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Commission

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The Alaska Public Service Commission (APSC) existed from 1960 until 1970. In 1970, the Alaska Legislature established the Alaska Public Utilities Commission (APUC) to replace the APSC. The Alaska Pipeline Commission (APC) was established in 1972, but the first Commissioners were not appointed until 1974. The APC regulated intrastate pipelines until 1981, at which time the APC was merged into and replaced by the APUC.

The Alaska Legislature replaced the APUC with the Regulatory Commission of Alaska (RCA) in 1999, giving it broad authority to regulate utilities and pipeline carriers throughout the State. The Commission monitors active certificates for public utilities and pipelines; these certificates cover a broad range of activities, from provisional certificates for small village water and wastewater systems to fully regulated telecommunications, electric, and natural gas monopolies.

All available significant decisions of the RCA and its predecessor agencies dating from 1964 are on this site.

AUTHORITY

Alaska Statutes 42.04 - 42.06 and other statutes authorize the Commission to regulate public utilities by certifying qualified providers of public utility and pipeline services and to ensure that they provide safe and adequate services and facilities at just and reasonable rates, terms, and conditions. This keeps rates as low as possible while allowing the regulated entities an opportunity (but not a guarantee) to earn a fair return. The Commission also determines the per kilowatt-hour support for eligible customers of electric utilities under the Power Cost Equalization program (AS 42.45).

STRUCTURE

Five full-time Commissioners are appointed by the Governor and confirmed by the Legislature for six-year terms. Each year, the Commission elects a Chairman for a one-year term. Upon election, the Chairman assumes responsibility for administrative functions of the Commission, becomes the policy spokesperson, assigns dockets, and coordinates public meeting activities, in addition to shouldering regular commissioner docket work. The Chairman is ultimately responsible for the timeliness of the Commission's adjudication process, meeting statutory timelines, and serving as the Commission's liaison to the Legislative and the Executive branches of state government.

The **Commission's staff** includes Administrative Law Judges, engineers, financial analysts, telecommunications specialists, tariff analysts, consumer protection officers, paralegals, administrative and support staff.

PROCESS

As a regulatory decision making body, the Commission exercises a delegated legislative power. Each regulatory decision is reached quasi-judicially - that is to say, the decision must be based on evidence of record gathered in docketed proceedings. All dockets are closely scheduled, but the due process rights of parties, carefully observed by the Commission, mainly govern their timing. In the course of a hearing, parties participating may include the subject public utility and **Regulatory Affairs Public Advocacy section of the Attorney General's Office**.

In cases where millions of dollars may be at stake, or important issues of regulatory policy arise, a number of intervenors, representing interests as diverse as low-income customers and large industrial customers, may also participate. They too may employ expert witnesses and attorneys. Intervenors often seek involvement because regulatory decisions distribute outcomes as gains or losses to particular parties. Cases raise issues of law, economics, accounting, finance and engineering that can establish legal precedent for future cases.

Parties present sworn testimony and evidence of expert witnesses on matters at issue. Witnesses may be cross-examined by the attorneys representing each party. Reaching decisions, which consider the often competing interests of concerned

parties, in pursuit of outcomes which protect and promote the overall public interest, is one way to view the Commission's role. Each decision, which can be appealed to state or federal court, must be supported by the evidentiary record and applicable laws and regulations.

WHEN DO WE NEED THE REGULATORY COMMISSION OF ALASKA?

In most cases, when utilities request changes in either their rates or types of services they provide, the Commission provides [notice to the public and allows thirty days for comments](#). The Commission then acts to approve or disapprove the utility's proposal. Public notices appear as advertisements in the local newspaper or are otherwise distributed or published as our statutes or regulations require. Some notices are also provided directly by the utilities in the form of flyers mailed with utility bills.

WHOM DOES THE REGULATORY COMMISSION OF ALASKA REGULATE?

Most entities providing telecommunications, electric, natural gas, water, sewer, garbage, or steam services to ten or more customers are required to have a certificate to operate. A public utility or pipeline carrier must obtain a certificate of public convenience and necessity, which describes the authorized service area and scope of operations of the utility. A certificate may be issued when the Commission finds the applicant to be fit, willing, and able to provide the service.

The Commission regulates the rates, services, and practices of utilities that meet the criteria for a certificate of public convenience and necessity to provide service to the public for compensation. However, there are utilities that are not economically regulated; these include local, government-owned utilities, very small utilities, most cable television providers, cellular phone service, and cooperatives whose members have voted to become deregulated. The Commission also regulates oil and gas pipeline carriers that operate within Alaska.

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