

**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN, TINIAN, ROTA and NORTHERN ISLANDS**



COMMONWEALTH REGISTER

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Addendum**

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EMERGENCY

Adoption of Emergency Regulations to the
Airport Rules and Regulations
Commonwealth Ports Authority 051136



Commonwealth Ports Authority

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PUBLIC NOTICE

Adoption of Emergency Regulations to the Airport Rules and Regulations of the Commonwealth Ports Authority

ADOPTION OF EMERGENCY REGULATIONS FOR 120 DAYS: Pursuant to 1 CMC § 9104(b), the Commonwealth Ports Authority ("CPA") has adopted as Emergency Regulations the attached amendments to the Airport Rules and Regulations. CPA has followed the procedures of 1 CMC § 9104(b) to adopt these Airport Rules and Regulations on an emergency basis, and these emergency regulations shall be valid for a period of 120 days.

AUTHORITY: The authority for the promulgation of regulations for CPA is set forth in 2 CMC § 2122. The Administrative Procedure Act provides that an agency may adopt an emergency regulation upon fewer than 30 days' notice if it states its reasons in writing. 1 CMC § 9104(b).

AGENCY FINDINGS AND BRIEF STATEMENT: On July 28, 2022, the Commonwealth Ports Authority ("CPA") Board of Directors ("the Board") adopted changes to the CPA Airport Rules and Regulations ("the Regulations") effectuating a new rate methodology for aircraft operators, which changes were made pursuant to the recommendations of the independent aviation consultant, Ricondo & Associates, Inc., and therefore were required under Section 6.11(B) of the 1998 Airport Bond Agreement as the CPA had fallen below its Debt Service Ratio requirement.

On March 22, 2024, a majority of the Board voted in favor of implementing the FY2024 aircraft operator rates, calculated using the updated methodology, with a 50% discount, however the aforementioned amendments to the Regulations obstructed CPA from deviating from the rate methodology recommended by the independent consultant, with regard to terminal rental rates, rent for preferential use premises, common use charges, and turn fees, even when doing so was in the best interest of CPA and the Commonwealth. On June 18, 2024, the CPA Board of Directors unanimously voted in favor to fully redeem the Airport's 1998 Senior Bonds and thereby be free from the requirements of the 1998 Airport Bond Agreement. Thus, the purpose of this emergency regulation is to allow CPA to deviate from the rate methodology recommended by the independent consultant, with regard to terminal rental rates, rent for preferential use premises, common use charges, and turn fees.

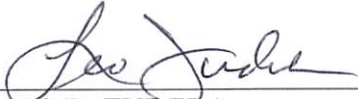
TERMS, SUBSTANCE, AND DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: These emergency regulations amend NMIAC § 40-10.1-1206 by exempting aircraft operators which have a valid written agreement with the Authority,

which provides for terminal rental rates, rent for preferential use premises, common use charges, and turn fees from the rate methodology of NMIAC § 40-10.1-1206.

IMMEDIATE EFFECT: These emergency rules and regulations become effective immediately upon filing with the Commonwealth Register and the mailing under registered cover of copies thereof to the Governor. (1 CMC § 9105(b)(2)) CPA has found that this effective date is necessary because the public interest so requires. (*Id.*)

CPA shall take appropriate measures to make these Rules and Regulations known to the persons who may be affected by them. (1 CMC § 9105(b)(2)).

The attached emergency regulations were approved by majority vote of the CPA Board of Directors on June 20, 2024.

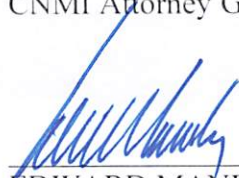
Submitted by:  _____ Date 6-21-24
LEO B. TUDELA
Executive Director, CPA

Received by:  _____ Date 6/24/24
OSCAR M. BABAUTA
Special Assistant for Administration

Concurred by:  _____ Date 6/24/24
ARNOLD I. PALACIOS
Governor

Filed and Recorded by:  _____ Date 6.24.2024
ESTHER R.M. SAN NICOLAS
Commonwealth Registrar

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



EDWARD MANIBUSAN
Attorney General



Date

Part 1200 – Schedule of Fees and Charges
§ 40-10.1-1206 Terminal Rentals

(e) Exemptions. Exempted from paying terminal rental rates, rent for preferential use premises, common use charges, and turn fees are any aircraft operator which has a valid written agreement with the Authority, which provides for terminal rental rates, rent for preferential use premises, common use charges, and turn fees other than as provided for in this section.