

Introduced by

Energy and Natural Resources Committee

(At the request of the Public Service Commission)

1 A BILL for an Act to amend and reenact section 49-03-01.5 of the North Dakota Century Code,
2 relating to an exclusion from the definition of public utility and rural electric cooperative.

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

4 **SECTION 1. AMENDMENT.** Section 49-03-01.5 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **49-03-01.5. Definitions.**

7 As used in sections 49-03-01 through 49-03-01.5:

- 8 1. "Electric provider" means either an electric public utility or a rural electric cooperative.
- 9 2. "Electric public utility" means a privately owned supplier of electricity offering to supply
10 or supplying electricity to the general public. The term does not include a person that
11 uses an electric vehicle charging station to resell electricity to the public if the reseller
12 has procured electricity from an electric service provider that is authorized to engage
13 in the retail sale of electricity within the service area in which the electric vehicle
14 charging service is provided, and the resale is for the charging of electric vehicles
15 exclusively.
- 16 3. "Electric transmission line" means facilities for conducting electric energy at a design
17 voltage of one hundred fifteen kilovolts or greater phase to phase and more than one
18 mile [1.61 kilometers] long.
- 19 4. "Electric transmission provider" means an owner or operator, other than a rural electric
20 cooperative, of a transmission line the costs of which are recovered directly or
21 indirectly through transmission charges to an electric public utility.
- 22 5. "Person" includes an individual, an electric public utility, a corporation, a limited liability
23 company, an association, or a rural electric cooperative.

- 1 6. "Rural electric cooperative" includes any electric cooperative organized under chapter
2 10-13. An electric cooperative, composed of members as prescribed by law, shall not
3 be deemed to be an electric public utility. The term does not include a person that
4 uses an electric vehicle charging station to resell electricity to the public if the reseller
5 has procured electricity from an electric service provider that is authorized to engage
6 in the retail sale of electricity within the service area in which the electric vehicle
7 charging service is provided, and the resale is for the charging of electric vehicles
8 exclusively.
- 9 7. "Service area" means a defined geographic area containing existing or future service
10 locations established by an agreement among electric providers and approved by the
11 commission.
- 12 8. "Service area agreement" means an agreement between electric providers
13 establishing service areas and designating service locations to be served by each
14 provider under section 49-03-06.
- 15 9. "Service location" means the structures, facilities, or improvements on a parcel of real
16 property to which electric service may be provided.