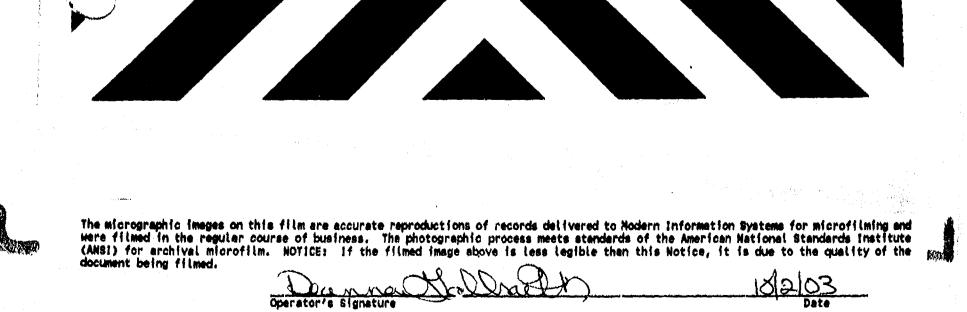
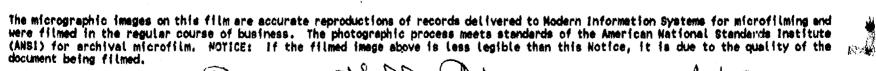
	MICROFILM		
	UMB/RECORDS MANA SFN 2053 (GEMENT DIVISION	
R	OLL NUMBER		
	DESCRI	PTION	
		2/	



÷

5 2003 HOUSE INDUSTRY, BUSINESS AND LABOR HB 1134



at the second

118

1

de so fo

nat 10/2/03 Dete Operator's Signature - 6

,* s

ei.

€

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1134

House Industry, Business and Labor Committee

Conference Committee

Hearing Date 1-14-03

Tape Number	Side A	Side B	Meter	#
1	XX		20.0327.6	·
Committee Clerk Signate	re Pan De	ver		

Minutes: Chair Keiser: Opened the hearing.

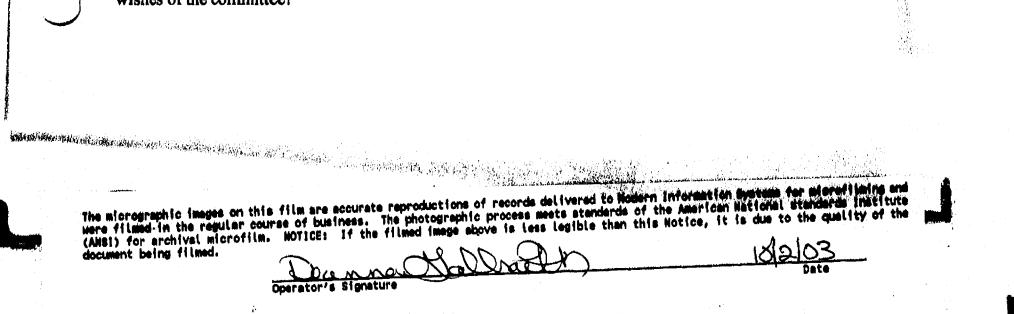
Lilona Jeffcoat-Sacco, PSC: (20.7) In support of HB1134. (SEE ATTACHED) This bill

allows local companies to have the computer connections. Without this bill, there will be fewer offerings of data for internet options. This bill makes this legal. If they don't offer regular phone service, they don't need to offer unbundled or regular phone service alone. Now bundling, is like Qwest just released they are authorized to provide long distance. Their press release said we are going to start offering all kinds of packages. That's bundling.

Rep. Nottestad: If this bill passes, do you think it will bring in more providers that will offer these services? Will this increase competition or have they just disregarded to a point of looking the other way?

Iilona: I don't think it will bring in any more. They just won't be in violation anymore.

Chair Keiser: Any more testimony? Any opposition? Seeing none, we are closed. What are the wishes of the committee?



Page 2

ь_й

House Industry, Business and Labor Committee Bill/Resolution Number HB 1134 Hearing Date 1-14-03

Rep. N.Johnson: I move a DO PASS.

Rep. Boe: I second

VOTE: <u>14</u> - YES <u>0</u> - NO <u>0</u> - AB

Rep. Boe will carry the bill.

調理学校 20.4 16 The migragraphic images on this film are accurate reproductions of records delivered to Modern Information Systems for migrafilming and were filmed-in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed. 03 M. SO AN **Operator's Signature** Date ÷

FISCAL NOTE Requested by Legislative Council 01/02/2003

Bill/Resolution No.: HB 1134

1A. State fiscal effect: Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennlum		2003-2005	Biennium	2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. County, city, and school district fiscal effect: Identify the fiscal effect on the appropriate political subdivision.

2001	1-2003 Blenn	lum	2003-2005 Biennium 2005-2007 Bienni		ium			
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. Narrative: Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

Bill clarifies that telephone companies need not offer unbundled local service (essential service) unless they are in the business of providing essential service to end users. No fiscal impact.

3. State fiscal effect detail: For information shown under state fiscal effect in 1A, please:

A. Revenues: Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

see above

B. Expenditures: Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

see above

C. Appropriations: Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

see above

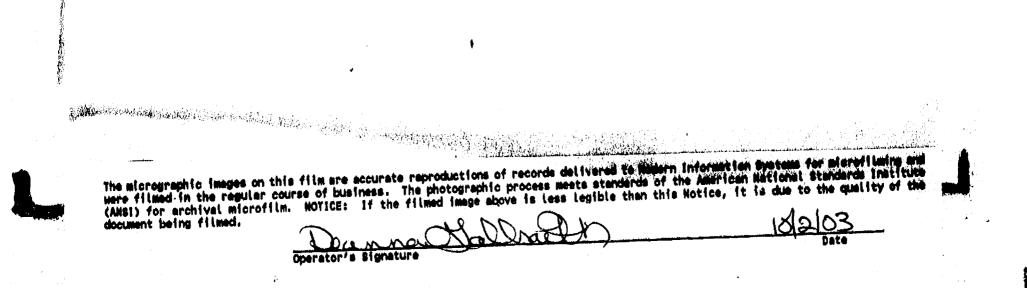
Name:	Illona Jeffcoat-Sacco	Agency:	PSC
Phone Number:	70 -328-2407	Date Prepared:	01/02/2003

an andreadh airte a rainn star an chuir an tha sa tha an tha The micrographic images on this film are accurate reproductions of records delivered to Nodern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed. 03 Operator's Signature

- é **1**,

	UTION NO. 134	
Labor	· · · · · · · · · · · · · · · · · · ·	Commi
Committee		
Number		
Do I	. 22AC	
	<u>,,,,,,</u> T	······
Son	Seconded By	·
Yes No		Yes
-+		
-		
		
		
1 1		
	Committee Number DO T	Committee Number

If the vote is on an amendment, briefly indicate intent:



REPORT OF STANDING COMMITTEE (410)

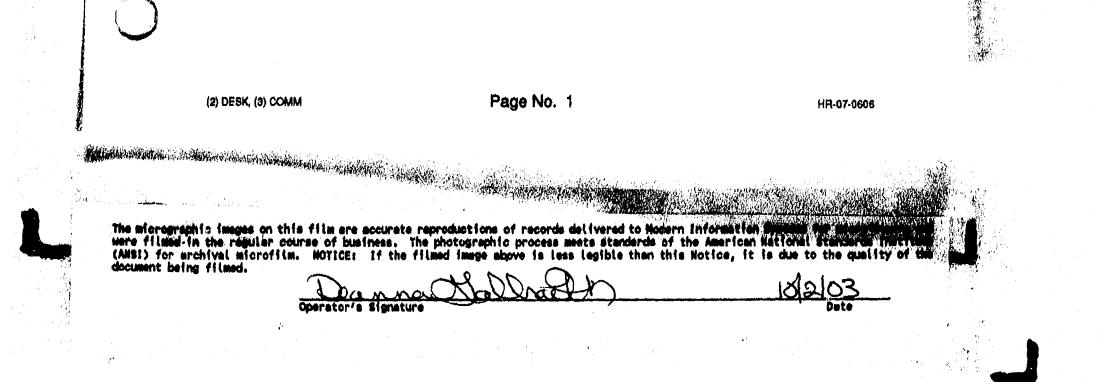
January 15, 2003 1:35 p.m.

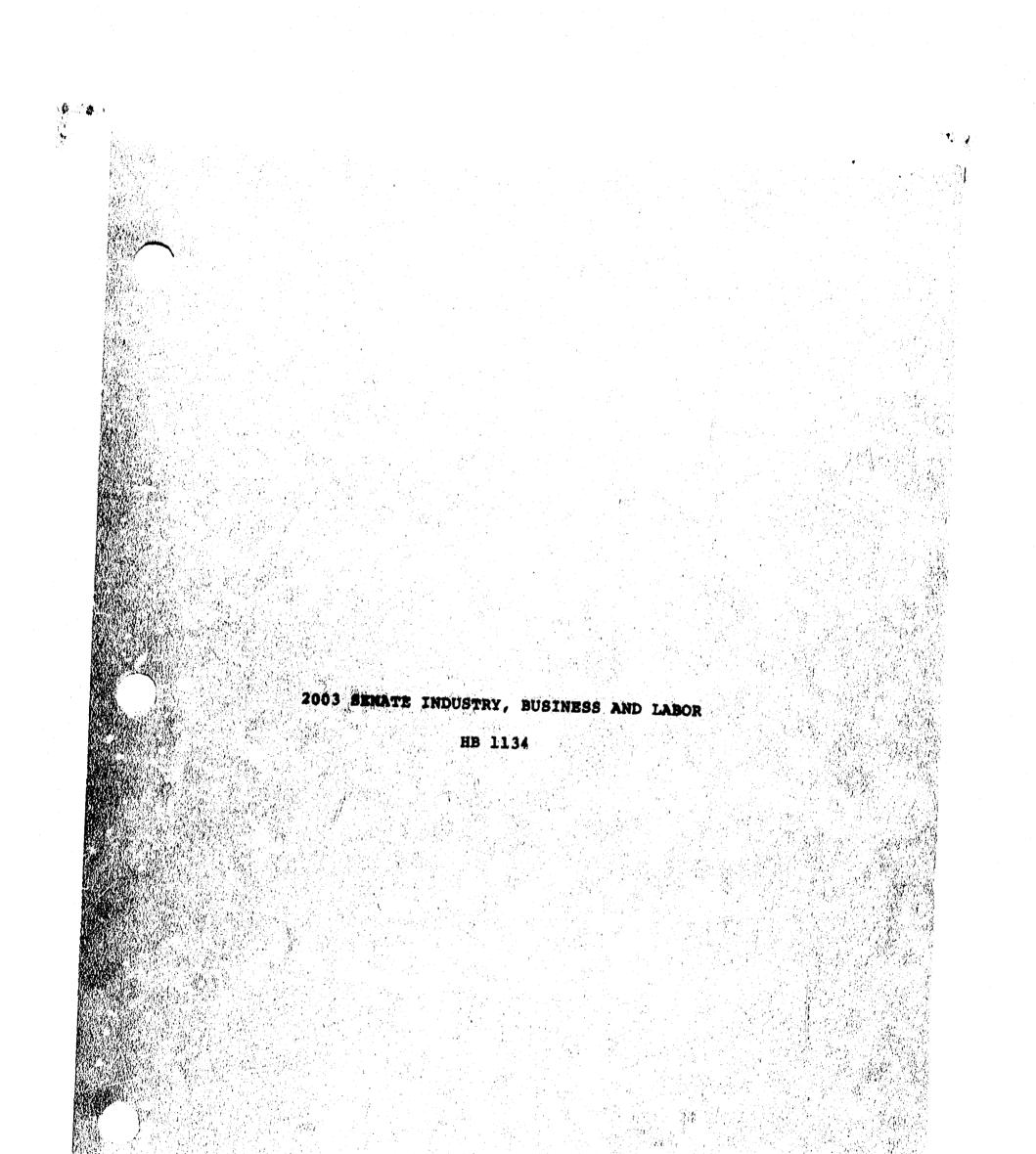
de la construição.

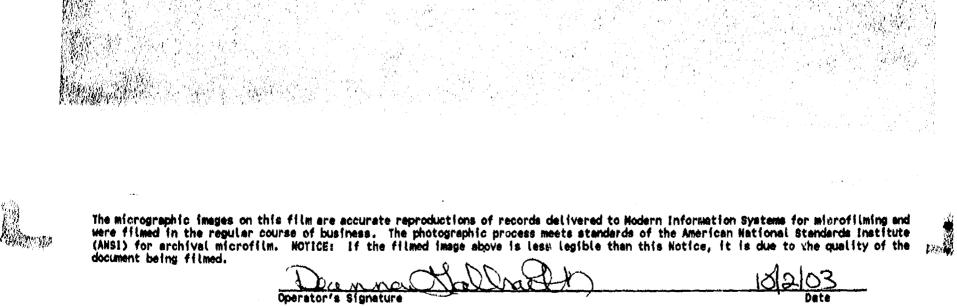
Module No: HR-07-0606 Carrier: Severson Insert LC: . Title: . 4.21

REPORT OF STANDING COMMITTEE

HB 1134: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1134 was placed on the Eleventh order on the calendar.







6

. La calendaria de la cale Calendaria de la calendaria de

.

Operator's Signature

.

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1134

Senate Industry, Business and Labor Committee

Conference Committee

Hearing Date 02-17-03

Tape Number	Side A	Side B	Meter #
1		XXX	572
Committee Clerk Signatu	· Disalbut	Beikan	

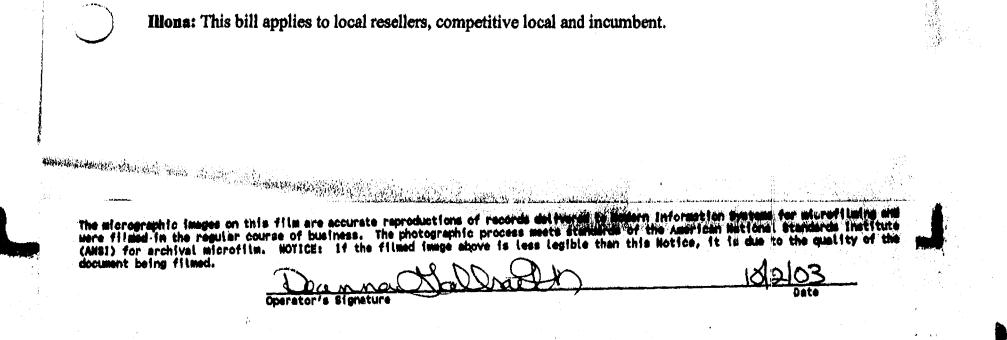
Minutes: Chairman Mutch opened the hearing on HB 1134. All Senators were present.

HB 1134 relates to unbundling of essential services in telecommunications services.

Testimony in support of HB 1134

Iliona Jeffcoat-Sacco introduced the bill. See written testimony. She stated that in North Dakota telephone business we operate under regulatory scheme that protects the consumer in the purchase of "essential services." The term essential services is another name for plain old phone service or plain old dial tone. In North Dakota, some of the protections that apply to essential services are price restrictions, price schedule filing requirements, and disconnect protections. A problem developed with this statute because there are some companies that are local service phone companies and technically must comply with this statute, but they do not sell any regular, plain old essential service to anyone.

Senstor Nething: What companies are you talking about?



Page 2

Senate Industry, Business and Labor Committee Bill/Resolution Number 1134 Hearing Date 02-17-03

Senator Nething: Which of these companies were the problem?

Illona: There are some companies with facility or resell based authority that don't provide

regular service to people. They are there for internet connection or service provided. All this bill

is that IF they offer essential services, then they have to offer a basic plan.

Senator Krebsbach: Can you give me an example of a company that does data or internet

service?

Illona: I can't remember their names. Level Three or Covad(someone else in the room

interjected)

There was no opposition.

Senator Nething moved a DO PASS. Senator Krebsbach seconded.

Roll Call Vote: 7 yes. 0 no. 0 absent.

Carrier: Senator Nething

 D_{i}^{\prime} 5 The micrographic images on this film are accurate reproductions of records delivered to Modern Information Supermitting and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the course distance distance. 12/2/03 document being filmed. Operator's Signature ÷

				Roli Cali V	Date:2-17- Vote #:
2003 SENATE STA Senate		COMMITTI SOLUTION		otes	mittee
Check here for Conference Co	ommittee		, ,		
Legislative Council Amendment N Action Taken DO Motion Made By	ass	Second	led By Krebsb	ach	
Senators	Yes	No	Senators	Yes	No
Sen.Jerry Klein, Vice Chairman	X				
Sen.Karen Krebsbach	X				
Sen.Karen Krebsbach Sen. Dave Nething	XXX				
Sen. Karen Krebsbach Sen. Dave Nething Sen. Joel Heitkamp Sen.Mike Every	XXXXX				
Sen. Karen Krebsbach Sen. Dave Nething Sen. Joel Heitkamp Sen.Mike Every Sen. Duane Espegard	XXXX				
Sen. Karen Krebsbach Sen. Dave Nething Sen. Joel Heitkamp Sen.Mike Every	XXXXXX				
Sen. Karen Krebsbach Sen. Dave Nething Sen. Joel Heitkamp Sen.Mike Every Sen. Duane Espegard	XXXXXXX				
Sen. Karen Krebsbach Sen. Dave Nething Sen. Joel Heitkamp Sen.Mike Every Sen. Duane Espegard					
Sen. Karen Krebsbach Sen. Dave Nething Sen. Joel Heitkamp Sen.Mike Every Sen. Duane Espegard					
Sen. Karen Krebsbach Sen. Dave Nething Sen. Joel Heitkamp Sen.Mike Every Sen. Duane Espegard					
Sen. Karen Krebsbach Sen. Dave Nething Sen. Joel Heitkamp Sen.Mike Every Sen. Duane Espegard					
Sen. Karen Krebsbach Sen. Dave Nething Sen. Joel Heitkamp Sen.Mike Every Sen. Duane Espegard					

5

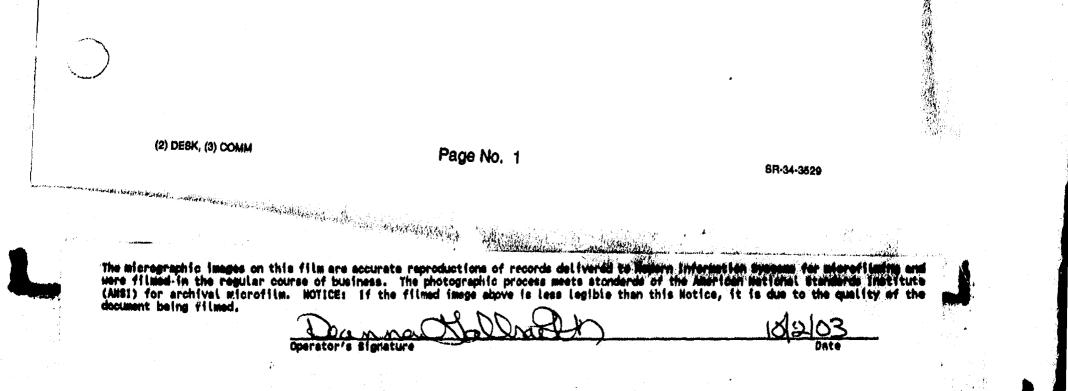
States of 19-10 (shi Were and give to The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm, NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed. 2012 03 \mathcal{D}_{\bullet} 1 Ini Operator's Signature

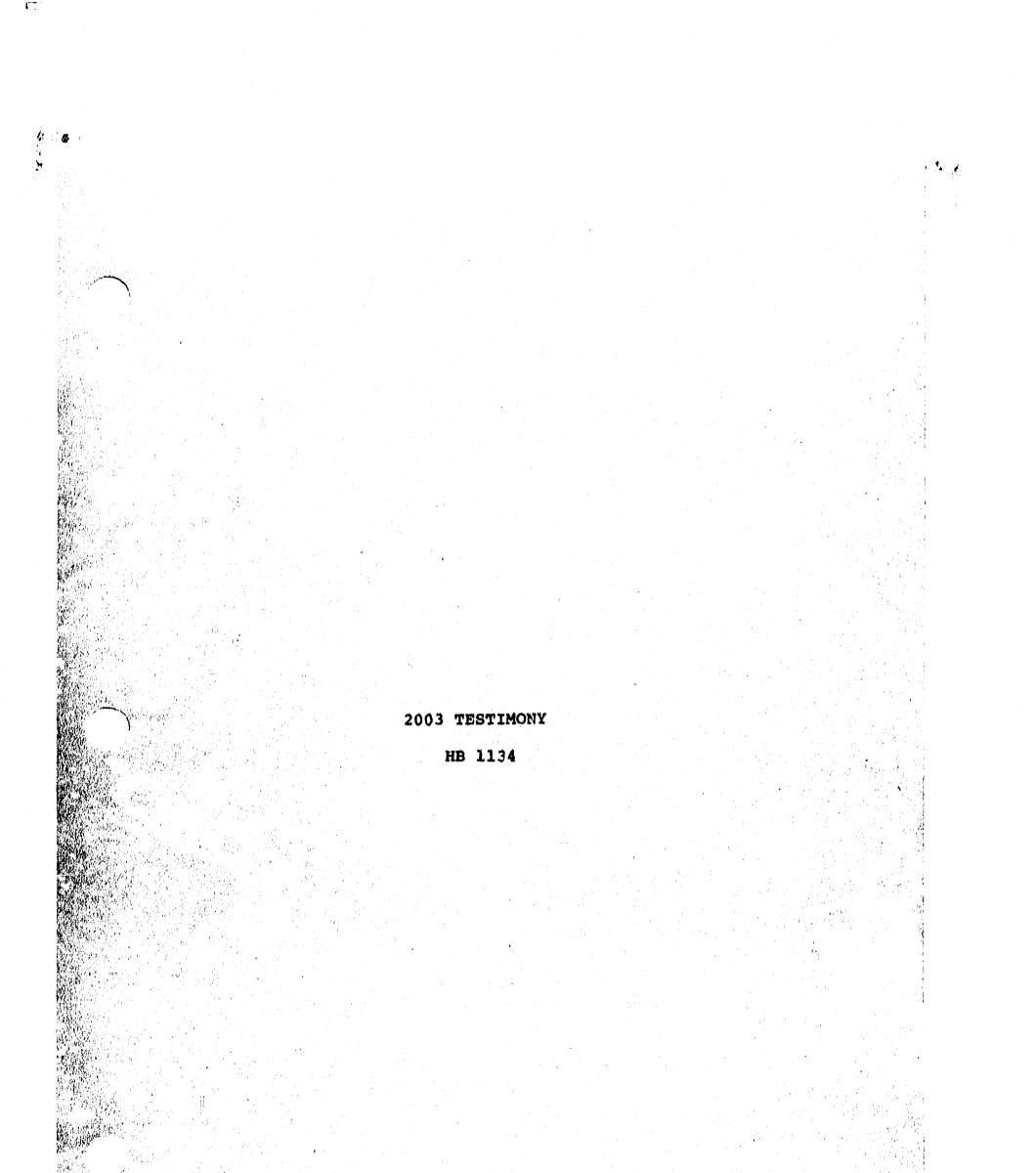
REPORT OF STANDING COMMITTEE (410) February 26, 2003 1:56 p.m.

Module No: SR-34-3829 Carrier: Nething Insert L.C: . Title: ,

1. C. 100

REPORT OF STANDING COMMITTEE HB 1134: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1134 was placed on the Fourteenth order on the calendar.







The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed. 10.4

÷

mail 10/2/03 Y Operator's Signature

*

13

a sa t

H.B. 1134

17

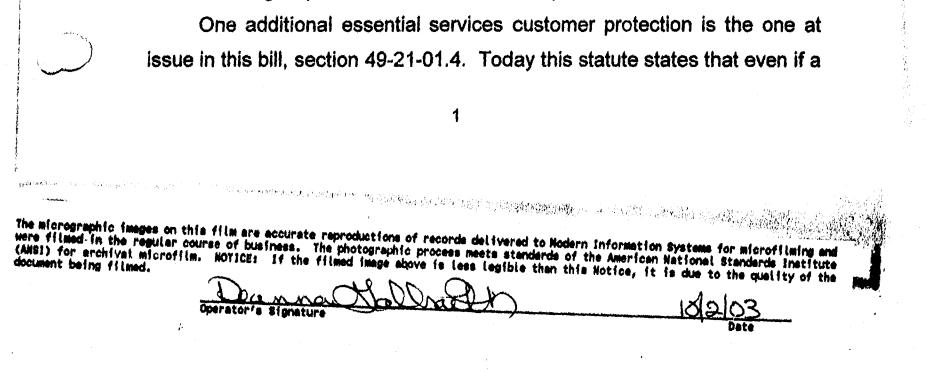
Presented by:	Illona A. Jeffcoat-Sacco Director, Public Utilities Division Public Service Commission
Before:	House Committee on Industry, Business and Labor Honorable George J. Keiser, Chairman
Date:	14 January 2003

TESTIMONY

Chairman and committee members, my name is Illona Jeffcoat-Sacco. I am the director of the Public Service Commission's Public Utilities Division. The Public Utilities Division administers the Commission's jurisdiction over telephone, gas and electric public utilities in North Dakota. The commission asked me to appear here today to testify in favor of House Bill 1134, introduced at our request.

House Bill 1134 almost qualifies as housekeeping, but I need to provide a bit of background in order for you to see why.

In the North Dakota telephone business we operate under a regulatory scheme that protects the consumer in the purchase of "essential services." The term essential services is another name for plain old phone service or plain old dial tone. (You can find a specific definition of the term in the beginning of chapter 49-21.) In North Dakota, some of the protections that apply to essential services are price restrictions, price schedule filing requirements, and disconnect protections.



4

company offers different "bundles" of services to its customers, with different types of pricing benefits, that company must also offer plain old phone service by itself (unbundled). If a customer wants to buy just essential services, under North Dakota law he or she must be allowed to do so. A phone company cannot require a customer to buy a bundle of services.

A problem developed with this statute because there are some companies that are local service phone companies and technically must comply with this statute, but they do not sell any regular, plain old essential services to anyone. Rather they are local companies that provide data services or access to Internet service providers, for example. These companies should not be under a statutory requirement (and should not be subject to penalty for violation) to provide unbundled essential services when they are not in the business of providing, and indeed, do not provide, any essential services at all. HB 1134 tweaks 49-21-01.4 to accomplish this purpose.

This completes my testimony. I will be happy to answer any questions you may have.

2 The migrographic images on this film are accurate reproductions of records delivered to Nodern Information Systems for migrofilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed. Operator's Signature ÷

H.B. 1134

Presented by:

Illona A. Jeffcoat-Sacco Director, Public Utilities Division Public Service Commission

Before:

F7.

Senate Industry, Business and Labor Committee Honorable Duane Mutch, Chairman

Date:

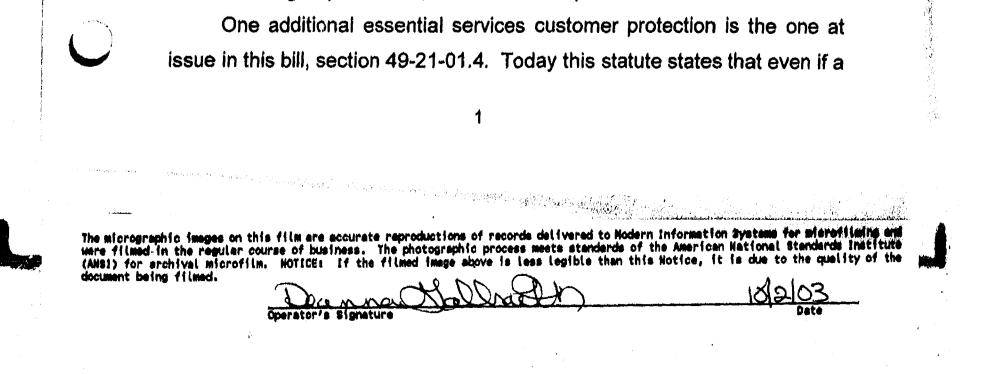
17 February 2003

TESTIMONY

Chairman and committee members, my name is Illona Jeffcoat-Sacco. I am the director of the Public Service Commission's Public Utilities Division. The Public Utilities Division administers the Commission's jurisdiction over telephone, gas and electric public utilities in North Dakota. The commission asked me to appear here today to testify in favor of House Bill 1134, introduced at our request.

House Bill 1134 almost qualifies as housekeeping, but I need to provide a bit of background in order for you to see why.

In the North Dakota telephone business we operate under a regulatory scheme that protects the consumer in the purchase of "essential services." The term essential services is another name for plain old phone service or plain old dial tone. (You can find a specific definition of the term in the beginning of chapter 49-21.) In North Dakota, some of the protections that apply to essential services are price restrictions, price schedule filing requirements, and disconnect protections.

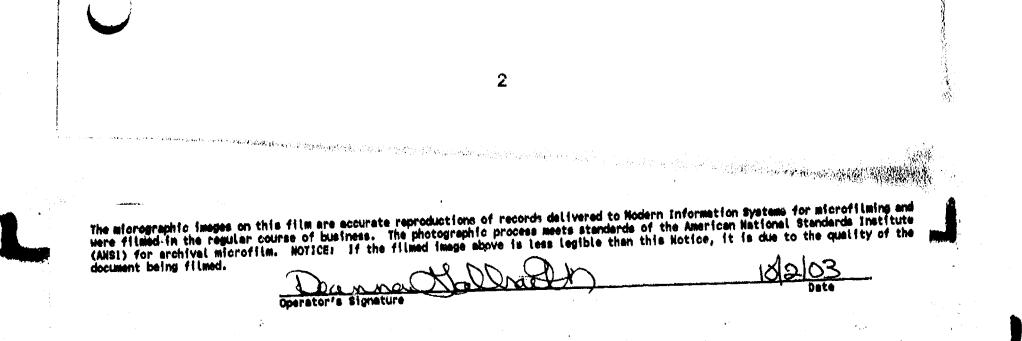


-5,

company offers different "bundles" of services to its customers, with different types of pricing benefits, that company must also offer plain old phone service by itself (unbundled). If a customer wants to buy just essential services, under North Dakota law he or she must be allowed to do so. A phone company cannot require a customer to buy a bundle of services.

A problem developed with this statute because there are some companies that are local service phone companies and technically must comply with this statute, but they do not sell any regular, plain old essential services to anyone. Rather they are local companies that provide data services or access to Internet service providers, for example. These companies should not be under a statutory requirement (and should not be subject to penalty for violation) to provide unbundled essential services when they are not in the business of providing, and indeed, do not provide, any essential services at all. HB 1134 tweaks 49-21-01.4 to accomplish this purpose.

This completes my testimony. I will be happy to answer any questions you may have.



l