

SENATE BILL NO. 2010

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SPECIAL SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 5/17/02

Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act setting timelines for issuance of final orders by the Regulatory Commission of**
2 **Alaska, amending the authority of the commission to enter compromise settlement**
3 **orders, and extending the commission's termination date to June 30, 2006; and**
4 **providing for an effective date."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * **Section 1.** AS 42.05 is amended by adding a new section to read:

7 **Sec. 42.05.175. Timelines for issuance of final orders.** (a) The commission
8 shall issue a final order not later than six months after a complete application is filed
9 for an application

- 10 (1) for a certificate of public convenience and necessity;
- 11 (2) to amend a certificate of public convenience and necessity;
- 12 (3) to transfer a certificate of public convenience and necessity; and
- 13 (4) to acquire a controlling interest in a certificated public utility.

14 (b) Notwithstanding a suspension ordered under AS 42.05.421, the

1 commission shall issue a final order not later than nine months after a complete tariff
2 filing is made for a tariff filing that does not change the utility's revenue requirement
3 or rate design.

4 (c) Notwithstanding a suspension ordered under AS 42.05.421, the
5 commission shall issue a final order not later than 15 months after a complete tariff
6 filing is made for a tariff filing that changes the utility's revenue requirement or rate
7 design.

8 (d) The commission shall issue a final order not later than 12 months after a
9 complete formal complaint is filed against a utility or, when the commission initiates a
10 formal investigation of a utility without the filing of a complete formal complaint, not
11 later than 12 months after the order initiating the formal investigation is issued.

12 (e) The commission shall issue a final order in a rule making proceeding not
13 later than 24 months after a complete petition for adoption, amendment, or repeal of a
14 regulation under AS 44.62.180 - 44.62.290 is filed or, when the commission initiates a
15 rule making docket, not later than 24 months after the order initiating the proceeding is
16 issued.

17 (f) The commission may extend a timeline required under (a) - (e) of this
18 section if all parties of record consent to the extension or if, before the timeline
19 expires, the commission

20 (1) reasonably finds that good cause exists to extend the timeline; and

21 (2) issues a written order extending the timeline and setting out its
22 findings regarding good cause.

23 (g) The commission shall file quarterly reports with the Legislative Budget
24 and Audit Committee identifying all extensions ordered under (f)(2) of this section
25 during the previous quarter, and including copies of the written orders issued under
26 (f)(2) of this section.

27 (h) If the commission does not issue and serve a final order regarding an
28 application or suspended tariff under section (a), (b), or (c) of this section within the
29 applicable timeline specified, and if the commission does not extend the timeline in
30 accordance with (f) of this section, the application or suspended tariff filing shall be
31 considered approved and shall go into effect immediately.

1 (i) For purposes of this section, "final order" means a dispositive
 2 administrative order that resolves all matters at issue and that may be the basis for a
 3 petition for reconsideration or request for judicial review.

4 (j) For purposes of this section, an application, tariff filing, formal complaint,
 5 or petition is complete if it complies with the filing, format, and content requirements
 6 established by statute, regulation, and forms adopted by the commission under
 7 regulation.

8 * **Sec. 2.** AS 42.05.191 is amended to read:

9 **Sec. 42.05.191. Contents and service of orders.** Every formal order of the
 10 commission shall be based upon the facts of record. **However, the commission may**
 11 **issue an order approving any settlement supported by all the parties of record in**
 12 **a proceeding, including a compromise settlement, if the settlement is consistent**
 13 **with AS 42.05 and AS 42.06.** Every order entered pursuant to a hearing must state
 14 the commission's findings, the basis of its findings and conclusions, together with its
 15 decision. These orders shall be entered of record and a copy of them shall be served
 16 on all parties of record in the proceeding.

17 * **Sec. 3.** AS 44.66.010(a)(4) is amended to read:

18 (4) Regulatory Commission of Alaska (AS 42.04.010) -- June 30, **2006**
 19 [2002];

20 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
 21 read:

22 **PRIOR DOCKETS.** The provisions of AS 42.05.175, added by sec. 1 of this Act do
 23 not apply to dockets of the Regulatory Commission of Alaska that are initiated before July 1,
 24 2002.

25 * **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).