

TITLE 4: ECONOMIC RESOURCES
DIVISION 8: UTILITIES

§ 8426. Review of Rates; Operating Cost of Commission.

(a) In addition to every other responsibility imposed upon the Commission by this Chapter, it shall within three-hundred-sixty-five days after the Commission first meets conduct review of the rates of every entity to determine whether they are just and reasonable and shall take such action thereon to increase or decrease rates as it may deem appropriate.

(b) The Commission shall operate on a self-sustaining basis; the Commission is authorized to establish by rule and order that each entity regulated under this Chapter shall be assessed a reasonable fee and charges in accordance with the provisions of this section as are necessary to:

(1) Underwrite the Commission's operating expenses in compliance with its responsibilities hereunder; and

(2) Establish a reserve not to exceed an amount equal to its prior year expenditures and obligations or such lesser amount that the Commission deems reasonable to assure continued and efficient operation of the Commission pursuant to its projected goals and objectives and its expense experience for prior years.

(c) *Determination of Annual Charges. The maximum amount that the Commission may impose on any single entity annually, beginning with the calendar year January 1, 2007 shall be equal to:*

(1) A pro rata adjusted share of the total amount that the Commission must recover annually for the purposes enumerated in subsection (b), said amounts being determined on the basis of estimated expenses contained in the Commission's budget, multiplied by

(2) The gross annual revenues of said entity and divided by

(3) The gross annual revenues in the Commonwealth of all entities subject to the Commission's jurisdiction;

Provided that the charges to be imposed on any entity under this clause shall not exceed three fourths of one percent (.75%) of its annual gross revenue in the Commonwealth or one-hundred-thirty-five-thousand dollars, whichever is less, nor shall the sum of all amounts assessed or collected from all regulated entities pursuant to this Chapter in a fiscal year, other than amounts collected under § 8435, exceed the total annual budget of the Commission as appropriated by the legislature.

(d) Expenses for specific proceedings with respect to the hiring of specific professional and consultative services for the conduct of investigations, hearings, or any other proceeding carried out in relation with a particular entity, which was not considered or contemplated in determining the annual charges authorized under section (c) herein may be assessed by the Commission in addition to any annual charges imposed under subsection (c).

(e) Prior to seeking judicial review an entity regulated by the Commission shall request reconsideration of any charge imposed by the Commission by:

(1) Making timely payment of the entire amount imposed or posting bond for such charge; and

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(2) Contemporaneous with said payment, filing a detailed written statement of the reasons why the charges imposed are excessive or illegal in whole or in part.

The charge(s) shall be deemed affirmed unless modified by written order of the Commission within sixty days of the filing of a request for reconsideration. The Commission shall not be obligated to reimburse any part of any imposition of charges if it certifies that carrying out said reimbursement would adversely affect the Commission's operations. If the Commission issues said certification, and a court of competent jurisdiction should find that the charge was excessive or illegal at a later date, or the Commission should so find at a later date or upon appeal, then the affected entity shall be entitled to reduce the corresponding amount of the impositions of future charges that the Commission may impose. If any amount assessed against an entity is not paid in accordance with this section within thirty days after the date of issuance, the entity shall pay a penalty to the Commission of two percent of the amount due for each month or fraction thereof that such amount is unpaid.

(f) The Commission shall deposit all fees, charges, expenses, and late penalties collected under this section in the Public Utilities Commission Revolving Fund.

Source: PL 12-39, § 1(b) (8310), modified; repealed and reenacted by PL 15-35, § 2 (8421), modified.

Commission Comment: The Commission deleted figures that were mere repetitions of words in subsections (a), (c), and (e) above pursuant to its authority by 1 CMC § 3806.