

**Sixty-third Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 8, 2013**

SENATE BILL NO. 2112  
(Industry, Business and Labor Committee)  
(At the request of the Public Service Commission)

AN ACT to amend and reenact subsection 3 of section 49-03-02, subsection 11 of section 49-05-04, subsection 2 of section 49-05-04.2, subsection 2 of section 49-05-04.3, and subsection 1 of section 49-05-16 of the North Dakota Century Code, relating to fees for public utility applications.

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

**SECTION 1. AMENDMENT.** Subsection 3 of section 49-03-02 of the North Dakota Century Code is amended and reenacted as follows:

3. The commission may impose an application fee of up to one hundred ~~twenty-five~~seventy-five thousand dollars for an application under this chapter. With the approval of the emergency commission, the commission may impose an additional amount. The commission shall pay the expenses of processing an application under this chapter from the application fee paid by the public utility in accordance with section 49-02-02.

**SECTION 2. AMENDMENT.** Subsection 11 of section 49-05-04 of the North Dakota Century Code is amended and reenacted as follows:

11. An application fee in the amount of one hundred ~~twenty-five~~seventy-five thousand dollars. Upon request of the commission and with the approval of the emergency commission, the applicant shall pay such additional fees as are reasonably necessary for completion of the application process by the commission. The commission shall pay the expenses of investigating a rate increase application under this section from the application fee paid by the public utility in accordance with section 49-02-02. The commission may waive or reduce the fee.

**SECTION 3. AMENDMENT.** Subsection 2 of section 49-05-04.2 of the North Dakota Century Code is amended and reenacted as follows:

2. Rate adjustments filed under the tariff must be accompanied by:
  - a. A description and quantification of the costs and expenses incurred by the public utility to meet federal environmental mandates which are subject to recovery;
  - b. A schedule for implementation of the applicable projects;
  - c. Calculations to establish that the rate adjustment is consistent with the terms of the tariff; and
  - d. An application fee in the amount of ~~fifty~~one hundred thousand dollars. Upon request of the commission and with the approval of the emergency commission, the applicant shall pay such additional fees as are reasonably necessary for completion of the application process by the commission. The commission may waive or reduce the fee.

**SECTION 4. AMENDMENT.** Subsection 2 of section 49-05-04.3 of the North Dakota Century Code is amended and reenacted as follows:

2. Rate adjustments filed under the tariff must be accompanied by:

- a. A description and quantification of the costs incurred by the public utility for new or modified electric transmission facilities which are subject to recovery;
- b. A schedule for implementation of the applicable transmission facility projects;
- c. Calculations to establish that the rate adjustment is consistent with the terms of the tariff; and
- d. An application fee in the amount of ~~forty~~one hundred thousand dollars. Upon request of the commission and with the approval of the emergency commission, the applicant shall pay such additional fees as are reasonably necessary for completion of the application process by the commission. The commission may waive or reduce the fee.

**SECTION 5. AMENDMENT.** Subsection 1 of section 49-05-16 of the North Dakota Century Code is amended and reenacted as follows:

1. The commission may issue an order approving the prudence of a resource addition if:
  - a. The public utility files with its application a projection of costs to the date of the anticipated commercial operation of the resource addition;
  - b. The public utility files with its application a fee in the amount of one hundred ~~twenty-five~~seventy-five thousand dollars. Upon request of the commission and with the approval of the emergency commission, the applicant shall pay such additional fees as are reasonably necessary for completion of the application process by the commission. The commission may waive or reduce the fee.
  - c. The commission provides notice and holds a hearing, if appropriate, in accordance with section 49-02-02; and
  - d. The commission determines that the resource addition is prudent. For facilities located or to be located in this state the commission, in determining whether the resource addition is prudent, shall consider the benefits of having the resource addition located in this state.

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President of the Senate

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Speaker of the House

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Secretary of the Senate

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Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-third Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2112.

Senate Vote:    Yeas 46            Nays 0            Absent 1

House Vote:    Yeas 55            Nays 39           Absent 0

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Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2013.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2013.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2013,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

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Secretary of State