CUC in their entirety prior to construction.

Modified, 1 CMC § 3806(f).

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

Commission Comment: The Commission inserted a comma after the word “mains” in subsection (c) pursuant to 1 CMC § 3806(g).

§ 50-30-1525 Materials and Construction Standards; Installation of Water Service

(a) Materials and Construction Standards. All materials, design and construction procedures, and workmanship, with respect to any subdivision water system, or any portion thereof shall be in accordance with the requirements and standards of CUC.

(b) Installation of Water Service. No water service will be approved, excepting a service for subdivision construction purposes, until the subdivision water system has been completed and accepted by the CUC and all the improvements required by the Subdivision Rules and Regulations have been completed.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-1530 Ownership of Installed Water System

As a condition precedent to connecting the project water system to the public water system, the subdivider shall convey the water system to CUC and said system thereafter will be maintained and operated as a part of the public water system provided, however, that CUC may refuse to operate and maintain facilities installed without CUC’s prior approval. Prior to commencement of water services and as a prerequisite to such service, the subdivider shall deliver to CUC perpetual easements for all portions of the water system installed other than publicly owned property. The subdivider shall also convey, without cost to CUC, fee simple title to all sites on which are located tanks, reservoir, sources of supply, and pumps constructed by the subdivider and connected to the public water system together with easements for access, water pipeline, and other necessary utility purpose.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

Part 1600 - Miscellaneous Provisions

§ 50-30-1601 Water Resources Conservation and Water Pollution

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All decisions regarding water resources conservation and water pollution, to be made in conjunction with the operations of CUC's Water Division, shall be based on the applicable laws.

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-1605 Severability

If any, article section, sentence, clause, or phrase of this chapter or their application to any person or circumstance or property is held to be unconstitutional or invalid, the remaining portion of this chapter or the application of this chapter to other persons or circumstances or property shall not be affected and shall therefore remain in force and effect.

Modified, 1 CMC § 3806(d).

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

§ 50-30-1610 Effective Date

This chapter shall become effective immediately upon their approval and adoption by the Board of Directors of CUC.

Modified, 1 CMC § 3806(d).

History: Adopted 10 Com. Reg. 5602 (Aug. 15, 1988); Proposed 10 Com. Reg. 5474 (Mar. 15, 1988).

Commission Comment: The notice of adoption for the 1988 Water Services Regulations stated:

Some minor changes were made on the proposed regulations. They are:

1. Article XX

wording of the effective date of these regulations.

The change was not published. See 10 Com. Reg. at 5603 (Aug. 15, 1988).