

SENATE BILL NO. 2234

Introduced by

Senators Wanzek, Christmann, Heitkamp

Representatives Nelson, Nichols

1 A BILL for an Act to amend and reenact section 49-21-06 of the North Dakota Century Code,
2 relating to telecommunications prices; and to provide an expiration date.

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

4 **SECTION 1. AMENDMENT.** Section 49-21-06 of the 1997 Supplement to the North
5 Dakota Century Code is amended and reenacted as follows:

6 **49-21-06. Complaint against prices.** There is a rebuttable presumption that prices for
7 essential telecommunications services in effect on July 1, 1989, are fair and reasonable. Any
8 person may complain to the commission, or the commission on its own motion may complain
9 and begin investigation, of the reasonableness, fairness, or adequacy of any price for any
10 essential or nonessential service. Any notice and hearing by the commission will be provided in
11 accordance with chapter 28-32 and the commission can only set aside, after notice and
12 hearing, any price for a service it investigates pursuant to this section which it determines to be
13 unreasonable, unfair, or inadequate. This section must be construed to authorize the
14 commission to set aside any unreasonable, unfair, or inadequate price set by a
15 telecommunications company for the connection between facilities of two or more
16 telecommunications companies and for the transfer of telecommunications, ~~provided this.~~ This
17 section may not be construed to set aside any price set by contract between
18 telecommunications companies and in effect on July 1, 1989, upon complaint by one of the
19 parties to the contract authorize the commission to set aside any price in effect on January 1,
20 1999, for intrastate switched access service provided by any rural telephone company, as
21 defined under Public Law No. 104-104 [110 Stat. 56; 47 U.S.C. 153 (37)], upon complaint by an
22 interexchange telecommunications company that the price is unreasonably high, except a price
23 for intrastate switched access service in an exchange may be set aside to the extent it is
24 unreasonably high as a consequence of recovery of costs of intrastate switched access service

1 in that exchange from any explicit federal or state mechanisms to preserve and advance
2 universal service; a sale, assignment, or other transfer of ownership or control of that exchange
3 after January 1, 1999; or a reduction of prices after January 1, 1999, for any other services
4 provided in that exchange.

5 **SECTION 2. EXPIRATION DATE.** This Act is effective through July 31, 2001, and
6 after that date is ineffective.