

**HOUSE BILL NO. 1375**

Introduced by

Representatives Streyle, Brabandt

Senators Armstrong, Poolman

1 A BILL for an Act to amend and reenact section 49-21-01.3 of the North Dakota Century Code,  
2 relating to price increases for essential telecommunications services.

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

4 **SECTION 1. AMENDMENT.** Section 49-21-01.3 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **49-21-01.3. Certain price increases ~~prohibited~~ changes from surcharges - Essential**  
7 **telecommunications services.**

8 ~~Changes in essential telecommunications services prices are prohibited except as~~  
9 ~~specifically provided for in chapter 49-21 and section 49-02-01.1.~~

- 10 1. All increases or decreases in governmentally imposed surcharges and any financial  
11 impact on cost of essential telecommunications services caused by governmentally  
12 imposed changes in taxes, accounting practices, or separations procedures or  
13 resulting in relocation, change, or removal of facilities must be fully reflected in any  
14 price for those services within thirty days of the effective date of the surcharge or  
15 change, except price changes related to the costs of relocation, change, or removal of  
16 facilities are not subject to a thirty-day implementation requirement. This section does  
17 not prohibit the lowering of a price of an essential service based on reasonable  
18 business practices in a competitive environment provided that no price change may be  
19 anticompetitive or otherwise in violation of antitrust or unfair trade practice laws.
- 20 2. Whenever a price change provided for in this section is less than three percent of the  
21 existing price, notwithstanding any time limitations in this section, a  
22 telecommunications company may accumulate such changes in price subject to the  
23 following conditions:
- 24 a. Price increases may be accumulated up to a percentage total of five percent.

- 1           b. Price decreases may be accumulated only to the extent that there is an offsetting  
2           accumulated price increase of an equal or greater percentage. Accumulated price  
3           decreases may never exceed accumulated price increases.
- 4           c. Price decreases may be accumulated only for two years beginning January first  
5           of the year in which the change is allowed.
- 6           d. Accumulated price increases may be implemented at the discretion of the  
7           telecommunications company.
- 8           e. The effective date of implementation of an accumulated price change may be  
9           prospective only, and in accordance with the filing requirements of section  
10          49-21-04.
- 11         3. ~~The monthly price of residence service for telecommunications companies with over-~~  
12         ~~fifty thousand subscribers may be up to eighteen dollars.~~
- 13         4. ~~Subject to the limitations of this section, this~~This chapter does not prohibit an  
14         incumbent local exchange carrier from deaveraging local exchange service prices  
15         provided the incumbent local exchange carrier agrees to amend its  
16         commission-approved interconnection agreements to allow for deaveraged  
17         interconnection prices effective concurrently with the deaveraged retail prices.