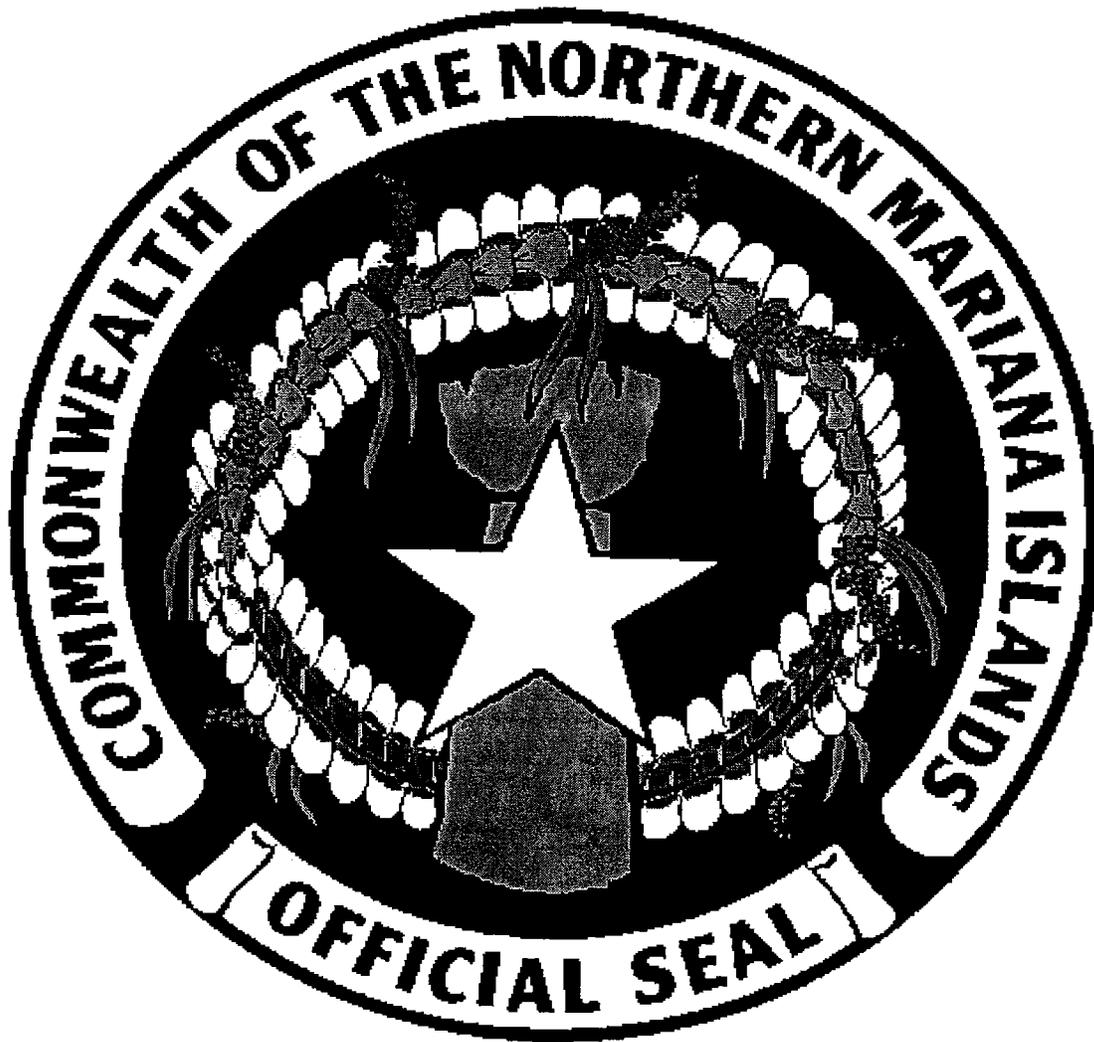


**COMMONWEALTH OF THE NORTHERN MARIANA
ISLANDS
SAIPAN, TINIAN, ROTA and NORTHERN ISLANDS**



**COMMONWEALTH REGISTER
VOLUME 34
NUMBER 02
February 29, 2012**

COMMONWEALTH REGISTER

VOLUME 34
NUMBER 02

February 29, 2012

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**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
COMMONWEALTH BOARD OF NURSE EXAMINERS**

In the Matter of APRNs in the CNMI)
(Advanced Practice Registered) Case No. 2012-01
Nurse Authorization))

**BOARD EMERGENCY ORDER
AUTHORIZING APPROVAL FOR PRESCRIPTIVE MEDICATION
APPROVED BY DEA SCHEDULE II THRU V**

Summary

This Order is entered this February 2, 2012, pursuant to the Board's decision at its meeting on February 2, 2012. This Order IMMEDIATELY authorizes the licensees, Advance Practice Registered Nurses ("APRN") working in the CNMI whether private health agencies or Government to prescribe medications covered by the Drug Enforcement Agency ("DEA") schedule II thru V. This Order amends the APRNs' licenses. It is valid through August 2, 2012, or until such time as Rules and Regulations covering the subject matter of this Order are promulgated.

Authority

The "Nurse Practice Act of 2003" ("the Nursing Act" or "the Act"), 3 CMC §§ 2301, et seq. and P.L. 14-62 (2005), as amended, require an Advanced Practice Registered Nurse ("APRN") be licensed by the Board of Nurse Examiners ("the Board") and that the conduct conform to certain statutory and regulatory standards and specific dictates. The general scope of APRN practice is defined in the statute. 3 CMC § 2304(a). It includes prescribing and dispensing medication within the scope of practice of the APRN. 3 CMC § 2304(k). The pre-existing licensure of the Board continued in effect under the new Act, except as amended by the Board's rules and regulations, 3 CMC § 2319. The Board has amended its rules and regulations in part, NMIAC 140-60.1 et seq., Commonwealth Board of Nurse Examiners Regulations. It has approved its new APRN regulations. The pre-existing regulations do not mention APRNs.

The Board's authority proceeds from the Act, and from the Administrative Procedure Act, 3 CMC § 2309 et seq. The Act established the Board with complete jurisdiction, power, and authority to regulate the nursing profession, 3 CMC § 2306. The Board's powers include:

- (1) To adopt rules and regulations to enforce the Act, 3 CMC § 2306(a)—(c);
- (2) To issue, deny, and condition licenses, 3 CMC § 2306(c);
- (3) To develop and enforce standards, 3 CMC § 2306(e);
- (4) To conduct disciplinary hearings to suspend or revoke licenses, 3 CMC § 2314;
- (5) To discipline an APRN who has practiced beyond the scope of the APRN category, 3 CMC § 2314(c);
- (6) To act on an emergency or temporary basis. 3 CMC § 2315.

“Prescriptive/Dispensing Authority” means an Advance Practice Registered Nurse authorized to prescribe and dispense drugs and therapeutic measures defined by the Board. The authorization to prescribe and dispense drugs and therapeutic measures is for administration to and use by other persons (patients or clients) within the scope of practice of the Advanced Practice Registered Nurse.

3 CMC § 2304(k).

The Administrative Procedure Act provides for licensee hearings, when a notice of a hearing is required, and defers to an agency’s specific organic act. 1 CMC §§ 9108-10.2 The APA contemplates that an agency will act through its orders, rules and regulations.

Board Findings and Conclusions

1. The people of Tinian are in dire need of medical care at the Tinian Health Center. The situation presents the likelihood of grave harm to the public health, safety and welfare of Tinian and to the patients of the Tinian Health Center;
2. But there may not be a physician on-island to provide that care on an uninterrupted basis for periods of days or weeks in the immediate future;
3. The Board does not, and cannot, hire or order a physician to provide medical care to Tinian and Rota;
4. In addition to the specific needs of Tinian and Rota, the Board believes that it is appropriate and necessary to provide all APRNs with prescription authority for controlled substances scheduled II-V at this time as P.L. 14-62, as amended by 16-34, permits the Board to authorize all APRNs to prescribe and dispense controlled substances scheduled II-V .
5. The Board has proposed new regulations which would apply to all Advanced Practice Registered Nurses. The Board’s regulations have been at the Attorney General’s Office, awaiting the completion of review which will put them in a form suitable for promulgation. The regulations, as approved by the CBNE Board and as they will be proposed, recognize the last decade’s changes in the nursing profession, particularly the growth and complexity of the field of Advance Practice Registered Nursing. The Board’s intention is to promulgate APRN regulations that would empower APRNs for that matter to work autonomously, and prescribe DEA-scheduled substances class II through V. However, the proposed regulations have not been promulgated yet. Thus there is a need for an order to authorize APRNs to prescribe and dispense drugs.

Ruling and Order

The Board, having been fully advised in the premises of this matter, for the above-stated reasons, hereby ORDERS that:

1. APRNs are hereby authorized to prescribe and order medications and treatments for their patients.
2. In particular, APRNs may prescribe, procure, and/or authorize the use of controlled substances schedule II through V drugs, therapeutic devices, and other measures, and dispense drugs consistent with their scope of specialty and practice.
3. Standing orders, protocols, or written prescriptions may also be given for over-the-counter medications as clinically necessary.
4. Such medication includes DEA Schedule II through V substances, for which they must comply with all pertinent local and federal statutes, rules and regulations regarding the prescription and ordering of controlled substances.
5. The Board's Order is not, and shall not be interpreted to be, a substitute for DEA registration.

The Board emphasizes that because it is providing this authority without having promulgated applicable detailed rules and regulations, all APRNs are to be especially diligent in following federal and CNMI statutes, rules, regulations, and professional procedures in prescribing and ordering controlled substances. The Board may summarily deny, suspend or revoke the authority to write prescriptions and/or dispense drugs for the following conduct:

- a. Prescribing, dispensing, or distributing drugs not listed in the appropriate formulary;
- b. Prescribing, dispensing, administering, or distributing drugs for other than therapeutic or prophylactic purposes;
- c. Prescribing, dispensing, or distributing drugs to an individual who is not the APRN's patient or is not within the scope of practice or type of client population served;
- d. Prescribing, dispensing, or distributing drugs for personal use;
- e. Prescribing, dispensing, administering, or distributing drugs while functionally impaired;
- f. Prescribing, dispensing, administering, or distributing drugs in an unsafe or unlawful manner, or without adequate instructions to the patient according to acceptable and prevailing standards or practice;
- g. Failing to properly assess and document client assessment when prescribing, dispensing, administering, or distributing drugs;
- h. Selling, purchasing, trading, or offering to sell, purchase or trade any drug sample;

In the matter of APRN's in the CNMI, APRN Case no. 2012-01

- i. Dispensing medications without dispensing authority granted by the Board or other dispensing authority; and/or
- j. Charging a patient or any third party payer in a grossly negligent manner for the service.

This Order is valid through August 2, 2012, or until such time as Rules and Regulations covering the subject matter of this Order are promulgated.

Nothing in this Order shall be construed to prohibit the rendering of assistance in an emergency or disaster. *See* 3 CMC § 2317(b).

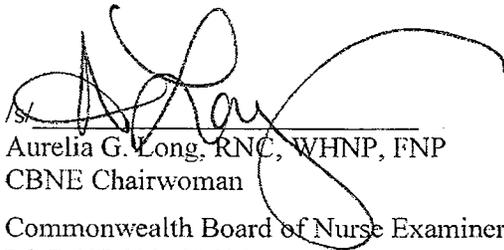
This Order amends the licenses of APRNs.

The Administrator is directed to do the following in person or by electronic means:

- a. Serve this Order to all APRNs in the CNMI;
- b. Serve this order to DEA registrar;
- c. Serve this Order on the director of the Tinian Health Center
- d. Serve this order to the director of the Rota Health Center;
- e. Have the Order published in the next Commonwealth Register.

The Board has adopted this Order on the date stated below. A party seeking to appeal this Order is directed to 1 CMC § 9112(b), which provides for judicial review of final orders within 30 days in the Commonwealth Superior Court. THIS IS A FINAL ORDER.

Dated: February 2, 2012


Aurelia G. Long, RNC, WHNP, FNP
CBNE Chairwoman
Commonwealth Board of Nurse Examiners

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**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
HEALTH CARE PROFESSIONS LICENSING BOARD**

In the Matter of Tinian Health Center)
(Amendment of Practice Agreement for)
Remote Supervision)

Case No. 2010-04

**NINTH AMENDMENT TO THE BOARD EMERGENCY ORDER #01
APPROVING PRACTICE AGREEMENT AMENDMENT
FOR REMOTE SUPERVISION**

Summary of Amendments

This amendment to this Order is entered today, February 15, 2012 pursuant to the Board's decision on January 26, 2012, to extend this Order and the Practice Agreement required by this Order, another 90 days effective February 19, 2012. It also immediately authorizes physician assistant Juan B. Pangelinan and any other CNMI licensed physician assistant ("PA"), during the period this Order is in effect, to work at the Tinian Health Center ("THC"), under the supervision of Commonwealth Health Center's ("CHC") physician, Dr. Gregory Kothierner, and any other CNMI licensed physician who has been granted privileges at CHC ER by the Commonwealth Health Corporation and has been approved by the Board to supervise PAs located at a site other than the same Tinian Health Center. This Order is valid through the end of the day of May 20, 2012.

Discussion

The "Health Care Professions Licensing Act of 2007" ("the Health Care Act" or "the Act"), 3 CMC §§ 2201 – 36, P.L. 15-105, requires that a physician assistant ("PA") be licensed by the Health Care Professions Licensing Board ("the Board") and that his/her conduct conform to certain statutory and regulatory standards and specific dictates.

The pre-existing regulations of the predecessor Medical Professions Licensing Board continue in effect, except as amended by the Board:

- (e) Except as otherwise provided herein, the regulations, guidelines, standards, and procedures related to the regulation of the functions and operation of a regulated health care professional and/or profession that are in force when this Act becomes effective, shall continue to apply until amended or repealed by the Board.

3 CMC §§ 2235(e). The Board has amended its regulations in part. 140 NMIAC 50-3 Commonwealth Health Care Professions Licensing Board Regulations. 30 Com Reg. 03, p28388 – 28426. It has not yet amended its PA regulations so the pre-existing regulations apply.

The Board's authority proceeds from the Act and the Administrative Procedure Act. The Act established the Board with complete jurisdiction, power and authority to regulate the health care professions. 3 CMC § 2204(a). The Board's powers include:

- To adopt rules and regulations to enforce the Act. 3 CMC § 2206(b);
- To issue, deny and condition licenses. 3 CMC § 2206 (c);
- To conduct disciplinary hearings to suspend or revoke licenses, 3 CMC § 2206 (h);
- To suspend or revoke a license. 3 CMC § 2206(k);
- To act summarily in the face of the likelihood of harm to:
 - i. the public health, safety or welfare; or
 - ii. to the patients of a health care professional who is regulated by this Chapter. 3 CMC § 2206(n).

A PA practicing with a license issued prior to the new Act and its new regulations continues as a licensee until the Board suspends or revokes that license:

For the transition period between the application of the old Medical Practice Act and the new Health Care Professions Licensing Act, specifically until new applicable Regulations are promulgated, each practicing member of each profession over which the Board has jurisdiction shall be deemed practicing with a license until regulations are promulgated for the respective profession and an indicated re-licensing application period has ended, or until the Board acts to suspend, modify, revoke or otherwise affect a license, whichever comes first.

140 NMIAC § 50.3-101-002.

At all times a PA shall have in place a “practice agreement” with a supervising physician. 140 NMIAC § 50.1-1220, 1230(d). Such agreement ordinarily provides the scope of a PA’s activities and ensures that the physician will be available for consultation, and will review and co-sign patient records. It also provides that the physician co-signs for prescription of medication and other treatments, except that the PA may not prescribe DEA-controlled substances. 140 NMIAC § 50.1-1235.

The Administrative Procedure Act provides for license hearings, when a notice of a hearing is required, and defers to an agency’s specific organic act. 1 CMC §§ 9108 – 10. This Order addresses an emergency situation coming under the specific “immediate and grave danger to the public” provision of the HCPLA, 3 CMC § 2206(n).

Facts

Dr. Priyantha Wijayagunaratne, the only physician at THC, has submitted his resignation effective December 1, 2010. However, beginning on Friday, November 12, 2010, Dr. Wijayagunaratne will be on sick leave until December 1, 2010. Accordingly, as of Monday, November 15, 2010, THC is without a physician.

THC requested the Board consider an Emergency Order to exempt THC’s Mid-Level Provider, PA Juan B. Pangelinan, PA William R. Weiss and any other CNMI licensed physician assistant (“PA”), during the period this Order is in effect, to provide health care at THC through remote supervision. CHC, through Mr. John Tagabuel and Secretary Joseph K. Villagomez, has agreed to provide physician supervision to the physician assistants at THC. Supervision will be provided by the CHC’s Emergency Room physician, Dr. Greg Kotheimer and any other CNMI licensed physician approved by the Board to supervise the physician assistant(s), located at a site other than the same Tinian Health Center.

Board Findings and Conclusions

The Board finds that it would be unfair to the people of Tinian to restrict physician assistants from practicing at THC merely because there is no full-time physician at the Center. This Order provides authority for remote supervision from Saipan. We will not continue the authority provided in this Order indefinitely but we will continue it for a time.

Ruling and Ordering Paragraphs

The Board having been fully advised in the premises of this matter, for the above-stated reasons, hereby Orders that:

1. Physician assistant Juan B. Pangelinan and any other CNMI licensed physician assistant during the period this Order is in effect, may work at the Tinian Health Center (“THC”), under the supervision of a CNMI licensed physician who has been granted privileges to the CHC ER by the Commonwealth Health Corporation and is located at a site other than the same Tinian Health Center.

A physician who is physically present at THC may only supervise a PA if he or she has entered into a valid practice agreement with that PA.

2. Supervision: Dr. Greg Kotheimer, other ER physicians at CHC, and any other CNMI licensed physician included in the valid Practice Agreement, which shall be approved by the Board, as supervising physicians.
3. The last Practice Agreement signed by Dr. Kotheimer and PA Pangelinan is extended for 90 days effective February 19, 2012 until the end of the day of May 20, 2012.
4. The agreement shall include:
 - a. The supervising physician(s) will provide adequate means for direct communication between themselves and the PA. The direct communication may occur through the use of technology, which may include but is not limited to, two-way radio, telephone, fax machine, modem, or other telecommunication device.
 - b. Daily emails shall be exchanged between the PA and the supervising physician for permitted prescriptions.
 - c. The database of patients on chronic or long-term scheduled medications shall be maintained and updated by the PA. The supervising physician to ensure adherence to the standard of care shall review it monthly.
 - d. Chart notes and prescriptions will be sent to the supervising physician for review and signature, as provided below.
 - e. The supervising physician shall closely monitor chronic pain contracts for adherence.
5. The physician assistants are authorized to prescribe:
 - a. Schedule III-V medications as follows:
 1. The PA is authorized to prescribe Schedule III through V medications as needed but shall be limited to prescribing, administering, and/or dispensing no more than 30-day supply. For refills, the supervising physician must co-sign the prescription and clearly write his DEA number on the prescription form. The supervising physician(s) shall review and sign chart notes within 30 days.
 2. All prescriptions for Schedule III-V medications written by the PA must be documented in the patient's chart and must include the name of the drug, dose, and route of administration, frequency, duration, quantity prescribed and name of supervising physician he consulted.
 - b. Schedule II medications as follows:
 1. In extreme emergency cases (myocardial infarction, motor vehicle trauma, certain fractures, pancreatitis, urethral and ureteral stones) Schedule II medications may be administered immediately, followed by a phone call to the supervising physician as soon as the patient is stable. In all other emergencies, Schedule II medications may not be prescribed, administered, or ordered without a verbal order from the ER physician on duty at CHC. The PA must first discuss the case with the ER physician. If the physician makes a verbal order for a Schedule II

medication it must be appropriately documented in the patient's chart (as described in "B" above).

2. All such prescriptions and chart notes must be presented to the supervising physician(s) within seven (7) days for co-signature. The PA shall be limited to prescribing no more than a 7-day supply and there will be no refills.
- c. All prescriptions will indicate the quantity of the medication being prescribed both numerically and alphabetically (e.g., "10" and "ten").
6. THC is to provide the Board a monthly report of the following:
 - a. Name(s) and date(s) of physician assistant(s) working at THC;
 - b. Name(s) and date(s) of supervising physicians at CHC ER;
 - c. Name(s) and date(s) of supervising physician(s) not from CHC ER whom the Board has expressly authorized under this Order;
 - d. Name(s) and date(s) of supervising physician reviewing chart notes and prescriptions for signature.
7. This Order is valid through the end of the day of May 20, 2012.
8. The Board shall review this matter at its next board meeting. THC management is invited to appear at that meeting or via conference call and update the Board on its efforts at recruiting a supervising physician.
9. A copy of this Order shall be placed in a public area of the Tinian Health Center. The Executive Director, or her designee, is directed to do the following in person or by electronic means:
 - a. Serve this Order on the physician assistant(s);
 - b. Serve this Order on the director of the Tinian Health Center;
 - c. Serve this Order on the CEO of the HealthCare Corporation;
 - d. Serve this Order on the supervising physicians at CHC's ER;
 - e. Serve this Order on the supervising physician(s) not from CHC ER;
 - f. Have this Order published in the next Commonwealth Register; and
 - g. Place this matter on the Board's agenda for ratification at its next board meeting.

A party seeking to appeal this Order is directed to 1 CMC § 9112 (b), which provides for judicial review of final orders within 30 days in the Commonwealth Superior Court. The Board believes that this is a final Order.


Janet McCullough, Ph.D.
Chairperson

Dated: February 15, 2012

/s/ Ken Pierson, DDS, Vice-Chairman
/s/ Leticia Borja, MD, Board Member
/s/ Ahmad Al-Alou, MD, Board Member
/s/ Pam Carhill, MPT Board Member

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Northern Mariana Islands Retirement Fund
Commonwealth of the Northern Mariana Islands
Richard S. Villagomez, Administrator
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P.O. Box 5001247 CK, Saipan MP 96950
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**PUBLIC NOTICE OF CERTIFICATION AND ADOPTION AS PERMANENT
PREVIOUSLY PUBLISHED AMENDMENTS
TO THE ADMINISTRATIVE RULES AND REGULATIONS OF THE
NORTHERN MARIANA ISLANDS RETIREMENT FUND**

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER AS
PROPOSED AMENDMENTS TO THE ADMINISTRATIVE RULES AND REGULATIONS
Volume 33, Number 11, pp. 032107-32115, November 29, 2011
Adopted as Permanent with No Changes.

ADOPTION AND IMMEDIATE EFFECT: The Board of Trustees (“Board”) of the Northern Mariana Islands Retirement Fund (“NMIRF”), adopted as permanent regulations the attached Proposed Regulations pursuant to the procedures of the Administrative Procedure Act (“APA”), 1 CMC § 9104(a) at its Special Meeting of January 26, 2012.

I also certify by signature below that:

As attached, the Amendments adopted as permanent are true, complete and correct copies of the above-referenced proposed amendments, and that they are being adopted without modification or further amendment.

PRIOR PUBLICATION: The prior publication was as stated above. No comments were received regarding the Proposed Amendments and the Board Adopted the Amendments as permanent at its Special Meeting of January 26, 2012.

MODIFICATION FROM AMENDMENTS PREVIOUSLY PUBLISHED: None.

I further request and direct that this notice be published in the Commonwealth Register.

AUTHORITY: The Board has statutory authority to adopt rules and regulations for the administration and enforcement of the statutes governing their activities. 1 CMC § 8315(f).

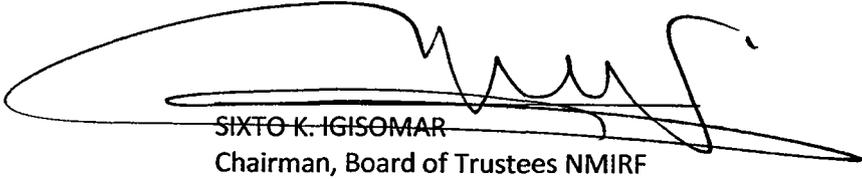
EFFECTIVE DATE: Pursuant to the APA, 1 CMC § 9104(b), the Amendments will become permanent amendments effective 10 days after compliance with the APA, 1 CMC § 91402 and 9104(a), which in this instance, is 10 days after publication in the Commonwealth Register of this notice.

COMMENTS AND CONCISE STATEMENT: No comments or requests for modification to the Proposed Amendments were received during the comment period. The proposed amendments eliminate early release of benefit payments, require all payments of benefits by direct deposit, and impose a fee for changing the direct deposit account other than as part of the annual account update process each December.

ATTORNEY GENERAL APPROVAL: The Proposed Amendments were approved for promulgation by the Attorney General at page 032108 of Volume 33 of the Commonwealth Register, as required by 1 CMC § 2153(e).

I declare under penalty of perjury that the foregoing statements are true and correct and that this declaration was executed at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:


SIXTO K. IGISOMAR
Chairman, Board of Trustees NMIRF

02/28/12
Date

Filed and Recorded by:


ESTHER M. SAN NICOLAS
Commonwealth Registrar

02.28.2012
Date

**ADOPTED AS PERMANENT - AMENDMENTS TO THE
ADMINISTRATIVE REGULATIONS
OF THE NORTHERN MARIANA ISLANDS RETIREMENT FUND**

Part 300 - Rights and Obligations

110-10-301 Time for Payments and Method of Payment

- (a) All payments for benefits (retirement, disability, surviving spouse and surviving child) shall be made on the fifteenth and last day of every month. Payments will not be disbursed, remitted or released prior to the scheduled disbursement date for any reason.
- (b) Periodic benefits payable to annuitants shall only be made by electronic direct deposit into a single account designated in writing by the annuitant, which account must be in the name of the annuitant. Remittance of annuity payments by check or bank draft shall cease and is no longer authorized following April 1, 2012. Each annuitant shall designate its direct deposit account on or before March 1, 2012 on a form designated by the Fund, and may update such designation once annually each December in connection with the Fund's Annuity Recipient Information Update (Form RF-200). Benefits payable to those failing to provide appropriate information to the Fund shall be held in abeyance until such time as appropriate direct deposit instructions are received by the Fund. One time "lump-sum" benefits such as a Single Sum Death Benefit payments shall be paid by check on the thirtieth (30th) of the month following the Fund's acknowledgment of the beneficiary's complete application therefore.
- (c) Except for changes made during the Fund's annual account update process described in subpart (b) above, there shall be a service charge of twenty-five dollars (\$25,00) to change a designated direct deposit account.
- (d) Upon death of an annuitant before a scheduled annuity disbursement date, the pro rata share of the deceased annuitant shall be payable to the surviving spouse or beneficiary, as the case may be. If the deceased annuitant has no surviving spouse or beneficiary, the pro rata share shall be held in abeyance pending the court appointment of an administrator of the estate.

Northern Mariana Islands Retirement Fund
Commonwealth of the Northern Mariana Islands
Richard S. Villagomez, Administrator
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**PUBLIC NOTICE OF CERTIFICATION AND ADOPTION AS PERMANENT
PREVIOUSLY PUBLISHED AMENDMENTS
TO THE ADMINISTRATIVE RULES AND REGULATIONS OF THE
NORTHERN MARIANA ISLANDS RETIREMENT FUND**

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER AS
PROPOSED AMENDMENTS TO THE ADMINISTRATIVE RULES AND REGULATIONS
Volume 33, Number 11, pp. 032094-032106, November 29, 2011
Adopted as Permanent with Further Amendments.

ADOPTION AND IMMEDIATE EFFECT: The Board of Trustees ("Board") of the Northern Mariana Islands Retirement Fund ("NMIRF"), adopted as permanent regulations the attached Proposed Regulations pursuant to the procedures of the Administrative Procedure Act ("APA"), 1 CMC § 9104(a) at their Special Board meeting of January 26, 2012.

I also certify by signature below that:

As attached, the Amendments adopted as permanent are true, complete and correct copies of the above-referenced proposed amendments, and that they are being adopted with an additional amendment as a result of comments received.

PRIOR PUBLICATION: The prior publication was as stated above. A comment was received inquiring as to the regular interest rate payable when the Fund has underpaid benefits. The additional amendment adding subparagraph (4) to section 110-10-010 addresses the comment raised.

MODIFICATION FROM AMENDMENTS PREVIOUSLY PUBLISHED: The Board adopted a regular interest rate for the purpose of paying underpaid benefits which will be set by the Administrator each year, based on the average of the rates offered on savings accounts by the banks in the CNMI.

I further request and direct that this notice be published in the Commonwealth Register.

AUTHORITY: The Board has statutory authority to adopt rules and regulations for the administration and enforcement of the statutes governing their activities. 1 CMC § 8315(f).

EFFECTIVE DATE: Pursuant to the APA, 1 CMC § 9104(b), the Amendments will become permanent amendments effective 10 days after compliance with the APA, 1 CMC § 91402 and 9104(a), which in this instance, is 10 days after publication in the Commonwealth Register of this notice.

COMMENTS AND CONCISE STATEMENT: The amendments change and clarify the regular interest rate that applies in several situations and the additional amendment sets the regular interest rate in one additional situation. The amendments also clarify the provisions regarding the end of early retirement with full benefits.

ATTORNEY GENERAL APPROVAL: The Proposed Amendments were approved for promulgation by the Attorney General at page 032095 of Volume 33 of the Commonwealth Register, as required by 1 CMC § 2153(e).

I declare under penalty of perjury that the foregoing statements are true and correct and that this declaration was executed at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:



SIXTO K. IGISOMAR
Chairman, Board of Trustees NMIRF

02/24/12
Date

Filed and Recorded by:



ESTHER M. SAN NICOLAS
Commonwealth Registrar

02.28.2012
Date

**ADOPTED AS PERMANENT - AMENDMENTS TO THE
ADMINISTRATIVE REGULATIONS
OF THE NORTHERN MARIANA ISLANDS RETIREMENT FUND
WITH FURTHER AMENDMENT**

110-10-010 Definitions

(n) "Interest." The term "regular interest" in 1 CMC 8313(n) and elsewhere in the Retirement Fund Act and these regulations shall mean the following:

(1) For purposes of refunding contributions, the Fund shall pay three and one half percent (3.5%), compounded annually through September 30, 2011 and from October 1, 2011 the rate shall be set by the Administrator each year based on the average of the rates offered on savings accounts by the banks in the CNMI, and such regular interest shall be credited for each complete year.

(2) For purposes of a member's repayment of refunded contributions to the Fund, the interest rate the member shall pay is the higher of the average investment rate of return of the past five most current fiscal years from the date of the application, or the actuarial rate in existence at the time of election.

(3) For purposes of a member's payment of retroactive contributions and class difference equivalents for early retirement pursuant to § 110-10-205 herein, the interest shall be 5 %.

(4) For purposes of the Fund's payment of underpaid benefits, the interest rate shall be set by the Administrator each year based on the average of the rates offered on savings accounts by the banks in the CNMI

110-10-205 Early Retirement Benefits for Class I Members, Post PL 15-70 (effective date June 14, 2007)

A class I member may elect to take early retirement under the following terms and conditions:

(a) A person who became a class I member before April 16, 1998 (the effective date of Public Law 11-9) must be at least 52 years of age with 10 years of vesting service or be under 62 years of age with at least 25 years of vesting service, provided that the member has at least three years of credited service earned after May 7, 1989, and further provided that that person elected to take early retirement prior to June 14, 2007. Those who elect to take early retirement after June 14, 2007 will have until June 14, 2012 to retire under the transition provisions of PL 15-70 (lump-sum contribution, etc.). Those members who take early retirement after June 14, 2012, will receive an annuity reduced by the actuarially determined amount of 3% for each year or pro rata for a partial year that the member is under 62 years of age.

(b) A person who became a class I member on or after April 16, 1998, must be at least 52 years of age with 10 years of membership service or be under 62 years of age with at least 25 years of membership service, provided that the member has at least 10 years of membership service earned after May 7, 1989, and further provided that that person elected to take early retirement prior to June 14, 2007. Those who elect to take early retirement after June 14, 2007 will have until June 14, 2012 to retire under the transition provisions of PL 15-70. Those members who take early retirement after June 14, 2012, will receive an annuity reduced by the actuarially determined amount of 3% for each year or pro rata for a partial year that the member is under 62 years of age.

(c) A person eligible to take early retirement under 110-10-205(a) or (b), prior to June 14, 2012 and who so elects, may pay to the Fund, prior to retirement, a lump sum amount equivalent to the difference between class I and class II contributions, including regular interest, for all periods in which the member was required to make contributions until the date of retirement. Such payment does not constitute conversion from class I to class II; rather, it entitles the member to receive an annuity equivalent to the full amount the member would have been entitled to receive at age 62. No payment of such lump sum amount shall be allowed by installment or by deduction from the members annuity. Provided, however, a person who became a member prior to 12/5/2003, may elect to have his/her benefits reduced by 3% for every year or fraction thereof that the member is under age 62.

(d) At any time prior to early retirement, a person who is actively employed with the CNMI government, may elect to pay to the Fund the difference between class I and class II contributions, including regular interest, for all periods

in which the member was required to make contributions until the date of election. Such payment shall be made in full, prior to retirement, in a lump sum. Such payment does not constitute conversion from class I to class II; rather, it entitles the member, upon early retirement, to receive an annuity equivalent to the full amount the member would have been entitled to receive at age 62. After such election, the member shall be deducted the applicable contribution rate of a class II member until the date of retirement.+++ An election under this paragraph is irrevocable.

(e) A terminated vested member is not eligible to receive early retirement benefits under 1 CMC 8342. Accordingly, a person seeking to receive early retirement benefits must file the required documents and application with the Fund before officially separating from government service. No applications for early retirement will be considered if the person already has terminated employment with the CNMI government without first having filed the required application and documents.

110-10-240 Interest Computation for Active Members

At the end of each fiscal year, regular interest shall be computed and added to the contributions of the member.

**Northern Mariana Islands Retirement Fund
Commonwealth of the Northern Mariana Islands**

Richard S. Villagomez, Administrator
1st Floor, Honorable Lorenzo I. Deleon Guerrero Retirement Fund Building, Isa Drive, Capital Hill
P.O. Box 501247 CK, Saipan, MP 96950-1247
Tel. No. (670) 322-3863~10; Fax No. (670) 664-8080; E-mail: administrator01@nmiretirement.com

**PUBLIC NOTICE OF CERTIFICATION AND ADOPTION AS PERMANENT –
PREVIOUSLY PUBLISHED EMERGENCY REGULATIONS OF THE
GROUP HEALTH INSURANCE PROGRAM PUBLISHED AS
PROPOSED AMENDMENTS**

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER AS
EMERGENCY REGULATIONS OF THE GROUP HEALTH INSURANCE PROGRAM
Volume 33, Number 12, pp. 032128-032145, December 29, 2011 AND AS
PROPOSED AMENDMENTS TO REGULATIONS OF THE GROUP HEALTH INSURANCE PROGRAM
Volume 33, Number 12, pp.032231-032236
Adopted as Permanent with No Changes.

ACTION TO ADOPT AS PERMANENT – PROPOSED AMENDMENTS ADOPTED AS EMERGENCY AMENDMENTS: The Board of Trustees (“Board”) of the Northern Mariana Islands Retirement Fund (“NMIRF”), hereby adopts as permanent the Proposed Amendments to the Group Health Insurance Program which were previously adopted as Emergency Regulations, both of which were previously published in the Commonwealth Register at the above referenced pages, pursuant to the procedures of the Administrative Procedure Act (“APA”), 1 CMC § 9104(b).

I also certify by signature below that:

The Proposed Amendments were adopted without modification or further amendment.

PRIOR PUBLICATION: The prior publication was as stated above. No comments were received regarding the Proposed Regulations and the Board adopted the Proposed Regulations as permanent at its regular meeting of February 24, 2012.

MODIFICATION FROM PROPOSED AMENDMENTS PREVIOUSLY PUBLISHED: None.

I further request and direct that this Notice be published in the Commonwealth Register.

AUTHORITY: The Board has statutory authority to adopt rules and regulations for the CNMI Group Health and Life Insurance Program pursuant to 1 CMC §§ 8424-27.

EFFECTIVE DATE: Pursuant to the APA, 1 CMC § 9104(b), the Emergency Regulations were effective from December 29, 2011 remained in effect through this adoption of the Proposed Amendments as permanent, effective 10 days after publication in the Commonwealth Register.

COMMENTS AND CONCISE STATEMENT: No comments or requests for modification to the Proposed Amendments adopted as Emergency Regulations were received. The Amendments repeal and adopt new Group Health Insurance Regulations consistent with the operation of the program.

ATTORNEY GENERAL APPROVAL: The Proposed Amendments were approved for promulgation by the Attorney General at page 032232 of the Commonwealth Register, Volume 33, Number 12, pursuant to 1 CMC § 2153(e).

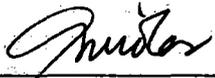
I declare under penalty of perjury that the foregoing statements are true and correct and that this declaration was executed at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:


SIXTO K. IGISOMAR
Chairman, Board of Trustees NMIRF

02/28/12
Date

Filed and Recorded by:


ESTHER M. SAN NICOLAS
Commonwealth Registrar

02-28-2012
Date



Commonwealth of the Northern Mariana Islands
BOARD OF PROFESSIONAL LICENSING
P.O. Box 502078, #1242 Pohnpei Court
Capitol Hill, Saipan, MP 96950
Tel No: (670)664-4809 Fax: (670)664-4814
Email: bpl@pticom.com

**PUBLIC NOTICE OF CERTIFICATION AND ADOPTION
OF REGULATIONS FOR
ENGINEERS, ARCHITECTS, LAND SURVEYORS AND LANDSCAPE ARCHITECTS**

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
AS PROPOSED AMENDMENTS TO THE REGULATIONS
Volume 33, No. 12, pgs. 032237-032251, December 29, 2011

Regulations for Engineers, Architects, Land Surveyors and Landscape Architects: NMIAC Title 125, §125-20.1

ADOPTION OF THE PROPOSED AMENDMENTS TO THE REGULATIONS FOR ENGINEERS, ARCHITECTS, LAND SURVEYORS AND LANDSCAPE ARCHITECTS: The Board of Professional Licensing hereby adopts the above-referenced regulations as permanent regulations, which were published in the Commonwealth Register at pages 032237-032251 in Volume 33, No. 12 on December 29, 2011, pursuant to the procedures of the Administrative Procedure Act, 1 CMC §9104(a). The Board of Professional Licensing announced that it intended to adopt them as permanent and now does so. The Board of Professional Licensing certifies by signature below that, as published, such adopted amendments to the regulations for Engineers, Architects, Land Surveyors and Landscape Architects are a true, complete and correct copy and that they are being adopted without modification or amendment.

PRIOR PUBLICATION: The prior publication was as stated above. The Board of Professional Licensing adopts the regulations for Engineers, Architects, Land Surveyors and Landscape Architects as final as of the date of signing below.

MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY: None.

AUTHORITY: The Chairman of the Board of Professional Licensing is empowered with the authority to promulgate, adopt and amend regulations.

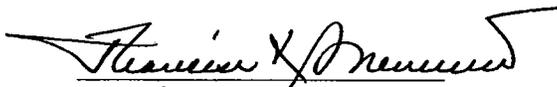
EFFECTIVE DATE: Pursuant to the APA, 1 CMC §9105(b), these adopted amendments to the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects are effective 10 days after compliance with the APA, 1 CMC §9102 and 9104(a) or (b), which in this instance is 10 days after publication in the Commonwealth Register.

COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the APA, 1 CMC §9104(a)(2), the agency received no comments on the proposed amendments to the regulations for Engineers, Architects, Land Surveyors and Landscape Architects. Upon this adoption of the amendments, the agency if requested to do so by any interested person, within 30 days of adoption, will issue a concise statement of the principal reasons for and against its adoption.

ATTORNEY GENERAL APPROVAL for modified regulations. The adopted amendments to the regulations for Engineers, Architects, Land Surveyors and Landscape Architects were approved for promulgation by the CNMI Attorney General in the above cited pages of the Commonwealth Register, pursuant to 1 CMC §2153(3) (to review and approve as to form and legal sufficiency all rules and regulations to be promulgated by any department or agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

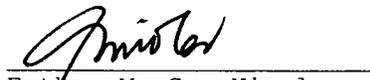
I declare under penalty of perjury that the foregoing is true and correct copy and that this declaration was executed on the 22nd day of Feb., 2012, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and Ordered by:


Francisco Q. Guerrero
Chairman

02/22/12
Date

Filed and Recorded by:


Esther M. San Nicolas
Commonwealth Register

02.28.2012
Date

PUBLIC NOTICE

**PROPOSED LAND EXCHANGE
RULES AND REGULATIONS**

The Secretary Department of Public Lands, Commonwealth of the Northern Mariana Islands, pursuant to its duties and responsibilities under Public Law 15-2, hereby gives notice of its intention to promulgate these proposed Land Exchange Rules and Regulations.

Any interested person may examine the propose rules and regulations and submit written comments, positions or statements for or against the proposed rules and regulations to the Secretary of the Department of Public Lands, at P.O. Box 500380, Saipan, MP 96950, 2nd Floor Joeten Dandan Commercial Building, Dandan, no later than thirty (30) calendar days following the date of publication of this Notice in the Commonwealth Register.

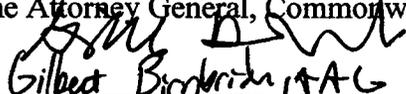
Dated this 27th day of February 2012 at Saipan, Northern Mariana Islands.

SECRETARY
DEPARTMENT OF PUBLIC LANDS

By: 

OSCAR M. BABAUTA
Secretary

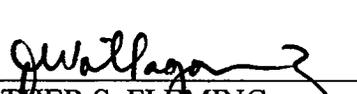
Pursuant to 1 CMC § 2153, as amended by Public Law 10-50, the proposed Land Exchange Rules and Regulations of the Department of Public Lands, a copy of which is attached hereto, has been reviewed for legal sufficiency and approved by the Office of the Attorney General, Commonwealth of the Northern Mariana Islands.

for: 
Gilbert Bimbri, JAG
EDWARD T. BUCKINGHAM
Attorney General

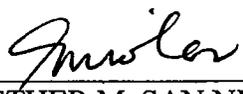
2/27/12
DATE

Received By:

Filed By:

For: 

ESTHER S. FLEMING
Special Assistant for Administration



ESTHER M. SAN NICOLAS
Commonwealth Registrar

DATE: 02/29/12

DATE: 02-28-2012

NUTISIAN PUPBLIKU

MAPROPONI NA AREKLAMENTU YAN REGULASION SIHA
PARA I ATULAIKAN TĀNU'

I Sekritāriun i Dipattamentun Tānu' Publiku Siha, gi Commonwealth gi Sangkattan na Islas Marianas siha, sigun gi obligasion yan responsāplidāt siha gi papa' i Lai Publiku 15-2, guini ha nā'i nutisia i intension-ña para u cho'gui esti siha i manmaproponi na Areklamentu yan Regulasion Atulaikan Tānu'.

Hāyi gai intires na petsona siña ha eksamina i maproponi na areklamentu yan regulasion siha yan u mana'hālum i upiñon, pusision pat sinangan siha para pat kinentran i maproponi na areklamentu yan regulasion siha guatu gi Sekritāriun Dipattamentun Tānu' Publiku Siha, gi P.O. Box 500380, Saipan, MP 96950, gi Sigundu Bibienda gi Joeten Dandan Commercial Building, Dandan, itmās di menus ki trenta(30) dihas gi kalendāriu ni tinattitiyi ni fetchan i publikasion esti na Nutisia gi halum i Rehistran Commonwealth.

Mafetcha esti gi diha 27th gi FEBRUARY, 2012 giya Saipan, Sangkattan na Islas Marianas Siha.

SEKRITĀRIUN
DIPATTAMENTUN TĀNU' PUPBLIKU SIHA

Ginin As: 
OSCAR M. BABAUTA
Sekritāriu

Sigun i 1 CMC § 2153, kumu ma'amenda ginin i Lai Publiku 10-50, i maproponi na Areklamentu yan Regulasion Siha Atulaikan Tānu' gi Dipattamentun Tānu' Publiku Siha, i kopia ni mana'achettun guini, manmaribisa para sufisienti ligāt yan ma'aprueba ginin i Ufisinan Abugādu Henerāt, giya Commonwealth gi Sangkattan na Islas Marianas.


EDWARD T. BUCKINGHAN
Abugādu Henerāt

2/27/12
FETCHA

Rinisibi As:

Pine'lu As:


ESTHER S. FLEMING
Ispisiāt Na Ayudānti Para i Atministrasion


ESTHER M. SAN NICOLAS
Rehistran Commonwealth

FETCHA: 02/29/12

FETCHA: 02-28-2012

ARONGORONGOL TOULAP

POMWOL ALLÉGH ME ATIWLIGH REEL LAND EXCHANGE

Samwoolul Bwulasiyool Ammwelil Falúweer Toulap, Commonwealth Téél Falawasch Marianas, sáangi angaangal me lemelemel faal Alléghul Toulap 15-2, ekke atotoowow ammataf reel ebwe akkatewow pomwol allégh me atiwligh reel Land Exchange.

Schóókka re mwuschel rebwe amweri powmol allégh me atiwligh kkaal me iischlong máfiyeer, angiingi me ngáre aweewe reel pomwol allégh me atiwligh kkal ngáli Samwoolul Bwulasiyool Ammwelil Falúweer Toulap, reel P.O. Box 500380, Saipan, MP 96950, aruwowal pwó(2nd floor) me Joeten Dandan Commercial Building, Dandan, esabw aluló eliigh (30) ráll mwiril yaar appascha llong arongorong yel lól Commonwealth Register.

Rááilil iye 27th wóol February, 2012 Saipan, Northern Mariana Islands.

SECRETARY
DEPARTMENT OF PUBLIC LANDS

Merel: [Signature]
OSCAR M. BABAUTA
Secretary

Sáangi 1 CMC § 2153, igha e amenda merel Alléghul Toulap 10-50, pomwol Allégh me Atiwligh kkaal rel Land Exchange me Dipatamentol Falúweer Toulap , kkopia iya e appasch, a takkal amwuri fiischiy, reel legal sufficiency sáangi CNMI Attorney General, Commonwealth of the Northern Mariana Islands.

[Signature]
For Gilbert B. Buckingham, AAC
EDWARD T. BUCKINGHAM
Attorney General

2/27/12
Ráil

Aramas ye:
e bwughi

File me Rekkodiliyal:

[Signature]
For: ESTHER S. FLEMING
Special Assistant for Administration

[Signature]
Esther M. San Nicolas
Commonwealth Registrar

Ráil: 02/29/12

Ráil 02.28.2012

RULES AND REGULATIONS PROMULGATED TO THE PUBLIC
PURPOSE LAND EXCHANGE AUTHORIZATION ACT OF 1987, AS AMENDED
(EFFECTIVE JUNE 15, 1987)

The Department of Public Lands, pursuant to its duties and responsibilities under Public Law 15-2, and the authority given to it and through the Public Purpose Land Exchange Authorization Act of 1987 (Public Law 5-33, 2 CMC Section 4141 *et seq.*), as amended, promulgates these regulations to repeal and replace in their entirety, the regulations adopted by its predecessors, the Marianas Public Land Corporation, the Division of Public Lands, the Marianas Public Lands Authority, on _____ published in the Commonwealth Register on _____, at pages _____.

1. **AUTHORITY**

These regulations are promulgated by the Department of Public Lands of the Executive Branch pursuant to Section 6 of the Public Purpose Land Exchange Authorization Act of 1987, as amended.

2. **PURPOSE**

These regulations are promulgated to repeal and replace in their entirety, the Rules and Regulations Promulgated by the Marianas Public Land Corporation, the Division of Public Lands, the Marianas Public Lands Authority, Pursuant to the Public Purpose Land Exchange Authorization Act of 1987, as amended.

3. **DEFINITION**

- A. Department, means the Department of Public Lands of the Executive Branch
- B. Government, for purposes of these Regulations, the agencies involved in the land exchange process, other than the Department of Public Lands
- C. Owner means the person, persons, entity, or entities qualified to receive a land exchange under the Public Purpose Land Exchange Authorization Act of 1987, as amended.

4. **BASIC ACQUISITION POLICIES**

- A. All land exchanges must be based on a fair market value ratio as determined and established by an independent appraisal study.

- B. The Government's and the Department's appraisal of fair market value shall be based upon nationally recognized standards and techniques to the extent that such principles are consistent with the concepts of value under the "Eminent Domain Law" of the CNMI; and, in the case of land being acquired for highway purposes, consistent with Federal requirements applicable to valuation of land being acquired for highway purposes.
- C. If the acquisition of a certain portion of private land will leave an Owner with an uneconomic remnant, the Government shall also propose to acquire the uneconomic remnant along with that portion of the property needed for the project. An uneconomic remnant is that parcel of an Owner's property that would otherwise remain in title to the Owner but have no utility or economic value to the Owner after the Government's acquisition of the Owner's adjoining real property.
- D. Before entering into the negotiation for a land exchange, the Government shall obtain written permission from the Owner to enter upon and appraise his/her land.
- E. The Government and the Department shall solicit and select independent appraisers in accordance with the CNMI Procurement Regulations promulgated by the Department of Finance pursuant to Article X, Section 8 of the CNMI Constitution, 1 CMC § 2553(j) and 1 CMC § 2557.
- F. No appraiser shall have any interest, direct or indirect, in the real property which he/she appraises for the Government or the Department that would in any way conflict with his/her performance of the appraisal. No appraiser shall act as a negotiator for the Government, the Department, or the Owner in the acquisition of real property which he/she has appraised in connection with the project. Compensation for an appraisal shall not be based on the amount of valuation.
- G. The Government and the Department at its option may require its review appraiser or an independent review appraiser to review all appraisal reports for:
 - 1. Adequacy of the appraiser's supporting data and documentation.
 - 2. Soundness of the appraiser's reasoning in conformance with recognized appraisal practices.
 - 3. Soundness of the appraiser's opinion of the fair market value of the property.

If the Government and the Department decides to have an appraisal report reviewed, the review appraiser may request the appraiser to make necessary changes in the appraisal report. After all necessary changes are made, the reviewer shall recommend whether the appraisal report should be accepted. If the appraiser refuses to change the appraisal report pursuant to the recommendation of the review appraiser then the Government or the Department shall request appraiser to explain his/her reasons for not doing so in writing. The Government and the Department may reject any appraisal report which it or they determine is unsatisfactory under the requirements of these Regulations.

- H. The fair market value to be stated in the Written Proposal to the Owner (Paragraph 5-E of these Regulations) shall not be more than the fair market value estimate set forth in the approved appraisal report, if any.
- I. Public Land to be used in the acquisition must be appraised and the fair market value shall be the basis for the ratio of the exchange. The size of the public to be used as compensation may be more or less than the private land to be acquired depending on the comparison of the fair market values of the two parcels; provided, the exchange is equitable.
- J. Notwithstanding Rule 4 (I), in the land exchange the Department shall use its best efforts to exchange public land which is equal in size and value to the private land which has been taken or is to be acquired. Provided, however, that if the private land which has been taken or is to be acquired is equal in size to, but greater in value than the public land to be exchanged, the Government may offer the Owner monetary compensation in addition to land exchange for the purposes of meeting the value for value requirement of the law.
- K. All proposed land exchanges shall be published in a newspaper of general circulation in the CNMI, both in English and Vernacular once each week for at least four consecutive weeks. Request from concerned persons for the land exchange for a public hearing which are received within the time frame allocated for the public notice shall be heard as requested.
- L. Private land which has a fair market value of less than \$5,000.00 or an area of less than 700 square meters shall not be acquired through land exchange.
- M. Prioritization of land acquisition: In considering whether to use land exchange as the method of acquisition of private land, the Department shall take into consideration the many demands on the public lands, the decreasing amount of public land available for land exchange, and the following priorities:

1. First, Rights-of-Way
2. Second, Ponding Basin
3. Third, Wetlands
4. Fourth, Other Claims

- N. Any land exchanges agreement entered into by the Department (or its predecessors) prior to the effective date of Public Law 5-33, as amended, June 1, 1987 (2 CMC § 4141, *et seq.*) which accomplish public purpose as defined in that Act, is hereby deemed to be a lawful and binding agreement in the same manner and to the same extent as if entered into after the effective date of that Act, provided, however, this paragraph shall not affect pending agreements to exchange all future claims and pursuant to Public Law 5-5, or exchanges related to 1944 land actions, until such claims have been completed.
- O. Any land exchanges agreement entered into by the Department for the purpose of settling a lawsuit which has actually been filed shall be exempt from the requirements set forth in these Rules and Regulations, provided that the agreement is approved by the court.

5. **ACQUISITION AND LAND EXCHANGE PROCEDURE**

- A. Determination to Acquire: Governor's Certification or Legislature's Declaration or Determination.

The acquisition of private real property for a public purpose as defined in Public Law 5-33, as amended, shall originate from the Governor and must include the following:

1. Except as provided in Rule 4(o), a certification by the Governor of public use(s) or purpose(s) for which the Government is acquiring the land parcel(s), as provided in 2 CMC § 4143 (e) (2); or a declaration or determination by the Legislature of the public use (s) purpose(s) for which the Government is acquiring the land parcel(s), as provided in 2 CMC § 4143 (e) (1).
2. Boundary Surveys and legal descriptions.
3. Identification of encumbrances and disputes, if any.

B. Evidence of Title:

There shall be finding of title to the property to be acquired, which consist of valid proof of clear title, unless the Governor waives this requirement in writing. The Government or the Department may require the Owner of furnish a preliminary title report which verifies that he/she has unencumbered title to the property to be exchanged whenever there is insufficient title evidence as to his/her ownership of the property in question.

C. Issuance of Preliminary Acquisition Notice:

The Office of the Governor shall issue a preliminary acquisition notice to the Owner. The notice shall:

1. Inform the Owner of the Government's interest in acquiring his/her real property and the public purpose for which it is needed.
2. Inform the Owner of Public Law 5-33, as amended, these Rules and Regulations, and the need to appraise the subject property to assess the fair market value.
3. Request written permission from the Owner to survey his/her land if it is un-surveyed and to inspect his/her land for the appraisal evaluation.
4. If the fair marked value of the Owner's property is determined to be \$5,000.00 or more and the area is 700 square meters or more, ask the Owner if he/she wants the Government to acquire his/her property through a land exchange. The Owner shall indicate in an accompanying acknowledgement receipt whether he/she wants to enter in a land exchange or does not want. The preliminary acquisition notice must be send via return receipt mail or hand delivered.

D. Survey and Appraisal of Real Property to be Acquired

1. Upon receipt of the Owner's authorization Government shall survey the Owner's property, if necessary, and secure and approved map. Currently, the Government shall solicit and contract for an independent appraiser to appraise the property to be acquired in accordance with the CNMI Procurement Regulations and the basic acquisition policies of these Rules and Regulations.

2. The Government or the Department shall give the appraiser reasonable time to complete the appraisal report. The Government or the Department and the appraiser shall agree on the time for completion and submittal of the appraisal report upon execution of the agreement for appraisal report.

E. **Review of Appraisal Report and Determination of Fair Market Value of Real Property to be Acquired:**

1. Upon completion and submittal of the appraisal report, the Government and / or the Department (if the Owner has requested for a land exchange) shall either accept the report or require a review. If the review is required, the Government or the Department's staff review appraiser or an independent review appraiser retained for such purpose shall have thirty (30) working days to review the appraisal report for any deficiencies. The review appraiser shall be given additional time to review the report if such is warranted by its complexity.
2. If the review appraiser finds any deficiencies in the appraisal report, the Government or the Department (if the Owner has requested for a land exchange) shall notify the appraiser of such deficiencies, and give the appraiser reasonable time to make corrections. If the appraiser refuses to make corrections or if the review appraiser finds any deficiencies after re-submittal, the review appraiser shall submit his own recommendation as to the fair market value of the property.
3. The Secretary shall determine what is, in his/her opinion, the reasonable fair market value of the property, based on the appraiser's report and the review appraiser's report, if any.
4. The Department shall, in the case of a land exchange, be responsible for the custody of the appraisal report, if any, or the review appraiser.

F. **Written Proposal to Owner:**

1. Within thirty (30) days after the determination of fair market value, the DPL shall send or deliver a written proposal to the Owner. The written proposal shall include the following.
 - a. A recital of the fair market value of the property.
 - b. A copy of the approved appraisal report, if any, or copies of the appraiser's and review appraiser's report.

The written proposal shall be sent by return mail or delivered in person and acknowledged that it was delivered and received.

2. Within sixty (60) days, the Owner must either reject or accept the written proposal. After the expiration of sixty (60) days, the Government shall deem that the owner has rejected the written proposal and shall initiate other means of acquisition.
3. The Owner shall be given a reasonable opportunity to present material which he/she believes is relevant to determining the value of his/her property. If the Government or the Department determines that the evidence presented by the Owner warrants a revision of the fair market value, the Government or the Department may modify the determination of fair market value in consultation with the review appraiser, if any, or with the appraiser.

G. Owner Does Not Want Land Exchange:

If the Owner indicates in his/her acknowledgement receipt that he/she does not want land exchange, the Government or the Department shall negotiate for monetary compensation, subject to the approval from the Government, or recommend condemnation proceedings if needed.

H. Owner Wants Land Exchange:

1. The Department must explain its Land Exchange Rules and Regulations and the basis for establishing the fair market of the Owner's property.
2. The Department must explain to the Owner that certain public land parcels have been designated and reserved for land exchange purposes and inform him/her of the established fair market value of these land parcels based on the latest approved appraisal reports.
3. The Owner shall be given, if requested, copies of the latest approved appraisal reports of the public land parcels and may have them reviewed by an independent review appraiser retained by the Owner at his/her own expense.
4. The Department shall create a file, if it has not already done so, which must contain the following documents:
 - a. The Governor's Certification or the Legislature's Declaration Determination.

- b. Valid proof of clear Title, or Governor's Waiver of this requirement
 - c. Preliminary Acquisition Notice and Receipt
 - d. Owner's Response of Acquisition Notice
 - e. Appraisal Solicitation
 - f. Appraisal Selection
 - g. Approved Basic and Severance Maps
 - h. Approved Appraisal Report, if an, or the Appraiser's Report and the Review Appraiser's report, if any
 - i. Written Notice to Owner
 - j. Owner's Acceptance of Written Proposal
5. If the Owner Agrees to the written proposal or the final proposal made in the course of the negotiations, the Department and the Owner shall enter into a Land Exchange Agreement, which shall be subject to the Secretary's Approval, and include the following:
- a. The value of the Owner's property and the value of the public land agreed upon.
 - b. The legal description of the Owner's land to be acquired, and an adequate description of the public land parcel the Owner agrees to accept in exchange for his/her private land.
 - c. An agreement by the Owner that he/she will warrant title to the property he/she will convey to the Government.
 - d. The signature of the Owner and the Secretary.
6. If the Government or the Department and an Owner who has selected a land exchange do not reach an agreement as provided in subparagraph 5 of this paragraph H, and do not otherwise reach an agreement for monetary compensation for the land to be acquired by the Government, the Government may proceed to acquire the land by legal means.
- I. Upon the signing of the Land Exchange Agreement, the Department shall, within thirty (30) days, publish the proposed land exchange pursuant to Rule 4(k).

J. Processing and Execution of Land Exchange:

1. Within seven (7) days of the successful conclusion of the negotiation subject to the availability of funds, the Department shall:
 - a. Solicit and select a surveyor in accordance with CNMI Procurement Regulations to survey the public land parcel(s) to be exchange.
 - b. Prepare a Deed of Exchange
2. Upon completion of the required surveys and Deed of Exchange, the Department shall arrange for execution of the deed, subject, however, to the final approval by the Secretary.
3. If the Owner's property is occupied or being used by the Owner upon the execution of the deed, the Government and the Department shall notify the Owner that he/she must vacate the premises. If the Owner needs time to relocate, the Government and the Department shall grant reasonable time to do so.

K. Disposition of Acquisition Records, Documents and Appraisal Reports:

All materials which are part of the file for the particular land exchange must be compiled and safeguarded in proper filing containers. The file must at a minimum contain the following:

1. Governor's Certification, or Declaration or Determination by the Legislature of the Public uses or Purposes for which the land is being acquired.
2. Preliminary Acquisition Notice
3. Solicitation for Appraisal
4. Selection and Agreement for Appraisal Services
5. Approved Appraisal Report
6. Review Appraiser's Recommendation (if any).
7. Written Proposal to Owner
8. Written Proposal Return Receipt Mail/Acknowledgement Receipt

10. Final Proposal
11. Proof of Clear Title
12. Survey (Map)
13. Copies of Notices published in the local newspaper
14. Deed of Exchange
15. Notification to Owner to Vacate
16. Any Correspondence Pertaining to the Land Exchange



Commonwealth of the Northern Mariana Islands Scholarship Advisory Board

Caller Box 10007, Saipan, MP 96950
Tel: (670) 664-4750; Fax: (670) 664-4759
kodep.uludong@gmail.com

NOTICE OF PROPOSED AMENDMENTS TO THE SCHOLARSHIP ADVISORY BOARD REGULATIONS FOR THE EDUCATIONAL ASSISTANCE PROGRAM

INTENDED ACTION TO ADOPT PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands, through the Scholarship Advisory Board (SAB), intends to adopt as permanent regulations the attached Proposed Regulations pursuant to the procedures of the Administrative Procedure Act 1 CMC § 9104(a), as decided at the Board's regular meeting of January 27, 2012.

AUTHORITY: Pursuant to Executive Order 94-3 § 211 (b), incorporated by reference in 1 CMC § 2051, the SAB is authorized to "recommend objective standards for the award of scholarships."

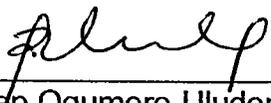
THE TERMS AND SUBSTANCE: The attached Regulations establish the rules and regulations governing the Educational Assistance Program (EAP). The EAP governs all funds allocated to the Scholarship Office for scholarships which are not dedicated to a scholarship program created by statute. This program and the rules that govern it were formed at the discretion of the SAB, in accordance with Executive Order 94-3 § 211 (b).

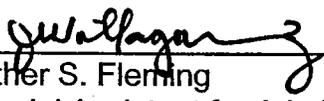
THE SUBJECTS AND ISSUES INVOLVED: These rules and regulations:

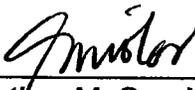
1. Limit scholarship assistance for new undergraduate applicants to those who are enrolled at Northern Marianas College (NMC) or have already obtained an associate's degree and are enrolled at an accredited institution;
2. Enables scholarship assistance for participants in NMC's Early Admissions Program;
3. Increases the minimum undergraduate GPA for satisfactory academic progress from 2.5 to 2.75;
4. Authorizes the Board, in its discretion, to extend the duration of an award.

DIRECTIONS FOR FILING AND PUBLICATION: The Board is soliciting comments regarding these proposed amendments which must be received by the Board within thirty (30) days of first publication of this notice in the Commonwealth Register. Interested persons may request copies of the proposed amendments by telephone, facsimile, by email at jackie.che@gov.mp, or at the Scholarship Office on Capitol Hill.

The attached Emergency Regulations are approved by the Scholarship Advisory Board Chair on the date listed below.

Submitted by:  2/27/12
Kodep Ogumoro-Uludong
Scholarship Advisory Board Chair Date

Received by:  02/29/12
For: Esther S. Fleming
Special Assistant for Administration Date

Filed and Recorded by:  02-28-2012
Esther M. San Nicolas
Commonwealth Register Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).

 2/27/12
For: Gilbert Birnbrick, AG
Edward T. Buckingham
Attorney General Date

COMMONWEALTH GI SANGKATTAN NA ISLAS MARIANAS
Scholarship Advisory Board

Caller Box 10007, Saipan, MP 96950
Tel: (670) 664-4750; Fax: (670) -664-4759
Kodep.uludong@gmail.com

NUTISIAN PUPBLIKU GI MANMAPROPONI NA AMENDASION SIHA PARA I SCHOLARSHIP ADVISORY BOARD NA REGULASION SIHA PARA I PRUGRĀMAN INASISTIN EDUKASION

I AKSION NI MA'INTENSIONA PARA U MA'ADĀPTA I MANMAPROPONI NA REGULASION SIHA:
I Commonwealth gi Sangkattan na Islas Marianas siha, ginin i Scholarship Advisory Board (SAB), ha intnesiona para u adĀpta kumu petmanienti na regulasion siha ni mañechettun i Manmaproponi na Regulasion siha sigun gi maneran i Āktun Administrative Procedure 1 CMC § 9104(a), kumu madisidi ni regulāt na huntan i Kuetpu gi Ineru 27, 2012.

ĀTURIDĀT: Sigun gi Otdin Eksakatibu 94-3 § 211 (b), incorporated by reference gi halum i 1 CMC § 2051, i SAB ha āturisa para u “recommend objective standards para i premium i scholarship siha.

I TEMA YAN SUSTĀNSIAN I PALĀBRA SIHA: I mañechettun na Regulasion siha ha istapblesi i areklamentu yan i regulasion siha ni ginibebetna i Prugrāman Inasistin Edukasion (EAP). I EAP ha gubietna todū fondu siha ni madisikna para i Ufisinan Scholarship para i scholarship siha ni ti manma-dedicate para i prugrāman scholarship ni macho'gui ginin i estatua. Esti na prugrāma yan areklamentu siha ni ha gubietna ya mafotma gi dispusision i SAB, gi sigun i Otdin Eksakatibu 94-3 § 211 (b).

I SUHETU NI MASUMĀRIA YAN ASUNTU NI TINEKKA: Esti na areklamentu yan regulasion siha:

1. I minidin inasistin scholarship para i nuebu na undergraduate na pattisipānti siha para atyu i manhālum gi Kolehun Northern Marianas (NMC) pat esta machuli' i associate degree yan manhālum gi accredited instution;
2. Ha na'guaha inasistin scholarship para i pattisipānti siha gi halum i Prugrāman NMC Early Admission;
3. Ha hātsa i minimum undergraduate GPA para i satisfactory academic progress ginin i 2.5 asta i 2.75;
4. Ha āturisa i Kuetpu, gi halum i dispusision, para u ekstendi i tiempun i premiu.

DIREKSION SIHA NI PARA U MAPO'LU YAN MAPUPBLIKU: I Kuetpu mamamaisin upiñon siha sigun gi esti i manmaproponi na amendasion siha ni debi na u marisibi guatu gi Kuetpu gi halum i trenta(30) dihas ginin i primet publikasion esti na nutisia gi halum i Rehistran Commonwealth. Maseha háyi na petsona siha manggai intires siña manggâgâo kopia gi i manmaproponi na amendasion siha gi telefon, fax, pat email gi as jackie.che@gov.mp, pat gi Ufisinan Scholarship giya Capitol Hill.

I mañechettun na Emergency na Regulasion siha manma'aprueba ginin i Scholarship Advisory Board Chair gi sampapa' na fetcha.

Nina'hålum as: 
Kodesp Ogumoro-Uludong
Scholarship Advisory Board Chair

2/27/12
Fetcha

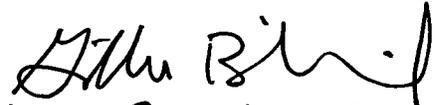
Rinisibi as: 
ESTHER S. FLEMING
Ispisiât Na Ayudanti Para I Atministrasion

02/29/12
Fetcha

Pine'lu yan
Ninota as: 
ESTHER M. SAN NICOLAS
Rehistran Commonwealth

02.28.2012
Fetcha

Sigun i 1 CMC 2153(e) (Inaprueban Abugâdu Henerât gi regulasion ni para u macho'gui kumu para fotma) yan i 1 CMC § 9104(a)(3) (hentan inaprueban Abugâdu Henerât) i maproponi na regulasion siha ni mañechettun guini ni manmaribisa yan ma'aprueba kumu fotma yan sufisienti ligât ginin i CNMI Abugâdu Henerât yan debi na u mapupblika, 1 CMC § 2153(f) (publikasion i areklamentu yan regulasion siha).



Edward T. Buckingham
Abugâdu Henerât

2/27/12
Fetcha

**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SCHOLARSHIP ADVISORY BOARD**

Caller Box 10007, Saipan, MP 96950
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Kodep.uludong@gmail.com

**POMWOL ALLÉGH KKA REBWE AMENDÁLI REEL SCHOLARSHIP ADVISORY BOARD NGÁLI
EDUCATIONAL ASSISTANCE PROGRAM.**

MÁNGEMÁNGIL MWÓGHUT YE EBWE ADAPTÁÁLI POMWOL ATIWLIGH KKA:

Commonwealth of the Northern Mariana Islands, Scholarship Advisory Board (SAB) emuschel ebwe adaptááli me alleghúwlo pomwol allégh kka e appasch sáangi mwóghutughutil Administrative Procedure Act 1 CMC § 9104(a). Igha e bwunguló mereel Board meeting wóol Eneero 27, 2012.

BWÁÁNGIL: Sáangi Executive Order 94-3 § 211(b) e toolong mereel 1 CMC § 2051, eyoor bwáángil SAB bwe ebwe rekkomendáli objective standards reel award -il scholarships.”

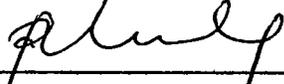
KKAPASAL ME AWEWEEL: Atiwligh kka e appasch e féeru allégh me atiwilighi kka e lemeli Educational Assistance Program (EAP). EAP e lemeli alongal salapi kka e mwet ngáli Scholarship Office rel programal scholarship kka ese toolong nge e féer merel bwung. Allégh kka e lemeli progróma yel e féer sáangi mángemángir SAB, sáangi Executive Order 94-3 § 211 (b).

KKAPASAL ME ÓUTOL: Allégh me Atiwligh kkaal:

1. Aghitighitativ alilisil scholarship ngáliir schoo kka re ffé undergraduates applicants Ikka re gakko Northern Marianas College (NMC) me ngare ra bwughi yaar associate Degree nge re gakko lól eew accredited institution.
2. A yoorá alilisil scholarship ngáliir schóo kka re lo lól NMC's Early Admissions Program.
3. A tomoghátá minimum undergraduate GPA reel satisfactory academic progress Sáangi 2.5 ngáli 2.75:
4. E ngáley bwáángil Board ngáre ebwe sóbweey láláyil award we,

AFAL REEL AMWELIL ME ARONGOWOWUL: Board ekke tungor mángemáng reel pomwol amendá kkal nge rebwe risibi li reel Board lól eliigh (30) ráll igha e ghomwal appasch arongorong yel lól Commonwealth Register. Schóo kka remuschel emwel rebwe tungor copies il pomwol amendá kkal reel telephone, facsimile, me email rel Jackie.che@gov.mp, bwal me bwulasiyool Scholarship me Capital Hill.

Emergency Regulations kka e appasch nge ra bwúnguló merel Scholarship Advisory Board Chair wóol ráíl iye e ischitiw fáál.

Isáliiyallong: 
Kodep Ogumoro-Uludong
Scholarship Advisory Board Chair

2/27/12
Ráíl

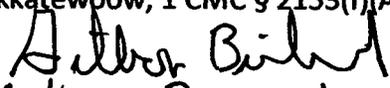
Mwiir Sángi 
ESTHER FLEMING
Governor's Special Assistant for Administration

02/29/12
Ráíl

File me
Rekkoodliiyal: 
ESTHER M. SAN NICOLAS
Commonwealth Registrar

02-28-2012
Ráíl

Sengi 1 CMC § 2153(e) Allégh kkaal a lléghló sángi AG bwe e fil reel fféerúl me
1 CMC § 9104(a)(3)(A mwiir sángi AG) Pomwol allégh kka a appaschlong a takkal amwuri
fiischiy, me angúungú ló fféerúl me legal sufficiency sángi CNMI Attorney General me ebwele
akkatewpoow, 1 CMC § 2153(f) (Arongowowul allegh me atiwligh kkaal)


Gilbert Bimbrich, AAG
for EDWARD T. BUCKINGHAM
Attorney General

2/27/12
Ráíl

RULES AND REGULATIONS GOVERNING THE EDUCATIONAL ASSISTANCE PROGRAM

I. PURPOSE: The Scholarship Advisory Board hereby establishes an Educational Assistance program (EAP) for the purpose of assisting applicants who desire to pursue post-secondary study, first at the Northern Marianas College (NMC), and then from within or outside of the Commonwealth of the Northern Mariana Islands (CNMI) through use of various locally funded grants and scholarships.

II. DEFINITION

- a. **“Permanent Resident”:** A United States citizen domiciled in the Commonwealth for two (2) consecutive years prior to enrollment in a college or university.
- b. **EDUCATIONAL ASSISTANCE GRANTS:** Financial assistance awarded for the purpose of post-secondary studies.
- c. **MERIT INCENTIVE AWARD:** An additional grant awarded to qualifying full-time and continuing undergraduate students on the basis on attainment starting with a 3.00 cumulative grade point average from a college or university (Such awards are contingent upon the availability of funds).
- d. **DEVELOPMENTAL COURSES:** Courses that are below college level courses (Recipients who are taking developmental courses towards fulfillment of a full-time status are not eligible for merit incentive awards).
- e. **FULL-TIME STATUS:** Full-time status for undergraduate enrollment is a semester/quarter term earning 12 or more credits, for graduates, enrollment in a semester/quarter term earning 9 or more credits or determined by the institution’s definition of semester/term. Courses that are repeated, as defined on section II(i), are not counted towards fulfillment of a full-time status. Section II(i) may be waived for applicants who are Certified Disabled, according to Section II(j).
- f. **PART-TIME STATUS:** Part-time status for undergraduate enrollment is a semester/quarter earning 1-11 credits. Courses that are repeated, as defined on section II(i), are not counted towards fulfillment of a part-time status. Commencing with Fall 2003, funding for part-time applicants will be determined upon availability of funds.
- g. **CORRESPONDENCE SCHOOL:** An educational institution offering courses (instructions, lessons, exercises, grades) through the mail.
- h. **ONLINE COURSES:** Courses available electronically or through telecommunication systems.
- i. **REPEAT COURSE:** Course that a student repeats due to failing grades or retaking to earn a higher grade which was originally paid by the CNMI Scholarship Program.
- j. **CERTIFIED DISABILITY:** A person who is certified disabled by a licensed physician.

k. **SATISFACTORY ACADEMIC PROGRESS (SAP):** Coursework progress measured qualitatively (cumulative grade point average) and quantitatively (credits completed).

l. **LEVEL OF EDUCATION:**

- i. **Certificate/Diploma:** An undergraduate program less than two years.
- ii. **Associate Degree:** An undergraduate degree program less than a baccalaureate level.
- iii. **Baccalaureate Degree:** A four (4) or more year undergraduate degree program.
- iv. **Masters Degree:** A degree program beyond a baccalaureate level.
- v. **Professional Degree:** Juris Doctorate or Medical Doctor who will directly provide health care.

III. SCHOLARSHIP ADVISORY BOARD: The Scholarship Advisory Board (SAB) is created under Executive Order 94-3 Sec. 211. The Governor appoints members. The Board members serve on a voluntary basis without compensation. The duties and responsibilities of the Board are:

- a. To review and submit to the Governor recommendations pertaining to scholarship and incentive awards.
- b. To review appeals and submit decisions on appeals of Scholarship Administrator's decision by students to the Scholarship Office.
- c. To advise and provide guidance to the Scholarship Administrator on matters concerning Rules and Regulations, student financial assistance, and budgetary matters.

IV. FUNDING:

- a. Educational Assistance Program funding is derived from the scholarship funds appropriated by the legislature on a fiscal year basis. The level of funding is contingent on the balance of funds available after all statutory scholarship programs have been paid. Circumstances vary from year to year, so an EAP award for one year is no assurance of the same assistance in subsequent years. Thus, there may be variation in the amount of assistance offered to a student from one year to the next year because of changes in the availability of funds appropriated by the legislature or the number or amount of statutory scholarship awards.
- b. Should the Scholarship Advisory Board establish a written policy by which it determines a student's scholarship amount based on a student's financial need, there is no guarantee that individual students, other than those receiving the Merit Incentive Award, will receive the same amount of financial assistance or any financial assistance. If the Scholarship Advisory Board partners with another entity, it may also delegate determination of scholarship amount to that entity. The Office shall not be liable if a disruption or change in funding or disbursement of funds disrupts the awards.

- c. SAB shall use its best efforts to ensure that all Merit Incentive Awards granted during the same semester are similarly funded. In the absence of written policies, SAB shall also attempt to award similarly sized EAP scholarships to all recipients receiving the award in the same semester; however, recipients eligible under NMC's Early Admissions Program shall only be eligible for up to 50% of the EAP award amount.
- d. EAP and Merit Incentive awards will not be granted to fund religious studies leading to ministry correspondence school or advance non-health care degree programs. On-line programs will be determined on a cases-by-case basis. However, on-line programs must be taken within the CNMI.

V. REQUIREMENT OF ATTENDANCE AT NMC

- a. All new applicants beginning Fall 2012 will only receive financial assistance if they are either enrolled at NMC or, if they are enrolled at another accredited institution, have already obtained an associate's degree.
- b. Any applicant may request a waiver from this requirement, which the Board may grant on a case-by-case basis upon a showing of good cause.

VI. ELIGIBILITY REQUIREMENTS FOR EAP:

- a. **NEW APPLICANTS – UNDERGRADUATE STUDENTS:** To qualify for funding under the EAP, an applicant must:
 - i. Submit a completed and signed Application Form; and,
 - ii. Ensure that the most recent sealed official transcript is mailed or hand-delivered to the Scholarship Office. (A transcript faxed directly from the Institutions Records may be accepted as an unofficial transcript until such time the original is received, as required); and,
 - iii. Provide a letter of acceptance from NMC or a transcript or proof of degree from NMC demonstrating the requirements from Section V have been met. Students who wish to attend an institution other than NMC who have met the conditions in Section V must provide a letter of acceptance from a recognized U.S. accredited college, university or institution as proof of admission for new students. Non-US Accredited college, university or institution must be approved by the SAB; and,
 - iv. Be a permanent resident of the Commonwealth with documentation of such, (an original passport or original birth certificate and CNMI Annual tax return, drivers license, CNMI affidavit card or other documents as appropriate); and,
 - v. Have graduated from high school, Advance Development Institute, General Education Development (GED) or higher; or be admitted into the Northern Marianas College Early Admissions Program no earlier than high school junior year (To be eligible for funding for the Early Admissions Program, the student shall have a minimum 3.0 high school cumulative grade point average (CGPA) and place into English 101); and

- vi. Submit a Free Application for Federal Student Aid (FAFSA) Student Aid Report (SAR).

NOTE: A FIRST-TIME RECIPIENT OF EAP WILL BE CONSIDERED FOR FINANCIAL ASSISTANCE EVEN IF HIS OR HER GPA IS BELOW THE SAP REQUIREMENT. HOWEVER, IN ORDER TO CONTINUE IN THE EAP PROGRAM, THE RECIPIENT MUST ACHIEVE THE CUMULATIVE GPA REQUIREMENTS, AS DEFINED IN SECTION IX(b), AT THE END OF THE TERM AWARDED.

- b. **NEW APPLICANTS – GRADUATE STUDENTS:** To qualify for funding under EAP, an applicant must:

- i. Meet all of the requirements listed in Section VI, excluding the requirements of attendance at NMC and the requirements of Section V.

- c. **CONTINUING STUDENTS:** to continue eligibility for funding students must:

- i. Submit a completed and signed Renewal Application Form; and
- ii. Ensure that the most recent sealed official transcript is mailed or hand-delivered to the Scholarship Office. (A transcript faxed directly from the Institutions Records may be accepted as an unofficial transcript until such time the original is received, as required); and,
- iii. Provide a letter of acceptance from an eligible institution as proof of admissions for transferring students or those pursuing a higher degree (and, if the student first applied for EAP in Fall 2012 or later, a transcript or proof of degree demonstrating that the conditions of Section V have been met); and,
- iv. Maintain SAP in a course of study according to the standards established by the Scholarship Office.

- d. **FORMER EAP RECIPIENT:** A student who did not receive Financial Assistance from the Scholarship Office for a period of one year as a result of ineligibility and/or break in attendance is considered a returnee and must provide the following:

- i. Submit a completed and signed Renewal Application Form; and
- ii. Ensure that the most recent sealed official transcript is mailed or hand-delivered to the Scholarship Office (A transcript faxed directly from the Institutions Records department may be accepted as an unofficial transcript until such time the original is received, as required); and,
- iii. Provide a letter of re-acceptance from an eligible institution for those who have taken a break in enrollment, or a letter of acceptance into the institution for transferring students; and
- iv. Maintain SAP in a course of study according to the standards established by the Scholarship Office.
- v. If the student first applied for EAP in Fall 2012 or later, the requirements of Section V apply.

VII. ELIGIBILITY REQUIREMENTS FOR MERIT INCENTIVE AWARD: The merit incentive award is given in addition to the EAP grant. To be considered for a merit incentive award, a recipient of the EAP grant must satisfy the following requirements:

- a. Must be a full-time and continuing undergraduate student.
- b. On a 4.0 scale, a student must maintain a cumulative grade point average of 3.00 to 3.49 to receive a merit incentive award up to \$1,000.00 per academic year.
- c. On a 4.0 scale, a student must maintain a cumulative grade point average of 3.50 or higher to receive a merit incentive award up to \$2,000.00 per academic year.

NOTE: MERIT INCENTIVE AWARDS ARE CONTINGENT UPON AVAILABILITY OF FUNDS. LESSER AMOUNTS MAY BE GRANTED. ALL INDIVIDUALS RECEIVING THE MERIT INCENTIVE AWARD WILL RECEIVE THE SAME AMOUNT. STUDENTS TAKING DEVELOPMENTAL COURSES IN FULFILLMENT OF A FULL-TIME STATUS-ARE NOT ELIGIBLE FOR A MERIT INCENTIVE AWARD.

VIII. ELIGIBILITY REQUIREMENTS FOR PART-TIME STUDENTS: Undergraduate students must meet the following criteria:

- a. EAP requirements for New Applicants, Continuing Students, or Returning Students; and,
- b. Be employed full-time in the Private or Public Sector within the CNMI throughout his/her educational pursuit. This may be waived for applicants with a Certified Disability. Employment Verification Form must be completed and submitted each enrollment period; and,
- c. Be accepted and enrolled for one (1) to eleven (11) credits in an accredited college or institution. Proof of enrollment must be provided.
- d. Awards for part-time recipients will be prorated.

Note: PART-TIME EAP, GRADUATE PROGRAM AND MERIT INCENTIVE AWARDS ARE CONTINGENT UPON AVAILABILITY OF FUNDS. ELIGIBILITY AWARDS WILL BE DETERMINED AFTER SEPTEMBER 15TH FOR FALL TERM; FEBRUARY 15TH FOR WINTER AND SPRING TERM.

IX. APPLICATION DEADLINE: It is the student's responsibility to obtain and complete forms by the established deadline in order to be considered for EAP. Complete and signed applications must be received or post-marked by: July 1st for Fall Term; December 15th for Winter/Spring Term. Denial of EAP awards based on the receipt of a late application is not subject to appeal.

NOTE: IF THE DEADLINE FALLS ON A WEEKEND OR A HOLIDAY, THE DEADLINE WILL BE THE NEXT WORKING DAY.

X. SATISFACTORY ACADEMIC PROGRESS (SAP): A student is qualified to receive EAP only if both quantitative and qualitative SAP is being maintained. SAP for EAP is defined as:

- a. Quantitative measure is completing the following number of non-repeat credits:
 - i. EAP Undergraduate Full-time: Twelve (12) credits

- | | | |
|------|------------------------------------|--|
| ii. | EAP Undergraduate Part-time: | Credits awarded |
| iii. | Graduate & Professional Full-time: | Nine (9) credits or as defined by the institution. |
- b. Qualitative measure is maintaining the following grade point average (GPA):
- | | | |
|------|--------------------------|--|
| i. | EAP Undergraduate: | 2.75 Cumulative GPA |
| ii. | Merit Incentive Awards: | As defined in section VII (a, b & c) |
| iii. | Graduate & Professional: | As required by the institution to remain enrolled. |

NOTE: FIRST-TIME RECIPIENT OF EAP WILL BE CONSIDERED FOR FINANCIAL ASSISTANCE EVEN IF HIS/HER GPA IS BELOW THE SAP REQUIREMENT. HOWEVER IN ORDER TO CONTINUE IN THE EAP PROGRAM THE RECIPIENT MUST ACHIEVE THE CUMULATIVE GPA REQUIREMENT, AS DEFINED IN SECTION IX (b), AT THE END OF THE TERM AWARDED.

XI. STUDENTS WHO EITHER DROP OR WITHDRAW FROM CLASSES

- a. An EAP recipient who either drops or withdraws from classes and fails to complete the minimum required number of credits will be suspended from the program and disqualified from further participation until he or she fulfills the requirement of the award given. A student on suspension may be reinstated upon completion of hours lacking from the last term awarded.
- b. An EAP recipient who falls below the required SAP will be suspended from the program and disqualified from further participation until he or she meets the required cumulative GPA.
- c. Letter Grades for Incomplete Courses must be submitted to the Scholarship Office prior to the first day of the following instructional term. Awards will not be released until the letter grade is submitted to the Scholarship Office.
- d. A recipient who received an award and is not enrolled will be required to return the funds immediately. Failure to repay/return the funds will result in immediate referral to a Collection Agency.
- e. EAP will not fund any courses taken during the summer term.

XII. REPAYMENT

- a. All recipients are required to return to the CNMI no later than three (3) months after completion of their degree program. The recipient further agrees to perform Commonwealth Work for a period equal to the period for which the recipient received scholarship assistance from the SAB. For each such six (6) month period of Commonwealth Work, SAB will consider the Recipient to have repaid the equivalent value of the scholarship assistance the recipient accepted for one academic term.

b. A recipient who fails to complete his or her educational degree program will be required to repay the amount of scholarship awarded. The amount may either be repaid in full or in installments, as determined by the CNMI Scholarship Office.

c. Legal proceedings will be taken to recover the total amount of scholarships awarded. The recipient shall also pay all legal expenses and fees incurred by the government in the effort to recover scholarship awards.

d. No penalty shall be imposed on a recipient who obtain their baccalaureate degree and decides to enter a post-graduate Degree Program. The repayment or cancellation of such scholarship will be deferred until the student obtains of their post-graduate degree whether or not the student is receiving scholarship funds. However, should the student cease his/her post-graduate program, he/she must return to the CNMI within three (3) months to commence work. Failure to return will result in the student being required to repay all scholarship awards previously received.

XIII. DURATION OF AWARD: All programs that the Scholarship Office administers will be considered in determining the duration of the award. No EAP will be awarded once a recipient has completed a "Level of Education," as defined in Section II (k)(1). EAP grants will then only be awarded for the next level of education.

a. UNDERGRADUATE DEGREES

- i. Two and a half (2 ½) academic years for full-time undergraduate program leading toward an associate's degree.
- ii. Four (4) academic years for part-time undergraduate programs leading toward an associate's degree.
- iii. Four and a half (4 ½) academic years for full-time undergraduate programs leading toward a bachelor's degree. A maximum of five (5) years is allowed for completion of specialized majors, as required by the Institution.
- iv. Eight (8) academic years for part-time undergraduate programs leading toward a bachelor's degree. A maximum of ten (10) years is allowed for completion of specialized majors, as required by the Institution.
- v. EAP Assistance provided for Certificate and Associate's Degree will be included when determining the duration of award for a Bachelor's degree program.

NOTE: FULL-TIME FIRST YEAR STUDENTS ENROLLED IN DEVELOPMENTAL COURSES, AS REQUIRED BY THE INSTITUTION, MAY BE ELIGIBLE FOR FINANCIAL ASSISTANCE FOR A TOTAL OF 12 PAID CREDITS. HOWEVER, THIS DOES NOT EXEMPT THE RECIPIENT IN COMPLETING THE PROGRAM WITHIN THE ESTABLISHED DURATION PERIOD. DURATION OF AWARDS WILL NOT APPLY TO STUDENTS WITH CERTIFIED DISABILITIES.

b. GRADUATE DEGREES

- i. Two (2) academic years for graduate level students, leading to a master's degree or Registry and Licensure.
- ii. Four (4) academic years for a Juris Doctor Degree.

- iii. Six and a half (6 ½) academic years for an advanced degree directly providing health care (not administrative), e.g. MD, DDS, DO which generally require additional years of study, as specified in the catalog enforced at the time the student is enrolled.

NOTE: COMMENCING WITH ACADEMIC YEAR 2003-04, FINANCIAL ASSISTANCE FOR ALL LEVELS OF GRADUATE PROGRAMS WILL ONLY BE MADE UPON AVAILABILITY OF FUNDS.

- c. **EXTENDING DURATION OF AWARD:** Upon the written request of an EAP scholarship recipient who demonstrates that he or she cannot complete his or her degree during the above-stated period due to restraints put in place by the academic institution, the SAB may, upon a majority vote, choose to extend assistance for that student for a period to be determined by the Board. In determining whether to extend assistance, the Board should consider what steps the student could have taken to prevent the restraint.

XIV. MEMORANDUM OF AGREEMENT: When accepting an award, the recipient will receive and sign the Memorandum of Agreement outlining the applicable Terms and Conditions established by law, rules and regulations promulgated by the Scholarship Program, and as follows:

- a. In recognition of the scarcity of trained manpower in the Commonwealth, each recipient of grants and/or incentives is required to return to the CNMI within three (3) months after completion of his/her degree plan or non-enrollment from school and work in the CNMI Public or Private Sector for a period of one year for each year of financial assistance received, unless otherwise specified by law.
- b. A recipient who, after a good-faith effort, is unsuccessful in finding employment in the Commonwealth within the three (3) months after completion of his/her degree plan or non-enrollment from school may request, in writing, an extension of time to secure employment in the Commonwealth. Documentation justifying non-employment must accompany the request for a deferment.
- c. Recipients who do not comply with the Memorandum of Agreement (MOA) shall repay the total amount of funds awarded. The amount may be paid in full or in installments. The Scholarship Program Administrator will arrange a payment schedule after reviewing the recipient's Financial Statement.
- d. Legal proceedings will be taken to recover the total amount of EAP and/or incentive awarded should a recipient fail to return to the CNMI within three (3) months or request an extension pursuant to Section XXII (b) after receipt of his/her degree or the conclusion of his/her educational pursuit. The recipient shall pay all fees and interest charged by the collection agency, including legal expenses incurred by the government in an effort to recover EAP and/or merit incentive awards.
- e. No penalty shall be imposed on a recipient who decides to return to the CNMI and find employment in the CNMI before the completion of study; the appropriate cancellation rates shall be applied. However, should the recipient return to school, the cancellation shall cease immediately and the amount owing shall be added toward the new EAP.

XV. FRAUDULENT INFORMATION: All documents received by the Scholarship Office are subject to verification. The applicant is personally responsible for the integrity of these

documents. Recipients and/or their authorized representative who submit documents that are false or tampered with in any way will result in the recipients' immediate and permanent removal from any of the programs administered by the Scholarship Office. Documents include, but are not limited to, application, supporting documents, grade reports, transcripts, letters of reference or letters of recommendation, etc.

XVI. APPEALS

- a.* A recipient who is denied EAP has the right to appeal a decision of the Scholarship Office.
- b.* Appeals must be in writing, addressed to the Chairperson of the Scholarship Advisory Board.
- c.* Appeals must be postmarked or hand-delivered no later than twenty-one (21) calendar days after notification of the decision by the Scholarship Administrator. Notification of denial if mailed shall be given via certified mail, return receipt requested.
- d.* Appeals to the Scholarship Advisory Board shall be heard and decided pursuant to applicable CNMI law, including, but not limited to, the CNMI Administrative Procedure Act, 1 CMC § 9101 et. seq.
- e.* All decisions by the Scholarship Advisory Board on appeals are final regarding the administrative review process.
- f.* Denials based on late submission of an application or due to a repeated course are not subject to the appeal process.

XVII. EFFECTIVE DATE

These rules and regulations shall take effect upon adoption by the SAB and publication in the Commonwealth Register.

Commonwealth of the Northern Mariana Islands
Commonwealth Utilities Corporation

Abe Utu Malae, Executive Director

P.O. Box 501220

Offices: Third Floor, Joeten Dandan Building, Saipan, MP 96950

Tel: (670) 235-7025; Fax: (670) 235-5131

E-Mail: cucregulations@cucgov.org

**PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS
WHICH ARE AMENDMENTS TO THE REGULATIONS OF THE
COMMONWEALTH UTILITIES CORPORATION**

INTENDED ACTION TO ADOPT THESE PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands, COMMONWEALTH UTILITIES CORPORATION (“CUC”) intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to new procedures developed for the CNMI Public Utilities Commission (“PUC”), which follow those of the Administrative Procedure Act, 1CMC § 9104(a). The Regulations would become effective only upon an order of the CNMI PUC. These proposed regulations are being published in the Commonwealth Register in addition to having been filed with the PUC.

AUTHORITY: The CNMI Public Utilities Act provides that CUC’s regulations shall remain in effect until and unless modified by the PUC. 4 CMC §§ 8401 et seq.; PL 15-35, Section 3(b)(3) (PUC approval of CUC regulations). PL 15-23 and -87, codified at 4 CMC §§ 8531- 43, and § 8534(a) (CUC shall develop standard tariff) provide that CUC shall promulgate a tariff for “net energy metering.”

THE TERMS AND SUBSTANCE: The Regulations provide that certain environmentally friendly methods of generating electricity (“renewable power” or “renewables”) by CUC’s customers shall be entitled to 100% power bill offset and 50% retail credits and payments when the electricity is delivered to CUC’s electric system. The Regulations set out the duties and rights of these “net metering” customer generators and CUC.

THE SUBJECTS AND ISSUES INVOLVED: These rules and regulations address:

1. Definitions, including the definition of renewable power.
2. Interconnections with CUC’s distribution system.
3. Net metering transactions.
4. Reports.
5. A limitation of the regulations to projects of 100 kW or less with larger projects requiring separate review and approval.

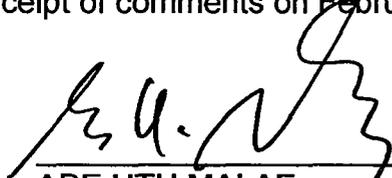
DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations. This notice shall be posted in a CNMI newspaper of general circulation, and in convenient places in CUC’s offices, in the civic center and in local government

offices in each senatorial district, both in English and in the principal vernacular. CUC staff shall make sure that the public notice is properly given.

TO PROVIDE COMMENTS: Send or deliver your comments to Executive Director Abe Utu Malae, *Attn: Net Metering Regulations*, at the above address, fax or e-mail address, with the subject line "Net Metering Regulations." E-mails are requested. Comments are due within 30 days from the date of publication of this notice. Please submit your data, views or arguments.

These Proposed Regulations were approved by CUC's Executive Director for publication and receipt of comments on February 10th, 2012.

Submitted by:



ABE UTU MALAE
Executive Director, CUC

2/10/12

Date

Received by:

Foti


ESTHER S. FLEMING
Governor's Special Assistant for Administration

02/09/12

Date

Filed and
Recorded by:



ESTHER M. SAN NICOLAS
Commonwealth Register

02.28.2012

Date

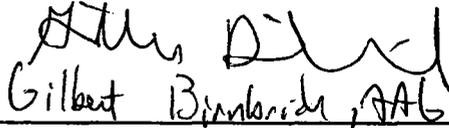
Note: Due to the provisions of the Public Utilities Commission Act, 4 CMC § 8401 et sec., and PL 15-35, Section 3(b)(3) (PUC approval of CUC regulations) these proposed regulations have already been submitted directly to the Public Utilities Commission for review and approval following publication in the CNMI Register and an opportunity for public comment.

Dated the 10th day of February, 2012.

/s
DEBORAH E. FISHER
General Counsel for CUC

Pursuant to 1 CMC § 2153(e) (approval of rules and regulations to be promulgated as to form), and 1 CMC § 9104(a)(3) (obtain AG approval), the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).

Dated this 28th day of February 2012.


Gilbert Bunkeride, AAG

Per

EDWARD T. BUCKINGHAM
CNMI Attorney General

COMMONWEALTH GI SANGKATTAN NA ISLAN MARIANAS SIHA

Commonwealth Utilities Corporation

Abe Utu Malae, Direktot Eksakatibu

P. O. Box 501220

Ofisina: Mina'tres Bibienda Guma' Joeten Dandan, Saipan, MP 96950

Tel: 670-235-7025 – 7032; fax: 670-235-5131

Email: cucregulations@cucgov.net

NUTISIAN PUBLIKU GI MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA NI MANMA'AMENDA PARA I REGULASION I COMMONWEALTH UTILITIES CORPORATION

I AKSION NI MA'INTENSIONA PARA U MA'ADAPTA ESTI I MANMAPROPONI NA REGULASION SIHA: I Commonwealth gi Sangkattan na Islas Marianas, COMMONWEALTH UTILITIES CORPORATION ("CUC") ha intensiona para u adapta kumu petmanenti na regulasion siha ni mañechettun i Manmaproponi na Regulasion siha, sigun gi nuebu na manera siha ni manma'arekla para i CNMI Public Utilities Commission ("PUC"), ni tinattiyi atyu i Aktun Administrative Procedure 1 CMC § 9104(a). I Regulasion siha para u ifektibu gi atyu ha' yanggin ma'otdin ni i CNMI PUC. Esti i manmaproponi na regulasion siha manmapublika gi halum i Rehistran Commonwealth.

ATURIDAT: I Aktun i CNMI Public Utilities ha pribeniyi na i regulasion i CUC siha debi na u sága ha' estaki yan solu mata'lun ma'arekla ginin i PUC. 4 CMC §§ 8401 et seq.; PL 15-35, Seksiona 3(b)(3) (Inapruuban i PUC gi regulasion i CUC siha). PL 15-23 yan -87, ni kinodiku gi 4 CMC §§ 8531 – 43, pattikulátmienti i § 8533 (PUC ni siña ma'adilánta i mineddung i qualifying project) yan § 8534(a) (debi i CUC na u arekla i standard tariff) na'siguru na i CUC debi na u cho'gui i tariff para "net energy metering".

I TEMA YAN SUSTANSIAN I PALABRA SIHA: I Regulasion siha ha pribeniyi na i pumalu na environmentally friendly methods of generating electricity ("renewable power" pat "renewables") ginin i CUC's customers debi na u entitled gi 100% power bill offset yan 50% retail credits yan ápas siha yanggin maná'i ilektrisidá para i CUC's electric system. I regulasion siha maplánta huyung i ubligasion yan direktchu siha ni esti i "net metering" customer generators yan i CUC.

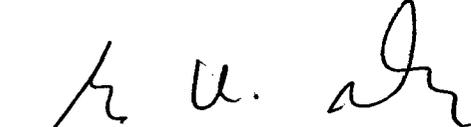
SUHETU NI MASUMARIA YAN ASUNTU NI TINEKKA: Esti na areklamentu yan regulasion tinekka siha:

1. Definision, sásáonáo i definision i renewable power.
2. Interconnections yan i sisteman i distribution CUC.
3. Net metering transactions
4. Ripot siha
5. Minidiyi gi regulasion siha gi para i práyek i 100 kW pat menus yan i ladangkulu na práyek siha ni dinimámanda separáo na rinibisa yan inaprueba.

DIREKSION SIHA PARA U MAPO'LU YAN MAPUPBLIKA: Esti i Manmaproponi na Regulasion siha debi na u mapupblika gi halum i Rehistran Commonwealth gi seksiona ni maproponi yan nuebu na ma'adapta na regulasion siha. Esti na nutisia debi na u mapega gi gasetan i CNMI para u rinidondeha i pupbliku henerat, yan gi kumbinienti na lugat siha gi halum i ofisinan i CUC siha, gi halom i civic center yan i ofisinan gubietnamentu gi kada distritun senadot, parehu gi finu' English yan i prinsipat na lingguahin natibu. I staff i CUC debi na u mana' siguru na u manutisia i pupbliku gi dinanchi na manera.

PARA U MAPRIBENIYI UPIÑON SIHA: Na'hano pat intrega i upiñon-mu guatu para i Executive Director as Abe Utu Malae, *Attn: Net Metering Regulations* gi sanhilu' na address, fax pat email address, yan i rayan suhetu "Net Metering na Regulasion siha". Manmafafaisin i E-mails. Todu imfotmasion debi na u fan halum trenta (30) dihas ginin i fetchan publikasion esti na nutisia. Put fabot na'halum i imfotmasion, upiñon, pat testamoñon kinentra siha.

Este i Manmaproponi na Regulasion siha manma'aprueba ginin i CUC's Executive Director para i publikasion yan risibun i imfotmasion gi Fibreru 10th, 2012.

Nina'halum as: 

ABE UTU MALAE
Executive Director, CUC

2/10/12

Fetcha

Rinisibi as: 

ESTHER S. FLEMING
Espisiat Na Ayudanti Para I Atministrasion Gubietnu

02/29/12

Fetcha

Pine'lu yan
Ninota as: 

ESTHER M. SAN NICOLAS
Rehistran Commonwealth

02-28-2012

Fetcha

Nota: Sigun gi para i prubension siha gi Aktun i Public Utilities Commission 4 CMC § 8401 et sek., yan i PL 15-35, Seksiona 3(b)(3) (PUC inaprueba ni regulasion CUC siha) esti i manmaproponi na regulasion esta mana'halum direktamienti guatu gi Public Utilities Commission para u maribisa yan inaprueba gi sigienti na publikasion gi halum i Rehistran Commonwealth yan opotunidat para imfetmasion pupbliku.

Mafetcha gi diha 10th di Fibreru, 2012

/s
DEBORAH E. FISHER
Konsiherun Henerat para i CUC

Sigun i 1 CMC § 2153(e) (inapruedan i areklamentu yan regulasion siha ni para u macho'gui kumu para fotma), yan 1 CMC § 9104(a)(3) (hinentan inapruedan Abugádu Henerát), i maproponi na regulasion siha ni mañechettun guini na esta manmaribisa yan ma'aprueda kumu para fotma yan sufisienti ligát ginin i CNMI Abugádu Henerát yan debi na u mapublika, 1 CMC 2153(f) puplikasion areklamentu yan regulasion siha).

mafetcha guini gi diha 18th di February, 2012.

Gilbert Bunker
Gilbert Bunker, AG

for EDWARD T. BUCKINGHAM
CNMI Abugádu Henerát

Commonwealth of the Northern Mariana Islands
Commonwealth Utilities Corporation

Abe Ulu Malae, Executive Director

P.O. Box 501220

Offices: Third Floor, Joeten Dandan Building, Saipan, MP 96950

Tel: (670) 235-7025; Fax (670)235-5131

E-Mail:cucregulations@cucgov.org

**ARONGORONG REEL POMWOL ALÉGH ME ATIWLIGH KKA REBWE AMENDÁLI REEL
ATIWLIGHIL COMMONWEALTH UTILITIES CORPORATION.**

MÁNGEMÁNGIL MWÓGHUT YE EBWE ADAPTÁALI POMWOL ATIWLIGH KKA:

Commonwealth of the Northern Mariana Islands, COMMONWEALTH UTILITIES CORPORATION (“CUC”) emuschel ebwe adáptáali me alleghúló atiwlich kka e appasch Proposed Regulation, sáangi procedures kka e féé me e féér reel CNMI Public Utilities Commission (“PUC”). Ikka e attabwey Administrative Procedure Act 1 CMC § 9104 (a). Atiwlich kkal ebwe bwunguló ngare schagh bwe eyoor order merel CNMI PUC. Pomwol atiwlich kkal e appasch lól Commonwealth Register me igha rebwal file li reel PUC.

BWÁÁNGIL: CNMI Public Utilities Act e ngalley malamalúl atiwlich kkal ngare schaagh atol e modify merel PUC. 4 CMC §§ 8401 et seq, PL 15-35 Section 3 (b) (3) (PUC ebwe aprebay atiwlichil CUC). PL 15-23 me 87, codified reel 4 CMC §§ 8531-43, me § 8534 (a)(CUC ebwe ayoora standard tariff) CUC ebwe promulgate tariff reel “net energy metering.”

KKAPASAL ME AWEEWEL: Atiwlich kkal ebwe ayoora akkaw environmentally friendly methods reel ayoorul dengkki (“renewable power ngare “renewable”) reel customer-il CUC rebwe bwughi 100% power bill offset me 50% reel retail credits me abwóss ngare dengkki a mwet ngali CUC electric system. Atiwlich kkal nge e afatatiw meta angangal me bwungul “net metering” customer generators me CUC.

KKAPASAL ME ÓUTOL: Allégh me Atiwlich kkal ebwe:

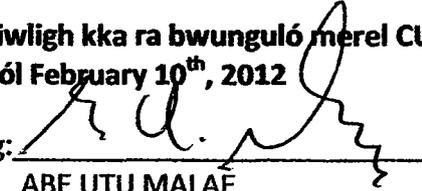
1. Meta faal, meta faal renewable power.
2. Interconnections me CUC distribution system
3. Net metering transactions
4. Reports
5. limitation reel atiwlich ngali projects kka 100kw me ngare eghus reel projects kka e tumógh nge e nisitay bwe rebwe review me approve lil.

AFAL REEL AMWELIL ME ARONGOWOWUL: Pomwol allégh kkaal ebwe appasch lól Commonwealth Register llól section we e ira proposed me newly adopted regulation. Arongorong yeel ebwe appasch lól CNMI newspaper me lól bwulasiyool CUC, lól bwuley kka e lo civic center me bwal llól bwulasiyool kka llól senatorial district, reel kkasal English, Remeraalis me Refaluwasch. Schóól angangal CUC rebwe amwuri fischiy bwe e akkatowow arongorong kkal.

ATOTOOLONGOL MWALIILI: Afanga ngáre bwughiló yóómw mángemáng reel Executive Director Abe Utu Malae, Attn: Net Metering Regulations, reel address iye weilang, fax ngare e-mail address reel subject line "Net Metering Regulations." Rebwal tungor emails. Isisilongol mángemáng nge ebwe llól 30 ráll sángi aal toowow arongorong yeel. Isáililong yóómw data, views, ngare angiingi.

Pomwol atiwligh kka ra bwunguló merel CUC Executive Director reel akkatowow me bwughil mwálili wóól February 10th, 2012

Isáliiyallong:



ABE UTU MALAE
Executive Director, CUC

2/10/12
Ráll

Aramas ye e

Bwughi:



ESTHER S. FLEMING
Governor's Special Assistant for Administration

02/09/12
Ráll

File me



ESTHER M. SAN NICOLAS

02.28.2012
Ráll

Note: Reel provisions-il Public Utilities Commission Act, 4 CMC § 8401 et sec. me PL 15-35, Sections 3(b)(3)(PUC e lléghúló atiwlighil CUC)Pomwol atiwligh kkal ra amwuri fiischiy me angúúngú ló reel Public Utilities Commission bwe ebwe le appasch long lól CNMI Register me ebwe ayoora mwálili merel toulap.

Rááilil iye 10th ráll lól February 2012

DEBORAH E. FISHER
General Counsel for CUC.

Sengi 1 CMC § 2153 (e) Allégh kkaal lléghló sángi AG bwe e fil reel fféerul me 1 CMC § 9104 (a) (3)(A mwir sángi AG) Pomwol allégh kka a appaschlong, atakkal amwuri fiischiy, me angúúngú ló fféerul me legal sufficiency sángi CNMI Attorney General me ebwele akkatewoow, 1 CMC § 2153 (f) Arongowowul allégh me atiwligh kkaal).

Rááil iye 28th ráil lól February 2012

Edward T. Buckingham
Gilbert Birmingham, Atty

for EDWARD T. BUCKINGHAM
CNMI Attorney General

**Interconnection Requirements of Customer Owned Renewable
Electric Generating Facilities of 100 Kilowatts or Less**

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I. Purpose

The purpose of this policy is to establish rules for determining the terms and conditions governing the Interconnection of electric generating facilities fueled by renewable energy with an available generating capacity of not more than 100 kilowatts to the Electric System of the Commonwealth Utilities Corporation (CUC). The official name of these rules shall be the “**CUC Net Energy Metering Interconnection Requirements Standards**” (“Interconnection Standards”). Any net metering generating facility Applicant who wishes to interconnect to CUC to generate more than 100 kilowatts of net metered power will be subject to special conditions and contracting outside of these 100 kW and below Interconnection Standards.

These rules are consistent with the requirements of *Title 4, Chapter 5 of the Northern Mariana Islands Commonwealth Code, Energy*, and applicable sections of Public law 17-34.

II. Policy

It shall be the policy of the Commonwealth Utilities Corporation to interconnect electric generating facilities that use water, wind, solar energy, biogas from animal waste, wave, ocean current, hydrogen from renewable energy source, geothermal, ocean thermal, syngas, biofuels, biodiesel or other non-fossil fuel energy source with an available generating capacity of not more than 100 kilowatts pursuant to the terms and conditions set forth in this policy.

III. Responsibility

The responsibility for implementation of this requirement shall be that of the Executive Director, or designee.

IV. Application of rules

These rules include various requirements applicable to the Commonwealth Utilities Corporation, the Applicant and the Customer Generator.

V. Definitions

“*Applicant*” means any person, corporation, partnership, government agency, or other entity who qualifies as a customer as defined below, and who makes application to interconnect an eligible net metering Generating Facility to CUC’s Electric System pursuant to this policy.

“*Application*” means the written notice provided by the Applicant to CUC that initiates the Interconnection process, attached and incorporated as **APPENDIX A**.

“Certificate of Completion” means the attached certificate furnished by CUC and completed by the Applicant or Generator and the electrical inspector having jurisdiction over the installation of the facilities indicating completion of installation and inspection of the Interconnection, attached and incorporated as **APPENDIX B**.

“Customer” means any natural person, firm, association, corporation, business trust, partnership, limited liability company, CNMI agency or political subdivision, foreign government, the United States of America or any federal agency or federal political subdivision, or body politic who becomes a retail Customer of CUC pursuant to its enabling statute, regulations or bylaws, and in accordance with 4 CMC §8531(d).

“Customer Checklist” means the list CUC will provide to Customers to apply to become a net metered customer of not more than 100 kilowatts to the Electric System of CUC, which is attached and incorporated as **APPENDIX C**. This Customer Checklist may be altered in the future to reflect questions customers may have as the program goes forward.

“Electric System” means all electrical wires, equipment, and other facilities owned or provided by CUC that are used to transmit electricity to Customers.

“Electric Utility” means the Commonwealth Utilities Corporation (“CUC”) and/or its successor in interest as defined in 4 CMC §8521 which owns and operates the electrical distribution system, or the electrical distribution system itself, onto which the Applicant seeks to interconnect a Generating Facility.

“Generating Facility” means a source of electricity provided by Renewable Energy owned by the Applicant or Generator that is located on the Applicant’s side of the Point of Interconnection, and all facilities ancillary and appurtenant thereto, including Interconnection Facilities, which the Applicant requests to interconnect to CUC’s Electric System.

“Generator” or *“Customer-Generator”* means the person or entity that owns and/or operates the Generating Facility interconnected to CUC’s Electric System.

“Initial Operation” means the first time the Generating Facility is in Parallel Operation with the Electric System.

“In-Service Date” means the date on which the Generating Facility or system upgrades and any related facilities are complete and ready for service, even if the Generating Facility is not placed in service on or by that date.

“Interconnection” means the physical connection of a Generating Facility to the Electric System so that Parallel Operation may occur.

“Interconnection Agreement” means the standardized terms and conditions that govern the Interconnection of generating facilities pursuant to these rules, as attached and incorporated as **APPENDIX D**. The model Interconnection Agreement may be modified, at the discretion of the Executive Director and subject to CPUC approval, to accommodate terms and conditions specific to individual Interconnections, subject to the conditions set forth in these rules.

“Interconnection Facilities” means the electrical wires, switches and other equipment used to interconnect a Generating Facility to the Electric System.

“Net Energy Metering” means measuring the difference between the electricity supplied by CUC and the electricity generated by a Generating Facility that is fed back to CUC over the applicable billing period, as defined by 4 CMC §8531(h).

“Parallel Operation” or “Operate in Parallel” means the synchronous operation of a Generating Facility while interconnected with CUC’s Electric System.

“Point of Interconnection” or “POI” means the point where the Generating Facility’s local electric power system connects to CUC’s Electric System, such as the electric power revenue meter or at the location of the equipment designated to interrupt, separate or disconnect the connection between the Generating Facility and CUC.

“Renewable Energy” means electrical energy produced by wind, solar energy, hydropower, landfill gas, waste to energy, geothermal resources, ocean thermal energy conversion, ocean wave or current energy, biomass, including municipal solid waste, biofuels, or fuels derived from organic sources (other than fossil fuels), hydrogen derived from renewable energy, or fuel cells where the fuel is derived from renewable sources as set forth in 4 CMC §8521(d).

VI. Technical standards for Interconnection

The technical standards listed in this section shall apply to all generating facilities to be interconnected to CUC under these requirements.

A. General Interconnection requirements

1. Any Generating Facility desiring to interconnect with CUC’s Electric System or modify an existing Interconnection must meet all minimum technical specifications applicable, in their most current approved version, as set forth in this policy.

2. The specifications and requirements in this section are intended to mitigate possible adverse impacts caused by the Generating Facility on CUC equipment and personnel and on other customers of CUC. They are not intended to address protection of the Generating Facility itself, Generating Facility personnel, or its internal load. It is the responsibility of the Generating Facility to comply with the requirements of all appropriate standards, codes, statutes and authorities to protect its own facilities, personnel, and loads.
3. The specifications and requirements in this section shall apply to the Generating Facility throughout the period encompassing the Generator's installation, testing and commissioning, operation, maintenance, decommissioning and removal of said equipment. CUC is entitled to access to any Generating Facility, site, or equipment which falls under the definition of Renewable Energy to verify compliance at any time, with reasonable notice.
4. The Generator shall comply with the requirements in subsections 4(a), 4(b) and 4(c) and all CUC policies.
 - (a.) Code and Standards. Applicant shall conform to all applicable codes and standards for safe and reliable operation, in their most current approved version. Among these are the National Electric Code (NEC), National Electric Safety Code (NESC), the Institute of Electrical and Electronics Engineers (IEEE), American National Standards Institute (ANSI), and Underwriters Laboratories (UL) standards, and local, state and federal building codes. The Generator shall be responsible to obtain all applicable permit(s) for the equipment installations on its property.
 - (b.) Safety. All safety and operating procedures for joint use equipment shall comply with the Occupational Safety and Health Administration (OSHA) Standard 29, CFR 1910.269, the NEC, and equipment manufacturer's safety and operating manuals, all in their most current approved version.
 - (c.) Power Quality. Installations shall comply with all applicable standards including IEEE Standard 519-1992 Harmonic Limits, in its most current approved version.

B. Specific Interconnection requirements

1. Applicant shall furnish and install on Applicant's side of the meter, a UL-approved safety disconnect switch which shall be capable of fully disconnecting the Applicant's Generating Facility from CUC's Electric System. The disconnect switch shall be accessible on the exterior of the building and shall be of the visible break type in a metal enclosure which

can be secured by a padlock. The disconnect switch shall be accessible to CUC personnel at all times.

2. CUC shall have the right to disconnect the Generating Facility at the disconnect switch under the following circumstances: when necessary to maintain safe electrical operating conditions; if the Generating Facility does not meet required standards; if the Generating Facility at any time adversely affects or endangers any person, the property of any person, CUC's operation of its Electric System or the quality of CUC's service to other Customers; or failure of the owner of record, as filed with CUC, to notify CUC of a sale or transfer of the Generator, Interconnecting Facilities or the premises or real property on which the Generator is located.
3. **Nominal voltage and phase configuration of Applicant's Generating Facility must be compatible with the CUC system at the Point of Common Coupling.**
4. Applicant must provide evidence that in the event of a CUC outage its generation will never result in reverse current flow into CUC's network. All instances of Interconnection to secondary spot Network Distribution System shall require review and written pre-approval by CUC. Interconnection to distribution secondary grid networks is not allowed. Closed transition transfer switches are not allowed in secondary Network Distribution Systems.
5. CUC may impose additional requirements for the Applicant and/or Generator, including limitation on the number of Customer Generators and total capacity of Net Energy Metering Systems that may be interconnected to any distribution feeder line, circuit, or network that CUC determines are necessary to protect public safety and system reliability.

C. Specifications applicable to all inverter-based Interconnections. Any inverter-based Generating Facility desiring to interconnect with CUC's Electric System or modify an existing Interconnection must meet the technical specifications, in their most current approved version, as set forth below:

1. IEEE Standard 1547-2003, Standard for Interconnecting Distributed Resources with Electric Power Systems.
2. UL Standard 1741, Inverters, Converters, and Controllers for use in Independent Power Systems. Equipment must be UL listed.
3. IEEE Standard 929-2000, IEEE Recommended Practice for Utility Interface of Photovoltaic (PV) Systems.

D. Requirements applicable to all non-inverter-based Interconnections. Non-inverter based Interconnection requests may require more detailed review, testing, and approval by CUC, at Applicant cost, of the equipment proposed to be installed to ensure compliance with applicable technical specifications, in their most current approved version, including:

1. IEEE Standard 1547-2003, Standard for Interconnecting Distributed Resources with Electric Power Systems.
2. ANSI Standard C37.90, IEEE Standard for Relays and Relay Systems Associated with Electric Power Apparatus.
3. Applicants proposing such Interconnection may also be required to submit a power factor correction plan for CUC review and approval.

VII. Application for Interconnection

- A. When an Applicant requests Interconnection from CUC, the Applicant shall be responsible for conforming to the applicable CUC policies. CUC will designate a point of contact and provide a telephone number or e-mail address for this purpose. The Applicant seeking to interconnect a Generating Facility under these rules must fill out and submit a signed Application form, attached and incorporated as **APPENDIX A**, as well as a Customer Generating Facility Certificate of Completion, attached and incorporated as **APPENDIX B**. The Customer will also be provided with a Checklist, attached and incorporated as **APPENDIX C**. Information must be accurate, complete, and approved by CUC prior to the Applicant installing the Generating Facility.
- B. CUC will apply standard service fees to recover the cost associated with meter connection and setup.
- C. Application Prioritization. All generation Interconnection application for service requests pursuant to this policy will be prioritized by CUC in the same manner as any new load application for service request.. Generation Interconnection requests that are above 100kW may be subject to other CUC policies.
- D. Application evaluation. All generation Interconnection requests pursuant to this policy will be reviewed by CUC for compliance with these rules. If CUC, in its sole discretion, finds that the Application does not comply with this policy, CUC may reject the Application. If CUC rejects the Application it shall provide the Applicant with written notification stating its reasons for rejecting the Application.

VIII. General terms and conditions of Interconnection

The general terms and conditions listed in this section shall apply to all generating facilities interconnecting to CUC.

- A. Any electrical Generating Facility with a maximum available electrical generating capacity of 100 kW or less must comply with these rules to be eligible to interconnect and operate in parallel with CUC's Electric System. The rules under this policy shall apply to all interconnecting Generating Facilities that are intended to operate in parallel with CUC's Electric System irrespective of whether the Applicant intends to generate energy to serve all or a part of the Applicant's load. This policy does not address commercial generation and is restricted to net metering applications.
- B. In order to ensure system safety and reliability of interconnected operations, all interconnected generating facilities shall be constructed and operated by Generator in accordance with this policy and all other applicable federal, state, and local laws and regulations.
- C. Prior to Initial Operation, all Generators must submit a completed Certificate of Completion to CUC; execute the appropriate Interconnection Agreement contained in **APPENDIX D**, and any other agreement(s) required by these rules for the disposition of the Generating Facility's electric power output. The Interconnection Agreement between CUC and Generator outlines the Interconnection standards, cost allocation and billing agreements, and on-going maintenance and operation requirements.
- D. Applicant or Generator shall promptly furnish CUC with copies of such plans, specifications, records, and other information relating to the Generating Facility or the ownership, operation, use, or maintenance of the Generating Facility, as may be reasonably requested by CUC from time to time.
- E. For the purposes of public and working personnel safety, any non-approved generation Interconnections discovered will be immediately disconnected from CUC's system and shall remain disconnected until the Generating Facilities are brought into conformance with CUC net metering rules and the facilities are inspected and approved by CUC.
- F. To ensure reliable service to all CUC Customers and to minimize possible problems for other Customers, CUC will review the need for a dedicated customer distribution transformer. If CUC requires a dedicated distribution transformer, the Applicant or Generator shall pay for all costs of the new transformer and related facilities.
- G. Net Energy Metering for Renewable Energy as set forth in 4 CMC §8531(h): CUC shall install, own and maintain a kilowatt-hour meter, or meters as the installation may determine, capable of registering the bi-directional flow of electricity at the Point of Interconnection. Any additional meter or meters to

monitor the flow of electricity in each direction may be installed with the consent of the Customer Generator (aka Generator) at the expense of CUC. If the existing electric meter of an eligible customer-generator is not capable of measuring the flow of electricity in two directions, CUC shall be responsible for all expenses involved in installing a meter able to measure electricity flow in two directions. The Applicant shall provide space for metering equipment. It will be the Applicant's responsibility to provide the current transformer enclosure (if required), meter socket(s) and junction box after the Applicant has submitted drawings and equipment specifications for CUC approval.

- H. Common labeling furnished or approved by CUC and in accordance with NEC requirements must be posted on meter base, disconnects, and transformers informing working personnel that electricity is being generated on the premises.
- I. CUC shall not be liable directly or indirectly for permitting or continuing to allow an attachment of a net energy metering system, or for the acts or omissions of the Customer-Generator that cause loss or injury, including death, to any third party.
- J. Prior to any future modification or expansion of the Generating Facility, the Generator will obtain CUC review and approval. CUC reserves the right to require the Generator, at the Generator's expense, to provide corrections or additions to existing electrical devices in the event of relevant changes of government or industry regulations and standards.
- K. It is the responsibility of the Generator to protect its facilities, loads and equipment and comply with the requirements of all appropriate standards, codes, statutes and authorities.
- L. Charges by CUC to the Applicant or Generator in addition to the Application fee, if any, will be cost-based and applied as defined by CUC and approved by the CPUC. Such costs may include, but are not limited to, transformers, production meters, and CUC testing, qualification, and approval of non UL 1741 listed equipment. The Generator shall be responsible for any costs associated with any future upgrade or modification to its interconnected system required by modifications in CUC's Electric System.
- M. Generator may disconnect the Generating Facility at any time; provided that the Generator provides notice to CUC in accordance with its Interconnection Agreement.
- N. Generator shall notify CUC prior to the sale or transfer of the Generating Facility, the Interconnection Facilities or the premises upon which the facilities are located. The Applicant or Generator shall not assign its rights or obligations under any agreement entered into pursuant to these rules without the prior written consent of CUC, which consent shall not be unreasonably withheld.

- O. CUC is not required to provide net energy metering to additional customer-generators when the combined total peak available capacity of all eligible customer-generators equals 30 percent of the system peak demand. 4 CMC §8535. This percentage shall include other net metering which was entered into, not under these rules, but via other contracting methods.

IX. Certificate of Completion

All generating facilities must obtain an electrical permit and pass electrical inspection before they can be connected or Operated in Parallel with CUC's Electric System. Generator shall provide written certification to CUC that the Generating Facility is in compliance with the local building and electrical codes.

X. Required filings – Exceptions

- A. CUC shall maintain on file for inspection at its place of business, the charges, terms and conditions for Interconnections pursuant to these rules. Such filing includes forms of the following documents and contracts:
 - 1. Application (Appendix A)
 - 2. Certificate of Completion (Appendix B)
 - 3. Customer Checklist (Appendix C)
 - 4. Interconnection Agreement (Appendix D)

APPENDIX A

Application for Interconnecting a Generating Facility No Larger than 100kW

This Application is considered complete when it provides all applicable and correct information required below. Additional information to evaluate the Application may be required.

Interconnection Customer Information

Applicant/Customer: _____

Contact Person: _____

Address: _____

Location of the Generating Facility (if different from above):

Address: _____

Telephone (Day): _____ (Evening): _____

Fax: _____ E-Mail Address: _____

Owner of the facility: _____

Generating Facility Information

Location (if different from above): _____

CUC: _____

Inverter Manufacturer: _____ Model: _____

Nameplate Rating: _____ (kW) _____ (kVA) _____ (AC Volts)

Single Phase _____ Three Phase _____

System Design Capacity: _____ (kW) _____ (kVA)

Prime Mover: Photovoltaic ___ Reciprocating Engine ___ Fuel Cell ___ Turbine ___ Other ___

Energy Source: Water _____ Wind _____ Solar Energy _____ Bio-Gas from animal waste _____

Other (describe) _____

Is the equipment UL1741 Listed? Yes ___ No ___

If Yes, attach manufacturer's cut-sheet showing UL1741 listing

Estimated Installation Date: _____ Estimated In-Service Date: _____

List components of the Generating Facility equipment package that are currently certified:

| Equipment Type | Certifying Entity |
|----------------|-------------------|
| 1. _____ | _____ |
| 2. _____ | _____ |
| 3. _____ | _____ |
| 4. _____ | _____ |
| 5. _____ | _____ |

Interconnection Customer's Signature

I hereby certify that, to the best of my knowledge, the information provided in this Application is true. I agree to abide by the Terms and Conditions for Interconnecting a Generating Facility no larger than 100 kW and return the Certificate of Completion when the Small Generating Facility has been installed.

Signed: _____

Title: _____ Date: _____

**Contingent Approval to Interconnect the Generating Facility
(For CUC use only)**

Interconnection of the Generating Facility is approved contingent upon the Terms and Conditions for a Generating Facility No Larger than 100kW and return of the Certificate of Completion.

Signed: _____

Title: _____ Date: _____

Application ID Number: _____

APPENDIX B

Generating Facility Certificate of Completion

Is the Generating Facility owner-installed? Yes _____ No _____

Interconnection Customer Information

Applicant/Customer: _____

Contact Person: _____

Address: _____

Location of the Generating Facility (if different from above):

Address: _____

Telephone (Day): _____ (Evening): _____

Fax: _____ E-Mail Address: _____

License number: _____

Date Approval to Install Facility granted by CUC: _____

Application ID number: _____

Inspection:

The Generating Facility has been installed and inspected in compliance with the local

building/electrical code of: _____

Signed (local electrical wiring inspector, or attach signed electrical inspection)

Signed: _____

Print Name: _____

Date: _____

***CUC reserves the right to inspect facilities at any time

APPENDIX C

Customer Checklist for Commonwealth Utilities Corporation Interconnection

- Submit an Application to CUC
 - Interconnection inverter must be UL 1741 Listed
 - Electrical schematic drawing must be included
 - Include provisions for a lockable visible disconnect
 - Send to: CUC, Power Division, *P.O. Box 501220, Saipan, MP 96950*
 - Receive written design approval from CUC & contact Engineering (*670-235-7025-31*)
 - Get an electrical permit from the Department of Public Works
 - Complete the installation
- Get inspections from a state electrical inspector and CUC (call CUC for inspection at *235-7025-31*)
- CUC approves, or installs new bi-directional meter
 - Submit Certificate of Completion to CUC
 - Start generating power

Questions?

Call the CUC Power Division Manager at 235-7025-31

APPENDIX D

Net Energy Metering Interconnection Agreement Interconnection of Customer Owned Electric Generating Facilities of 100 Kilowatts or Less

This Net Energy Metering Interconnection Agreement is executed in duplicate this _____ day of _____, 20____ between _____ (hereinafter referred to as "Customer"), and the Commonwealth Utilities Corporation, hereinafter referred to as "CUC". Both parties, who may be herein further referred to collectively as "Parties" and individually as "Party", agree as follows:

1. CUSTOMER ELECTRIC GENERATING FACILITY

- A. Customer has elected to operate a Net Metered Renewable Energy resource Generating Facility, with an available generating capacity of not more than 100 kilowatts, in parallel with CUC's transmission and distribution facilities. The Customer's electric Generating Facility is intended to offset either part or all of the Customer's electrical requirements.
- B. Customer's Application for Net Metered Electrical Generation, including the location of the electrical generating installation facility and details on the electrical generating unit(s).
- C. The installation is identified by CUC with the following designators: Map Location No. _____.
- D. A separate interconnection agreement shall be entered into for each Customer's electrical service location(s).
- E. The electrical generating system facility used by the Customer shall be located on the Customer's premises. It shall include all equipment necessary to meet applicable safety, power quality, and Interconnection requirements established by the National Electrical Code, National Electrical Safety Code, the Institute of Electrical and Electronics Engineers, National Electrical Safety Code, the Institute of electrical and Electronics Engineers, Underwriters Laboratories, and CUC's Net Energy Metering Interconnection Requirements Standards.
- F. CUC shall have the sole authority to determine which Interconnection requirements set forth herein are applicable to Customer's proposed Generating Facility.

2. PAYMENT FOR NET ENERGY

- A. CUC shall measure the net electricity produced or consumed by the Customer during each billing period by measuring the difference between the electricity which CUC delivered to the eligible customer-generator and the sum of: a. the

electricity generated by the eligible customer-generator and fed back to the electric grid over a monthly billing period; and b. any unused credits for excess electricity from the eligible customer-generator carried over from previous months since the last 12-month reconciliation period. 4 CMC §8536.

- B. Billing of net energy metering customers shall be on a monthly basis, provided that the last monthly bill for each 12- month period shall reconcile for that 12 month period the net electricity provided by the electric utility with: 1. The electricity generated by the eligible customer-generator and fed back to the electric grid over the monthly billing period; and 2. Any unused credits for excess electricity from the eligible customer-generator carried over from prior months since the last 12-month reconciliation period. Credits for excess electricity from the eligible customer-generator that remain unused after each 12-month reconciliation period may not be carried over to the next 12-month period, but shall be compensated as provided by 4 CMC §8539.
- C. Each contract year, any remaining unused kilowatt-hour credit accumulated by the Customer during the previous 12 months shall be fully compensated under 4 CMC §8539 at a rate which will not exceed 50% of the fuel component cost required to produce the same power from fossil fuel. The fuel component upon which the compensation is to be based is defined as the LEAC rate in effect during the reconciliation period less all non-fuel elements.
- D. The Customer shall pay any amount owing for electric service provided by CUC in accordance with applicable rates and policies. Nothing in this Section 2 shall limit CUC's rights under applicable Rate Schedules, Statutes, Customer Service Policies, CUC Regulations and General Provisions.
- E. The Customer shall provide, at no cost to CUC, all required right-of-way together with tree trimming permits for interconnection of its net generator facilities and any permit necessary to allow CUC the right to use such right-of-way for maintenance of the CUC system.

3. INTERRUPTION OR REDUCTION OF DELIVERIES

- A. CUC may require Customer to interrupt or reduce deliveries as follows:
 - i. when necessary in order to construct, install, maintain, repair, replace, remove, investigate, or inspect any of its equipment or part of its system; or
 - ii. if CUC determines that curtailment, interruption, or reduction is necessary because of emergencies, force, or compliance with prudent electrical practices.
- B. Whenever possible, CUC shall give Customer reasonable notice of the possibility that interruption or reduction of deliveries may be required.

- C. Notwithstanding any other provision of this Agreement, if at any time CUC determines that either:
 - i. the Customer Generating Facility may endanger CUC personnel, or
 - ii. The continued operation of Customer's Generating Facility may endanger the integrity of CUC's Electric System or its personnel, and then CUC shall have the right to disconnect Customer's Generating Facility from CUC's Electric System. Customer's Generating Facility shall remain disconnected until such time as CUC is satisfied that the condition(s) referenced in (A) or (B) of this section 3 have been corrected.

4. INTERCONNECTION

- A. Customer shall deliver the excess energy to CUC at CUC's meter.
- B. Customer shall pay for designing, installing, inspecting, operating, and maintaining the electric Generating Facility in accordance with all applicable laws and regulations and shall comply with CUC's Interconnection Standards, which is attached hereto.
- C. Customer shall pay for CUC's standard watt-hour meter electrical hook-up, if not already present.
- D. Customer shall not commence Parallel Operation of the Generating Facility until written approval of the Interconnection Facilities has been given by CUC. Such approval shall not be unreasonably withheld. CUC shall have the right to have representatives present at the initial testing of Customer's protective apparatus. Customer shall notify CUC when testing is to take place.

5. MAINTENANCE AND PERMITS

Customer shall:

- A. maintain the electric Generating Facility and Interconnection Facilities in a safe and prudent manner and in conformance with all applicable laws and regulations including, but not limited to, CUC's Interconnection Standards; and
- B. obtain any governmental authorizations and permits required for the construction and operation of the electric Generating Facility and Interconnection Facilities, including electrical permit(s); and
- C. reimburse CUC for any and all losses, damages, claims, penalties, or liability it incurs as a result of Customer's failure to obtain or maintain any governmental authorizations and permits required for construction and operation of Customer's Generating Facility or failure to maintain Customer's Generating Facility as required in (a) of this Section 5.

6. ACCESS TO PREMISES

CUC may enter Customer's premises or property at any time to:

- A. inspect, without prior notice Customer's Generating Facility and its protective devices;
- B. read and test meter(s); and,
- C. disconnect at CUC's meter or transformer, without notice, the Generating Facilities if, in CUC's opinion, a hazardous condition exists and such immediate action is necessary to protect persons, or CUC's facilities, or property of others from damage or interference caused by Customer's electric generating facilities, or lack of properly operating protective devices or inability to inspect the same.

CUC inspection or other action shall not constitute approval by CUC. The Customer remains solely responsible for the safe and adequate operation of its facilities.

7. INDEMNITY AND LIABILITY

- A. The Customer assumes the risk of all damages, loss, cost and expense and agrees to indemnify CUC, its successors and assigns, and its respective directors, officers, employees and agents, from and against any and all claims, losses, costs, liabilities, damages and expenses including, but not limited to, reasonable attorney fees, resulting from or in connection with performance of the agreement or which may occur or be sustained by CUC on account of any claim or action brought against CUC for any reason including but not limited to the loss of the electrical system of the Customer caused by or arising out of an electrical disturbance.
- B. Such indemnity, protection, and hold harmless includes any demand, claim, suit or judgment for damages, death or bodily injury to all persons, including officers, employees or agents, and subcontractors of either Party hereto including payment made under or in connection with any Worker's Compensation Law or under any plan for employees' disability and death benefits or property loss which may be caused or contributed to by the Interconnection, maintenance, operation, use, presence, or removal of Customer's equipment. The only exception will be liability occasioned by the sole negligence or willful misconduct of CUC or its employees acting within the scope of their employment and liability occasioned by a partial negligence of CUC or its employees acting within the scope of their employment to the extent that such partial liability is fixed by a court of competent jurisdiction in the Commonwealth of the Northern Mariana Islands.
- C. The provisions of the Section 7 shall not be construed to relieve any insurer of its obligations to pay any insurance claims in accordance with the provisions of any insurance policy.
- D. CUC shall have no liability, ownership interest, control or responsibility for the Customer's Electric Generating Facility or its Interconnection with CUC's Electric System, regardless of what CUC knows or should know about the Customer's Electric Generating Facility or its Interconnection.
- E. This indemnification shall extend to and include attorney's fees and the costs of establishing the right of indemnification hereunder in favor of CUC.

8. INDEPENDENT CONTRACTORS

The Parties hereto are independent contractors and shall not be deemed to be partners, joint ventures, employees, franchisees or franchisers, servants or agents of each other for any purpose whatsoever under or in connection with this Agreement.

9. GOVERNING LAW

This Agreement shall be interpreted, governed, and constructed under the laws of the Commonwealth of the Northern Mariana Islands as if executed and to be performed wholly within the Commonwealth of Northern Marianas Islands. Venue of any action arising hereunder or related to this agreement shall lie in Commonwealth of Northern Marianas Islands. Any customer complaint shall first be made to CUC directly. Any appeal of that decision may be made to the Public Utilities Commission, or, if it is not in operation, to the CUC Hearing Examiner. Any such decision may be appealed to the Courts of the Commonwealth of the Northern Mariana Islands.

10. FUTURE MODIFICATION OR EXPANSION

Any future modification or expansion of the Customer owned Generating Facility will require an engineering review and approval by CUC. CUC reserves the right to require the Customer, at Customer's expense, to provide modifications or additions to existing electrical devices including, but not limited to protection device and meters, in the event of changes to government or industry regulation and/or standards. Modifications in the nameplate capacity above 100 kW are not permitted.

11. AMENDMENTS, MODIFICATIONS OR WAIVER

Any amendments or modifications to this Agreement shall be in writing and agreed to by both Parties. The failure of any Party at any time or times to require performance of any provision hereof shall in no manner affect the right at a later time to enforce the same. No waiver by any Party of the breach of any term or covenant contained in this Agreement, whether by conduct or otherwise, shall be deemed to be construed as a further or continuing waiver of any such breach or waiver of the breach of any other term or covenant unless such waiver is in writing.

12. ASSIGNMENT

The Customer shall not assign its rights under this Agreement without the express written consent of CUC. CUC may impose reasonable conditions on any such assignment to ensure that all of Customer's obligations under this Agreement are met and that none of Customer's obligations under this Agreement are transferred to CUC as a result of default, bankruptcy, or any other cause.

13. APPENDICES

The Agreement includes the following appendices attached and incorporated by reference:

APPENDIX A: Application for Interconnecting a Generating Facility No Larger than 100kW

APPENDIX B: Generating Facility Certificate of Completion

APPENDIX C: Customer Checklist for CUC Interconnection

14. NOTICES

All written notices to CUC shall be directed as follows:

Commonwealth Utilities Corporation
Power Division
P. O. Box 501220
Saipan, MP 96950

Customer notices from CUC, pursuant to this Section 14, shall refer to the Service Address set forth in **APPENDIX A**, Application for Net Metered Electrical Generation.

15. TERM OF AGREEMENT

This Agreement shall be in effect when signed by the Customer and CUC and shall remain in effect thereafter month to month unless terminated by either Party on thirty (30) days' prior written notice, or by CUC pursuant to sections 3 and 6 of this Agreement, or any other provision in this Agreement or by law, rule or regulation which enables CUC to disconnect without notice.

16. SIGNATURES

IN WITNESS WHEREOF, the Parties hereto have caused two originals of this Agreement to be executed by their duly authorized representatives. This Agreement is effective as of the last date set forth below. This Agreement if in an electronic (PDF) format shall be recognized as if it is an original document.



Commonwealth of the Northern Mariana Islands
OFFICE OF THE ATTORNEY GENERAL

Hon. Juan A. Sablan Building, 2nd Floor
Caller Box 10007 Capitol Hill
Saipan, MP 96950-8907

Attorney General Legal Opinion 2012-01

QUESTION PRESENTED

Whether the Legislature or the Governor is now responsible to plan for reapportionment or redistricting under N.M.I. Art. II §4.

ANSWER

The Legislature's time to reapportion or redistrict commenced January 5, 2012, when the Legislature received the individual census enumeration districts from the CNMI Central Statistics Division.

ANAYLSIS

The legislature has a 120-day period following the publication of the results of the decennial census to reapportion and/or redistrict. N.M.I. Art. II §4. If the legislature fails to act, the governor shall have an additional 120 days to promulgate a plan. *Id.* Should the Governor fail to act, the Commonwealth Supreme Court shall establish a plan. *Id.*

In *Sablan v. CNMI*, 1 CR 741 (1983), Petitioners filed a petition with the Commonwealth Supreme Court to determine the constitutionality of Public Law 3-78, the legislature's plan for reapportionment after receiving census data in 1983. *Sablan v. CNMI*, 1 CR 741 (1983). The issue was when did the Legislature's 120 day period commence as there was the November 1982 Census released by the Bureau of the Census to the Departments of Labor and Commerce and the June 20, 1983, census the legislature received regarding the individual census enumeration districts. *Id.* If the court held that the November 1982 Census commenced the 120-day period, then P.L. 3-78 would be invalid.

The petitioners in *Sablan v. CNMI* contended that the Bureau of Census publication dated November 1982 contained information sufficiently detailed to support a redistricting and reapportionment scheme. *Id.* at 751. According to the petitioners, the 120-day period commenced to run as of November 1982. *Id.* The court found this argument without merit. *Id.*

The court held that “publication” occurs within the meaning of Article II §4 when an official counting of the people, showing the population figures broken down into usable data (census enumeration districts here), have been officially released to the public or been made available for the use of the general assembly. *Id.* at 753, citing *Cahill v. Leopold*, 103 A.2d 818 (Conn.1954). The court therefore held that the 120-day period commenced at the earliest on June 20, 1983. *Sablan*, 1 CR at 754.

In the present case, the question is when did the 120-day period commence: the release of the United States Census 2010 data on August 24, 2011, or the January 5, 2012 census that included the population of each village.

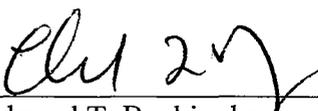
Here, similar to *Sablan v. CNMI*, the release of the Census 2010 data on August 24, 2011, is not a “publication” for purposes of Article II § 4. The information provided in the Census 2010 data does not contain information sufficiently detailed to support a redistricting and reapportionment plan. The information it provides shows population totals and percent changes from 2000 to 2010 for the Northern Mariana Islands as well as several lower-level geographies.¹ In fact, the United States Census Bureau further explains in the news release that next year more 2010 Census statistics will be available for the Northern Mariana Islands in a demographic profile. The demographic profile will show a set of basic demographic, social, economic and housing characteristics for the Island Area and lower levels of geography.

Subsequently, the Central Statistics Division (CSD) received an email from the Decennial Management Division located in Guam on December 30, 2011, with the village population data. The Decennial Management Division also mailed the formal letter and the population count table via FedEx to CSD on or around January 3, 2012. Thereafter, CSD published the official village population data to the media and to the legislature on or around January 5, 2012.

Based on *Sablan v. CNMI*, the census data the legislature received on January 5, 2012, commences the 120-day period as it contains the population figures broken down into usable data (village populations here), which is sufficiently detailed to support a redistricting and reapportionment scheme.

CONCLUSION

The legislature is still well within its 120-day period to reapportion or redistrict. The 120-day period for the legislature to promulgate a plan commenced January 5, 2012, and will end on May 4, 2012.



Edward T. Buckingham
Attorney General

2-6-12

Date

¹ For the full news release from the United States Census Bureau on the Northern Mariana Islands for 2010, please reference <http://2010.census.gov/news/releases/operations/cb11-cn178.html>.



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Eloy S. Inos
Lieutenant Governor

EXECUTIVE ORDER NO. 2012-01

SUBJECT: Relative to transferring the responsibility for the administration and operation of the Commonwealth of the Northern Mariana Islands Passport Office from the Office of the Attorney General to the Department of Finance

AUTHORITY: "The Governor may make changes in the allocation of offices, agencies and instrumentalities and in their functions and duties that are necessary for efficient administration." CNMI Constitution. Article III. Section 15.

WHEREAS, the Commonwealth of the Northern Mariana Islands Passport Office is currently organized under the Attorney General's Division of Immigration and the Division of Immigration is no longer a functional element of the Office of the Attorney General,

WHEREAS, the Passport Office collects in excess of \$300,000.00 per annum in passport fees,

WHEREAS, the Passport Office processes in excess of 3,000 passport applications per annum,

WHEREAS, the Department of Finance has greater expertise in monitoring financial transactions than does the Office of the Attorney General,

WHEREAS, the Department of Finance has greater expertise in the processing of applications than does the Office of the Attorney General.

NOW, THEREFORE, to promote efficient administration and operation of the Passport Office, it is hereby

ORDERED:

The Attorney General shall relinquish responsibility for the administration and operation of the Passport Office; and the Department of Finance shall assume responsibility for the administration and operation of the Passport Office.

All records and property (including office equipment) of the Passport Office used in the administration of the Passport Office. all the personnel used in the administration of the

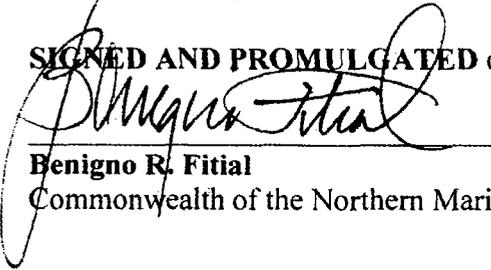
Passport Office (including employees whose chief duties relate to such administration) are hereby transferred to the Department of Finance. All personnel transferred pursuant to this Executive Order shall maintain their current positions and status in the classified civil service or in the excepted service as the case may be. The Office of Personnel shall ensure an orderly transfer of personnel.

The unexpended balances of appropriations, allocations, allotments, or other funds available for the use of the Passport Office on the effective date of the transfer are transferred to the Department of Finance on the effective date of this transfer. In the transfer of such funds, an amount may be included for the liquidation of obligations incurred prior to the transfer. Any portion of such balances not so transferred may be reprogrammed by the Governor. Subsequent to the transfer, Passport Office operations shall be reflected in the annual Department of Finance budget.

There shall be regular communication between the Attorney General, and or his designees and the Secretary of the Department of Finance or his designees to ensure a smooth transition. This communication and cooperation shall extend beyond the transfer with the ultimate goal of optimal efficiency in the operations of the Passport Office.

In accordance with the Constitution, this plan shall become effective sixty days after submission to the Legislature, unless specifically modified or disapproved by a majority of the members of each house of the Legislature, provided, that in case it shall appear to the Governor that the interest of economy or efficient management require that the transfer be delayed beyond the date this plan becomes effective, the Governor may, in his discretion, fix a later date therefore, and he may for like cause further defer such date from time to time.

SIGNED AND PROMULGATED on this 6th day of February, 2012.


Benigno R. Fitial
Commonwealth of the Northern Mariana Islands