

HOUSE BILL NO. 1132

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 five new sections to chapter 49-03.1 of the North Dakota
2 Century Code, relating to licensing of telecommunications resellers; and to amend and reenact
3 section 49-03.1-01 of the North Dakota Century Code, relating to certificates of public
4 convenience and necessity for telecommunications companies.

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

6 **SECTION 1.** Five new sections to chapter 49-03.1 of the North Dakota Century Code
7 are created and enacted as follows:

8 **License required.** A telecommunications reseller may not do business in this state
9 without a valid annual license from the commission. Each license under this section expires on
10 September thirtieth of each year.

11 **Surety bonds.** The commission may require evidence of financial soundness as part of
12 the licensing process, including the posting of a surety bond in an amount determined by the
13 commission.

14 **License fees.** An application for a license must be accompanied by payment of the fee
15 required by section 49-04-20 or the application may not be accepted for filing.

16 **License application.** An application for a license must be in the form required by the
17 commission and must contain the information required by the commission. Failure to comply
18 with the application requirements is sufficient grounds for denying or dismissing the application.
19 If the commission finds evidence of an applicant's violation of any state or federal law or rule,
20 including those concerning consumer protection, antitrust, accounting, and securities, the
21 commission may dismiss or deny the application.

22 **License revocation.** The commission may revoke a license for cause, and may
23 impose additional sanctions on the licensee including the penalties provided by law, after notice
24 and opportunity for hearing under chapter 28-32. While an investigation or a proceeding for

1 revocation or other sanctions is pending, the commission may order the licensee to cease and
2 desist from marketing its service or signing up new customers if the commission finds there is
3 probable cause that without a cease and desist order consumers or the reliability of the network
4 will be irreparably harmed.

5 **SECTION 2. AMENDMENT.** Section 49-03.1-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **49-03.1-01. Certificates of public convenience and necessity - Who to secure.** ~~No~~
8 Except as provided in section 1 of this Act, a public utility shall may not begin construction or
9 operation of a public utility plant or system without first obtaining from the commission a
10 certificate that public convenience and necessity require or will require such construction and
11 operation.