

**Senate Study Bill 3164 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
COMMERCE/UTILITIES DIVISION  
BILL)

**A BILL FOR**

1 An Act relating to matters under the purview of the utilities  
2 division of the department of commerce, providing fees, and  
3 making penalties applicable.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 474.1, subsection 2, Code 2018, is  
2 amended to read as follows:

3 2. a. ~~The utilities board shall organize by appointing~~  
4 ~~an executive secretary, who shall take the same oath as the~~  
5 ~~members. The board shall set the salary of the executive~~  
6 ~~secretary within the limits of the pay plan for exempt~~  
7 ~~positions provided for in section 8A.413, subsection 3, unless~~  
8 ~~otherwise provided by the general assembly. The board may~~  
9 ~~employ additional personnel as it finds necessary. Subject to~~  
10 ~~confirmation by the senate, the governor shall appoint a member~~  
11 ~~as the chairperson of the board. The chairperson shall be the~~  
12 ~~administrator of the utilities division. The appointment as~~  
13 ~~chairperson shall be for a two-year term which begins and ends~~  
14 ~~as provided in section 69.19.~~

15 b. The board shall appoint a chief operating officer to  
16 manage the operations of the utilities division as directed  
17 by the board. The board shall set the salary of the chief  
18 operating officer within the limits of the pay plan for exempt  
19 positions provided for in section 8A.413, subsection 3, unless  
20 otherwise provided by the general assembly. The board may  
21 employ additional personnel as it finds necessary.

22 Sec. 2. Section 474.2, Code 2018, is amended to read as  
23 follows:

24 **474.2 Certain persons barred from office.**

25 No person in the employ of any common carrier or other public  
26 utility, or owning any bonds, stock or property in any railroad  
27 ~~company or other~~ public utility shall be eligible to the office  
28 of utilities board member or ~~secretary~~ chief operating officer  
29 of the utilities board; and the entering into the employ of any  
30 common carrier or other public utility or the acquiring of any  
31 stock or other interest in any common carrier or other public  
32 utility by such member or ~~secretary~~ chief operating officer  
33 after appointment shall disqualify the member or ~~secretary~~  
34 chief operating officer to hold the office or perform the  
35 duties thereof.

1     Sec. 3. Section 474.8, Code 2018, is amended to read as  
2 follows:

3     **474.8 Office — time employed — expenses.**

4     The utilities board shall have an office at the seat  
5 of government and each member shall devote the member's  
6 whole time to the duties of the office, and the members and  
7 ~~secretary, chief operating officer,~~ and other employees shall  
8 receive their actual necessary traveling expenses while in  
9 the discharge of their official duties away from the general  
10 offices.

11    Sec. 4. Section 476.1B, subsection 3, Code 2018, is amended  
12 to read as follows:

13    3. Unless otherwise specifically provided by statute, a  
14 municipally owned utility providing local exchange services  
15 is not subject to regulation by the board under [this chapter](#)  
16 except for regulatory action pertaining to the enforcement of  
17 sections 476.11, ~~476.29~~, [476.95](#), [476.95A](#), [476.96](#), [476.100](#),  
18 476.101, and [476.102](#).

19    Sec. 5. Section 476.1D, subsection 10, paragraph b, Code  
20 2018, is amended to read as follows:

21    **b.** The board shall promptly notify the director of revenue  
22 that a long distance telephone company has been classified  
23 as a competitive long distance telephone company. Upon such  
24 notification by the board, the director of revenue shall assess  
25 the property of such competitive long distance telephone  
26 company, which property is first assessed for taxation in this  
27 state on or after January 1, 1996, in the same manner as all  
28 other property assessed as commercial property by the local  
29 assessor under [chapters 427, 427A, 427B, 428, and 441](#). As used  
30 in [this section](#), "*long distance telephone company*" means an  
31 entity that provides telephone service and facilities between  
32 local exchanges, but does not include a cellular service  
33 provider or a local exchange utility ~~holding a certificate~~  
34 ~~issued under [section 476.29, subsection 12](#)~~.

35    Sec. 6. Section 476.2, subsection 6, Code 2018, is amended

1 by striking the subsection.

2 Sec. 7. Section 476.6, subsection 21, Code 2018, is amended  
3 by striking the subsection.

4 Sec. 8. Section 476.10, subsection 1, paragraph a, Code  
5 2018, is amended to read as follows:

6 a. In order to carry out the duties imposed upon it by law,  
7 the board may, at its discretion, allocate and charge directly  
8 the expenses attributable to its duties to the person bringing  
9 a proceeding before the board, ~~or~~ or to persons participating in  
10 matters before the board, or to persons subject to inspection  
11 by the board. The board shall ascertain the certified expenses  
12 incurred and directly chargeable by the consumer advocate  
13 division of the department of justice in the performance of  
14 its duties. The board and the consumer advocate separately  
15 may decide not to charge expenses to persons who, without  
16 expanding the scope of the proceeding or matter, intervene in  
17 good faith in a board proceeding initiated by a person subject  
18 to the board's jurisdiction, the consumer advocate, or the  
19 board on its own motion. For assessments in any proceedings or  
20 matters before the board, the board and the consumer advocate  
21 separately may consider the financial resources of the person,  
22 the impact of assessment on participation by intervenors, the  
23 nature of the proceeding or matter, and the contribution of  
24 a person's participation to the public interest. The board  
25 may present a bill for expenses under [this subsection](#) to the  
26 person, either at the conclusion of a proceeding or matter,  
27 or from time to time during its progress. Presentation of a  
28 bill for expenses under [this subsection](#) constitutes notice of  
29 direct assessment and request for payment in accordance with  
30 this section.

31 Sec. 9. Section 476.11, unnumbered paragraph 2, Code 2018,  
32 is amended to read as follows:

33 The board may resolve complaints, upon notice and  
34 hearing, that a utility, ~~operating under [section 476.29](#),~~  
35 telecommunications provider has failed to provide just,

1 reasonable, and nondiscriminatory arrangements for  
2 interconnection of its telecommunications services with another  
3 telecommunications provider.

4 Sec. 10. Section 476.51, subsection 5, Code 2018, is amended  
5 to read as follows:

6 5. Civil penalties collected pursuant to [this section](#) from  
7 utilities providing water, electric, or gas service shall be  
8 forwarded by the ~~executive secretary~~ chief operating officer  
9 of the board to the treasurer of state to be credited to the  
10 general fund of the state and to be used only for the low  
11 income home energy assistance program and the weatherization  
12 assistance program administered by the division of community  
13 action agencies of the department of human rights. Civil  
14 penalties collected pursuant to [this section](#) from utilities  
15 providing telecommunications service shall be forwarded to  
16 the treasurer of state to be credited to the department of  
17 commerce revolving fund created in [section 546.12](#) to be used  
18 only for consumer education programs administered by the board.  
19 Penalties paid by a rate-regulated public utility pursuant to  
20 this section shall be excluded from the utility's costs when  
21 determining the utility's revenue requirement, and shall not be  
22 included either directly or indirectly in the utility's rates  
23 or charges to customers.

24 Sec. 11. Section 476.53, subsection 3, paragraph c,  
25 subparagraph (2), Code 2018, is amended to read as follows:

26 (2) The rate-regulated public utility has demonstrated to  
27 the board that the public utility has considered other sources  
28 for long-term electric supply and that the facility or lease is  
29 reasonable when compared to other feasible alternative sources  
30 of supply. ~~The rate-regulated public utility may satisfy the~~  
31 ~~requirements of this subparagraph through a competitive bidding~~  
32 ~~process, under rules adopted by the board, that demonstrate~~  
33 ~~the facility or lease is a reasonable alternative to meet its~~  
34 ~~electric supply needs.~~

35 Sec. 12. Section 476.72, subsection 4, Code 2018, is amended

1 to read as follows:

2 4. "*Public utility*" means a ~~gas or electric~~ rate-regulated  
3 public utility providing electric, gas, water, sanitary sewage,  
4 or storm water drainage service, or any combination thereof.

5 Sec. 13. NEW SECTION. 476.95A Annual registration for  
6 telecommunications service providers.

7 1. A telecommunications service provider offering  
8 communications service telephone numbers to retail customers in  
9 this state shall register annually with the board.

10 2. An applicant shall complete an application for  
11 registration on a form provided by the board. The form shall  
12 include contact information, the approximate number of service  
13 lines provided in the state, and any other information deemed  
14 necessary by the board.

15 3. The board may charge an annual registration fee at  
16 the time the application for registration form is filed with  
17 the board, and on or before the anniversary date of the  
18 effective date of registration for each subsequent year.  
19 The registration fee shall be established at a rate deemed  
20 reasonably necessary by the board to support the administration  
21 of this section. If an applicant or a registrant fails  
22 to pay an annual registration fee, the application for  
23 registration or registration lapses and becomes ineffective.  
24 Notwithstanding this subsection, the board may continue to  
25 assess telecommunications services providers for costs and  
26 expenses pursuant to section 476.10.

27 4. Within five business days of the receipt of a completed  
28 application for registration, the board shall issue a  
29 nonexclusive acknowledgment of compliance with this section.  
30 The acknowledgment shall authorize the registrant to obtain  
31 telephone numbers, interconnect with other telecommunications  
32 services providers, cross railroad rights-of-way pursuant to  
33 section 476.27, and provide telecommunications services in this  
34 state. An acknowledgment may be transferred by filing a new  
35 or updated registration form.

1 5. A registrant shall submit to the board corrections  
2 to the information supplied in the registration form  
3 within a reasonable time after a change in circumstances,  
4 which circumstances would be required to be reported in an  
5 application for registration form.

6 6. Failure to file and maintain an annual registration  
7 pursuant to this section is a violation of this chapter and  
8 shall subject a telecommunications services provider to a civil  
9 penalty pursuant to section 476.51.

10 Sec. 14. Section 476.101, subsections 1, 4, and 7, Code  
11 2018, are amended to read as follows:

12 1. A certificate of public convenience and necessity to  
13 provide local telephone service shall not be interpreted as  
14 conveying a monopoly, exclusive privilege, or franchise. A  
15 competitive local exchange service provider shall not be  
16 subject to the requirements of [this chapter](#), except that a  
17 competitive local exchange service provider shall ~~obtain a~~  
18 ~~certificate of public convenience and necessity pursuant to~~  
19 ~~section 476.29~~ register annually with the board pursuant to  
20 section 476.95A, notify affected customers prior to any rate  
21 increase, file reports, information, and pay assessments  
22 pursuant to [section 476.2](#), [subsection 4](#), and [sections 476.9](#),  
23 [476.10](#), [476.16](#), [476.102](#), and [477C.7](#), and shall be subject to  
24 the board's authority with respect to adequacy of service,  
25 interconnection, discontinuation of service, civil penalties,  
26 and complaints. If, after notice and opportunity for hearing,  
27 the board determines that a competitive local exchange service  
28 provider possesses market power in its local exchange market  
29 or markets, the board may apply such other provisions of this  
30 chapter to a competitive local exchange service provider as it  
31 deems appropriate.

32 4. Except as provided under ~~section 476.29, subsection 2,~~  
33 ~~and in~~ [this section](#), the board shall not impose or allow a  
34 local exchange carrier to impose restrictions on the resale  
35 of local exchange services, functions, or capabilities. The

1 board may prohibit residential service from being resold as a  
2 different class of service.

3 7. In a proceeding associated with ~~the granting of~~  
4 ~~a certificate under [section 476.29](#)~~, approving maps for  
5 competitive local exchange providers provided for in this  
6 section, or in resolving a complaint filed pursuant to  
7 subsection 5 and proceedings under 47 U.S.C. §251 - 254,  
8 the board shall allocate the costs and expenses of the  
9 proceedings to persons identified as parties in the proceeding  
10 who are engaged in or who seek to engage in providing  
11 telecommunications services or other persons identified as  
12 participants in the proceeding. The funds received for the  
13 costs and the expenses shall be remitted to the treasurer of  
14 state for deposit in the department of commerce revolving fund  
15 created in [section 546.12](#) as provided in [section 476.10](#).

16 Sec. 15. Section 476.103, subsection 4, paragraph c, Code  
17 2018, is amended to read as follows:

18 c. A civil penalty collected pursuant to [this subsection](#)  
19 shall be forwarded by the ~~executive secretary~~ chief operating  
20 officer of the board to the treasurer of state to be credited  
21 to the department of commerce revolving fund created in section  
22 546.12 and to be used only for consumer education programs  
23 administered by the board.

24 Sec. 16. Section 477A.3, subsection 1, paragraph f, Code  
25 2018, is amended to read as follows:

26 f. Documentation that the applicant possesses sufficient  
27 managerial, technical, and financial capability to provide  
28 the cable service or video service proposed in the service  
29 area. ~~An applicant or its subsidiary which has been issued~~  
30 ~~a certificate of public convenience and necessity to provide~~  
31 ~~telephone service pursuant to [section 476.29](#) shall be exempt~~  
32 ~~from the provisions of this paragraph.~~

33 Sec. 17. Section 477C.7, Code 2018, is amended to read as  
34 follows:

35 **477C.7 Funding.**



1 1. The board shall impose an annual assessment to fund the  
2 programs described in [this chapter](#) upon all telecommunications  
3 carriers providing service in the state, including but not  
4 limited to wireless, wireline, and alternative operator  
5 service providers, at a rate of three cents per month for each  
6 communications service telephone number provided in this state.

7 ~~2. The total assessment shall be allocated as follows:~~

8 ~~a. Wireless communications service providers shall be~~  
9 ~~assessed three cents per month for each wireless communications~~  
10 ~~service number provided in this state.~~

11 ~~b. (1) The remainder of the assessment shall be allocated~~  
12 ~~one-half to local exchange telephone utilities and one-half to~~  
13 ~~the following:~~

14 ~~(a) Interexchange carriers.~~

15 ~~(b) Centralized equal access providers.~~

16 ~~(c) Alternative operator services companies.~~

17 ~~(2) The assessment shall be allocated proportionally based~~  
18 ~~upon revenues from all intrastate regulated, deregulated, and~~  
19 ~~exempt telephone services under [sections 476.1](#) and [476.1D](#).~~

20 ~~3. 2.~~ The telecommunications carriers shall remit the  
21 assessed amounts quarterly to a special fund, as defined  
22 under [section 8.2, subsection 9](#). The moneys in the fund are  
23 appropriated solely to plan, establish, administer, and promote  
24 the relay service and equipment distribution programs.

25 ~~4. 3.~~ The telecommunications carriers subject to  
26 assessment shall provide the information requested by the board  
27 necessary for implementation of the assessment.

28 ~~5. The local exchange telephone utilities shall not recover~~  
29 ~~from intrastate access charges any portion of such utilities~~  
30 ~~assessment imposed under [this section](#).~~

31 Sec. 18. Section 478.29, subsection 1, Code 2018, is amended  
32 to read as follows:

33 1. A person who violates a provision of [this chapter](#) is  
34 subject to a civil penalty, which may be levied by the board,  
35 of not more than one hundred dollars per violation or one

1 thousand dollars per day of a continuing violation, whichever  
2 is greater. Civil penalties collected pursuant to this  
3 section shall be forwarded by the ~~executive secretary~~ chief  
4 operating officer of the board to the treasurer of state to be  
5 credited to the general fund of the state and appropriated to  
6 the division of community action agencies of the department  
7 of human rights for purposes of the low income home energy  
8 assistance program and the weatherization assistance program.

9 Sec. 19. Section 479.14, Code 2018, is amended to read as  
10 follows:

11 **479.14 Inspection fee.**

12 ~~A pipeline company shall pay an annual inspection fee of~~  
13 ~~fifty cents per mile of pipeline or fraction thereof for~~  
14 ~~each inch of diameter of the pipeline located in the state,~~  
15 ~~the inspection fee to be paid to the board for the calendar~~  
16 ~~year in advance between January 1 and February 1 of each year~~  
17 The board may, in accordance with section 476.10, charge a  
18 pipeline company with an annual inspection fee that is directly  
19 attributable to the costs of conducting annual inspections  
20 pursuant to this chapter.

21 Sec. 20. Section 479.31, subsection 1, Code 2018, is amended  
22 to read as follows:

23 1. A person who violates **this chapter** or any rule or order  
24 issued pursuant to **this chapter** shall be subject to a civil  
25 penalty levied by the board not to exceed one hundred thousand  
26 dollars for each violation. Each day that the violation  
27 continues shall constitute a separate offense. However, the  
28 maximum civil penalty shall not exceed one million dollars for  
29 any related series of violations. Civil penalties collected  
30 pursuant to **this section** shall be forwarded by the ~~executive~~  
31 ~~secretary~~ chief operating officer of the board to the treasurer  
32 of state to be credited to the general fund of the state and  
33 appropriated to the division of community action agencies  
34 of the department of human rights for purposes of the low  
35 income home energy assistance program and the weatherization

1 assistance program.

2 Sec. 21. Section 479.46, subsection 6, Code 2018, is amended  
3 to read as follows:

4 6. The pipeline company shall pay all costs of the  
5 assessment made by the commissioners and reasonable attorney  
6 fees and costs incurred by the landowner as determined by the  
7 commissioners if the award of the commissioners exceeds one  
8 hundred ten percent of the final offer of the pipeline company  
9 prior to the determination of damages; ~~if the award does not~~  
10 ~~exceed one hundred ten percent, the landowners shall pay the~~  
11 ~~fees and costs incurred by the pipeline company.~~ The pipeline  
12 company shall file with the sheriff an affidavit setting forth  
13 the most recent offer made to the landowner. Commissioners  
14 shall receive a per diem of fifty dollars and actual and  
15 necessary expenses incurred in the performance of their  
16 official duties. The pipeline company shall also pay all costs  
17 occasioned by the appeal, including reasonable attorney fees  
18 to be taxed by the court, unless on the trial of the appeal the  
19 same or a lesser amount of damages is awarded than was allowed  
20 by the commission from which the appeal was taken.

21 Sec. 22. Section 479B.4, unnumbered paragraph 5, Code 2018,  
22 is amended to read as follows:

23 The notice shall set forth the following: the name of the  
24 applicant, the applicant's principal place of business, the  
25 general description and purpose of the proposed project, the  
26 general nature of the right-of-way desired, a map showing the  
27 route or location of the proposed project, that the landowner  
28 has a right to be present at the meeting and to file objections  
29 with the board, and a designation of the time and place of the  
30 meeting. The notice shall be ~~sent by restricted certified~~  
31 ~~mail and shall be published once in a newspaper of general~~  
32 ~~circulation in the county not less than thirty days before~~  
33 ~~the date set for the meeting~~ served by certified mail with  
34 return receipt requested not less than thirty days previous  
35 to the time set for the meeting, and shall be published once

1 in a newspaper of general circulation in the county. The  
2 publication shall be considered notice to landowners whose  
3 residence is not known and to each person in possession of or  
4 residing on the property provided a good faith effort to notify  
5 can be demonstrated by the pipeline company.

6 Sec. 23. Section 479B.21, subsection 1, Code 2018, is  
7 amended to read as follows:

8 1. A person who violates this chapter or any rule or  
9 order issued pursuant to this chapter shall be subject to a  
10 civil penalty levied by the board in an amount not to exceed  
11 one thousand dollars for each violation. Each day that the  
12 violation continues shall constitute a separate offense.  
13 However, the maximum civil penalty shall not exceed two hundred  
14 thousand dollars for any related series of violations. Civil  
15 penalties collected pursuant to this section shall be forwarded  
16 by the ~~executive secretary~~ chief operating officer of the board  
17 to the treasurer of state to be credited to the general fund  
18 of the state and appropriated to the division of community  
19 action agencies of the department of human rights for purposes  
20 of the low income home energy assistance program and the  
21 weatherization assistance program.

22 Sec. 24. Section 479B.30, subsection 6, Code 2018, is  
23 amended to read as follows:

24 6. The pipeline company shall pay all costs of the  
25 assessment made by the commissioners and reasonable attorney  
26 fees and costs incurred by the landowner as determined by the  
27 commissioners if the award of the commissioners exceeds one  
28 hundred ten percent of the final offer of the pipeline company  
29 prior to the determination of damages; ~~if the award does not~~  
30 ~~exceed one hundred ten percent, the landowners shall pay the~~  
31 ~~fees and costs incurred by the pipeline company.~~ The pipeline  
32 company shall file with the sheriff an affidavit setting forth  
33 the most recent offer made to the landowner. Commissioners  
34 shall receive a per diem of fifty dollars and actual and  
35 necessary expenses incurred in the performance of their

1 official duties. The pipeline company shall also pay all costs  
2 occasioned by the appeal, including reasonable attorney fees  
3 to be taxed by the court, unless on the trial of the appeal the  
4 same or a lesser amount of damages is awarded than was allowed  
5 by the commission from which the appeal was taken.

6 Sec. 25. Section 714H.4, subsection 1, paragraph d, Code  
7 2018, is amended to read as follows:

8 *d.* The provision of local exchange carrier telephone service  
9 ~~pursuant to a certificate issued under section 476.29.~~

10 EXPLANATION

11 The inclusion of this explanation does not constitute agreement with  
12 the explanation's substance by the members of the general assembly.

13 This bill modifies various provisions relating to the  
14 utilities division of the department of commerce.

15 Current law requires the Iowa utilities board to appoint an  
16 executive secretary, whose salary is set by the board and who  
17 takes the same oath as board members. The bill requires the  
18 board to appoint a chief operating officer (COO) instead of  
19 an executive secretary. The bill specifies that the role of  
20 the COO is to manage the operations of the utilities division  
21 as directed by the board. The bill provides that the board  
22 shall set the salary of the COO within the limits of the  
23 law and authorizes the board to employ additional personnel  
24 as necessary. The bill replaces references to "executive  
25 secretary" with "COO" in the Code.

26 Current law disqualifies a person owning any bonds, stock,  
27 or property in any railroad company from holding office in the  
28 utilities board. The bill removes this disqualification.

29 The bill removes or replaces references in the Code to  
30 repealed Code section 476.29, which required telecommunications  
31 service providers to obtain certification from the board.

32 The bill removes the requirement for the board to provide  
33 the general assembly with a report on certain energy efficiency  
34 planning efforts to be completed by January 1, 1998.

35 The bill strikes Code section 476.6(21), which provides

1 cost recovery for certain rate-regulated public utilities for  
2 undertaking analyses of and preparations for the possible  
3 construction of nuclear generating facilities in the state.

4 Current law allows the board to allocate and charge expenses  
5 attributable to its duties to a person bringing a proceeding  
6 before the board or participating in matters before the board.  
7 The bill allows the board to also allocate and charge expenses  
8 attributable to its duties to a person subject to inspection  
9 by the board.

10 Current law requires the board to specify certain ratemaking  
11 principles that will apply to certain electric generating and  
12 transmission facilities. In doing so the board must find  
13 that a public utility has demonstrated to the board, through  
14 a competitive bidding process under rules adopted by the  
15 board, that its facility or lease is reasonable. The bill  
16 removes the requirement that a public utility demonstrate the  
17 reasonableness of its facility or lease through a competitive  
18 bidding process under rules adopted by the board.

19 The bill expands the definition of "public utility" in Code  
20 section 476.72, which is applicable to certain provisions  
21 relating to public utility affiliates and reorganization, to  
22 also include rate-regulated public utilities providing water,  
23 sanitary sewage, or storm water drainage services.

24 The bill requires telecommunications services providers  
25 offering communications service telephone numbers to retail  
26 customers in the state to register annually with the board.  
27 An applicant must complete an application for registration  
28 on a form provided by the board, which shall include contact  
29 information, the approximate number of service lines provided  
30 in the state, and any other information deemed necessary  
31 by the board. The board may charge an annual registration  
32 fee at a rate deemed reasonably necessary by the board.  
33 If a person fails to pay an annual registration fee, the  
34 application or registration lapses and becomes ineffective.  
35 Notwithstanding the annual registration requirements, the

1 board may continue to assess telecommunications services  
2 providers pursuant to Code section 476.10. The board must  
3 issue a nonexclusive acknowledgment of compliance within  
4 five business days of the receipt of a completed application  
5 of registration. Such acknowledgment shall authorize the  
6 registrant to obtain telephone numbers, interconnect with other  
7 telecommunications providers, cross railroad rights-of-way,  
8 and provide telecommunications services in the state. An  
9 acknowledgment is transferrable by filing a new or updated  
10 registration board. A registrant shall submit corrections to  
11 the registration form within a reasonable time after a change  
12 in circumstances if such information would be required to be  
13 reported in an application. Failure to file and maintain an  
14 annual registration subjects a telecommunications services  
15 provider to a civil penalty under Code section 476.51.

16 Current law requires the board to impose an annual  
17 assessment upon all telecommunications carriers in the state  
18 to fund dual party relay service programs, with the assessment  
19 rate depending on the type of telecommunications carrier. The  
20 bill applies the same assessment rate to all telecommunications  
21 carriers providing service in the state, including but not  
22 limited to wireless, wireline, and alternative operator service  
23 providers, at a rate of three cents for each communications  
24 service telephone number provided in the state.

25 Current law requires pipeline companies doing business in  
26 the state to pay the board an annual inspection fee of 50  
27 cents for each mile of pipeline located in the state. The  
28 bill removes this set fee and instead allows the board to  
29 charge pipeline companies with annual inspection fees that are  
30 directly attributable to the costs of conducting inspections.

31 Current law allows a landowner to petition the county  
32 board of supervisors to appoint a compensation commission to  
33 determine damages arising from the construction of certain  
34 pipelines if the landowner and pipeline company are unable to  
35 agree on damages. If the compensation commission's assessment

1 of damages exceeds 110 percent of the pipeline company's final  
2 offer prior to the assessment, the pipeline company must pay  
3 all costs of the assessment, including costs incurred by the  
4 landowner; if the assessment does not exceed 110 percent of  
5 the pipeline company's final offer prior to the assessment,  
6 the landowner must pay the costs incurred by the pipeline  
7 company. The bill removes provisions requiring a landowner to  
8 pay the costs incurred by a pipeline company if a compensation  
9 commission's assessment of damages does not exceed 110 percent  
10 of the pipeline company's final offer prior to such assessment.