

TITLE 4: ECONOMIC RESOURCES
DIVISION 8: UTILITIES

§ 8444. Procedure for Implementing or Modifying, Rates, Charges or Rents.

The following procedures shall apply when implementing or modifying changes in rates, charges, and rents for an entity's services unless the Commission determines that these should not apply to the formula or procedure established for determining rates, and adopt alternative procedures.

(a) *Notification.* Every regulated entity interested in modifying the rates, charges, or rents applicable to its services shall provide public notice of such proposed modifications at least sixty days prior to the effective date of the proposed changes. The Commission shall provide the form and content of the aforementioned notifications by regulation, provided that the public notification shall at least include the place, date, and time at which the public hearings on the proposed change will take place (which date must not be less than thirty days nor more than thirty-five days from the date of said notification); the rates, charges, or rents in force; the rates, charges, or rents whose adoption is proposed and the justification thereof and the effective date of the proposed changes. For the purpose of this clause, public notification shall include, as a minimum, its publication in one newspaper of general circulation that covers the area affected by the proposed change.

(b) *Public Hearings.* The Commission shall hold public hearings on proposed rate changes when these apply to non-competitive entity services. In cases of competitively-provided services the Commission shall have the discretion to hold such hearings.

(c) *Access to Documents.* The Commission shall place reports or documents supporting or justifying the proposed modifications to rates, charges, or rents at the disposition of the public sufficiently in advance of the date on which the hearings are to be held. In the event that public hearings are not held, the aforementioned information shall be available before the rates, charges, or rents go into effect.

(d) *Opinion; Report.* In the event the public hearing is presided over by an examiner, such examiner shall submit a report to the Commission within such period of time as the Commission may establish. The report shall include a list of objections, statements, opinions, documents, studies, recommendations, and other pertinent facts introduced in the hearings, together with conclusions and recommendations. Copies of said report shall be available to the public for examination and study. Any interested party may submit written comments in relation to said report within ten days following the date same is made available to the public. Once this term has elapsed, the matter shall be submitted to the Commission, which must make a decision regarding the proposed rate change.

(e) *Alternate Procedures.* Prior to the expiration of the notification periods to the public established in this subsection for rate changes for an entity's services, the Commission may:

- (1) Reject the proposed change in the rates, charges, or rents as clearly illegal or incompatible with any provision or purpose hereof;

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(2) Suspend the effectiveness of said proposal and take such other actions as may be appropriate. It will not be necessary for the Commission to reject or suspend a proposed change in rates, charges, or rents in order to carry out a hearing related to the legality of said proposal.

(f) *Emergency rates.* Notwithstanding any other provision of this act, or law, the Commission may order into effect emergency, interim rates, as follows, upon a finding that an emergency exists to the detriment of the public interest if such action to adjust rates is not taken; there has been a substantial increase in expenses or decrease in revenues of a regulated utility not attributable to circumstances reasonably within the control of the utility; the utility would be unable to continue to provide adequate and reliable service pending resolution of a permanent rate case; there is an imminent threat of insolvency or a liquidity crisis constituting an immediate and irreparable threat to the interests of the utility or the customers; or the regulated entity's current rates are obviously confiscatory. With respect to this subsection, and notwithstanding any other provision of this act, as amended, or other law, no prior public hearing or notice shall be required for the Commission's receipt of any proposed rate change or supporting documents, consideration, discussion or deliberation concerning the matters presented, the issuance of an order or the imposition of a rate, fee, charge or other requirement concerning a regulated entity imposed.

Source: PL 12-39, § 1(b) (8317), modified; repealed and reenacted by PL 15-35, § 2 (8431), modified; (f) added by PL 16-2 § 11(f).

Commission Comment: The Commission deleted figures that repeated of words in subsections (a) and (d) above pursuant to its authority by 1 CMC § 3806 (e). See comment to 4 CMC § 8143 for more information regarding PL 16-2.