

SENATE BILL NO. 2418

Introduced by

Senators Krebsbach, Fischer, Stenehjem

Representatives Hawken, Keiser, Timm

1 A BILL for an Act to amend and reenact sections 49-03-01.3 and 49-03-01.4 of the North
2 Dakota Century Code, relating to exclusions from limitations on electric distribution line
3 extension and service.

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

5 **SECTION 1. AMENDMENT.** Section 49-03-01.3 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **49-03-01.3. Exclusions from limitations on electric distribution lines, extension,**
8 **and service and on issuance of certificates of public convenience and necessity.**

9 1. Sections 49-03-01 through 49-03-01.5 shall not be construed to require any such
10 electric public utility to secure such order or certificate for an extension of its
11 electric distribution lines within the corporate limits of any municipality within which
12 it has lawfully commenced operations; ~~provided, however, that such extension or~~
13 ~~extensions shall not interfere with existing services provided by a rural electric~~
14 ~~cooperative or another electric public utility within such municipality; and provided~~
15 ~~duplication of services is not deemed unreasonable by the commission. After~~
16 July 31, 2001, an electric public utility providing electric service within a
17 municipality of more than two thousand five hundred people shall provide electric
18 service to all customer locations within the corporate limits of the municipality if
19 authorized by franchise. A rural electric cooperative may continue to provide
20 electric service to existing customer locations it was serving within the municipality
21 on July 31, 2001, if allowed by the municipality pursuant to a limited franchise, but
22 is ineligible to apply for or accept a new or continued franchise that would allow the
23 rural electric cooperative to provide electric service to any new customer location
24 within the corporate limits of the municipality after July 31, 2001. However, a

public utility and a rural electric cooperative may mutually agree to the sale or trade of customer locations and electric facilities within the corporate limits of a municipality to promote efficient provision of electric service and to minimize duplication of facilities if such agreement is approved by the governing body of the municipality.

2. Sections 49-03-01 through 49-03-01.5 shall not be construed to require an electric public utility to discontinue service to customers thereof whose places receiving service are located outside the corporate limits of a municipality on July 1, 1965; provided, however, that within ninety days after July 1, 1965, any electric public utility furnishing service to customers whose places receiving service are located outside the corporate limits of a municipality shall file with the commission a complete map or maps of its electric distribution system showing all places in North Dakota which are located outside the corporate limits of a municipality and which are receiving its service as of July 1, 1965. After ninety days from July 1, 1965, unless a customer whose place being served is located outside the corporate limits of a municipality is shown on said map or maps, it shall be conclusively presumed that such customer was not being served on July 1, 1965, and cannot be served until after compliance with the provisions of section 49-03-01.1.

SECTION 2. AMENDMENT. Section 49-03-01.4 of the North Dakota Century Code is amended and reenacted as follows:

49-03-01.4. Enforcement of act. If any electric public utility or rural electric cooperative violates or threatens to violate any of the provisions of sections 49-03-01 through 49-03-01.5 relative to the construction, operation, or extension of its lines, plant, or system outside the corporate limits of a municipality or interferes with or threatens to interfere with the service or system of any other electric public utility or rural electric cooperative outside the corporate limits of a municipality, the commission, after complaint, notice, and hearing as provided in chapter 28-32, shall make its order restraining and enjoining said electric public utility or rural electric cooperative from constructing or extending its interfering lines, plant, or system. In addition to the restraint imposed, the commission shall prescribe such terms and conditions as it shall deem reasonable and proper.

1 Provided, further, that nothing herein contained shall be construed to prohibit or limit any
2 person, who has been injured in the person's business or property by reason of a violation of
3 sections 49-03-01 through 49-03-01.5 by any electric public utility or rural electric cooperative
4 corporation, from bringing an action for damages in any district court of this state to recover
5 such damages.