

**Public Service Commission  
Budget No. 408  
House Bill No. 1008**

	<b>FTE Positions</b>	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
2021-23 legislative appropriation	43.00	\$6,431,087 <sup>1</sup>	\$13,461,695 <sup>1</sup>	\$19,892,782
2019-21 legislative appropriation	<u>43.00</u>	<u>6,714,928</u>	<u>12,608,476<sup>2</sup></u>	<u>19,323,404</u>
2021-23 appropriation increase (decrease) to 2019-21 appropriation	0.00	(\$283,841)	\$853,219	\$569,378

<sup>1</sup>This amount includes one-time funding from the general fund (\$5,400) and from federal funds (\$114,600). Excluding this amount, the agency's ongoing general fund and other funds appropriation is \$6,425,687 and \$13,347,095 respectively.

<sup>2</sup>This amount includes one-time funding of \$436,000. Excluding this amount, the agency's ongoing other funds appropriation is \$12,172,476.

**Item Description**

**Public Service Commission self-funding** - The 2021 Legislative Assembly reduced funding from the general fund by \$625,000 and increased funding from other funds in the same amount and created a new section in North Dakota Century Code Chapter 49-01 to establish the Public Service Commission (PSC) program fund for the purpose of defraying the expenses of the commission. The new section requires fees, which were also created to fund activities of the commission by the 2021 Legislative Assembly, to be collected from weights and measures, public utility assessment, siting administrative fees, and for the investment of the fund to be deposited in the PSC program fund. The Office of Management and Budget is directed to transfer any balance in the fund in excess of \$1.1 million to the general fund at the end of each biennium. The 2021 Legislative Assembly provided an emergency clause to allow the commission to begin collecting fees.

**One-time funding** - The 2021 Legislative Assembly provided one-time funding of \$120,000, of which \$5,400 is from the general fund and \$114,600 is from federal funds, for the purchase of surveying equipment.

**Rail rate complaint case** - The 2021 Legislative Assembly provided for a transfer of \$900,000 from the Bank of North Dakota's beginning farmer revolving loan fund to the PSC to pay for costs associated with a rail rate complaint case. If any amount is spent, the commission is to reimburse the beginning farmer revolving loan fund using the amount from damages or proceeds, net of legal fees, received from a successful outcome of a rail rate complaint case.

**Specialized legal services** - The 2021 Legislative Assembly appropriated \$420,000 for specialized legal services, of which \$400,000 is from federal funds and \$20,000 is from the general fund.

**Status/Result**

As of April 2022, the PSC has collected \$283,463, of which \$14,468 was collected during the 2019-21 biennium. The commission identified that siting fees collected are less than anticipated and are unsure if siting activities will increase to estimated levels.

As of April 2022, the PSC had expended \$50,933 for purchasing a portion of the surveying equipment and is assessing which type of equipment would best meet the commission's needs for the remainder of the funds available.

As of April 2022, a rail rate complaint case has not been filed. The Public Service Commission believes readily accessible funding to pursue regulatory relief against the railroad industry has limited abusive rail industry practices.

As of April 2022, the PSC has not incurred any expenditures for specialized legal services.