

Fifty-eighth  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1363

Introduced by

Representatives Wald, Delmore, Grande, M. Klein

Senators Fischer, Tollefson

1 A BILL for an Act to amend and reenact section 49-05-06 of the North Dakota Century Code,  
2 relating to public service commission rates change hearings.

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

4 **SECTION 1. AMENDMENT.** Section 49-05-06 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **49-05-06. Hearing by commission on proposed change of rates.** Whenever a  
7 notice or any schedule stating an individual or joint rate, classification, contract, practice, or  
8 rule, increasing or decreasing, or resulting in an increase or decrease in any rate, is filed with  
9 the commission, the commission may suspend by motion, in whole or in part, the rate,  
10 classification, contract, practice, or rule but the period of suspension may not extend more than  
11 seven months beyond the time when it otherwise would go into effect. Upon complaint or upon  
12 its own initiative without complaint the commission may order a hearing, upon due notice,  
13 concerning the propriety of the rate, classification, contract, practice, or rule. On such hearing,  
14 the commission shall establish the rates, classifications, contracts, practices, or rules proposed,  
15 in whole or in part, or others in lieu thereof, which it finds to be just and reasonable. At any  
16 such hearing, the burden to show that the increased rate or proposed change of rate,  
17 classification, rule, or practice is just and reasonable is upon the public utility applying for the  
18 increase. All such rates, classifications, contracts, practices, or rules, not suspended, on the  
19 expiration of thirty days from the time of filing with the commission, or of such lesser time as the  
20 commission may grant, become effective rates, classifications, contracts, practices, or rules,  
21 subject to the power of the commission, after a hearing had on its own motion or upon  
22 complaint, to alter or modify the same.