

TITLE 4: ECONOMIC RESOURCES
DIVISION 8: UTILITIES

§ 8414. Compelling Attendance of Witnesses.

In all investigations made by the Commission and in all proceedings before it, the Commission shall have the same powers respecting administering oaths, compelling the attendance of witnesses, the production of documentary evidence, and examining witnesses as are possessed by the Superior Court.

(a) In case of contempt or disobedience by any person to any order of the Commission or any subpoena issued by it, or of the refusal of any witness to testify to any matter regarding which he may be questioned lawfully, the Superior Court, on application by the Commission shall compel obedience and punish said person as in the case of disobedience of the requirements of a subpoena issued from the Superior Court or a refusal to testify therein.

(b) Nothing herein shall be construed as in any manner giving to any entity immunity of any kind except as may already be conferred by law. The fees and traveling expenses of witnesses shall be the same as allowed witnesses in the Superior Court and shall be paid out of any appropriation available for the expenses of the Commission.

(c) All meetings and hearings of the Commission shall be public and minutes and records of each meeting shall be kept. Personnel matters of employees of the Commission may be handled in an executive session. All matters of claimed trade secrets may be handled in an executive session, per the request of the entity being examined by the Commission.

(d) Records of the transcripts of all meetings shall be made and kept for a period of no less than five years. Transcripts of such sessions shall be available to the public in a reasonable time after receipt of a request, but in no case more than one month from the date of the request. Transcripts of executive sessions, except by other order of the Commission or a court of competent jurisdiction authorizing earlier release, shall be available to the public no later than two years following the date of the executive session. Where the Commission orders a delay in the release of the records of executive session, the Commission shall state in writing to the requesting person or entity the reason for the delay in release and the date that such records shall be made available for public review and release. Such order of the Commission may be appealable directly to the Superior Court. Nothing in this section shall be construed as preventing access of an employee from timely receipt of a copy of the transcript of any meeting, executive or otherwise, where such meeting was concerning the employment status of the respective employee. Timely access with respect to employee matters is deemed to be no more than one month from the date of the request.

Source: PL 15-35, § 2 (8412), modified.

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