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12
13 **IN THE PUBLIC UTILITIES COMMISSION**

14 **OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

15 **PETITION OF THE COMMONWEALTH
16 UTILITIES CORPORATION:**

17 **PIPELINE FUNDING**

DOCKET NO. 13-01

**PROCUREMENT REQUEST
2013-01P**

**NOTICE OF WITHDRAWAL OF
EMERGENCY PETITION FOR
PIPELINE FUNDING**

Filing Date: November 18, 2013

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22 **WITHDRAWAL OF EMERGENCY PETITION**

23
24 On November 6, 2013, the Commonwealth Utilities Corporation (“CUC”) filed an
25 *Emergency Petition For Pipeline Funding* for the purpose of seeking \$1,841,000.00 million to
26 complete the replacement of the existing diesel oil transportation pipeline (“Pipeline project”)
27 pursuant to an “Order Regarding Pipeline Construction, Commissioning and Operation” by the
28 District Court for the Northern Mariana Islands, *USA v. CUC & CNMI*, Civ. No. 08-0051

1 (D.N.M.I., Oct. 23, 2013)(the “Order”). Out of an abundance of caution, and to comply with the
2 Order in the most expeditious manner, CUC filed the petition as an emergency petition.

3 At the time of filing the emergency petition, CUC had been able to obtain grant funding
4 for pipeline construction in the amount of \$4,704,000. This, however, left a shortfall of \$1.84
5 million. Further, CUC could not risk to be found in contempt of the U.S. District Court’s Order
6 if it did not perform under the Order. Despite its best efforts to discover and secure funding to
7 cover this shortfall prior to the filing of the emergency petition, it became clear to CUC that it
8 had no other source of income or working capital to comply with the Order other than its rates.

9 Subsequent to the filing of the emergency petition, CUC continued in the task of
10 exerting its best efforts to discover, request and obtain further grant funding and other funding
11 which could be used to cover this shortfall without the necessity of continuing with its
12 emergency request for the Commission’s approval of further temporary and burdensome rate
13 increases on CUC’s customers. Only recently, on November 16, 2013 was CUC successful in
14 obtaining formal approval for the use of specific grant funds which in turn now allows CUC to
15 cover the shortfall and meet its obligations to the U.S. District Court under the court’s Order.
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17 For this reason, CUC now respectfully withdraws its *Emergency Petition For Pipeline*
18 *Funding* from Docket No.13-01, and from further consideration by the Commission, its
19 Hearing Officer, and its staff, including Commission consultants.
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22 **Dated:** November 18, 2013.

23 Respectfully submitted,

24
25 /s/ JAMES S. SIROK
26 Chief Legal Counsel
27 Commonwealth Utilities Corporation
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