

CS FOR HOUSE BILL NO. 209(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 5/3/07

Referred: Finance

Sponsor(s): HOUSE LABOR AND COMMERCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the chair of the Regulatory Commission of Alaska and amending the**
2 **timeline requirements for a final order of the commission; and providing for an effective**
3 **date."**

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

5 *** Section 1.** AS 42.04.010(b) is amended to read:

6 (b) The **governor shall designate one member of the** commission [SHALL
7 ANNUALLY ELECT ONE OF ITS MEMBERS] to serve as chair [FOR THE
8 FOLLOWING FISCAL YEAR]. When a vacancy occurs in the office of chair, **the**
9 **governor shall designate one of the members of** the commission [SHALL ELECT
10 ONE OF ITS MEMBERS] to serve the remaining term as chair. The term as chair is
11 **three years, and a member may only serve one term as chair. However, if a**
12 **person fills a vacancy of a term as chair, the person may be appointed to a**
13 **subsequent full term** [ONE YEAR. THE CHAIR MAY BE ELECTED TO NOT
14 MORE THAN THREE SUCCESSIVE TERMS AS CHAIR. AFTER A YEAR OF

1 NOT SERVING AS CHAIR, THE COMMISSIONER IS ELIGIBLE FOR
2 ELECTION AS CHAIR AGAIN].

3 * **Sec. 2.** AS 42.05.175(a) is amended to read:

4 (a) The commission shall issue a final order not later than **180 days** [SIX
5 MONTHS] after a complete application is filed for an application

6 (1) for a certificate of public convenience and necessity;

7 (2) to amend a certificate of public convenience and necessity;

8 (3) to transfer a certificate of public convenience and necessity; and

9 (4) to acquire a controlling interest in a certificated public utility.

10 * **Sec. 3.** AS 42.05.175(b) is amended to read:

11 (b) Notwithstanding a suspension ordered under AS 42.05.421, the
12 commission shall issue a final order not later than **270 days** [NINE MONTHS] after a
13 complete tariff filing is made for a tariff filing that does not change the utility's
14 revenue requirement or rate design.

15 * **Sec. 4.** AS 42.05.175(c) is amended to read:

16 (c) Notwithstanding a suspension ordered under AS 42.05.421, the
17 commission shall issue a final order not later than **270 days** [15 MONTHS] after a
18 complete tariff filing is made for a tariff filing that changes the utility's revenue
19 requirement or rate design.

20 * **Sec. 5.** AS 42.05.175(d) is amended to read:

21 (d) The commission shall issue a final order not later than **365 days** [12
22 MONTHS] after a complete formal complaint is filed against a utility or, when the
23 commission initiates a formal investigation of a utility without the filing of a complete
24 formal complaint, not later than **365 days** [12 MONTHS] after the order initiating the
25 formal investigation is issued.

26 * **Sec. 6.** AS 42.05.175(e) is amended to read:

27 (e) The commission shall issue a final order in a rule-making proceeding not
28 later than **730 days** [24 MONTHS] after a complete petition for adoption, amendment,
29 or repeal of a regulation under AS 44.62.180 - 44.62.290 is filed or, when the
30 commission initiates a rule-making docket, not later than **730 days** [24 MONTHS]
31 after the order initiating the proceeding is issued.

1 * **Sec. 7.** AS 42.05.175 is amended by adding new subsections to read:

2 (k) In adjudicated docket matters that come before the commission under state
3 law or federal law or involve the review of private settlements and contracts and are
4 not subject to a timeline under federal law or AS 42.05.175(a) - (e), the commission
5 shall issue a final order not later than 180 days after the filing of an initiating petition.
6 If the matter is commenced on the commission's own motion, the commission shall
7 issue a final order not later than 365 days after the issuance of an order opening the
8 docket. This subsection does not apply to a complaint against a utility, a petition to
9 revoke a certificate of public convenience and necessity, or a functionally equivalent
10 filing.

11 (l) If the commission does not issue and serve a final order governed by (k) of
12 this section within the applicable timeline specified, including any extension granted
13 by the commission in accordance with (f) of this section, the initiating petition shall be
14 considered approved and shall take effect immediately, or, if the matter was
15 commenced by the commission, the docket shall be closed with no action taken.

16 (m) If proceedings subject to different timelines under this section are
17 consolidated or if a single proceeding implicates more than one timeline, the latest
18 applicable deadline for the issuance of a final order shall apply.

19 (n) The commission may not evade the requirement of this section by
20 terminating a proceeding in a docket and opening a proceeding in another docket on
21 substantially the same matter.

22 * **Sec. 8.** Section 4 of this Act takes effect July 1, 2008.