

**HOUSE BILL NO. 1373**

Introduced by

Representative Streyle

Senator Armstrong

1 A BILL for an Act to amend and reenact section 49-21-01.3 of the North Dakota Century Code,  
2 relating to 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 changes from surcharges - Essential telecommunications**  
7 **services.**

- 8 1. ~~All increases or decreases in governmentally imposed surcharges and any financial~~  
9 ~~impact on cost of essential telecommunications services caused by governmentally~~  
10 ~~imposed changes in taxes, accounting practices, or separations procedures or~~  
11 ~~resulting in relocation, change, or removal of facilities must be fully reflected in any~~  
12 ~~price for those services within thirty days of the effective date of the surcharge or~~  
13 ~~change, except price changes related to the costs of relocation, change, or removal of~~  
14 ~~facilities are not subject to a thirty-day implementation requirement. This section does~~  
15 ~~not prohibit the lowering of a price of an essential service based on reasonable~~  
16 ~~business practices in a competitive environment provided that noexcept a price~~  
17 ~~change may not be anticompetitive or otherwise in violation of antitrust or unfair trade~~  
18 ~~practice laws.~~
- 19 2. Whenever a price change provided for in this section is less than three percent of the  
20 existing price, notwithstanding any time limitations in this section, a  
21 telecommunications company may accumulate such changes in price subject to the  
22 following conditions:
- 23 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. This chapter does not prohibit an incumbent local exchange carrier from deaveraging  
12          local exchange service prices provided the incumbent local exchange carrier agrees to  
13          amend its commission-approved interconnection agreements to allow for deaveraged  
14          interconnection prices effective concurrently with the deaveraged retail prices.