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8  
9

10 **IN THE PUBLIC UTILITIES COMMISSION**  
11 **FOR THE**  
12 **COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

13  
14 **PETITION OF THE** )  
15 **COMMONWEALTH UTILITIES** )  
16 **CORPORATION for: ELECTRIC** )  
17 **WATER, and WASTEWATER** )  
18 **RATE-RELIEF AND** )  
19 **RELATED MATTERS** )

**Docket No. 10-01**

20 CUC's Petition for Rate Relief  
21 )  
22 )

23 **Subject: CUC 2010 Combined**  
24 **Services**  
25 **Rate Case**  
26 )

27 Filing date: January 31, 2010  
28 )  
29 )

30 **CUC's Petition for Rate Relief**  
31

32  
33 The Commonwealth Utilities Corporation ("CUC"), a publicly-owned corporation  
34 within the Commonwealth of the Northern Mariana Islands, through its attorneys,  
35 hereby petitions the Commission to approve and order changes in its base rates.  
36

37 Summary: CUC seeks a change in wastewater rates, no change in electric base  
38 rates or water rates, and an increase in certain fees and charges.  
39

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36

37

38 **Commission Power and Authority**

- 39
- 40 1. The CNMI Public Utilities Commission has the power and authority to
- 41 determine rates and provide for refunds for "public utilities" and "regulated
- 42 entities", including CUC, 4 CMC § 8402(e) and (f) (definitions). Public Utilities
- 43 Commission Act, PL 15-35 and -40, as amended, 4 CMC § 8401 - 84.
- 44
- 45 a. The Commission has "regulatory oversight supervision" over CUC and
- 46 other regulated entities. 4 CMC § 8411.
- 47
- 48 b. The Commission "shall" regulate, investigate, establish and modify all

1 rates, fares, fees, and charges for all CNMI regulated entities. 4 CMC §  
2 8411(a)-(c). The Commission "shall" investigate and examine all rates  
3 and fees charged. 4 § 8411(b).

4  
5 c. The Commission shall regulate all matters pertaining to utility operation. 4  
6 CMC §§ 8409(a). It shall ensure financially sufficient rates for regulated  
7 entities. 4 CMC 8411(f)(1). It shall review rates to insure that they are  
8 "just and reasonable". 4 CMC 8426(a).

9  
10  
11 **CUC's intended action, to raise rates, fees and charges**

12  
13 2. CUC seeks to establish, abandon, modify, depart from, and change rates,  
14 charges, tariffs, and assessments for its customers, (hereinafter referred to as  
15 a "rate change", as defined the CPUC's Rules of Practice and Procedure,  
16 ("RPP") 1(h)).

17  
18 3. CUC has found, and anticipates, that its current rates are and will be  
19 insufficient to provide the cash for its operations and other obligations.

20  
21 4. Federal consent decrees regarding the mandated improvement of its water  
22 and wastewater facilities and operations and the elimination of pollution and  
23 potential pollution from CUC's oil handling and oil waste require rates which  
24 are sufficient to these tasks, *US v. CUC and CNMI*, CV 08-0051 (filed 2008)  
25 (Orders entered March 11, 2009).

26  
27 5. Recent Commission electric, water and wastewater rates have required  
28 changes in rates and rate structure to support CUC's efficient and lawful  
29 operations.

30  
31 a. Since December 2008 the Commission has issued orders governing CUC  
32 rates:

| Docket | Date     | Title and subject  |
|--------|----------|--|
| -----  | -----    | -----  |
| 09-1   | 12/19/08 | Investigation of the CUC's Electric Rate Structure; set LEAC, require fuel expense report, examine power plant rehabilitation, address Aggreko contract and CDA settlement, examine renewable portfolio standard, provide for business plan, set up for generation improvement plan, and schedule next |

|    |      |          |   |
|----|------|----------|---|
| 1  |      |          | LEAC case   |
| 2  |      |          |   |
| 3  | 09-1 | 12/19/08 | Contract Review Protocol for CUC; provide for review      |
| 4  |      |          | and pre-review of CUC contracts                           |
| 5  |      |          |   |
| 6  | 09-1 | 12/19/08 | Establishment of policies and findings under CUC          |
| 7  |      |          | 8409(m) for Regulatory and Administrative Expenses;       |
| 8  |      |          | assess fees directly from regulated firms                 |
| 9  |      |          |   |
| 10 | 09-1 | 12/19/08 | Commencement of Rate Review Proceedings Under             |
| 11 |      |          | 4 CMC 8124(a) and related matters; set schedule for       |
| 12 |      |          | CUC water rate case, PTI and MCV cases                    |
| 13 |      |          |   |
| 14 | 09-2 | 4/02/09  | Investigation of CUC Water and Wastewater Rates,          |
| 15 |      |          | etc; order water rate increase, study of lifeline rates;  |
| 16 |      |          | investigate flat-rated wastewater customer billing        |
| 17 |      |          | practices; undertake interim financial plan; apply        |
| 18 |      |          | contract protocol to water and wastewater                 |
| 19 |      |          |   |
| 20 | 09-2 | 6/20/09  | Investigation of CUC Rates, etc; order wastewater         |
| 21 |      |          | rate increase, study of lifeline rates                    |
| 22 |      |          |   |
| 23 | 09-1 | 04/02/09 | Investigation into CUC Rates, etc.; set LEAC rate of      |
| 24 |      |          | 20 cent/kWh   |
| 25 |      |          |   |
| 26 | 09-1 | 09/03/09 | Investigation into CUC Electric Rates, etc; sets a        |
| 27 |      |          | LEAC rate of 20 cents, approves the CDA deal with a       |
| 28 |      |          | condition, establishes short-term and longer term         |
| 29 |      |          | filing requirements, and requires payment of              |
| 30 |      |          | regulatory expenses                                       |
| 31 |      |          |   |
| 32 | 09-2 | 09/03/09 | Investigation into CUC Water/Wastewater Rates, etc;       |
| 33 |      |          | requires the filing of CUC's IFP and revenue cycle        |
| 34 |      |          | analysis, and Georgetown's rate case analysis, and        |
| 35 |      |          | requires payment of regulatory expenses, announces        |
| 36 |      |          | that it will review CUC's rates at a November 2009        |
| 37 |      |          | rate proceeding to fund the balance of CUC's water        |
| 38 |      |          | and wastewater divisions' FY10 revenue requirements       |
| 39 |      |          | and establish targeted lifeline rates for water and       |
| 40 |      |          | wastewater service  |
| 41 |      |          |   |
| 42 | 09 - | 11/18/09 | Posted: Rules of Practice and Procedure                   |
| 43 | 09 - | 11/18/09 | Posted: Data schedules for rate case filing - electricity |

1 09 - 11/18/09 Posted: Data schedules for rate case filing - water  
2 and wastewater  
3

4 All of the Commission's orders may be found on the website of the Saipan  
5 Chamber of Commerce (by clicking on this hyperlink),  
6 <http://www.saipanchamber.com/downloads.asp?catID=24>. The Commission  
7 issued the following order, but has not posted it: *In re CUC*, Docket No. 09-02  
8 (Water/Wastewater), Order of Nov. 20, 2009.  
9

10 6. The Commission has ordered that CUC file a petition for rate relief relating to  
11 the electric, water and wastewater businesses, by January 31, 2010. *In re*  
12 *CUC*, No 0902 (Water and Wastewater), Decision and Order of Nov. 20,  
13 2009, Ordering para. 3; Orders of Hearing Examiner of December, 2009:  
14 Scheduling Memorandum of Dec 5, 2009; Email ruling of Dec 14, 2009.

15  
16  
17 **Facts and Circumstances**  
18

19 7. CUC is the Commonwealth Government's wholly owned combined electric,  
20 water and wastewater utility company.

21  
22 8. CUC's corporate offices are located at 2<sup>nd</sup> Floor, Joeten DanDan Building,  
23 Saipan.

24  
25 9. CUC transacts roughly \$70 million per year of utility business, about 80% of  
26 which is electric, and, of that amount, about 70% represents the purchase of  
27 oil to generate electricity.

28  
29 10. CUC has all of the powers conferred by law on a public corporation, and all  
30 powers reasonably incidental to its purpose, 4 CMC § 8123. CUC may take  
31 such action as it deems necessary and proper to operate the corporation,  
32 further its purposes, administer its services, and perform its duties. 4 CMC §  
33 8123(o). CUC's Executive Director possesses the power of Board until a  
34 Board is seated. EO 2010 - 01 (Continuation 18), Directive 9.

35  
36 11. CUC is presently managed by a team consisting of Antonio S. Muna,  
37 Executive Director, Utu Abe Malae, Assistant Executive Director for  
38 Operations, Bruce Megarr, Deputy Director for Water and Wastewater,  
39 Wallon Young Fong, Deputy Director for Electric Power Systems  
40 Rehabilitation. CUC has just offered the position of Chief Financial Officer to  
41 Charles Warren, who has accepted, and would report for service on or about  
42 Feb 17, 2010.  
43

1 12. The Governor has overseen the corporation while he satisfies a statutory  
2 mandate to find, appoint, and have confirmed qualified persons to serve on  
3 CUC's Board. Meanwhile, by Executive Order 2010-01, Directive 9,  
4 Executive Director Muna has been given full power and authority to manage  
5 the corporation.

6  
7  
8 **The Law: CPUC regulatory power and jurisdiction and the requirements**  
9 **that CUC use cost-based rates which are not externally subsidized**  
10

11 13. The Commission has broad power and jurisdiction to regulate CUC.

12  
13 14. CUC, by statute, by federal court order, and by agreement, must function  
14 without external subsidy.

15  
16  
17 **Requirement by statute**  
18

19 15. CNMI statutes require CUC to cover its costs through its rates:

20  
21 a. The Commission "shall" . . .

22 Establish and modify from time to time, reasonable rates and charges for  
23 services, which *when all rates for respective blocks of usage are*  
24 *considered together, shall be at least adequate to cover the full cost of*  
25 *such service* or subject to any contractual agreements of each entity to the  
26 holders of any bonds and shall increase rates or charges from time to time  
27 as may be necessary pursuant to any contractual obligations.  
28

29  
30 4 CMC § 8411( c). (emphasis added)  
31

32 b. The rates the Commission sets "shall" (f) Ensure that rates will, at all  
33 times. . . Be sufficient to enable each entity to meet its financial  
34 obligations, operating expenses, debt service, capital improvement  
35 needs." 4 CMC § 8411(f)(1).

36  
37 c. The Commission shall review rates to insure that they are "just and  
38 reasonable". 4 CMC § 8426(a).

39  
40 d. The Commission may not permit a firm with divisions which are regulated  
41 and non-regulated from subsidizing the non-regulated business with the  
42 revenues of a regulated affiliate:  
43

1 No entity may use current revenue earned or expenses incurred in  
2 conjunction with services subject to regulation under this Chapter to  
3 subsidize services that are not regulated or are not tariffed. Expenses  
4 incurred in conjunction with services that are not regulated or that are not  
5 tariffed under this Chapter may not be attributed to services that are  
6 subject to regulation for any reason. The Commission may not subsidize  
7 the price of any entity's service, including wholesale prices or the prices of  
8 elements, by reducing the prices to reflect an allocation or credit of  
9 revenue from the operations of an affiliated company of the entity.

10  
11 8443(e).

12  
13 e. However, the Commission is given great flexibility in determining how to  
14 set rates:

15  
16 (d) The Commission may utilize methods, analytical techniques and  
17 procedures for determining rates, rents, and charges that are different  
18 from those mentioned in this subsection, including forbearance of rate  
19 regulation and detariffing, provided it demonstrates in authentic form that  
20 the chosen method will satisfy the criteria established in this subsection for  
21 the rate structure in a more effective way than the methods mentioned  
22 herein.

23  
24 4 CMC § 8443(d).

25  
26 f. The Commission's legal ability to fix "just and reasonable rates" after a  
27 hearing rests on its determining that the rate is: (1) in violation of any  
28 provisions of the Act, (2) incompatible with the Act's purposes, (4)  
29 unreasonable, (5) shall offer improper advantages or preferences to said  
30 regulated entity, or (6) otherwise endangers the stability of the provision of  
31 the entity's services to the Commonwealth. 4 CMC § 8446(a).

32  
33 g. The Commission is bound by the requirement that: "All rates, charges,  
34 assessments, and costs made or charged by any public utility shall be just  
35 and reasonable and in conformance with public law." 4 CMC § 8451.  
36 This shall be in accord with the provisions "of this Chapter". 4 CMC §  
37 8451(a).

38  
39 16. The Legislature embodied the principle of no external subsidy in CUC's  
40 enabling legislation, 4 CMC § 8141 *et seq.* ("CUC Act") The Legislature  
41 recently reenacted the CUC Act in its entirety, PL 16-17.

42  
43 17. The CUC Act, as recently re-enacted by PL 16-17, specifically requires CUC

1 to be free of government subsidy:

2  
3 CUC shall, within 90 days of the effective date of this chapter or upon  
4 achieving a quorum of board members, whichever is later, implement a  
5 plan by which CUC or its designee *will establish rates, meter, bill, and*  
6 *collect fees in a fair and rational manner from all consumers of utility*  
7 *services it has not privatized so that the corporation will be financially*  
8 *independent of all appropriations* by the Commonwealth Legislature by  
9 October 1, 2009, or as soon as possible thereafter.

10  
11 4 CMC § 8122(b). (emphasis added)

12  
13  
14 **Requirement by federal court order**

15  
16 18. CUC has settled an EPA lawsuit in *USA v. CUC & CNMI*, Civ. No. 08-0051  
17 (D. NMI Mar. 11, 2009) ("Stip Order 1"). The water/wastewater stipulated  
18 order requires that costs be covered:

19  
20 a. The interim financial plan must represent: "The Annual Budget, designed  
21 to ensure adequate financing of operation and maintenance, repair and  
22 replacement, when necessary, of sufficient revenues to cover drinking  
23 water and wastewater systems... as well as any other anticipated related  
24 expenses...including the establishment of a rate structure to generate  
25 sufficient revenues. . . ." para. 48(b). CUC must produce a "financial  
26 management plan ensuring that all user fees, taxes, assessments, or  
27 other sources of revenue collected for the drinking water and wastewater  
28 systems are applied to the operations, maintenance, repair, replacement,  
29 and compliance activities of those systems " para. 48(d)(v).

30  
31 b. The master plan's five year financial plan must provide for a "detailed  
32 descriptive plan for raising sufficient revenue to meet the projected costs  
33 as outlined in the budgets, including adjustments or increases in (i)  
34 Estimated annual budgets for each of user fees, taxes, assessments, or  
35 other sources of revenue. ". Para. 65(a)(ii).

36  
37 **Requirement by formal agreement**

38  
39 19. The federal Grant Pledge Agreement of 1985 provided, among other things,  
40 that CUC was to function as an independent agency, in a businesslike  
41 manner, without subsidies. (Agreement of the Special Representatives on  
42 Future United States Financial Assistance for the Northern Mariana Islands,  
43 of July 10, 1985, section 4(e) ("Grant Pledge Agreement"). The "grant pledge

1 agreement” provided over \$200 million, through the Commonwealth  
2 Development Authority (“CDA”) to build Power Plant #1 and other  
3 infrastructure.

4  
5 20. CUC has formally agreed to cost-based rates with the CDA, the  
6 Commonwealth Development Authority, in order to settle long and debilitating  
7 litigation. The Commission has approved the agreement.

8  
9 a. CUC long ago agreed with CDA, as part of the Grant Pledge Agreement  
10 and loan, to, *inter alia*, to adopt a “full cost recovery plan” to set rates “at  
11 levels consistent with full cost recovery”, consistent with special  
12 protections for low income residential consumers. In settling litigation with  
13 CDA over the loan, CUC again agreed in the “Amended Memorandum of  
14 Agreement Between CUC and CDA of 1/16/04” (“the 2004 Agreement”).  
15 The Legislature supported this 2004 Agreement, and a related 2002  
16 agreement, with PL 13-36, 4 CMC § 8123(p)(Dec. 10, 2002), and PL 16-  
17 17, 4 CMC § 8123(p)(Sept. 18, 2008).

18  
19 b. On May 7, 2009, CDA and CUC signed an agreement to end the dispute,  
20 the Preferred Stock Agreement (“PSA”). It included payment promises  
21 from CUC and a requirement for CPUC approval is required before the  
22 Agreement takes effect. Also implicit in the PSA is that CUC must  
23 manage its operations efficiently, make reasonable and prudent  
24 investments, and earn a reasonable return on investment from the  
25 revenues collected pursuant to its rates.

26  
27 c. The Commission approved the PSA in 2009. *In re CUC*, No 0901  
28 (Electric) (Decision and Order of Sept. 3, 2009), Ordering para. 6.

29  
30  
31 **Key facts supporting this petition**  
32

33 21. CUC is providing water, wastewater and electric power services to its  
34 customers. But it is not recovering its full costs of service, either on a total  
35 company basis or on a line of business basis.

36  
37 22. After substantial capital investment, key additions to staff and consulting  
38 resources, and after substantial investment in repair and operations  
39 improvements, CUC is providing reasonable and reasonably cost-effective  
40 service to its customers.

41  
42 23. In order to recover its full costs of service, CUC requires rate relief. In order  
43 to balance CUC’s financial needs with the ability of its customers to pay, CUC

1 recommends that its base electric rates not be increased at this time. Neither  
2 do its water rates, after recent Commission orders, require an increase.

3  
4 24. However, CUC's wastewater rates must be increased. The options for this  
5 increase are presented just *infra*, and in the testimony of its expert witnesses.

6  
7 25. The material and relevant facts are presented through the expert testimony  
8 and exhibits accompanying this petition and hereby filed with the  
9 Commission, including the following witnesses and their exhibits:

10  
11  
12 Dan V. Jackson

13  
14 DVJ Sum-01 through -06  
15 DVJ-01 through -38

16  
17  
18 Arlene L. Lizama

19  
20 ALL-01 Resume

21  
22 Robert J. Lorenz

23  
24  
25 RJL-01: Resume/cv

26 RJL-02: Stipulated Order No. 1 Item 18 Engineering Section  
27 (Development) submittal to EPA

28 RJL-03: Stipulated Order No. 1 Item 25 NPDES Permit Effluent and  
29 Receiving Wastewater Monitoring Report submittal to EPA

30 RJL-04: Stipulated Order No. 1 Item 50 - 66 Drinking Water and  
31 Wastewater Master Plan Scope of Work submittal to EPA

32 RJL-05 Lower Base Project  
33

34 Antonio S. Muna

35  
36 Utu Abe Malae

37  
38 UAM-01 Resume

39  
40 Robert E. Young

41  
42 REY-01 through -09  
43

1 Wallon Young Fong

2  
3  
4 WFY-01 Resume  
5 WFY-02 CUC Plant Capacity - Jan. 2009 versus Dec. 2009  
6 WYF-03 Fuel Efficiency – Jan 2009 versus Dec. 2009  
7 WYF-04- Generation O & M Cost  
8  
9

10  
11 **Special issues**

12  
13 **26. Rate approach – total company or line of business.** The principal issue of  
14 this filing is whether electricity should be included a “cost” in wastewater  
15 system for ratemaking issues, or whether such costs should be addressed on  
16 a total system basis. Water rates remain flat in either scenario. But the  
17 results are significantly different for wastewater customers.

18  
19 a. Scenario I, charging for electricity in the wastewater system produces a  
20 combined first year increase in water/wastewater average bills from \$60 to  
21 \$119 by year end 2010. This reflects the relatively small number of  
22 wastewater customers over which to spread a rate increase.

23  
24 b. Scenario II, the total system approach, where these electric costs are left  
25 with the electric system, produces a more modest w/ww increase, from  
26 \$60 to \$77 by year end 2010. This scenario, however avoids a 2 cent/kwh  
27 decrease for electric customers.

28  
29 **27.** CUC believes that the law permits either approach and either approach  
30 produces full cost recovery. Scenario II sets aside the theoretically neater  
31 line-of-business approach to costing. However, Scenario I would produce  
32 rate shock and a death spiral in CUC’s wastewater business, with ever  
33 increasing rates and decreasing customers. CUC provides the two scenarios  
34 for the Commission’s consideration and decision.

35  
36 **28. Potential Contract Protocol approval.** The Commission is asked to  
37 approve a “change order” for settlement of potential Agingan Outflow  
38 litigation. The change order, and amounts in excess of the original contract  
39 may come within the Commission’s December 2008 Contract Protocol order.  
40 The contract and performance preceded the Order. But the amount of a  
41 settlement would be almost as much as the original contract price.

42  
43 **29.** CUC and the contractor would settle on a series of payments totaling roughly

1 \$2.5 million for construction overruns. These brought the \$2.5 million contract  
2 to about \$4.5 million, still less than the original \$5 million project estimate.  
3 The contractor financed the EPA-mandated project for CUC when CUC could  
4 neither find its own financing or find any grant other than an EPA \$ 2 million  
5 grant for *reimbursement* of the work. CUC still owes from the original contract  
6 just under \$1 million. The project is completed and operating – it directs  
7 treated sewage through a narrow tunnel 100 feet down into the Saipan-Tinian  
8 Channel, dispersing the effluent into the depths of the Philippine sea instead  
9 of into the CNMI's surface waters. The rate effect is approximately \$500,000  
10 per year for 10 years.

11  
12 **30. Potential refund from *Torres and Angello v. CUC and CNMI*.** The  
13 Commission is asked to create a docket to address the implications of a  
14 recent CNMI Supreme Court decision and a Superior Court class action  
15 lawsuit for as much as \$9 million of Year 2006 fuel rate charges. The  
16 Supreme Court, in September, held that three months' of CUC 2006 fuel  
17 charges were unlawful because implemented during a CUC corporate  
18 restructuring for which the Governor lacked Constitutional reorganizing  
19 power. *Torres and Angello v. CUC*, 2009 MP 14 (Sept. 28, 2009). While  
20 CUC opposes the lawsuit, in part because the named plaintiffs did not  
21 challenge the rate at the time, some large number of 2,000 customers did  
22 protest the rate. CUC is unsure of the outcome of the litigation, or any related  
23 Commission investigation. But CUC seeks to alert the Commission and  
24 commence a timely review of the matter so that any refunds may be properly  
25 addressed with ratemaking. This is a contingency

26  
27 **31. Recovering fees incurred from credit card payments.** CUC seeks  
28 Commission approval to pass credit card fees through to those customers  
29 who choose to pay monthly bills with credit cards. Presently CUC's general  
30 rates, and all customers, bear this expense.

31  
32 **32. Standby charge for service to large demand electricity customers.** CUC  
33 seeks to implement an electric standby charge for potential large users,  
34 recognizing increased CUC availability and reliability. CUC has been able to  
35 repair and rehabilitate a substantial amount of capacity. It believes that it will  
36 be able to bring on line enough reliable capacity to attract large users who  
37 have self-generated over the last decade. One step in such a process is to  
38 provide back-up power, a spinning reserve. CUC seeks to implement a rate  
39 and charges that are fair to its other customers as well as to the potential  
40 returning customers.

1 **Informational matters**  
2

3 33. Electric sales. CUC estimates its 2010 kwh sales as 240 million kwh. This is  
4 the best estimate that can be made on limited data and the important recent  
5 changes in the CNMI's economy and the world economy.

6  
7 34. LEAC. CUC recommends two changes for the next LEAC case, and requests  
8 that the Commission consider ordering these changes sooner: (1) increase  
9 the charge for regulatory expenses, since this item has experienced recent,  
10 continuing increases; and (2) use capacity and efficiency factors for CUC  
11 generation that are determined by power plant, rather than on a generator-by-  
12 generator approach.

13  
14 35. Lifeline. No lifeline rates are proposed. The present rate structures of water,  
15 wastewater and electricity, with increasing-priced blocks, provide de facto  
16 lifeline rates to the small residential user.

17  
18 **Conclusion and relief requested**  
19  
20

21 36. The above requirements and facts support and mandate rates that, on a total  
22 company basis, are fair, just and reasonable to CUC and its mission, its  
23 obligations to its owners, the citizens of the CNMI, to the US Federal District  
24 Court, and to its customers. The law and the facts require that CUC's rates  
25 be increased, specifically the wastewater rates.

26  
27 37. Avoiding rate shock and avoiding the "death spiral" of increasing rates and  
28 increasing customer and load losses are important factors in determining the  
29 specific nature and timing of rate relief.

30  
31  
32 38. *For the above-stated reasons, CUC requests that:*

33  
34 a. *The Commission:*

- 35  
36 i. Continue this docket to resolve the matters presented in it;  
37 ii. Accept parties to the docket;  
38 iii. Entertain the parties' legal and factual arguments;  
39 iv. Hold hearings and/or take written evidence and/or comments on the  
40 matter;

- 1 v. Admit into evidence the attached testimony and exhibits  
2 vi. Set increased rates that will provide CUC with a reasonable  
3 opportunity to meet the requirements of its current operations and  
4 other obligations, as more fully set out in the accompanying testimony  
5 and exhibits.
- 6
- 7 b. Public notice be given of this petition and this docket; and that  
8 c. CUC be awarded such further relief as the facts and the law merit.

9  
10 Respectfully submitted,

11  
12  
13 /s

14  
15  
16 Alan J. Barak, Assistant Attorney General  
17 Attorney for Commonwealth Utilities Corporation  
18 Dated: January 31, 2009

19  
20  
21  
22 **CERTIFICATE OF SERVICE**

23  
24  
25 The undersigned, Assistant Attorney General, being a member of the CNMI Bar, hereby certifies  
26 that he served the following person(s) with the following paper(s) by the following method(s)  
27 (CPUC prov. RPP 4; Com. R. Civ. Pro. 5(d)):

28  
29 Document served: The foregoing: CUC's Petition for Rate Relief

30  
31  
32 Persons served:

33  
34 Staff: J. K. Madan ([jkmadan@gmail.com](mailto:jkmadan@gmail.com)), Larry Gawlik ([Lrgawlik@aol.com](mailto:Lrgawlik@aol.com))  
35 Counsel for Staff: Lillian A. Tenorio (F#0234), [latenoriolaw@gmail.com](mailto:latenoriolaw@gmail.com)  
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37

38 Method and date: by causing electronic service of a copy to the above counsel through their  
39 indicated email addresses on January 31, 2009.

40  
41  
42 /s/

43 Alan J. Barak, Attorney for CUC (# F0350)