

SENATE BILL NO. 2112

Introduced by

Industry, Business and Labor Committee

(At the request of the Public Service Commission)

1 A BILL for an Act to amend and reenact subsection 3 of section 49-03-02, subsection 11 of
2 section 49-05-04, subsection 2 of section 49-05-04.2, subsection 2 of section 49-05-04.3, and
3 subsection 1 of section 49-05-16 of the North Dakota Century Code, relating to fees for public
4 utility applications.

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

6 **SECTION 1. AMENDMENT.** Subsection 3 of section 49-03-02 of the North Dakota Century
7 Code is amended and reenacted as follows:

8 3. The commission may impose an application fee of up to one hundred ~~twenty-~~
9 ~~five~~seventy-five thousand dollars for an application under this chapter. With the
10 approval of the emergency commission, the commission may impose an additional
11 amount. The commission shall pay the expenses of processing an application under
12 this chapter from the application fee paid by the public utility in accordance with
13 section 49-02-02.

14 **SECTION 2. AMENDMENT.** Subsection 11 of section 49-05-04 of the North Dakota Century
15 Code is amended and reenacted as follows:

16 11. An application fee in the amount of one hundred ~~twenty-five~~seventy-five thousand
17 dollars. Upon request of the commission and with the approval of the emergency
18 commission, the applicant shall pay such additional fees as are reasonably necessary
19 for completion of the application process by the commission. The commission shall
20 pay the expenses of investigating a rate increase application under this section from
21 the application fee paid by the public utility in accordance with section 49-02-02. The
22 commission may waive or reduce the fee.

23 **SECTION 3. AMENDMENT.** Subsection 2 of section 49-05-04.2 of the North Dakota
24 Century Code is amended and reenacted as follows:

- 1 2. Rate adjustments filed under the tariff must be accompanied by:
- 2 a. A description and quantification of the costs and expenses incurred by the public
- 3 utility to meet federal environmental mandates which are subject to recovery;
- 4 b. A schedule for implementation of the applicable projects;
- 5 c. Calculations to establish that the rate adjustment is consistent with the terms of
- 6 the tariff; and
- 7 d. An application fee in the amount of ~~forty~~fiftyone hundred thousand dollars. Upon
- 8 request of the commission and with the approval of the emergency commission,
- 9 the applicant shall pay such additional fees as are reasonably necessary for
- 10 completion of the application process by the commission. The commission may
- 11 waive or reduce the fee.

12 **SECTION 4. AMENDMENT.** Subsection 2 of section 49-05-04.3 of the North Dakota

13 Century Code is amended and reenacted as follows:

- 14 2. Rate adjustments filed under the tariff must be accompanied by:
- 15 a. A description and quantification of the costs incurred by the public utility for new
- 16 or modified electric transmission facilities which are subject to recovery;
- 17 b. A schedule for implementation of the applicable transmission facility projects;
- 18 c. Calculations to establish that the rate adjustment is consistent with the terms of
- 19 the tariff; and
- 20 d. An application fee in the amount of ~~forty~~fiftyone hundred thousand dollars. Upon
- 21 request of the commission and with the approval of the emergency commission,
- 22 the applicant shall pay such additional fees as are reasonably necessary for
- 23 completion of the application process by the commission. The commission may
- 24 waive or reduce the fee.

25 **SECTION 5. AMENDMENT.** Subsection 1 of section 49-05-16 of the North Dakota Century

26 Code is amended and reenacted as follows:

- 27 1. The commission may issue an order approving the prudence of a resource addition if:
- 28 a. The public utility files with its application a projection of costs to the date of the
- 29 anticipated commercial operation of the resource addition;
- 30 b. The public utility files with its application a fee in the amount of one hundred
- 31 ~~twenty-five~~seventy-five thousand dollars. Upon request of the commission and

- 1 with the approval of the emergency commission, the applicant shall pay such
2 additional fees as are reasonably necessary for completion of the application
3 process by the commission. The commission may waive or reduce the fee.
- 4 c. The commission provides notice and holds a hearing, if appropriate, in
5 accordance with section 49-02-02; and
- 6 d. The commission determines that the resource addition is prudent. For facilities
7 located or to be located in this state the commission, in determining whether the
8 resource addition is prudent, shall consider the benefits of having the resource
9 addition located in this state.