

TITLE 4: ECONOMIC RESOURCES
DIVISION 8: UTILITIES

§ 8448. Complaints to the Commission; Violations and Penalties.

(a) Customer complaints to the Commission regarding the operation of a regulated entity shall be filed in writing with the Commission. The Commission shall take up such complaints with the regulated entity, in an effort to bring about the satisfaction of the complaint without a formal hearing.

(b) The Commission shall resolve all complaints, if possible, informally. No form of informal complaint is prescribed, but the writing must contain the essential elements of a complaint, including the name and address of the complainant, the name of the regulated entity against which the complaint is made, a clear and concise statement of the facts involved, and a request for affirmative relief.

(c) In the event that the Commission cannot resolve the complaint to the satisfaction of all parties, the complainant may file a formal request to the Commission and will be entitled to a hearing.

(d) If the Commission determines that any rate, action, omission, rule regulation, classification, or practice of a regulated entity violates any provision hereof or any rule or order of the Commission, then the Commission may:

(1) Order said entity to pay the complainant the damages it caused that are attributable to said rate, act, omission, rule, regulation, classification, or practice, and

(2) Order said entity to take such actions or desist from carrying out such actions as the Commission may determine are reasonably necessary for desisting from the violation.

(e) A regulated entity may be subject to a fine or civil penalty in accordance with this section, upon a determination by the Commission or court that the entity has violated any of the following:

(1) The material terms of its certificate of public convenience and necessity; or

(2) Substantial compliance with this Chapter or rules or orders prescribed by the Commission.

(f) The Commission may impose administrative fines of up to a maximum of twenty-five-thousand dollars for each violation hereof. In the case of a continuing violation, each day that transpires shall constitute a separate offense, but the total amount of the fine imposed shall not exceed five-hundred-thousand dollars. Any penalty assessed under this subsection is in addition to any other costs, expenses or payments for which the regulated entity is responsible under other provisions of this subsection.

(g) The Commission may permit, in lieu of a full hearing before the Commission, that one of its hearing examiners conduct hearings and report its findings to the Commission.

(h) Where a complaint is found to have been groundless and filed in bad faith by a customer, in whole or in part, the Commission shall assess costs in whole or in part for investigation, defense, and other associated costs, including but not limited to, reasonable attorney fees borne by the regulated entity and the Commission in the review of the complaint to the customer.

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(i) The Commission shall adopt rules governing the filing of such complaints.

Source: PL 12-39, § 1(b) (8321), modified; repealed and reenacted by PL 15-35, § 2 (8435), modified.

Commission Comment: The Commission deleted figures that were a mere repetition of words in subsection (f) above pursuant to its authority by 1 CMC § 3806.