

HOUSE BILL NO. 1387

Introduced by

Representatives Pietsch, Brandenburg

Senator Fischer

1 A BILL for an Act to amend and reenact sections 49-02-01, 49-02-01.1, and 49-02-03 of the
2 North Dakota Century Code, relating to jurisdiction of the public service commission over rural
3 electric cooperative irrigation electric rates.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 49-02-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **49-02-01. General jurisdiction of the public service commission over public**
8 **utilities and rural electric cooperative irrigation electric rates.** The general jurisdiction of
9 the commission ~~shall extend~~ extends to and ~~include~~ includes:

- 10 1. Contract and common carriers engaged in the transportation of persons and
11 property, excluding air carriers.
- 12 2. Telecommunications companies engaged in the furnishing of telecommunications
13 services as provided ~~for~~ in chapter 49-21.
- 14 3. Pipeline utilities engaged in the transportation of gas, oil, coal, and water.
- 15 4. Electric utilities engaged in the generation and distribution of light, heat, or power.
- 16 5. Rural electric cooperatives with respect to irrigation electric rates and service.
- 17 6. Gas utilities engaged in the distribution of natural, synthetic, or artificial gas.
- 18 ~~6.~~ 7. All heating utilities engaged in the distribution of heat.
- 19 ~~7.~~ 8. Warehouse companies engaged in the marketing, storage, or handling of
20 agricultural products.
- 21 ~~8.~~ 9. All other public utilities engaged in business in this state or in any county, city,
22 township, or other political subdivision of the state.

23 **SECTION 2. AMENDMENT.** Section 49-02-01.1 of the North Dakota Century Code is
24 amended and reenacted as follows:

1 **49-02-01.1. Jurisdiction of commission limited as to certain utilities.** Nothing in
2 this chapter or in chapter 49-21 authorizes the commission to make any order affecting rates,
3 contracts, services rendered, adequacy, or sufficiency of facilities, or the rules or regulations of
4 any public utility owned and operated by the state or by any city, county, township, or other
5 political subdivision of the state or any public utility, that is not operated for profit, that is
6 operated as a nonprofit, cooperative, or mutual telecommunications company or is a
7 telecommunications company having fewer than eight thousand local exchange subscribers,
8 except the commission may regulate rural electric cooperative irrigation electric rates and
9 service. However, any telecommunications utility that is operated as a nonprofit, cooperative,
10 or mutual telecommunications company or has fewer than eight thousand local exchange
11 subscribers is subject to sections 49-21-01.4, 49-21-02.4, 49-21-08, 49-21-23, 49-21-24, and
12 49-21-25, subsections 6 through 14 of section 49-21-01.7, and to sections 49-21-01.2,
13 49-21-01.3, 49-21-06, 49-21-07, 49-21-09, and 49-21-10, regarding rates, terms, and conditions
14 of access services or connection between facilities and transfer of telecommunications between
15 two or more telecommunications companies. Nothing in this section limits the authority of the
16 commission under chapter 49-03.1 or sections 49-04-05 and 49-04-06.

17 **SECTION 3. AMENDMENT.** Section 49-02-03 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **49-02-03. Power of public service commission to establish rates.** The commission
20 shall supervise the rates of all public utilities and irrigation electric rates of rural electric
21 cooperatives. ~~It shall have the power~~ The commission may, after notice and hearing, ~~to~~
22 originate, establish, modify, adjust, promulgate, and enforce tariffs, rates, joint rates, and
23 charges of all public utilities and of rural electric cooperatives with respect to irrigation electric
24 rates. Whenever the commission, after hearing, ~~shall find~~ finds any existing rates, tariffs, joint
25 rates, or schedules unjust, unreasonable, insufficient, unjustly discriminatory, or otherwise in
26 violation of ~~any of the provisions of~~ this title, the commission by order shall fix reasonable rates,
27 joint rates, charges, or schedules to be followed in the future in lieu of those found to be unjust,
28 unreasonable, insufficient, unjustly discriminatory, or otherwise in violation of any provision of
29 law.