MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M

ROLL NUMBER

DESCRIPTION

1090

2001 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1090

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1090

House Industry, Business and Labor Committee

❑ Conference Committee

Hearing Date Jan 17, 2001

Tape Number	Side A	Side B	Meter #
2	X		3.78-8.25
Committee Clerk Signature			

Minutes: Chairman R. Berg, Vice-Chair G. Keiser, Rep. M. Ekstrom, Rep. R. Froelich, Rep. G. Froseth, Rep. R. Jensen, Rep. N. Johnson, Rep. J. Kasper, Rep. M. Klein, Rep. Keppang. Rep. D. Lemieux, Rep. B. Pietsch, Rep. D. Ruby, Rep. D. Severson, Rep. E. Thorpe.

Illona A. Jeffcoat-Sacco: *Public Service Commissioneri* **Written Testimony Sponsoring Bill**

Chairman Berg: Is there no fiscal impact?

Illona: Not enough impact to create a fiscal note.

Klein: Only one company that files under the rate of return?

Illona: One company for local rate.

Chairman Berg: We'll close the hearing on HB 1090. What are the committees wishes?

Rep Severson: I move a do pass.

Rep Pietsch: I second.

14 yeas, 0 nays, 1 absent Carrier Rep Severson

FISCAL NOTE

Requested by Legislative Council

12/21/2000

Bill/Resolution No.: HB 1090

Amendment to:

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.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	$100	$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.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
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.*

Telephone companies have been exempt from rate of return regulation since 1989, unless they have "opted" to remain under rate regulation. Since 1989, one company in ND has "opted" to remain under rate regulation. In 1999, the price schedule (tariff) filing fee requirement was removed from law, but due to the wording of the exemptions in the law, it is unclear whether the one company still opting to be rate regulated has to pay a filing fee or not. In order to promote competitive equality and a level regulatory playing field, this statute is intended to clarify that no telephone company has to pay any filing fee to file a price schedule. The rate regulated company paid 2 filing fees during the 1999-2001 biennium to date, for a total impact of $100.

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.*

   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.*

   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.*

Name:	Illona Jeffcoat-Sacco	**Agency:**	PSC
Phone Number:	328-2407	**Date Prepared:**	01/02/2001

Date: 1-17-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. ~~*Click here to type Bill/Resolution No.*~~ 1090

House Industry, Business and Labor Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Severson Seconded By Pietsch

Representatives	Yes	No	Representatives	Yes	No
Chairman- Rick Berg	✓		Rep. Jim Kasper	✓	
Vice-Chairman George Keiser	✓		Rep. Matthew M. Klein	✓	
Rep. Mary Ekstorm	✓		Rep. Myron Koppang	✓	
Rep. Rod Froelich	✓		Rep. Doug Lemieux	✓	
Rep. Glen Froseth	✓		Rep. Bill Pietsch	✓	
Rep. Roxanne Jensen	✓		Rep. Dan Ruby	✓	
Rep. Nancy Johnson	✓		Rep. Dale C. Severson	✓	
			Rep. Elwood Thorpe		

Total (Yes) 14 No 0

Absent 1

Floor Assignment Rep Severson

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

REPORT OF STANDING COMMITTEE (410)
January 17, 2007 4:45 p.m.

Module No: HR-07-1178
Carrier: Severson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1090: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1090 was placed on the Eleventh order on the calendar.

2001 SENATE INDUSTRY, BUSINESS AND LABOR

HB 1090

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1090

Senate Industry, Business and Labor Committee

☐ Conference Committee

Hearing Date February 20, 2001

Tape Number	Side A	Side B	Meter #
1	x		0 to 3.1
Committee Clerk Signature Doris E Perez			

Minutes:

The meeting was called to order. All committee members present. Hearing was opened on HB 1090 relating to filing fees and exemption from rate of return regulation for the provision of telecommunications service.

Illona A Jeffcoat-Sacco, Public Service Commission. Written testimony attached. Intent of the bill is to ensure that all telephone companies are subject to the same regulatory burdens.

No opposing testimony. Hearing closed.

Senator Klein: Motion : do pass. **Senator Espegard**: Second.

Roll call vote: 7 yes; 0 no. Motion carried. Floor assignment : **Senator Klein.**

Date: Feb 20/01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1090

Senate Industry, Business and Labor Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Sen Klein Seconded By Sen Espegaard

Senators	Yes	No	Senators	Yes	No
Senator Mutch - Chairman	✓		Senator Every	✓	
Senator Klein - Vice Chairman	✓		Senator Mathern	✓	
Senator Espegard	✓				
Senator Krebsbach	✓				
Senator Tollefson	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Sen Klein

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

REPORT OF STANDING COMMITTEE (410)
February 20, 2001 11:00 a.m.

Module No: SR-31-3970
Carrier: Klein
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1090: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1090 was placed on the Fourteenth order on the calendar.

2001 TESTIMONY

HB 1090

H.B. 1090

Presented by: **Illona A. Jeffcoat-Sacco**
Public Service Commission

Before: **House Industry, Business and Labor Committee**
Honorable Rick Berg, Chairman

Date: **17 January 2001**

TESTIMONY

Chairman Berg and members of the committee, I am Illona Jeffcoat-Sacco, director of the Public Utilities Division of the Public Service Commission. H. B. 1090 was introduced at the request of the Public Service Commission and I represent the Commission with my testimony today in support of the bill.

Since 1989, telecommunications companies that provide essential services in North Dakota (basically local telephone service) have been under statutory price cap regulation unless they opt for traditional rate of return regulation. A company that opts for traditional rate of return regulation does so by electing not to be subject to the exemptions found in N.D.C.C. section 49-21-01.2.

Companies that are under price cap and exempt from rate regulation must still file price schedules under N.D.C.C. section 49-21-04. Due to a change in the law in 1999, these companies do not need to pay any filing fee when they file a price schedule. Prior to the change in the law the fee was $50 per filing, the same as it is now for electric and gas utilities under other law. Since the 1999 change, however, it has been unclear if a company that is not exempt, in other words one that elects rate of return regulation, is governed by the statute that no longer imposes a fee, or the older statute that still imposes a fee on other types of utilities.

The purpose of H.B. 1090 is to ensure all telephone companies are subject to the same regulatory burdens and that no telephone company need pay a filing fee, whether or not that company elects price cap or rate of return regulation. In a competitive market, such as that developing in telecommunications today, it would be anti-competitive to impose a fee on one company and not another.

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

H. B. 1090

Presented by: **Illona A. Jeffcoat-Sacco**
Public Service Commission

Before: **Senate Industry, Business and Labor Committee**
Honorable Duane Mutch, Chairman

Date: **20 February 2001**

TESTIMONY

Chairman Mutch and members of the committee, I am Illona Jeffcoat-Sacco, director of the Public Utilities Division of the Public Service Commission. H. B. 1090 was introduced at the request of the Public Service Commission and I represent the Commission with my testimony today in support of the bill.

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