

**HOUSE BILL NO. 1385**

Introduced by

Representatives Zaiser, Brandenburg, S. Kelsh

Senator Erbele

1 A BILL for an Act to amend and reenact sections 49-02-01.1 and 49-02-03 of the North Dakota  
2 Century Code, relating to pricing of electricity generated from wind resources.

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

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

6 **49-02-01.1. Jurisdiction of commission limited as to certain utilities.** ~~Nothing~~  
7 Except as otherwise provided in section 49-02-03 for electricity generated from wind resources  
8 and in this section, nothing in this chapter or in chapter 49-21 authorizes the commission to  
9 make any order affecting rates, contracts, services rendered, adequacy, or sufficiency of  
10 facilities, or the rules or regulations of any public utility owned and operated by the state or by  
11 any city, county, township, or other political subdivision of the state or any public utility, that is  
12 not operated for profit, that is operated as a nonprofit, cooperative, or mutual  
13 telecommunications company or is a telecommunications company having fewer than eight  
14 thousand local exchange subscribers. However, any telecommunications utility that is operated  
15 as a nonprofit, cooperative, or mutual telecommunications company or has fewer than eight  
16 thousand local exchange subscribers is subject to sections 49-21-01.4, 49-21-02.4, 49-21-08,  
17 49-21-23, 49-21-24, and 49-21-25, subsections 6 through 14 of section 49-21-01.7, and to  
18 sections 49-21-01.2, 49-21-01.3, 49-21-06, 49-21-07, 49-21-09, and 49-21-10, regarding rates,  
19 terms, and conditions of access services or connection between facilities and transfer of  
20 telecommunications between two or more telecommunications companies. Nothing in this  
21 section limits the authority of the commission under chapter 49-03.1 or sections 49-04-05 and  
22 49-04-06.

23 **SECTION 2. AMENDMENT.** Section 49-02-03 of the North Dakota Century Code is  
24 amended and reenacted as follows:

1           **49-02-03. Power of public service commission to establish rates.** The commission  
2 shall supervise the rates of all public utilities. The commission shall require that a public utility,  
3 electric cooperative, or municipal electric utility pay for electricity generated from wind  
4 resources an amount that is the avoided cost of the public utility's, electric cooperative's, or  
5 municipal electric utility's cost of producing that electricity from natural gas for electricity  
6 generated by a wind turbine electric generation unit or generation facility of three megawatts or  
7 less. It shall have the power, after notice and hearing, to originate, establish, modify, adjust,  
8 promulgate, and enforce tariffs, rates, joint rates, and charges of all public utilities. Whenever  
9 the commission, after hearing, shall find any existing rates, tariffs, joint rates, or schedules  
10 unjust, unreasonable, insufficient, unjustly discriminatory, or otherwise in violation of any of the  
11 provisions of this title, the commission by order shall fix reasonable rates, joint rates, charges,  
12 or schedules to be followed in the future in lieu of those found to be unjust, unreasonable,  
13 insufficient, unjustly discriminatory, or otherwise in violation of any provision of law.