

Fifty-fifth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2395

Introduced by

Senators Tomac, Lindaas

Representatives Aarsvold, DeKrey, Drovdal

1 A BILL for an Act to create and enact a new section to chapter 49-21 of the North Dakota
2 Century Code, relating to extended area services; and to amend and reenact section
3 49-02-01.1 of the North Dakota Century Code, relating to local calling areas.

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

5 **SECTION 1. AMENDMENT.** Section 49-02-01.1 of the 1995 Supplement to the North
6 Dakota Century Code is amended and reenacted as follows:

7 **49-02-01.1. Jurisdiction of commission limited as to certain utilities.** Nothing in
8 this chapter or in chapter 49-21 authorizes the commission to make any order affecting rates,
9 contracts, services rendered, adequacy, or sufficiency of facilities, or the rules or regulations of
10 any public utility owned and operated by the state or by any city, county, township, or other
11 political subdivision of the state or any public utility, that is not operated for profit, that is
12 operated as a nonprofit, cooperative, or mutual telecommunications company or is a
13 telecommunications company having fewer than eight thousand local exchange subscribers.
14 However, any telecommunications utility that is operated as a nonprofit, cooperative, or mutual
15 telecommunications company or has fewer than eight thousand local exchange subscribers is
16 subject to sections 49-21-01.4 and 49-21-08 and is subject to subsection 6 of section 49-02-02
17 and sections 49-21-01.2, 49-21-01.3, 49-21-06, 49-21-07, 49-21-09, ~~and~~ 49-21-10, and
18 section 2 of this Act, regarding rates, terms, ~~and~~ conditions of access services or connection
19 between facilities and transfer of telecommunications between two or more telecommunications
20 companies, and local calling areas. Nothing in this section limits the authority of the
21 commission under chapter 49-03.1 or sections 49-04-05 and 49-04-06.

22 **SECTION 2.** A new section to chapter 49-21 of the North Dakota Century Code is
23 created and enacted as follows:

1 **Extended area service.** The commission shall initiate, before November 1, 1997, an
2 investigation into the creation of local calling areas throughout this state. For purposes of this
3 section, a local calling area is a calling area designated by the commission which includes more
4 than one local exchange area where any call made within the area will not be subject to
5 long-distance or interexchange service call charges. In considering the creation of a local
6 calling area, the commission shall determine the community of interest to be served.
7 Community of interest criteria shall include location of schools, health care facilities, local
8 governmental entities, and shopping facilities; call volumes; ease of access to
9 telecommunications and information service platforms; the preference of customers within a
10 local exchange area, and any relevant information. Before January 1, 1999, the commission
11 shall create local calling areas and any rules that would facilitate the purposes of this section
12 after public hearings in at least four different regions of this state. Each local calling area must
13 include Bismarck, Devils Lake, Dickinson, Fargo, Grand Forks, Jamestown, Minot, or Williston.
14 Local exchange areas combined into a local calling area must be contiguous. Any
15 interconnection arrangements between local exchange carriers needed to create a local calling
16 area must be consistent with federal law on interconnection, services, or network elements
17 contained in 47 U.S.C. sections 251 and 252.