

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1067

Page 1, line 12, remove "to provide for a continuing appropriation;"

Page 2, line 4, overstrike "49-21-06,"

Page 4, line 27, after "service" insert ", when offered as a separate and distinct service,"

Page 10, line 24, after "to" insert "retail" and remove "who are not"

Page 10, line 25, remove "telecommunications carriers"

Page 12, line 18, replace "The" with "Except for mediation or arbitration conducted under section 49-21-09, in which case the parties must share equally all necessary expenses, the"

Page 12, line 19, replace "bears" with "normally must bear" and replace "it would be manifestly unfair" with "the commission determines otherwise"

Page 17, line 12, remove "A retail price change for single"

Page 17, remove lines 13 through 16

Page 17, line 17, remove "effective date of the price change."

Page 17, after line 18, insert:

- "4. Upon request, a local exchange carrier that is not a nonprofit, a cooperative, or a mutual telecommunications carrier or has fewer than eight thousand local exchange subscribers shall provide to the commission the cost methodology and studies that the carrier uses to support its prices for residential and business essential telecommunications services for commission review. The method and studies must demonstrate the full cost of providing those services, including cost of capital and reasonable profit. If requested, the methodology and studies must be protected as trade secret by the commission. Before October 1, 1997, the commission shall report the results of its review and any recommendations to the regulatory reform review commission.
5. A price for residential or business essential telecommunications service may not exceed the full cost of providing the service, including cost of capital and reasonable profit.

6. A price increase for residential and business essential telecommunications service as determined by the public service commission to be allowable under subsection 4 must be divided into increments that do not exceed one-fourth of the total allowable increase. There may be no more than one increment per calendar year. The first increment may not be assessed before January 1, 1998.

Page 17, line 29, remove the overstrike over "~~There is a rebuttable presumption that prices for~~"

Page 17, line 30, remove the overstrike over "~~essential telecommunications services in effect on~~", after "1989" insert "August 1, 1997", remove the overstrike over ", are", and remove the overstrike over "~~reasonable.~~"

Page 18, line 4, remove "This section does not"

Page 18, remove line 5

Page 18, line 6, remove "complaint that the price is unreasonably high."

Page 18, line 8, after "service" insert "provided by the carrier"

Page 18, line 28, remove "a reasonable profit, including" and replace the second underscored comma with "and"

Page 18, line 29, remove ", and economic profit"

Page 18, remove lines 30 and 31

Page 19, remove lines 1 through 16

Page 20, line 6, after the period insert "A subscriber to retail telephone exchange service may complain to the commission or the commission on its own motion may complain and begin investigation whether a retail price or practice is unreasonably discriminatory. A telecommunications carrier that sells or purchases interconnection, services, or network elements to or from another telecommunications carrier under section 49-21-08.2, 49-21-09, or 49-21-09.2 may complain to the commission or the commission on its own motion may complain and begin investigation whether an interconnection, services, or network elements price or practice is unreasonably discriminatory."

Page 20, line 29, after "any" insert "essential"

Page 20, line 30, after "all" insert "essential"

Page 21, line 5, replace the second "telecommunications" with "telephone exchange"

Page 21, line 6, after the first "service" insert "or exchange access" and replace "offer essential" with "meet the requirements of section 214(e)(1) of the Act and of section 49-21-23 for designation as an eligible telecommunications carrier for that area before being permitted to provide the service. This subsection does not apply to:

- a. A service area served by a rural telephone company that has obtained an exemption, suspension, or modification under section 49-21-09.1

which effectively prevents a competitor from meeting the requirements of section 214(e)(1) of the Act; and

b. A provider of commercial mobile services."

Page 21, remove lines 7 through 9

Page 25, line 11, after "statement" insert "describing the requested interconnection, services, or network elements, and describing the telecommunications services" and remove "essential services and the"

Page 25, remove lines 12 and 13

Page 25, line 14, remove the first "company" and after the underscored period insert "If the requesting party does not submit a notice of its request to the commission within seven days of submitting the request to the rural telephone company, the request is not bona fide."

Page 25, line 19, replace "essential" with "the telecommunications" and after "services" insert "described in its verified statement"

Page 25, remove lines 20 and 21

Page 25, line 22, remove "the rural telephone company"

Page 25, line 24, after the underscored period insert "If the requesting party intends to provide telephone exchange service or exchange access in a service area served by a rural telephone company, the requesting party must meet the requirements of section 214(e)(1) of the Act and of section 49-21-23 for designation as an eligible telecommunications carrier for that area before being permitted to provide service. This requirement does not apply to:

- a. A service area served by a rural telephone company that has obtained an exemption, suspension, or modification under section 49-21-09.1 that effectively prevents a competitor from meeting the requirements of section 214(e)(1) of the Act and of section 49-21-23; and
- b. A provider of commercial mobile services."

Page 27, line 6, remove "Costs incurred in compliance with a remedial action order may"

Page 27, line 7, remove "be reflected in the prices of services affected by the order."

Page 27, line 8, after "action" insert "order"

Page 27, line 9, replace "and" with an underscored comma

Page 27, line 10, after the underscored comma insert "and not due to any negligence or misconduct on the part of the carrier,"

Page 30, line 23, remove "**- Continuing**"

Page 30, line 24, remove "**appropriation**"

Page 31, line 10, after "the" insert "state treasurer for deposit in the"

Page 31, line 11, after "disbursed" insert "pursuant to an appropriation made by the legislative assembly to the commission for disbursement"

Page 31, line 14, remove "All moneys deposited in the"

Page 31, remove lines 15 through 18

Renumber accordingly