

SENATE CS FOR CS FOR HOUSE BILL NO. 209(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 5/11/07

Referred: Rules

Sponsor(s): HOUSE LABOR AND COMMERCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

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

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

4 *** Section 1.** AS 42.05.175(a) is amended to read:

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

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

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

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

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

11 *** Sec. 2.** AS 42.05.175(b) is amended to read:

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

1 revenue requirement or rate design.

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

3 (c) Notwithstanding a suspension ordered under AS 42.05.421, the
4 commission shall issue a final order not later than **450 days** [15 MONTHS] after a
5 complete tariff filing is made for a tariff filing that changes the utility's revenue
6 requirement or rate design.

7 * **Sec. 4.** AS 42.05.175(d) is amended to read:

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

13 * **Sec. 5.** AS 42.05.175(e) is amended to read:

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

19 * **Sec. 6.** AS 42.05.175(f) is amended to read:

20 (f) The commission may extend a timeline required under [(a) - (e) OF] this
21 section if all parties of record consent to the extension or if, for one time only, before
22 the timeline expires, the

23 (1) commission reasonably finds that good cause exists to extend the
24 timeline;

25 (2) commission issues a written order extending the timeline and
26 setting out its findings regarding good cause; and

27 (3) extension of time is 90 days or less.

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

29 (k) In adjudicated docket matters that come before the commission under state
30 law or federal law and are not subject to a timeline under federal law or
31 AS 42.05.175(a) - (e), the commission shall issue a final order not later than 180 days

1 after the filing of an initiating petition. If the matter is commenced on the
2 commission's own motion, the commission shall issue a final order not later than 365
3 days after the issuance of an order opening the docket. This subsection does not apply
4 to a complaint against a utility, a petition to revoke a certificate of public convenience
5 and necessity, or a functionally equivalent filing.

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

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

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

17 * **Sec. 8.** Section 3 of this Act takes effect July 1, 2008.