

**HOUSE BILL NO. 1133**

Introduced by

Industry, Business and Labor Committee

(At the request of the Public Service Commission)

1 A BILL for an Act to create and enact section 49-04-20 of the North Dakota Century Code,  
2 relating to public utility fees; and to amend and reenact section 49-21-01.2 of the North Dakota  
3 Century Code, relating to the exemption of rate and rate of return regulation for  
4 telecommunications companies and telecommunications services.

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

6 **SECTION 1.** Section 49-04-20 of the North Dakota Century Code is created and  
7 enacted as follows:

8 **Public Utilities - Fees.** Notwithstanding any other provision of this title, each public  
9 utility authorized to do business in North Dakota, including telecommunications companies,  
10 telecommunications cooperatives, electric utilities, gas utilities, electric cooperatives, and  
11 pipeline utilities shall pay a one hundred dollar fee to the commission annually, on or before  
12 July first. The commission shall deposit amounts received under this section in the general  
13 fund.

14 **SECTION 2. AMENDMENT.** Section 49-21-01.2 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16 **49-21-01.2. Exemption - Rate regulation.** Except as provided for in this chapter and  
17 sections 49-02-01.1, 49-02-21, 49-02-22, ~~and~~ 49-04-02.1, and 49-04-20, telecommunications  
18 companies and all telecommunications services are exempt from the provisions of chapters  
19 49-02, 49-04, 49-05, and 49-06. Telecommunications companies and services are not subject  
20 to rate or rate of return regulation. Any telecommunications company may elect not to be  
21 subject to the provisions of this section and section 49-21-01.3, and to be subject to rate and  
22 rate of return regulation, by filing an election with the commission in writing. For  
23 telecommunications companies with over fifty thousand subscribers, the election not to be  
24 exempt from rate and rate of return regulation is a one-time, irrevocable election.

Fifty-eighth  
Legislative Assembly

- 1 Notwithstanding an election filed under this section, a telecommunications company is not
- 2 obligated to pay any fee for filing a price schedule or tariff.