

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

1364

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Dennis Halliwell
Operator's Signature

10/3/03
Date

2003 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1364

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1364

House Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date 1-30-03

Tape Number	Side A	Side B	Meter #
1		x	11.1-26.9
Committee Clerk Signature <i>Joey Burke</i>			

Minutes: Chairman Klein: called the hearing to order on HB 1364. All committee members were present.

Representative Burnstein: appeared in favor of HB 1364. This bill was put in on request of some of the building movers. It would clear up a gray area. The cable company always told us that we are not under the PSC.

Representative Klein: at the present time when you have to move a structure, your contact is with who and how does that proceed, who do you contact?

Representative Burnstein: Power companies involved, telephone, REC, Exel, etc.

The cable company doesn't always cooperate.

Illona Jeffcoat-Sacco, Director, Public Utilities Division, PSC: appeared in favor of HB 1364.

(SEE ATTACHED TESTIMONY).

Representative Amerman: rural co-ops are not under the jurisdiction of PSC, correct?

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10/3/03
Date

Page 2
House Government and Veterans Affairs Committee
Bill/Resolution Number HB 1364
Hearing Date 1-30-03

Illona Jeffcoat-Sacco: they are under part of our jurisdiction, that is a fairly lengthy answer, they are under this jurisdiction.

Tim Burnstein: I would urge you to have a DO PASS on this bill, one of the questions that was asked is, when we go and ask permission to go underneath lines there is a 96 hour notice, that we have to give. Right now the cable television can say we need 2 weeks, 5 weeks, or 6 months before we allow you to pass. Right now it is a 2 way street, we have to notify them we have to give them 96 hours. Tele-communications are the last line on the pole. We need this to be put in under the PSC, so we have recourse for the tele-communication companies saying we are not going to do anything for you.

Representative Haas: moved a **DO PASS** on HB 1364.

Representative Potter: **SECOND** the motion.

VOTE 13 YES 0 NO 1 ABSENT (Williams)

Motion carried.

Representative Tieman will carry the bill to the floor.

Meeting adjourned.

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Deanna Hall Smith
Operator's Signature

10/3/03
Date

Date: 1-30-03
Roll Call Vote #: 1364

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

House GOVERNMENT AND VETERANS AFFAIRS Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken D.P.

Motion Made By Rep. Haas Seconded By Rep. Potter

Representatives	Yes	No	Representatives	Yes	No
Chairman M.M. Klein	X		B. Amerman	X	
Vice Chairman B.B. Grande	X		L. Potter	X	
W.R. Devlin	X		C. Williams	A	
C.B. Haas	X		L. Winrich	X	
J. Kasper	X				
L.R. Klemin	X				
L. Meier	X				
M. Sitte	X				
W.W. Tieman	X				
R.H. Wikenheiser	X				

Total (Yes) 13 No 0

Absent 1 Rep. Williams

Floor Assignment Rep. Tieman

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

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10/3/03
Date

REPORT OF STANDING COMMITTEE (410)
January 30, 2003 11:36 a.m.

Module No: HR-18-1343
Carrier: Tleman
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1364: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)
recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
HB 1364 was placed on the Eleventh order on the calendar.

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10/3/03
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2003 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1364

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Deanne Hallmark
Operator's Signature

10/3/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1364

Senate Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date 03/14/03

Tape Number	Side A	Side B	Meter #
Tape 1	x		4800-end
Tape 2		x	0-3100
Committee Clerk Signature <i>[Signature]</i>			

Minutes:

Senator Karen Krebsbach, Chairman opens HB 1364. All senators present.

Representative Bernstein, sponsor of bill, goes through bill. This law was put into effect in 9147. We want to clear up this gray area.

Senator Brown: the city currently regulates cable and they have not be responsive to your needs?

Rep. Berstein: My son will respond to that but, that is correct.

Senator Wardner : What is the procedure then?

Rep. Bernstein: They come out and remove them or even cut them. They can raise or lower them also.

Senator Wardner: If you were moving a home that would all be part of the cost of the move?

Rep. Berstein: That is true, so the companies don't lose any money. They think it is an inconvenience.

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[Signature]
Operator's Signature

10/3/03
Date

Page 2
Senate Government and Veterans Affairs Committee
Bill/Resolution Number HB 1364
Hearing Date 03/14/03

Senator Krebsbach : The 1947 law applied to telephone and communication lines.

Rep. Bernstein: Correct, but does not contain anything regarding to cable lines.

Illona Jeffcoat-Sacco, Director, Public Utilities Division, PSC. (Testimony attached)

Senator Wardner : Unless there is a real dispute where the cable companies refuse to take down there lines, it wouldn't come to you?

Sacco: Not as of right now.

Tim Bernstein, Valley Movers, in support of HB 1364.

We have had more and more problems to work with the cable companies. Even to move a simple garage is difficult. It requires 14 signatures we have to get to move anything. we just want the cable companies to be included just as everyone else. We have a limited amount of time.

Senator Krebsbach : the others are complying because they are required and cable does not have to?

Bernstein: Yes.

Senator Wardner : You are just asking for a place to appeal this?

Bernstein: Yes

Senator Nelson : When in the country area do you have to get permission from every township you go through?

Bernstein: A lot has to do with the road we take. Whatever roads we are on we need permission.

Senator Krebsbach : What is Minnesota law?

Bernstein: It is covered in the same place as the phone company's are.

Scott Geston, General manager , Cable One, Fargo (Testimony attached) in opposition

Senator Wardner: I see this would be a place for both sides to appeal.

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10/3/03
Date

Page 3

Senate Government and Veterans Affairs Committee

Bill/Resolution Number HB 1364

Hearing Date 03/14/03

Geston: We are already heavily regulated by the FCC and the City of Fargo. I think this will be more of a local issue.

Senator Wardner : Is there an entity that either side can appeal now?

Geston: there are people that oversee the cable.

Senator Wardner : How does this work in Moorhead?

Geston: We have a separate franchise with the city of Moorhead.

Jack McDonald, ND Cable Television Association (Testimony attached)

It says in Bismarck the city Administrator handles final decision.

Senator Krebsbach : I have 3 wires overhead, I go to the Public Service Commission for 2 of these and have to go somewhere else for the other one.

McDonald: I don't think you have to go to the PSC, I think you go to the city.

Senator Dever : We are responsible for regulation statewide, what about rural areas.

McDonald: the cable doesn't really effect the rural agreements very often.

Closed HB 1364

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10/3/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1364

Senate Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date 03/20/03

Tape Number	Side A	Side B	Meter #
Tape 1		x	3100-3880
Committee Clerk Signature			

Minutes:

Discussion by committee regarding HB 1364. Senator Brown is absent.

Senator Wardner : I don't see the bill solving this problem.

Senator Nelson: The fiber optics are very hard to splice sometimes they need to speak with engineers and it takes a little bit of time.

Senator are going to speak with movers in their communities to see what opinion they have.

Closed HB 1364

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10/3/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1364

Senate Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date 03/27/03

Tape Number	Side A	Side B	Meter #
Tape 1	x		2400-3350
Committee Clerk Signature			

Minutes:

Senator Karen Krebsbach, Chairman reopens HB 1364. All senators present.

Senator Krebsbach spoke to people in her area and she finds there are problems with this there.

Senator Wardner thought the place to go appeal should be the City commission.

Senator Krebsbach thinks this is what they normally do but this is over and above what the city can not handle.

Senator Nelson has a problem with them just expecting to walk in and automatically getting a signature. She thinks they should put it in the PCS franchise agreement.

Senator Nelson moves for a Do Not Pass

Senator Brown 2nd

4 Yes 2 No

Carrier: Senator Wardner

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10/3/03
Date

Date: 3/07/03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1364

Senate Government and Veteran Affairs Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Nelson Seconded By Brown

Senators	Yes	No	Senators	Yes	No
Senator Karen Krebsbach, Chr.		✓	Senator April Fairfield	✓	
Senator Dick Dever, Vice Chr.		✓	Senator Carolyn Nelson	✓	
Senator Richard Brown	✓				
Senator Rich Wardner	✓				

Total (Yes) 4 No 2

Absent 0

Floor Assignment Wardner

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

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Deanna Hall 10/3/03
Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)
March 27, 2003 10:17 a.m.

Module No: SR-55-5892
Carrier: Wardner
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1364: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)
recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING).
HB 1364 was placed on the Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-55-5892

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2003 TESTIMONY

HB 1364

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10/3/03
Date

HB 1364

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

Before: House Government and Veterans Affairs Committee
Honorable Matthew M. Klein, Chairman

Date: 30 January 2003

TESTIMONY

Mr. Chairman and committee members, I am Illona Jeffcoat-Sacco, 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 1364.

The commission drafted this bill at the request of Representative Bernstein to clarify the language contained in 49-02-21. Although we believe we do likely have authority over pole attachments such as cable lines, we believe the change proposed will clear-up any confusion over whether we do.

The intent of the statute is to ensure that parties who need to cross pole attachments have someone to turn to if the owner of the lines is refusing to fairly negotiate such access. It only makes sense that this should apply to all attachments that could potentially block those who need to have the lines raised or lowered. This bill simply clarifies that.

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

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10/3/03
Date



Public Service Commission
State of North Dakota

COMMISSIONERS

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Anthony T. Clark

Executive Secretary
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MEMORANDUM

To: House Committee on Government and Veterans Affairs
Honorable Matthew M. Klein, Chairman

From: Illona Jeffcoat-Sacco
Director, Public Utilities Division *IAJ*

Re: HB 1364- Supplement to Testimony

Date: 30 January 2003

As requested during the hearing today on HB 1364, attached is a copy of N.D. Admin. Code 69-09-02-36 - Raising and lowering electric supply and communication lines. If you have any questions or need additional information please call me at 8-2407

Thank you.

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10/3/03
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69-09-02-36. Raising and lowering electric supply and communication lines.

1. If the circumstances necessitate the raising or lowering of electric supply or communication lines to permit the movement of buildings or other bulky objects, the person in charge of such movement shall give the official in charge of the lines preliminary advance notice thereof not less than ninety-six hours prior to the time of crossing, unless a shorter notice is mutually agreed upon. The preliminary advance notice shall include the following information:
 - a. The name and address of the owner, and mover, of the building or other object to be transported.
 - b. The location of the proposed crossings.
 - c. The height, when mounted, of the building or other object aboveground.

The person in charge of the movement of a building or other bulky object shall give the official in charge of electric supply or communication lines final advance notice not less than twenty-four hours prior to the time of crossing, and shall then specify the day and hour of arrival at the proposed crossings.

If, in the opinion of the official in charge of electric supply or communication lines, the proposed crossings will necessarily cause a serious interruption of services provided by the line, then the raising or lowering of the line shall be made at such time as to cause least inconvenience to the users thereof. The time of crossing, in that case, shall be fixed by the official in charge of the line after due consideration of all factors involved, including any requirements imposed by law upon the mover; but, except by mutual agreement, the time shall not be later than twenty-four hours after the time of crossing specified in the final advance notice. However, if, in the opinion of the official, any interruption of service provided by the line will materially affect public health, safety, or welfare, then the official in charge of the line may petition the commission for authority to refuse the request for crossing. The official in charge of electric supply or communication lines may require that all requests for crossing of lines under the official's supervision be in writing.

2. The person in charge of the movement of a building or other bulky object which will necessitate the raising or lowering of electric supply or communication lines shall ascertain, in advance, the ownership of all lines along the proposed route of travel, and shall give the official in charge of each line

due notice of proposed crossings as provided for in this section.

3. The official in charge of electric supply or communication lines may require that any person requesting the raising or lowering thereof to permit the movement of a building or other bulky object shall deposit, in advance, the estimated cost of raising or lowering and restoring the lines. The official shall promptly notify the person requesting the raising or lowering of lines that a deposit will be required. The deposit shall be made not less than twenty-four hours prior to the time of the proposed crossing, unless a lesser time is agreed upon. Any amount of the deposit in excess of the cost of raising or lowering and restoring the lines shall be refunded to the depositor. If the cost thereof exceeds the deposit, the person making the request shall promptly pay any amount in excess of the deposit.
4. After compliance with all requirements provided for in this section, the official in charge of the electric supply or communication lines shall proceed to raise or lower the lines to permit the movement of buildings or other bulky objects at the time agreed upon, or as specified in the final advance notice.
5. The person in charge of the movement of a building or other bulky object shall notify the official in charge of electric supply or communication lines in advance of the specified time of crossing of any probable delay in arriving at the proposed crossings. Likewise, the official in charge of the lines shall promptly notify the mover of any unavoidable delay in raising or lowering lines at the proposed crossings.
6. Any person required to pay for the raising or lowering and restoring of electric supply or communication lines shall, upon request, be furnished an itemized statement showing in detail all costs incurred.
7. If any charge is made for the raising or lowering and restoring of electric supply or communication lines, the official in charge of said lines shall make and keep, for a period of not less than one year, a record of all direct costs incurred each time the lines under the official's supervision are raised or lowered to permit the movement of a building or other bulky object. However, if the cost of raising or lowering and restoring a particular line exceeds fifty dollars, records shall be made and kept, for a period of not less than one year, showing the following additional information:
 - a. The original written request for crossings, if submitted in writing, and a notation of the day and hour received.

1/2002

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10/3/03
Date

- b. A memorandum of an oral request for crossing, noting thereon the day and hour received, and any other pertinent information.
 - c. The location of the crossing, or crossings.
 - d. The estimated cost of the crossings, if quoted; and the amount of deposit received, if any.
 - e. The day and hour the electric supply or communication lines were ready for crossing.
 - f. The day and hour the crossing was completed.
 - g. The number of wires involved, whether wires were raised or lowered to permit crossing, and any other pertinent information regarding work performed and time required to complete the job.
 - h. The vertical clearance in feet [meters] of lowest wire aboveground before wires were raised, if the owner or mover of the building or other object requests that information.
 - i. If an electric supply line, the normal voltage between wires, and whether line was deenergized.
 - j. Names of crew members assigned to job; hours worked by each crew member; method of transportation, indicating miles [kilometers] traveled or time required; and a list of materials used on the job.
- 8. The charges which may be assessed for the raising or lowering and restoring of electric supply or communication lines shall be the direct cost incurred.
 - 9. Any official in charge of electric supply or communication lines who fails, except for good cause, to have the lines raised or lowered to permit the movement of buildings or other bulky objects at the time specified, as provided for in this section, shall be deemed to have violated this chapter.

General Authority: NDCC 49-02-21
Law Implemented: NDCC 49-02-21

69-09-02-37. Electric master metering prohibited - Exception.

- 1. Applicability. This section is applicable to any new or substantially remodeled commercial or residential building containing more than one unit or any other multiple use facility in which the occupant of each unit has control over a portion of the electric energy used in the building or

HB 1364

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

Before: Senate Government and Veterans Affairs Committee
Honorable Karen K. Krebsbach, Chairman

Date: 13 March 2003

TESTIMONY

Madam Chairman and committee members, I am Illona Jeffcoat-Sacco, 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 1364.

The commission drafted this bill at the request of Representative Bernstein to clarify the language contained in 49-02-21. Although we believe we do likely have authority over pole attachments such as cable lines, we believe the change proposed will clear-up any confusion over whether we do.

The intent of the statute is to ensure that parties who need to cross pole attachments have someone to turn to if the owner of the lines is refusing to fairly negotiate such access. It only makes sense that this should apply to all attachments that could potentially block those who need to have the lines raised or lowered. This bill simply clarifies that.

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

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10/3/03
Date



1024 PAGE DRIVE
P.O. Box 10624
FARGO, ND 58106-0624
PH: 701-280-0033
FX: 701-280-0094
www.cableone.net

House Move Procedures Cable One

I'm here today to give you some information on how house moves are handled in our cable system. The process starts when the house mover approaches the city for a permit to move a house. Houses cannot be moved without a permit. The city gives the movers a paper that must be signed by all the utilities that documents that the house movers have reviewed the route that the house will take through the city with all the utilities.

All telephone companies, cable TV companies, electric utilities, and any other identified facility owner has a signature line on this sheet. Once signed, the utilities give the house movers an estimate of costs involved to raise or lower their plant. Almost all the utilities collect this estimate in full prior to the move. The move is scheduled and completed, and a corrected invoice is given to the house movers after the move is complete. If the move did not take as long as expected, a refund is given to the house movers. On the other had, if it takes longer, a separate invoice for the difference is given to the house movers. This completes the process. This process has worked well for as long as I can remember.

Cable One has taken great measures to ensure that our customers experience as few service disruptions as possible. In the cases where house moves require us to take our network down, we may suggest alternate routes that are less likely to disrupt our service, and pass along the cost to notify our customers in advance of a planned service disruption.

I think we have established a good reputation when it comes to cooperation with contractor's needs.

JEFF BERTON
GENERAL MANAGER

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10/3/03
Date

March 14, 2003

SENATE GOVERNMENT & VETERANS AFFAIRS COMMITTEE
HB 1364

SENATOR KREBSBACH AND COMMITTEE MEMBERS:

My name is Jack McDonald. I'm appearing here today on behalf of The North Dakota Cable Television Association. We oppose HB 1364 as an unnecessary and unwarranted additional government regulation for no real purpose.

We oppose this bill for two main reasons. First, cable television is already super-regulated, if you want to call it that, by its franchise agreements with local municipalities. No cable television station is allowed to operate in North Dakota unless it negotiates and is granted a franchise agreement with a local municipality.

These agreements, which often run to 40 to 50 pages, covers every conceivable detail of cable operations, including the placement, removal and raising and lowering of cable lines, both above and below ground. These agreements also require we pay a franchise fee to the city...often in the range of 5% of our total subscription income.

Now, in addition to the city regulation of our lines, we would face PSC regulation under this bill. It does not make sense to have the PSC regulate how Fargo regulates its cable lines.

Secondly, cable television has never been a regulated entity under the PSC. The FCC has stated that it is not a telecommunication service under current definitions of those terms. This bill puts cable television...even if it's in a seemingly small way...under PSC regulation for the first time. Thus, we would have our lines regulated by both the cities and the PSC, and could possibly face other regulation in the future.

We respectfully request a Do Not Pass on this bill.

If you have any questions, I will be happy to try to answer them. THANK YOU
FOR YOUR TIME AND CONSIDERATION.

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10/3/03
Date