

**ALASKA STATE LEGISLATURE  
SENATE JUDICIARY STANDING COMMITTEE**

February 10, 2016

1:38 p.m.

**MEMBERS PRESENT**

Senator Lesil McGuire, Chair  
Senator John Coghill, Vice Chair  
Senator Mia Costello  
Senator Bill Wielechowski

**MEMBERS ABSENT**

Senator Peter Micciche

**COMMITTEE CALENDAR**

CONFIRMATION HEARINGS

Board of Governors of the Alaska Bar  
Adam Trombley - Anchorage

CONFIRMATION ADVANCED

Commission on Judicial Conduct  
Amy Gurton-Mead - Juneau  
Robert Sheldon - Anchorage  
Karla Taylor-Welch - Fairbanks

CONFIRMATIONS ADVANCED

Alaska Judicial Council  
Loretta Bullard - Nome

CONFIRMATION ADVANCED

Regulatory Commission of Alaska  
Rebecca Pauli - Anchorage

CONFIRMATION ADVANCED

**PREVIOUS COMMITTEE ACTION**

No previous action to record

**WITNESS REGISTER**

ADAM TROMBLEY, Appointee  
Board of Governors of the Alaska Bar  
Anchorage, Alaska

**POSITION STATEMENT:** Testified as appointee to the Board of Governors of the Alaska Bar.

LORETTA BULLARD  
Appointee  
Alaska Judicial Council  
Nome, Alaska

**POSITION STATEMENT:** Testified as appointee to the Alaska Judicial Council.

KARLA TAYLOR-WELCH Appointee  
Commission on Judicial Conduct  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified as appointee to the Commission on Judicial Conduct.

ROBERT SHELDON, Appointee  
Commission on Judicial Conduct  
Anchorage, Alaska

**POSITION STATEMENT:** Testified as appointee to the Commission on Judicial Conduct.

AMY GURTON-MEAD, Appointee  
Commission on Judicial Conduct  
Juneau, Alaska

**POSITION STATEMENT:** Testified as appointee to the Commission on Judicial Conduct.

REBECCA PAULI  
Appointee  
Regulatory Commission of Alaska  
Anchorage, Alaska

**POSITION STATEMENT:** Testified as appointee to the Regulatory Commission of Alaska.

**ACTION NARRATIVE**

[1:38:58 PM](#)

**CHAIR LESIL MCGUIRE** called the Senate Judiciary Standing Committee meeting to order at 1:38 p.m. Present at the call to order were Senators Costello, Wielechowski, Coghill, and Chair McGuire.

### Confirmation Hearings

[1:39:09 PM](#)

CHAIR MCGUIRE announced the business before the committee is to hear Governor nominations to boards and commissions. She clarified that the committee previously approved Skip Cook.

### Board of Governors of the Alaska Bar

[1:39:47 PM](#)

CHAIR MCGUIRE recognized Adam Trombley and asked him to tell the committee why he wishes to serve on the Board of Governors of the Alaska Bar.

[1:40:15 PM](#)

ADAM TROMBLEY, Appointee, Board of Governors of the Alaska Bar, said he has served on the board for three years and he finds the disciplinary component most enjoyable. He would like to continue for the next three years focusing on the objective of the board, which is to increase justice for everyone.

[1:41:10 PM](#)

SENATOR COSTELLO said she is pleased that he wants to continue to serve and feels fortunate that the Alaskans who serve on boards and commissions are so talented. She added that Mr. Trombley is a constituent and she believes that continuity on the board is important.

CHAIR MCGUIRE thanked Mr. Trombley for being willing to serve.

### Alaska Judicial Council

[1:42:01 PM](#)

CHAIR MCGUIRE recognized Loretta Bullard and asked her why she wishes to serve on the Alaska Judicial Council.

[1:42:16 PM](#)

LORETTA BULLARD, Appointee, Alaska Judicial Council, said she resides in Nome and was encouraged to put her name forward. She brings a rural voice to the council and has the time to serve in this capacity now that she's retired. She said this work is important because judges are critical in maintaining the public's confidence in the Alaska judicial system.

[1:43:35 PM](#)

SENATOR COGHILL thanked Ms. Bullard for being willing to serve and offered his belief that she will bring an important voice to the council. He read her resume and appreciates the previous work she's done.

CHAIR MCGUIRE echoed the comments and stressed the importance of having geographic and gender diversity on boards and commissions. She wished her luck moving forward in the process.

### Commission on Judicial Conduct

[1:44:41 PM](#)

CHAIR MCGUIRE recognized Karla Taylor-Welch and asked her why she wishes to serve on the Commission on Judicial Conduct.

[1:45:16 PM](#)

KARLA TAYLOR-WELCH Appointee, Commission on Judicial Conduct, related that she resides in Fairbanks and is a third generation Alaskan. Her grandfather was a member of the Constitutional Convention and her father was a lawyer. She was asked to put her name forward and decided that this would be another way to contribute to the state.

[1:46:40 PM](#)

SENATOR COGHILL thanked Ms. Taylor-Welch for her willingness to serve. He commented that she brings a depth and variety of experience.

CHAIR MCGUIRE expressed appreciation for her willingness to serve and wished her luck in the process.

[1:47:13 PM](#)

CHAIR MCGUIRE recognized Robert Sheldon and asked him to tell the committee why he is interested in serving on the Commission on Judicial Conduct and why he feels qualified.

[1:47:28 PM](#)

ROBERT SHELDON, Appointee, Commission on Judicial Conduct, said he is a third generation Alaskan and is following in his family's example of public service. He currently is engaged in finance endeavors across the Arctic states, including Alaska. He has served on several boards, commissions and councils in Alaska and this will be his third term on this one. He explained that the commission investigates alleged judicial misconduct and ethics improprieties and he feels confident that his education, work and interest in finance and economics interconnect with the judiciary.

He said that serving the previous two terms has been both humbling and satisfying. It's also become clear that it's important for the commission to have continuity of service among its members. The judge and attorney representatives frequently are unable to serve for more than one four-year period so the public members help bring long-term continuity. He hopes to continue to be part of that.

[1:49:22 PM](#)

CHAIR MCGUIRE commented that Mr. Sheldon might be underutilized if he doesn't serve on other boards and commissions in the future. She mentioned AIDEA and observed that his background in economic development is almost unparalleled. She looks forward to his service on this commission and in other capacities. She wished him luck in the process.

[1:50:02 PM](#)

CHAIR MCGUIRE recognized Amy Gurton-Mead and asked her to tell the committee why she wants to serve and why she is qualified.

[1:50:27 PM](#)

AMY GURTON-MEAD, Appointee, Commission on Judicial Conduct, stated that she is the city attorney for Juneau. She related that she started her career as a judicial clerk for a superior court judge in Ketchikan, was a prosecutor for two years and in private practice for 12 years, primarily as a civil litigator. She started public sector work in 2010 and became the city attorney in 2013.

She said this would be her second term on the conduct commission which she believes provides a critical function in fostering public confidence and trust in the judiciary. This is the only method for a person to be heard when they have appeared before the court and feel the proceeding was unfair. She relayed that there were a number of difficult issues during the last term and it was very challenging. She would be honored to continue.

[1:51:27 PM](#)

CHAIR MCGUIRE thanked Ms. Gurton-Mead for being willing to serve and described her position as city attorney as "quite an accomplishment." She expressed appreciation for the commission's work in the past, particularly in the area where a judge may not respond equally to women and men in the court process. She said this has been a rising issue in the third judicial district and finally there will be a second female superior court judge on the bench. All the divorce and custody cases go through that

bench and she's been approached many times over the years by women who felt they have not been treated fairly. She flagged that as an issue to continue to look for.

MS. GURTON-MEAD acknowledged the comment.

[1:53:07 PM](#)

SENATOR COGHILL warned that the workload might go up with the downward pressure on the budget.

MS. GURTON-MEAD said she'd keep that in mind.

CHAIR MCGUIRE thanked Ms. Gurton-Mead and wished her well in the process.

### **Regulatory Commission of Alaska**

[1:54:09 PM](#)

CHAIR MCGUIRE recognized Rebecca Pauli as a new appointee on the Regulatory Commission of Alaska (RCA) and noted that she refers to the RCA as a mini Supreme Court. She asked what she thinks about that statement, how her background qualifies her for this service, and why she's interested in serving.

[1:55:09 PM](#)

REBECCA PAULI, Appointee, Regulatory Commission of Alaska, Anchorage, Alaska, said her interest in serving stems from the unique skillset she brings to the commission. While in private practice she represented both rural and urban utilities, and she has administrative law experience having served as an adjudicator.

She said she doesn't think of the RCA as a mini Supreme Court so much as a court that has a huge impact on the state. The RCA is the entity that oversees the workings of the utilities, sets prices and influences the shape of the infrastructure. It looks at utilities in rural areas to ensure a sufficient rate of return to upgrade equipment to become more efficient. While there is always an option to appeal, the ramifications of the decisions that the RCA makes are huge and as far-reaching as the state itself, she said.

[1:57:31 PM](#)

CHAIR MCGUIRE asked for examples of an urban opinion and a rural opinion that she feels charted unprecedented territory in Alaska.

MS. PAULI said that at this early stage she's better prepared to speak to rulings in the 1990s when she was in private practice. She noted that in both instances the ruling was in her favor so they were brilliant. She related that her first case before the RCA dealt with a rural village that was trying to use the electrical rate as a matter of social engineering. The washateria, which everyone used, was picking up more of the cost of service than individual ratepayers. It was an interesting decision because the regulations prescribed a demand step-based rate structure. Those with the highest demand paid more but what was needed was a postage stamp, flat rate across the board. Getting that through allowed the washateria to remain open and spread the cost among everyone in the village that used the facility. She described it as a good decision.

MS. PAULI cited the RCA decision that allowed ALEC to purchase PTI and ATU in order to form ACS as an example of an urban opinion that charted new territory in Alaska. It was a huge factor in allowing competition to take place in the telecommunication industry along the Railbelt. Previously she'd been involved in the deregulation of telephone utilities under the Telecom Act with rural utilities and her role in this case was to shepherd it through so that competition could take place in an area that was able to support it.

CHAIR MCGUIRE said her next question regards the Municipality of Anchorage (MOA) purchase of the ConocoPhillips holdings in the Beluga gas field, which should come before the RCA in the near future. She reviewed Ms. Pauli's resume including her work for the MOA and the law firm Kempel, Huffman and Ellis that describes work on the purchase of the Beluga River Gas Unit. She asked her thoughts about it and if she has any conflicts that would prevent her from ruling.

MS. PAULI replied she has no recollection of what she did on that purchase. She said Roger Kempel probably had her research some legal issue, but she doesn't recall any specifics. She said she doesn't know enough to have an opinion and her opinion really doesn't matter. It will be the evidence that's presented and what the statutes and regulations provide. If there are questions of policy that the legislature has delegated to the RCA, it would be important to implement the policy in keeping with the statutes and regulations.

[2:04:37 PM](#)

CHAIR MCGUIRE said she hoped she would say that and she brought it up because it's an area of interest to Anchorage residents.

She also discussed the delegated authority of the RCA, that it is sometimes overstretches and the importance of following the chain of lawmaking.

[2:06:32 PM](#)

SENATOR COGHILL expressed appreciation for the notion of getting the fairest rate possible for ratepayers. He mentioned the troublesome issue of moving electricity to the Fairbanks that involves moving from one transmission owner to another, also called "pancaking," and the current effort is to find a system operator. He asked if that would be a regulatory issue or something the legislature has to deal with.

MS. PAULI said she didn't know enough to comment, but believes it would be a good question to ask the attorney general. Responding to an earlier comment by the chair, she said the way she looks at the structure between the legislature, the executive branch and the administrative agencies is that the statutes set the policy and the administrative agencies implement that policy through regulation.

SENATOR COGHILL said another issue that comes up with the RCA is timing of dockets. It's been a problem both procedurally and practically. He asked her thoughts.

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MS. PAULI said there are always dockets that take on a life of their own, but her procedure at the Office of Administrative Hearings has been to actively control her cases. She doesn't know what has been happening at the RCA, but she knows there is an issue. Her plan is to see how things work and perhaps her approach to handling dockets will help.

SENATOR COGHILL highlighted the problem he hears that investment timing and the timing of rate structures don't always match. He said electricity isn't an issue in Fairbanks but telephone is a dynamic issue that may end up at the RCA's front door.

MS. PAULI committed to do her best and said she appreciates the questions because she's working hard to understand what she's walking into. She noted that Chair Patch and the commission members have been very helpful.

[2:16:40 PM](#)

CHAIR MCGUIRE urged Ms. Pauli to use legislators as a resource. She thanked her and wished her well in the process.



[There was no motion, but the names were forwarded to the full body for further consideration.]

2:16:49 PM

There being no further business to come before the committee, Chair McGuire adjourned the Senate Judiciary Standing Committee meeting at 2:16 p.m.