

**TITLE 4: ECONOMIC RESOURCES**  
**DIVISION 8: UTILITIES**

**§ 8401. Short Title.**

This Chapter may be cited as the Public Utilities Commission Act.

**Source:** PL 12-39, § 1(b) (8301), modified; repealed and reenacted by PL 15-35, § 2 (8401), modified.

**Commission Comment:** PL 12-39, § 1(b), incorrectly assigned the Commonwealth Telecommunications Act as a “new” Chapter 3 of Title 4, Division 8 of the Commonwealth Code. Since Chapter 3 was already occupied by the Public Wastewater Systems Protection Act, it was necessary for the Commission to create a new Chapter 4 and to make adjustments to assigned section numbers accordingly.

PL 12-39 took effect on February 23, 2001 and contained the following severability and savings clause provisions:

Section 2. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 3. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation, or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying, any liability civil or criminal, which shall already be in existence at the date this Act becomes effective.

See also comment to 4 CMC § 8112 pertaining to global amendment provision.

PL 15-35 repealed and reenacted the entire Chapter 4 (entitled “Commonwealth Telecommunications Act”) and renamed it “Public Utilities Commission.” PL 15-35 was enacted on October 24, 2006, and did not include any findings or purpose provision but did include the following title, repealer, and conforming sections in addition to other enactments and severability and savings clauses:

Section 1. Title. This Act may be cited as the “Commonwealth Public Utilities Commission Act of 2006.”

Section 2. Repealer and Re-enactment. Title 4, Division 8, Chapter 4 is repealed and re-enacted to read as follows: . . .

Section 3. CTC and CUC: Conforming Amendments.

(a) *Commonwealth Telecommunications Commission*.

(1) Upon the effective date of this act, the Commonwealth Telecommunications Commission (CTC) is hereby abolished and replaced by the Commonwealth Public Utilities Commission (PUC) with respect to regulatory authority and oversight jurisdiction over all telecommunication utility matters. The PUC will exercise jurisdiction over such matters in accordance with this act and the rules and

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regulations promulgated by the PUC hereafter, pursuant to the provisions of this act.

(2) The various conditions and requirements previously imposed on Pacific Telecom, Inc., (PTI), and the Micronesian Telecommunications Corporation (MTC) by the CTC in its decision and order in CTC Case No. 03-01 are hereby vacated and set aside, except the following:

(A) The CTC approval of the transfer of ownership of MTC from Verizon to PTI shall remain and shall continue to be valid;

(B) The certificate of public convenience and necessity issued by the CTC in favor of PTI and MTC in 2005 shall also remain valid and effective; and

(C) The condition of the decision and order of the CTC prohibiting PTI and MTC from imposing any inter-island toll charge between the islands of Saipan, Rota, and Tinian shall remain effective and shall continue unchanged.

In the event that there is good cause shown for the re-imposition of any of the conditions or requirements previously imposed by the CTC, then and only in the event shall the PUC begin a new process of holding a hearing with all the necessary procedural safeguards in place to ensure that a fair hearing is accorded both the telecommunications company affected and the interested party having standing to make such assertion before the PUC.

(3) The PUC shall have the authority to promulgate all necessary rules and regulations needed to carry out its mandate under this act; and shall not be bound the rules and regulations of the CTC which are hereby vacated and set aside.

(4) Any unexpended balance of moneys and any fees or other moneys now owing to the CTC shall be and the same are hereby transferred and assigned over to the PUC hereby created, to be used and disposed of, as provided by law.

(5) Except as otherwise provided by law, the regulations, standards, procedures, franchises and all other such aspects related to the regulation of the functions and operation of a regulated telecommunications utility that are in force when this Act becomes effective, shall continue to apply until amended or repealed by PUC.

(6) Upon the effective date of this act, all the members of the CTC holding office shall immediately cease to be commissioners. Within 30 days after the effective date of this act, the governor shall appoint new members to the PUC in accordance to § 8403 of Section 2 of this act.

*(b) Commonwealth Utilities Corporation.*

(1) When a provision of this Commonwealth PUC Act conflicts with a provision of the Commonwealth Utilities Corporation Act, Public Law 4-47, as amended, 4 CMC § 8111 et seq., the provision of this Commonwealth PUC Act shall control.

(2) For regulatory purposes, including the setting of rates, the approval of prices fees, charges, terms and services, and the resolution of disputes between a regulated utility and its customers, the PUC is the successor to the Commonwealth Utilities Corporation Board

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(CUC), and all such Orders, decisions, rules, regulations, certificates, guidelines, practices and regulatory procedures of the CUC shall continue in full force and effect.

(3) Except as otherwise provided herein, the regulations, standards, procedures, franchises and all other such aspects related to the regulation of the functions and operation of a regulated power, water, wastewater or cable television regulated utility that are in force when this Act becomes effective, shall continue to apply until amended or repealed by PUC.

(4) Notwithstanding § (1) of this section or any law to the contrary, 4 CMC § 8122, as amended by Executive Order No. 2006-4, is amended further as follows:

(A) § 8122(a) is amended to read: . . .

(B) A new subsection (c) is added to § 8122 to read: . . .