

Introduced by

Senators Thompson, Kelsh, Mutzenberger

Representatives S. Kelsh, Mueller, Solberg

1 A BILL for an Act to create and enact section 49-21-10.3 of the North Dakota Century Code,  
2 relating to an unauthorized addition or change in telecommunications services; and to amend  
3 and reenact section 49-02-01.1 of the North Dakota Century Code, relating to the jurisdiction of  
4 the public service commission.

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

6 **SECTION 1. AMENDMENT.** Section 49-02-01.1 of the 1997 Supplement to the North  
7 Dakota Century Code is amended and reenacted as follows:

8 **49-02-01.1. Jurisdiction of commission limited as to certain utilities.** Nothing in  
9 this chapter or in chapter 49-21 authorizes the commission to make any order affecting rates,  
10 contracts, services rendered, adequacy, or sufficiency of facilities, or the rules or regulations of  
11 any public utility owned and operated by the state or by any city, county, township, or other  
12 political subdivision of the state or any public utility, that is not operated for profit, that is  
13 operated as a nonprofit, cooperative, or mutual telecommunications company or is a  
14 telecommunications company having fewer than eight thousand local exchange subscribers.  
15 However, any telecommunications utility that is operated as a nonprofit, cooperative, or mutual  
16 telecommunications company or has fewer than eight thousand local exchange subscribers is  
17 subject to sections 49-21-01.4 ~~and~~ 49-21-08, and 49-21-10.3; and is subject to subsection 6 of  
18 section 49-02-02 and sections 49-21-01.2, 49-21-01.3, 49-21-06, 49-21-07, 49-21-09, and  
19 49-21-10; regarding rates, terms, and conditions of access services or connection between  
20 facilities and transfer of telecommunications between two or more telecommunications  
21 companies. Nothing in this section limits the authority of the commission under chapter 49-03.1  
22 or sections 49-04-05 and 49-04-06.

23 **SECTION 2.** Section 49-21-10.3 of the North Dakota Century Code is created and  
24 enacted as follows:

**49-21-10.3. Slamming and cramming - Unauthorized change in**

**telecommunications service - Remedies.** The provisions of title 47, Code of Federal Regulations, part 64, subpart k, apply to any telecommunications company submitting or executing an order on behalf of a subscriber of telecommunications service to change the subscriber's provider of intrastate telecommunications service or add a telecommunications intrastate service. The commission shall enforce these provisions and this section. A subscriber for whom an intrastate telecommunications service is added without compliance with title 47, Code of Federal Regulations, part 64, subpart k, is absolved of liability for charges imposed by the service provider during the first thirty days after the unauthorized addition. Upon being informed by the subscriber that an unauthorized addition has occurred, the telecommunications company providing the service shall cancel the service addition, inform the subscriber of the forty-five day absolution period, and refund any payments made by the subscriber for the service during the absolution period. The telecommunications company may rebill for any additional service provided before the cancellation if the company determines the service addition was properly authorized. The remedies provided in this section are in addition to any other remedies available at law. A telecommunications company that violates this section is deemed to have committed an unlawful practice in violation of section 51-15-02 and is subject to the provisions, procedures, and penalties of chapter 51-15.