

## HOUSE BILL NO. 1253

Introduced by

Representatives Keiser, Hawken

Senators D. Mathern, Wardner

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 internet transport; and to amend and reenact subsection 13 of section  
3 49-21-01 of the North Dakota Century Code, relating to internet transport as a  
4 telecommunications service.

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

6 **SECTION 1. AMENDMENT.** Subsection 13 of section 49-21-01 of the North Dakota  
7 Century Code is amended and reenacted as follows:

- 8 13. "Nonessential telecommunications service" means any telecommunications  
9 service, other than those essential telecommunications services listed in  
10 subsection 3 ~~that, which~~ a customer has the option to purchase either in  
11 conjunction with or separate from any essential telecommunications service.  
12 Nonessential telecommunications services include, ~~but are not limited to:~~  
13 a. InterLATA and intraLATA message toll service;  
14 b. ~~Private line transport service~~ The transport portion of any publicly offered  
15 service that includes the transport of information to and from the internet if it is  
16 accomplished over a system of wires and cables including if the service is  
17 offered over a cable system by a cable operator, but does not include any  
18 information portion of the service;  
19 c. Calling features and information or enhanced services such as call waiting,  
20 call forwarding, three-way calling, intracall, speed calling, call transfer, voice  
21 or data store and forward, message delivery, or caller identification;  
22 d. Centrex services and features, not including transmission service described in  
23 subdivision h of subsection 3;

- 1                   e.   Installation of service connections in addition or supplementary to that
- 2                       described in subdivision g of subsection 3 which also provides transmission
- 3                       service between the end user's premises and the local exchange central
- 4                       office switch;
- 5                   f.   Mobile telecommunications services using radio spectrum or cellular
- 6                       technology; and
- 7                   g.   Packet-switched services.

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

10                   **Internet transport.** A telecommunications company providing a publicly offered service  
11 that includes transport of information to and from the internet has the duties of a local exchange  
12 carrier under section 251 of the federal act regarding that transport.