

Fifty-seventh  
Legislative Assembly  
of North Dakota

ENGROSSED SENATE BILL NO. 2410

Introduced by

Senators Tollefson, Fischer, Mutch

Representatives Bellew, Lloyd

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  
3 certain rural electric cooperatives.

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.** The general jurisdiction of the commission ~~shall extend~~ extends to and ~~include~~  
9 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 that have two thousand five hundred or more members  
17 served.
- 18 6. Gas utilities engaged in the distribution of natural, synthetic, or artificial gas.
- 19 ~~6.~~ 7. All heating utilities engaged in the distribution of heat.
- 20 ~~7.~~ 8. Warehouse companies engaged in the marketing, storage, or handling of  
21 agricultural products.
- 22 ~~8.~~ 9. All other public utilities engaged in business in this state or in any county, city,  
23 township, or other political subdivision of the state.

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

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

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

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