

TITLE 4: ECONOMIC RESOURCES
DIVISION 8: UTILITIES

§ 8411. General Powers and Duties.

The Commission shall have regulatory oversight supervision over each regulated entity as set forth in this Chapter and shall perform the duties and exercise the powers imposed or conferred upon it by this Chapter. The Commission in the discharge of any of its duties or the exercise of any of its powers, except a final determination affecting an entity, may act through one or more of its Commissioners designated by the Commission for this purpose. In addition to the powers and duties elsewhere conferred and imposed, the Commission shall:

(a) Regulate all rates, fares, fees, charges, services, rules, conditions of service, and all other matters pertaining to the formation, operation, and/or direction of a regulated entity.

(b) Investigate and examine any rates and charges assessed by any entity, and all records pertinent thereto. The Commission may seek advice from an independent expert and shall approve, disapprove, increase, or reduce rates for each entity.

(c) Establish and modify from time to time, reasonable rates and charges for services, which when all rates for respective blocks of usage are considered together, shall be at least adequate to cover the full cost of such service or subject to any contractual agreements of each entity to the holders of any bonds and shall increase rates or charges from time to time as may be necessary pursuant to any contractual obligations.

(d) Review and approve or disapprove any divestiture of capital or contractual agreement which may increase rates and charges to the consumer.

(e) Conduct such investigation and hearings as to any request for rate change to determine if the change is necessary. No rate change may be approved by the Commission unless it is affirmatively established, by a preponderance of the evidence, that the rate change is necessary.

(f) Ensure that rates will, at all times:

(1) Be sufficient to enable each entity to meet its financial obligations, operating expenses, debt service, capital improvement needs; and

(2) Accurately reflect the true cost or savings to electrical consumers of renewable energy as defined under 4 CMC § 8621(d).

Any rate change shall be considered by the Commission using standards and financial criteria consistent with generally accepted rate-making principles and in full consideration of the requirements of maintenance of service to the public.

(g) Enter into contracts and execute all instruments necessary or convenient in the exercise of its powers.

(h) Adopt a seal.

(i) Consider any factual testimony and evidence presented by the public at any public hearing concerning the establishment or modification of any rate.

(j) Establish procedures for the presentation of any member of the public at public hearings. In determining whether a member of the public may be allowed to present witnesses, the Commission shall take into account an offer of proof to be filed with the application for such privilege and determine whether the proof offered would add anything to the proceedings. The request to present witnesses

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may be denied if the Commission finds that such action is of a dilatory nature or would otherwise unduly impede the operations of the Commission.

(1) The right to present evidence and witnesses shall be liberally granted as long as such Activity would not unduly impede the activities of the Commission or delay the decision making process of the Commission. Nothing herein shall prevent any witness from testifying at a public hearing on his own behalf and presenting any type of documentary or physical evidence at the time of testimony which may be relevant to the matter before the Commission.

(2) The Commission shall give such weight to the testimony and evidence presented by the public as it gives to evidence presented by the participants before the Commission in the docket concerned and shall hold the evidence presented by the public to the same criteria, the same standards of proof, and the same rules of evidence as would be applicable to a participant.

(3) The Commission shall allow any participant to make objections to the introduction of evidence by any member of the public upon any grounds which would be appropriate if such evidence were being presented by a participant to the proceedings.

(4) The Commission may allow cross-examination of witnesses by participants to the proceedings and may, if appropriate, allow participants an opportunity to refute evidence presented by the public if the interests of justice so require.

(k) Prepare and submit a budget to the legislature for its approval.

(l) Adopt its own accounting system in coordination with the Department of Finance.

(m) Promulgate such orders, rules, and regulations and to adopt such policies as necessary for governing:

(1) Its internal operations, including but not limited to matters regarding quorum, type and frequency of meetings, employment and compensation of experts, consultants, examiners, office clerks and other personnel, and ethics governing the relationship between its officers and personnel and entities;

(2) Conduct of hearings, proceedings, appeals, and investigations before the Commission;

(3) Payment of charges assessed in accordance with this Chapter, including the imposition of interest and/or penalties for nonpayment of such charges;

(4) Issuance, renewal, or revocation of licenses and certificates of public convenience and necessity;

(5) Maintenance of the official files and dockets of the Commission and the public availability of such files or dockets; and

(6) Requirements and procedures for informal ratepayer complaints by the telecommunications company.

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(n) To promulgate such other orders, rules, and regulations and adopt such policies as are necessary and appropriate for the exercise of its regulatory and enforcement powers in accordance with this Chapter.

(o) [Expired September 30, 2010].

Source: PL 15-35, § 2 (8409), modified; (f) amended by PL 15-40, § 3(c); subsection (d) amended and subsection (o) added by PL 16-9 § 2(c) and (d), respectively. [PL 16-9 amendments expired on September 30, 2010]

Commission Comment: The Commission assigned different section numbers to the above and subsequent sections than what was specified in the original text of PL 15-35 pursuant to its authority by 1 CMC § 3806.

PL 15-40 was enacted on December 22, 2006, and included a short title and findings and purpose sections in addition to other enactments and severability and savings provisions. See the comment to 4 CMC § 8403 for details of PL 15-40.

See comment to 4 CMC § 8402 for information regarding PL 16-9, which took effect on August 1, 2008, and its sunset clause.