

HOUSE BILL NO. 1142

Introduced by

Representatives Headland, D. Johnson, Kaldor

Senators Heitkamp, Klein, Nething

1 A BILL for an Act to amend and reenact section 49-02-01.1 of the North Dakota Century Code,
2 relating to the jurisdiction of the public service commission over telecommunications
3 companies.

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

5 **SECTION 1. AMENDMENT.** Section 49-02-01.1 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **49-02-01.1. Jurisdiction of commission limited as to certain utilities.** Nothing in
8 this chapter or in chapter 49-21 authorizes the commission to make any order affecting rates,
9 contracts, services rendered, adequacy, or sufficiency of facilities, or the rules or regulations of
10 any public utility owned and operated by the state or by any city, county, township, or other
11 political subdivision of the state or any public utility, that is not operated for profit, that is
12 operated as a nonprofit, cooperative, or mutual telecommunications company or is a
13 telecommunications company having fewer than ~~eight~~ eighteen thousand local exchange
14 subscribers. However, any telecommunications utility that is operated as a nonprofit,
15 cooperative, or mutual telecommunications company or has fewer than ~~eight~~ eighteen
16 thousand local exchange subscribers is subject to sections 49-21-01.4, 49-21-02.4, 49-21-23,
17 49-21-24, and 49-21-25, subsections 6 through 14 of section 49-21-01.7, and to sections
18 49-21-01.2, 49-21-01.3, 49-21-06, 49-21-07, 49-21-09, and 49-21-10, regarding rates, terms,
19 and conditions of access services or connection between facilities and transfer of
20 telecommunications between two or more telecommunications companies. Nothing in this
21 section limits the authority of the commission granted under chapters 49-03 and 49-03.1 or
22 sections 49-04-05 and 49-04-06.