

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 subsection 1 of section 49-05-06 of the North Dakota
2 Century Code, relating to suspension period for tariff filings.

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

4 **SECTION 1. AMENDMENT.** Subsection 1 of section 49-05-06 of the North Dakota Century
5 Code is amended and reenacted as follows:

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