

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 no~~except 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.