

**FIRST ENGROSSMENT
with House Amendments
ENGROSSED SENATE BILL NO. 2123**

Introduced by

Industry, Business and Labor Committee

(At the request of the Public Service Commission)

1 A BILL for an Act to amend and reenact section 49-03.1-03 of the North Dakota Century Code,
2 relating to imposing an application fee for a certificate of public convenience and necessity by a
3 utility other than an electric utility.

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

5 **SECTION 1. AMENDMENT.** Section 49-03.1-03 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **49-03.1-03. Certificate application.**

8 Application for a certificate of public convenience and necessity shall be made upon forms
9 prescribed by the commission. The commission shall make regulations for the filing of such
10 application. The application must contain a financial statement, a description of the type of
11 service to be offered, a map and description of the area to be served, and a list of all other
12 public utilities providing similar service in the area. Upon the filing of an application for a
13 certificate of public convenience and necessity, the commission shall set a hearing date which
14 shall not be less than twenty days after the filing. The commission shall cause notice of the
15 hearing to be served by certified mail, at least ten days before the day of hearing, upon every
16 public utility which is operating, or which has applied for a certificate of public convenience and
17 necessity, in the area proposed to be served by the applicant, and on other interested parties as
18 determined by the commission. The commission shall impose an application fee of up to ten
19 thousand dollars for an application under this chapter. With the approval of the emergency
20 commission, the commission may impose an additional amount. The commission shall pay the
21 expenses of processing an application under this chapter from the application fee paid by the
22 public utility in accordance with section 49-02-02.