

**TITLE 45**  
**COMMONWEALTH**  
**TELECOMMUNICATIONS COMMISSION**

**Chapter 45-10 Telecommunications Regulations**

**CHAPTER 45-10**

**TELECOMMUNICATIONS REGULATIONS**

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## **TITLE 45: COMMONWEALTH TELECOMMUNICATIONS COMMISSION**

Chapter Authority: 4 CMC § 8431.

Chapter History: Amdts Adopted 28 Com. Reg. 25513 (Jan. 30, 2006); Amdts Proposed 27 Com. Reg. 24888 (Sept. 22, 2005); Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

Commission Comment: PL 12-39 (effective Feb. 23, 2001), the “Commonwealth Telecommunications Act,” codified at 4 CMC §§ 8401-8482, creates the Commonwealth Telecommunications Commission. 4 CMC § 8421. The act empowers the commission to regulate all telecommunications in the Commonwealth and administer its provisions. 4 CMC § 8431(a)(1). 4 CMC § 8431 authorizes the commission to promulgate rules and regulations.

The predecessor of the Commonwealth Telecommunications Commission was the Commonwealth Utilities Corporation under former 4 CMC §§ 8121 and 8123 (1999). PL 12-39 § 1(a) deleted all references to the word “telephone” in the Commonwealth Code, title 4, division 8, chapter 1 (the “Commonwealth Utilities Corporation Act,” PL 4-47 (effective Oct. 1, 1985)).

Prior to 2001, the Commonwealth Utilities Commission published numerous notices regarding the approval of local service rates and proposed 1997 “CUC Telecommunications Regulations” as follows:

Proposed 19 Com. Reg. 15507 (Aug. 15, 1997); 15 Com. Reg. 10892\* (Sept. 15, 1993) (notice of approval of telecommunication local service rates submitted by Micronesian Telecommunication Corporation); 14 Com. Reg. 9982 (Oct. 15, 1992) (notice of approval of telecommunication local service rates submitted by Micronesian Telecommunication Corporation); 14 Com. Reg. 9335 (July 15, 1992) (proposing to approve telecommunication local service rates submitted by Micronesian Telecommunication Corporation).

A notice of adoption for the 1997 proposed CUC Telecommunications Regulations was never published.

\*An error occurred in the pagination of the Commonwealth Register, volume 15, numbers 9 and 10. Pages 10885 through 10894 appear in volume 15, number 9, published on September 15, 1993, and then repeat again in volume 15, number 10, published on October 15, 1993.

The Commonwealth Telecommunications Commission promulgated Telecommunications Regulations pursuant to PL 12-39 in October 2001. The 2001 regulations are codified in this chapter.

The 2006 amendments added section 45-10-115.

### **Part 001 - General Provisions**

#### **§ 45-10-001 Purpose**

This part and part 100 describe the organization and operation of the Commonwealth Telecommunications Commission.

Modified, 1 CMC § 3806(d).

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

#### **§ 45-10-005 Scope of Rules**

Promulgated pursuant to the Commonwealth Telecommunications Act, Public Law No. 12-39, [4 CMC §§ 8401-8482] the rules in this chapter shall apply to all matters before the Commission.

Modified, 1 CMC § 3806(b), (d), (g).

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History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

Commission Comment: Part 001 (§§ 45-10-001 through 45-10-010) was originally part of “Article 1, Organization and Internal Operations (now part 100). See 23 Com. Reg. at 18206 (Aug. 16, 2001). For conformity in the administrative code, the commission created part 001.

The commission deleted an erroneous reference to 4 CMC, division 8, chapter 3. The Commonwealth Telecommunications Act, PL 12-39, purports to create a new chapter 3 in Commonwealth Code, title 4, division 8. However, chapter 3 already exists in division 8 and the commission codified PL 12-39 as a new chapter 4.

### **§ 45-10-010 Definitions**

As used in this chapter, except as otherwise provided by context:

- (a) “Commonwealth” means the Commonwealth of the Northern Mariana Islands.
- (b) “CTA” means the Commonwealth Telecommunications Act (Public Law No. 12-39) [4 CMC §§ 8401-8482].
- (c) “CTC” means the Commonwealth Telecommunications Commission.

Modified, 1 CMC § 3806(d).

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

## **Part 100 - Organization and Internal Operations**

### **§ 45-10-101 Office and Hours**

The principal office of the Commission is located at 2nd floor Juan Atalig Sablan Memorial Administration Building, Saipan, MP 96950. The commission’s mailing address shall be as follows: Commonwealth Telecommunications Commission Caller Box 10007; Saipan, MP 96950. The office of the Commission will be open Monday through Friday from 7:30 a.m. through 4:30 p.m.

Modified, 1 CMC § 3806(f).

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

### **§ 45-10-105 Seal**

The official seal of the Commission is a vignette of the official flag of the Commonwealth surrounded by the words “Commonwealth Telecommunications Commission.”

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

### **§ 45-10-110 Employment/Compensation of Experts, Consultants, Examiners, Office Clerks and Other Personnel**

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The Commission in compliance with applicable CNMI law and procurement regulations shall have the power to employ experts, consultants, attorneys, examiners, office clerks, and other personnel as it may deem necessary to carry out the provisions of the CTA or to perform the duties and exercise the powers conferred by law upon the Commission. Such experts, consultants, attorneys, examiners, office clerks, and other personnel of the Commission shall receive such compensation as may be fixed by the Commission.

Modified, 1 CMC § 3806(f).

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

Commission Comment: The Commission inserted a comma after the word “clerks” pursuant to 1 CMC § 3806(g).

### **§ 45-10-115 Meetings**

This section is adopted pursuant to 1 CMC § 9908(a) (times and places of meeting) and 4 CMC § 8138(b)(6)(i) (promulgating administrative regulations).

(a) In general.

- (1) The Commission shall act at its meetings, or as otherwise provided in these Regulations.
- (2) The Commission shall make provision for the virtual attendance of Commissioners, if a Commissioner so requests.
- (3) Meetings shall be noticed as required by law.
- (4) A copy of meeting materials distributed to the Commissioners shall be available to any person for review at the meeting site, except for materials subject to confidentiality or privilege as permitted or required by law.

(b) Time. The time for the regular meetings of the Commission shall be the third Thursday of every month at 6:00 p.m., except as otherwise permitted or provided by law.

(c) Location.

- (1) Meetings shall be held at such place as the Chair may determine unless otherwise provided by the Commission, and the location shall be properly noticed to the public.
- (2) The Commission may meet virtually, and any Commissioner may attend a meeting virtually.
- (3) When the Commission meets virtually, access to the virtual meeting shall be freely given through the noticed site so that any person attending shall have the same access to the meeting as each attending Commissioner at the site. Typically this will include use of a speaker phone for a conference call meeting.
- (iv) Votes of Commissioners may be received by electronic means and announced at a meeting.

(d) Rules. Meetings of the Commissioners shall be conducted according to Robert’s Rules of Order, most recent revision, unless:

- (1) otherwise specified in these Regulations; or
- (2) the Rules are suspended pursuant to a vote of two-thirds (2/3) of those present and voting.

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- (e) Regular Meetings. Regular meetings shall be held as determined by the Commission's Regulations and as additionally determined by the Commission.
- (f) Special Meetings. Special meetings may be held from time to time, and shall be duly noticed by the Commission.
- (g) Executive Session. Ordinarily the Commission's meetings shall be open to the public. The Commission may meet privately, in Executive Session, for the following purposes:
- (1) To discuss personnel matters, including the hiring, firing and discipline of staff and/or contractors;
  - (2) To discuss pending or potential litigation or investigations;
  - (3) To discuss aspects of the Commission's business affairs that are confidential and/or proprietary by law;
  - (4) To address a matter that may give rise to a conflict of interest, or an appearance of a conflict, in the absence of the Commissioner(s) related thereto; and
  - (5) To address other matters permitted by law.
- (h) Virtual discussions.
- (1) The Commission may discuss a matter virtually over time, as well as in real time, provided that access to the virtual discussion shall be freely given so that a person seeking to review the discussion as it happens shall have substantially the same access to the discussion as each participating Commissioner.
  - (2) Typically such a discussion shall be by electronic bulletin board open to the view of the public.
  - (3) Such discussion shall be noticed according to these Regulations and shall comply with CNMI law regarding open meetings.
  - (4) The Commission shall arrange for a person, upon request, the reasonable use of a publicly-available computer with internet access in order to allow review of the discussion.
- (i) Accessibility. The Commission shall comply with the accessibility requirements required by law and may, upon a person's request, accommodate other special needs relating to sight, sound, language, or location.
- (j) Definitions. For the purposes of this Section, the following definitions shall apply:
- (1) "Electronic means" includes telephone, video-conference, electronic-telecommunications-mediated written, aural and/or video means, including, but not limited to, mediated through the internet, and/or email.
  - (2) "Real Time" or "real-time" means immediately before, during and/or after, as in "as it happens."
  - (3) "Virtual" or "Virtually" when used with respect to a meeting, means by electronic means that provide for real-time communication to and from the participants in such a manner that each participant can hear and/or read the comments of each other participant.

History: Adopted 28 Com. Reg. 25513 (Jan. 30, 2006); Proposed 27 Com. Reg. 24888 (Sept. 22, 2005).

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Commission Comment: The Commission inserted commas after the words “request” and “language” in subsection (i) and after the word “meeting” in subsection (j)(3) pursuant to 1 CMC § 3806(g). The Commission placed defined terms in subsection (j) in quotation marks.

### **Part 200 - Practice and Procedures**

#### **§ 45-10-201 Communications**

All communications to the Commission shall be addressed to the Executive Director unless otherwise specifically directed. Applications, pleadings and other papers required to be filed with the Commission shall be filed with the Office of the Executive Director within the time limit for such filing. Unless otherwise specifically provided, all communications and documents are officially filed only upon receipt at the Office of the Executive Director.

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

#### **§ 45-10-202 Number of Copies**

Unless otherwise specifically provided, an original and seven copies are required for filings made with the Commission. The Commission may request additional copies. Since originals are required no facsimile copy filings will be allowed, nor will computer file transfers be allowed.

Modified, 1 CMC § 3806(e).

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

#### **§ 45-10-204 Maintenance of Dockets and Records**

The Executive Director shall have custody of the Commission’s official dockets and records and shall be responsible for the maintenance and custody of the docket and records.

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

#### **§ 45-10-206 Public Availability of Dockets and Records**

The reports, records, accounts, files, papers and memoranda of every nature in the possession of the Commission are open to the public at reasonable times. All requests for records or for copies of records maintained by the Commission shall be directed to the Executive Director. All requests must comply with the Open Government Act, pursuant to 1 CMC §§ 9901, et seq. All release of government records will be in accordance with that Act.

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

#### **§ 45-10-208 Informal Adjudication of Complaints**

(a) A complaint in writing may be made by any person against any telecommunications company subject to Commission jurisdiction. The complaint shall conform to the requirements of § 8329 of the CTA, [PL 12-39 § 1(b) (§ 8329), codified at 4 CMC § 8471] and shall contain

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the name and address of the complainant, the name of the telecommunications company against which the complaint is made, a clear and concise statement of the facts involved and a request for affirmative relief, such as, but not limited to, requests for refund from the telecommunications company or that the telecommunications company should cease and desist from a practice.

(b) The Commission will assign a number to each complaint. A complaint is deemed filed on the date it is received by the Commission. All supporting papers, including, but not limited to, bills, letters, and notices, should be submitted at the time of filing; otherwise the complaint may be returned as incomplete.

(c) If after a review by the Executive Director and informal consultation with the Commission it is decided that the complaint appears to be susceptible to informal adjudication, a copy or a statement of the substance of the complaint may be transmitted by the Commission to the telecommunications company in an effort to have the complaint satisfied by correspondence or conference without the need for a formal adjudication process. In the event that the Commission cannot resolve the complaint to the satisfaction of the complainant, the complainant may file a formal complaint with the Commission.

(d) If a formal adjudication is requested by the complainant, the processing of the informal adjudication of the complaint shall be discontinued. However, the date of the formal complaint shall relate back to the date that the informal complaint was received by the Commission.

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

### **§ 45-10-210 Formal Complaints and Formal Adjudication Process**

(a) Any person may file a formal complaint against any telecommunications company subject to Commission jurisdiction.

(b) Formal complaints shall:

- (1) Be in writing;
- (2) Comply with § 45-10-202 of these rules;
- (3) State the full name and address of each complainant;
- (4) State the name of the telecommunications company against which the complaint is made;
- (5) Contain a clear and concise statement of the facts involved;
- (6) Contain a request for affirmative relief; and
- (7) Clearly specify the particular provisions of law or applicable rules or regulations which are alleged to have been violated.

(c) If two or more sections or subsections of the law or two or more requirements established pursuant to law are alleged to be violated, the facts claimed to constitute violation of one section, subsection, or requirement shall be stated separately from those claimed to constitute a violation of another section, subsection, or requirement whenever that can be done without undue repetition.

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(d) If the formal complaint substantially complies with this section, the Commission shall serve a copy upon the telecommunications company, together with an order requiring that the complaint be answered within twenty days after the date of service. Two copies of the formal complaint shall also be served on the Office of the Attorney General. In emergency cases, the Commission may require the filing of an answer within a shorter time.

(e) If the formal complaint is not in substantial compliance with this section, the Commission shall return the complaint to the complainant with an explanation of the reasons why the formal complaint does not comply with this chapter.

Modified, 1 CMC § 3806(c), (e), (f).

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

Commission Comment: The Commission inserted a comma after the word “subsection” in subsection (c) pursuant to 1 CMC § 3806(g).

### **§ 45-10-212 Answers to Formal Complaints**

The telecommunications company shall, within twenty days after service of the formal complaint by the Commission file its answer with proof of service on the complainant and the Office of the Attorney General. All grounds of defense, both of law and of fact, shall be raised in the answer. If the telecommunications company has no information or belief upon the subject sufficient to enable an answer to the allegation, it may so state in the answer and place its denial upon that ground.

Modified, 1 CMC § 3806(e).

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

### **§ 45-10-214 Hearings on Formal Complaints**

When a telecommunications company has filed its answer, the Commission may set a hearing on the formal complaint in accordance with § 45-10-222 through § 45-10-236 of this chapter. The Executive Director shall mail the notice of hearing by first class mail to the complainant and the telecommunications company at least ten days before the hearing, setting forth the date, time, and place of hearing.

Modified, 1 CMC § 3806(c), (d), (e).

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

### **§ 45-10-216 Discovery**

The Commission may, in any proceeding properly brought before it, order discovery, disclosure, and/or exchange of information between the parties, including but not limited to the taking of depositions and fulfillment of data requests.

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History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

Commission Comment: The Commission inserted a comma after the word “disclosure” pursuant to 1 CMC § 3806(g).

### **§ 45-10-218 Commission Investigations**

The Commission may at any time investigate matters subject to its jurisdiction. The Executive Director shall serve notices or orders instituting investigation, indicating the nature of the matters to be investigated and the name of the respondent(s) being investigated. A respondent need not file a pleading in response to the investigatory order unless so directed. All hearings pursuant to an investigation shall be open to the public unless otherwise directed by the Commission.

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

### **§ 45-10-220 Violations and Penalties**

In the event that the Commission determines that a telecommunications company has violated any law, or Commission rule, regulation, or order in any matter properly brought before it, the Commission may, in its discretion, impose penalties, fines, or sanctions upon the telecommunications company, or take any other such appropriate action, pursuant to sections 8329(d), 8329(e) and 8329(f) of the CTA [PL 12-39 § 1(b) (§§ 8329(d), 8329(e) and 8329(f)), codified at 4 CMC §§ 8471(d), (e), and (f)].

Modified, 1 CMC § 3806(f).

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

Commission Comment: The Commission inserted commas after the words “regulation” and “fines” pursuant to 1 CMC § 3806(g).

### **§ 45-10-222 Waiver of Hearings**

With approval of the Commission, any procedure in a contested case may be modified or waived by stipulation of the parties and informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

### **§ 45-10-224 Notice Required**

The Commission shall give, or shall require any designated party to give, notice of a hearing in any pending matter to all parties and to such other persons as the Commission designates.

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

### **§ 45-10-226 Ex Parte Communications**

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(a) No person, whether or not a party to or participant in any Commission hearing, shall consult or communicate with any commissioner or any member of the Commission staff on any issue of fact in a contested case proceeding before the Commission, except as otherwise authorized in this section or by law.

(b) All written and oral ex parte communications received by any commissioner or hearings examiner which may affect the decision in the proceeding and which are known and unauthorized at the time of receipt, shall be immediately sent to all interested parties to the proceeding and made an official part of the record.

(c) The following classes of ex parte communications are authorized:

- (1) Communication between the Commission and Commission staff;
- (2) Communication that relates solely to matters which a commissioner or hearings examiner is authorized to dispose of on an ex parte basis;
- (3) Communication with counsel or staff for the Commission relating solely to matters of law, practice or procedure; and
- (4) Communication had after adequate notice and opportunity for all parties to participate.

Modified, 1 CMC § 3806(f).

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

### **§ 45-10-228 Records of Hearings**

Unless otherwise directed by the Commission, a full and complete record shall be kept of all hearings. Interested parties may arrange to obtain copies of such records at their own expense.

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

### **§ 45-10-230 Intervention**

Any person not a party to a proceeding may make written application for leave to intervene by showing the extent of the person's interest in the matter. Upon its granting by the Commission, the person shall thereafter be an intervenor in the hearing.

Modified, 1 CMC § 3806(g).

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

Commission Comment: The commission corrected the spelling of "intervenor."

### **§ 45-10-232 Briefs and Oral Arguments**

If counsel for any party requests permission to file a brief or make an oral argument, the Commission upon finding that the filing of briefs and/or oral arguments is appropriate may fix the time for hearing such argument or the filing of briefs.

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

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### **§ 45-10-234 Motions and Pleadings**

Formal pleadings are not required in proceedings before the Commission. Any party to a proceeding may make written presentations to the Commission in accordance with this chapter, or those issued in a particular proceeding, which presentation must clearly state the position of the party on whose behalf it is filed. Such presentation must be properly served upon the Commission and other parties to that proceeding.

Modified, 1 CMC § 3806(d).

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

### **§ 45-10-236 Pre-hearing Conference**

In any proceeding, the Commission or hearings examiner, on its own initiative or at the request of the parties, may convene a pre-hearing conference to consider simplification of the proceeding. Where a pre-hearing conference is held, the Commission shall enter a pre-hearing order which recites the action taken at the conference.

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

### **§ 45-10-238 Decisions and Orders**

A hearing stands submitted for decision by the Commission after the taking of evidence and the filing of any briefs and the presentations by the parties. In all proceedings, the Commission shall make a final decision and order after considering all statements, comments, views and documents of record. After issuance of a final decision, the Executive Director shall serve the decision and order of the Commission upon the parties, participants or their counsel.

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

### **§ 45-10-240 Judicial Review**

Any person aggrieved by a final decision of the Commission may seek judicial review pursuant to section 8330 of the CTA [PL 12-39 § 1(b) (§ 8330), codified at 4 CMC § 8472].

Modified, 1 CMC § 3806(f).

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

## **Part 300 - Fees, Charges and Assessments**

### **§ 45-10-301 Assessment of Quarterly Fee**

All telecommunications companies enjoying the privilege of operating in the Commonwealth shall pay an annual charge to the Commission pursuant to section 8327(b) of the CTA [PL 12-39

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§ 1(b) (§ 8327(b)), codified at 4 CMC § 8454(b)], which shall be assessed by the Commission on a quarterly basis.

Modified, 1 CMC § 3806(f).

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

### **§ 45-10-305 Payment of Quarterly Fee**

Payment of the quarterly fee should be by check payable to the Commission.

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

### **§ 45-10-310 Reporting of Revenue; Invoicing**

(a) Each telecommunications company subject to the jurisdiction of the Commission shall report on a quarterly basis, by a date specified by the Commission, its gross revenues derived from the provision of telecommunications services in the Commonwealth for the prior quarter for the purposes of calculating its quarterly fee obligation pursuant to the formula established in section 8327(b) of the CTA [PL 12-39 § 1(b) (§ 8327(b)), codified at 4 CMC § 8454(b)].

(b) Upon calculating the quarterly fee amounts due from each telecommunications company, the Commission shall provide invoices for such sums to telecommunications companies.

Modified, 1 CMC § 3806(f).

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

### **§ 45-10-315 Timeliness of Payment**

Payment of the quarterly fee is due thirty days after the date of issuance of the invoice referenced in § 45-10-310. Telecommunications companies shall pay a penalty pursuant to section 8327(e) of the CTA [PL 12-39 § 1(b) (§ 8327(e)), to be codified at 4 CMC § 8454(e)] in the event that payment is not received within thirty days after the date of issuance of the invoice.

Modified, 1 CMC § 3806(c), (e), (f).

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

## **Part 400 - Application and Certification to Provide Telecommunications Service**

### **§ 45-10-401 Application for Certificate of Authority**

(a) Any telecommunications company seeking to offer, initiate, or provide telecommunications service in the Commonwealth must apply in writing to the Commission for a certificate of authority. The application must:

- (1) Include information on the:
  - (i) Type of telecommunications service to be offered;

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- (ii) Geographical scope of the telecommunications company's proposed operation;
  - (iii) Type of equipment to be employed in the service;
  - (iv) Rates or charges to be imposed and the regulations that will govern the proposed service;
  - (v) Name, address, citizenship, and principal business of any entity or individual that directly or indirectly owns at least ten percent of the equity of the applicant, and the percentage of equity owned by each of those entities or individuals (to the nearest one percent); and
  - (vi) Applicant's financial ability to render the proposed service, including a copy of its most recent audited financial statements and, if more than three months have elapsed since the date of the most recent audited financial statements, current, unaudited financial statements.
- (2) Comply with all applicable Commission orders and rules; and
  - (3) Publish notice of its application in a newspaper of general circulation in the Commonwealth at least twice with no less than 5 days separating the date of each such publication and no more than 10 days separating the date of each such publication. Such notice must be published within fourteen days of the filing of the application. Original proof of publication must be filed with the Commission within fourteen days of publication of the notice.
  - (4) The Commission may reject any application that fails to meet any of these requirements or is otherwise incomplete.

(b) Where exempted by federal law from entry regulation by the Commonwealth, a telecommunications company seeking to offer, initiate or provide telecommunications service shall submit an informational registration statement with the Commission by supplying the information covered under subsections (a)(1)(i)-(v) and (a)(2) only. A telecommunications company filing informational registration statements pursuant to this subsection must file revised statements within thirty days of the date of any change in any of the information previously submitted to the Commission.

Modified, 1 CMC § 3806(e).

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

Commission Comment: The final paragraph of subsection (a) was not designated. The commission designated it subsection (a)(4).

Subsection (b) erroneously referenced former "Section 4-200(a)(1)(A)- (E) and (a)(2)" (now § 45-10-405). See 23 Com. Reg. at 18214 (Aug. 16, 2001). The commission changed the citation so that it referenced subsection (a) of this section. The Commission inserted commas after the words "initiate" in subsection (a) and "citizenship" in subsection (a)(1)(v) pursuant to 1 CMC § 3806(g).

### **§ 45-10-405 Issuance or Denial of Certification**

- (a) The Commission shall issue a certificate of authority to any qualified applicant, authorizing the whole or any part of the telecommunications service covered by the application, if it finds that:
- (1) The applicant possesses sufficient technical, financial, and managerial resources and abilities to provide the proposed service in the Commonwealth;
  - (2) The applicant is fit, willing and able to properly perform the proposed telecommunications service and to conform to the terms, conditions, and rules prescribed or adopted by the Commission; and

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- (3) The proposed telecommunications service is, or will be, in the public interest.
- (b) Any certificate of authority issued by the Commission shall:
  - (1) Specify the telecommunications service to be provided;
  - (2) Delineate the geographic area in which the service is to be provided; and
  - (3) Define the terms and conditions of the certificate of authority as the Commission may reasonably prescribe.
- (c) Minimum criteria that an applicant must show proof of prior to the grant of a certificate of authority are as follows:
  - (1) A physical presence in the CNMI, such as an office;
  - (2) A mailing address in the CNMI;
  - (3) A minimum capital value of assets no less than \$50,000 of either cash or equipment or both.

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

Commission Comment: The Commission inserted a comma after the word “financial” in subsection (a)(1) pursuant to 1 CMC § 3806(g). The Commission corrected the periods at the ends of subsections (c)(1) and (c)(2) to semicolons pursuant to 1 CMC § 3806(g).

### **§ 45-10-410 Limitations**

- (a) No certificate of authority or certificate of registration issued by the Commission to any telecommunications company may be construed as granting a monopoly or exclusive privilege, franchise, or charter for the provision of telecommunications service in the Commonwealth.
- (b) The issuance of a certificate of authority or certificate of registration does not preclude the Commission from issuing any additional certificates of authority to any other telecommunications company seeking to offer, initiate, or provide the same or similar telecommunications service in the same geographic area.
- (c) Except as otherwise provided by federal or Commonwealth law, and in order to protect the public interest and to preserve the Commonwealth’s commitment to universal service, the Commission may establish reasonable terms and conditions for the entry of telecommunications companies into the Commonwealth.

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

Commission Comment: The Commission inserted commas after the words “franchise” in subsection (a) and “initiate” in subsection (b) pursuant to 1 CMC § 3806(g).

### **§ 45-10-415 Suspension or Revocation**

Upon the petition of any telecommunications company, any customer, or any other person, or the Commission’s own motion, the Commission may, after notice and hearing, suspend or revoke, in whole or in part, a certificate of authority, if the certificate holder:

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- (a) Fails to timely remit its telecommunications annual fee assessment as required by part 300 of these rules, or to timely remit any other fees or charges assessed by the Commission;
- (b) Fails to make contributions required by the universal service fund;
- (c) Fails to provide adequate telecommunications service;
- (d) Fails to maintain access to emergency services; or
- (e) Violates any applicable:
  - (1) Federal laws or regulations; or
  - (2) Commonwealth laws, Commission orders, rules or regulations.

Modified, 1 CMC § 3806(c).

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

Commission Comment: The Commission inserted a comma after the word “rules” in subsection (e)(2) pursuant to 1 CMC § 3806(g).

### **Part 500 - Transactions and Capitalization**

#### **§ 45-10-501 Application for Approval of Sale, Assignment or Transfer of Certificate and/or Encumbrance of Assets/Stock**

A person or entity seeking to obtain authorization under section 8315(a) of the CTA [PL 12-39 § 1(b) (§ 8315(a)), codified at 4 CMC § 8442(a)] shall submit an application jointly with the certificate holder containing the following information:

- (a) The names (including fictitious names-d/b/a), addresses, internet email addresses and websites, telephone and fax numbers, and federal employment identification numbers (or social security numbers, if individuals) of the parties to the transaction;
- (b) The organizational structure of each party to the transaction (e.g., individual, corporation, partnership). If incorporated within the Commonwealth, proof of incorporation must be provided. If incorporated outside of the Commonwealth, the foreign state of incorporation should be identified and proof of authority to operate in the Commonwealth must be provided;
- (c) A description of the transaction, including whether the applicants are seeking:
  - (1) Approval of a transfer of an existing certificate (e.g., a non-certificated individual or entity seeks to purchase an existing certificated telecommunications company and desires to retain the original certificate of authority); or
  - (2) Approval of an assignment of an existing certificate (e.g., a certificated telecommunications company seeks to purchase an existing certificated telecommunications company and desires to retain the certificate of authority of that telecommunications company);or

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- (3) Approval of a transfer of control (e.g., an individual or entity seeks to purchase a greater than 50% interest in the certificated telecommunications company). The Commission must approve the new controlling entity; or
- (4) Approval to mortgage or otherwise encumber substantial assets, franchises, certificates of authority and/or certificates of capital stock of a telecommunications company.
- (d) An indication of whether any of the officers, directors, or any of the ten largest stockholders of any of the parties to the transaction have previously been:
- (1) Adjudged bankrupt, mentally incompetent, or found guilty of any felony or of any crime, or whether such actions may result from pending proceedings. If yes, a full explanation must be provided; and/or
- (2) An officer, director, partner or stockholder in any other Commonwealth certificated or registered telecommunications company. If yes, the name of the telecommunications company and the relationship must be provided. If no longer associated with the telecommunications company, a reason should be provided as to why not.
- (e) The name, title, address, internet email and website addresses, telephone and fax numbers of the individual who will serve as liaison to the Commission regarding:
- (1) The application;
- (2) The ongoing operations of the certificated telecommunications company which is the subject of the transaction; and
- (3) Customer complaints and inquiries.
- (f) A list of countries (if U.S., list states) in which the applicant has operated as a telecommunications company, is currently authorized as a telecommunications company, and has applications pending to be authorized as a telecommunications company.
- (g) A list of countries (if U.S., list states) where the applicant has been denied authority to operate as a telecommunications company, has had regulatory penalties imposed for violations of telecommunications or other statutes and the circumstances involved, or has been involved in civil court proceedings with another telecommunications company and the circumstances involved.
- (h) Resumes of employees and corporate officers of the applicant for those individuals who would be directly involved on a day-to-day basis with the management and operations of the CNMI market. Each such resume shall state the following:
- (1) Indicate sufficient managerial experience of each; and
- (2) Indicate sufficient technical experience or indicate what individual or entity is under contract with the applicant to conduct technical maintenance;
- (i)(1) Audited financial statements for the most recent 3 years. If the applicant does not have audited financial statements, it shall be so stated in the application. Unaudited financial statements should be signed by the applicant's Chief Executive Officer and Chief Financial Officer affirming that the statements are true and correct and should include, at a minimum, a balance sheet, income statement, and statement of retained earnings.

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(2) Further, the application should provide a written explanation (including supporting documentation) that the applicant has sufficient financial capability:

- (i) To provide the requested service in the geographic area proposed to be served;
- (ii) To maintain the requested service; and
- (iii) To meet its lease and/or ownership obligations.

(j) A list of all physical assets, such as but not limited to points of presence, switches (including type of switch) and transmission facilities to be purchased/leased, including addresses of each.

(k) An affidavit signed before a notary public within three business days of the date of the filing of the application that states under the penalty of perjury:

(1) The information provided in the application is true and correct and that the signing officer has the authority to sign on behalf of the individual or entity; and

(2) That the applicant understands that all telecommunications companies in the Commonwealth are subject to an annual fee assessed quarterly and other assessments, contributions and taxes, and that the applicant will meet all such regulatory obligations on a timely and complete basis.

(l) The Commission shall establish a purchaser's minimum capital requirement for sale or transfer of a certificate of authority, prior to the grant or denial of a transfer request.

Modified, 1 CMC § 3806(f).

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

Commission Comment: The original paragraphs of subsection (i) were not designated. The commission designated subsections (i)(1) and (i)(2).

### **§ 45-10-505 Penalties Associated with Nunc Pro Tunc Applications**

Prior Commission approval shall be obtained for any of the transactions described under section 8315(a) of the CTA [PL 12-39 § 1(b) (§ 8315(a)), codified at 4 CMC § 8442(a)]. Any late applications made on a nunc pro tunc basis (i.e., "as if on time") to the Commission under this chapter shall subject all parties to the transaction to potential penalties as provided by law. This authority does not empower the commission to apply ex post facto fines for late applications as a result of the commission not being fully formed or this chapter not being published. This regulatory fine-assessing power is only prospective in nature from the date this chapter is adopted.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

## **Part 600 - Tariffs**

### **§ 45-10-601 Tariff Format**

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Tariffs shall be filed in loose-leaf form. Each tariff page shall contain the following information:

- (a) The name and address of the telecommunications company centered on top of the page;
- (b) The name and number of the tariff centered directly under the name of the telecommunications company;
- (c) The page number of the tariff in the upper right hand corner of the page; and
- (d) The page number shall identify revised and canceled pages (e.g., 4th revised page no. 25 cancels 3rd revised page no. 25).

Modified, 1 CMC § 3806(f).

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

### **§ 45-10-605 Tariff Content**

Tariffs shall contain the following, in the order named:

- (a) Title Page. The title page shall contain the name of the telecommunications company and a brief description of the contents of the tariff;
- (b) Check Sheet. The check sheet shall list all tariff pages and shall identify the current revision for each page;
- (c) Table of Contents. The table of contents shall show each subject covered by the tariff and the number of the page where each subject may be found;
- (d) Definitions and Abbreviations. The list of definitions and abbreviations used for technical and other important terms used in the tariff;
- (e) Symbols. A list of symbols shall be provided along with a clear definition of each symbol used in the tariff;
- (f) Rules and Regulations. Rules and other provisions affecting the application of rates or charges and other provisions applicable to the services covered in the tariff;
- (g) Description of Services. A brief description of types and classes of services rendered; and
- (h) Rates. A list of applicable rates and charges for services.

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

### **§ 45-10-610 General Filing Instructions**

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Tariffs shall be filed with the Commission accompanied by an advice letter. Ten copies of each tariff and advice letter shall be filed with the Commission. Advice letters shall be numbered consecutively and shall include the following:

- (a) Detailed information as to the reasons for the filing;
- (b) Dates on which the tariff sheets are proposed to become effective;
- (c) A statement indicating the increase, decrease or other change thereby made in the existing rates, charges, tolls or rule and regulations, if applicable; and
- (d) A statement that the tariff sheets proposed do not constitute a violation of Commission rules.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

### **§ 45-10-615 Tariffs Require 60 Days Notice to the Commission**

Unless otherwise provided by the Commission, all telecommunications companies must file with the Commission all tariffs, including both original tariffs as well as tariffs containing changes in rates, tolls, charges, rules, or regulations, at least 60 days before the effective date of such changes.

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

Commission Comment: The Commission inserted a comma after the word “rules” pursuant to 1 CMC § 3806(g).

### **§ 45-10-620 Announcement of Tariff Changes**

At least 60 days prior to the effective date of the proposed tariff changes filed with the Commission, a telecommunications company shall inform its customers of the tariff changes.

- (a) The telecommunications company shall inform its customers by inserting a display announcement, not less than a three column standard advertising unit by ten-inch advertisement, at least once in a newspaper of general circulation throughout the Commonwealth;
- (b) The announcement shall include:
  - (1) The currently effective rate, fee, term, or condition to be changed;
  - (2) The proposed rate, fee, term, or condition;
  - (3) A brief statement of the reasons why the telecommunications company seeks the change;
  - (4) The place, date, and time at which the public hearings (if applicable) on the proposed change will take place;
  - (5) The approximate annualized amount of the proposed total change, expressed both in dollar and in percentage terms;

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(6) The mailing address and telephone number, of the telecommunications company's office that customers may contact for additional information about the filing.

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

Commission Comment: The Commission inserted commas after the words "term" in subsections (b)(1) and (b)(2) and "date" in subsection (b)(4) pursuant to 1 CMC § 3806(g).

### **§ 45-10-625 Information to the Public**

All telecommunications companies shall maintain, open for public inspection at their main office, a copy of the complete tariffs and advice letters filed with the Commission. All telecommunications companies shall post in a conspicuous place in their business office, a notice to the effect that copies of the schedule of applicable rates are on file and may be inspected by the public. All telecommunications companies' filed tariffs will also be available for public inspection at the Commission during normal business hours.

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

### **Part 700 - Depreciation**

#### **§ 45-10-701 Depreciation**

Depreciation rates are to be designed in conformity with the Uniform System of Accounts for Telecommunications Companies ("USOA") as prescribed by the Federal Communications Commission in the current version of title 47, Code of Federal Regulations, part 32.

Modified, 1 CMC § 3806(f).

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

### **Part 800 - Books and Accounts**

#### **§ 45-10-801 Location and Preservation of Records**

All records that a telecommunications company is required to keep, by reason of this chapter prescribed by the Commission, shall be kept at the office or offices of the telecommunications company within the Commonwealth unless otherwise authorized by the Commission.

Modified, 1 CMC § 3806(d).

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

#### **§ 45-10-805 Reimbursement for Inspection of Records**

(a) Any telecommunications company that keeps its records outside the Commonwealth shall reimburse the Commission for the reasonable travel expense incurred by each Commission representative during the review of the out-of-state records of the telecommunications company

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or its affiliates. Reasonable travel expenses are those travel expenses that are equivalent to travel expenses paid by the CNMI government to its employees. The telecommunications company shall remit reimbursement for out-of-state travel expenses within 30 days from the date the Commission mails the invoice.

(b) The reimbursement requirement in subsection (a) shall be waived:

(1) For any telecommunications company that makes its out-of-state records available at the telecommunications company's office located in the Commonwealth or at another mutually agreed upon location in the Commonwealth within 10 business days from the Commission's initial request. If 10 business days is not reasonable because of the complexity and nature of the issues involved or the volume and type of material requested, the Commission may establish a different time frame for the telecommunications company to bring records into the state.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

Commission Comment: Subsection (b) incorrectly cross-referenced former section 8-100(a) (now § 45-10-801). The commission corrected the cite so that it refers to subsection (a) of § 45-10-805.

### **§ 45-10-810 Uniform System of Accounts**

Each telecommunications company shall maintain its accounts and records in conformity with the Uniform System of Accounts for Telecommunications Companies ("USOA") as prescribed by the Federal Communications Commission in the current version of title 47, Code of Federal Regulations, part 32.

Modified, 1 CMC § 3806(f).

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

## **Part 900 - Standards for Telecommunications Service**

### **§ 45-10-901 Operating Standards for Telecommunications Service**

A telecommunications company shall:

(a) Employ prudent management and engineering practices that ensure the availability of sufficient facilities and personnel to achieve the standard of service quality required by prudent telecommunications industry practice, and this section;

(b) Design, construct, install, operate, and maintain its facilities and equipment in a manner consistent with prudent and generally accepted telecommunications industry practices and standards;

(c) Make reasonable provision for emergencies resulting from unusual and prolonged increases in telecommunications traffic, lack of personnel, typhoon, earthquake, fire, flooding, storm, or other acts of God;

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- (d) Adopt and adhere to a maintenance program to ensure safe, adequate, and reliable service at all times;
- (e) Adopt and maintain customer response procedures and standards; and
- (f) Maintain sufficient records of its operations and make such records available to the Commission at any time upon request.

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

Commission Comment: The Commission inserted commas after the words “operate” in subsection (b) and “adequate” in subsection (d) pursuant to 1 CMC § 3806(g).

### **§ 45-10-905 Exchange Area Maps**

Each telecommunications company shall file with the Commission a description of its exchange service area. The description must clearly delineate the boundaries of the territory within which a service is provided. As appropriate, the telecommunications company shall attach to the description a map of the service territory.

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

### **§ 45-10-910 Service Installation**

A telecommunications company shall make all reasonable efforts to respond to a customer’s request for primary connection service within five business days. All reasonable efforts to maintain the standard shall be measured by the following:

- (a) Eighty-five percent of all customers provided service within five business days of the request or the customer-requested date, whichever is later. Compliance will be measured based on a three-month rolling average.
- (b) Ninety-five percent of all customers provided service within ten business days of the request or the customer-requested date, whichever is later. Compliance will be measured based on a three-month rolling average.

Modified, 1 CMC § 3806(g).

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

Commission Comment: In the opening paragraph, the commission changed “day” to “days” to correct a manifest error.

### **§ 45-10-915 Service Disruption**

- (a) If service is disrupted, a telecommunications company shall make all reasonable efforts to reestablish service in the shortest time practicable with due regard to safety.

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(b) An “unreasonable service outage,” for purposes of this section, is defined as when a customer’s service is disrupted and remains out of service for more than 24 consecutive hours after being reported to the telecommunications company or being found by the telecommunications company to be out of service, whichever occurs first. In the event of an unreasonable service outage, the telecommunications company shall refund to the customer upon request the pro rata part of that month’s charges for the period of days during which the telephone was out of order. This refund may be accomplished by a credit on a subsequent bill for telephone service.

(c) In the case of a declared emergency in the Commonwealth or a natural disaster resulting in the disruption of normal telecommunications service, the telecommunications company may temporarily interrupt service to its customers to provide necessary service to civil defense or other emergency service agencies until normal service can be restored.

(d) If service is to be disrupted for scheduled repairs or maintenance, or if the occurrence of a disruption in service is otherwise known to the telecommunications company, the telecommunications company shall promptly notify its affected customers and, as appropriate, fire and law enforcement agencies, before the disruption occurs. Repair and maintenance work shall be performed at a time that will cause the least inconvenience to its customers.

Modified, 1 CMC § 3806(g).

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

Commission Comment: In subsection (b), the commission moved the comma after “outage” inside of the closing quotation mark.

### **§ 45-10-920 Record and Notification of Service Disruption**

A telecommunications company shall maintain an accurate record of service disruption or any other trouble reports made by its customers. The record must include the identity of the customer and service affected, the time, date, and nature of the report, and the action taken to clear the problem. The telecommunications company shall make the record available to the Commission at any time upon request. The telecommunications company shall serve a copy of any and all reports of notification of service outage filed with the FCC, as required by 47 CFR § 63.100, upon the Commission.

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

Commission Comment: The Commission inserted a comma after the word “date” pursuant to 1 CMC § 3806(g).

### **Part 1000 - Miscellaneous**

#### **§ 45-10-1001 Severability**

If any provision of this chapter shall be held invalid by a court of competent jurisdiction, the validity of the remainder of the chapter shall not be affected thereby.

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Modified, 1 CMC § 3806(d), (f), (g).

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).

Commission Comment: The commission changed the period after “jurisdiction” to a comma to correct a manifest error.

### **§ 45-10-1005 Effective Date**

This chapter shall take effect upon the notice of adoption and upon final publication in the Commonwealth Register.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 23 Com. Reg. 18418 (Oct. 19, 2001); Proposed 23 Com. Reg. 18202 (Aug. 16, 2001).