

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