

TITLE 4: ECONOMIC RESOURCES
DIVISION 8: UTILITIES

§ 8402. Definitions.

As used in this Chapter:

(a) “Cable television company” means any person or corporation that owns, controls, administers, operates, manages, provides or resells, in full or in part, directly or indirectly, any cable television line system or service in the Commonwealth and has been granted a license to provide cable service in the Commonwealth.

(b) “Commission” or “PUC” means the Public Utilities Commission.

(c) [Expired September 30, 2010].

(d) “Just and reasonable” means that rate, charge or assessment cost which enables a public utility, telecommunications company, and cable television company an opportunity to finance its capital improvements needs, cover all its operating and debt expenses, and earn a reasonable rate of return on its investment in the Commonwealth.

(e) “Person” means any individual, corporation, partnership, association, business trust, company, joint venture company, limited liability company, government or government subdivision, corporation, or agency, or any other legal entity.

(f) "Public utility" means the Commonwealth Utilities Corporation and any duly licensed private contractor operating:

(1) A facility or subsystem of the community-wide water production and distribution system or electrical production and/or distribution system; or

(2) A facility or subsystem of the community-wide waste water disposal system, or both.

(g) “Regulated entity or entities” or “entity” means all persons regulated by the Commission, including public utilities, telecommunications companies and the cable television companies.

(h) “Telecommunications company” means any person or corporation that owns, controls, administers, operates, manages, provides or resells, in full or in part, directly or indirectly, any telecommunications line system or service in the Commonwealth.

(i) “Telecommunications service” means the transmission between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information sent and received, for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

Source: PL 12-39, § 1(b) (8302), modified; repealed and reenacted by PL 15-35, § 2 (8402), modified; subsection (c) added and the remaining subsections redesignated accordingly by PL 16-9 § 2(a) ; subsection (e) (redesignated to (f)) amended by PL 16-9 § 2(b). [PL 16-9 amendments to this section expire on September 30, 2010].

Commission Comment: Public Law 16-9 was enacted on August 1, 2008 and expires on September 30, 2010. The Commission is charged with codifying laws of the CNMI that are of a permanent nature pursuant 1 CMC § 3805(b)(1). However, the 15th and 16th Legislatures passed several laws affecting CUC and

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power in the CNMI, which may result in confusion regarding the status of the law in this area. Therefore, the Commission believes that including the PL 16-9 amendments with clearly marked expiration designations will assist the reader and the Commission would be remiss in its duties to not include such amendments, albeit temporary (as defined by PL 3-90, § 10). PL 16-9 contains severability and savings clause provisions and the following:

Section 1. Findings and purpose. The Commonwealth Legislature finds that the Commonwealth Public Utilities Commission Act of 2006 must be amended to permit the Commonwealth Utilities Commission (CUC) to procure emergency power during periods of declared power emergencies. The Legislature finds that the provisions of the Act, including but not limited to 4 CMC §§ 8402, 8409, 8439, and 8441, should not prevent CUC from entering into limited term contracts for emergency power without the approval of PUC.

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Section 3. Retrospective Approval of Existing Contracts. The Governor may issue a retrospective declaration pursuant to 3 CMC § 5121 for any contract in existence on the effective date of this Act provided that the contract is for a term of two years or less and is for emergency wholesale power generation. Such contracts shall not be reviewable by PUC, and the wholesale provider shall not be considered a public utility under 4 CMC §8402(f) for the duration of the contract.

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Section 7. Sunset Clause. This Act expires on September 30, 2010.