



**VOLUME 33  
NUMBER 01  
JANUARY 24, 2011**

**COMMONWEALTH REGISTER**

# COMMONWEALTH REGISTER

VOLUME 33  
NUMBER 01

JANUARY 24, 2011

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4

5 *In the Matter of Tinian Health Center* ) Case No. 2010-04  
6 (Amendment of Practice Agreement for )  
7 Remote Supervision )  
8

9 **SECOND AMENDMENT TO THE BOARD EMERGENCY ORDER #01**  
10 **APPROVING PRACTICE AGREEMENT AMENDMENT**  
11 **FOR REMOTE SUPERVISION**  
12

13 **Summary**

14 The amendment to this Order is entered today, December 20, 2010, pursuant to the Board's  
15 decision via email on Saturday, December 18, 2010. This amendment is to amend the last  
16 sentence of Section 5 (a) (1) of the Order. The Board received a letter on 12/15/10 via email  
17 from Mr. Joseph Villagomez, Secretary of Public Health, informing the Board that CHC won't be  
18 able to send one of their Emergency Room physicians to THC, as required by the Order, to  
19 review and sign chart notes because one of their physicians had to take compassionate leave  
20 and there is a shortage of physicians at the Emergency Room at CHC.  
21

22 **Discussion**

23 The "Health Care Professions Licensing Act of 2007" ("the Health Care Act" or "the Act"), 3 CMC  
24 §§ 2201 – 36, P.L. 15-105, requires that a physician assistant ("PA") be licensed by the Health  
25 Care Professions Licensing Board ("the Board") and that his/her conduct conform to certain  
26 statutory and regulatory standards and specific dictates.  
27

28 The pre-existing regulations of the predecessor Medical Professions Licensing Board continue  
29 in effect, except as amended by the Board:  
30

- 31 (e) Except as otherwise provided herein, the regulations, guidelines, standards,  
32 and procedures related to the regulation of the functions and operation of a regulated  
33 health care professional and/or profession that are in force when this Act becomes  
34 effective, shall continue to apply until amended or repealed by the Board.  
35

36 3 CMC §§ 2235(e). The Board has amended its regulations in part. 140 NMIAC 50-3  
37 Commonwealth Health Care Professions Licensing Board Regulations. 30 Com Reg. 03, p28388  
38 – 28426. It has not yet amended its PA regulations so the pre-existing regulations apply.  
39

40 The Board's authority proceeds from the Act and the Administrative Procedure Act. The Act  
41 established the Board with complete jurisdiction, power and authority to regulate the health  
42 care professions. 3 CMC § 2204(a). The Board's powers include:  
43

- 44 • To adopt rules and regulations to enforce the Act. 3 CMC § 2206(b);
- 45 • To issue, deny and condition licenses. 3 CMC § 2206 (c );
- 46 • To conduct disciplinary hearings to suspend or revoke licenses, 3 CMC § 2206 (h);
- 47 • To suspend or revoke a license. 3 CMC § 2206(k);
- 48 • To act summarily in the face of the likelihood of harm to:
  - 49 i. the public health, safety or welfare; or
  - 50 ii. to the patients of a health care professional who is regulated  
51 by this Chapter. 3 CMC § 2206(n).  
52

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

1  
2 For the transition period between the application of the old Medical Practice Act  
3 and the new Health Care Professions Licensing Act, specifically until new applicable  
4 Regulations are promulgated, each practicing member of each profession over which  
5 the Board has jurisdiction shall be deemed practicing with a license until regulations  
6 are promulgated for the respective profession and an indicated re-licensing  
7 application period has ended, or until the Board acts to suspend, modify, revoke or  
8 otherwise affect a license, whichever comes first.  
9

10 140 NMIAC § 50.3-101-002.

11  
12 At all times a PA shall have in place a “practice agreement” with a supervising physician. 140  
13 NMIAC § 50.1-1220, 1230(d). Such agreement ordinarily provides the scope of a PA’s activities  
14 and ensures that the physician will be available for consultation, and will review and co-sign  
15 patient records. It also provides that the physician co-signs for prescription of medication and  
16 other treatments, except that the PA may not prescribe DEA-controlled substances. 140  
17 NMIAC § 50.1-1235.  
18

19 The Administrative Procedure Act provides for license hearings, when a notice of a hearing is  
20 required, and defers to an agency’s specific organic act. 1 CMC §§ 9108 – 10. This Order  
21 addresses an emergency situation coming under the specific “immediate and grave danger to  
22 the public” provision of the HCPLA, 3 CMC § 2206(n).  
23

24 **Facts**

25 Dr. Priyantha Wijayagunaratne, the only physician at THC, has submitted his resignation  
26 effective December 1, 2010. However, beginning on Friday, November 12, 2010, Dr.  
27 Wijayagunaratne will be on sick leave until December 1, 2010. Accordingly, as of Monday,  
28 November 15, 2010, THC is without a physician.  
29

30 THC requested the Board consider an Emergency Order to exempt THC’s Mid-Level Provider,  
31 PA Juan B. Pangelinan, PA-C William R. Weiss, and any other CNMI licensed physician  
32 assistant (“PA”), during the period this Order is in effect, to provide health care at THC through  
33 remote supervision. CHC, through Mr. John Tagabuel and Secretary Joseph K. Villagomez,  
34 has agreed to provide physician supervision to the physician assistants at THC. Supervision  
35 will be provided by the CHC’s Emergency Room physicians, namely Dr Greg Kotheimer and  
36 Dr. Shirish Balachandra. Additional ER physicians at CHC who are designated by DPH  
37 administration and whose names are submitted in writing to the Board, may also provide  
38 supervision.  
39

40 **Board Findings and Conclusions**

41 The Board finds that it would be unfair to the people of Tinian to restrict physician assistants  
42 from practicing at THC merely because the Center does not presently have a physician. This  
43 Order provides authority for remote supervision from Saipan. We will not continue the  
44 authority provided in this Order indefinitely but we will continue it for a time.  
45

46 **Ruling and Ordering Paragraphs**

47 The Board having been fully advised in the premises of this matter, for the above-stated  
48 reasons, hereby Orders that:  
49

- 50 1. Mr. Juan B. Pangelinan, Mr. William R. Weiss, and any other CNMI licensed  
51 physician assistant during the period this Order is in effect, may work at the Tinian  
52 Health Center (“THC”), under the supervision of a physician located at a site other than  
53 the same Tinian Health Center  
54

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55
2. Supervision: Dr. Greg Kotheimer, Dr. Shirish Balanchandra, and any other ER physicians at CHC designated by DPH in writing to the Board, as supervising physicians.
  3. Mr. Pangelinan, Mr. Weiss, and any other CNMI licensed physician assistant during the period this Order is in effect, shall submit a new Practice Agreement, which shall be approved by the Board, to address the requirements of this Order, and which shall be signed by both the PA and the supervising physician(s) (fax signatures are acceptable). This agreement must be submitted to the Board no later than Friday, December 3, 2010, by hard copy or electronically, otherwise this Order expires 24 hours later.
  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 21-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 shall review and sign chart notes by January 15, 2011 and shall review/sign all charts for the past two months since the Order went into effect on November 15, 2010.
      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

1 on duty at CHC. The PA must first discuss the case with the ER  
2 physician. If the physician makes a verbal order for a Schedule II  
3 medication it must be appropriately documented in the patient's chart  
4 (as described in "B" above).  
5

6 2. All such prescriptions and chart notes must be presented to the  
7 supervising physician(s) within seven (7) days for co-signature. The PA  
8 shall be limited to prescribing no more than a 7-day supply and there  
9 will be no refills.  
10

11 c. All prescriptions will indicate the quantity of the medication being  
12 prescribed both numerically and alphabetically (e.g., "10" and "ten").  
13

14 6. This Order is valid through the end of the day of February 17, 2011.  
15

16 7. The Board shall review this matter at its next board meeting. THC management  
17 is invited to appear at that meeting and update the Board on its efforts at recruiting a  
18 supervising physician.  
19

20 8. A copy of this Order shall be placed in a public area of the Tinian Health Center.  
21 The Executive Director, or her designee, is directed to do the following in person or by  
22 electronic means:

- 23 a. Serve this Order on the physician assistants;
- 24 b. Serve this Order on the director of the Tinian Health Center;
- 25 c. Serve this Order on the Secretary of the Dept. of Public Health;
- 26 d. Serve this Order on the supervising physicians at CHC's ER;
- 27 e. Have this Order published in the next Commonwealth Register; and
- 28 f. Place this matter on the Board's agenda for ratification at its next board  
29 meeting.  
30

31 A party seeking to appeal this Order is directed to 1 CMC § 9112 (b), which provides for judicial  
32 review of final orders within 30 days in the Commonwealth Superior Court. The Board believes  
33 that this is a final Order.  
34

35 

37 /s/ Leticia Borja, MD  
38 Acting Chair  
39

Dated: 12/20/10

40 /s/ Ahmad Al-Alou, MD, Board Member  
41 /s/ Pam Carhill, MPT, Board Member  
42

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# Commonwealth of the Northern Mariana Islands

## Department of Public Health

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## **PUBLIC NOTICE OF ADOPTION OF EMERGENCY REGULATIONS**

### **EMERGENCY RULES AND REGULATIONS REPEALING AND REENACTING MEDICAL REFERRAL SERVICES RULES AND REGULATIONS GOVERNING THE ADMINISTRATION OF THE MEDICAL REFERRAL PROGRAM**

**EMERGENCY ADOPTION AND IMMEDIATE EFFECT:** The Commonwealth of the Northern Mariana Islands, through the Secretary of Public Health, finds that the attached Medical Referral Services, Emergency Rules and Regulations Governing the Medical Referral Program shall be adopted immediately on an emergency basis because the public interest so requires, for the reasons stated below (1 CMC § 9104(b), (c); 1 CMC § 9105(b)(2)). These emergency regulations shall become effective immediately upon filing with the Commonwealth Register and delivery to the Governor, (1 CMC § 9105(b)(2)), and shall remain in effect for 120 days. (1 CMC § 9104(b)).

**AUTHORITY:** The Department of Public Health (DPH), under 1 CMC §§ 2603 and 2605, is empowered to maintain and improve the health conditions of persons of the Commonwealth and is authorized to adopt rules and regulations regarding those matters over which it has jurisdiction.

1 CMC § 9104(b) of the Administrative Procedure Act provides that:

If an agency finds that the public interest so requires, or that an imminent peril to the public health, safety, or welfare requires adoption of a regulation upon fewer than 30 days notice, and states in writing its reasons for that finding, it may, with the concurrence of the Governor, proceed without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency regulation. The regulation may be effective for a period of not longer than 120 days, but the adoption of an identical regulation under subsections (a)(1) and (a)(2) of this section is not precluded.

**REASON FOR EMERGENCY ADOPTION:** The Emergency Rules and Regulations are essentially identical to the current Rules and Regulations that the Medical Referral Service of the DPH currently operates under along with some modifications. The Proposed Rules and Regulations, as promulgated, will temporarily resolve issues regarding the validity of the current regulations and will modify the current regulations in order to ensure the present and future fiscal viability of the Medical Referral Program.

There is some question as to whether past proposed amendments have been validly incorporated into the current regulations. This has created uncertainty as to whether the Medical Referral Program is being operated in conformity with the law.

The modifications to the current regulations are critical to the present and future fiscal viability of the Medical Referral Program and will help ensure that individuals will be able to receive medical care and treatment unavailable in the Commonwealth. The need for the modifications is immediate as the Medical Referral Program is presently in fiscal dire straits.

Based on the foregoing, the Secretary of Public Health finds that the public interest requires the immediate issuance and adoption of the attached Emergency Rules and Regulations in order to ensure a fiscally viable Medical Referral Program and curtail any threat to the public health and welfare.

**THE TERMS AND SUBSTANCE:** The attached Emergency Rules and Regulations are essentially identical to the current Rules and Regulations that the Medical Referral Service of the DPH currently operates under along with some modifications. The Emergency Rules and Regulations, as promulgated, will temporarily resolve issues regarding the validity of the current regulations and will modify the current regulations in order to ensure the present and future fiscal viability of the Medical Referral Program.

As to unresolved issues regarding the validity of current regulations, there is some question as to whether past proposed amendments have been validly incorporated into the current regulations. DPH, through the attached Emergency Rules and Regulations, will repeal and reenact the entirety of the current rules and regulations located at Title 140, Subchapter 140-10.7, of the Northern Mariana Islands Administrative Code. This is meant to cure any lingering issues as to the incorporation of the past proposed amendments pending notice and adoption of permanent regulations pursuant to 1 CMC §§ 9102, 9104(a), and 9105(b).

As to modifications to the current regulations, DPH proposes a number of amendments as follows:

- Section 4.2(b)(ii), (viii): To clarify and specify required supporting documents.
- Section 4.3(h): To include a category to minimize abuses.
- Section 5.3(a): To change the word “provide” to “assist” and establish three eligibility criteria based on income bracket eliminating the automatic full airfare coverage.
- Section 5.4(a)(ii): To require that all transport nurses be a Registered Nurse (RN) and ACLS Certified. Also, to define the position description as required.
- Section 5.4(b): To require that all approved family escorts contribute and pay 50% of round trip airfare to designated medical facility. Also, to delete the subsistence allowance as specified in section 5.5. On same section, to change the word “shall” to “may” on the approval provision. It also lowers the patient or


designated escort income level from \$70,000 to \$50,000 to qualify for or as an escort.

- Section 5.5: To eliminate the subsistence allowance benefit under the Maintenance Costs section and in all other sections of the Rules and Regulations.
- Section 7.6: To transfer the inter island air transportation cost to the respective Mayor Accounts of Rota, Tinian or the Northern Islands for better control and monitoring.

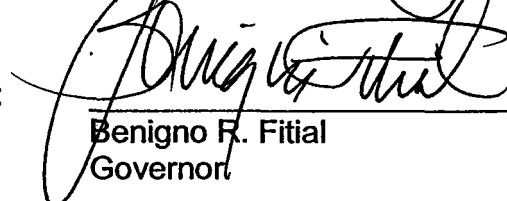
These modifications will help ensure the present and future fiscal viability of the Medical Referral Program.

**DIRECTIONS FOR FILING AND PUBLICATION:** The Secretary of Public Health will take appropriate measures to make these Emergency Rules and Regulations known to the persons who may be affected by them. (1 CMC § 9105(b)(2)).

The attached Emergency Regulations are approved by the Secretary of Public Health on the date listed below.

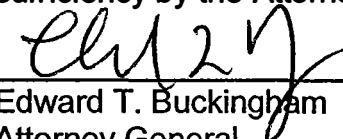
Submitted by:  12-28-10  
Joseph Kevin P. Villagomez  
Secretary of Public Health Date

Received by:  01/24/11  
Esther S. Fleming  
Special Assistant for Administration Date

Concurred by:  1/24/11  
Benigno R. Fitial  
Governor Date

Filed and Recorded by:  01.24.11  
Esther M. San Nicolas  
Commonwealth Register Date

Pursuant to 1 CMC § 2153(e) and 1 CMC § 9104(a)(3), the Emergency Rules and Regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the Attorney General and shall be published. (1 CMC § 2153(f)).

 1-24-11  
Edward T. Buckingham  
Attorney General Date

## **MEDICAL REFERRAL SERVICES**

### **EMERGENCY RULES AND REGULATIONS GOVERNING THE ADMINISTRATION OF THE MEDICAL REFERRAL PROGRAM**

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## **INTRODUCTION**

The criteria and procedures established in these Rules and Regulations for patient medical referrals are designed to provide residents of the CNMI with a means of receiving medical care and treatment, which is not available within the Commonwealth. By sending patients approved for medical referral to established referral health care facilities for extended medical care and specialties and procedures attainable for enhanced patient health. In establishing this Medical Referral Program, it is incumbent upon the CNMI Government to manage the Program's operations to ensure that the health care benefits afforded to residents of the CNMI are provided in a reasonable and equitable manner. It is therefore an objective of these Rules and Regulations to contain the costs of medical referrals by excluding unnecessary referrals, minimizing inappropriate lengths of stay at the referral health care facility, and establishing a cost-sharing mechanism with the patient. The procedures set forth below are essential to a cost-effective health care program.

### **I. MEDICAL REFERRAL PROGRAM**

**1.1** Title 140, Subchapter 140-10.7, as amended, of the Northern Marianas Administrative Code is hereby repealed and reenacted by the following Emergency Rules and Regulations Governing the Administration of the Medical Referral Program.

**1.2** There is hereby established a Medical Referral Program within the Department of Public Health which shall facilitate the referral of patients to recognized referral health care facilities outside the CNMI for extended medical care as set forth in these Rules and Regulations. A list of recognized "referral health care facilities," as referenced throughout these Rules and Regulations is included as Appendix A hereto. Other medical facilities may be only considered if referred by a recognized facility or it specializes in a medical care of an approved patient condition. Financial assistance for medical care outside the CNMI, and related costs, shall be available as provided in these Rules and Regulations to the extent that funds for the program are appropriated by the CNMI Legislature. If in any fiscal year, appropriated funding for the Medical Referral Program is exhausted prior to the end of the fiscal year, the Medical Referral Program shall cease operations until additional funding is appropriated or

reprogrammed for its operations by the current administration.

## **II. Medical Referral Services (MRS)**

There is hereby established Medical Referral Services within the Department of Public Health, which shall be headed by a Medical Referral Services Administrator/Manager appointed by the Secretary of Public Health. The duties and responsibilities of the Medical Referral Services shall include the following:

**2.1.** Assisting the patient's primary care physician to ensure that all necessary non-medical documentation is included with a patient's petition for medical referral prior to the patient's case being submitted to the Medical Referral Committee for review.

**2.2.** Making all arrangements for patient medical referral including verifying that sufficient funds exist to cover any medical referral costs chargeable to the Medical Referral Program, scheduling doctor appointments, arranging for air and ground transportation and accommodations.

**2.3.** Communicating with the other CNMI Referral, Liaison or other Representative Offices to verify and confirm arrangements for a patient's arrival or departure to/from the city where the referral health care facility is located and to obtain continuous updates on the medical status of referral patient.

**2.4** Maintaining records of the names of patients petitioning for medical referral; the patient's diagnosis; patient's approved and denied medical referral; the names of any escorts accompanying patient; the names of the referral health care facility physicians to whom patients are sent; the treatment to be provided to the patients and the costs associated with the medical referrals.

**2.5** Maintaining records of the names of patients including the following: the number of cases considered for medical referral within a fiscal year; the number of cases approved and disapproved; the medical justification for the referrals; the medical justification for the denied cases and the alternatives offered to the patients; the status of patients sent on medical referral; a financial analysis depicting cost based on the medical treatment provided to patients; a summary of the type of cases approved for

medical referral and of the treatment and care provided at the referral health care facility.

**2.6** Reviewing patient medical bills from the referral health care facility providers, verifying the validity of the medical bills and approving for payment those medical bills, which are the financial responsibility of the Medical Referral Program.

**2.7** Prepare Medical Referral Services annual budget for submission to the Secretary of Health.

**2.8** Performing other duties and responsibilities as assigned by the Secretary of Public Health.

### **III. MEDICAL REFERRAL COMMITTEE**

**3.1** **Composition.** There is hereby established a Medical Referral Committee, which shall be comprised of six (6) medical staff voting members appointed by the Secretary of Public Health and licensed by the Medical Profession Licensing Board. A minimum of four (4) of the voting members shall be clinically privileged Commonwealth Health Center (CHC) medical staff, who practice in various specialty areas. Remaining members may be appointed from private clinics. A representative from each of the following Department of Public Health divisions or units shall attend the Medical Referral Committee meetings to facilitate the medical referral process but shall not be voting members of the Committee: Medical Referral Services; Social Services; Utilization Review; Medicaid Office and Vocational Rehabilitation Services. Three (3) voting members must be present to establish a quorum and official business to be conducted. The Secretary of Public Health shall serve as an ex-officio member of the Committee.

**3.2** **Chairperson.** At the beginning of each fiscal year, the Medical Referral Committee shall elect a Chairperson from amongst the CHC medical staff voting members to serve for a one-year term. The Chairperson shall schedule regular meetings of the Medical Referral Committee and advise each voting member and non-voting participant of the date and time of the meeting at least one week prior to the



scheduled date of the meeting. The Chairperson may also call emergency Medical Referral Committee meetings whenever necessary or upon the request of the voting members of the Committee or the Secretary of Public Health.

**3.3 Case Review.** It shall be the sole responsibility of the Medical Referral Committee to screen and evaluate medical cases brought before the Committee on a petition for medical referral, including requests for additional patient treatment not initially authorized and requests from referral health care facility physicians to refer the patient to a second referral health care facility for additional care. After a complete case evaluation the Medical Referral Committee shall determine whether a referral for medical care is warranted.

**3.4 Final Decisions.** Decision of the Medical Referral Committee shall be final, except as provided in Section 6.4 of these Rules and Regulations. This is to ensure that medical referral decisions are based on the medical condition of the patient only.

**3.5 Review of Emergency Medical Referral Cases.** All medical referral cases approved on an emergency basis pursuant to Section 6.2 of these Rules and Regulations shall be reviewed by the Medical Referral Committee at the next regular meeting for assessment of whether the referral was justified. Any referral found to be unjustified by the Medical Referral Committee shall be treated as an unauthorized medical referral and an official notice of the committee's decision must be sent to the referring physician and the concurring MRC member.

**3.6 Modifications to These Rules and Regulations.** Prior to the end of each fiscal year or sooner if circumstances dictates, the Medical Referral Committee shall submit a list of recommended changes to the Medical Referral Program Rules and Regulations, if any, to the Secretary of Public Health.

**3.7 Approval of Reports.** The Medical Referral Committee shall approve all written and financial reports relating to the Medical Referral Program before they are submitted to the Secretary of Public Health, the Governor or the Commonwealth Legislature, when practical.

#### **IV. Program Eligibility**

For a patient to be eligible for consideration for medical referral through the Medical Referral Program each of the criteria set forth in Sections 4.1 and 4.2 must be satisfied:

##### **4.1 Medical Criteria**

(a) The patient must be evaluated by a CNMI licensed physician, who is the primary care provider. Medical specialist visiting the CNMI to provide limited term health care services shall not initiate a patient medical referral.

(b) After a thorough diagnosis of the patient's case and full utilization of the resources available within the CNMI, including consideration of forthcoming visits by medical specialists the primary care physician must determine that the health care services required to satisfactorily treat the patient's illness or condition cannot adequately be provided within the CNMI.

(c) The patient's illness or condition including diagnosis and prognosis must substantiate the need for the medical referral. The primary care physician must be prepared to demonstrate to the Medical Referral Committee that the medical referral would significantly benefit the patient's health outcome.

##### **4.2 Residency Criteria**

(a) The patient must be a United States Citizen residing in the CNMI or other individual who has established legal permanent residence in the CNMI at the time the patient submits a petition for medical referral.

(b) For purposes of these Rules and Regulations "residence" shall mean "the place where a person maintains an abode, with the intention of remaining permanently, or for an indefinite period of time legally." It shall be the responsibility of the patient or patient representative to demonstrate residence in the CNMI to the satisfaction of the Medical Referral Services staff. In determining the residence of a patient, Medical Referral Services staff shall

consider the patient's overall situation in the CNMI, including the following:

- (i) Country of origin and the number of days spent in the CNMI each year;
- (ii) Proof of permanent employment status within the CNMI;
- (iii) Enrollment in a CNMI school;
- (iv) Possession of a valid CNMI driver license;
- (v) A registered CNMI voter
- (vi) Public utilities billings under patient's name
- (vii) CNMI postal address under patient's name;
- (viii) Whether a CNMI Territorial Personal Income Tax Return form 1040-CM and form W-2CM Wage and Tax Statement was filed with the division of revenue and tax, department of finance for prior years;
- (iv) Enrollment in CNMI welfare programs such as the Medicaid, WIC, Food Stamps or Low Income Housing Energy Assistance; and
- (x) Any other evidence considered by Medical Referral Service staff as indicative of permanent residence within the CNMI

#### **4.3. Persons Ineligible for Participation in the Program**

The following categories of persons are ineligible for participation in the Medical Referral Program;

- (a) Non U.S. Citizen;
- (b) Former residents of the CNMI who are no longer residing in the CNMI;
- (c) Persons who have entered the CNMI under tourist, work or student visas;
- (d) Persons who establish residency in the CNMI for the sole purpose of obtaining a medical referral;

- (e) Residents of the CNMI and their dependents who are traveling abroad;
- (f) Residents of the CNMI and/or their dependents who exercise their right to obtain medical care outside the CNMI government health care system and obtain medical care which has not been previously authorized by the Medical Referral Committee; and
- (g) Persons who have entered the CNMI or are residing in the CNMI in violation of Immigration laws.
- (h) Persons who refused treatment on prior referral for same medical diagnosis.

**V. The Medical Referral Program Covered Benefits**

Subject to the payment guidelines set forth in Section 11 of these Rules and Regulations, the Medical Referral Program provides for the following medical, ancillary costs, transportation, escort, and maintenance benefits for a patient authorized for a medical referral:

**5.1. Medical Costs**

- (a) **Inpatient Medical Care.** Inpatient medical care at a referral health care facility for the following health care services:
  - (i) Necessary admission to special units such as intensive care or coronary care;
  - (ii) necessary admissions to the operating room and recovery room;
  - (iii) anesthesia services;
  - (iv) X-rays radiology services, and other such investigatory services;
  - (v) radiation therapy;
  - (vi) blood transfusions;

- (vii) laboratory tests;
- (viii) regular nursing care services;
- (ix) prescribed rehabilitative therapy;
- (x) medical supplies such as casts, surgical dressings and splints;
- (xi) drugs furnished by the referral health care facility during the hospital stay;
- (xii) use of appliances such as wheelchairs;
- (xiii) a semiprivate room (2 to 4 beds to a room);
- (ix) all hospital meals, including those which require special preparation for particular diets.

**(b) Outpatient Care.** Outpatient medical care at a referral health care facility for the following health care services:

- (i) services in an emergency room or outpatient clinic, including ambulatory and surgical procedures;
- (ii) blood transfusions furnished to the patient on an out-patient basis;
- (iii) laboratory tests;
- (iv) X-rays, radiology services and other such investigatory services;
- (v) radiation therapy;
- (vi) medical supplies such as splints and casts;
- (vii) drugs and biological products which cannot be self-administered,

**(c) Professional Fees.** Fee's for professional health care services

specifically authorized by the Medical Referral Committee in the Treatment Authorization form. Professional fees for health care services beyond those approved by the Medical Referral Committee, or for the health care services of medical specialists not listed in the Treatment Authorization Form, are not covered under the Medical Referral Program unless the written authorization of at least two members of the Medical Referral Committee is obtained prior to the rendering of such additional health care services in non-emergency situations.

**5.2. Ancillary Costs.**

**(a) Prescribed Drugs.** Drugs prescribed for the cure, mitigation, or prevention of disease, or for health maintenance if:

(i) Prescribed in writing by a licensed referral health care facility physician, or other referral health care facility licensed practitioner authorized to prescribe drugs under state law;

(ii) dispensed by a licensed pharmacist or licensed practitioner authorized to dispense drugs who records and maintains the written prescription in the pharmacy records; and

(iii) they cannot be dispensed without a prescription (i.e., over-the-counter drugs excluded).

**(b) Durable Medical Equipment.** Durable medical equipment provided by the referral health care facility which is essential for the management of the patient's condition during transfer to the CNMI. Examples of durable medical equipment covered by this subsection are portable oxygen equipment, cardiac monitoring equipment or mechanical ventilators. Such durable medical equipment provided to patients under the Medical Referral Program shall become the property of the Commonwealth Health Center and must be turned over by the patient after it is no longer needed. Patients who fail to deliver to the Commonwealth Health Center any durable medical equipment provided to

them by the referral health care facility after they are no longer using it shall be charged the replacement value for the equipment.

### **5.3 Transportation Costs**

(a) **Air Transportation.** Medical Referral Services to assist on the least expensive round trip air transportation on regular commercial airlines considering the patient's medical condition for travel to the referral recognized health care facility (see Appendix A) as follows:

(i) Patient individually earning over \$50,000 per annum MRS will assist with 0% of air transportation;

(ii) Patient individually earning between \$25,000-\$50,000 per annum, MRS will assist with only 50% of air transportation;

(iii) Patient individually earning below \$25,000 per annum or falls under the indigent level as a family unit, MRS will assist 100% of air transportation;

(b) **Ambulance Transportation.** The cost of medically necessary ambulance transportation for the medical referral patient from the Commonwealth Health Center to the Saipan International Airport; from the city airport in which the referral health care facility is located to the referral health care facility; transport to other health care facility for special treatment not available at designated health care facility and as otherwise approved by the Medical Referral Committee.

**5.4 Patient Escorts.** Medical personnel and/or one family member or close friend to serve as a patient escort in the following situations, as authorized by the Medical Referral Committee:

(a) **Physician, Nurse or Respiratory Therapist Escort.** The Medical Referral Committee, in conjunction with the patient's primary care physician,

shall determine whether it is necessary for a physician escort, registered nurse escort, respiratory therapist escort or two of the above, to accompany the patient to the referral health care facility to ensure adequate medical care in transit. The following guidelines shall be considered by the Medical Referral Committee and the primary care physician in deciding whether a medical escort is needed:

(i) Physician Escorts. A physician escort should accompany a medical referral patient whenever there is a high likelihood that the patient's medical condition could change during the transport and it may be necessary for the physician to make a diagnosis, stabilize the patient, or provide acute treatment for the patient:

(ii) Nurse Escorts. Any medical referral that has been approved by the Medical Referral Committee and that requires a nurse escort must utilize a Registered Nurse who holds a current Advance Cardiac Life Support (ACLS) certification. Patients requiring medical referrals and a nursing escort are in a medically compromised state and must be escorted by nurses capable of handling their medical needs apparent at the time of transport. These medical needs may include, the insertion of an intravenous line, the addition of medication to an IV line, and the administration of narcotics. Per DPH's Position Descriptions, only registered nurses can perform the aforementioned functions. ACLS certification is mandated so that, in the event of an emergency, the registered nurse can provide care to any patient experiencing cardiac arrest. With ACLS certification, the registered nurse should be able to monitor cardiac rhythms, understand and administer appropriate medication, and provide shock treatment, provided proper instruments are available on the transporting vehicle, and the patient is stable and his or her medical condition is unlikely to change.

(iii) Respiratory Therapist Escort. A respiratory therapist escort should accompany a medical referral patient whenever the patient will require respiratory therapist services (e.g., patient in respiratory failure who



requires a ventilator or other breathing assistance), and the patient is stable and his or her medical condition is unlikely to change.

(iv) The patients primary care physician in conjunction with the Director of Medical Affairs and the appropriate Nurse or Respiratory Therapist Supervisor, shall decide which members of the Commonwealth Health Center medical staff, nursing staff and/or respiratory therapist staff shall accompany the patient. In those cases where a physician, nurse, and/or respiratory therapist escort accompany the patient, it shall be such escort's responsibility to:

- (1) Assist and attend to the patient during the flight;
- (2) ensure that the patient's medical documents are turned over to the appropriate personnel from the referral health care facility; and
- (3) ensure that all medical instruments, pillows sheets, and other hospital supplies used during the medical transport are accounted for and returned to the Commonwealth Health Center.

(v) Transport Fees for Physician, Nurse, and Respiratory Therapist Escorts. Physician, nurse, and/or respiratory therapist escorts accompanying the patient on the medical referral shall each be entitled to receive a lump sum transport fee, in lieu of a per diem allotment, for the first 24 hours of travel, based on the location to which the patient is being medically referred. The transport fee, which is intended to cover payment for any hotel accommodations and food required by the physician, nurse and/or respiratory therapist escorts during the transport, shall be based on the following schedule:

- |                 |           |
|-----------------|-----------|
| (1) Guam        | \$175.00* |
| (2) Philippines | \$200.00* |

|                   |                  |
|-------------------|------------------|
| <b>(3) Hawaii</b> | <b>\$250.00*</b> |
| <b>(4) Japan</b>  | <b>\$275.00*</b> |

*\*Same fees if originating from above destinations to CNMI.*

If, because of unavailability of seats on the airline, the physician, nurse and/or respiratory therapist escorts are unable to return to the CNMI within a 24 hour period, they shall then be entitled to receive the standard government per diem allotment for the hours following the first 24 hours of travel.

**(b) Family Escorts.** Fifty percent (50%) of the least expensive round trip air transportation accompanying patient; medically necessary ambulance transportation accompanying patient; accommodations for one non-medical escort, such as a family member or close friend of patient, as provided by these Rules and Regulations. Unless specifically determined by the Medical Referral Committee to be unnecessary, the Medical Referral Committee may approve one medically and physically fit family or friend escort for patient in those cases where the patient is unable to travel independently because of:

- (i) Physical disability, frailty, minor or age;
- (ii) psychiatric disability or mental deficiency;
- (iii) blindness or deafness;
- (iv) language barrier;
- (v) fecal or urinary incontinence requiring the patient to seek assistance to use the toilet;
- (vi) the patients inability to feed himself or herself or to perform other activities of daily living; or
- (vii) the strong possibility that the patient will die at the referral health care facility as a result of the severity of the illness or condition;
- (viii) the patient has been admitted as an inpatient and will be

undergoing major surgery which involves general anesthesia.

If no medical escort accompanies the patient, it shall be the responsibility of the family or friend escort to perform those duties set forth in subsections 5.4(a)(iv)(1)-(3) above. Family escort is responsible to assist and represent the patient at all times if patient is medically not in the capacity to soundly make proper judgment. Patient is not entitled to an escort if either the patient or the intended escort received or earned income is more than \$50,000 in the twelve (12) months immediately preceding the date of approval for medical referral.

## **5.5 Maintenance Costs**

(a) **Accommodations, Ground Transportation.** Accommodations, ground transportation as follows:

- (i) **In-Patient Referrals.** Room and board for in-patients are provided through the referral health care facility.
- (ii) **Out-Patient Referrals.** Out-patients on medical referral shall receive reasonable accommodations not to exceed the contracted rate for the State of Hawaii, and daily ground transportation at \$15.00 where no actual ground transportation is provided.
- (iii) **Patient Escorts.** Authorized family or friend escorts shall receive reasonable accommodations at CNMI government expense, except that whenever possible, the escort shall share a room with the medical referral patient. Authorized family or friend escorts shall be provided daily ground transportation at \$15.00 where no actual ground transportation is provided.

(b) **Right To Refuse Government Room and Board.** Medical referral patients and authorized family or friend escorts have the right to refuse CNMI Government arranged accommodations. However, if a patient and/or family or

friend escort make independent arrangements for accommodations, the CNMI government shall not be liable for any expenses incurred with respect to the accommodations during the medical referral.

## **VI. PROCEDURES FOR MEDICAL REFERRAL**

**6.1 Non-Emergent Referral Cases.** All non-emergent patient cases which may be appropriate for medical referral shall comply with the following procedures:

**(a) Physician Assessment.** Once the patient's primary care physician has made a thorough evaluation of the patient's illness or medical condition and determined that the patient satisfies the medical criteria for medical referral as provided in Section 4.1 of these Rules and Regulations the primary care physician shall discuss the patient's case with the chairperson of the applicable medical department, or if the primary care physician is the chairperson then with another physician in the applicable medical department, to obtain a second opinion on whether the patient's case is appropriate for a petition for medical referral. If both physicians concur that the patient's case should be forwarded to the Medical Referral Committee for review, the primary care physician shall contact the appropriate physician specialist at a referral health care facility to discuss the patient's case and to assess the available treatment at the referral health care facility.

**(b) Medical Referral Documentation.** If, after a complete assessment of the patient's case as specified above in Section 6.1(a), the primary care physician determines that the patient's case is appropriate for a petition for medical referral, the primary care physician shall confirm with Medical Referral Services staff that the patient satisfies the eligibility criteria for medical referral set forth in Section 4.2 of these Rules and Regulations. If the patient is found to be eligible, the primary care physician shall obtain and attached any relevant laboratory and/or X-ray reports, and complete the following forms:

(i) Patient Referral Record

- (ii) Air Travel Medical Form
- (iii) Patient's History and Referral Note
- (iv) Medical Referral Checklist

The primary care physician shall make sure all forms listed above are properly completed with all required signatures, notes are transcribed and signed, other supporting reports, films and test results are attached before submitting to the Medical Referral Office.

(c) **Case Presentation.** The primary care physician shall present the patient's case to the Medical Referral Committee at the next regular Committee meeting. It shall be the responsibility of the primary care physician to present the prepared documentation, explain the patient's illness or medical condition and why medical referral is appropriate and answer any questions raised by the Medical Referral Committee.

(d) **Medical Referral Committee Determination.** The Medical Referral Committee shall consider the primary care physician's presentation, review the documentation, assess whether the patient's condition can be adequately treated with the resources available within the CNMII and decide whether medical referral of the patient is warranted. The decision of the Medical Referral Committee shall be final, except as provided in Section 6.4. The Medical Referral Services Administrator shall promptly advise the primary care physician of the Medical Referral Committee's decision regarding the patient's case. The Medical Referral Services Administrator shall subsequently send written notice of the Medical Referral Committee's decision to the primary care physician for consultation with his/her patient.

(e) **Medical Referral Arrangements.** The primary care physician shall provide the Medical Referral Office staff with the time frame and method for transferring the patient to the referral health care facility. The Medical Referral Service in coordination with other MRS staff responsible for that area shall make all medical, travel, and accommodation arrangements in the city where the

referral health care facility is located. The patient must have a confirmed appointment with the referral healthcare facility physician prior to departing the CNMI. Self arranged referral for an approved medical referral patients in accordance with the committee's approval condition are eligible for reimbursement subject to regular benefits allowed by the rules and regulations upon submission of all original supporting documents.

**(f) Execution of Medical Referral Authorization Documentation.** If the patient's case is approved for medical referral, two voting members of the medical referral committee shall sign the Patient Referral Record. After all arrangement is completed and confirmed, the Medical Treatment Authorization form shall then be forwarded to the Medical Referral Services, Manager and Secretary of Public Health for signature before the patient departs.

**(g) Documents To Be Prepared By Patient.** Prior to the patient's departure from the CNMI, the Medical Referral Service staff shall require the patient, or patient representative, to complete the following forms:

- (i) Release of Liability (four specific types)
- (ii) Treatment Authorization
- (iii) Promissory Note (if applicable)
- (iv) Subrogation of Claims Form (if applicable)
- (v) Power of Attorney (when appropriate)
- (vi) Affidavit By Recipient Of Assistance
- (vii) Indigent Medical Assistance Application (when applicable)
- (viii) Release of Medical Records

(xiv) Indigent Eligibility Certification

**6.2 Emergency Referral Procedures.** In those cases where the primary care physician determines that the patient is in a critical medical condition and must receive emergency medical care which cannot adequately be provided in the CNMI, thereby justifying immediate evacuation of the patient to the referral health care facility, the following procedures shall be followed:

(a) **Expedited Approval.** The patient's primary care physician, after consultation and obtaining at least one of the voting Medical Referral Committee member's approval, may refer the patient without the case being reviewed by the full Committee.

(b) **Notice to Referral Health Care Facility.** The primary care physician shall contact the appropriate physician specialist or another available physician, at the referral health care facility to report the imminent patient referral and to discuss the clinical details of the patient's case. When required, the primary physician must also coordinate with Medical Referral Service staff for administrative approval at such facility.

(c) **Medical Referral Documentation.** The primary care physician shall prepare the forms required to be completed with all supporting documents attachment such as films, lab reports and others as set forth in Section 6.1(b).

(d) **Medical Referral Arrangements.** Medical Referral Service staff shall immediately contact the commercial airline's office or a travel agency to make the referral patient's travel arrangements. Copies of the CNMI government travel request and travel authorization shall be delivered to the commercial airline or travel agency as soon as possible. Medical Referral Service staff shall send a Travel Advisory to the Medical Referral Service Coordinator or Representative in the city where the referral health care facility is located to include the following; patient's name, sex, age, diagnosis, flight number, estimated time of arrival, and whether an ambulance stretcher, and/or other supportive devices required upon arrival. Any medical and/or family escort

names must also be included on the travel advisory.

(e) **Funding Approval.** Travel Authorizations for patient emergency medical referral during non-working hours shall be executed by the Secretary of Public Health next business day following the emergency medical referral.

(f) **Medical Evacuation.** If an emergency medical referral is necessary and commercial airline transportation is unavailable, the Medical Referral Manager or his designee, in his discretion, may contact the United States Coast Guard, Navy or Air Force on the Territory of Guam or the State of Hawaii. Before contacting any of the United States Armed Forces, the Medical Referral Manager or designee must ensure that:

(i) The medical case involves an immediate life-threatening situation;

and

(ii) that there will be no commercial flight available for transport in the time period specified by the primary care physician for medical referral.

Once the Medical Referral Manager or its designee contacts one of the divisions of the U.S. Armed Forces requesting assistance on a medical referral case, the primary care physician must be available to provide the Officer-In-Charge of the U.S. Armed Forces contacted, or Chief Military Medical Officer with the details of the medical case and the requirements for the evacuation. The Medical Referral Manager or designee, shall advise the Secretary of Public Health about the details of all emergency medical evacuation cases at the earliest and reasonable time.

**6.3 Approval for Medical Referral:** All medical referrals to health care facilities outside the CNMI must receive prior approval from the Medical Referral Committee. An otherwise eligible person who is already receiving medical care at a CNMI Medical Referral Program approved facility/provider will not be disqualified from prospective or



future medical referral benefits simply because he or she does not return to Saipan first. Instead, the Medical Referral Committee will evaluate the request at the point in time made as to prospective or future benefits only. Benefits will not be paid retroactively, i.e. for periods of time prior to application and Medical Referral Committee approval. No other eligibility or Medical Referral program requirements are affected by this change in the regulations. Prospective or future limited accommodation benefit may be authorized for self referral patients who otherwise would be eligible under the medical referral program. The medical care to be delivered must meet all other medical referral standards, including but not limited to, that the medical care cannot be provided in the CNMI. A patient already on medical referral at a referral health facility may not be transferred to a second referral health care facility without the express authorization of the Medical Referral Committee, except in cases of emergencies. In all cases, the attending physician at the approved referral center/provider must communicate directly with the patient's CNMI attending physician.

**6.4 Denial of a Presented Referral Case.** If a patient's medical referral petition is denied by the Medical Referral Committee, the Medical Referral Manager shall inform the primary care physician of the Committee's decision. If the referring physician is not satisfied with the committee's decision, he or she may submit the patient's case for reconsideration at the next Committee meeting, provided additional facts are added for discussion.

## **VII. TRANSFERS FROM ROTA, TINIAN, AND THE NORTHERN ISLANDS**

**7.1 Medical Transfer from Rota, Tinian and the Northern Islands.** All residents of Rota, Tinian, and the Northern Islands in need of medical care or follow-up medical appointments which cannot be adequately provided at the Rota Health Center, Tinian Health Center, or the Northern Islands medical facility; respectively shall be transferred to the Commonwealth Health Center or Private Health Providers on Saipan. If the patient is in need of additional medical care which cannot be provided at the Commonwealth Health Center the case shall be presented to the Medical Referral Committee for evaluation as set forth above in Section 6.

**7.2 Emergency Evacuation From Rota.** Notwithstanding Section 6.3 of these Rules and Regulations and because of the Rota Health Centers proximity to the Territory of Guam, the Rota resident physician may request that emergency medical cases be evacuated directly to a Guam referral health care facility after confirming through a member of the Medical Referral Committee that the required medical services cannot be provided at the Commonwealth Health Center. Any such emergency referral directly to a Guam referral health care facility must be authorized by the Secretary of Public Health, or in his absence, by an Emergency Department physician prior to the patients transfer.

**7.3 Authority To Transfer.** Only a CNMI licensed physician, or in the absence of a CNMI licensed physician, another licensed medical professional authorized by the Resident Director of the health center to make medical transfer decisions, may approve the transfer of patients from the Rota Health Center, Tinian Health Center, or Northern Islands medical facility to the Commonwealth Health Center. No other individual, regardless of office or title, may authorize the transfer of a patient from Rota, Tinian, or the Northern Islands to the Commonwealth Health Center.

**7.4 Responsibility For Payment of Medical Care.** Residents of Rota, Tinian, Saipan, and the Northern Islands are equally responsible for the payment of medical bills they incur for medical services rendered to them. All medical bills incurred by residents of Rota, Tinian, and the Northern Islands while patients at the Commonwealth Health Center, that are not covered by health care financial support or a third-party payer, shall be the financial responsibility of the patients.

**7.5 Room and Board.** Patents transferred from the Rota Health Center, the Tinian Health Center, or the Northern islands medical facility to the Commonwealth Health Center for out-patient services may be provided a room at the Rota/Tinian Guest House, depending on availability, and meal tickets redeemable at the Commonwealth Health Center cafeteria. Meal tickets shall be issued by the Medical Referral Service Office. Room and Board not covered by health care financial support or a third party payer, shall be the financial responsibility of the patient.

**7.6 Airline Transportation and Escorts.** Rota, Tinian or the Northern Island

Mayors Offices respectively shall be responsible for the cost of airline transportation from Rota, Tinian, or the Northern Islands to the Commonwealth Health Center for authorized transfers. The respective Mayor offices shall be responsible for the cost of a medical and/or family escort in accordance with the criteria set forth in Section 5.4 of these Rules and Regulations.

#### **VIII. FOLLOW-UP MEDICAL APPOINTMENTS**

Medical referral patients are not automatically entitled to a follow-up medical appointment at a referral health care facility. Patient petitions for follow-up appointments shall be treated the same as initial petitions for medical referral, and shall be subject to the same standards and procedures as an initial medical referral.

#### **IX. MEDICAL REFERRAL PROGRAM EXCLUSIONS**

The following charges shall be excluded from coverage under the Medical Referral Program, and shall be the financial responsibility of the patient:

**9.1** Any charges related to medical treatment or care which could have been adequately provided at the Commonwealth Health Center.

**9.2** Any charges for occupational diseases or injury that are covered by workmen's compensation benefits.

**9.3** Any charges incurred at a Veterans Administration facility except in emergency situations.

**9.4** Any charges related to health care services provided by a government-funded public health program.

**9.5** Any charges incurred for personal comfort items, including telephone, radios, private housing accommodations, movie and car rental.

**9.6** Any charges related to nursing home-type care provided by an institution not

qualified as a hospital under state law.

**9.7** Any charges related to cosmetic surgery except as required for repair of catastrophic injury or congenital malformation.

**9.8** Most charges related to organ transplant surgery.

**9.9** Any charges related to a patient obtaining a second opinion on a recommended treatment or procedure.

**9.10** Any charges related to medical treatment, rendered for investigatory or experimental purposes, or medical treatment for which there is no established benefit to the patient's health.

**9.11** Any charges for medical care not authorized by the Medical Referral Committee or charges for medical care provided by a facility or provider other than a recognized referral health care facility.

**9.12** Other tertiary services that may be identified by the Medical Referral Committee as so expensive as to impact the overall financial integrity of the Medical Referral Program.

**9.13** Any charges specifically excluded or limited by other policies of the Department of Public Health.

## **X. HUMANITARIAN AND EMERGENCY PROVISIONS**

In the event a person who would be ineligible for medical referral pursuant to Section 4.2 of these Rules and Regulations is found by his or her primary care physician to require an emergency medical referral, the Medical Referral Committee may authorize Medical Referral Service to assist with the arrangements for medical care to be provided outside the CNMI. However, such patient or responsible party shall be required to pay for any medical referral

related costs incurred by the Medical Referral Program.

## **XI. REFERRAL FEES**

**11.1 Payment of Medical Referral Costs.** The Medical Referral Program is the payer of last resort. Prior to departing the CNMI, every patient approved for medical referral or patient representative, shall provide the Medical Referral Service staff with proof of any and all health care financial support and/or third-party payers, such as a health insurance identification card, Medicaid identification card, or Medicare claim card, that are responsible for providing financial coverage for the costs associated with the patient's medical referral. Medical referral patients, or their representative, shall also execute a subrogation of claims form prior to their departure from the CNMI, authorizing the Medical Referral Service, through the Office of the Attorney General, to pursue any legal claims on behalf of the patient against third parties who may be liable for payment of the medical referral costs,

Medical Referral Service shall presume that the following entities or individuals are responsible for the costs associated with the patient's medical referral:

(a) **Recipients of Benefits from Medicaid, Medicare Vocational Rehabilitation or Other Government Assistance Programs:** 100% of the program coverage for the medical, ancillary, transportation, escort, and maintenance costs incurred in connection with the patient's medical referral shall be paid by the appropriate Federal and/or CNMI government program. Air transportation for federal program recipients is covered up to the States of California, Oregon and Washington. Any amount not covered by the government program shall be the patient's financial responsibility, except as provided in Section 11.1(f).

(b) **Health Care Insurance:** 100% of policy limit coverage for medical, ancillary, transportation, escort, and maintenance costs incurred in connection with the patients medical referral as provided pursuant to the terms and conditions of the patient's health care insurance policy shall be paid by the insurance company (including HMO's and PPO's). If a patients health care insurance policy does not cover air transportation costs to the referral health care facility and maintenance costs, the Medical Referral Program shall pay

these costs as provided in Sections 5.3 and 5.5 of those Rules and Regulations. Except that in those cases where an insurance company prefers to make independent arrangements for its members' medical referral, the Medical Referral Program shall only be responsible for air transportation and maintenance costs up to the equivalent level of such cost for a medical referral to the State of Hawaii. Any amount not covered by the patient's health care insurance policy or this subsection shall be the patient's financial responsibility, except as provided in Section 11.1(f).

(c) **Nonresident Worker Health Medical Coverage.** The employer as provided by the Nonresident Workers Act, 3 CMC §4437(c) shall be 100% responsible for all expenses incurred in connection with the patient's medical referral. Medical Referral Services will only assist in coordination and logistics.

(d) **Third Party Acts Against A Patient.** The Medical Referral Service Office, with the assistance of the medical referral patient, shall use its best efforts to collect the costs incurred in connection with the patient's medical referral from any of the following:

- (i) any third-party found guilty of a physical crime against the patient which resulted in the patient's need for medical referral;
- (ii) any third-party tortfeasor whose actions injured the patient and resulted in the patient's need for medical referral; or
- (iii) such third-party's insurance company.

(e) **No Responsible Third-Party Payer.** 100% of the medical, ancillary and escort costs incurred in connection with the patient's medical referral shall be the patient's financial responsibility, or if the patient is a minor, then the financial responsibility of a chargeable adult, except as provided in Section 11.1(f). The Medical Referral Program shall pay the air transportation costs to the referral health care facility and maintenance costs, as provided in Sections 5.3 and 5.5 of these Rules and Regulations.

**(f) Exceptions For Indigent Patients.** The Medical Referral Program shall pay the applicable percentage of the medical referral costs for which an indigent patient is personally liable whenever the patient is able to establish to the satisfaction of the Medical Referral Service staff that he or she falls within the indigent standards set forth below:

(i) The Medical Referral Program shall pay 100% of the medical and ancillary costs, and 100% of the transportation, escort, and maintenance costs associated with the medical referral for those patients whose family gross income from all sources falls within the following levels:

| <b><u>Family Size*</u></b> | <b><u>Maximum Annual Income<sup>1</sup></u></b> |
|----------------------------|---|
| <b>1</b>                   | <b>\$15,575</b>                                 |
| <b>2</b>                   | <b>\$ 20,950</b>                                |
| <b>3</b>                   | <b>\$ 26,325</b>                                |
| <b>4</b>                   | <b>\$ 31,700</b>                                |
| <b>5</b>                   | <b>\$ 37,075</b>                                |
| <b>6</b>                   | <b>\$ 42,450</b>                                |
| <b>7</b>                   | <b>\$ 47, 825</b>                               |

**\*For family units of more than 7 members, add \$4,300 for each additional member.**

(ii) The Medical Referral Program shall pay 75% of the medical and ancillary costs, and 100% of the transportation, escort, and maintenance costs associated with the medical referral for those patients whose family gross income from all sources falls within the following levels:

---

<sup>1</sup> Maximum annual income levels are based on 125% & 150% respectively of the 2009 Poverty Level Guidelines for the State of Hawaii as measured by the Consumer Price Index, and are the levels published in the Federal Register in January 23, 2009 (volume 74, number14) by the Secretary of the Department of Health & Human Services, centers for Medicaid and Medicare Services pursuant to the Omnibus budget Reconciliation Act (OBRA) of 1981, §652 and §673(2),

| <u>Family Size*</u> | <u>Maximum Annual Income</u> |
|---------------------|------------------------------|
| 1                   | \$ 18,609                    |
| 2                   | \$ 25,140                    |
| 3                   | \$ 31,590                    |
| 4                   | \$ 38,040                    |
| 5                   | \$ 44,490                    |
| 6                   | \$ 50,940                    |
| 7                   | \$ 57,390                    |

**\*For family units of more than 7 members, add \$6,020 for each additional member.**

(iii) Any amount not covered by the Medical Referral Program shall be the financial responsibility of the patient or responsible party for minor patient.

(iv) The patient or patient representative, shall have the burden of providing the Medical Referral Office staff with verifiable documentation regarding the patient and the patients family unit, (such as filed family income tax returns, wage and salary forms for employed family members, and applications for family enrollment in public assistance programs), that establish that the patient and the patient's family unit fall within the indigent levels set forth above, and that the patient is thus eligible for financial assistance through the Medical Referral Program. The Medical Referral Service staff shall include the documentation provided by the patient to establish indigent eligibility in the patients medical referral file. Medical Referral Service shall be prepared to demonstrate to the Secretary of Public Health, the Governor, and/or the Legislature, upon request, that the patient satisfactorily established that he or she was Indigent, and required financial support to pay the medical referral cost.

**11.2 Assignment of Rights.** Every patient approved for medical referral shall assign any and all rights he or she may have to health care financial support or other



third-party payments to the Medical Referral Office up to the amount of the medical referral costs, and shall use his or her best efforts to secure such financial assistance for the entire medical referral costs. If, at any time, a medical referral patient receives a direct reimbursement from an insurance company or other third-party payer for medical bills arising from an authorized medical referral, such patient shall immediately endorse such payment to Medical Referral Service for deposit in the Medical Referral Program account.

### **11.3 Utilization Review.**

(a) All medical bills incurred by a patient at the referral health care facility shall be subject to utilization review by the appropriate Commonwealth Health Center staff or contracted personnel. In those cases where a patient is referred to a referral health care facility in the State of Hawaii, it shall be the primary responsibility of the utilization review personnel employed by the Medical Referral Service to review the medical treatment and care provided to the patient, and to audit the medical bills prior to their payment by Medical Referral Service.

(b) If, during utilization review it is determined that:

(i) A patient is receiving, or has received, health care services which are unnecessary or are unauthorized by the Medical Referral Committee;

(ii) the patient's stay in the hospital has been unnecessarily extended;

(iii) irregularities or inconsistencies exist in the patient's medical bills;  
or

(iv) there are other factors regarding patient care which may compromise the financial integrity or managed health care policy of the Medical Referral Program, such personnel or nurse performing the utilization review shall immediately notify Medical Referral Services Administrator in writing of the situation. The Medical Referral

Administrator, in conjunction with the Secretary of Public Health, shall promptly notify the referral health care facility in writing about the conclusions reached in the utilization review report regarding the specific charges for unauthorized or inappropriate services and advise the facility that the Medical Referral Program shall not be responsible for such charges.

**11.4 Lifetime Cap.** The Medical Referral Program shall pay expenses incurred for medical referral up to a lifetime limit of Fifty Thousand Dollars (\$50,000.00) per patient unless a case is certified by the Medical Referral Committee as catastrophic, then the lifetime expenditure limit may be increased not to exceed double the lifetime limit. Transportation costs for the referral patient and any authorized escort, maintenance expenses for patients receiving outpatient treatment, and maintenance expenses for an authorized escort shall not be included in the calculation of the patient's total lifetime limit of Fifty Thousand Dollars.

## **XII. LIMITED GOVERNMENT LIABILITY**

**12.1. Statutory Exemption.** As provided in 7CMC §2204(d) of the Commonwealth Code, the CNMI Government shall not be liable for any claim arising from the Medical Referral Committees denial of or failure to make, a medical referral to a medical facility outside the CNMI.

**12.2. Medical Referral Program Not Responsible For Unauthorized Services.** The Medical Referral Program shall not be responsible for the medical, ancillary, transportation, escort or maintenance costs incurred by a patient whose off-island medical care was not authorized by the Medical Referral committee. Similarly, the Medical Referral Program shall not be responsible for the post of medical or health care services rendered to a patient at a health care facility or by a health care provider recognized by the Medical Referral Committee.

## **XIII. PENALTIES FOR VIOLATIONS OF THESE RULES AND REGULATIONS**

Any person found by the Department of Public Health to have violated these Rules and

Regulations shall be liable for either;

- (a) A civil penalty of up to \$1,000.00; or
- (b) The costs incurred by the Medical Referral Program as a result of the violation whichever is greater, and court costs and attorneys fees incurred by the CNMI government in collecting such penalty incurred costs, for each violation of the Rules and Regulations.

**XIV. Severability**

If any provision of these Rules and Regulations 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 these Rules and Regulations or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

## Appendix A

For purposes of these Rules and Regulations, the following health care facilities, and those health care providers and ancillary care providers associated with those facilities, shall be recognized referral health care facilities for medical referral patients from the CNMI:

### TERRITORY OF GUAM

Cancer Center of Guam  
Dededo Polymedic Clinic  
Dr. Byungsoo Kim  
Good Samaritan Clinic  
Guam Memorial Hospital  
Guam Pacific Medical Clinic  
Guam Seventh Day Adventist Clinic  
Guam Eye Clinic  
Guam Medical Imaging Center  
Guam Public Medical Clinic  
Guam Radiology Consultants  
Guam Pacific Medical Group  
Guam Surgi Center  
Guam Surgical Group  
Hafa Adai Specialist  
Island Eye Center  
Island Surgical Center  
Island Cancer Center  
Naval Hospital Guam  
Pacific Medical Group  
Pacific Hand Surgery Center/Otho Ass.  
Pacific Surgical Arts

### STATE OF CALIFORNIA

Anaheim Memorial Hospital  
California Pacific Medical Center\*  
Children's Hospital of Los Angeles  
Good Samaritan Hospital, Los Angeles  
Rady Children's Hospital(San Diego)\*  
UCSD  
UCSF  
UCLA

### STATE OF HAWAII

Cancer Institute of Maui  
Castle Medical Center  
Hawaii Medical Center (St. Francis)  
Kahi Mohala (mental Health)  
Kapiolani Medical Center\* (PIMS)  
Kaukini Medical Center  
Pacific Cardiology  
Queens Medical Center  
Renal Treatment Center  
Rehabilitation Hospital of the Pacific  
Shriner's Hospital For Crippled Children  
Straub Clinic and Hospital (PIMS)  
Tripler Army Medical Center

### REPUBLIC OF THE PHILIPPINES

Asian Hospital and Medical Center  
Makati Medical Center  
Medical City Hospital  
Philippine General Hospital  
Saint Luke's Medical Center

### STATE OF TEXAS

The Brown Schools of Central Texas\*  
(San Marcos Treatment Center,  
Health Care Rehabilitation Center, etc.  
MD Anderson Cancer Center

### JAPAN

Aichi Children's Hospital\*  
Fukushima Memorial Hospital\*  
Nagoya City University Hospital

**\*Referral to these referral health care facilities shall be authorized only for Infant heart surgery, kidney transplant, or other highly sophisticated surgical procedures as substantiated and approved by the Medical Referral Committee**

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

Richard S. Villagomez, Administrator  
1<sup>st</sup> 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](mailto:administrator01@nmiretirement.com)

**PUBLIC NOTICE OF EMERGENCY REGULATIONS  
WHICH ARE AMENDMENTS TO THE ADMINISTRATIVE RULES AND REGULATIONS OF THE  
NORTHERN MARIAN ISLANDS RETIREMENT FUND**

**ADOPTION OF EMERGENCY RULES AND REGULATIONS:** The Board of Trustees (“Board”) of the Northern Mariana Islands Retirement Fund (“NMIRF”), Commonwealth of the Northern Mariana Islands, adopted the attached emergency amendments to the Administrative Rules and Regulations Governing the Northern Mariana Islands Retirement Fund, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(b) at their Regular Board Meeting of December 17, 2010.

**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).

**THE TERMS AND SUBSTANCE:** These amendments further amend the amendments Adopted at 29 Com. Reg. 26676 (July 18, 2007); Amdts Proposed 29 Com. Reg. 26561 (June 18, 2007); Amdts Adopted 28 Com. Reg. 25536 (Mar. 30, 2006); Amdts Proposed 27 Com. Reg. 25353 (Dec. 30, 2005); Amdts Proposed 27 Com. Reg. 25043 (Oct. 24, 2005); Amdts Adopted 16 Com. Reg. 12439 (Sept. 15, 1994); Amdts Proposed 16 Com. Reg. 11874 (May 15, 1994); Amdts Adopted 16 Com. Reg. 12323 (Aug. 15, 1994); Amdts Proposed 16 Com. Reg. 11921 (June 15, 1994); Amdts Adopted 16 Com. Reg. 11694 (Feb. 15, 1994); Amdts Proposed 15 Com. Reg. 11162 (Dec. 15, 1993); Correction Adopted 15 Com. Reg. 10820 (Sept. 15, 1993); Amdts Adopted 15 Com. Reg. 10571 (Apr. 15, 1993); Amdts Proposed 14 Com. Reg. 10203 (Dec. 15, 1992); Adopted 12 Com. Reg. 7444 (Nov. 15, 1990); Adopted 11 Com. Reg. 6624 (Nov. 15, 1989); Proposed 11 Com. Reg. 6298 (July 15, 1989).

**THE SUBJECTS AND ISSUES INVOLVED:** These emergency amendments to the administrative rules and regulations, by modifying the definition of “accredited institution of higher learning” provide a mechanism to restore recognition of degrees earned at foreign institutions for purposes of awarding education service credit to members of the Defined Benefit Plan that earned such degrees prior to the repeal of the education service credit by P.L. 13-60, effective December 5, 2003, while clarifying how the Fund will determine if such a degree is the equivalent of a similar U.S. degree.

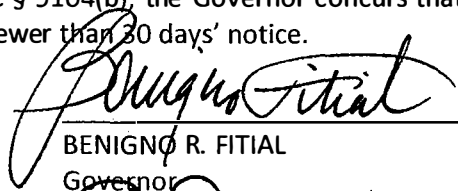
The Board further finds that the public interest and this imminent peril to the public health and welfare mandates adoption of these emergency amendments to restore a process which was erroneously removed by prior amendments to the regulations.

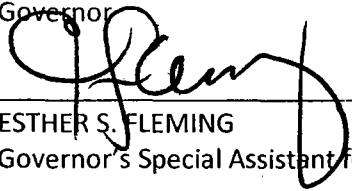
**EMERGENCY REGULATIONS IN EFFECT FOR 120 DAYS:** The Board has followed the procedures of 1 CMC § 9104(b) and (c) to adopt these emergency amendments to regulations, which shall be in effect immediately upon publication and remain in effect for 120 days thereafter.


**DIRECTIONS FOR FILING AND PUBLICATION:** These Emergency Amendments to Rules and Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (pursuant to 1 CMC § 9102(a)(1)).

Submitted by:  1/4/2011  
SIXTO K. IGISOMAR  
Chairman, Board of Trustees NMIRF  
Date

Pursuant to 1 CMC § 9104(b), the Governor concurs that the public interest requires adoption of these regulations upon fewer than 30 days' notice.

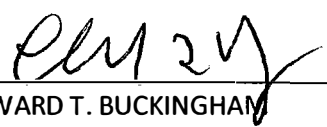
Concurrence by:  1/6/2011  
BENIGNO R. FITIAL  
Governor  
Date

Received by:  01/06/11  
ESTHER S. FLEMING  
Governor's Special Assistant for Administration  
Date

Filed and Recorded by:  01.20.11  
ESTHER M. SAN NICOLAS  
Commonwealth Register  
Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) the Emergency Amendments to Rules and Regulations attached hereto have been reviewed and approved as to form by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).

Dated this 24 day of JANUARY, 2011.

  
EDWARD T. BUCKINGHAM  
Attorney General

**EMERGENCY AMENDMENTS TO THE  
ADMINISTRATIVE RULES AND REGULATIONS OF THE  
NORTHERN MARIANA ISLANDS RETIREMENT FUND**

**Amendments to PART 2. DEFINITIONS: Section 2.01 Applicability  
[Codified as NMIAC § 110-10-010]:**

2.01. ***Applicability.*** The words and terms as used in these rules and regulations shall have the meanings indicated and shall include the plural unless the context clearly indicates otherwise. The definitions herein provided shall supplement the Public Laws referenced in Section 1.02 [NMIAC § 110-10-010]

(a) **“Accredited Institution of Higher Learning”** means an institution of higher learning that is either:

(1) Located in the United States of America, its commonwealths, possessions, or territories, that in the Fund's judgment, has official authority to provide accreditations and has met established standards of quality. is included on the U.S. Department of Education's Database of Accredited Postsecondary Institutions and Programs; or [ NMIAC § 110-10-010(a)]

(2) Located outside the United States of America, its commonwealths, possessions, or territories, but for which an expert recommendation regarding United States Educational Equivalency to an associates or bachelors degree has been obtained from a credential evaluation service organization that is a member of either the Association of International Credential Evaluators (AICE) or the National Association of Credential Evaluation Services (NACES), provided that:

(i) the recommendation is sent directly to the NMI Retirement Fund by the expert and arrives in a sealed envelope; and

(ii) the cost of obtaining such a recommendation is paid by the member applying to receive the Education Service Credit.

**[Remainder of subsection unchanged.]**



**Commonwealth of the Northern Mariana Islands  
Scholarship Office**

Caller Box 10007, Saipan, MP 96950  
Tel: (670) 664-4750 Fax: (670) 664-4759 Email: [cnmieap@cnmischolarship.com](mailto:cnmieap@cnmischolarship.com)

**PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS  
To Implement the Provisions of the CNMI Honor Scholarship Act, 3 CMC § 1342.**

**INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS:**

The Commonwealth of the Northern Mariana Islands, Scholarship Advisory Board, intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Regulations will become effective 10 days after compliance with 1 CMC §§ 9102 and 9104(a). (1 CMC § 9105(b)).

**AUTHORITY:** The Scholarship Advisory Board is authorized to promulgate regulations pursuant to Executive Order 94-3, Sec. 211 and 3 CMC §§ 1341 - 1343.


**THE TERMS AND SUBSTANCE:** The Proposed Regulations implement the provisions of the CNMI Honor Scholarship Act, 3 CMC § 1342. The Scholarship Act established annual scholarships for selected students to attend college in the CNMI or the United States and provided a mechanism for the awarding of these scholarships. The Proposed Regulations repeal and replace the Honor Scholarship Program For Post Secondary Education Rules and Regulations, NMIAC § 75-20.2.

**THE SUBJECTS AND ISSUES INVOLVED:** The Proposed Regulations cover: definitions for implementing the CNMI Scholarship Act; the application process including documents to be submitted; the selection criteria and how it is applied; the scholarship award, maintenance, and conditions; and the appeal process.


**DIRECTIONS FOR FILING AND PUBLICATION:** These Proposed Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1)) and posted in convenient places in the civic center and in local government offices in each senatorial district, both in English and in the principal vernacular. (1 CMC § 9104(a)(1)).

**TO PROVIDE COMMENTS:** Send or deliver your comments to Merissa S. Rasa, Scholarship Administrator, at the above address, fax or email address, with the subject line "Proposed Regulations". Comments are due within 30 days from the date of publication of this notice. Please submit your data, views or arguments. (1 CMC § 9104(a)(2)).

These proposed regulations were approved by the Chairman of the Scholarship Advisory Board on the August 23, 2010.

Submitted by:   
Carolyn P. Honson  
Chairperson,  
Scholarship Advisory Board

12/30/2010  
Date

Received by:   
ESTHER S. FLEMING  
Governor's Special Assistant  
for Administration

01/24/11  
Date

Filed and  
Recorded by:   
ESTHER M. SAN NICOLAS  
Commonwealth Register

01.24.11  
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).

Dated this 29 day of JANUARY, <sup>2011</sup>2010.

  
EDWARD T. BUCKINGHAM  
Attorney General

# **RULES AND REGULATIONS GOVERNING THE CNMI HONOR SCHOLARSHIP PROGRAM**

## **PURPOSE**

These Regulations implement the provisions of the CNMI Honor Scholarship Act, 3 CMC § 1342. They repeal and replace the Honor Scholarship Program For Post Secondary Education Rules and Regulations, NMIAC § 75-20.2. They are promulgated pursuant to, and in accordance, with the Supreme Court Order in *Calvo v. Northern Mariana Islands Scholarship Advisory Board*, 2009 MP 2.

## **1. DEFINITIONS FOR IMPLEMENTING PUBLIC LAW 14-37.**

- 1.1. **CUMULATIVE GRADE POINT AVERAGE:** The Grade Point Average for all terms combined. The recipient must have a 3.00 cumulative GPA on a 4.00 scale at the end of each school year.
- 1.2. **FULLTIME STATUS:** Twelve (12) credits per enrollment period. Courses that are repeated will not be counted as fulfillment of a student's full-time enrollment status.
- 1.3. **PROBATION:** A condition placed on a student who failed to comply with the statutory requirement or in any of the Rules and Regulation promulgated by the Scholarship Advisory Board.
- 1.4. **TERMINATION:** Discontinued from the program.
- 1.5. **SAT:** Scholastic Achievement Test
- 1.6. **ACT:** American College Testing

## **2. APPLICATION**

- 2.1. All Applications and required documents must be received by the CNMI Scholarship Advisory Board, Office of the Governor, on or before June 30<sup>th</sup> of the year for which the scholarship is to be commenced.

*NOTE: If the Deadline falls on a weekend or a holiday, deadline will be on the next working day.*

- 2.2. The required documents include, but are not limited to: a) an official high school transcript, inclusive of the last quarter's 12<sup>th</sup> grade; b) a letter of acceptance from an accredited college or university; c) proof of compliance with statutory requirements, as demonstrated by, but not limited to d) Scholastic Achievement Test (SAT) and/or American College Testing (ACT), two letters of recommendation, a description of extra curricular activities, and proof of citizenship and residency such as a U.S. passport, parents' CNMI tax forms, CNMI voter registration, or other similar documents deemed acceptable or appropriate to the Scholarship Advisory Board.
- 2.3. At the beginning of each academic year on-going recipients must submit all the required documents to maintain their scholarship.

## **3. SELECTION CRITERIA**

3.1. The Scholarship Advisory Board shall meet after July 15<sup>th</sup> for the purpose of selecting the scholarship recipients.

3.2. The Scholarship Advisory Board shall review and evaluate the applications of applicants using the criteria established by law and those imposed by the NMI Supreme Court.

3.2.1. Applicants must be a U.S. citizen or a U.S. National.

3.2.2. Applicants must be newly high school graduates who have attained a combination of Highest Cumulative Grade Point Average and highest SAT and/or ACT score. In addition, applicants' extra-curricular activities, difficulty of courses taken and at least two letters of recommendation will be used in the selection process.

**Process of Ranking Scholarship:**

1. 80% of the rank will be determined by the applicants' cumulative grade point average and difficulty of courses. The Scholarship Advisory Board ("SAB") has determined that the public/private education system in the NMI is valid in that all high schools in the NMI are accredited. Moreover, all high schools in the NMI allow their students to take Advanced Placement (AP) or honors courses. These courses allow students who wish to take more difficult courses to be rewarded via a higher Cumulative Grade Point Average. This is so because all schools in the NMI give students who take AP or honors course receive grades on a five point scale instead of the traditional 4 point scale. The SAB rejects the process of norming GPA's because this would fail to distinguish students who took AP or honors courses and those students who did not. The Board has studied the problem and believes this is the best way to incorporate the difficulty of a students' coursework. Students will be ranked according to their cumulative grade point average from highest to lowest with the highest-ranking student receiving a "one."
2. 14% of the rank will be determined by the single highest total SAT or ACT score that the applicant received on a given testing day. Scores may not be combined. ACT scores will be converted to an equivalent SAT score. Students will be ranked according to their highest total SAT (or converted ACT) score from highest to lowest with the highest-ranking student receiving a "one."
3. 3% of the rank shall be determined by the student's extra-curricular activities. Prior to the SAB meeting, the student's extra-curricular activities will be separated from any identification markers. The individual Board members will then judge the extra-curricular activities on a scale of "one," "two," or "three." Outstanding extra-curricular activities shall receive a "one," average activities shall receive a "two" and subaverage activities shall receive a "three." Each Board member voting shall make their own decision based on years of service and the nature thereof. Compensated extra-curricular activities shall not be considered. Upon each member awarding the total activities a "one," "two," or "three," the high and low score shall be discarded and the average of all

scores shall be determined. All averages shall be rounded to the nearest whole number. Thus, a 2.3 is a 2 and a 1.9 is a 2. [extra curricular activities must be certified by the coordinator of the event]

4. 3% of the rank shall be determined by the student's letters of recommendation. Prior to the SAB meeting, the student's letters of recommendation will be separated from any identification markers. The individual Board members will then judge the letters of recommendation on a scale of "one," "two," or "three." Outstanding recommendations shall receive a "one," average recommendations shall receive a "two" and subaverage recommendations shall receive a "three." Each Board member voting shall make their own decision based on the nature of the letter. The Author of the letter shall not be considered. Upon each member awarding the letters a "one," "two," or "three," the high and low score shall be discarded and the average of all scores shall be determined. All averages shall be rounded to the nearest whole number. Thus, a 2.3 is a 2 and a 1.9 is a 2.
5. Once applicants have a rank for their grade point average, SAT/ACT score, extra-curricular activities, and letters of recommendation, the rankings will be multiplied by the appropriate percentage and totaled. The applicants with the ranking closest to one will receive the awards in order until all available scholarships under the program are provided.
6. The following example shows how the ranking process works.

| Student | CGPA (rank) | 80% GPA Score | SAT/ACT (rank) | 14% SAT/ACT Score | Extra Curric. | 3% Extra Curric. Score | LOR (rank) | 3% LOR Score | Total | Place |
|---------|-------------|---------------|----------------|-------------------|---------------|------------------------|------------|--------------|-------|-------|
| A       | 4.25<br>(1) | .8            | 1275<br>(6)    | .84               | 2             | .06                    | 3          | .09          | 1.79  | 1     |
| F       | 4.15<br>(2) | 1.6           | 1400<br>(3)    | .42               | 2             | .06                    | 2          | .06          | 2.14  | 2     |
| E       | 4.1<br>(3)  | 2.4           | 1000<br>(8)    | 1.12              | 3             | .09                    | 2          | .06          | 3.67  | 4     |
| G       | 4.06<br>(4) | 3.2           | 1600<br>(1)    | .14               | 2             | .06                    | 1          | .03          | 3.43  | 3     |
| I       | 4.01<br>(5) | 4             | 1500<br>(2)    | .28               | 2             | .06                    | 2          | .06          | 4.4   | 5     |
| C       | 4<br>(6)    | 4.8           | 1325<br>(4)    | .56               | 1             | .03                    | 2          | .06          | 5.48  | 6     |
| B       | 4<br>(6)    | 4.8           | 1300<br>(5)    | .70               | 2             | .06                    | 2          | .06          | 5.62  | 7     |
| H       | 3.99<br>(7) | 5.6           | 1325<br>(4)    | .56               | 2             | .06                    | 2          | .06          | 6.28  | 8     |
| D       | 3.75<br>(8) | 6.4           | 1250<br>(7)    | .98               | 2             | .06                    | 1          | .03          | 7.47  | 9     |

Under this example, if eight scholarships were available, the individuals ranked first through eighth will receive awards. In other words, only applicant D would not receive an award.

7. For the purpose of a tiebreaker, the SAB shall use highest the highest Cumulative Grade Point Average. Thus, of the students who tie, the one(s) with the highest CGPA wins the award(s).

3.2.3. Applicants graduating within the CNMI must have attended school within the CNMI for a minimum total of six (6) years. Within the six (6) years requirement, applicants must have attended the CNMI - two (2) years immediately preceding the date of the award.

3.2.4. In addition to the 3.2.1 and 3.2.2 requirement, applicants graduating from a high school within the United States of America or its territories as one of the top students, scholastically are eligible to apply, provided the applicant have attained the highest scholastic achievement with a 4.0 or higher cumulative grade point average and of parents who are bonafide CNMI resident at the time of application and have been so for a minimum period of eight (8) years prior to the date of application.

#### **4 SCHOLARSHIP AWARD**

4.1 Either the actual cost of the scholarship benefits as established by P.L. 14-37 or the amount of Fifteen Thousand dollars (\$15,000.00) which ever is less, will be awarded to each recipient for each academic year. Awards will be decreased by any amount the recipient receives from other grants or scholarships.

4.2 The award per term will be prorated.

4.3 If a recipient either dropped out of school or is terminated by the school, all scholarship privileges will be terminated immediately and the recipient will be required to remit the whole amount of moneys provided through this scholarship fund to the CNMI government.

4.4 Scholarship may not be used to cover for expenses not included in the Institutions Definition for Cost of Attendance.

4.5 If an applicant declines an award or receives scholarship funds from other sources that equal the full amount of applicants' cost of attendance, the applicant will not be provided an award under this program. The applicants' award will instead be provided to the next eligible applicant by rank.

#### **5 SCHOLARSHIP MAINTENANCE AND CONDITIONS**

5.1 The recipient graduating from high-school selected for the scholarship may continue to receive scholarship but no more than five (5) academic years, as long as he/she maintains the required cumulative GPA of 3.00 on a 4.00 scale at the end of each school year.

5.2 The recipient must submit a certified copy of the Institutions' Cost of Attendance each academic year. If the recipient fails to submit the Institutions' Cost of Attendance all scholarship privileges will be deferred until the Scholarship Advisory Board receives such document.

5.3 The recipient must enroll and maintain a full-time status each enrollment period.

- 5.4 At the end of each enrollment period, the recipient must provide the Scholarship Advisory Board with a copy of his/her grade report for the enrollment period ending. At the end of each academic year, the student must provide the Scholarship Advisory Board with an official sealed transcript. If the recipient fails to submit the official transcript or the grade report, all scholarship privileges will be deferred until the Scholarship Advisory Board receives such document(s).
- 5.5 The recipient must sign and have notarized a Memorandum of Agreement approved by the Scholarship Advisory Board for each academic year in order to receive scholarship benefits. This Memorandum of Agreement shall set forth the terms and conditions pursuant to which scholarship benefits will be granted to the receipt. Each Agreement must be notarized and returned to the Scholarship Advisory Board before the recipient will receive any scholarship benefits.
- 5.6 A recipient who is enrolled in a two-year institution must have prior approval from the Scholarship Advisory Board prior to enrolling in any two-year institution for a third (3<sup>rd</sup>) academic year.
- 5.7 All scholarship recipients must declare their field of study before the beginning of their second year in college. The Scholarship Advisory Board will hold awards until this information is received in writing, via fax, or email or via an appropriate mail service to the following address:

Scholarship Advisory Board  
Office of the Governor  
Caller Box 10007  
Saipan, MP 96950

Facsimile: 670-664-4759  
Email Address: [cnmischolarship.com](mailto:cnmischolarship.com)

- 5.8 All scholarship recipients must advise the Scholarship Advisory Board of both their school and CNMI address each time there is a change.
- 5.9 A recipient is not eligible for same or lower level of education.

## 6 PROBATION AND TERMINATION

- 6.1 The recipient must maintain a fulltime status and have a GPA of 3.00 on a 4.0 scale cumulatively at the end of each academic year. If the recipient fails to maintain a required GPA, or if the number of credit hours drops below that of full-time status at the end of an enrollment period or the students fails to comply with the statutory requirements or the terms of the Memorandum of Agreement, the student will be placed on probation for the following academic year.
- 6.2 Scholarship benefits will be awarded during the probation period. However, the student must makeup the credits lacking while also maintaining a full-time (12 credits) status. By the end of the probationary enrollment period the student must be able to meet the minimum GPA requirement and be in compliance with the statutory requirements and the terms of the students' Memorandum of Agreement.
- 6.3 If the student does not meet the required GPA requirements or does not complete the credits lacking in addition to maintaining full-time status or is not in compliance with the

statutory requirements or the terms of the Memorandum of Agreement during the probationary enrollment period, the scholarship benefits will terminate immediately, and the recipient will not be allowed any future participation in the program.

## **7. TRANSFER OR CHANGE OF FIELD OF STUDY**

Permission must first be obtained from the Scholarship Administrator if a recipient wants to transfer to another institution or change his/her field of study. A request shall be in writing and, if the request is to another institution, an acceptance letter from the institution to which a student is transferring must be submitted with the request for an approval of transfer.

## **8. REPAYMENT**

- 8.1. All recipients of such scholarship are required to return to the CNMI no later than three (3) months after completion of their degree program.**
- 8.2. Recipient, who fails to complete his/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 Scholarship Advisory Board and the recipient.**
- 8.3. Legal proceedings will be taken to recover the total amount of scholarships awarded in order to enforce the requirements provided in §8.1 and 8.2 above. The recipient shall also pay all legal expenses and fees incurred by the government in the effort to recover scholarship awards.**
- 8.4. 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.**

## **9. FRAUDULENT INFORMATION**

- 9.1 All documents received by the Scholarship Advisory Board are subject to verification from the Institution and sources from which it came. The applicant and his or her family or authorized representative are individually responsible for the integrity of such documents. Recipients and the authorized representative who submit documents that are false or tampered in any way(s) will result in the recipient immediate and permanent removal from any Scholarship program administered by Scholarship Advisory Board. Documents include but are not limited to application, supporting documents, grade reports, transcript, etc.**

## **10. APPEALS**

- 10.1 A recipient who is denied P.L. 14-37 has the right to appeal to the Scholarship Advisory Board.**



- 10.2 The appeal must be in writing addressed to the Chairperson of the Scholarship Advisory Board.
- 10.3 The appeal must be postmarked or hand-delivered no later than twenty-one (21) calendar days after notification of the decision by the Scholarship Administrator. If notification is via mail it shall be given via a certified mail, return receipt requested.
- 10.4 The appeal 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 Section 9101 et. seq.
- 10.5 All decisions by Scholarship Advisory Board on appeals are final regarding the administrative review process.

## 11. EFFECTIVE DATE

- 11.1 These Rules and Regulation shall take effect as soon as possible.

**Commonwealth gi Sangkattan na Islan Marianas**

**Ofisinan Scholarship**

Caller Box 10007, Saipan, MP 96950

Tel. (670) 664-4750 Fax: (670) 664-4759 Email: [cnmieap@cnmischolarship.com](mailto:cnmieap@cnmischolarship.com)

**NOTISIAN PUBLIKU GI MANMAPROPONE NA AREKLAMENTO YAN  
REGULASION SIHA**

**Para u ma'implementa i Probension siha gi Ākton i CNMI Honor Scholarship,  
3 CMC § 1342.**

**I AKSION NI MA'INTENSIONA PARA U MA'ADĀPTA ESTE I MANMAPROPONE NA AREKLAMENTO YAN REGULASION SIHA:** I Commonwealth gi Sangkattan na Islan Marianas siha, , i Kuetpon i Scholarship Advisory, ha intensiona para u adĀpta komu petmaniente na regulasion siha ni mañechetton i Manmapropone na Regulasion siha sigun gi manera siha gi Ākton i Administrative Procedure, 1 CMC § 9104(a). I Regulasion siha para u ifektibu gi halom dies(10) dihas despues di matattiyi i 1 CMC §§ 9102 yan i 9104(a). (1CMC § 9105(b)).

**ATURIDĀT:** I Kuetpon i Advisory Scholarship ma'Āturisa para u cho'gue i regulasion siha sigun gi Otden Eksakatibu 94-3, Sek. 211 yan 3 CMC §§ 1341 - 1343.

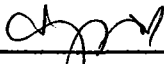
**I SUSTĀNSIAN I PALĀBRA SIHA:** I Manmapropone na Regulasion siha ha ĩmplementa i probension siha gi CNMI Ākton Honor Scholarship, 3 CMC § 1342. I Ākton Scholarship ha estapblisa i kada sĀkkan scholarship ni para u ayek i estudiĀnte siha ni para u atende i kolehu gi halom i CNMI pat giya EstĀdos Unidos yan mapribeniyi mechanism para i awarding este na scholarship siha. I Manmapropone na Regulasion siha ha diroga yan ha tulaika i ProgrĀman i Honor Scholarship Para i Post Secondary Education na Areklamento yan Regulasion siha, NMIAC § 75-20.2.


**I SUHETO NI MASUMĀRIA YAN ASUNTO NI TINEKKA:** I Manmapropone na Regulasion siha ha kubre: i definision para u ĩmplementa i Ākton i CNMI Scholarship; i process aplikasion sĀsĀonĀo i dokumento siha ni para u fanmana'hĀlom; i criterion sileksion yan taimanu inaplika; i award scholarship, maintenance, yan i kondision siha; yan i process apela.


**DIREKSION NI PARA U MAPO'LO YAN MAPUBLIKA:** Este i Manmapropone na Regulasion siha debi na u mapupblika gi halom i Rehistran Commonwealth gi seksiona ni mapropone yan nuebu na ma'adĀpta na regulasion siha (1 CMC § 9102(a)(1)) yan u mapega gi kombiniente na lugĀt siha gi halom i civic center yan i ofisinan gobetnamento gi kadadistriton senadot, parehu gi fino' English yan i prinsipĀt na lengguĀhen natibu. (1 CMC § 9104(a)(1)).

**PARA U MAPRIBENIYI OPIÑON SIHA:** Na'hánao pat entrega i opiñon-mu guatu gi as Merissa S. Rasa, Atministradot Scholarship, gi sanhilo' na address, fax pat email address, yan i ráyan suheto "Manmapropone na Regulasion siha". Todu infotmasion debi na u fan hálom trenta(30) diha siha ginen i fechan publikasion este na notisia. Pot fabot na'hálo m i infetmasion, opiñon, pat testamofion kinentra siha.  
(1 CMC § 9104(a)(2)).

Este i manmapropone na regulasion siha manma'apreba ginen i Kabiseyon Scholarship Advisory Board gi Agosto 23, 2010.

Nina'hálo m as:  12/30/2010  
Carolyn P. Hosono Fecha  
Kabesityu  
Kuetpon Scholarhip Advisory

Rinisibi as:  01/24/10  
ESTHER S. FLEMING Fecha  
Espisiát Na Ayudánten Atministrasion  
Gobietno

Pine'lo yan  
Rinekot as:  01-24-11  
ESTHER M. SAN NICOLAS Fecha  
Rehistran Commonwealth

Sigun i 1 CMC § 2153(e) (Inapreban Abugádu Henerát ni para u macho'gue komu para fotma) yan 1 CMC § 9104(a)(3) (hentan inapreban Abugádu Henerát) i manmapropone na regulasion siha ni mañechetton guini ni manmaribisa yan ma'apreba komu fotma yan suficiente ligát ginen i CNMI Abugádu Henerát yan debi na u mapupblika, 1 CMC § 2153(f) (publikasion areklamento yan regulasion siha).

Mafecha gi diha 24 gi JANUARY 2011 2010.

  
Edward T. Buckingham  
Abugádu Henerát

# **AREKLAMENTO YAN REGULASION SIHA NI GINEBEBIETNA I PROGRAMAN CNMI HONOR SCHOLARSHIP**

## **Propositu**

Este na regulasion siha ma'implementa i probension siha gi Akton i CNMI Honor Scholarship, 3 CMC § 1342. Ma diroga yan matulaika i Programan i Honor Scholarship Para i Post Secondary Education na Areklamento yan Regulasion siha, NMIAC § 75-20.2. Manma cho'gue sigun para, yan sigun gi, yan i Otden i Supreme Court gi as *Calvo v. Northern Mariana Islands Scholarship Advisory Board*, 2009 MP 2.

## **1. DEFINISION SIHA PARA U MA'IMPLEMENTA I LAI PUPBLIKU 14-37.**

- 1.1. CUMULATIVE GRADE POINT AVERAGE:** I Grade Point Average para todú i tema siha mandaña'. I manrasisibi debi na gaige gi 3.00 gi cumulative GPA gi 4.00 gi pesadot gi uttimon i kada sákkán eskuela.
- 1.2. ESTÁO FULLTIME:** Dosse(12) na kreditu gi kada tetminon marehista. Courses ni manmaripiti ti u matufong komu fulfillment i estudiante gi estateon fulltime na rehista.
- 1.3. PROBACION:** Para u mapega kondision gi estudiante ni ti ha na'kabales kumomple i dinimandan estatua pat gi maseha háfa na Areklamento yan Regulasion siha ni macho'gue ginen i Kuetpon Scholarship Advisory.
- 1.4. TETMINASION:** Mana'diskontinuha ginen i programa.
- 1.5. SAT:** Tes Scholastic Achievement
- 1.6. ACT:** American College Testing

## **2. APLIKASION**

- 2.1.** Todú aplikante siha yan i madimanda na dokumento siha debi na u marisibi ni Kuetpon Scholarship Advisory CNMI, Ofisinan Gobietno, gi pat antes di Huniu 30<sup>th</sup> gi sakkán ni ha tutuhon gui' i scholarship.

**NOTA:** *Yanggen i Deadline poddong gi weekend pat holiday, i deadline siempre asta i sigiente ha'ánen cho'cho'.*

- 2.2.** I madimada na dokumento siha sásáonáo, láo ti mamidi para: a) i ofisiát na diplomán i high school, sásáonáo i uttimo na quarter gi dosse(12<sup>th</sup>) grade; b) káttan inakseptan i accredited na koleho pat unibesidát; c) proof of compliance ni dinimandan estatua siha, komu fina'nu'i gi, láo ti minidi para; d) Scholastic Achievement Test (SAT) yan/pat American College Testing (ACT), dos káttan rekomendasion siha, deskripsion i aktibidát i extra curricular siha, yan proof of citizenship yan residency komu i U. S. na pasapotte, CNMI tax form mañaina siha, i

CNMI rehistrasion botu, pat otro ni pumarehu na dokumento siha ni siña akseptão pat propio para i Kuetpon Scholarship Advisory.

- 2.3. Gi tutuhon i kada academic year gi on-going na recipients debi na u mana'háлом todú i madimánda na dokumento siha para u ma-maintain i iyon-ñiha scholarship.

### 3 SILEKSION CRITERIA

- 3.1. I Kuetpon Scholarship Advisory debi na u fansodda' despues di Hului 15<sup>th</sup> para i hinangai seleksion i recipient i scholarship siha.
- 3.2. I Kuetpon Scholarship Advisory debi na u maribisa yan ebalua i aplikasion aplikánte siha ni u usa i ma'estapblesi na criteria ni lai yan todú ayo na áturidát ginen i NMI Supreme Court.

3.2.1 I aplikánte siha debi na u fan suidánon Estádos Unidos pat Nasionát Estádos Unidos.

3.2.2 I aplikánte siha debi na pá'go magraduduha ginen i high school ni ha attain i mana'dañña' i Highest Cumulative Grade Point Average yan i más takhilo' na SAT yan/pat i ACT na score. Yan ta'lo, i aktibidát i aplikánte siha gi extra curricular, i minappot courses ni machule' yan pot lumás dos na káttan rekomendasion siha ni para u ma'usa i process sileksion.

Process i Ranking Scholarship:

1. 80% gi grádu para u detitmina ni i cumulative grade point average yan i minappot i courses i aplikánte siha. I Scholarship Advisory Board ("SAB") ha detitmina na i sisteman i publiku/private na edukasion gi halom i NMI na báli gi halom todú i takhilo' na eskuela siha gi NMI ni manma'accredited. Adimás, todú eskuelan takhilo' siha gi halom i NMI ha sedi i estudiante-ña siha para u machule' i Advance Placement ( AP ) pat i honors courses. Este siha na courses ha sedi i estudiánte siha ni manmalago' chumule' más mappot na courses ni para u fanmagrátes via gi higher Cumulative Grade Point Average. Taiguini este sa' pot todú eskuela siha gi halom i NMI ha ná'i i estudiánte siha ni chumule' i AP pat honors courses marisibi grádu siha gi five point scale enlugát i tradisionát i 4 point scale. The SAB ha renunsia i process i norming i GPA's sa' pot este siempre ti ha distengge háyi chumule' i AP pat i honors courses yan todú ayu na estudiánte ni ti chumule'. I Kuetpo ha estudiáyi i problema yan manhongge na este i más máolek na manera ni para u incorporate i i coursework estudiánte siha. Estudiánte siha para u fanmaná'i grádu sigun gi iyon-ñiha cumulative grade point average ginen i más takhilo' asta i más takpapa' ni más takhilo' na grádon i estudiánte ni ha risisibi "unu".

2. 14% gi grádu para u madetitmina ginen i single highest total gi SAT pat i ACT na score ni aplikánte ha risibi gi anai machule' i tes guini na ha'áni. I scores siña ti dumañña'. I ACT scores para u convert para u equivalent yan i SAT scores. I estudiánte siha para u fanmagrádu sigun gi tinakhilo' ña i total SAT (pat maconvert i ACT) na score ginen i más takhilo' asta i más takpapa' ni i highest-ranking ni ha risisibi "unu."
3. 3% gi grádu debi na u madetitmina ginen i aktibidát estudiánte ni extra-curricular siha. Antes di i huntan i SAB, i aktibidát estudiánte ni extra-curricular para u masepára ginen háfa na mátkan aidentifikasion siha. I indibiyuát na miembron Kuetpo siha para u husga i aktibidát i extra-curricular gi pesadot gi "unu," "dos," pat "tres." Aktibidát Outstanding extra-curricular siha debi na u marisibi "unu," average na aktibidát siha debi na u marisibi "dos" yan i subaverage na aktibidát siha na debi na u marisibi "tres." Kada miembron i Kuetpo ni mambobota debi na u fa'tinas disision-ña sigun gi setbisio gi sakkan siha yan i nature thereof. I aktibidát siha ni manma'apási ni extra-curricular ti debi na u makonsidera. Gi kada miembro mapreremiu ni todú aktibidát siha "unu," "dos," pat "tres" gi takhilo' yan takpapa' na score ya mayute' yan i average gi todú i scores ya debi na u madetitmina. Todú averages debi na u ma round gi más hihot na whole number. Ayu na manera i 2.3 i 2 yan i 1.9 i 2. [i extra curricular na aktibidát siha debi na u madetitmina u masettífika ginen i coordinator i event.]
4. 3% gi grádu debi na u madetitmina ginen i rekomendasion i kattan estudiánte siha. Antes di i huntan i SAB, i rekomendasion i kattan estudiánte siha para u sinipára ginen háfa na mátkan aidentifikasion gi pesadot i "unu," pat "dos," pat "tres." I outstanding na rekomendasion debi na u marisibi i "unu," average na rekomendasion siha debi na u marisibi i "dos" yan subaverage na rekomendasion siha debi na u marisibi i "tres". Kada miembron i Kuetpo u fanbota ya debi na u mafa'tinas mismo disision-ñiha sigun gi nature of the letter. I author este na kátta debi na ti u makonsidera. Gi kada miembron i Kuetpo ni mamprepremiu kátta siha i "unu," "dos," pat "tres," i takhilo' yan takpapa' na score debi na u mayute' yan i average gi todú i scores na debi na u madetitmina. Todú averages debi na u ma-round gi más hihot na whole number. Ayu na manera, i 2.3 i 2 yan i 1.9 i 2.
5. Amánu ha' i aplikánte na gumuaha gradu-ña para i iyo-ña grade point average, SAT/Act score, aktibidát i extra-curricular siha, yan i kattan rekomendasion, i rankings para u fanma-multiplied ginen i appropriate percentage yan i totát siha. I aplikánte siha ni magraduha hihot gi unu para u risibi i premiu siha gi manera estaki guaha available scholarships

gi papa' i prográma ni mapribeniyi.

6. I sigiente na ihemplo ha fa'nunu'i taimanu i ranking process macho'cho'.

| Student | CGPA<br>(rank) | 80%<br>GPA<br>Score | SAT/<br>ACT<br>(rank) | 14%<br>SAT/<br>ACT<br>Score | Extra.<br>Curric. | 3%<br>Extra<br>Curric.<br>Score | LOR<br>(rank) | 3%<br>LOR<br>Score | Total | Place |
|---------|----------------|---------------------|-----------------------|-----------------------------|-------------------|---------------------------------|---------------|--------------------|-------|-------|
| A       | 4.25<br>(1)    | .8                  | 1275<br>(6)           | .84                         | 2                 | .06                             | 3             | .09                | 1.79  | 1     |
| F       | 4.15<br>(2)    | 1.6                 | 1400<br>(3)           | .42                         | 2                 | .06                             | 2             | .06                | 2.14  | 2     |
| E       | 4.1<br>(3)     | 2.4                 | 1000<br>(8)           | 1.12                        | 3                 | .09                             | 2             | .06                | 3.67  | 4     |
| G       | 4.06<br>(4)    | 3.2                 | 1600<br>(1)           | .14                         | 2                 | .06                             | 1             | .03                | 3.43  | 3     |
| I       | 4.01<br>(5)    | 4                   | 1500<br>(2)           | .28                         | 2                 | .06                             | 2             | .06                | 4.4   | 5     |
| C       | 4<br>(6)       | 4.8                 | 1325<br>(4)           | .56                         | 1                 | .03                             | 2             | .06                | 5.48  | 6     |
| B       | 4<br>(6)       | 4.8                 | 1300<br>(5)           | .70                         | 2                 | .06                             | 2             | .06                | 5.62  | 7     |
| H       | 3.99<br>(7)    | 5.6                 | 1325<br>(4)           | .56                         | 2                 | .06                             | 2             | .06                | 6.28  | 8     |
| D       | 3.75<br>(8)    | 6.4                 | 1250<br>(7)           | .98                         | 2                 | .06                             | 1             | .03                | 7.47  | 9     |

Gi papa' este na ihemplo, yanggen ocho na scholarships guaha, i indibiyuát siha manma-ranked finene'na asta i ocho para u risibi i premiu siha. Kumeke ilekña na, ayu ha' na aplikánte D ti u marisibi i premiu.

7. Para i rason i tiebreaker, i SAB debi na u usa i takhilo' i más takhilo' i Cumulative Grade Point Average. Gi manera, i estudiánte ni tie, i unu ni más takhilo' na CGPA manggána guini na premiu.

3.2.3 I aplikánte siha ni manmagraduha gi halom i CNMI debi na u ma'atende i eskuela gi halom i CNMI gi minimum i sais (6) años. Gi halom i sais(6) años na dinimánda, i aplikánte siha debi na u ma'atende gi CNMI -- dos(2) años ensigidas gigon maná'i gi fechan i premiu.

3.2.4 Sumát para i 3.2.1 yan i 3.2.2 na denimánda, i aplikánte ni magraduha ginen i high school gi halom i Estádos Unidos giya Amerika pat iyo-ña territories komu unu gi

takhilo' na estudiánte siha, scholastically kualifikáo para u fanaplika, mana'siguru na i aplikánte ha attained i más takhilo' na scholastic achievement gi 4.0 pat latakhilo' gi cumulative grade point average yan i mañaina ni manresidenten i CNMI gi anai i aplikasion yan u guaha minimu ocho(8) años na tiempo antes di i fechan i aplikasion.

#### **4 PREMION SCHOLARSHIP**

- 4.1** Maseha i ákton i gáston i benefision i scholarship siha ma'estapblesi ni i P.L. 14-37 pat i balen kinse mit(\$15,000.00) pesos amánu i takpapa', para u mapremiu i kada recipient gi kada sákkán academic. Para u maribáha i premiu ginen i maseha háfa na kantidá i recipient ni ha risisibi ginen i otro siha na grants pat scholarships.
- 4.2** I premiu gi kada tema para u ma-prorated.
- 4.3** Yanggen i recipient halaknos gui' huyong gi eskuela pat mana'básta gl eskuela, todú i pribilehu siha gi scholarship para u fanpára insigidas ya i recipient para u madimánda na u na'la'lo todú tátti i saláppe' ni mapribeniya ginen i fondon scholarship guatu gi gobietnamenton CNMI.
- 4.4** Siña ha' ti ma'usa i scholarship para u tinampe i gásto siha ti sásáonáo gi halom i Institutions Definition for Cost of Attendance.
- 4.5** Yanggen i aplikánte ha renunsia i premiu pat ha risibi i fondon i scholarship siha ginen i otro sources ni pumarehu apásña i aplikánte ápas i attendance, i aplikánte ti debi na u mapribeniya ni premiu gi papa' este na prográma. Enlugát na u mapribeniya i premium i aplikánte siha para i sigiente na aplikánte u kualifiáo gi sigun gi grádu.

#### **5 KONDISION YAN MAINTENANCE I SCHOLASHIP SIHA**

- 5.1** I recipient ni para u magraduha ginen i high-school ni ma'ayek para i scholarship siña ha kontinuha rumisibi i scholarship láo ti u más ki singko(5) na academic years, kontát komu ha sustetieni i dinimánda gi cumulative GPA gi 3.00 gi 4.00 gi pesadot gi uttimon i kada sákkán eskuela.
- 5.2** I recipient debi na u na'háлом i masettífiku na kopian i Institutions' Cost of Attendance gi kada academic year. Yanggen i recipient ti ha na'háлом i Institutions' Cost of Attendance todú i pribilehon i scholarship siha para u dinira estaki i Kuetpon i Scholarship Advisory ha risibi i dokumento.
- 5.3** I recipient debi na u registra gui' yan u maintain i full-time status gi kada enrollment period.
- 5.4** Gi uttimon i kada enrollment period, i recipient debi na u pribeniya i Kuetpon Scholarship Advisory ni kopiá-ña ni ripot gradu-ña para i uttimon enrollment period. Gi uttimon i kada academic year, i estudiánte debi na u pribeniya i Kuetpon Scholarship Advisory ni ofisiát ni ma-sealed na transcript. Yanggen i recipient ti ha na'háлом i ofisiát na transcript pat i ripot i grádu, todú pribilehon scholarship para u dinira astaki i Kuetpon Scholarship Advisory ha risibi i sigiente na dokumento siha.



- 5.5 I recipient debi na u fitma yan u na'ma-notirized i Memorandum of Agreement na ma'aprueba ginen i Kuetpon Scholarship Advisory para i kada academic year nai siña para u marisibi i benefision i scholarship siha. Este i Memorandum of Agreement debi na u mapega mo'na para i tema yan kondision siha sigun ni benefision i scholarship ni debi na maná'i para i risibu. Kada Kontrát debi na u ma-notarized yan u manana'lo guatu para i Kuetpon Scholarship Advsiory ántes di u marisibi ni recipient háfa na benefision scholarship siha.
- 5.6 I recipient ni mana'háлом gi dos-áños na institusion debi na ántes di u ma'aprueba ginen Kuetpon Scholarship Advisory ántes di u mana'háлом gi maseha dos-áños na institusion para i tres (3<sup>rd</sup>) academic year.
- 5.7 Todu recipients scholarship siha debi na u madeklára i iyon-ñiha field of study ántes i tinituhong iyon-ñiha second year gi kolehu. I Kuetpon Scholarship Advisory para u na guaha premiu siha estaki este na imfotmasion marisibi gi tinige', via fax, pat email pat via appropriate mail service gi sigiente na address:

Kuetpon Scholarship Advisory  
Ofisinan Gobietno  
Caller Box 10007  
Saipan, MP 96950

Facsimile: 670-664-4759  
Email Address: [cnmischolarship.com](mailto:cnmischolarship.com)

- 5.8 Todu scholarship recipients debi na u imfotma i Kuetpon Scholarship Advisory pot i kada biáhi nai matulaika eskuelan-ñiha yan i iyon-ñiha CNMI address.
- 5.9 I recipient ti u kualifikáo para i parehu pat i lower level na edukasion.

## 6 PROBACION YAN TETMINASION

- 6.1 I recipient debi na u maintain i fulltime status yan guaha GPA ni 3.00 gi 4.0 gi pesatot i cumulatively gi uttimon i kada academic year. Yanggen i recipient ti ha maintain i dinimándan i GPA, pat yanggen i numiron i credit hours tumunok pápa' gi full-time status gi uttimon i tetminon i enrollment pat i estudiánte siha ti makomple i dinimándan statutory siha pat i teman i Memorandum of Agreement, i estudiánte siempre mapega gi probasion para i sigiente na academic year.
- 6.2 I benefision i scholarship siha para u fanmapremiu gi duránten i tetminon i probasion. Láo, i estudiánte debi na u fa'tinas i ti nanahong na credits mientras ha maintaining i full-time (12 credits) status. Gi uttimon i tetminon i probationary enrollment i estudiánte debi na u na'siña sumodda' i dinimándan i minimum GPA yan u matattiyi i dinimándan i statutory yan i teman i estudiánte ni Memorandum of Agreement.
- 6.3 Yanggen i estudiánte ti ha tattiyi i nesisário na dinimándan i GPA pat ti ha komple i credits ni numahong ni para u maintain i full-time status pat ti matattiyi i dinimándan i

## **10. APELA SIHA**

- 10.1 I recipient ni marinunsia P.L. 14-37 gai direcho para u apela guatu gi Kuetpon i Scholarship Advisory.**
- 10.2 I apela debi na u address matuge' para guatu gi Kabiseyun i Kuetpon Scholarship Advisory.**
- 10.3 I apela debi na u ma-postmarked pat u machule' guatu ti unipos ki bente-un(21) dihas gi kalendario despues i notifikasion gi disision i Atministradot Scholarship. Yanggen i notifikasion via mail debi na u maná'i via certified mail, return receipt magágáo.**
- 10.4 I apela para i Kuetpon i Scholarship Advisory debi na u mahungok yan madisidi sigun i aplikáble i lain CNMI, sásáonáo, láo ti minidi para, i Ákton i Administrative Procedure, 1 CMC Seksiona 9101 et. seq.**
- 10.5 Todu disision ginen i Kuetpon Scholarship Advisory gi apela siha manuttimu sigun i Administrative review process.**

## **11 FECHAN EFEKTIBU**

- 11.1 Este na Areklamento yan Regulasion siha debi na u efektibu amánu i síña na chinaddek.**

**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**  
**Bwulasiyool Scholarship**  
**Caller Box 10007, Saipan, MP 96950**  
**Numurool Tilifoon: (670) 664-4759 Email: [cnmieap@cnmischolarship.com](mailto:cnmieap@cnmischolarship.com)**

**ARONGORONGOL TOULAP REEL POMWOL FFÉÉRÚL ALLÉGH**  
**Ebwe Ayooraalong Ammwelil CNMI Honor Scholarship Act, 3 CMC § 1342.**

**MÁNGEMÁNGIL MWÓGHUT BWE EBWE ADAPTAALÓ POMWOL FFÉÉRÚL ALLÉGH:** Scholarship Advisory Board me Commonwealth of the Northern Mariana Islands, raa mábwe rebwele adaptááallékka Propose Regulations ikka e appasch, bwe ebwele lléó reel rebwe attabweey mwóghutughutul Administrative Procedure Act, 1 CMC § 9104(a). Allékkaal nge ebwe bweletá10 rámwiril igha e attabweey 1 CMC § § 9102 me 9104(a), (1 CMC §9105(b).

**BWÁNG:** Scholarship Advisory Board nge eyoor bwángil bwe ebwe fféer allégh reel ebwe attabweey Executive Order 94-3, Sec. 211 me 3 CMC §§ 1341-1343.

**KKAPASAL ME AUTOL:** Propose Regulations kka e ayooraalong ammwelil CNMI Honor Scholarship Act, 3 CMC § 1342. Scholarship Act nge e ayoora scholarship alongal ráágh ngáliir students kka re filiir bwe rebwe gakko college me CNMI ngare United States me ayoora mwóghutughut reel isiisowul scholarship kkaal. Propose Regulations kkaal nge ebwe ayúúwól me liwili Honor Scholarship Program reel Post Secondary Education Rules and Regulations, NMIAC § 75-20.2.

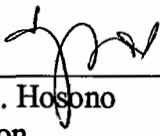
**AUTOL ME MILIikka E BWAL TOOLONG:** Llól Propose Regulations kkaal nge e bwal toolong:faal mille ebwe ayoora CNMI Scholarship Act; mwóghutughutul application e bwal toolong dokumento kka ebwe atotoolong; efaisúl aar ffil me apply-li; scholarship award; aghatchúl; me conditions; me bwal appeal process.

**AFAL REEL AISIISIL ME ARONGORONG:** Propose Regulations kkaal nge e fil bwe ebwe atotoow mellól Commonwealth Register llól táilil kka e ghal lo allégh kka e propose me ikka relláál adaptáálil (1 CMC § 9102(a)(1) me ebwe appasch me bwuley kka civic center me bwulasiyool lemelem me senatorial district, reel kkapasal English me mwaliyeer aramasal falúw. (1 CMC § 9104(a)(1).

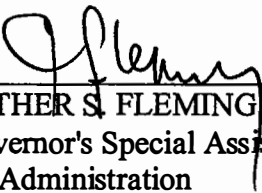
**EBWE AYOORA MWALIILI KKA E ATOTOOLONG:** Afanga ngare bwughiiló áámi comments reel Merissa S. Rasa, Scholarship Administrator reel address we elo weiláng, fax me ngare email address, nge ebwe ischitiw Propose Regulations . Mwaliili reel allégh kkaal nge e bwe atotoolong 30 ráll sáangi igha e atotoowow arongorong yeel. Autu ghal soong aw atotoolong mángemángmi me ngare angingi ( 1 CMC § 9104(a)(2).

Propose Regulations kkaal nge e angúúngú sáangi Chairman-il Advisory Board maram ye Agosto 23, 2010.


(1)

Féerúyal:   
Carolyn P. Hosono  
Chairperson  
Scholarship Advisory Board

12/30/2010  
Rál

Aramas ye e bwughi:   
ESTHER S. FLEMING  
Governor's Special Assistant  
for Administration

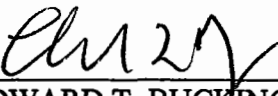
01/24/11  
Rál

File-liiyal me Rekoodliyal:   
ESTHER M. SAN NICOLAS  
Commonwealth Register

01.24.11  
Rál

Reel rebwe attabweey 1 CMC § 2153(e) (Angúungú sáangi AG bwe ebwe rongoló reel fféerúl) me 1 CMC § 9104(a)(3) (Angúungú sáangi AG) propose regulations kka e appasch nge aa mwir sáangi reel fféerúl me legal sufficiency mereel CNMI Attorney General nge ebwe arongowow; 1 CMC § 2153(f) (arongowowul allégh).

E fféer ráalil ye 24 maram ye JANUARY, <sup>2011</sup>~~2010~~.

  
EDWARD T. BUCKINGHAM  
Attorney General

**ALLÉGH KKA EBWE LEMELI  
PROGRÓMAAL CNMI HONOR SCHOLARSHIP**

**BWÚLÚL**

Allégh kkaal e atolongooy ammwelil CNMI Honor Scholarship Act, 3 CMC § 1342. E ayúúló me liwili allégh we Honor Scholarship Program For Post Secondary Education, NMIAC § 75-20.2. Re arongallowow reel rebwe attabweey me ebwe ghol fengáll me akkúleeyal Supreme Court mellól *Calvo vs. Northern Mariana Islands Scholarship Advisory Board*, 2009 MP 2.

**1. MEETA FAAL IGHA E ATOOTOOLONG ALLÉGHÚL TOULAP YE 14-37.**

1.1 CUMULATIVE GRADE POINT AVERAGE: Rebwe aschuw alongal Grade Point Average-il terms. Recipient nge e fil bwe aal GPA ebwe 3.00 igha re aschuw reel 4.00 scale aighúúl gakko llól ráágh laal.

1.2 FULLTIME STATUS: Ebwe Seigh me Ruwoow (12) credits ngare e ghal enroll. Course kka e bweibwogh sefáál nge essóbw páápá reel ngare e atakka aal fulfillment student we reel fulltime status.

1.3 PROBATION: Fféér ye re isáli student ye ese attabweey statutory requirement me ngare Allégh kka e arongowow mereer Scholarship Advisory Board.

1.4 AKKAYÚÚLÓ: Ayúúwló mellól progróma.

1.5 SAT: Scholastic Achievement Test.

1.6 ACT: American College Training.

**2. APPLICATION:**

2.1 Alongal application me dokumento kka e required nge ebwe atootoolong reer CNMI Scholarship Advisory Board, Office of the Governor, June 30<sup>th</sup> ngare mmwal, ráágh la ebwe bweletá scholarship we.

*MÁNGIY SCHAGH: Ngare deadline e ppung llól weekend ngare holiday, nge deadline ebwe lóffósch ngáli rállil angaang la eyoor.*

2.2. Dokumento kka e required nge ebwe yoor nge saabw ikka schagh: a) official high school transcript, ebwe bwal toolong grade-il last quarter igha e 12<sup>th</sup> grade; b) alúghúlúgh bwe e attabweey statutory requirements, igha e féérú me bwughi, nge saabw mille schagh d) Scholastic Achievement Test (SAT) me ngare American College Testing (ACT), ruwoow kattaal recommendation, mille ebwe bwáári aal extra curricular activities, me alúghúlúgh citizenship me residency, sibwe ira ngare U.S. Passport, aar ilisaam CNMI tax forms, CNMI voter registration, me bwal akkááw dokumento kka e fil ngáliir Scholarship Advisory Board.

2.3. Alongal bweletáál gakko nge students kka re scholarship rebwe atolongal alongal dokumento kka e required bwe rebwe mmwelil scholarship schagh.

**3. FFÉÉRÚL AFFIL:**

3.1. Scholarship Advisory Board nge rebwe aschuschu Ulliyo 15<sup>th</sup> bwe rebwe affil iyo kka rebwe ngalleer scholarship.

3.2. Scholarship Advisory Board nge ebwe amwuri me mángiyy fischiiy applications kka aar applicants nge rebwe attabweey fféér kkewe eyoor sáangi allégh me iwe akkúleeyal NMI Supreme Court.

### 3.2.1. Applicants nge rebwe U.S. Citizens ngare U.S. National.

Applicants nge ate kka relláál graduate-ló me high school nge e llang aar Grade Point Average me llang reel SAT me ngare ACT reel aar score. E pwal toolong aar extra-curricular activities, weires reel akkááw courses kka re bwughi me ruwoow kataal recommendations nge rebwe yááyá igha rebwe affil.

#### Fféér Reel Llangal Scholarship:

1. 80% reel llangal nge rebwe mángiyy fischiyy reel aar applicants grade point average me weiresil courses. Scholarship Advisory Board (“SAB”) raa mángiyy bwe public/private education mellól NMI nge e fil bwe alongal high schools mellól NMI nge e accredited. Bwal eew nge alongal high schools mellól NMI nge re lighiti ngáliir layúr students bwe rebwe bwughi Advanced Placement (AP) ngare honor courses. Courses kkaal nge e lighiti ngáliir students bwe rebwe bweibwogh courses kka e weires bwe rebwe award-liir igha e llangló aar Cumulative Grade Point Average. Ekkaisúl milleel bweigha alongal gakko mellól NMI re ngaller students kkewe re bweibwogh AP ngare honor course nge re bwughi aar grades reel mille five point scale nge saabw miliwe fasúl iwe 4 point scale. SAB e reject-li fféér we rebwe ffil schagh reel GPA norm bweigha milleel nge essóbw bwááló iyo meleyir students kka re bweibwogh AP ngare honor courses me ikkiwe saabw. Board aa study-li weires yeel nge raa ira bwe tappal yeel mille eghi ghatch bwe ebwe bwal atootoolong weiresil aar students coursework. Students nge rebwe rank-liir reel aar cumulative grade point average mwet mereel milikka e llang mwettiw reel ikka eghi sóssól, nge iyo ye e ghi llang rebwe ngalleey 20n4.4% reel llangal nge rebwe mángiyy reel llangal aal single highest total SAT ngare

ACT score ye applicant we e bwughi igha re test-li igha eyoor test. Scores nge emmwel schagh ressóbw aschuw. Score-ul ACT nge emmwel rebwe convert-li ngáli weweel score-ul SAT. Students nge rebwe isáliir reel llangal aar total SAT (me ngare re convert-li ngáli score-ul ACT) sáangi llang mwettiw reel mille eghi sóssól nge le eghi llang nge rebwe ngalleey “one”.

3. 3% reel llangal nge rebwe mángiyy reel aal student we extra curricular activities. Mmwal aar SAB meeting, nge student's extra curricular activities nge ebwe úúmwey sefáng me akkááw identification markers. Ghal eschay me eschay meleyir Board nge rebwele aweeweey extra-curricular activities reel scale kka “one,” “two,” or “three.” Outstanding extra-curricular nge ebwe “one,” average nge “two,” me faal average ebwe “three.” Eschay me eschay Board kka re affil nge rebwe féérú schagh meeta mángemángiir base reel fitoow ráágh aar angaang me weweel. Extra-curricular kka e abwóss nge ressóbw afálliiy. Ngare eschay me eschay member re mákkiyy “one,” ngare “two,” ngare “three,” rebwe asúúwló high me low nge average-il alongal score kka ebwe toolong. Alongal average nge rebwe rounded to the nearest whole number. Iwe, 2.3 nge 2 nge 1.9 nge 2. [extra-curricular activities nge ebwe certifies mereel coodinator].

4. 3% reel llangal nge rebwe mángiyy reel aar student's letter of recommendation. Mmwal aar Board meeting, nge aar students letter of recommendations nge ebwe úúmwe sáangi bwal akkááw identification markers. Eschay me eschay meleyir Board members rebwe aweeweey letters of recommendations kkewe reel scale ye “one,” two,” me ngare “three.” Recommendation kka eghi ghatch nge rebwe ngalleey “one,” mille average ebwe “two,” nge mille faal average ebwe “three.” Eschay me eschay membroot Board reel aar affil nge rebwe mángiyy fischiyy reel ghatchúl autol katta we. Aramas ye e ischiyy katta we nge ressóbw afálliiy. Igha membro raa award-lil katta kkewe reel “one,” “two,” ngare “three,” rebwe asúúwló milikka high

me low nge average-il alongal mille rebwe bwughi. Alongal average nge ebwe rounded to the nearest whole number. Iwe, mille 2.3 nge ebwe 2 nge mille 1.9 nge ebwe 2.

5. Ngare schagh raa rank-li applicants kkewe reel aara grade point average, score-ul SAT/ACT, extra-curricular activities me letters of recommendations, rebwel multiply-li me percentage ye e fil nga raa aschuw alongal. Applicants kka reghi arap ngáli one nge rebwe ngalleey mwettiw faal milliyaal alongal schorship kka llól progróoma aa fangwow.

6. Mille faal nge e abwáari aweeweel ranking. Reel aweewe yeel nge, ngare eyoor waluw scholarship, nge aramas kkewe re ghommw mwet ngáli waluw nge rebwe bweibwogh award. Reel affatal nge, applicants kkewe schagh D mille ressóbw award-liir.

7. Ngare eyoor schóó kka re weeweeló, nge SAB rebwe yááyá highest Cumulative Grade Point Average. Iwe, ree students kka re weewe, nge ila eghi llang aal CGPA nge ebwe bwughi award.

3.2.3 Applicants kka re graduate mellól CNMI nge rebwe gakko CNMI nge ebwe oloow (6) ráágh. Reel requirements-il oloow (6) ráágh, nge applicants re gakko CNMI-ruwoow (2) ráágh mmwal igha eyoortá award.

Bwal eew reel requirement-il 3.2.1 me 3.2.2, nge applicants kka re graduate me United States me ngare aal territories nga ii eschay e ghi llang meleyir students, scholastically nge emmwel schagh rebwe apply, nge e fil bwe applicant we eghil lang aal scholastic achievement bwe ebwe 4.0 ngare llangló aal cumulative grade point average me ilisaam e ghatch aar lollo CNMI ngare resident igha e atootoolong application me elaisúl schagh llól waluw (8) ráágh mmwal ebwe atootoolong application.

#### 4.FANGWOWUL SCHOLARSHIP

4.1. Leyil schagh ngare schéschéél selaapiyal scholarship benefits igha eyoor sáangi P.L. 14-37 ngare llapal ye Seigh me Limoow Sangaras (\$15,000.00) ifa leyil e eghustiw, nge rebwe ngalleer ghal eschay me eschay recipient ghal llól eew rághil academic year. Awards nge ebwe ghitighiititiw llapal ngare recipient we e bwal kke bweibwogh sáangi akkááw grants me tappal scholarships. Award ghal llól eew term nge ebwe prorated.

Ngare recipient we e dropped out me ngare gakko e ayúúwóló, alongal privilages nge ebwe akkayúúló nge recipient we ebwe abwóssuw sefááliiy alongal llapal selaapi we mereel fundool scholarship yeel ngáli CNMI government.

Scholarship nge ressóbw yááli reel abwóssul expenses kka ese toolong llól Institutions Definition for Cost of Attendance.

Ngare recipient ese tipeli award me ngare bweibwogh scholarship funds mereel akkááw fundo nge e weewe schagh llapal reel applicants' cost of attendance, nge ressóbw ngalleey applicant we scho;arship faal programyeel. Award we aal nge rebwele ngalleey iwe mwiril iwe e eligible reel aal rank.

#### 5. LIMITIL SCHOLARSHIPSHIP ME MWOGHUTUGHUTUL

5.1 Recipient ye e graduate me high school nge re fili reel scholarship nge emmwel schagh ebwe fóscheey aal scholarship nge essóbw luu sáangi limoow (5) ráágh, nge ebwe kke

lo schagh aal cumulative GPA 3.00 reel scale-ul 4.00 scale ghal aighúúghúl gakko llól eew ráágh.

Recipient nge ebwe atologooy kopiya ye e alúghúlúghúl Institutions' Cost of Attendance alongal academic year. Ngare recipient we ese atologooy Institutions' Cost of Attendance, nge ebwe akkayúúló alongal scholarship privileges milliyaal Scholarship Advisory Board e bwughi dokumento we.

Recipient we nge ebwe enroll me ebwe kke full-time status schagh ghal llól enrollment period. Aighúúghúl ghal enrollment period, nge recipient ebwe ayoora ngáli Scholarship Advisory Board kopiyaal aal grade report reel enrollment period ending.

Recipient ebwe sign me notarize-li Memorandum of Agrrement iwe e angúúngú mereel Scholarship Advisory Board ghal llól academic year bwe ebwe mmwelil bwughi benefit-il scholarship. Memorandum of Agreement yeel nge ebwe ayoora terms and conditions reel meeta benefit-il scholarship kka rebwe ngalleey recipient we. Ghal eew Agrrment nge ebwe notarize nge raa asefáali ngáli Scholarship Advisory Board mmwal recipient we ebwe bweibwogh scholarship benefits.

Recipient ye e enroll llól inaanwo ifa two-year institution aiyeluuwal (3<sup>rd</sup>) academic year. Alongeer scholarship recipients nge rebwe affataawow meeta aar field of study mmwal rebwe bweletá aruwoowal ráágh llól college. Scholarship Advisory Board rebwe amwúschúúló mwo award yeel milliyaal atootoolong infodmasiyoon kkaal nge ebwe ischitiw ngare fax, ngare email, me ngare tappal mail service ye eyoor nge raa afanga ngáli address ye faal:

Scholarship Advisory Board  
Office of the Governor  
Caller Box 10007  
Saipan, MP 96950

Facsimile:m670-664-4759  
Email Address: cnmischolarship.com

5.8 Alongeer scholarship recipients nge rebwe aghuleey ngáliir Scholarship Advisory Board reel aar address-il gakko me CNMI address ngare e ghal lliiwel. Recipient nge essóbw eligible reel eweewe schagh me lower level of education.

## 6. PROBATION ME AKKAYÚÚLÓ

6.1 Recipient nge ebwe kke fulltime status me kke lo schagh aal GPA 3.00 reel 4.0 scale cumulatively ghal aighúúghúl academic year. Ngare e ppungutiw aal recipient we GPA, me ngare llapal credit hours e ppungtiw faal full-time status aighúúghúl enrollment period me ngare students rese attabweey statutory requirements me ngare terms kkewe autol Memorandum of Agreement, nge rebwe isáli student we llól probation reel ráágh la mwiir.

6.2 Scholarship benefits nge rebwe fangwow llól probation period. Nge student we ebwe makeup-lil credits kkewe ese ghów me ebwe maintain-li full-time (12 credits) status. Ngare ebwele úúló probationary period nge student we ebwele mmwelil meet-li minimum GPA requirement me ebwe attabweey statutory requirements me terms of students' Memorandum of Agreement.



6.3 Ngare student we ese meet-li requirement-il GPA me ese atakka credits kkewe ese ghów e schuu fengáll meigha ebwe maintainli full-time status me ngare ese atabweeystatutory requirements me terms of the Memorandum of Agreement igha elo llól probationary period, nge ebwe akkayúúló scholarship benefits, nge recipient we essóbw mmwelil toolong lo llól program.

## 7. TRANSFER NGARE LIWILIILÓ AAL FIELD OF STUDY

Recipient nge ebwe ghommwal tingór sáangi Scholarship Administrator ngare recipient we e mwuschál transfer-ló lló eew institution me ngare liwili aal field of study. Tingór nge rebwe ischiitiw me, ngare tingór we nge ebwe mwetló llól eew institution, nge ebwe atotoolong aal student we letter of acceptance mereel institution we ebwe tranfer-ló iye bwe rebwe aprebaay bwe ebwe transfer.

## 8. ABWÓSSUW SEFÁÁLIY

8.1 Alongeer recipients reel tappal scholarship yeel nge re required bwe rebwe sefáálto CNMI essóbw luuló eluuw (3) maram mwiril aar atakkaaló aar degree program.

8.2. Recipients kka rese atakka aar educational degree program, nge rebwe required bwe rebwe abwóssuuw sefááliiy llapal selaapi we scholarshipa e ngalleey. Abwóss nge emmwel schagh ebwe abwóssotiw alongal me ngare eghus me eghus, me meeta re angúungú leepateer recipient we me Scholarship Advisory Board.

Legal proceedings nge rebwe ayoora bwe ebwe abwóss sefáál alongal selaapiil scholarship we re fangwow bwe rebwe abwura requirements kkewe e mwetto mereel § 8.1 me 8.2. iwe elo weiláng. Recipient we e ppwal abwóssuuw alongal legal expenses me fees kka e mwet ngáli government reel igha e aschooscho bwe ebwe bwughi sefááliiy scholarship awards.

E sóor mwutta ye rebwe ngalleey recipient ye aa yoor aar baccalaureate degree nge re mángiiy bwe rebwe toolong llól post-graduate Degree Program. Abwós sefáál ngare cancellation reel tappal scholarship we nge ebwe úúló mwo milliyaal student kkewe re bwughi aar post-graduate degree eweewe schagh ngare students kkewe scholarship ngare saabw. Nge, ngare student we e ayúúwló aal post-graduate program, nge ebwe sefááto CNMI llól eluuw(3) maram bwe ebwe bwel le angaang. Ngare ese sefáál nge ebwe required bwe ebwe abwóssuuw sefááliiy alongal llapal selaapiyal scholarship kkewe e bwughil.

## 9. INFODMASIYOON KKA ESE WEL

9.1 Alongal dokumento kka Scholarship Advisory Board e bwughil nge rebwe amwuri ngare ellet mereel institution me sources kka e mwetto meiy. Applican me aal schó me ngare iyoye re ngalleey bwángil nge elo ngáliir reel ghatchúl autol dokumento kkewe. Recipients me iyo ye re ngalleey bwángil kkewe re atoolongol dokumento kka ese wel me re liwiliiló autol, toowowul nge recipient we ebwe toowow ngare petmanenti mellól Scholarship program ye lemeliyeer Scholarship Advisory Board. Dokumento kkaal nge e toolong application, supporting documents, grade reports, transcripts, me bwal akkááw.

## 10. FIIYOWÁÁGHELI

10.1 Recipient ye rese ngalleey P.L. 14-37 nge eyoor aal wel bwe ebwe fiiyowáágheli ngáliir Scholarship Advisory Board.

Appeal nge rebwe ischiitiw nge raa address-li ngáli Chairperson-ul Scholaship Advisory

Board.

Appeal nge ebwe postmarked me ngare bweibwoghló nge essóbw luuló ruweigh me eew (21) ráálil wmiril aal arongowow me meeta mángemángil Scholarship Administrator. Ngare arongorong we nge re mail-li, nge ebwe yoor via certified mail, me re tingór Appeal we e mwet ngáli Scholarship Advisory Board nge rebwe rongorong me mángiyy fischiiy reel rebwe attabweey alléghúl CNMI kka e ghol ngáli, e bwal toolong, nge saabw mille schagh CNMI Administrative Procedure Act, 1 CMC Section 9101 et. Seq. Alongal mángemáng sáangi Scholaship Advisory Board reel appeals nge aa aighúúghúl reel administrative review process.

## 1. RÁLLIL ALLÉGHLÓ

11.1 Allégh kkaal nge ebwe alléghló milla mwetemwetil.



**Commonwealth of the Northern Mariana Islands**  
**Department of Public Health**  
**Office of the Secretary of Public Health**



P.O. Box 500409CK, Saipan, MP 96950  
Tel: (670) 236-8201; Fax: (670) 234-8930  
jkvsaipan@gmail.com

**PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS**

**PROPOSED RULES AND REGULATIONS REPEALING AND REENACTING  
MEDICAL REFERRAL SERVICES RULES AND REGULATIONS**

**INTENDED ACTION TO ADOPT THESE PROPOSED REGULATIONS:** The Commonwealth of the Northern Mariana Islands, Department of Public Health (DPH), intends to adopt as permanent regulations the attached Proposed Rules and Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a) and applicable regulations. The Proposed Rules and Regulations will become effective 10 days after compliance with 1 CMC §§ 9102, 9104 (a), 9105(b) and applicable regulations.

**AUTHORITY:** The Department of Public Health, under 1 CMC §§ 2603 and 2605, is empowered to maintain and improve health conditions in the Commonwealth and is authorized to adopt rules and regulations regarding those matters over which it has jurisdiction.

**THE TERMS AND SUBSTANCE OF THE PROPOSED REGULATIONS:** The Proposed Rules and Regulations are essentially identical to the current Rules and Regulations that the Medical Referral Service of the DPH currently operates under along with some proposed modifications. The Proposed Rules and Regulations, as promulgated, will resolve issues regarding the validity of the current regulations and will modify the current regulations in order to ensure the present and future fiscal viability of the Medical Referral Program.

As to unresolved issues regarding the validity of current regulations, there is some question as to whether past proposed amendments have been validly incorporated into the current regulations. DPH, through the Proposed Rules and Regulations, will repeal and reenact the entirety of the current rules and regulations located at Subchapter 140-10.7 of the Northern Mariana Islands Administrative Code. This will cure any lingering issues as to the incorporation of the past proposed amendments.

As to modifications to the current regulations, DPH proposes a number of amendments as follows:

- Section 4.2(b)(ii), (viii): To clarify and specify required supporting documents.

- Section 4.3(h): To include a category to minimize abuses.
- Section 5.3(a): To change the word "provide" to "assist" and establish three eligibility criteria based on income bracket eliminating the automatic full airfare coverage.
- Section 5.4(a)(ii): To require that all transport nurses be a Registered Nurse (RN) and ACLS Certified. Also, to define the position description as required.
- Section 5.4(b): To require that all approved family escorts contribute and pay 50% of round trip airfare to designated medical facility. Also, to delete the subsistence allowance as specified in section 5.5. On same section, to change the word "shall" to "may" on the approval provision. It also lowers the patient or designated escort income level from \$70,000 to \$50,000 to qualify for or as an escort.
- Section 5.5: To eliminate the subsistence allowance benefit under the Maintenance Costs section and in all other sections of the Rules and Regulations.
- Section 7.6: To transfer the inter island air transportation cost to the respective Mayor Accounts of Rota, Tinian or the Northern Islands for better control and monitoring.

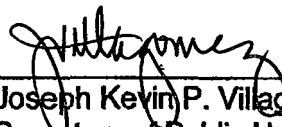
These modifications will help ensure the present and future fiscal viability of the Medical Referral Program.

**DIRECTIONS FOR FILING AND PUBLICATION:** These Proposed Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1)) and posted in convenient places in the civic center and in local government offices in each senatorial district, both in English and in the principal vernacular. (1 CMC § 9104(a)(1)).


The Secretary will take appropriate measures to make these Regulations known to the persons who may be affected by them.

**TO PROVIDE COMMENTS:** Send or deliver your comments to Joseph K. Villagomez, *Attn: Medical Referral Services Rules and Regulations*, at the above address, fax or email address, with the subject line "Medical Referral Services Rules and Regulations". Comments are due within 30 days from the date of publication of this notice. Please submit your data, views or arguments. (1 CMC § 9104(a)(2))

Submitted by:

  
 \_\_\_\_\_  
 Joseph Kevin P. Villagomez  
 Secretary of Public Health

1-24-2011  
 Date

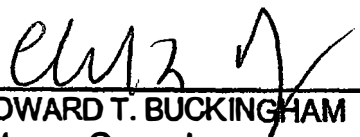
Received by:   
Esther S. Fleming  
Special Assistant for Administration

01/24/11  
Date

Filed and  
Recorded by:   
Esther M. San Nicolas  
Commonwealth Register

01.24.11  
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).

  
EDWARD T. BUCKINGHAM  
Attorney General

1-24-11  
Date

**Commonwealth Téél falúw kka faluwasch Efang Marianas  
Bwulasiyool Imwal Limilimal Iligh  
Ofisinal Samwoolul Imwal Limilimal Iligh**

P.O Box 500409CK, Siepel, MP 96950  
Tilifoon (670) 236-8201; Fax: (670) 234-8930  
[jkvsaipan@gmail.com](mailto:jkvsaipan@gmail.com)

**ARONGOL TOULAP SÁNGI ALLÉGH KKAAL**

POMWOL ALLÉGH KKAAL ME FFÉÉR SEFÁÁL ME ALLÉGH SEFÁÁL  
ALLÉGHÚL AKKAFANGAL MAL SEMWAA Y (MEDICAL REFERRAL)

---

**MÁNGEMÁNG IGHA EBWE FILLÓÓY POMWOL ALLÉGH KKAAL:**  
Commonwealth Téél falúw kka falúwasch Efang Marianas, Bwulasiyool Imwal Limilimal Iligh (DPH), e tipeli ebwe ipigh fillóóy allégh kka e appasch, bwelle mwóghutul Administrative Procedure Act, 1 CMC Talil 9104(a) me allégh kka efil. Pomwol allégh kkaal ebwe kkamalló lló l seigh (10) ráálil ngáre schagh e tabweey alléghúl 1 CMC Talil kka 9102, 9104 (a), 9105(b) me allégh kka efil

**BWÁNGIL:** Bwulasiyool Imwal Limilimal Iligh, faal allÉgh ye 1 CMC Talil kka 2603 me 2605, nge re ngalleey bwángil ebwe afalli me aghatchú ilighiir aramasal CNMI me eyoor bwángil ebwe fillóóy allégh kkaal sangi mwóghutughut ye elo bwe yaal angaang.

**KKAPASAL ME ÓUTOL POMWOL ALLÉGH KKAAL:** Pomwol allégh kkaal nge e auscheya igha bwete ebwe weewe me allégh kka ighila igha Ammwelil Medical Referral mellól DPH e mwóghutughut sáangi akkááw pomwol ssiwel. Pomwol allégh kkaal ikka aa akkatééló, ebwe aghtchúwuló aweewe kka efil ngáli allégh kka ighila me siweli alléghúl ighila bwele ebwe alúghúlugh kkapasal fiscal sáangi ighila me mweteló mmwal mellól Medical Referral Program.

Bwelle rebwe aghatchuwuló aweweel allégh kka efil ighila, eyoor akkááw ayegh ngáre fasúl pomwol lliwel kkaal efil yaar atolongoow llól allégh kka ighila, DPH, sáangi Pomwol Allégh kkaal, ebwe fféér sefáál me allégh sefáál alongal allégh kka elo llól Subchapter 14010.7 mellól Northern Marianas islands Administrative Code. Milleel ebwe aghtchúwuló aweewe kka e mmway fetal igha ebwe atotoolong llól fasul pomwol lliwel kkaal.

Igha ebwe lliwel allégh kka ighila, DPH e pomwoli akkááw lliwel kka e táletiw:

- Tálil 4.2(b)(ii), (viii): Ebwe ffat me aghiliwel tingórol dokkomento kka rebwe yááyá.
- Tálil 4.3(h): Rebwe atolongoow aweewe kka rebwe fischeli féfféér nngów.

- Tálil 5.3(a)(ii): Rebwe siweli tapelal kkapas ye “provide” ngáli “assist” me fféer eligibility criteria sáangi income bracket igha rebwe atoowowu full airfare coverage.
- Tálil 5.4(a)(ii): Re tingór bwe alongeer nurse kka bwe afangaar rebwe Registered Nurse (RN) me ACLS Certified. Bwal eew, ebwe affat kkapasal yaar angaang (position description) kka rekke tingór.
- Talil 5.4(b): Rekke tingór bwe alongeer familial schóoy attabw (escort) kka re alissiiir (approved) reel yaar akkate me abwóssuw 50% reel round trip airfare ngáli bwuley, Bwal eew, rebwe ataraawow salapial mal semwaay ye e affatawow mellól talil 5.5. Llól schagh tálil yeel, rebwe siweli tepelal kkapas ye ‘shall’ ngáli “may’ llól alúghúlúghúl allégh yeel. Ebwal fichelitiw salapial mal semwaay sáangi fisigh sangaras (\$70,000) ngáli limeigh sangaras (\$50, 000) ngáre rebwe fillong (qualify) reel me ngáre yeel schóól attabw.
- Tálil 5.5: Rebwe ataraawow salapial mal semwaay ye elo faal tálil Maintenance Costs me alongal tálil kka elo llól allégh kkaal.
- Tálil 7.8: Rebwe alusu salapial asfalúw (inter island air transportation) ngáli Mayors Accounts mellól Luuta, Tchúlúyol me Northern Islands igha ebwe ghatch ammwelil me alléghúl.

**AFALAFAL REEL AMMWELIL ME AKKATÉÉL:** Pomwol Allégh kkaal ebwe akkatééló llól Commonwealth Register mellól tálil ye re pomwoli me fillóoy allégh kka ffé (1CMC talil 9102(a)(1)) me appasch llól civic center kkaal me llól bwulasiyool gobenno kkaal me bwal llól senatorial district kkaal, e weewe schagh llól mwaliyeer Amerikkúnu, Refalúwasch me Remeraalis. (1 CMC talil 9104(a)(1)).

Samwool ebwe mwóghut ágheli Allégh kkaal ngaliir schóókka emmwel ebwe aweiresiir.

**ISISILONGOL AGHIYEGH:** Afanga me ngáre bwughiló ischil mángemáng reel Joseph K. Villagomez, Attn: Medical Referral Services Rules and Regulations, sáangi address ye weiláng, fax me email address, reel kkapas ye eyáál reel” Medical Referral Services Rules and Regulations”. Ischil mangemang ebwe atottoolong llól eliigh (30) ráálil igha schagh e akkaté arong yeel. Óutu ghal soong, ischilong mááfíyámi. (1 CMC tálil 9104(a)(2)).

Isaliyallong:

  
Joseph Kevin P. Villagomez  
Samwoolul Imwal Limilimal Iligh


1-24-2011  
Rál

Mwir sangi:

  
Esther S. Fleming  
Sów Alillisil Sów Lemelem


01/24/11  
Rál

Ammwel sáangi:

  
Esther M. San Nicolas  
Commonwealth Register

01-24-11  
Rál

Sáangi allégh ye 1 CMC talil 2153(e) (alúghúlúgh mereel AG reel allégh kka ebwe akkaté) me 1 CMC táilil 9104(a)(3) (bwughi yaal alúghúlúgh AG) pomwol allégh kka e appasch nge raa takkal amweri fischi me allégheló mereel CNMI Sów Bwungul Allégh Lapalap me ebwe akkaté, 1 CMC talil 2153(f) (akkatéél allégh kkaal):

  
EDWARD T. BUCKINGHAM  
Sów Bwungul Allégh Lapalap

1-24-11  
Rái



**Commonwealth gi Sangkattan na Islas Marianas Siha  
Dipattamenton Hinemlo' Pupbliku  
Ofisinan Sekretario gi Hinemlo' Pupbliku**

PO Box 500409 CK, Saipan, MP 96950  
Tel: (670) 236-8201; Fax: 1(670) 234-8930  
Email: [jkvsaipan@aol.com](mailto:jkvsaipan@aol.com)

**NOTISIAN PUPBLIKU NI MANMAPROPONE NA AREKLAMENTO YAN REGULASION SIHA**

**I MANMAPROPONEN AREKLAMENTO YAN REGULASION SIHA NI MADIROROGA YAN  
MA'OTDEDENA I SETBISION MEDICAL REFERRAL NA AREKLAMENTO YAN REGULASION  
SIHA**

**I AKSION NI MA'INTENSIONA PARA U MA'ADAPTA ESTE SIHA I MANMAPROPONE NA  
AREKLAMENTO YAN REGULASION SIHA:** I Commonwealth gi Sangkattan na Islan Marianas  
Siha, i Dipattamenton i Hinemlo' Pupbliku (DPH), ha intensiona para u adapta komu petmanente  
na regulasion siha ni mañechetton i Manmapropone na Areklamento yan Regulasion siha sigun  
gi manera siha gi Akton Administrative Procedure, 1 CMC § 9104(a) yan i aplikable na regulasion  
siha. I Manmapropone na Areklamento yan Regulasion siha para u efektibu gi halom i dies (10)  
dihas despues di makomple i dinimanda ni 1 CMC §§ 9102, 9104 (a), 9102(b) yan i aplikable na  
regulasion siha.

**ATURIDAT:** I Dipattamenton Hinemlo' Pupbliku, gi papa' i 1 CMC §§ 2603 yan 2605, ni inaturisa  
para u masustiene yan u ma'adilanta i kondision hinemlo' siha gi halom i Commonwealth yan ha  
aturisa para u adapta i areklamento yan i regulasion siha sigun gi ayu siha na manera kontra  
anai gai aturidat.

**I KONDISION YAN SUSTANSIA NI MANMAPROPONEN REGULASION SIHA:** Este na  
Areklamento yan Regulasion siha eksakto presisu para i presente na Areklamento yan  
Regulasion siha ni i Setbision Medical Referral gi DPH gi presente ha maneneha gi papa' i  
pumalu na tinilaikan i manmapropone siha. I Manmaproponen Areklamento yan Regulasion  
siha, komu macho'gue, para u masatba i punto siha sigun i binalen i presente na regulasion siha  
yan para u matulaika i presente na regulasion siha sigun gi manera ni para u mana'siguru i  
presente i mamamaila' na fiscal viability gi Programan Medical Referral.

Komu ti masatba i manera siha sigun i binalen i presente na regulasion, guaha mas kuestion  
komu maskiseha i ma'pos na amendasion i manmapropone mambali mana'fandanña' halom gi  
presente na regulasion siha. I DPH, ginen i Manmaproponen Areklamento yan Regulasion siha,  
para u madiroga yan ma'otdena enteramente gi presente na areklamento yan regulasion siha ni  
manggaige gi Subchapter 140-10.7 gi Kodigon Administrative Sangkattan na Islas Marianas.  
Este para u gai remedio gi maseha hafa i chetton na punto komu para i tinilaikan i ma'pos na  
amendasion i manmapropone siha.

Komu para i tinilaika para i presente na regulasion siha, i DPH ha propone sigiente na amendasion siha:

- I Seksiona 4.2(b)(ii), (viii): Para u klarifika yan u espisifika i nesisario na supporting documents.
- I Seksiona 4.3(h): Para u sãonão i kategoria para u maribãha i abuses.
- I Seksiona 5.3(a): Para u tulaika i palãbra “pribeni” asta “asiste” yan u estapblisa tres eligibility criteria gi income bracket
- I Seksiona 5.4(a)(ii): Para u madimãnda na todú i transpottasion i emfitmera siha debi na u Registered Nurse (RN) yan ACLS Certified. Lokkue’, para u defina i dineskriben i pusision komu madimãnda.
- I Seksiona 5.4(b): Para u madimãnda na todú i escort familia siha u na’halom kontribusion yan ápas singkuenta pot sientu(50%) gi round trip na ápas batkonaire para guatu ni madisikna na fasilidãt medicãt. Lokkue’, para u mana’suha i subsistence allowance komu ma’espisifika gi seksiona 5.5. Gi parehu na seksiona, para u matulaika i palãbra “debi” para “siña” gi inaprueban probension. Nina’takpapa’ lokkue’ i malãngu pat i madisikna na escort income level ginen i \$70,000 asta i \$50,000 para i kualidãt pat komu escort.
- I Seksiona 5.5: Para u mana’suha i subsistence allowance benefit gi papa’ i Maintenance Costs na seksiona yan gi halom todú i seksiona gi Areklamento yan Regulasion siha.
- I Seksiona 7.6: Para u matransferi i gãston airen transpottasion inter island para i respective Mayor Accounts of Rota, Tinian pat i Sangkattan na Isla siha para u mãs mãolek na minaneha yan inatan.

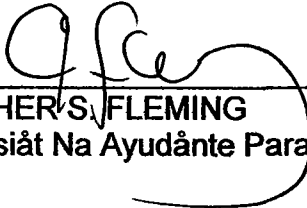
Este siha na tinilaika para u inayuda i presente yan i mamamaila’ na fiscal viability gi bãndan Progrãman Medical Referral.

**DIREKSION PARA U MAPO’LO YAN MAPUPBLIKA:** Este i manmapropone na Areklamento yan Regulasion siha debi na u mapupblika gi halom i Rehistran Commonwealth gi seksiona ni mapropone yan nuebu na ma’adãpta na regulasion (1 CMC § 9102(a)(1) yan mapega gi mangkombiniente na lugãt gi halom i civic center yan i halom i ofisanan gobietnamento siha gi kada distriton senadot, parehu gi English yan i lengguãhen natibu. (1 CMC § 9104(a)(1)).

I Sekritãrio para u chule’ appropriate measures ni para u fa’tinas este na regulasion siha ni para u mana’matungo’ ni taotão ni siña maninafekta siha.

**PARA U MAPRIBENIYI OPIÑON SIHA:** Na'hanágue pat osino entrega i opiñon-mu guatu gi as Siñot Joseph K. Villagomez, Attn: Areklamento yan Regulasion Siha para i Setbision Medical Referral gi sanhilo' na address pat fax pat email address, yan ráyan suheto "Areklamento yan Regulasion siha para i Setbision Medical Referral" Imfotmasion siha debi na u mana'fanhálom trenta(30) dihas ginen i fechan publikasion este na notisia. Pot fabot na'háalom i infotmasion-mu, opiñon, pat testamonion kinentra siha. (1 CMC § 9104 (a)(2)).

Nina'háalom as:  1-24-2011  
Joseph Kevin P. Villagomez  
Sekritájon i Hinemlo' Pupbliku  
Fecha

Rinisibi as:  01/24/11  
ESTHER S. FLEMING  
Espisiát Na Ayudánte Para I Atministrasion  
Fecha

Pine'lo Yan Rinekot as:  01.24.11  
ESTHER M. SAN NICOLAS  
Rehistran Commonwealth  
Fecha

Sigun i 1 CMC § 2153(e) ( I Abugádu Henerát ha apreba i regulasion siha na para u macho' gue komu fotma) yan 1 CMC § 9104(a)(3) (hentan inapreban Abugádu Henerát) i manmapropone na regulasion siha ni mañechetton guini ni manmarebisa yan manma'apreba komu fotma yan suficiente ligát ginen i CNMI Abugádu Henerát yan debi na u mapupblika, sigun gi 1 CMC § 2153(f) (publikasion areklamento yan regulasion siha).

 1-24-11  
EDWARD T. BUCKINGHAM  
Abugádu Henerát

Commonwealth of the Northern Mariana Islands  
Commonwealth Utilities Corporation

Abe Utu Malae, Executive Director

P.O. Box 501220

Offices: 3<sup>rd</sup> Floor Joeten Dandan Building, Saipan, MP 96950

Tel: 670.235.7025 - 7032; fax: 670.235.5131

Email: [cucregulations@cucgov.net](mailto:cucregulations@cucgov.net)

**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.

**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, particularly § 8533 (PUC may increase qualifying project size) 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. This is “net metering”. The regulations set out the duties and rights of these customer generators and CUC.

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

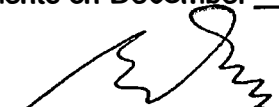
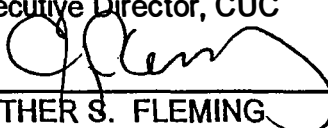
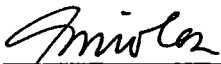
1. Definitions, including the definition of renewable power.
2. Interconnections with CUC’s distribution system.
3. How CUC will review, or screen, for 4 levels of generation: up to 10 kiloWatts (“kW”); 10 – 100 kW; 100 kW – 2 MegaWatts (“MW”); over 2 MW.
4. Net metering transactions, including meters, carbon credits, contracts, wheeling of power, technical specifications, time periods, calculations and payments.
5. Reports.
6. An initial limitation of the effectiveness of the regulations to projects of 100 kW during the first years of the program.

7. Specific provisions that provide for transmission services for generation sited on land located at a distance from the customer's home or business.

**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 email address, with the subject line "Net Metering Regulations". Emails 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 December 22, 2010.

|                        |  |                         |
|------------------------|--|-------------------------|
| Submitted by:          | <br>_____<br>ABE UTU MALAE<br>Executive Director, CUC                               | <u>12/22/10</u><br>Date |
| Received by:           | <br>_____<br>ESTHER S. FLEMING<br>Governor's Special Assistant for Administration | <u>01/24/11</u><br>Date |
| Filed and Recorded by: | <br>_____<br>ESTHER M. SAN NICOLAS<br>Commonwealth Register                       | <u>01.24.11</u><br>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 will be submitted directly to the Public Utilities Commission for review and approval following publication in the CNMI Register and an opportunity for comment.

Dated the 5<sup>th</sup> day of December 2010.

/s

Alan J. Barak,  
Regulatory Counsel for CUC

**COMMONWEALTH GI SANGKATTAN NA ISLAN MARIANAS SIHA**  
**Commonwealth Utilities Corporation**

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**NOTISIAN PUPBLIKU POT I MANMAPROPONE NA AREKLAMENTO YAN REGULASION**  
**SIHA NI MANMA'AMENDA PARA I REGULASION I COMMONWEALTH UTILITIES**  
**CORPORATION**

**I AKSION NI MA'INTENSIONA PARA U MA'ADAPTA ESTE I MANMAPROPONE NA REGULASION SIHA:** I Commonwealth gi Sangkattan na Islas Marianas, COMMONWEALTH UTILITIES CORPORATION (“CUC”) ha intensiona na para u adapta komu petmanente na regulasion siha ni mafechetton i Manmapropone na Regulasion siha, sigun gi nuebu na manera siha ni manma'arekla para i CNMI Public Utilities Commission (“PUC”), ni tinattiyi ayu i Akton Administrative Procedure 1 CMC § 9104(a). I Regulasion siha para u ifektibu gi ayu ha' yanggen ma'otden ni i CNMI PUC. Este i manmapropone na regulasion siha manmapublika gi halom i Rehistran Commonwealth.

**ATURIDAT:** I Akton i CNMI Public Utilities ha pribeni na i regulasion i CUC siha debi na u saga ha' estaki yan solo mata'lon ma'arekla ginen 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, pattikulamente i § 8533 (PUC ni siña ma'adilanta i mineddong 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 SUSTANSIAN I PALABRA SIHA:** I Regulasion siha ha pribeniyi na i pumalu na environmentally friendly methods ni generating electricity (“renewable” pat “renewables”) ginen i CUC's customers debi na u entitled gi 100% power bill offset yan 50% retail credits yan apas siha yanggen manâ'i ilektrisidâ para i CUC's electric system. Este i “net metering”. I regulasion siha maplanta huyong i ubligasion yan derecho siha ni este siha na customer generators yan i CUC.

**SUHETO NI MASUMARIA YAN ASUNTO NI TINEKKA:** Este na areklamento yan regulasion siha na tinekka:

1. Definision, sâsâonâo i definision i renewable power.
2. Interconnections yan i sisteman i distribution CUC.
3. Taimanu i CUC maribisa, pat ma'ina, para i 4 levels of generation; hulo' asta i 10 kilowatts (“kW”); 10 100 kW; 100 kW - 2 MegaWatts (“MW”); over 2 MW.
4. Net metering transactions, sâsâonâo i meters, carbon credits, contracts, wheeling of power, technical specifications, time periods, calculations yan payments siha.

5. Ripot siha

6. I finene'na na minidiyi gi inefektibon i regulasion siha gi præyek i 100 kW gi durânten i primet años siha gi progrâma.


7. Propiu i probension siha ha pribeniya para i setbision i transmission para i generation sited gi anai gaige gi lugât i destânsia kontra i gima' i customer pat i bisnes,

**DIREKSION PARA U MAPO'LO YAN MAPUPBLIKA: DIREKSION NI PARA U MAPO'LO YAN MAPUPBLIKA:** Este i Manmapropone na Regulasion siha debi na u mapupblika gi halom i Rehistran Commonwealth gi seksiona ni mapropone yan nuebu na ma'adâpta na regulasion siha. Este na notisia debi na mapega gi gasetan i CNMI para u rinidondeha i pupbliku henerât, yan gi kombiniente na lugât siha gi halom i ofisinan i CUC siha, gi halom i civic center yan i ofisinan gobietnamento gi kada distriton senadot, parehu gi fino' English yan i prinsipât na lengguâhen natibu. I staff i CUC debi na u mana' siguru na u manotisia i pupbliku gi dinanche na manera.

**PARA U MAPRIBENIYA OPIÑON SIHA:** Na'hânao pat entrega i opiñon-mu guatu para i Executive Director as Abe Utu Malae, *Attn: Net Metering Regulations* gi sanhilo' na address, fax pat email address, yan i râyan suheto "Manmapropone na Regulasion siha". Todu imfetmasion debi na u fan hâlom trenta(30) diha siha ginen i fechan publikasion este na notisia. Pot fabot na'hâlom i imfetmasion, opiñon, pat testamoñon kinentra siha.

Este i manmapropone na regulasion siha manma'apreba ginen i CUC's Executive Director para i publikasion yan risibon i imfetmasion gi Disembre 22, 2010

Nina'hâlom as:

  
\_\_\_\_\_  
ABE UTU MALAE  
Executive Director, CUC


12/22/10  
Fecha

Rinisibi as:

  
ESTHER S. FLEMING  
Espisiát Na Ayudánte Para I Atministrasion Gobietno

01/24/11  
Fecha

Pine'lo Yan  
Rinikot as:

  
ESTHER M. SAN NICOLAS  
Rehistran Commonwealth

01-24-11  
Fecha

Nota: Sigun gi para i probension siha gi Akton i Public Utilities Commission 4 CMC § 8401 et sek., yan i PL 15-35, Seksiona 3(b)(3) (PUC inapruaba ni regulasion CUC siha) este i manmapropone na regulasion siha para u mana'háлом direktamente guatu gi Public Utilities Commission para u maribisa yan inapruaba gi sigiente na publikasion gi halom i Rehistran Commonwealth yan oppotunidád para imfetmasion.

Mafecha gi diha \_\_\_\_\_, gi Disembre, 2010

/s

Alan J. Barak,  
Regulatory Counsel para i CUC



Commonwealth of the Northern Mariana Islands

Commonwealth Utilities Corporation

Abe Utu Malae, Executive Director

ARONGORRONGOL TOULAP REEL YÀGHEYÀGHIL ÀLLÉGH ME LEMELEM  
(Rules & Regulation) IKKA EBWE SIIWEL MELLÓL ALLÉGHUL LEMELEMIL

COMMONWEALTH UTILITIES CORPORATION

(Yágheyághil mwóghutughut nge ebwe fótófish lemelem). Commonwealth of the Northern Mariana Islands, Commonwealth Utilities Corporation (CUC) e yághiyághii bwe ebwe bwúngúúw itíiwel lemelem, llól tátáilil eew mil ffé ráráál angaang efféerta ngalii CNMI Public Utilities Commission (“PUC”), iye attaabweey Administrative Procedure Act, 1 CMC § 9104 (a). Lemelem yeel nge ebwe ebwe ffatlóó allégh ngare eyoor itíiwel mereel CNMI PUC. Iyeel yágheyághil lemelem nge ebwe isiisilong ngare ischiifaat (issue/publication) loll Commonwealth Register.

(Bwáng Authority): Alléghúl Toúlap CNMI Public Utilities e ayoora bwe lemelemiil CUC’s ebwe bwung lapalap toori yaal ssiwelo merel PUC. 4 CMC § 8401 et seq.; PL 115-35, tetelill 3 (b) 3 (PUC approval of CUC regulations). PL 15-23 and 87, codified at 4 CMC § 8531-43, fatafataal § 8533 (PUC emmwel ngáliil bwe ebwe aschélapaaló llapal aal CUC angaang ikka e fiil yeetch) me § 8534 (a) CUC ebwe ayoráátá ghumwaar) nge CUC ebwe ayoora tta lemelemiil ghumwaar reel “net energy metering”.

(Abwung lapalap kkaal me ókkótool): Lemelem yeey nge efischáli akkááw sapasapal angaang bwe ebwe leerágh (environmentally) me fisch bwe ayoora óppwul (electricity) (renewable power or renewable) bwe CUC’s Customer rebwe ailet mereel 100% power bill offset me 50% retail credits me abwos ngare óppwul akkaté ttee ngáli CUC electric system. Iyeel mille “net metering”. Lemelem eel nge e táttálow okkótool mwoghutghul me weelweel ikka iyaar customer generators me CUC.

(Schuulppagh me ókkótool wo ikka e yo lóll: Iyeel allégh me lemelem nge ebwe asiya).

1. Falul weewe (definition), me bwal falul weeweel renewable power.
2. Sobwol bwughbwugh ngali CUC distribution system.
3. Efaisul CUC ebwe anwerii me sossorol tuul wool tattali feffeer: up to 10 kiloWatts (KW; 10-100 KW-2 MegaWatts (“MW”); par sangi 2 MW.
4. Angangal asagsagh loll Net metering fitti alongal meters, carbon credits, kontrata, óppwul iyee e sangi ffeer eew utility or kompaniyaal genereta; alilisiil mwiitch, atoll aorao affatal páápa me abwós.
5. Reports
6. Meeta emmwel bwe ebwe appilisii ghatchúl lemelem reel angaang sangi 100 kw lóll ghomwaal ráágh igha e bwélétá programa.

7. Wilifaataal teteliil ikka e eyoor reel illetiil tereyáagh (services) rel generators ikka elo wóol sóobw nge e taw me arap sáangi imweer customer me businesses.

(Ititiweeliil bwe ebwe filing me ischifaat): Ikkaal yaghéaghiil allégh nge ebwe ischifaat lóll Commonwealth Register lóll tátáliil mil fee sóbwol lemelem. Arongorong yeel nge ebwe ebwe ffót melóll gaseetta, me bwal lóll bwulasiyool CUC, meloll civic centers, me bwal lóll alongal bwulasiyo, me ebwe ischifaat lóll English me bwal kkapas ikka elamalam. Schóol angaangiil lóll CUC rebwe asiya bwe arongorongol eel e fang mescherágh.

Ubwe isiisilong yóomw aló: afanga me bwughi yóomw aloo ngálii Executive Director Abe Utu Malae, ATTN: Net Metering Regulations, rel addressiil, fax me e-mail address. Me fotofotol yoomw alo: net metering regulations”. Emails nge ówtcheyeyalli le titingór. Aloo nge ebwe toolong lóll eliigh (30) days sáangi ráál ye ischifaat arongorong yeel. Faal itittiil mwóschótchór, atolongeey me isallong yóomw falsaaas (data/facts), Asóssót (views) me Aloghiyaar (Arguments).

Ikkey yágheyaghiil lemelem nge atowel llo merel Executive Director bwe ebwe ischiffat me ebwe resibiiy alo wóol Decembre 22 2010.

Notta: Bwete teteliil Public Utilities Commission Act, 4 CMC § 8401 et seq., and PL 15-35, teteliil 3 (b) (3) (PUC approval of CUC regulations) ikkey yágheyághil lemelem nge ebwe toolong reer Public Utilities Commission bwe rebwe amweri me atoweel lli llo mwinil yaal ischiffat lóll Commonwealth register me eyoor atool abwungbwung reel aloo.

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**Commonwealth of the Northern Mariana Islands**

**Northern Mariana Islands Administrative Code Title 50  
Commonwealth Utilities Corporation**

**Chapter 11: Commonwealth Utilities Corporation Interconnection and Net Metering Regulations**

Chapter Authority: PL 15-87 § 2, as amended; PL 15-23, § 2, as amended; PL 16-17, Section 9.

Regulation History: PL 15-87 (effective when approved by Governor Benigno R. Fitial, September 26, 2007), codified as 4 CMC §§ 8621-73. PL 15-23 had created 4 CMC Chapter 6, Articles 2 - 8, codified as 4 CMC §§ 8621-73. PL 15-87 amended the following sections: 4 CMC §§ 8621 (definitions); 8624 (waivers and fines); 8625 (RPS); 8631 (defs for net energy metering); 8633 (maximum capacity); 8634 (contract limits, relief, and amendments); 8635 (30% obligation limit); 8637 (IPP's payable monthly); 8639 (rate to pay, limits on); 8640 (accounting for sales); 8643 (IPP business licenses); 8664 (escos); 8671(liquid fuels); 8672 (electric charging stations); Section 3 (privatization to be consistent); PL 16-17, Section 9 (a) (right of customers to aggregate for net metering); (b) customer-generator contract not a public utility contract ; ( c) customer-generator not a public utility.

The CUC is authorized to develop a contract or tariff. 4 CMC § 8634. Generally, 4 CMC § 8157 empowers the Executive Director to adopt regulations to carry out the purposes of "this Chapter" of the Code. 4 CMC § 8157, of E O 4 of 2006. Xxx The Commonwealth Public Utilities Commission ("PUC"), however, now enacts CUC regulations. PL 15-35, Section 3(b)(3), as reporduced at 4 CMC § 8401(Comment).

[Comment on numbering outline format: The hierarchy /outline is as follows, from top to bottom: Title; Chapter; Part 001-90C; Section 001-999; (a); (1); (i); (A). Statutory citations are to PL 15-87, as amended, as codified in 4 CMC.]

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[Comment: The Table of Contents is not part of these Regulations, but is placed here for the convenience of the reader.]

A

§ 50-60- 001 **Part 100** **GENERAL PROVISIONS**

§ 50-60- 00100 **IMPORTANT: General and provisional 100 kW limitation.**

- (a) As specified below, these regulations seek to specify the treatment of customer-generated resources in all net metering contexts.
- (b) However, notwithstanding any other statement to the contrary, and due to the reasons stated just below, in this section, the following shall apply until further notice:
  - (1) For 100 kW or smaller installations, all provisions of these regulations apply automatically, and no additional negotiations or approvals are necessary, unless specifically stated otherwise in the regulations; and
  - (2) For > ("greater than") 100 kW installations, no provision of these regulations shall apply until negotiated with and approved by CUC. Thus, until this subsection is removed or revised, no customer has a right to net meter a facility greater than 100 kW, and all provisions relating to larger installations shall appear in these regulations for guideline purposes only.
  - (3) With respect to this limitation, a customer may not separate its owned capacity into smaller amounts if the effect is to avoid the limitation.

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(c) CUC intends to offer net metering up to 30 % of system peak, per the requirement of PL 15-87, 4 CMC § 8534(a). The PUC may expand this percentage up to 120% of system peak. *Id.*

(d) The reasons for this differential treatment are as follows:

- (1) CUC's T&D system and CUC's capability to add equipment to it, and to operate and maintain it, are limited, for many reasons;
- (2) CUC has limited remote control and sensing, SCADA, capability;
- (3) CUC has no experience with the multiplicity of generation sources which these regulations contemplate;
- (4) CUC's most recent initial technical difficulties, and learning experience, with an additional large resource, the 15-mW temporary power facility installed at Power Plant #1, demonstrates the importance of carefully adding and synchronizing new resources to the system;
- (5) CUC expects to learn more from each customer-generation project addition to the system so that CUC may increase its capability to manage its receipt of, output from, ever larger incremental resources;
- (6) CUC is genuinely interested in encouraging private sector investment in customer-generation in compliance with PL 15-87 and PL 16-17 § 9; and
- (7) It is valuable to future, larger customer generators to present in these regulations the procedures and operating parameters which CUC will implement with greater experience.

§  
§ 50-60- 00101            Currency of these regulations.

These regulations are current through December, 2010, CNMI Register Volume 32, No. 12 (12/15 /2010), when they were published by the CUC, for public comment in advance of PUC approval.

§  
§ 50-60- 00102            History.

- (a) History is not part of the operative language of the Regulation, and is included for the convenience of the reader.
- (b) CUC shall attempt to publish a brief history with each change to these regulations, identifying date and Commonwealth Register citation for the change.
- (c) The history is: PL 15-87 (4 CMC § 8631 - 43), eff. 9/26/2007 and PL 16-17 § 9 (Renewable energy purchases), eff. 10/1/08 (veto override). Proposed regulations were published in the Commonwealth Register, Vol. 32, No.12 (12/15/2010). Final regulations were adopted pursuant to Commission Order of xxx, 2010, and published in in the Commonwealth Register Vol. 33, No. xxx (xxx/xxx/2010).
- (d) The Regulator, the Commonwealth Public Utilities Commission, reviewed and approved these regulations for CUC publication by Order of xxx, 2010.
- (e) These regulations are based on those published by IREC, the Interstate Renewable Energy Council -- [www.irecusa.org](http://www.irecusa.org), in 2005 and 2006, for state jurisdictional small-generator interconnections. They are meant to: Combine best practices of FERC

1 and recent state interconnection procedures; rely on IEEE 1547, UL 1741 and FERC  
2 Order2006 for certification of generators; Rely on MA and FERC 10-kW inverter  
3 technical standard, application form and IA; Rely on NARUC IA for 2-MW  
4 interconnections; Rely on FERC Order 2006 standard application form for systems 2-10  
5 MW; Initially be limited to 100 kW under the assumption that larger interconnections may  
6 adversely affect transmission and will be processed specially. The drafters believe that  
7 compliance with applicable Canadian standards would exceed the UL requirements.  
8

9 □

10 § 50-60- 00103

Numbering of rules, regulations, tariffs and other acts.

- 11  
12 (a) Rules, regulations and tariffs relating to these Regulations shall be signed by the  
13 Executive Director or the Executive Director's designee and numbered to indicate year,  
14 month and successive number in the year and month, and shall indicate briefly their  
15 subject matter. For example: "Tariff 2011-10-04 (Small Business interconnections)".  
16  
17 (b) Other actions shall be similarly identified. For example: "Net metering residential  
18 application form 2011-03-01".  
19

20 □

21 § 50-60- 00104

Place for filing.

- 22  
23 (a) The Executive Director shall designate as the location for filing applications, inquiries and  
24 protests under these Regulations the following: CUC's principal office, a web site with the  
25 capability to receive documents, and/or an email address through which documents can  
26 be received for filing.  
27  
28 (b) The Executive Director may provide for other places and means to file, including a fax  
29 telephone number, and offices in other locations.  
30  
31 (c) All received documents shall be receipted as follows: for hard copy, in hard copy on the  
32 day delivered, as with "received" date-stamped on the pages of a copy or cover letter, as  
33 requested; for electronic filing, the date received, via an email notification; for faxes,  
34 similar to hard copy, but with the receipt faxed back.  
35  
36 (d) Filing may be accomplished through e-filing. The Executive Director may contract with a  
37 private service used by the courts for the purposes of e-filing.  
38

39 □

40 § 50-60- 00105

Organization and responsibility.

- 41  
42 (a) The Executive Director shall designate in writing the persons responsible for the oversight  
43 and management of the program(s) addressed in these Regulations.  
44  
45 (b) The persons so designated shall be identified on all public materials, with contact  
46 information for them and/or the persons directly administering the program(s), including  
47 contact by electronic means.  
48

49 □

50 § 50-60- 00106

Record keeping.

- 51  
52 (a) The Executive Director shall cause records to be kept of all agreements and sales of



1 power pursuant to these Regulations so that determinations can be made of the costs  
2 and benefits to CUC of the power sale arrangements.

3  
4 (b) In any proceeding in an administrative agency, court, civil or criminal, copies of those  
5 records certified as true and correct by the Executive Director or designee shall be  
6 admissible in evidence and shall be prima facie evidence of the correctness of the  
7 contents thereof.

8  
9 §  
10 § 50-60- 00107 Authority of persons charged with responsibility.

11  
12 All persons given responsibility under these Regulations shall have such authority, and perform such duties, as  
13 may be provided by or pursuant to written authorization or direction of the Executive Director, or, in the absence  
14 thereof, as may be determined from these Regulations.

15  
16 §  
17 § 50-60- 00108 Operations, staff and contractors.

18  
19 (a) The Executive Director, or his/her designee, may enter into such contracts, leases,  
20 licenses, loans, and other agreements as s/he may determine necessary for the efficient  
21 conduct of the programs under these Regulations.

22  
23 (b) The Executive Director may employ such staff, agents and contractors, except as  
24 provided otherwise specifically by statute or in these regulations, to assist in the  
25 performance of the duties required to implement the program under these Regulations,  
26 and pay salaries, costs and expenses related thereto.

27  
28 (c) The Executive Director, or his/her designee, may collect, receive and disburse funds  
29 related to the program under these Regulations, and may delegate such functions.

30  
31 (d) CUC shall identify to the public a point of contact for communications under these  
32 regulations. Ordinarily, this would be person, with a job title, an email address and a  
33 telephone number and/or extension.

34  
35 §  
36 § 50-60- 00109 Advisory Committees.

37  
38 The Executive Director may, for the purpose of obtaining technical expertise and public input, appoint advisory  
39 committees of non-CUC staff to provide advice and assistance related to the programs under these Regulations.  
40 Such committees may investigate and find facts, shall be entitled to the cooperation of CUC employees,  
41 contractors and agents, and shall act only in an advisory capacity.

42  
43 §  
44 § 50-60- 00110 Conflict of Interest.

45  
46 (a) No staff member or program contractor, or a "close family member", or any business in  
47 which such person or such relation serves as staff, officer, owner or director, or by  
48 contract represents, shall transact any pecuniary business of any kind with CUC pursuant  
49 to the programs under these Regulations, unless the following preconditions are met:

50  
51 (1) Notification to the Executive Director, or, for the Executive Director, notification to  
52 the Board in advance, in writing, of his/her potential business or personal interest

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in the transaction; and

- (2) The person abstains from any decision-making regarding the transaction; and
- (3) The decisions related to the transaction are recorded in writing and placed in a file which shall be available for public inspection.

(b) Loans to staff, family or contractors.


- (1) No program loans shall be made to a staff person or program contractor or to their "close family member", unless:
  - (i) The staff person or contractor has disclosed the transaction, as provided in the preceding subsection, and
  - (ii) the person who transacts the loan shall document the independent eligibility therefor.
- (2) Exception: The following undertaken on behalf of, or for the benefit of, the program or the CUC shall not be a loan within the meaning of these regulations:
  - (i) An advance to participate in a conference, meeting or other event.;
  - (ii) An advance for a filing with a government agency or membership organization; or
  - (iii) An advance made pursuant to an indemnification.

(c) For the purpose of this section, "close family member" means a member of the person's immediate family or a relation by the second degree of consanguinity directly or by marriage.

 § 50-60- 00111

Notice.

- (a) Notice required under these Regulations shall be given in any way, including electronically, which is reasonably calculated to give actual notice. When actual notice may not be given, notice shall be given by US Postal Service, first class mail, and shall be deemed given when mailed.
- (b) Notice to the public shall be given as provided by statute.

 § 50-60- 00112

Appeals and due process.

- (a) A person who has been denied an application or right under these regulations shall be accorded due process, including the opportunity for a hearing and a written decision which may be appealed to a higher decision-making authority.
- (b) CUC may provide for e-filing of any document or action under these regulations.
- (c) CUC's decisions under these regulations shall be issued in writing, unless impracticable to do so, and shall be identified by title, number or other method.

- 1 (d) Appeals of the decisions of a CUC employee under these regulations shall be taken to the  
2 Executive Director. The Executive Director may delegate the conduct or resolution of the  
3 appeal to a hearing officer. There shall be conducted an evidentiary proceeding  
4 necessary to develop a full record relating to the appeal. The appeal decision shall be *de*  
5 *novo*, and may rest on the books and records of the parties as well as on sworn  
6 testimony.  
7  
8 (e) The appeal decision shall be issued in writing within 56 days (8 weeks), unless the parties  
9 agree otherwise. The failure to issue a timely decision shall constitute the reversal and  
10 modification of the appealed decision in favor of the appellant.  
11  
12 (f) The Executive Director's decision shall be a final order for the purpose of an appeal to the  
13 courts pursuant to the Administrative Procedure Act, 1 CMC §§ 9101, et seq.  
14  
15 (g) Because a decision regarding the provision of power from a customer-generator under  
16 these regulations is not a procurement, no protest or other appeal under the  
17 Commonwealth's or CUC's procurement regulations shall apply or be effective.  
18  
19



20 **Part 200 PURPOSE AND FINDINGS**

21 § 50-60- 00200 Purpose and findings in general. The following is found and declared:  
22



23 § 50-60- 00201 Benefits in general. A program to provide net energy metering for eligible  
24 customer-generators is one way to encourage substantial private investment in renewable  
25 energy resources, stimulate in-state economic growth, reduce demand for electricity  
26 during peak consumption periods, help stabilize CNMI's energy supply infrastructure,  
27 enhance the continued diversification of CNMI's energy resource mix, and reduce  
28 interconnection and administrative costs for electricity suppliers.  
29  
30  
31



32 § 50-60- 00202 Private sector considerations. In order to enhance the ability of the market to meet the  
33 CNMI's needs for net metered power from renewable sources, there must be a level of  
34 certainty regarding pricing for the likely in-service period of facilities. This is because  
35 investors naturally wish to know the likely earnings of their power generating facilities.  
36 The utility industry typically addresses this risk minimization through the use of long term  
37 firm power purchase agreements, secured through competitive procurements and  
38 subsequent negotiations.  
39  
40  
41



42 § 50-60- 00203 Aggregation benefits. The aggregation of renewable power from net metered customers,  
43 or "customer-generators", can provide CUC with needed capacity at lower rates than oil-  
44 fired power, and with the benefits of local ownership and control. PL 15-87 allows for  
45 aggregation. PL 16-17 § 9 clarifies this regime in order to reduce uncertainty, by defining  
46 customer premises to include remote sites for locating renewable power generation  
47 equipment. Aggregation by customer-producers will provide substantial reliability and  
48 financial benefits to the electric utility system.  
49  
50

51 § 50-60- 00204 Legal flexibility. These regulations do not require the customer's investment in renewable  
52 energy facilities to take any particular legal form. For example, customers may join

1 together to finance facilities that are located remotely from one or more of them. CUC is  
2 not concerned whether that arrangement takes the form of a cooperative, business or  
3 family partnership, LLC or corporation. Nor is it concerned with how the customers divide  
4 up their entitlement to an offset, as long as the total kWh which are offset is computed  
5 accurately. Rather CUC's concern is that each applicant for net metering be a customer  
6 with a meter and that there is a verifiable method by which to calculate the offset or credit  
7 due the customers.  
8

9 § 50-60- 00205 Nothing in these regulations is intended to:

- 10  
11 (a) classify or define a self-generating customer as a regulated public utility;  
12 (b) provide that the offset for self-generated power, as opposed to the payment for excess  
13 self-generated power, be considered taxable income; or  
14 (c) be interpreted as an approval for zoning or building code purposes.  
15

16  
17 Ⓜ

18 **Part 300 DEFINITIONS**

19  
20 § 50-60- 00300 Definitions

21  
22 Ⓜ

23  
24 § 50-60- 00301 Statutory definitions

25  
26 For the purposes of these Regulations, and the administration and/or interpretation of them, the following terms  
27 shall be defined as set forth in PL 15-87, 4 CMC §§ 8621 (renewable portfolio standards), 8631 (net energy  
28 metering), and as further explained and defined in PL 16-17 § 9. For the convenience of the public, those  
29 definitions as of the date of the promulgation of these Regulations are reproduced herein. If there is a conflict  
30 between the statutory definition and the definition appearing herein, the statutory definition shall control. CUC may  
31 produce as an informational document an updated list of definitions reconciling any such differences. The  
32 statutorily defined terms and their statutory definitions are as follows:  
33

- 34 (a) [4 CMC 8621(a)] "Cost-effective" means the ability to produce or purchase electric  
35 energy or firm capacity, or both, from renewable energy resources at or below avoided  
36 costs.  
37  
38 (b) [4 CMC 8621(b)] "Electric utility" means the Commonwealth Utilities Corporation and/or  
39 its successor in interest ("CUC") and any other provider of retail electric service in the  
40 Commonwealth.  
41  
42 (c) [4 CMC 8621(c)] "Regulator" means the Commonwealth Public Utilities Commission, or  
43 its successor in interest ("PUC"), or if no such commission exists, the board of the  
44 government-owned utility.  
45  
46 (d) [4 CMC 8621(d)] "Renewable energy" means:  
47  
48 (1) electrical energy produced by wind, solar energy, hydropower, landfill gas, waste  
49 to energy, geothermal resources, ocean thermal energy conversion, ocean wave  
50 or current energy, biomass, including municipal solid waste, biofuels, or fuels  
51 derived from organic sources (other than coal, oil or gas), hydrogen fuels derived  
52 from renewable energy, or fuel cells where the fuel is derived from renewable

- 1 sources; and/or  
2  
3 (2) electrical energy savings brought about by the use of:  
4  
5 (i) solar or heat pump water heating,  
6 (ii) seawater air-conditioning district cooling systems,  
7 (iii) solar air-conditioning and ice storage,  
8 (iv) quantifiable energy efficiency and energy conservation measures,  
9 including insulation in excess of the standards required in the  
10 Commonwealth's building code,  
11 (v) use of rejected heat from co-generation, and  
12 (vi) combined heat and power systems, but excluding:  
13  
14 (A) fossil-fueled qualifying facilities that sell electricity to electric utility  
15 companies, and  
16 (B) central station power projects.  
17  
18 (3) Where biofuels, hydrogen, or fuel cell fuels are produced by a combination of  
19 renewable and nonrenewable means, the proportion attributable to the renewable  
20 means shall be credited as renewable energy.  
21  
22 (4) Where fossil and renewable fuels are co-fired in the same generating unit, the  
23 unit shall be considered to produce renewable electricity in direct proportion to the  
24 percentage of the total heat value represented by the heat value of the renewable  
25 fuels.  
26  
27 (e) [4 CMC 8621(e)] "Renewable portfolio standard" means the required percentage of  
28 electrical energy sales that is represented by renewable energy:  
29  
30 (1) produced by facilities which CUC owns or controls; or  
31  
32 (2) which the utility has a right to receive by contract.  
33  
34 (f) [4 CMC 8631(a)] "Available capacity" means the capacity available to CUC's system after  
35 factoring nameplate rating, times efficiency factor, times demonstrable hours of operation  
36 divided by total 8760 hours per year.  
37  
38 (g) [4 CMC 8631(b)] "Control area" means each of the islands which CUC serves.  
39  
40 (h) [4 CMC 8631(c)] "Electric utility" means the Commonwealth Utilities Corporation and/or  
41 its successor in interest ("CUC") and any other provider of retail electric service in the  
42 Commonwealth.  
43  
44 (i) [4 CMC 8631(d)] "Eligible customer-generator" means an electric utility's metered  
45 residential or commercial customer, including a government entity, who owns and  
46 operates, or will own and operate, a renewable energy system to generate electricity that  
47 is:  
48  
49 (1) Located on the customer's premises;  
50 (2) Operated in parallel with the utility's transmission and distribution facilities;  
51 (3) In conformance with the utility's reasonable and lawful interconnection  
52 requirements; and

- 1 (4) Intended primarily to offset part or all of the customer's own electrical  
2 requirements.  
3
- 4 (j) [4 CMC 8631(e)] "Energy service company" or "ESCO" means a business that develops,  
5 installs, and finances projects designed to improve the energy efficiency and maintenance  
6 costs for facilities over at least a seven-to-10 year time period, which project expenses,  
7 capital investments and fees are bundled into the project's cost and are repaid through a  
8 portion of the dollar savings generated. The ESCO is a business which generally acts as  
9 a project developer for a wide range of tasks and assumes the technical and performance  
10 risk associated with the project. Typically, the ESCO offers the following services:  
11 develop, design, and finance energy efficiency projects; install and maintain the energy  
12 efficient equipment involved; measure, monitor, and verify the project's energy savings;  
13 and assume the risk that the project will save the amount of energy guaranteed.  
14
- 15 (k) [4 CMC 8631(f)] "Energy service contract" means a contract between a facilities owner or  
16 manager, including the Government, and an energy service company.  
17
- 18 (l) [4 CMC 8631(g)] "Net energy metering" means measuring with a mechanical and/or  
19 electronic device the difference between the electricity supplied through the electric grid  
20 and the electricity generated by an eligible customer-generator and fed back to the  
21 electric grid over a monthly billing period;  
22
- 23 (m) [4 CMC 8631(h)] "Net electricity consumer" means an eligible customer-generator who,  
24 at the end of each monthly billing period, has consumed electricity where:  
25
- 26 (1) CUC's delivery of electricity to the customer exceeds  
27
- 28 (2) the sum of:  
29
- 30 (i) The electricity generated by the eligible customer-generator during that  
31 same period; and  
32
- 33 (ii) Unused credits for excess electricity from the eligible customer-generator  
34 carried over from prior months since the last renewable energy-month  
35 reconciliation period.  
36
- 37 (n) [4 CMC 8631(l)] "Net electricity producer" means the eligible customer-generator who, at  
38 the end of a monthly billing period, has generated electricity during the month in an  
39 amount which exceeds the electricity supplied by CUC during that same period.  
40
- 41 (o) [4 CMC 8631(j)] "Regulator" means the Commonwealth Public Utilities Commission  
42 ("PUC"), or its successor in interest, or if no such commission exists, the governing body  
43 or person of the government-owned utility.  
44
- 45 (p) [4 CMC 8631(k)] "Renewable energy system" means a generating system that uses a  
46 renewable energy source as defined in Chapter 6 of the statute, or a hybrid system  
47 consisting of two or more of these facilities.  
48
- 49 (q) [PL 16-17, § 9]  
50
- 51 (1) "Customer-generator" further defined: Pursuant to PL 15-87, a group of eligible  
52 customer-generators who aggregate their entitlements to sell renewable energy

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to the CUC power system and co-locate the generating equipment at a site that is remote from one or more of them shall have the same rights to sell renewable energy to CUC as does an individual eligible customer-generator.

- (2) "Contract for utility service" exclusion: A contract entered into between CUC and an eligible customer-generator (or a group of such eligible customer-generators) under PL 15-87 shall not be deemed to be a contract for a utility service as described in 4 CMC §§ 8112 or 8141.
- (3) "Public utility" exclusion: A customer-generator, self-generator, performance management contractor, and an entity which sells power a wholesale to CUC shall not be included in the definition of public utilities under 4 CMC § 8402(e) (defining "public utility" under the Public Utilities Commission law [PL 15-35, as amended]).

§  
§ 50-60- 00302

Additional definitions. For the purposes of these Regulations, and the administration and/or interpretation of PL 15-87, the following definitions shall apply:

- (a) "Applicant" means a person who has filed an application to interconnect a customer-generator facility to an electric delivery system.
- (b) "Area network" means a type of electric delivery system served by multiple transformers interconnected in an electrical network circuit generally used in large metropolitan areas that are densely populated in order to provide high reliability of service and having the same definition as the term "secondary grid network" as defined in IEEE standards
- (c) "Article" means any of 4 CMC Articles 1 through 8.
- (d) "Board" or "Board of Directors" means the governing body of CUC, typically the board of directors of CUC, its successor agencies and/or the person or body governing the CUC in the absence of the Board, when the Board has been superceded by declaration of the Governor, or by statute, or when the Board has not yet been seated;
- (e) "Business" used in these regulations shall not be construed to limit or exclude a government or non-governmental organization, unless the context clearly refers to a rate specifically designed for a particular type of profit-making commercial customer;
- (f) "Chapter, this", when referring to a statute, means 4 CMC Chapter 6: Energy.
- (g) "Chapter of the regulations" means 50 NMIAC 60.
- (h) "Commonwealth" or "CNMI" means the Commonwealth of the Northern Mariana Islands.
- (i) "Company" means an electric company operating an electric distribution system. Also called electric distribution company ("EDC").
- (j) "CUC" means the Commonwealth Utilities Corporation and/or its successor agencies or other successor entities.
- (k) "Customer" means any entity interconnected to the utility company system for the purpose

- 1 of receiving electric power from the utility Company system.  
2  
3 (l) "Customer-generator" means a customer that generates electricity, typically on the  
4 customer's side of the meter.  
5  
6 (m) "Customer-generator facility" means the equipment used by a customer-generator to  
7 generate, manage, and monitor electricity. A customer-generator facility typically includes  
8 an electric generator and/or an equipment package, as defined herein.  
9  
10 (n) "Customer premises" or "customer's premises" means property which the customer has  
11 rented, leased or owned in whole or in part, including:  
12  
13 (1) The property on which the customer resides;  
14 (2) The property used for the customer's business; and/or  
15 (3) The customer's location for a green power production facility, which may be  
16 remote from the residence or business.  
17  
18 (o) "Customer's own electrical requirements" includes:  
19  
20 (1) Power used by the customer at the customer's premises; and  
21 (2) Power generated at the customer's premises for the purpose of sale directly to  
22 CUC.  
23  
24 (p) "Distributed Generation" or ("DG") means a customer-generator's electrical generating  
25 installation consisting of one or more on-site generating units.  
26  
27 (q) "Electric service provider" means CUC or its successor in interest, as defined in these  
28 Regulations.  
29  
30 (r) "Electric delivery system" means the infrastructure constructed and maintained by an  
31 EDC, as defined herein, to deliver electric service to end-users.  
32  
33 (s) "Electric Distribution Company" or "EDC" means a public utility which distributes electricity  
34 for retail sale. At the time these regulations are promulgated the only CNMI EDC is CUC.  
35  
36 (t) "Electric generation service" means the provision of retail electric energy which is  
37 generated off site from the location at which the consumption of such electric energy and  
38 capacity is metered for retail billing purposes, including agreements and arrangements for  
39 the provision of electric generation service.  
40  
41 (u) "Electric power supplier" means a person or entity that is duly licensed by the PUC to  
42 offer, and to assume the contractual and legal responsibility to provide, electric generation  
43 service to retail customers. This term includes load serving entities, marketers and  
44 brokers that offer or provide electric generation service to retail customers. This term  
45 does not include EDCs, as defined herein.  
46  
47 (v) "Electronic means" includes telephone, video-conference, electronic-telecommunications-  
48 mediated written, aural and/or video means, including mediated through the internet, a  
49 wireless service, and/or email; and, further, the presentation, service, filing and storage of  
50 documents in their electronic form.  
51  
52 (w) "Eligible customer-generator" means a customer of an EDC who uses a renewable



- 1 energy production facility, with a capacity of a level of kWh not more than is authorized by  
2 these Regulations that is located on the customer's premises as defined herein, is  
3 interconnected and operates in parallel with the electric grid, and is intended primarily to  
4 offset part or all of the customer's own electrical requirements.  
5
- 6 (x) "Equipment package" means a group of components connecting an electric generator  
7 with an electric delivery system, and includes all interface equipment including switchgear,  
8 inverters, or other interface devices. An equipment package may include an integrated  
9 generator or electric source.
- 10 (y) "Excess of the customer's production", "excess production", "excess electricity  
11 production" and "net excess of electricity", and credits therefor, means electricity which is  
12 measured at the following rate, at the election of the customer-generator:  
13  
14
- 15 (1) The customer's rate at the time the application for net metering is filed; or  
16 (2) The customer's annual rate for electricity determined by averaging the rates in  
17 effect for each of the 12 months of the preceding calendar year.
- 18
- 19 (z) "Fault current" means electrical current that flows through a circuit and is produced by an  
20 electrical fault, such as to ground, double-phase to ground, three-phase to ground,  
21 phase-to-phase, and three-phase. A fault current is several times larger in magnitude  
22 than the current that normally flows through a circuit.
- 23
- 24 (aa) "Firm" shall also mean a sole proprietorship, a corporation, a cooperative, a partnership,  
25 or a limited liability company or partnership.
- 26
- 27 (bb) "Force Majeure Event" means, for purposes of a contract undertaken pursuant to PL 15-  
28 87, as amended, any event that is both: (a) beyond the reasonable control of the affected  
29 Party; and (b) is such that the affected Party is unable to prevent it or protect against it by  
30 exercising reasonable diligence, including the following events or circumstances, but only  
31 to the extent they satisfy the preceding requirements: acts of war, public disorder,  
32 insurrection, or rebellion; floods, hurricanes or typhoons, earthquakes, lightning, storms,  
33 and other natural calamities; explosions or fires; strikes, work stoppages, or labor  
34 disputes; embargoes; and sabotage.
- 35
- 36 (cc) "Green power" means renewable energy.
- 37
- 38 (dd) "Green power wheeling rate" means the rate which CUC charges to wheel the customer's  
39 green power from a location other than the site of the customer's residence or business to  
40 the customer's inflow meter, whether the rate is applied fully to the customer or whether  
41 CUC has pro-rated the rate among members of the customer-generator group or firm.  
42 The wheeling is an accounting determination reflecting a remote physical location from  
43 the customer's residence or business, independent of distance, rather than a technical  
44 "painting of the electrons".
- 45
- 46 (ee) "Grid" means the primary 4-wire 13.8 kV / 7.9 kV three-phase wye system of wires and  
47 poles and undergrounded cables which carries electricity around the CNMI's islands.  
48 Except that parts of Rota use 4.16 kV / 2.4 kV.
- 49
- 50 (ff) "IEEE" means the "Institute of Electrical and Electronic Engineers."
- 51
- 52 (gg) "IEEE standards" means the standards published by the Institute of Electrical and

- 1 Electronic Engineers, available at [www.ieee.org](http://www.ieee.org).
- 2
- 3 (hh) "Interconnection agreement" means an agreement between a customer-generator and an  
4 EDC, which governs the connection of the customer-generator facility to the electric  
5 delivery system, as well as the ongoing operation of the customer-generator facility after it  
6 is connected to the system.
- 7
- 8 (ii) "Located on customer premises" includes:
- 9
- 10 (1) The property on or in which the customer resides;
- 11 (2) The property used for the customer's business; and/or
- 12 (3) The customer's remote customer premises.
- 13
- 14 (jj) "Minor System Modifications" include activities such as changing the fuse in a fuse holder  
15 cut-out, changing the settings on a circuit recloser and other activities that usually entail  
16 less than 4 hours of work and less than \$1000 in materials.
- 17
- 18 (kk) "Person" means a person real or legal, including a human being, and an artificial person,  
19 including government entity, non-governmental organization, association, corporation,  
20 LLC, LLP, partnership, or sole proprietorship.
- 21
- 22 (ll) "Premises" means a location on which the customer resides or conducts his business  
23 and/or, with respect to customer generation, remote customer premises.
- 24
- 25 (mm) "Point of common coupling" means the point in the interconnection of a  
26 customer-generator facility with an electric delivery system at which the harmonic limits  
27 are applied and shall have the same meaning as in IEEE Standard 1547.
- 28
- 29 (nn) "PUC" means the CNMI Public Utilities Commission or a successor agency.
- 30
- 31 (oo) "Queue Position" Queue Position of each Interconnection Request will be used to  
32 determine the order of interconnection review in those circumstances where one pending  
33 interconnection application could affect the analysis of other pending interconnection  
34 applications as well as any cost responsibility for the facilities necessary to accommodate  
35 the generator interconnection. Queue Position is based on the date of receipt of a  
36 completed application.
- 37
- 38 (pp) "Regulator" includes the governing entity for CUC other than a board of directors. At the  
39 time of promulgation of these Regulations the Regulator is the CNMI's PUC.
- 40
- 41 (qq) "Remote customer premises" means real property which the customer rents, leases or  
42 owns in whole or in part, alone or with others, serving, or planned to serve, as a location  
43 for a green power production facility.
- 44
- 45 (rr) "Service address" means the address at which a customer receives electric service for  
46 which a monthly bill for electric service has been issued. For a net-metered customer the  
47 service address will typically be the address which pre-existed the construction or  
48 installation of the renewable energy facility; it will not typically be the address of remote  
49 customer premises.
- 50
- 51 (ss) "Spot network" means a type of electric delivery system that uses two or more inter-tied  
52 transformers to supply an electrical network circuit. A spot network is generally used to

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supply power to a single customer or a small group of customers and has the same meaning as the term is used in IEEE standards.

- (tt) "State" includes a US state, territory, tribal land, commonwealth, the District of Columbia, and any other US jurisdiction other than the US Government itself.
- (uu) "Supplier/provider" means an electric power supplier of competitive electricity supply in a retail competition market.
- (vv) "These Regulations" means the regulations appearing in this Chapter 50 NMIAC 11.
- (ww) "Writing", "written" or "write" includes by electronic means.

§  
§ 50-60- 00303 Rules of Construction

- (a) "Include", "included", "includes" or "including" means "include/d /s /ing but not limited to".
- (b) The male, female and neuter/neutral shall each be read to mean the other, unless the context expressly excludes such interpretation.
- (c) The singular shall be read to mean the plural, and vice versa, except where the context specifically indicates otherwise.

§  
Part 004 INTERCONNECTIONS

§ 50-60- 00400 Interconnections Standards [based on IREC Final Oct 2005]

§  
§ 50-60- 00401 Scope

- (a) There shall be four interconnection review paths for interconnection of customer sited generation in the CNMI.
  - (1) Level 1 – This is for certified, inverter-based facilities with a power rating of 10 kilowatts (kW) or less on radial or spot-network systems under certain conditions.
  - (2) Level 2 – This is for certified generating facilities that pass certain specified screens and have a power rating of 11 kW - 100 kilowatts (kW).
  - (3) Level 3 – This is for certified generating facilities that (a) pass certain specified screens, and (b) have a power rating of 101 kw to 2 MW.
  - (4) Level 4 – This is for all generating facilities not qualifying for the Level 1, Level 2 or Level 3 interconnection review processes that have a power rating of 10 MW or less.
- (b) This scope assumes that all generators larger than 1 MW will be processed under other standards, like FERC Order 2006 standards. This is because even customer-sited generators greater than 1 MW may affect transmission stability.

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- (c) The specifications of these regulations are meant to be controlling. But, in order to simplify interconnections CUC intends to develop a "safe harbor" regulation that specifies equipment that CUC has determined meets our requirements, so that the only technical issue that should be outstanding is the quality of the installation.

§ 50-60- 00402 Standards for the certification of generators and interconnection equipment

- (a) Standards for the certification of generators and interconnection equipment: In order to qualify as "certified" for any interconnection procedures, generators shall comply with the following codes and standards as applicable:
  - (1) IEEE 1547 Standard for Interconnecting Distributed Resources with Electric Power Systems, or IEEE 929 for inverters less than 10 kW.
  - (2) UL 1741 Inverters, Converters and Controllers for Use in Independent Power Systems.
  - (3) As an alternative, a person may secure approval from CUC technical staff for compliance with national industry standards appropriate for the customer's technology, so as not to impose technical and economic barriers to new technology or the development, installation, and interconnection of an applicant's facilities.

§ 50-60- 00403 Certified equipment

- (a) Interconnection equipment shall be considered certified for interconnected operation if it has been tested and listed by a nationally recognized testing and certification laboratory ("NRTL") for continuous interactive operation with a utility grid and meets the definition for Certification under FERC Order.2006.
- (b) As an alternative, a person may secure CUC technical staff approval, by providing CUC with a description of the applicant's distributed generation equipment package that is consistent with the following:
  - (1) Submitted by a manufacturer to a NRTL for certification;
  - (2) Type-tested consistent with the Institute of Electrical and Electronics Engineers 1547.1 standard; and
  - (3) Listed by an NRTL for continuous interactive operation with a utility grid in compliance with the applicable codes and standards.
  - (4) CUC technical staff shall not withhold approval without specifying the technical issues, and corrective measures, in writing.
- (c) Equipment packages.
  - (1) An applicant's equipment package shall include the following:

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- (i) All interface components including switchgear, inverters, or other interface devices;
  - (ii) An integrated generator or electric source;
  - (iii) Access for CUC for commissioning purposes;
  - (iv) A schedule for periodic compliance testing.
- (2) If the applicant's equipment package includes only the interface components (switchgear, inverters, or other interface devices), then the applicant must show in writing that the generator or electric source to be used with the equipment package meets the following criteria:
- (i) Compatibility with the equipment package; and
  - (ii) Consistency with the testing and listing specified for the other components.
- (d) Disconnect switch.
- (1) There must be a disconnect switch provided, installed by, and paid for by the applicant, as an integrated feature of the equipment package or a compatible external device. The switching hardware must provide the equivalent of a padlock, one which would prevent an unauthorized person from turning the unit back on without appropriate communications to CUC. See just below.
  - (2) The disconnect switch must meet the following criteria:
    - (i) capable of isolating the distributed generation facility for the purposes of safety during CUC system maintenance and during emergency conditions.
    - (ii) If the applicant's disconnect switch is external to the equipment package, it must be accessible to and lockable by CUC personnel at either the primary voltage level, which may include load-break cutouts, switches and elbows, or the secondary voltage level, which may include a secondary breaker or switch.
  - (3) The disconnect switch must be clearly labeled as a distributed generation facility disconnect switch.
- (e) Solar photovoltaic equipment.
- (1) The solar PV power source shall be clearly labeled in accordance with the requirements of the National Electric Code Article 690 to identify the following:
    - (i) Operating current (a system maximum-power current).
    - (ii) Operating voltage (system maximum-power voltage).
    - (iii) Maximum system voltage.
    - (iv) Short-circuit current.

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(2) In the case of solar units with internal switching devices, a customer lock box containing a key to the applicant's premises where the solar unit is installed, or other device with similar functionality, should be accessible to EDU personnel.

(f) Notification of updates. The owner of the equipment shall notify CUC in writing when changes are made to equipment which thereby change specifications.

§ 50-60- 00404 General Technical Screening Criteria [based on IREC 2005 and Texas rule]

(a) For interconnection of a proposed generator to a radial distribution circuit, the aggregated generation, including the proposed generator, on the circuit will not exceed 15% of the line section annual peak load as most recently measured at the substation. A line section is that portion of a distribution system connected to a customer bounded by automatic sectionalizing devices or the end of the distribution line.

(b) The proposed generator, in aggregation with other generation on the distribution circuit, will not contribute more than 10% to the distribution circuit's maximum fault current at the point on the high-voltage (primary) level nearest the proposed point of common coupling.

(c) The proposed generator, in aggregate with other generation on the distribution circuit, will not cause any distribution protective devices and equipment (including but not limited to substation breakers, fuse cutouts and line reclosers), or customer equipment on the system, to exceed 90% of the short circuit interrupting capability; nor is the interconnection proposed for a circuit that already exceeds 90% of the short circuit interrupting capability.



(d) The proposed generator shall be interconnected to CUC as shown in the table below:

|                        | Interconnection to Primary Distribution Line   |
|------------------------|--|
| Three-phase, four-wire | if a 3-phase (effectively grounded) or single-phase generator. interconnection must be line-to-neutral |

(e) If the proposed generator is to be interconnected on single-phase shared secondary, the aggregate generation capacity on the shared secondary, including the proposed generator, will not exceed 20 kilovolt-amperes (kVA). Exception: The generator may install equipment that would remedy the limitations, thereby increasing the cap.

(f) If the proposed generator is single-phase and is to be interconnected on a transformer center tap neutral of a 240-volt service, its addition will not create an imbalance between the two sides of the 240-volt service of more than 10% of nameplate rating of the service transformer.

(g) The proposed generator, in aggregate with other generation interconnected to the distribution low voltage side of the substation transformer feeding the distribution circuit where the generator proposes to interconnect, will not exceed 100 kW in an area where there are known or posted transient stability limitations to generating units located in the general electrical vicinity (e.g., 3 or 4 transmission voltage level busses from the point of common coupling). Exception: The generator may install equipment that would remedy the limitations, thereby increasing the cap.

- 1 (h) The proposed generator's Point of Common Coupling will not be on a transmission line.  
2  
3 (i) The generator cannot exceed the capacity of the customer's existing electrical service, except  
4 for remotely-located customer premises or for premises where the service has been  
5 upgraded to accept the new generator.  
6  
7 (j) No construction of facilities by the EDC on its own system shall be required to accommodate  
8 the generator.  
9  
10  
11  § 50-60- 00405 Special Screening Criteria for interconnection to distribution networks  
12  
13 (a) For interconnection of a proposed generator to a spot network circuit where the generator or  
14 aggregate of total generation exceeds 5% of the spot network's maximum load, the generator  
15 must also use a protective scheme that will ensure that its current flow will not affect the  
16 network protective devices, including reverse power relays or a comparable function.  
17  
18 (b) For interconnection of a proposed generator that uses inverter-based protective functions to  
19 an area network, the generator, in aggregate with other exporting generators interconnected  
20 on the load side of network protective devices, will not exceed the lesser of 10% of the  
21 minimum annual load on the network or 500 kW. For a photovoltaic customer-generator  
22 facility without batteries, the 10% minimum shall be determined as a function of the minimum  
23 load occurring during an off-peak daylight period.  
24  
25 (c) For interconnection of generators to area networks that do not utilize inverter based protective  
26 functions or inverter based generators that do not meet the above requirements, the  
27 generator must utilize reverse power relays or other protection devices and/or methods that  
28 ensure no export of power from the customer's site including any inadvertent export (e.g.  
29 under fault conditions) that could adversely affect protective devices on the network circuit or  
30 the safety of CUC linemen.  
31  
32  
33  § 50-60- 00406 Level 1 Screening Criteria and Process - up to 10 kW inverter-based generators  
34  
35 (a) Application process:  
36  
37 (1) Customer submits a completed Application indicating which certified interconnection  
38 equipment the customer intends to use. Email address shall be provided for this  
39 process.  
40  
41 (2) CUC shall acknowledge receipt of the application and notify customer that the  
42 application is or is not complete – within 7 days and by email. If incomplete, CUC  
43 shall provide along with the notice that Application is incomplete, a written list detailing  
44 all information that must be provided to complete the Application.  
45  
46 (3) Customer shall submit the listed information or request an extension of time to  
47 provide such information – within 14 days of above CUC email. Otherwise, the  
48 Application will be deemed withdrawn. A new Application can be submitted.  
49  
50 (4) Customer may pre-execute standard Interconnection Agreement for Level 1 and  
51 submit with Application.  
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- (b) Applicable Screens: Screens § 50-60- 00404 (a), (e), (f), (i), and (j) shall be passed. For an interconnection to a spot network, Screen § 50-60- 00405 (a) shall also be passed.
  - (c) Time to process screens and effect:
    - (1) CUC shall apply the screens and notify the applicant as having passed or failed within 14 days after the CUC notified the applicant that the application was complete. If CUC fails to meet this deadline the applicant shall be treated as though it has passed the screens.
    - (2) If the applicant's facility fails one or more of the applicable screens, the applicant shall have the right to have the application continue to be processed under Level 2, 3 or 4.
  - (d) Approval. If a facility meets all of the applicable screens above, within 7 days of its notification the CUC shall send a partially executed Level 1 Interconnection Agreement (or a fully executed IA where the customer has pre-executed the IA).
  - (e) An applicant that receives an interconnection agreement shall execute the agreement and return it to the CUC at least 7 days prior to starting operation of the customer-generator facility (unless the CUC waives this period or the customer pre-executed the IA). The applicant shall state the anticipated start date for operation of the customer-generator facility. If the CUC requires an inspection of the customer-generator facility, the applicant shall provide at least 7 days' notice to the CUC prior to starting operations.
  - (f) If CUC does not notify a Level 1 applicant by email whether the interconnection is approved or denied within 21 days of the receipt of an application, the interconnection shall be deemed approved. The 21 days shall begin on the date that the CUC sends, or should have sent, the notice that the application was received.
  - (g) Application fee. See below, § 50-60- 00521. The fee shall be nonrefundable.
- § 50-60- 00407 Level 2 Screening Criteria and Process - >10 kW - 100 kW generators
- (a) Application process:
    - (1) Customer submits a completed application indicating which certified interconnection equipment the customer intends to use. Email address shall be provided for this process.
    - (2) CUC shall acknowledge receipt of the application and notify customer that the application is or is not complete – within 7 days and by email. If incomplete, CUC shall provide along with the notice that Application is incomplete, a written list detailing all information that must be provided to complete the Application.
    - (3) Customer shall submit the listed information or request an extension of time to provide such information – within 14 days of above CUC email. Otherwise, the application will be deemed withdrawn. A new Application can be submitted.
  - (b) Applicable Screens: Screens § 50-60- 00404 (a) - (j) shall be passed. An interconnection to a spot or area network must pass applicable screens of § 50-60- 00405.



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- (c) Time to process screens and effect:
  - (1) CUC shall apply the screens and notify the applicant as having passed or failed within 14 days after the CUC notified the applicant that the application was complete. If CUC fails to meet this deadline the applicant shall be treated as though it has passed the screens.
  - (2) If the applicant's facility fails one or more of the applicable screens:
    - (i) the applicant shall have the right to have the application continue to be processed under Level 3 or 4; or
    - (ii) CUC, at its sole option, may approve the interconnection upon a finding that such approval is consistent with safety and reliability.
    - (iii) Additional review.
      - (A) CUC may perform an additional review to determine whether minor modifications to the electric distribution system (e.g., changing meters, fuses, or relay settings) would enable the interconnection to be made consistent with safety, reliability and power quality.
      - (B) If the Applicant agrees to make or pay for the changes CUC shall do the additional review.
      - (C) No extra fee shall be charged for the additional review.
- (d) Approval. If a facility meets all of the applicable screens above, within 7 days of its notification CUC shall email a partially executed Level 2 Interconnection Agreement. CUC shall state whether it will require an inspection before startup.
- (e) An applicant that receives an interconnection agreement shall execute the agreement and return it to CUC at least 7 days prior to starting operation of the facility. The applicant shall state the anticipated start date for operation of the facility. If the CUC requires an inspection of the facility, the applicant shall provide at least 7 days' notice to the CUC prior to starting operations.
- (f) If CUC does not notify an applicant by email whether the interconnection is approved or denied within 21 days of the receipt of an application, the interconnection shall be deemed approved. The 21 days shall begin on the date that the CUC sends, or should have sent, the notice that the application was received.
- (g) If CUC requires an inspection of the applicant's facility, the applicant shall provide at least 7 days' notice to the CUC prior to startup. CUC may also require that it be present for the commissioning test, and that its presence shall be a prerequisite to interconnection. It shall do so in writing along with its approval. The applicant shall make all reasonable arrangements to accommodate CUC's presence, but CUC shall not unreasonably fail to attend a scheduled test.
- (h) Application Fee: see below, § 50-60-00521. The fee shall be nonrefundable.

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2 § 50-60- 00408 Level 3 Screening Criteria and Process - > 100 kW - 2 MW generators  
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4 (a) Application process:  
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6 (1) Customer submits a completed application indicating which certified interconnection  
7 equipment the customer intends to use. Email address shall be provided for this  
8 process.  
9  
10 (2) CUC shall acknowledge receipt of the application and notify customer that the  
11 application is or is not complete – within 14 days and by email. If incomplete, CUC  
12 shall provide along with the notice that Application is incomplete, a written list detailing  
13 all information that must be provided to complete the Application.  
14  
15 (3) Customer shall submit the listed information or request an extension of time to  
16 provide such information – within 14 days of above CUC email. Otherwise, the  
17 Application will be deemed withdrawn. A new Application can be submitted.  
18  
19 (b) Applicable Screens: Screens § 50-60- 00404 (b) - (j) shall be passed. An interconnection to  
20 a spot or area network must pass applicable screens of § 50-60- 00405. Further the  
21 generator must use reverse power relays or otherwise ensure the capability to eliminate  
22 export to the CUC system.  
23  
24 (c) Time to process screens and effect:  
25  
26 (1) CUC shall apply the screens and notify the applicant as having passed or failed within  
27 28 days after the CUC notified the applicant that the application was complete. If  
28 CUC fails to meet this deadline the applicant shall be treated as though it has passed  
29 the screens.  
30  
31 (2) If the applicant's facility fails one or more of the applicable screens:  
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33 (i) the applicant shall have the right to have the application continue to be  
34 processed under Level 4; or  
35  
36 (ii) CUC, at its sole option, may approve the interconnection upon a finding that  
37 such approval is consistent with safety and reliability.  
38  
39 (iii) Additional review.  
40  
41 (A) CUC may perform an additional review to determine whether minor  
42 modifications to the electric distribution system (e.g., changing  
43 meters, fuses, or relay settings) would enable the interconnection to  
44 be made consistent with safety, reliability and power quality.  
45  
46 (B) If the applicant agrees to make or pay for the changes and fees CUC  
47 shall do the additional review.  
48  
49 (C) An extra fee of no more than \$100 may be charged for an additional  
50 review.  
51

- 1 (d) Approval. If a facility meets all of the applicable screens above, within 7 days of its notification  
2 CUC shall email a partially executed Level 3 Interconnection Agreement. CUC shall state  
3 whether it will require an inspection before startup.  
4
- 5 (e) An applicant that receives an interconnection agreement shall execute the agreement and  
6 return it to CUC at least 7 days prior to starting operation of the facility. The applicant shall  
7 state the anticipated start date for operation of the facility. If the CUC requires an inspection  
8 of the facility, the applicant shall provide at least 7 days' notice to the CUC prior to starting  
9 operations.  
10
- 11 (f) If CUC does not notify an applicant by email whether the interconnection is approved or  
12 denied within 28 days of the receipt of an application, the interconnection shall be deemed  
13 approved. The 28 days shall begin on the date that the CUC sends, or should have sent, the  
14 notice that the application was received.  
15
- 16 (g) If CUC requires an inspection of the applicant's facility, the applicant shall provide at least 7  
17 days' notice to the CUC prior to startup. CUC may also require that it be present for the  
18 commissioning test, and that its presence shall be a prerequisite to interconnection. It shall  
19 do so in writing along with its approval. The applicant shall make all reasonable  
20 arrangements to accommodate CUC's presence, but CUC shall not unreasonably fail to  
21 attend a scheduled test.  
22
- 23 (h) Application Fee: See below, § 50-60- 00521. The fee shall be nonrefundable.  
24
- 25  § 50-60- 00409 Level 4 Process - All generators over 2 mW  
26
- 27 (a) Purpose and additional powers  
28
- 29 (1) Level 4 is the interconnection procedure to be used for all generators that fail the  
30 criteria of the Level 1, Level 2 and Level 3, or are not certified. It is an in-depth  
31 engineering review of the interconnection addressing all aspects of generator  
32 performance and grid interaction. CUC may require a consulting engineer to perform  
33 the review.  
34
- 35 (2) Since each application will be unique, the study parameters are unique and no other  
36 deadlines or fees for completion of the study can be included in this regulation. But  
37 CUC may set additional deadlines and charge additional fees, based on scope of  
38 review and cost. Such additions must be set out in writing within the deadlines stated.  
39
- 40 (3) Because CUC is the transmission/distribution owner, the reference to transmission  
41 simply means different employees may be involved in the study.  
42
- 43 (b) Application process:  
44
- 45 (1) Customer submits a completed Application for Level 4, or the customer's  
46 interconnection application is transferred from the Level 1, Level 2 or Level 3  
47 procedures for failure to meet all of the requirements of those procedures. Email  
48 address shall be provided for this process.  
49
- 50 (2) CUC shall acknowledge the transfer from the Level 1-3 interconnection procedures  
51 within 7 days. CUC shall otherwise acknowledge receipt of the application within 14  
52

- 1 days and by email. In any event, CUC shall notify the customer that the application is  
2 or is not complete by the end of the 14-day period. If incomplete, CUC shall provide  
3 along with the notice that Application is incomplete a written list detailing all  
4 information that must be provided to complete the application.  
5  
6 (3) Customer shall submit the listed information or request an extension of time to  
7 provide such information – within 14 days of above CUC email. Otherwise, the  
8 application will be deemed withdrawn.  
9  
10 (4) Once the application is complete, CUC shall notify the applicant of its review schedule  
11 – within 7 days.  
12  
13 (c) Review process.  
14  
15 (1) CUC shall offer the applicant a scoping meeting/discussion within 14 days of  
16 notification that the Level 4 application is complete. The meeting may take place  
17 electronically, at the applicant's election. By the time of the scoping meeting CUC  
18 shall provide all applicable technical information for the interconnection, including: the  
19 available fault current at the proposed location; the existing peak loading on the lines  
20 in the general vicinity of the proposed generator; and, the configuration of the  
21 distribution lines at the proposed point of interconnection.  
22  
23 (2) Applicant shall procure an independent feasibility study for the interconnection.  
24 Except that CUC and the applicant may waive it.  
25  
26 (i) The scope ordinarily shall include: a review of the potential impacts on the  
27 distribution system from the proposed interconnection; short circuit currents;  
28 contribution from the proposed generator; coordination of and potential  
29 overloading of distribution circuit protection devices; required and potential  
30 fixes, estimated costs and schedule.  
31  
32 (ii) CUC shall provide a good faith estimate of the scope, cost and time to  
33 undertake the feasibility study.  
34  
35 (iii) The parties shall agree on a reasonable schedule for submission of the study  
36 and CUC's decision after review of the study.  
37  
38 (iv) Applicant shall pay for the study.  
39  
40 (v) For certified generating and protection equipment, no review of the  
41 generator's protection equipment shall be required. While CUC may review a  
42 certified generator's protection scheme, it cannot charge for such review. If  
43 the equipment is not certified, CUC shall conduct a review of generator  
44 protective devices for adherence to IEEE 1547 standards.  
45  
46 (d) Effect of the feasibility study.  
47  
48 (1) If the feasibility study determines that the CUC electric system modifications required  
49 to accommodate the proposed interconnection are not substantial, CUC shall offer  
50 applicant a Level 4 Interconnection Agreement within 14 days.  
51

- 1 (2) If the feasibility study determines that the system modifications to the CUC electric  
2 system are substantial, CUC may deny the interconnection. Provided, however, that  
3 if applicant agrees to pay for the modifications, CUC shall offer applicant within 14  
4 days a Level 4 Interconnection Agreement that specifies the modifications and  
5 requires applicant to undertake them.  
6  
7 (e) Approval. Upon approval CUC shall identify in writing the inspections required before startup.  
8  
9 (f) An applicant that receives an interconnection agreement shall execute the agreement and  
10 return it to CUC at least 21 days prior to starting operation of the facility. The applicant shall  
11 state the anticipated start date for operation of the facility.  
12  
13 (g) If CUC requires an inspection of the facility, the applicant shall provide at least 7 days' notice  
14 to CUC prior to starting operations. CUC may also require that it be present for the  
15 commissioning test, and that its presence shall be a prerequisite to interconnection. It shall  
16 do so in writing along with its approval. The applicant shall make all reasonable  
17 arrangements to accommodate CUC's presence, but CUC shall not unreasonably fail to  
18 attend a scheduled test.  
19  
20 (h) Application Fee: If the customer has not paid a fee for Level 1-3, the customer shall pay the  
21 fee below, § 50-60-00521. The fee shall be applied to CUC's processing and evaluation  
22 costs, and, after deduction of \$100, which is nonrefundable, shall be refunded for amounts  
23 unspent.  
24  
25 §  
26 § 50-60-00410 General Provisions and Requirements After Interconnection Approval  
27  
28 (a) Applicant shall be responsible for all construction of generator facilities and obtaining any  
29 necessary local code official approval (building code, environmental, zoning, etc.)  
30  
31 (b) Applicant shall conduct a commissioning test pursuant to IEEE 1547 and manufacturer  
32 requirements.  
33  
34 (c) Customer generator assistance.  
35  
36 (1) Purpose. CUC staff are to provide "compliance assistance" to prospective customer  
37 generators. This is a pro-active process in which CUC staff are to anticipate  
38 challenges, explain the challenges to the customer and affirmatively help the  
39 customer understand and meet requirements.  
40  
41 (2) CUC shall designate one or more employees from which information on the  
42 application can be obtained through an informal process. To this end CUC shall  
43 maintain user friendly electronic communications, including a website and email.  
44  
45 (3) CUC shall provide an applicant with all relevant documents, and indicate useful  
46 websites and other useful sources of technical information that should assist an  
47 applicant in filing a complete application.  
48  
49 (4) CUC staff shall fully prepare for and timely meet with a prospective applicant in order  
50 to provide assistance.  
51

- 1 (d) Customer-payable charges: CUC shall set an authorized hourly rate for its engineering review  
2 charges under Additional Review and for Level 4 reviews. That amount shall not exceed the  
3 fully burdened hourly cost of a senior CUC technical expert or, for outsourced assistance, the  
4 actual hourly rate paid for expert assistance less 10%.  
5
- 6 (e) Limit on required controls. If a customer-generator's facility complies with all applicable  
7 standards above, CUC shall not require a customer-generator to install additional controls ,  
8 perform or pay for additional tests, or purchase additional liability insurance in order to obtain  
9 approval to interconnect. For instance, no additional utility-accessible disconnect switch shall  
10 be required in such circumstances.  
11
- 12 (f) CUC may require additional protection equipment, not included with the certified generator or  
13 interconnection equipment package, only if:  
14
- 15 (1) the performance of the customer-generator's equipment is not negatively impacted;  
16  
17 (2) the customer does not have to pay for equipment in addition to that which is included  
18 in the certified equipment package; and  
19  
20 (3) there are no additional CUC charges to the customer for the addition.  
21
- 22 (g) Metering and Monitoring. The requirements for metering and/or monitoring the customer  
23 generators shall not exceed that set forth in the principal document governing the  
24 interconnection, either:  
25
- 26 (1) the tariff for sale or exchange of energy, capacity or other related services; or  
27  
28 (2) the contract for power sales to CUC.  
29
- 30 (h) Interconnection Agreements. As indicated in the attachments to these regulations, CUC shall  
31 provide standard, different Interconnection Agreements for Level 1 and for Level 4, and a  
32 common interconnection agreement to cover interconnections made pursuant to Levels 2 and  
33 3.  
34
- 35 (i) CUC shall provide the customer-generator with a bill that includes a clear explanation of all  
36 fees and charges, indicating the authority therefor. In addition, if CUC undertakes a feasibility  
37 study relating to, and to be paid for in whole or in part by, the customer-generator, CUC shall  
38 provide the customer-generator, prior to the start date, a good faith estimate of the number of  
39 hours that will be needed to complete the study, the rates(s), and the fee.  
40
- 41 (j) Once an interconnection has been approved, CUC shall not require a customer-generator to  
42 test its facility except for the following:  
43
- 44 (1) For Level 1: none;  
45  
46 (2) For Levels 2 and 3:  
47
- 48 (i) an annual test in which the customer-generator's facility is disconnected from  
49 CUC distribution equipment to ensure that the generator stops delivering  
50 power to the grid; and  
51  
52 (ii) manufacturer-recommended testing;

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(3) For Level 4, all interconnection-related protective functions and associated batteries shall be periodically tested at intervals specified by the manufacturer, system integrator, or an industry standard-setting organization, like IEEE; and

(4) For all levels: Periodic test reports and/or a log for inspection shall be maintained.

(k) CUC shall have the right to inspect a customer-generator's facility both before and after interconnection approval is granted, but only at reasonable hours and with reasonable prior notice to the customer-generator.

(l) If CUC discovers the customer-generator's facility is not in compliance with the requirements of IEEE 1547 and the non-compliance adversely affects the safety or reliability of the electric system, CUC shall have the right to require and enforce immediate disconnection of the customer-generator's facility until the customer-generator complies with these regulations. The customer-generator may appeal the decision immediately to the PUC or, if there is no PUC, to the Superior Court. The appeal shall not serve as an automatic stay of the disconnection decision. No bond shall be required for the appeal.

 § 50-60- 004 11 Safe harbor equipment selection

(a) For levels 1 and 2, if a customer-generator installs the equipment for the interconnection listed pursuant to this section, and the following proofs are provided, CUC shall require no further testing or certification of the equipment, and no activity shall be required prior to start-up, except the following:

- (1) Proof of original equipment purchase;
- (2) Report of each inspection of the equipment installation, and, for used equipment, the most recent annual inspection report(s).


(b) Equipment list. CUC shall publish annually an equipment list to meet this Section. Once a list is published, if no new list is published in a succeeding year, the current list shall be considered adopted until changed by publication. Until CUC publishes the list, every UL-approved and/or IEEE-certified equipment package shall be deemed listed.

 § 50-60- 004 12 Dispute Resolution

(a) The PUC shall resolve disputes under these regulations. If there is no PUC, then CUC shall appoint an attorney who is not a CUC employee as an administrative law judge ("ALJ") to decide the matter, with appeal rights to the Superior Court within 30 days of the ALJ decision, pursuant to the Administrative Procedure Act, 1 CMC §§ 9101 *et. seq.*

(b) Technical disputes are encouraged to be decided on a technical basis, rather than on procedural grounds. The use of independent technical evidence, or assistance, is encouraged, as from a U.S. Department of Energy national laboratory, a college or university, or an approved FERC national technical dispute resolution team.

 Part 500 NET METERING

- 1 § 50-60- 00500 Net Metering [per IREC Final 11/16/2006]  
2  
3 § 50-60- 00501 Definitions Reserved: Definitions and rules of construction are found in the initial sections of  
4 these regulations.  
5  
6   
7 § 50-60- 00502 Purpose and findings. 4 CMC § 8633 provides that "A customer shall be eligible for net  
8 energy metering for not more than ten megawatts of available capacity of a renewable energy  
9 system; provided that the regulator shall increase the maximum qualifying capacity by  
10 regulation or order upon a showing that the larger system will not unduly interfere with CUC's  
11 ability to properly manage its control area and that the financial impact of the service will not  
12 unduly harm CUC, or by order upon a showing that the increase will benefit the public by  
13 providing incentives to independent power producers." It is hereby found and concluded that:  
14  
15 (a) CUC badly needs additional capacity, in order to provide a cushion for the long term  
16 refurbishment of its oil-fired, baseload generation.  
17  
18 (b) CUC also needs alternative sources of energy in order to diversify its power sources and  
19 lower its rates.  
20  
21 (c) Neither CUC nor its customers can long afford to pay the increasing price of oil. The price of  
22 oil has recently exceeded \$170 per barrel delivered to the CNMI, and experts predict it will  
23 continue to rise. Renewable energy sources should be substantially cheaper than oil-fired  
24 power, and that price advantage should increase. Further, it is economically unhealthy for the  
25 CNMI to rely on just one source of energy as it now does, imported oil, because our hard-  
26 earned dollars merely flow offshore to pay for the oil instead of being reinvested in our  
27 economy.  
28  
29 (d) CUC lacks the financial strength to finance new power generation, whether that power is oil-  
30 fired or renewable. CUC will be unable in the foreseeable future to increase its rates in order  
31 to build appropriate reserves, eliminate debt and maintain and improve its facilities so that it  
32 can finance the construction and operation of new capacity. This is due to CUC's high rates  
33 and the community's opposition to higher rates.  
34  
35 (e) PL 15-87, as amended ("PL 15-87"), provides a way for the market, through local customers,  
36 to supply new capacity – through net metered customers, "customer-generators". These  
37 customer-generators, as owners and co-owners, would use renewable energy sources and  
38 sell their excess production to CUC at half the retail price of power. This amount is less than  
39 just the cost of oil which CUC uses to generate power, and to which it must add its costs of  
40 operations and overheads.  
41 (f) The customer-generators would locate their generation facilities at sites that provide the best  
42 opportunity to generate cost-effective power. While the physics of such "wheeling" is that the  
43 actual movement of an electron from the generation site to the customer's home or business  
44 is unlikely, the utility industry treats wheeling as such for the purposes of contract and  
45 regulation.  
46  
47 (g) But investors, even CUC customers who are investors, will not invest in power production  
48 without some certainty regarding price and payment terms. This is natural. They will wish to  
49 know the likely rates at which a power generating facility will earn. The utility industry typically  
50 addresses this risk minimization through the use of long term firm power purchase  
51 agreements, secured through detailed, technical, competitive procurement and subsequent  
52 negotiations.



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- (h) In order to enhance the ability of the market to meet the CNMI's needs for net metered power from renewable sources, there must be a level of certainty regarding pricing for the likely in-service period of facilities. PL 15-87's wording has been clarified in PL 16-17 to minimize this uncertainty.
- (i) One strategy of PL 15-87, the aggregation of renewable power from net metered customers, or "customer-generators", should also be clarified in order to reduce uncertainty, by properly defining customer premises to include remote sites for locating renewable power generation equipment.
- (j) Aggregation and co-location by customer-producers on a site which is remote to one or more of them will provide substantial reliability and financial benefits to the electric utility system.
- (k) Importantly, and on balance, aggregation and co-location will benefit the CUC's management of its system and finances by providing a power source that is not dependent on imported fuel, for which the CUC is not financially responsible, which is owned by local customers, and which can be put into place sooner, rather than later.
- (l) Aggregation by customer-generators will provide substantial reliability and system security benefits to CUC by increasing capacity and placing the capacity throughout the system rather than concentrating it at Lower Base.
- (m) Another benefit to customer-generator aggregation is the rapidity with which new generation can be brought to the system. A contract for power from a customer-generator is not the same as a contract with a third party, like an independent power producer ("IPP"), and, therefore, is not subject to the time-consuming procedures of the CNMI or CUC Procurement Regulations.
- (n) Customer generation does, however, present challenges to CUC's management of its system. In general, the production and transmission from the co-location of a number of customers' entitlements will not unduly interfere with CUC's ability to properly manage its control area; and the financial impact of the service will not unduly harm CUC. As a technical and financial matter, these benefits may be apparent at lower levels, for example 100 kW installations. But as the size of customer-generator facilities increases, CUC could experience difficulties in its ability to manage its system and in the cost of its system. For example, a 5 MW installation at the eastern edge of the Saipan distribution system might require remote control facilities that do not presently exist, and the rate effect of the new control facility installation might exceed the effect of anticipated even lower-priced, reliable alternatives. These are all unknowns at this point, counseling prudence on CUC's part.
- (o) Another challenge for CUC regarding customer-generators lies in developing contracts for green power that address: meeting system needs; fairness to customers who do not self-generate as well as to customer-generators; the limited interest of investors for generation in the CNMI; the many technically valid alternatives for many of the contract terms; the power industry's experience with green power; PURPA (Public Utility Regulatory Policy Act of 1988, as amended) experience with initially-needed generation which became legacy high-priced units; avoided cost pricing; utility industry investment standards; the technical aspects of CUC's electric utility system; PL 15-87's requirements for a renewables portfolio; and PL 15-87's requirement for certain language in contracts.

- 1 (p) In providing for green power contracts and calculating rates, fees and charges, 4 CMC § 8639  
2 states that the Legislature's intent is that, for the 12-month billing period, the eligible  
3 customer-generator shall be fully compensated for his/her consumption through the  
4 production offset and credit calculations, and for CUC to buy the customer's excess  
5 production at 50% of the net energy metering rate. These regulations shall be applied to carry  
6 out that intent, whether customers act alone or combine their entitlements and other  
7 resources.  
8
- 9 (q) CUC and the Commission must balance all of these considerations in developing the rules by  
10 which green power resources shall be recognized and contracts shall be enforced.  
11
- 12 §  
13 § 50-60- 00503 Net metering general provisions  
14
- 15 (a) CUC shall offer net metering to customers who intend to employ renewable energy generation  
16 equipment.  
17
- 18 (1) "Renewable energy" is defined under the Act and above, in these regulations. "Green  
19 energy" or "green power" are defined to mean "renewable energy".  
20
- 21 (2) The statutory limitation shall apply for each single customer, but may be increased as  
22 provided by law. As of the date of promulgation of these regulations the limit per  
23 customer is 10 MW. This limit shall be used with respect to the nameplate rating of  
24 the generating equipment rather than, for example, the demonstrated output. Using  
25 the nameplate might limit the customer's entitlement to generate, because virtually all  
26 generating equipment will be limited by the intermittency of the source of the power  
27 (like wind or sunlight) or by forced and planned maintenance outages. But, given the  
28 size of the entitlement, 10 MW and substantial investment per MW, this should not  
29 materially limit any customer's ability to participate.  
30
- 31 (b) CUC shall make net metering available to each eligible customer-generator in a timely  
32 manner and on a first-come, first-served basis up to the percentage of CUC peak load  
33 required by the renewable portfolio standard for the in-service year which the customer-  
34 generator reasonably predicts.  
35
- 36 (1) By "first-come, first-served" these regulations recognize that a potential customer-  
37 generator needs the certainty of an agreement to finance and deploy a project, while  
38 CUC may well sign agreements with some customer-generators who turn out not to  
39 be able to complete their plans.  
40
- 41 (2) For the purposes of admitting additional customer-generators into the queue, CUC's  
42 contracts shall provide for milestones that will allow the parties to assess the  
43 likelihood of the customer-generator's ability to deliver power. If a milestone should  
44 be unmet, CUC should have the ability to place another potential generator ahead in  
45 the queue.  
46
- 47 (c) CUC shall provide to net-metered customer-generators electric service at nondiscriminatory  
48 rates that are identical, with respect to rate structure, retail rate components and monthly  
49 charges, to the rates that a customer-generator would be charged if it were a customer, but  
50 not a customer- generator.  
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- (d) CUC shall not do any of the following unless specifically authorized under these regulations, and unless it would apply to other similarly situated customers who are not customer-generators:
  - (1) charge a customer-generator any fee or charge;
  - (2) require additional equipment, procedures or insurance; or
  - (3) require any other act or performance.
- (e) Net metered customer-generators shall be credited in kilowatt-hours (kWh) at a ratio of 1:1 for production of their generating facility up to the customer-generator's service address consumption of kWh in each billing period. Excess kWh credits shall not reduce the fixed monthly customer charge.
- (f) Each month's excess kWh credits shall be carried over during the calendar year, and CUC shall apply those credits to subsequent billing periods to offset the customer-generator's consumption. The carry-over shall continue until all such credits are used or until the end of the calendar year. The credits shall be recorded each billing period as dollars and cents, not as kWh. 4 CMC § 8639(c). This will eliminate later difficulties in determining the value of the credits in light of changing rates.
- (g) At the end of each calendar year, CUC shall compensate the customer-generator for any excess kWh credits at a price of one-half (½) the average of CUC's total retail electricity rate for the same calendar-year period. CUC shall pay the customer by the end of the billing month following the close of the calendar year. 4 CMC § 8639(f)(2).
- (h) Where customers have aggregated their entitlements, or otherwise joined together to develop a generating facility, CUC shall determine whether the arrangement is a bonafide one. This determination recognizes that the offset of generation is worth roughly twice the dollar value of the sale back to the CUC system of excess generation.
  - (1) The bona fide nature of a project would not ordinarily present an issue for a single customer with a facility located on the site of that person's home or business. It is the joining together of customers which requires the inquiry, and may require an even-handedness so that similarly situated customers are treated the same.
  - (2) CUC shall explicitly weigh the following indicators of a bona fide co-location relationship among any of individual residential or business customers, or other members of a joint venture, in order to determine whether to allow the offset of generation against each customer's bill include:
    - (i) Location of the generating facility away from any one customer's home or business site;
    - (ii) The formal business relationship of the customers, whether partnership, corporation, cooperative, or other similar form;
    - (iii) Sharing of control over the joint venture;
    - (iv) Contributions of comparable value from each of the customers; and
    - (v) Sharing of benefits on a basis comparable to a customer's investment.
    - (vi) A joint venture agreement that shows that a customer has contributed, as equity and/or by obligating for a loan, the amount of money necessary to install a qualifying generator that would generate the amount of power in

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question, shall be conclusive evidence of the customer's right to offset a pro-rata portion of the generation from the joint venture.

(3) If CUC denies an offset to a customer who is part of a joint venture, the customer may appeal the decision as provided for other appeals under these regulations. The denial shall not stop the project from proceeding or signing a contract with CUC. If the CUC decision is ultimately reversed or modified the contract shall be amended accordingly.

(i) When a customer leaves the system, CUC shall pay the customer the net credit due within the next billing month after termination of the account. 4 CMC § 8639(f)(1). Except that, for aggregated customers, such payment shall be considered made in full through payment to the aggregate entity; and the identification of the payee shall have been provided in a form contract which each aggregating customer shall sign and which shall be provided to CUC.

Ⓜ  
§ 50-60-00504

Meters.

(a) Single meter.

(1) A customer-generator facility used for net metering shall be equipped with metering equipment that can measure the flow of electricity in both directions at the same rate.

(2) A customer-generator service address at which there is a generating unit with a nameplate capacity of less than 10 kilowatts (kW) may use just a single, bi-directional electric revenue meter that has only a single register for billing purposes.

(3) A customer-generator shall have the right to use just the pre-existing electric revenue meter at the service address if the following criteria are met:

(i) The meter is capable of measuring the flow of electricity both into and out of the customer-generator's facility at the same rate and ratio; and

(ii) The meter is accurate to within plus or minus three percent (3 %) when measuring electricity flowing from the customer-generator facility to the electric distribution system.

(b) Ordinarily a customer would be using a meter supplied by CUC meeting required specifications, paid for in effect through the monthly customer charge. Only in exceptional circumstances would the customer be permitted to substitute another meter for this meter. One of these circumstances would be inception of service at a time when CUC lacked a conforming meter for the service address.

(c) Additional meter. CUC shall not ordinarily require more than one meter per customer-generator. However, an additional meter/s shall be installed under the following circumstances:

(1) If the existing electric meter of an eligible customer-generator is not capable of measuring the flow of electricity in two directions, a new meter shall be installed.

(2) CUC shall be responsible for all expenses involved in purchasing and installing a meter that is able to measure electricity flow in two directions.

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- (i) CUC may install and maintain a substitute or an additional meter at its own expense.
- (ii) The customer-generator may buy and/or install the same quality meter that CUC would install. CUC shall provide a credit on the customer's bill for the actual cost and installation expense by spreading the amount therefor over no more than four monthly bills. CUC shall pay to maintain the meter thereafter.
- (3) A customer shall not unreasonably refuse the request for a new meter as long as CUC pays for the installation and the additional metering shall be used only to provide the information necessary to accurately bill or credit the customer-generator, and/or to collect renewable energy generating system performance information for research purposes; or
- (4) The customer-generator may request that CUC agree to another meter, at the customer-generator's expense. If CUC does the installation, CUC shall charge the customer-generator no more than the actual cost of the meter and its installation and spread the total charge over no less than four bills.
- (5) If an additional meter or meters are installed, the net energy metering calculation shall yield a result identical to that of a single two-directional meter;
- (6) A subsequent revenue meter change necessitated by the customer-generator, whether because of the customer's decision to stop net metering or for another reason, shall be paid for by the customer-generator.
- (d) A metering installation, testing, or recalibration performed by CUC shall be provided through techniques that would meet the electric service and safety standards of the IEEE.
- (e) Reading. CUC shall read the meter monthly. If it fails to read monthly it shall accept the customer reading, provided by fax or email for a standard billing period date which CUC shall have communicated. If CUC has failed to communicate the date, then the customer's read on a date 30 days from the last read date shall satisfy this subsection.
- (f) CUC's costs to purchase, install, maintain and read such meter/s shall be considered costs of service for ratemaking purposes.

 § 50-60- 00505 Carbon credits and other green energy credits.

- (a) A customer-generator shall own his/her renewable energy credits, including carbon credits, for the electricity generated from customer-owned generation.
- (b) The customer-generator may freely sell or exchange the credits.

 § 50-60- 00506 Aggregation of green power entitlements.

- (a) The Act provides for aggregation of green power entitlements.

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- (1) 4 CMC § 8639 provides for customers to generate power with renewables, offset their bills with the power generated and sell the excess to the system at 50% of the net energy metering rate. It provides a per-customer limit, or entitlement, of 10 MW, which CUC may increase. Because the typical residential customer's peak load is about 2 kW, and the typical small business peak load is about 4 kW, the excess of the entitlement can be used to generate power for the CUC system.
  - (2) 4 CMC § 8623 provides that electric utilities may aggregate their renewable portfolios in order to achieve the renewable portfolio standard of PL 15-87.
  - (b) Customers shall have the right to combine their entitlements for green power capacity with other customers for the purpose of co-locating and operating customer-owned generation. Ownership for this purpose shall include:
    - (1) beneficial ownership;
    - (2) share or member ownership in a larger owner-operator enterprise;
    - (3) limited partner interest;
    - (4) voting membership in an owner which is a cooperative or nonprofit corporation; or
    - (5) co-ownership with family members to the 6<sup>th</sup> degree of consanguinity.
- ☐  
§ 50-60- 00507 Net metering rights to individual and group customers.
- (a) An individual customer-generator shall have the right to sell green energy to CUC and transmit and/or distribute that energy through the CUC system. Except that a customer-generator shall not provide its excess kWh to another customer for the purpose of creating a complete net-metering offset for the second customer.
  - (b) A group of customers who aggregate their entitlements to sell power to the CUC system and co-locate the generating equipment at a site that is remote from one or more of them shall have the same rights to sell green energy to CUC as an individual customer does. Further, their rights shall include:
    - (1) the right to build and operate together generation facilities which qualify as renewable energy generating facilities eligible for net metering at locations that may be remote from one or more of their homes or businesses;
    - (2) the right to wheel their generation through CUC's system to their homes and businesses; and/or
    - (3) the right to contract with CUC for a fixed period of time, on fixed material terms, for the sale to CUC of excess renewable power.
  - (c) The aggregation right shall be determined by the meter. Only one full-offset calculation shall be available to a customer or customer group. However, all customers in the group may share in the sale back to CUC of the excess, or credited, power.

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(d) A customer-generator, or group of customer-generators, which locates generation on a remote site shall pay CUC's "postage stamp" wheeling charges provided for in these regulations. A "postage stamp" charge refers to a rate that does NOT vary by location or distance, as with a stamp placed on a postal service envelope.

§  
§ 50-60- 00508

Contracts for green power, in general.

- (a) CUC shall contract with a customer-generator, or with a group of customer-generators, and/or their representative/s, who seek to aggregate as provided in these regulations.
- (b) CUC shall provide interconnection, wheeling, and billing service for a customer-generator or for such aggregating customers.
- (c) A contract entered into pursuant to these regulations between CUC and a customer-generator is not, and shall not be interpreted to be, a contract for a utility service described in EO 2006-04, 4 CMC § 8141. A customer-generator is not, and shall not be interpreted to be, an independent power producer to which the CNMI or CUC procurement regulations apply.
- (d) While the physics of power transactions is that the actual movement of an electron from the generation site to the customer's home or business is unlikely, the wheeling shall be treated as a physical reality for the purposes of contract and these regulations.

§  
§ 50-60- 00509

Standard contract required. The Act, 4 CMC § 8634, further requires that:

- (a) CUC shall develop a standard contract or tariff providing for net energy metering;
- (b) shall make this contract or tariff available to eligible customer-generators, upon request, on a first-come-first-served basis,
  - (1) until the time that the total available capacity produced by eligible customer-generators equals 30 percent of CUC's system peak demand;
  - (2) provided that, on good cause shown, the regulator may increase, by rule or order, this percentage amount;
- (c) each net energy metering contract or tariff shall be identical, with respect to rate structure and other charges and fees, to the tariff to which the same customer would be assigned if the customer were not an eligible customer-generator;
- (d) charges for all retail rate components for eligible customer-generators shall be based exclusively on the eligible customer-generator's net kilowatt-hour consumption over a monthly billing period;
- (e) any new or additional demand charge, standby charge, customer charge, minimum monthly charge, interconnection charge, or other charge that would increase an eligible customer-generator's costs beyond those of other customers in the rate class to which the eligible customer-generator would otherwise be assigned are contrary to the intent of the Act, shall not be charged and shall not form a part of a net energy contract or tariff; and

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(f) subject to the constraints of the Act, the PUC may amend the rate structure, standard contract, or tariff, by rule or order.



§ 50-60- 00510 Green power contract terms. A net metering contract shall embody the following features:

(a) **Amount of the rate.** The net metering rate shall be the total rate charged to CUC customers as of the date of the application for net metering service. This includes the base rate, the fuel and/or power clause rate, and any other per-kWh charges. It shall not include the fixed monthly customer charge, if any.

(b) **Exception.** The 100% offset which net metering provides to the customer's use shall be priced monthly. Therefore the contract may not fix the pricing of the 100% offset-to-use to be the same each month throughout the term of the contract. The contract price for this offset must vary with the monthly total electric rate charged to the customer. This exception simplifies substantially the bookkeeping for the full offset.

(c) **The excess energy rate paid for green power sales to CUC.** The rate paid for energy sold back to CUC shall be at least one of the following, selected for the contract. The opportunity of the customer-generator to select among the two options is required because the financing of power generation facilities requires the parties to minimize the uncertainty of power price fluctuations. Those who supply capital to build such facilities require that uncertainty and risk be minimized. CUC requires certainty in order to plan its cash flows and project its income. These regulations assume that the parties know their own interests best. Therefore, the parties may elect between the following:

(1) Option 1: There shall be one rate for excess energy sales to CUC for the term of the contract, the rate which was in effect on the date the application was filed.

(2) Option 2: The rate shall vary over the life of the contract, and shall be calculated for excess energy sales based on the CUC rate in effect on the first day of each billing period.

(3) For either option, the rate in effect would be the sum of the base rate and the LEAC (or other fuel charge) rate, and any other rate components which the Commission had authorized.

(d) **Other credits related to green energy.** When CUC is required by these regulations to provide equipment or service and it agrees that it will not do so directly, or when it fails to install the equipment within a reasonable time given the customer's installation plan submitted to CUC, the customer may purchase the equipment or service and then CUC shall credit the customer for the amounts spent.

(1) Purpose and intent: Typically this credit shall cover the cost to install a meter. It may also include the costs for a service drop and/or a transformer. It should reflect the cost of money to the customer. Therefore:

(2) The credit shall be spread over no more than four months. Any amount uncredited for the period shall be credited to succeeding months' charges until exhausted, or paid as this subsection provides, just below.



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- (3) The credit shall be for:
  - (i) the invoiced price of the equipment and/or service; and
  - (ii) a monthly interest rate equivalent to 3% per year, compounded annually, or the utility's overall cost of capital as determined in its most recent rate case or other formal determination, whichever is greater.
- (4) Any net due the customer shall be paid at the time that the annual credit payment to a customer generator is due.
- (e) **Billing charges.**
  - (1) CUC may charge an annual fee against the payments due for the receipt of green energy to reflect no more than its actual costs for billing and bookkeeping for the customer-generator, spread over the life of the generation equipment.
  - (2) CUC shall calculate these costs for an individual customer-generator and for an aggregate of customer-generators, and post the calculations on its website. The cost per customer shall not exceed the actual cost
  - (3) The annual amount shall be spread evenly throughout the year, as a monthly customer charge, and netted against the payments due to the customer-generator.
  - (4) A customer who disputes the fee in part may appeal pursuant to the procedures established in these regulations. Until a final, unappealable decision, the customer shall not be obligated to pay the disputed portion of the fee. The amounts owing shall be subject to interest compounded annually at CUC's overall cost of capital, payable over the same period as the period of the appeal. Overcharges shall be returned to the customer at the same rate and over the same period. The hearing officer or the Commission may award attorney and expert fees to the prevailing party upon a finding that the evidence and/or arguments resulting therefrom materially contributed to the resolution of the dispute.
  - (5) The nonagreement regarding this fee shall not delay or otherwise affect the execution of the contract.
- (f) **Wheeling charges.** CUC's charges for receiving and transmitting green energy from a remotely located facility for a customer-generator shall be calculated and charged on a per-kWh basis, as provided in these regulations.
- (g) **Size of the capacity entitlement.** The size of the entitlement shall be fixed as of the date of the application. Where multiple customers share in a capacity entitlement, each share of the aggregated entitlement must be evidenced by a document that, on its face:
  - (1) purports to assign the customer's entitlement to a legal entity in or through which the customer retains an ownership interest in the entitlement and/or generation equipment; and
  - (2) appears to be legally enforceable in the CNMI.

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(h) **Limits on contracts for net metered service.** Until further notice, the provisions of this section shall not apply to a contract for capacity in excess of the level provided in Part 100 section 100 of these regulations.

§ 50-60- 00511 **Contract forms.** CUC shall use contracts for green power production, wheeling and net metering which do not vary materially from these regulations, or the forms, if any, attached to these regulations.

(a) Each such contract shall, therefore, embody the rates, pricing, charges, interconnection requirements and technical specifications contained in these regulations.

(b) "Materially" includes the following terms and conditions:

- (1) pricing;
- (2) charges, including demand, standby, wheeling and monthly minimum charges;
- (3) interconnection requirements;
- (4) technical specifications; and
- (5) time periods.

§ 50-60- 00512 **Material term: Wheeling of green power**

§ -512- 001 **Determination of fees for wheeling green power for aggregations of customer-generators.**

(a) CUC's staff shall calculate the wheeling fee charged pursuant to these regulations.

(b) CUC shall charge to each kWh generated for each customer-generator, for whom the generator is located at a site other than the customer's home or business, a standard wheeling fee at a "postage stamp" rate (i.e., a rate that does NOT vary by location or distance).

(c) The wheeling charge shall reflect the following:

(1) the costs:

- (i) of recording and administering the accounting for kWh generated; and
- (ii) the additional costs of operating and maintaining the system for such wheeling, and the amortization of the plant which must be constructed or improved for the customer-generator less the portion which benefits the system as a whole; and

(2) an allocation:

- (i) that spreads the net costs over a recovery period that matches the likely lives of the assets and other expenditures in question; and
- (ii) that allocates the fee over the projected output to the system of the likely customer generators for the period in question.

(d) CUC may recalculate the fee every two (2) years, in order to reflect changes in actual costs against projected output to the system. The recalculated fee shall apply to each customer-generator contract in effect, regardless of the date of the contract.

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- (e) A customer-generator may dispute the fee only: within 28 days of the initial signing of its contract and within 28 days of each CUC publication of its recalculated fee.
- (f) CUC shall publish the proposed fee's calculation each year, including making available back-up detail and workpapers. After a 28-day comment period, CUC may publish the fee as final and appealable. "Publication" shall include emailing to each affected customer-generator.
- (g) A contract entered into pursuant to these regulations shall use the most recently calculated fee.
- (h) If a party disputes the fee, CUC may charge the fee until the decision is reversed with finality, and then shall refund the fee, in whole or in part, as required, with interest at a rate that reflects its overall cost of capital for the relevant period. The hearing officer may award attorney and expert fees to the prevailing party upon a finding that the evidence and/or arguments resulting therefrom materially contributed to the resolution of the dispute.

§ 50-60- 00513 Material term: Pricing and rates applicable to green power net metering

- (a) The Act, 4 CMC § 8638-39, provides that:
  - (1) Pursuant to 4 CMC § 8638 (Net electricity consumers), the net electricity consumer-generator shall owe CUC for the customer's consumption in excess of the customer's production and credits. The eligible customer-generator shall owe CUC for the excess monthly kilowatt-hour consumption calculated at the retail rate of the rate class to which the customer is normally assigned. The eligible customer-generator shall be responsible for all other charges and fees generally applicable to the customer's rate class.
  - (2) Pursuant to 4 CMC § 8639 (Net electricity producers), the intent of the Act is that, for the 12-month billing period, the eligible customer-generator shall be fully compensated up to the amount of his/her consumption through the production offset and credit calculations, and for CUC to buy the customer's excess production at 50% of the net energy metering rate.
- (b) The Act further intends that, for a net electricity producer:
  - (1) CUC shall not ordinarily pay the customer monthly, but it may nonetheless use the customer's excess electricity generated during the monthly billing period;
  - (2) the net electricity producer's monthly excess electricity production shall be carried over to the next billing month as a monetary value to the credit of the customer;
  - (3) the monthly unused credits shall accumulate and be used to offset the amounts owed CUC for the customer's net kilowatt-hour consumption for succeeding months within each 12-month period;
  - (4) CUC shall net the eligible customer-generator's electricity production and consumption for each 12-month period in a "reconciliation" calculation; and

- 1 (5) if the 12-month net is an excess of customer-generated electricity, CUC shall buy the  
2 excess at 50% of the rate applicable to the net energy metering calculation, or for  
3 such higher rate to which the parties have agreed in a purchase agreement for  
4 excess electricity production.  
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6 (c) CUC shall set and implement rates for customer-generated net-metered electricity as follows:  
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8 (1) The net electricity consumer-generator shall owe CUC for the customer's  
9 consumption in excess of the customer's production and credits. The eligible  
10 customer-generator shall owe CUC for the excess monthly kilowatt-hour consumption  
11 calculated at the retail rate of the rate class to which the customer is normally  
12 assigned. The eligible customer-generator shall be responsible for all other charges  
13 and fees generally applicable to the customer's rate class.  
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15 (2) For the 12-month billing period, the customer-generator shall be fully compensated up  
16 to the amount of his/her consumption through the production offset and credit  
17 calculations, and CUC shall buy the customer's excess production at 50% of the net  
18 energy metering rate.  
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20 (3) CUC shall not ordinarily pay the customer-generator monthly, but it may use the  
21 customer's excess electricity generated during the monthly billing period.  
22  
23 (4) The net electricity customer-generator's monthly excess electricity production shall be  
24 carried over to the next billing month as a monetary value to the credit of the  
25 customer.  
26  
27 (5) The monthly unused credits shall accumulate and be used to offset the compensation  
28 owed CUC for the customer's net kilowatt-hour consumption for succeeding months  
29 within each 12-month period.  
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31 (6) CUC shall net the eligible customer-generator's electricity production and  
32 consumption for each 12-month period.  
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34 (7) If the 12-month net is an excess of customer-generated electricity, CUC shall buy the  
35 excess at 50% of the rate applicable to the net energy metering calculation, or for  
36 such higher rate to which the parties have agreed in a purchase agreement for  
37 excess electricity production.  
38  
39 (d) Rates for excess electricity production. Each customer-generator shall elect one of the  
40 following rate methods at the signing of the contract for customer generation, and only at that  
41 time:  
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43 (1) *A single net energy metering rate shall apply to all transactions during the term of the*  
44 *contract. The rate shall be the rate in effect for the customer's customer class on the*  
45 *date of the application. For a customer-generator comprised of customers taking*  
46 *service in different rate classes, the rate shall be calculated as the weighted average*  
47 *of the rates and relative consumption of these customers for the preceding monthly*  
48 *billing period of each. The 50% calculation shall use this rate.*  
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50 (2) *A variable net energy metering rate shall apply to each transaction during the term of*  
51 *the contract, the rate in effect on the first billing day of each month.*  
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(3) Once a contract using one of these rate methods has been signed, the generation under the contract may not be priced according to the other method, even if the participants in the customer generator should change.

§  
§ 50-60- 00514

Material term. Payment.

(a) Payment to an individual customer-generator.

(1) If the eligible customer-generator has paid to CUC during the 12-month period more for electric service than the 12-month reconciliation supports, CUC shall credit the customer for the overpayment on the next bill.

(2) If CUC owes the customer for net energy received during the 12-month period CUC shall pay the customer within the next billing month after year-end.

(3) If the customer has left the system, CUC shall pay the customer the credit amount within the next billing month.

(b) Payment to a customer generator who is part of an aggregation of customer-generators.

(1) Cash payment for the excess kWh shall be made to the entity that represents the customer-generator, pursuant to the contract signed with CUC. It shall be that entity's responsibility, not CUC's, to distribute cash payments correctly among the customers comprising the customer generator.

(2) Cash payment shall be calculated after an offset for the applicable wheeling and service charges.

(3) The net metering, full-price offset, shall be addressed for each individual customer. The offset kWh shall be "taken off the top" of the billing period's generation and split pro rata among the aggregating customers according to their relative consumption.

(c) Failure to pay timely. If CUC fails to make payment during the required billing period, the amount due the customer-generator shall accrue interest on a full-month basis, at a rate equal to CUC's overall cost of capital, compounded annually.

(d) Customer's good-faith estimate for payment. If the customer-generator receives a bill for service and does not pay it within the allotted time for payment, it shall be considered to have paid its bill on time for the purposes of credit history IF: upon a calculation of its past and likely future usage and net send-out to the CUC system, it estimates in good faith that it is likely to produce more than it consumes in the next billing month, thereby covering the amount billed. A contemporaneously recorded estimate within 10% of the outstanding amount shall be conclusively presumed to be a good faith estimate.

(e) For the purposes of calculating bills due and making good-faith estimates, all subsections of this section shall apply to a customer who is part of a customer generator who is part of an aggregation.

§  
§ 50-60- 00515

Material term: Interconnection requirements and technical specifications

- 1 (a) Each customer-generator shall meet the applicable interconnection and technical  
2 requirements for his/her/its level.  
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4 (b) No customer shall be required to meet stricter interconnection and technical requirements  
5 than provided for his/her/its level in these regulations.  
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8 § 50-60- 00516 Material term: time periods  
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10 (a) CUC shall comply with the time periods required in these regulations. This requirement  
11 includes the time allotted to process and complete an application for a contract to provide  
12 customer generation.  
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14 (b) If CUC fails to comply with a time period required by these regulations, and the failure is its  
15 responsibility, it shall compensate the applicant and/or customer-generator in an amount  
16 equal to the revenue lost due to the delay, less expenses of production, plus interest on the  
17 net figure at CUC's overall cost of capital, compounded annually. A party may appeal CUC's  
18 delay and the failure to award adequate compensation pursuant to the procedures of these  
19 regulations. The Commission may award, or its hearing officer may award, attorney and  
20 expert fees upon a finding that the evidence and/or arguments resulting therefrom materially  
21 contributed to the resolution of the dispute. Attorney fees provided in settlement of a claim  
22 under this subsection shall be considered a cost of service for ratemaking purposes; but a  
23 Commission or hearing officer award when settlement has not been achieved shall not be.  
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26 § 50-60- 00517 If a customer/producer of green power and CUC agree in writing they may vary a material  
27 term identified in these regulations, or a material term of a contract form attached to these  
28 regulations; provided that no such change may violate the requirements of the Act.  
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31 § 50-60- 00518 Applications and other communications. CUC and the parties to a green power agreement  
32 shall also accept electronic communications in satisfaction of all notice, application, renewal,  
33 filing, and other communication requirements under the Act.  
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36 § 50-60- 00519 Confidentiality.  
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38 (a) The Open Government Act's provisions on confidentiality shall apply, 1 CMC § 9918-19,  
39 except as specifically provided otherwise herein.  
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41 (b) A writing, data compilation or other information submitted pursuant to these regulations by a  
42 person shall be kept confidential and not exposed to public inspection until a final, non-  
43 appealable determination otherwise is made by the appropriate reviewing agency and/or  
44 court, if the following is shown with specificity:  
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46 (1) the person desiring protection of the information justifies that the contents of the  
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49 (i) have been maintained as confidential; and  
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51 (ii) should be maintained as confidential; and  
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- (2) the person shows that either:
  - (i) the submission's contents must remain confidential because its exposure to public inspection would be prejudicial to the public interest; or
  - (ii) the submission consists of trade secrets and/or proprietary commercial or financial information.
- (c) CUC shall provide procedures to maintain the confidentiality of information pending final review, which may include written directions to its employees and consultants, redaction, sealed files, and confidentiality logs.
- (d) CUC shall give reasonable prior notice to the person who has submitted such information prior to release of the information to any individual or entity not a party to the application or an employee of a party. "Reasonable" in this context shall include an amount of time that would allow the person asserting confidentiality to apply in the first instance to a regulatory agency or court for a protective order. A period of 14 days shall be considered reasonable in ordinary circumstances.




§ 50-60- 00520

Expansion of entitlement and reports

- (a) The Act, 4 CMC § 8633, through an amendment in PL 15-87, provides that the regulator can increase the entitlement for net metering to more than 10 MW by regulation or order upon a showing that the larger capacity increment will not unduly interfere with CUC's ability to properly manage its control area and that the financial impact of the service will not unduly harm CUC.
- (b) The Act further provides that, at least once each calendar year, the regulator shall issue a report in the form of an opinion and order addressing this issue. The report shall include:
  - (1) Number of net metering contracts, customer-generators and the capacity claimed for each;
  - (2) Identification of the technologies and equipment used for each;
  - (3) Location of each customer-generator, by narrative and map;
  - (4) Generation reported for each customer generator – gross figures, and net metering offsets for usage, net sendout to the grid, monthly and annual totals;
  - (5) Transmission/distribution voltages in the control area of each generator, before and after the on-line date of each generator;
  - (6) Measures, if any, which CUC took to address voltage and other system issues related to each customer-generator;
  - (7) Names of electric utility professional staff who had reviewed and/or inspected each customer-generator's installation;
  - (8) An analysis and conclusion regarding the effect of the use of net metered energy on CUC's system and business, and on the CNMI;
  - (9) Determination whether the evidence demonstrates:
    - (i) any undue interference with CUC's ability to properly manage its control area; and
    - (ii) the financial impact of the service and whether the impact will unduly harm CUC;

1 (10) A decision whether to increase the entitlement to net metered capacity and, if so, to  
2 what level and when.

3  
4 (c) In order to enable preparation of such report CUC shall provide the Commission with the  
5 information required by the date which the Commission specifies.


6  
7  § 50-60- 00521 Fees

8  
9  
10 (a) CUC shall adopt and publish a schedule/s of fees for the following services.

11  
12 (b) Each fee shall be based on the direct cost of providing the service. In any event, a fee shall  
13 not materially vary the pricing of green power.

14  
15 (c) The fees shall include fees for the following in the following amounts:

- 16  
17 (1) Annual registration/administration \$ 50.00 per MW (or less)  
18 (2) Application  
19  
20 (i) All applications, for 10 kw \$ 50.00  
21 (ii) Level 1 - additional \$ 1.00 per kW capacity  
22 (iii) Level 2 - additional 1.00 per kW capacity  
23 (iv) Level 3 - additional 1.00 per kW capacity  
24 (v) Level 4 - additional 2.00 per kW capacity  
25  
26 (3) Accounting services for a customer group, no more than:  
27  
28 (i) 1 - 2 customers -0-;  
29 (ii) 3 - 10 customers 1.0 cent/kWh;  
30 (iii) 10 - more 2.0 cents/kWh;  
31  
32 (4) Green power wheeling rate ("postage stamp") 1.0 cent/kWh;  
33 (5) Inspection fee (only for installations > 100 kW) \$ 50.00 per MW (or less)  
34 (6) Late fees \$ 20.00 per month  
35 (7) Copies (after 10 sheets) \$0.40 per page  
36 (8) Certified copies (after 1 document) \$2.50 per document  
37 (9) Costs of enforcement proceedings as assessed by the regulator  
38

39  § 50-60- 00522 Examples

40  
41 The following examples are illustrations only.

42  
43 (a) Joe Tapochao installs a 2 kW wind turbine in the backyard, a complete package  
44 manufactured by Toyota Wind, Inc, of Sunnyvale, CA. What net metering benefits will he get?

45  
46  
47 (1) Answer: He will get a monthly discount, up to his whole electric bill's kWh charges, by  
48 netting his electricity production against his CUC bill. He will still pay the standard,  
49 annual customer charge. If, at the end of the calendar year, he sends CUC more  
50 electricity than he uses from CUC, he will get a check for these net sales.  
51



- 1 (b) Frank Marpi prides himself on his independence. His farm is not connected to the CUC grid.  
2 He bought some solar panels to power lights and a small refrigerator. How much can he  
3 expect to earn from net metering?  
4
- 5 (1) Answer: Nothing. You have to be connected to the CUC system and be a customer  
6 in order to benefit from net metering discounts and payments.  
7
- 8 (c) The Talafofo family, with a compound along the cliffs near Santa Lourdes, installs two 1.5 kW  
9 Toyota Wind turbines in the back corner of the property, and 2 kW of solar PV, a kit from US  
10 Edison, of Dover, Delaware, on the roof of a building. There are three CUC meters at the foot  
11 of the driveway. There are three houses, each connected to one of the CUC meters. Their  
12 CUC-certified net metering electrician checked out all of their appliances and tells the family  
13 that they are likely to fully use the output of 5 kW of capacity, and probably use it all for two of  
14 the three houses. Can they net meter together, even though they are three different  
15 customers? What will they get?  
16
- 17 (1) Answer: Yes and no. Each is a customer. Each is also a generator. IF they agree in  
18 advance, in writing, to generate as a group they can pool their usage and their output  
19 for net metering purposes. The full offset will only apply to one meter, the meter  
20 hooked up to the solar panels and the wind turbine. The sale-back, which is at one-  
21 half the retail rate, also applies to that meter. The "deal" will be accounted for in the  
22 name of the whole group. CUC will allow them to pool their usage, in order to  
23 maximize the use of the full offset, because they came to CUC as a group.  
24
- 25 (2) Note: Because the turbines and the solar panels are on someone else's property –  
26 unless the families own ALL the property in common -- the group will pay the 1  
27 cent/kwh green power wheeling charge. This slightly reduces their profit from CUC.  
28
- 29 (3) In this example, it appears that the group will not actually sell power back to CUC at  
30 the 50% rate. It appears that their total monthly usage may be greater than the  
31 combined production of the turbines and the solar panels. How they split up the full  
32 offset is an internal affair. CUC will not be responsible to determine who "used" the  
33 wind or solar kwh, and who thereby gets the benefit of the full rate offset.  
34
- 35 (d) Juan Talafofo lives in Garapan, and wants to help his uncle build a third turbine at the family  
36 compound near Santa Lourdes by contributing some of his savings and his weekends to help  
37 install and maintain the system. If he invests in the family group, does he have to start the  
38 application process all over again for this new turbine?  
39
- 40 (1) Answer: No. From CUC's point of view, the customer-generator has not changed. It  
41 is a group called, maybe, "The Talafofo Family". The family group would simply add  
42 him to their own paperwork for the family power "business".  
43
- 44 (2) The family group will separately notify CUC that they are adding a turbine. Once the  
45 group starts selling power back to CUC, at the 50% rate, the group will have to figure  
46 out how to divide the profits. CUC will not make any adjustments to Juan's bill,  
47 because the meter for the group is over at the Santa Lourdes property. But CUC will  
48 probably increase the amount of full offset power to the family's monthly total, in  
49 recognition of Juan's joining the group.  
50
- 51 (e) Juan Talafofo, again: What if he doesn't contribute anything to the family group, but his uncle  
52 decides that he just wants to give Juan the benefit of lower bills?

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- (1) Answer: Probably Juan will get no benefit from CUC. If CUC examines the group's documents and sees no indication that Juan is treated as, in effect, a partner, it will probably deny the extra amount of monthly usage represented by Juan's Garapan bill. The family group, however, is free to send money to Juan to pay is electric, or any other, bill.
- (f) Sonia Fisu and 9 of her friends want to set up wind turbines and get electric bill net metering discounts. The all live in apartments or small houses, in different parts of Saipan. Together, they figure they have well over 1 MW of entitlements coming. But they found that one of the big wind machines costs a million dollars per MW to build, and they don't have that kind of money. Can they partner with a non-customer to finance and build the wind farm?
- (1) Answer: Yes, they can. But only one bill will each month show a credit for the wind turbine's output.
- (2) Note: Metering and sharing: They, and their business partner, have to install the turbine's meter and do all the paperwork that tells them who gets what share of the monthly offset. This is because CUC will not have the remote/radio metering equipment and the computer software in the near future to do the math and credit each of their accounts automatically. CUC will work with them to provide for a monthly meter read and a form to calculate the benefit to each of the 10 of them. They will pay the 1 cent wheeling charge.
- (3) Note: The full offset: IF their business papers show that they are, in effect, partners or shareholders, with some obligation to the group, CUC will probably allow the 9 of them to combine their monthly usage for full offsets. If the business sets up an office, and a CUC account, it would also be eligible for the full offset. So there will be 10. But if the business just used their names as customers to become a "customer-generator", CUC will probably just treat the deal as a 50%-price sale of green power back to the CUC system.
- (g) Frank Taga and his family live in Song Song village on Rota. They just won the lottery and want to install 10 small wind turbines, costing \$10,000 each. Can they put up a net metering wind farm?
- (1) Answer: Yes. If they put the turbines up on the savanna cliffs they will have to get the land for their wind farm, install the turbines, buy a meter and maybe a transformer to connect to CUC lines, and pay the 1 cent/kwh green power wheeling charge as an offset to their net metering benefits. CUC will work with them to have a monthly meter read and calculate the 100% offset and 50% excess power credit.
- (2) Note: They will have to figure out as an internal matter, how to share the full offset and the sale-back of the excess.
- (h) Sonia Fisu's group, with the help of Marpi Generation Company built a 1 MW wind farm on private land near Old Man of the Sea in 2011. Their first rent payments to the farmers who own the wind farm site and to the bank which financed the construction are due on March 1, 2012. What payments will CUC give them, and when?
- (1) Answer: Payment will be due shortly after the bill for the last month of the calendar year. CUC's bills typically lag about 45-60 days. That is, the meter reader will do the

1 last read for December 2011 sometime in early January. The bill for that read won't  
2 get printed and issued until about 30 days later, in February. The regulations require  
3 CUC to calculate and pay for 2011 energy received after that meter read. Therefore  
4 a payment can be expected by mid- February.  
5

6 (2) Note: Sonia's group should expect payment to be reduced by the 1-cent/kWh  
7 wheeling charge.  
8

9 (3) Note: Sonia's group and CUC are free to make a deal that estimated the 2011  
10 generation and paid something to the group over that period, so they could pay the  
11 farmers some rent. This would encourage the farmers to make their land available to  
12 the wind farm.  
13

14 §  
15 § 50-60- 00523 Calculations and accounting: Output, billing and payment  
16

17 (a) The Act, 4 CMC § 8636 (Calculation of net charges/benefits) and 4 CMC § 8637 (Billing  
18 periods and 12-month reconciliation), provides that:  
19

20 (1) The net energy metering calculation shall be made by measuring the difference  
21 between the electricity which CUC delivered to the eligible customer-generator and  
22 the sum of:  
23

24 (i) The electricity generated by the eligible customer-generator and fed back to  
25 the electric grid over a monthly billing period; and  
26

27 (ii) Any unused credits for excess electricity from the eligible customer-generator  
28 carried over from previous months since the last 12-month reconciliation  
29 period.  
30

31 (2) Billing of net energy metering customers shall be on a monthly basis; provided that  
32 the last monthly bill for each 12-month period shall reconcile for that 12-month period  
33 the net electricity provided by CUC with:  
34

35 (i) The electricity generated by the eligible customer-generator and fed back to  
36 the electric grid over the monthly billing period; and  
37

38 (ii) Any unused credits for excess electricity from the eligible customer-generator  
39 carried over from prior months since the last 12-month reconciliation period.  
40

41 (3) Credits for excess electricity from the eligible customer-generator that remain unused  
42 after each 12-month reconciliation period may not be carried over to the next  
43 12-month period, but shall be compensated as provided in the Act.  
44

45 (b) The purpose of this Section of the regulations is to clarify CUC's responsibilities in delivering  
46 billing information and payment to customer-generators.  
47

48 (c) Accounting  
49

50 (1) CUC shall maintain reserve accounts for the accrual of obligations for the net output  
51 of customer-generators. These "accounts" will be entered into the CUC accounting

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- system; they shall not be separate bank accounts. The purposes of the reserve accounts are:
- (i) to ensure that the required cash is available to pay customer-generators at the time required by statute and these regulations;
  - (ii) to provide timely information to CUC management regarding the benefits and costs of customer-generated power; and
  - (iii) to provide timely information to the Commission regarding the costs and benefits of CUC's efforts to meet the renewable portfolio standards of the law.
- (2) CUC shall record an entry monthly into a customer generator's reserve account the amount of likely payment for the excess generation required for each month. The entry may be made up to 45 days after the end of the month of the generation, reflecting the typical delay in CUC's receipt of revenues from all of its customers for billed consumption. The purpose of the reserve entry lag is to match current revenues with current payment to the customer-generator. One exception to this lag is for the final year's payment to the customer-generator, which shall be recorded within 28 days of the end of the month of the generation, so that all funds are in place for reconciliation and timely payment.
- (3) Accounting period. The accounting to determine net output for the purposes of calculating CUC's payment obligation, shall be undertaken on a calendar year basis. CUC may conform a customer's generation account to CUC's annual accounting period, so that the "year" may reflect a fiscal year starting, for instance, on October 1.
- (4) Timing: Recording entries into the reserve accounts, if any, shall begin:
- (i) For production facilities of less than 11 kW, after the sixth month of each year.
  - (ii) For production facilities of greater than 10 kW of capacity, the month beginning with the commencement of service. An account may be reduced for experienced and projected annual customer use after six months' experience. The reduction shall be taken on a pro rata basis, by customer and by monthly use, each month, with notification to the customer-generator. The account shall be reconciled prior to payment.
  - (iii) The purpose of the difference in procedure between the smaller and larger production facilities is to reflect the greater benefit to CUC's system likely from the larger installation, because a higher percentage of green power flows into the system as the size of the installation increases past the point of the customer's likely use.
- (5) If CUC fails to read a meter related to a customer's net metering, CUC shall accept the customer's read data until CUC obtains actual data from a meter read. A customer may provide such data by electronic means, as by looking at the meter, recording the meter's figures, and emailing the number to CUC.
- (6) CUC shall pay interest on late payments to customer-generators at its overall cost of capital, or the post-judgment interest rate applicable to the Superior Court, whichever is greater. The rate shall be applied as a daily rate and compounded monthly. The purpose of this provision is to provide CUC with an incentive to make timely payments and to make the customer-generator whole for delays.

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(d) Payment

- (1) Purpose: In order to assure the reliability of green power production and encourage the private sector investment that will allow for such production it is critical that CUC provide for predictable, secure payment for green power.
- (2) CUC shall provide for and publicize the following payment tools and requirements:
  - (i) Electronic funds transfer on or before the payment date, at CUC's expense;
  - (ii) Billing and reporting by electronic means;
  - (iii) Special reserve accounting for green power customer-generator revenues;
  - (iv) CUC's accounting treatment of reserved funds.



§ 50-60- 00524 Applications and process for applications - general

- (a) Applications shall be made on forms that conform to these regulations.
- (b) CUC shall provide that applications may be made by electronic means.
- (c) CUC shall process all applications for customer generation and related services in a nondiscriminatory manner and in the order in which they are received. If CUC moves an application out of this order it shall notify all applicants of its action by electronic means, typically by email, within 7 days of the action.
- (d) When CUC requires minor modifications to a pending application, such minor modifications shall not require a new or separate application to be filed.
- (e) CUC shall automatically provide each applicant with a written notice of the receipt of an application within 3 days of receipt. The notice of receipt shall include all of the following:
  - (1) A copy of the memo or chart showing the applicable review process;
  - (2) The name of the person who will process the application and that person's supervisor, and the email address for each.
  - (3) A target date for processing the application.
- (f) Penalty. Failure of CUC to meet the required time period for processing an application shall give rise to a rebuttable presumption that the customer's recorded output from its installation should be credited to the customer's account as though the application had been approved 14 days from the date filed, and all construction and installation activity had proceeded immediately thereafter on the schedule which was in fact realized.



Part 600 REPORTS

§ 50-60- 00600 Reports

- (a) Accounting reports.

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- (1) CUC shall generate a monthly payables report for green power customer-generator revenues.
- (2) CUC shall, within 24 hours of a Commission request, provide a report from its accounting system demonstrating that its accounting complies with this Section.
- (b) Annual reports to customer generators.
  - (1) The Executive Director shall, from time to time, but not less than once per year, prepare and distribute to the Commission and to each net metered customer generator a net metering report for the preceding year. The report shall be submitted by the date on which CUC's books for a given year are closed for the purpose of internal financial reporting.
  - (2) The report shall be sent to email addresses provided to CUC and it shall be posted on a public website.
  - (3) The report shall include:
    - (i) An identification of each net metered facility by name or location;
    - (ii) A description of each net metered facility which includes capacity, manufacturer, and output for the period;
    - (iii) The total number of customer-generator facilities;
    - (iv) The total energy produced by customer-generators for both internal and system consumption (which figure may include estimates of internal energy);
    - (v) The estimated net kWh received from customer-generators; and
    - (vi) Cost information regarding the aggregate amount of net metered energy:
      - (A) The rates, and/or average rate, paid for it;
      - (B) The total amount paid for it;
      - (C) The average cost paid; and
      - (D) The avoided cost, if CUC had built and generated the net metered power.
- (c) Reports to customers of consumption and generation. Pursuant to 4 CMC § 8640 CUC shall provide the following information to a customer-generator along with or concurrently with each monthly bill:
  - (1) the current monetary balance owed CUC for net electricity consumed;
  - (2) the net electricity produced since the end of the last monthly billing period; and
  - (3) an accounting of the credits for excess electricity produced by the eligible customer-generator since the last 12-month reconciliation period, which shows credits applied to the monthly billing period and any balance of unused credits.
- (d) The Executive Director may redact information demonstrated to be proprietary and confidential.

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§ 50-60- 00601      Public audit.

The programs under these Regulations shall be subject to public audit.

§ 50-60- 00602      Reserved.

§ 50-60- 00603      Reserved.

§ 50-60- 00604      Reserved.

§ 50-60- 00605      Reserved.

Dated: 12/14/10 5:00 pm  
ver: 0 Net metering and connection regs for cuc proposed 12-14-2010.wpd

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**Part 600 ATTACHMENTS**

Table of Attachments. Reserved. Form contracts and lists of approved equipment should be placed here as developed.

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## Commonwealth of the Northern Mariana Islands

**Benigno R. Fitial**  
Governor

**Eloy S. Inos**  
Lieutenant Governor

### **EXECUTIVE ORDER NO. 2010-07**

**SUBJECT:** Relative to designating the Criminal Justice Planning Agency as the State Compliance Monitoring Authority for the Juvenile Justice and Delinquency Prevention Act

**AUTHORITY:** Executive Order 16 dated March 28, 1980 (amending Executive Order No. 6, dated July 10, 1978) and Public Law 111-47 (repealing Executive Order 94-3 §303 (a))

**WHEREAS,** The Governor of the CNMI, through his designee, annually accepts federal funds through the US Department of Justice under the Juvenile Justice and Delinquency Prevention Act of 2002.

**WHEREAS,** the goals of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) are to help state and local governments prevent and control juvenile delinquency and to improve the juvenile justice system.

**WHEREAS,** with the reauthorization of the Act in 2002, a second important goal was to protect juveniles in the juvenile justice system from inappropriate placements and from the harm both psychological and physical, that can occur as a result of exposure to adult inmates.

**WHEREAS,** states and territories participating in the Juvenile Justice and Delinquency Prevention Act of 2002 are required to develop and implement a strategy for achieving and maintaining compliance with the Core Protection Requirements.

**WHEREAS,** the CNMI receives Juvenile Justice and Delinquency Prevention Act Formula Grant funds annually, dependent on compliance with the core protections of the JJDP Act, of Section 223 (a)(11)(A) Deinstitutionalization of Status Offenders (DSO); Section 223 (a) (12) Sight and Sound Separation of Juveniles from Incarcerated Adults; Section 223 (a)(13) Removal of Juveniles from Adult jails and Lockups (Jail Removal); Section 223 (a)(14) Compliance Monitoring and Section 223 (a)(22) Disproportionate Minority Contact.

**WHEREAS**, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) requires that states and territories participating in the JJDP Act have an adequate compliance monitoring system that includes: (1) Identification of the Monitoring System, (2) Classification of facilities, (3) Inspection of facilities and (4) Data Collection and Data Verification.

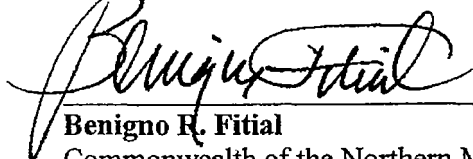
**WHEREAS**, the Criminal Justice Planning Agency is the state agency to administer Juvenile Justice and Delinquency Prevention Act grants, and is required to monitor compliance with the Core Protection Requirements of the Juvenile Justice and Delinquency Prevention Act of 2002.

**WHEREAS**, the Criminal Justice Planning Agency is the designated state agency responsible for establishing, developing, and implementing a strategy for achieving, maintaining, and monitoring jails, detention facilities, correctional facilities, and non-secure facilities, which might hold juveniles pursuant to public authority and regardless of the purpose of housing juveniles, to ensure compliance with the Core Protection Requirements of the Act.

**NOW, THEREFORE, I, Benigno R. Fitial**, Governor of the Commonwealth of the Northern Mariana Islands, by virtue of the authority vested in me by the Constitution and laws of the Commonwealth, do hereby order:

1. The Criminal Justice Planning Agency as the designated as the State Planning Agency for the Territory of the Commonwealth of the Northern Mariana Islands empowered to administer Juvenile Justice and Delinquency Prevention Act funds with full administrative and comprehensive oversight authority for compliance with the Juvenile Justice and Delinquency Prevention Act of 2002.
2. The Criminal Justice Planning Agency as the agency authorized to develop and enforce, pursuant to local statutes, standards for all secure facilities that might hold juveniles pursuant to public law, to (1) inspect the facilities for classification purposes and compliance with the Act, (2) review juvenile records to collect data at selected intervals during the year, (3) to cite facilities for violations of the standards, and (4) to enforce sanctions when violations are not corrected.
3. The Criminal Justice Planning Agency's designated Compliance Monitor(s) to be permitted to review records containing detention information with the verbal agreement that monitor(s) will respect the confidential nature of the information and will not knowingly record or divulge information which might identify a specific child except as may be required to protect the child.

SIGNED AND PROMULGATED on this 29<sup>th</sup> day of JUNE, 2010



**Benigno R. Fitial**  
Commonwealth of the Northern Mariana Islands



# COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

**Benigno R. Fitial**  
Governor

**Timothy P. Villagomez**  
Lieutenant Governor

**Executive Order No. 2006 - 006**

**SUBJECT:** Zoning Board Reorganization Plan No. 1 of 2006

**AUTHORITY:** Constitution, Article III, Section 15

**WHEREAS**, the intent of the Legislature was that the Zoning Board be an independent regulatory commission with all the protections required by the NMI Constitution;

**WHEREAS**, the Zoning Board's mission involves technically complex matters and requires careful, often time-consuming, deliberation;

**WHEREAS**, the Zoning Board may have been erroneously allocated to the Department of Lands and Natural Resources (DLNR) for administration and coordination;

**WHEREAS**, the respective missions of the Zoning Board and DLNR are different enough that such allocation may impede the Zoning Board from carrying out its critical mission;

**WHEREAS**, the Zoning Board has been allocated resources to engage technically competent staff and other assistance and therefore requires the ability to directly manage its resources; and

**WHEREAS**, allocating the Zoning Board to the Office of the Governor for administration and coordination will comport with the treatment of other independent agencies.

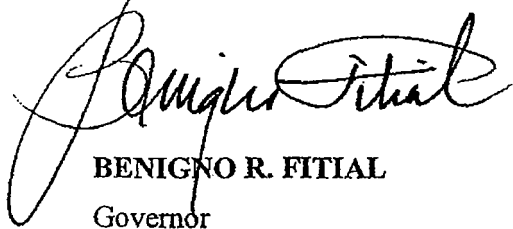
**NOW, THEREFORE**, to comport with the mandate of the Constitution, the requirements of CNMI law, and to promote efficient administration, it is hereby

## **ORDERED**

1. That the following provisions shall constitute the Zoning Board Reorganization Plan No. 1 of 2006 (Executive Order).

2. The Zoning Board is an independent regulatory agency whose members I appoint. The Zoning Board shall be and is hereby allocated by this Executive Order to the Office of the Governor for purposes of administration and coordination. All prior such allocations of this agency, to the extent they may be lawful and effective, are hereby repealed.
3. I delegate to the Zoning Board Chairperson the expenditure power and authority necessary to budget, obligate, and spend money and to further delegate such power and authority to the Zoning Administrator as the Chair finds necessary and appropriate.
4. Severability. The provisions of this Executive Order are severable. If any provision of this Executive Order 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 Executive Order or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.
5. Savings Clause. This Executive Order 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 Executive Order shall not affect any proceeding instituted under or pursuant to prior law. The enactment of the Executive Order shall not have the effect of terminating or in any way modifying any liability, civil or criminal, that shall already be in existence on the date this Executive Order becomes effective.
6. Effective Date. In accord with the N.M.I. Constitution, Article III, Section 15, this Executive Order shall take effect 60 days after submission to the Legislature, unless specifically modified or disapproved by a majority of the members of each house of the Legislature.

Done this 7<sup>th</sup> day of August, 2006.



**BENIGNO R. FITIAL**  
Governor

# DIRECTIVE

DATE: 24 AUG 1994  
NO. 121

**TO** : Secretary of Finance  
Head of Taxicab Bureau, Department of Finance

**FROM** : Governor

**SUBJECT** : Withdrawal of Directive No. 67- Re-issuance of Directive on Executive Order 94-3,  
Section 302(a), Taxicab Bureau Abolished and Functions Transferred

This is to inform you that, in accordance with Executive Order 94-3, Re-organization Plan No. 2 of 1994, Section 302(a), effective immediately, the Taxicab Bureau is abolished and its functions transferred from the Department of Finance to the Department of Commerce.

This transfer shall not affect the employment or duties of any employees of the Bureau.

The procedures for transferring authority, funds, records, property, and personnel, should this be required, are set forth in Part 5 of the Executive Order, Sections 503, 504, and 505.



FROILAN C. TENORIO

CC: Secretary of Commerce

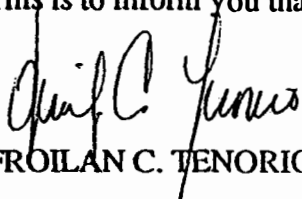
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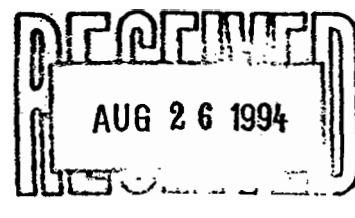
# DIRECTIVE

DATE: 24 AUG 1994  
NO. 122

**TO** : All Department and Activity Heads  
**FROM** : Governor  
**SUBJECT** : Withdrawal of Directive No. 68- on Effect Dates of Executive Order 94-2

This is to inform you that DIRECTIVE No. 68 is hereby withdrawn.

  
FROILAN C. TENORIO



# DIRECTIVE

DATE: 24 AUG 1994  
NO. 123

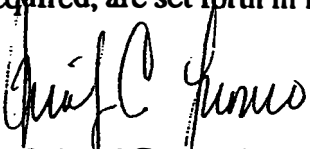
**TO** : Director of Personnel  
Office of Personnel Management

**FROM** : Governor

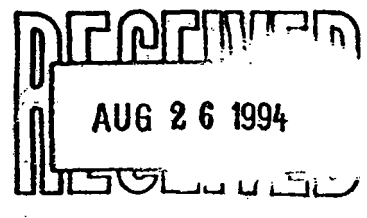
**SUBJECT** : Withdrawal of Directive No. 69- Re-issuance of Directive on Executive Order 94-3,  
Section 214(f), Training Division at Office of Personnel Management

To complete implementation of Section 214(f) of Executive Order 94-3, Re-organization Plan No. 2 of 1994, you are requested to transfer the functions of, and four full time employment positions (FTE's) from the Training Division at the Office of Personnel Management to the Northern Marianas College. An inventory of all government owned property and training materials from the Training Division will be made prior to the actual move from your office to the College. One copy of this inventory will be maintained by your office, and one copy will be presented to the President of the College.

The procedures for transferring authority, funds, records, property, and personnel, should this be required, are set forth in Part 5 of the Executive Order, Sections 503, 504, and 505.

  
FROILAN C. TENORIO

CC: Chairperson and Members, Civil Service Commission  
President, Northern Marianas College



# DIRECTIVE

DATE: 24 AUG 1994  
No. 124

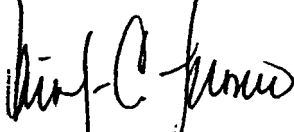
**TO** : Mayor of Rota  
Mayor of Tinian

**FROM** : Governor

**SUBJ.** : Clarification of Authority to enforce the Nonresident Workers Act in the Commonwealth

Pursuant to Section 17(a) of Article III of the Constitution of the Northern Mariana Islands, I hereby reserve the statutory authority to carry out the enforcement of labor laws in the Commonwealth under Sections 4441 et seq. of the Nonresident Workers Act to the Director of Labor. This authority extends to the investigation of alleged violations of the labor laws and regulations of the Commonwealth, the issuance of Notices of Warning and Notices of Violation, conducting good faith attempts to settle disputes between workers and employers, and the issuance and renewal of Nonresident Worker Certificates.

This directive is intended to ensure that the constitutional due process rights of nonresident workers in the Commonwealth are protected and to allow for the uniform application of the labor laws in the Commonwealth



FROILAN C. TENORIO



**DIRECTIVE**DATE: 24 AUG 1994  
No. 125

**TO** : Secretary of Labor and Immigration  
Director of Labor

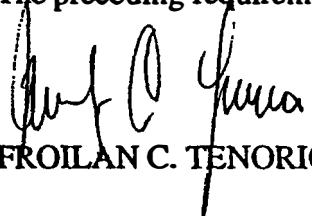
**FROM** : Governor

**SUBJ.** : Requirements for Employment of Contract Workers from the Philippines

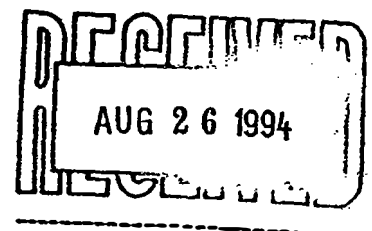
In an effort to address the problems associated with labor abuse, improper documentation and fraud in the Commonwealth, effective October 1, 1994, all Philippine nationals seeking employment in the Commonwealth must comply with the following requirements:

1. Each applicant for employment must possess a Philippine passport for overseas employment;
2. Each applicant for employment must complete a Philippine Overseas Employment Agency (POEA) exit clearance conducted by the Philippine Government;
3. Any agency which recruits applicants for employment must be certified by the Philippine Government and approved by the Commonwealth Government; and
4. Each applicant for employment must have his or her employment contract and supporting documentation authenticated by the CNMI/Philippine Liaison Office, which will be located in Manila, and will be in full operation by mid-September.

The preceding requirements must be met prior to official processing by the Division of Labor.



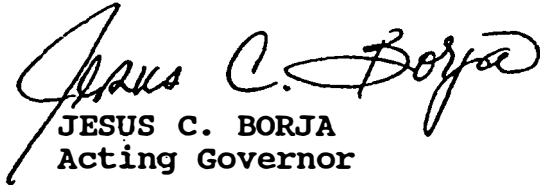
FROILAN C. TENORIO



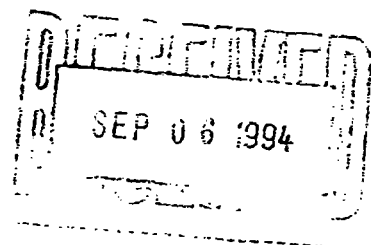
**DIRECTIVE**DATE: 01 SEP 1994  
No. 126

TO : BPL Chairperson, Administrator, and Board Members  
FROM : Acting Governor  
SUBJ. : Withdrawal of Directive No. 117

This is to inform you that Directive No. 117 is hereby withdrawn in its entirety. The Governor did not intend to implement Section 304(c) of Executive Order 94-3 which provides for the abolishment of the Board of Professional Licensing. In lieu of the testimony received by the Legislature during the recent E.O. 94-3 hearings, it was determined that the Board of Professional Licensing should be retained until such time as it may be restructured. Therefore, pursuant to Section 511, the implementation of Section 304(c) is to be indefinitely delayed.

  
JESUS C. BORJA  
Acting Governor

xc: Secretary of Public Works



BV

# DIRECTIVE

DATE: September 6, 1994

No. 127

TO : SECRETARY OF PUBLIC HEALTH  
FROM : GOVERNOR  
SUBJECT : APPOINTMENT OF THE DIRECTOR OF VOCATIONAL REHABILITATION SERVICES

This is to inform you that, pursuant to the authority granted by Section 509(a) of Executive Order 94-3, I hereby appoint Patricia T. Conley to the position of Director of Vocational Rehabilitation Services.

Ms. Conley, who obtained a Masters of Science degree in Speech and Hearing Sciences in 1973, has over twenty years of experience in the field of vocational rehabilitation. She has clinical background in neurology, behavior management, assessment and goal setting, learning disabilities, mental illness, mental retardation, and hearing deficits. During the course of various positions, Ms. Conley has provided services to school districts, hospitals, and groups, established programs, and has extensive administrative experience including budgeting for inpatient services, quality assurance activities, department statistics, ordering treatment materials, and developing policy and procedure manuals.

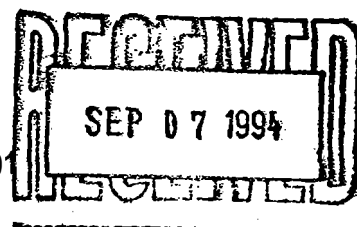
During the past five years Ms. Conley has worked for the Division of Vocational Rehabilitation as a Speech Pathologist and as a Vocational Rehabilitation Counselor. She has counseled and provided treatment and evaluation services for clients with communication problems and disorders and been responsible for the preparation and completion of State Plan Updates and, the design, modification and computerization of the vocational rehabilitation forms.

Ms. Conley clearly has the requisite experience needed to direct the provision of vocational rehabilitation services to the people of the CNMI. This appointment becomes effective on September 6, 1994.



FROILAN C. TENORIO

cc: Patricia T. Conley

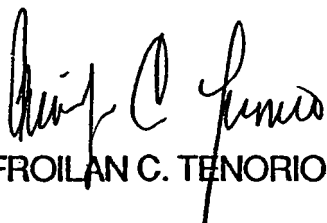


**DIRECTIVE**

DATE: 7 SEP 1994  
NO. 128

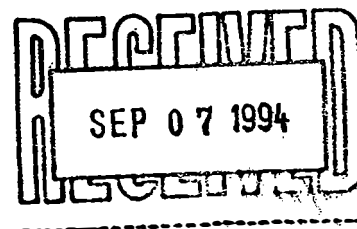
**TO :** DISASTER CONTROL/CIVIL DEFENSE  
**FROM :** GOVERNOR  
**SUBJECT :** EXECUTIVE ORDER 94-3, SECTION 216, EMERGENCY OPERATIONS

This is to inform you that, in accordance with Executive Order 94-3, Re-organization Plan No. 2 of 1994, Section 216, effective immediately, the Disaster Control Office and the Office of Civil Defense are consolidated in a Division of Emergency Operations within the Office of the Governor, which shall have at its head a Director of Emergency Operations.



FROILAN C. TENORIO

CC: Commissioner of Public Safety  
Special Assistant for Administration



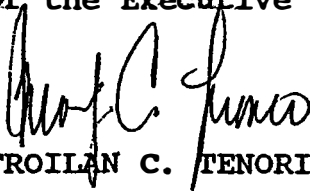
# DIRECTIVE

Date: 16 SEP 1994  
No.: 129

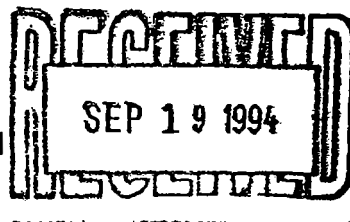
TO : Secretary of Lands and Natural Resources  
FROM : Governor  
SUBJECT : Issuance of Directive on Executive Order 94-3,  
Section 306(c), Commonwealth Zoning Board Abolished  
and Zoning Functions Transferred

This is to inform you that, in accordance with Executive Order 94-3, Re-organization Plan No. 2 of 1994, Section 306(c), effective immediately, the Commonwealth Zoning Board is abolished and all functions of the Commonwealth Zoning Board are transferred to a Division of Zoning in the Department of Lands and Natural Resources, which shall have at its head a Director of Zoning.

Procedures for transferring authority, funds, records, property, and personnel, should this be required, are set forth in Part 5 of the Executive Order, Sections 503, 504, and 505.

  
FROILAN C. TENORIO

cc: Chairman and Members of the Commonwealth Zoning Board  
Acting Administrator of the Commonwealth Zoning Board



# DIRECTIVE

DATE: SEP 16 1994  
No. 130

**TO** : Director of Finance  
**FROM** : Governor  
**SUBJ.** : Use of all Available Resources

In the event of a shortage of cash, I direct you to use all available cash resources including tax assets to meet essential government obligations. I trust that you will coordinate with the Special Assistant for Planning and Budget to ensure the wisest distribution of our financial resources.



FROILAN C. TENORIO



# *The Senate*

NORTHERN MARIANAS COMMONWEALTH LEGISLATURE  
P.O. BOX 500129  
SAIPAN, MP 96950

## **FOR PUBLICATION**

**This notice is intended for publication in the Commonwealth Register pursuant to 1 CMC § 9909 and 1 CMC § 9102.**

**Contact:** Dolores S. Bermudes  
Senate Clerk  
(670) 664-8850

### **NOTICE OF SESSION SCHEDULE – January 6, 2011**

The Senate of the Seventeenth Northern Marianas Commonwealth Legislature announces Third and Fourth Regular Session Schedules for 2011. The schedule is attached herein as “Exhibit A”. The sessions are open and public.



THE SENATE  
Seventeenth Northern Marianas Commonwealth Legislature

SENATE SESSIONS

|  | <u>DATE</u>   | <u>TIME</u> | <u>PLACE</u>      | <u>SENATORIAL DISTRICT</u> |
|--|---------------|-------------|-------------------|----------------------------|
| <i>Third Regular Session (01/01/11 - 03/31/11)</i> |               |             |                   |                            |
| 1st Day  | Jan. 11, 2011 | 1:30 p.m.   | Senate Chamber    | Saipan                     |
| 2nd Day  | Jan. 27, 2011 | 1:30 p.m.   | Senate Chamber    | Saipan                     |
| 3rd Day  | Feb. 10, 2011 | 1:00 p.m.   | Tinian Courthouse | Tinian                     |
| 4th Day  | Feb. 24, 2011 | 1:30 p.m.   | Senate Chamber    | Saipan                     |
| 5th Day  | Mar. 17, 2011 | 1:30 p.m.   | Rota NMC Campus   | Rota                       |
| 6th Day  | Mar. 31, 2011 | 1:30 p.m.   | Senate Chamber    | Saipan                     |

*April to July 31, 2011 is reserved for SPECIAL SESSIONS*

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*Fourth Regular Session (8/01/11 - 12/31/11)*

|          |                |            |                   |        |
|----------|----------------|------------|-------------------|--------|
| 1st Day  | Aug. 04, 2011  | 1:30 p.m.  | Senate Chamber    | Saipan |
| 2nd Day  | Aug. 18, 2011  | 1:30 p.m.  | Senate Chamber    | Saipan |
| 3rd Day  | Sept. 01, 2011 | 1:30 p.m.  | Senate Chamber    | Saipan |
| 4th Day  | Sept. 15, 2011 | 1:00 p.m.  | Tinian Courthouse | Tinian |
| 5th Day  | Sept. 29, 2011 | 1:30 p.m.  | Senate Chamber    | Saipan |
| 6th Day  | Oct. 06, 2011  | 1:30 p.m.  | Rota NMC Campus   | Rota   |
| 7th Day  | Oct. 20, 2011  | 1:30 p.m.  | Senate Chamber    | Saipan |
| 8th Day  | Nov. 03, 2011  | 1:30 p.m.  | Senate Chamber    | Saipan |
| 9th Day  | Nov. 10, 2011  | 10:00 a.m. | Senate Chamber    | Saipan |
| 10th Day | Dec. 01, 2011  | 1:30 p.m.  | Senate Chamber    | Saipan |
| 11th Day | Dec. 15, 2011  | 1:30 p.m.  | Senate Chamber    | Saipan |

/s/ Paul A. Mangiona  
Senate President

Date: 01/06/11