

Fifty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1135

Introduced by

Industry, Business and Labor Committee

(At the request of the Public Service Commission)

1 A BILL for an Act to amend and reenact section 49-21-01.7 of the North Dakota Century Code,
2 relating to powers of the public service commission relating to the regulation for the provision of
3 telecommunication service.

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

5 **SECTION 1. AMENDMENT.** Section 49-21-01.7 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **49-21-01.7. Powers in general.** The commission has the power to:

- 8 1. Investigate all methods and practices of telecommunications companies.
- 9 2. Require telecommunications companies to conform to the laws of this state and to
10 all rules, regulations, and orders of the commission not contrary to law.
- 11 3. Require copies of reports as to rates, prices, and terms and conditions of service in
12 effect and used by the company, and all other information deemed relevant and
13 necessary by the commission in the exercise of its authority.
- 14 4. Compel obedience to its lawful orders by proceedings of mandamus or injunction
15 or other proceedings, in the name of the state, in any court having jurisdiction of
16 the parties or of the subject matter.
- 17 5. Hold hearings on good cause being shown, upon notice and subject to the
18 provisions of chapter 28-32.
- 19 6. Employ and fix the compensation of experts, engineers, auditors, attorneys, and
20 other such assistance for complaints, investigations, and other proceedings
21 relating to telecommunications companies. The expense of any hearings, and the
22 compensation and actual expenses of any employees of the commission while
23 engaged upon any such hearings must, upon the order of the commission, be paid
24 by the telecommunications company involved in such hearings. The commission

- 1 shall ascertain the exact cost and expenditure. After giving the
2 telecommunications company notice and opportunity to demand a hearing, and
3 after a hearing, if any, is held, the commission may render a bill and make an order
4 for payment. The bill and order must be delivered by certified mail or personal
5 delivery to the managing officer of the telecommunications company. Upon receipt
6 of the bill and order for payment, the telecommunications company has thirty days
7 within which to pay the amount billed. All amounts not paid within thirty days after
8 receipt of the bill and order for payment thereafter draw interest at the rate of six
9 percent per annum. Amounts collected by the commission under this subsection
10 relating to expenses of the regulatory reform review commission must be
11 deposited in the general fund of the state treasury. All other amounts collected by
12 the commission under this subsection must be deposited in a special account
13 within the public service commission.
- 14 7. Act upon an application for a certificate of public convenience and necessity under
15 chapter 49-03.1 consistent with section 253 of the federal act, provided a
16 telecommunications company is not required to obtain a certificate of public
17 convenience and necessity to resell telecommunications services.
- 18 8. Mediate or arbitrate agreements for interconnection, services, or network elements
19 under sections 251 and 252 of the federal act.
- 20 9. Approve or reject agreements for interconnection, services, or network elements
21 under sections 251 and 252 of the federal act.
- 22 10. Receive and approve or reject a statement of generally available terms under
23 section 252(f) of the federal act.
- 24 11. Determine whether to terminate a rural telephone company's exemption under
25 section 251(f) of the federal act.
- 26 12. Designate telecommunications companies as eligible telecommunications carriers
27 to receive universal service support under sections 214 and 254 of the federal act.
- 28 13. Designate geographic service areas for the purpose of determining universal
29 service obligations and support mechanisms under the federal act.
- 30 14. Investigate and resolve numbering issues relating to assignment of NII dialing
31 codes.

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- 1 ~~14.~~ 15. Adopt rules consistent with state law as are necessary to carry out the powers in
2 subsections 7 through 13 provided the rules may not impose obligations on a
3 telecommunications company that are ~~different~~ or greater than obligations imposed
4 under the act.