

## House Bill 1169

**Presented by:** John M. Schuh  
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Public Service Commission

**Before:** House Industry, Business and Labor Committee  
The Honorable Mike Lefor, Chairman

**Date:** January 26, 2021

### TESTIMONY

Mister Chairman and committee members, I am John Schuh. The Commission asked me to provide some agency considerations and recommendations on HB 1169.

HB 1169 creates a new section under chapter 49-02 which allows an individual directly affected by competition with a state agency or institution to present a case to the Public Service Commission. Then, if determined to be in competition with private enterprise, the Commission will direct the state institution to terminate the activity. The Commission certainly agrees with the principle of this bill. However, there are some concerns in its application.

In its application, the Commission requests that a written decision not be limited to twenty days. The valuation of many of the services and products are not commonly evaluated by the Commission and the Commission may be limited by what is provided by the parties on record. This may result in a need, and resources for the Commission, to conduct an external investigation into cost of services to aid in its evaluation.

The Commission would also request that the committee consider having the Commission instead provide a written report or recommendation to legislative management instead of directing the agencies and elected officials to terminate the activity or change an enacted fee.

Mister Chairman, this concludes our testimony. I will be happy to answer any questions.