

1 IN THE SENATE

BY SENATOR RIVERS

2

SENATE BILL NO. 75

3

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4

TWENTY-THIRD SESSION

5

A BILL

6

For an Act entitled: "An Act to create the Public Service Com-

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mission of Alaska; defining its authority

8

and duties; prescribing penalties.

9

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

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ARTICLE I

11

TITLE AND DEFINITIONS

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Section 1. SHORT TITLE. This Act shall be commonly known

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and referred to as the "Alaska Public Service Commission Act."

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Sec. 2. DEFINITIONS. As used in this Act the terms defined

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in this Section shall have the meanings provided herein, unless

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the context clearly requires otherwise.

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(1) "Public utility" shall mean and embrace every

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corporation, municipal or otherwise, company, individual, partner-

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ship, association of individuals, their lessees, trustees, or

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receivers appointed by any court whatsoever, that now or hereafter

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may own, operate, manage or control any street carrier or any

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plant or equipment within the Territory for the conveyance of

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telephone messages, or for the production, transmission, delivery

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or furnishing of heat, light, water or power, or for the furnish-

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ing of elevator or warehouse service, either directly or indirectly

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to or for the public.

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(2) "Street carrier" shall mean and embrace systems

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of transportation of passengers for hire within towns, cities,

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suburbs, and on the public and private highways and roads

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1 within the Territory of Alaska, [or the environs thereof], by
2 means of (cars, busses, taxi cabs, or other vehicles operated by
3 motor fuel, electric or other power ^{rate.} *of Alaska + vehicle*

4 (3) "Rate" shall mean and include every individual or
5 joint rate, fare, toll, charge, rental or other compensation of
6 any utility or any two (2) or more such individual or joint
7 rates, fares, tolls, charges, rentals or other compensations of
8 any utility or any schedule or tariff thereon.

9 (4) "Service" is used in this Act in its broadest and
10 most inclusive sense and includes not only the use or accommoda-
11 tion afforded consumers or patrons but also any product or com-
12 modity furnished by any public or other utility and the plant,
13 equipment, apparatus, appliances, property and facility employed
14 by any public or other utility in performing any service or in
15 furnishing any product or commodity and devoted to the purposes
16 in which such public or other utility is engaged and to the
17 use and accommodation of the public.

18 (5) "Commission" shall mean the Public Service Commis-
19 sion of Alaska hereby created.

20 (6) "Utility" shall mean every plant ^{or equipment}
21 within the Territory used for the conveyance of telephone mes-
22 sages, or for the production, transmission, delivery, or furnish-
23 ing of heat, light, water or power.

24 ARTICLE II

25 COMMISSION: CREATION, POWERS, AND DUTIES

26 Section 1. PUBLIC SERVICE COMMISSION OF ALASKA CREATED:
27 MEMBERSHIP. There is hereby created the Public Service Commis-
28 sion of Alaska. The Commission shall consist of five members
29 who shall be appointed by the Governor from the Territory at

1 large by and with the consent of the Legislature in Joint Session
2 assembled. Members of the Commission shall be residents of
3 the Territory of Alaska and citizens of the United States over
4 the age of 21 years. One member shall be a practicing attorney,
5 one member shall be an engineer licensed to practice in Alaska
6 and the remaining members shall have general knowledge and ex-
7 perience with the problems, practices and policies of public
8 utilities, and the public needs in relation thereto.

9 The members of the Commission shall hold office for a term
10 of four years, except as provided in this Section. The terms of
11 office of the first members shall be as follows: The terms of
12 office of two members shall expire February 1, 1959 and the
13 terms of office of three members shall expire February 1, 1961.
14 The short and long term appointments shall be determined by them
15 by lot at their first meeting after the effective date of this
16 Act. Every vacancy on the Commission shall be filled by the
17 Governor within 60 days of the occurrence of such vacancy, and
18 such new appointee shall have the same qualifications herein pre-
19 scribed and shall hold office for the remainder of the term for
20 which his predecessor was appointed. No member of said com-
21 mission whose office is created under the provisions of this Act
22 or any person appointed to any position or employed in any
23 capacity to serve said commission shall have any official or
24 professional relationship or connection with, or hold any stock
25 or securities or have any pecuniary interest in any public
26 utility operating in the Territory of Alaska. Each member
27 appointed to the Public Service Commission of Alaska shall take
28 the prescribed allegiance and fidelity oath, and such oath shall
29 be filed for permanent record.

1 Sec. 2. POWERS AND DUTIES OF THE COMMISSION. The Commis-
2 sion is authorized and empowered to:

3 (1) Adopt rules and regulations not inconsistent with
4 the law, as may be necessary from time to time to enable it to
5 carry into effect the provisions of this Act.

6 (2) Investigate the operation of public utilities.

7 (3) Establish rates, after hearing as herein provided,

8 (4) Change or modify public utility service area
9 boundaries after investigation and hearing.

10 (5) Arbitrate disputes between public utilities, or
11 between a utility and its users or consumers and to render
12 findings or decisions which will have the force of law as autho-
13 rized hereunder.

14 (6) Conduct hearings and issue subpoenas, compel the
15 attendance of witnesses, and make findings and render decisions.

16 (7) Employ or retain professional, technical and
17 service personnel to carry into effect the provisions and pur-
18 poses of this Act.

19 In addition to its other powers and duties, the Commission
20 shall study all the laws which it is charged to administer. It
21 shall study the practices of public utilities and street carriers,
22 and shall make a written report which shall include any recom-
23 mendations it may have. The reports shall be submitted to the
24 Governor and to the Alaska Legislature within ten days after the
25 opening of each regular legislative session. The Commission is
26 authorized to prepare and submit questionnaires to public
27 utilities and street carriers requesting relevant information
28 for any study. The Commission may, in order to further any study,
29 hold hearings, issue subpoenas to witnesses, to attend such

1 hearings, and examine, or cause to be examined, books and records
2 of any public utility or street carrier.

3 ARTICLE III

4 PUBLIC SERVICE FUND: SALARY OF COMMISSIONERS

5 Section 1. ASSESSMENT FOR MAINTENANCE OF PUBLIC SERVICE
6 COMMISSION: FUNDS CREATED. For and during the fiscal period of
7 April 1, 1957 through March 31, 1959 only, and for the sole pur-
8 pose of maintaining and administering the Public Service Com-
9 mission, including but not limited to the payment of salaries,
10 travelling expenses, supplies, printing, rent, light, heat, water,
11 telephone, and other overhead expenses, and the exercise by the
12 Commission of supervision and jurisdiction over the public
13 utilities of Alaska,
14 for each fiscal year shall be apportioned among and assessed
15 against the public utilities within Alaska by the Commission, in
16 proportion to the intrastate gross earnings or receipts of such
17 public utilities for the fiscal year next preceding that in which
18 the assessments are made.

19 On or before the first day of August in each year, the Com-
20 mission shall certify to the Director of Finance the respective
21 portions of such sum assessed against each public utility, where-
22 upon the Director of Finance shall certify such assessments to
23 the Territorial Treasurer who shall collect and pay them into the
24 Territorial Treasury to the credit of a special fund to be known
25 as the Public Service Commission Fund. Such fund shall be
26 devoted to and expended solely for the maintenance and adminis-
27 tration of the Commission. Any amounts remaining in said fund
28 at the end of any year not appropriated and paid to the Commission
29 for such purposes shall be credited rateably by the Director of

1 Finance to such public utilities respectively, according to the
2 respective portions of such sum assessable against them for the
3 ensuing fiscal year. The assessments for such fiscal year shall
4 be reduced correspondingly.

5 Sec. 2. SALARY OF COMMISSIONERS. Each Public Service
6 Commissioner shall receive an annual salary of
7 payable from such fund in the same manner as the
8 salaries of other Territorial officers are paid.

9 ARTICLE IV

10 COMMISSION PROCEEDINGS

11 Section 1. HEARINGS. In all controversial proceedings the
12 Commission shall be an impartial fact-finding body and shall make
13 its orders in such cases upon the facts impartially found by it,
14 The Commission shall in no such proceeding, during the hearing,
15 act as either proponent or opponent on any issue to be decided
16 by it. All evidence given in any such proceeding shall be
17 offered on behalf of the respective parties to, or appearing in,
18 the proceeding and not in the name or behalf of the Commission
19 itself. If in any such proceeding the public interest is not
20 otherwise adequately represented by counsel in the opinion of the
21 Commission, it shall be the duty of the Attorney General, if
22 requested by the Commission, to make adequate preparation for
23 the presentation of the interest of the public in such proceeding
24 and he shall at the hearing represent the public interests
25 therein involved: Provided, however, that nothing in this Section
26 contained shall prevent the Commission from instituting, [prosecut-
27 ing] hearing or determining any investigation or proceeding which
28 it is authorized to do, or make, on its own motion by any law
29 with the administration of which it is charged.

1 The cost of conducting a hearing, including but not limited
2 to fees paid to expert witnesses and per diem and travel of
3 Commission members, shall, be determined by the Commission and
4 shall be borne by the parties ^{at issue} ~~at issue~~ in such proportion as
5 the Commission deems fair and proper; provided, however, that
6 the cost of conducting a hearing which is called by the Commission
7 upon a complaint filed by any person, association, or corporation,
8 other than a public utility ~~district~~ shall not be borne by the
9 parties at issue.

10 Sec. 2. NOTICE. Whenever the Commission shall order a
11 hearing in any proceeding instituted by or against any public
12 utility [or a street carrier], notice of such hearing shall be
13 given by one (1) publication appearing not less than ten (10)
14 days prior to the date fixed for said hearing in a newspaper of
15 general circulation published in the division wherein reside
16 patrons or customers of said public utility [or street carrier] who
17 might be affected by an order made by the Commission pursuant to
18 said hearing. In addition to such published notice, the Commis-
19 sion shall mail notice of such hearing, also notice of the filing
20 with it of applications or proceedings to such persons, firms or
21 corporations having known competitive interests involved and to
22 the representatives of any ^{city or town} ~~city or town~~ affected by such hearing,
23 application or proceeding.

24 In every case where any law to be administered by the
25 Commission provides that a party to a proceeding before the
26 Commission shall have a time in which to file written exceptions
27 to a suggested order before the same may become the final order
28 of the Commission, it shall be the duty of the Commission to
29 promptly mail to each party having such right a copy of the

1 or, whenever in the judgment of the Commission public interest
2 so require, may, for rate making or accounting purposes or both,
3 consider a single municipality or two or more municipalities or
4 the adjacent or intervening rural territory as a regional unit
5 where the same utility serves such region, and may within such
6 region prescribe uniform rates for consumers or patrons of the
7 same class. Nothing in this Act shall authorize any public
8 utility during the remainder of the term of any grant or
9 franchise under which it may be acting at the time this Act
10 takes effect to charge for any service, in such grant or fran-
11 chise contracted, exceeding the maximum rate or rates therefor,
12 if any, that may be fixed in such grant or franchise.

13 Sec. 2. FACILITIES AND EQUIPMENT: USE BY OTHER UTILITIES:
14 COMPENSATION FOR: PUBLIC CONVENIENCE AND NECESSITY: ORDERS OF
15 PUBLIC SERVICE COMMISSION. (a) Every public utility for the con-
16 veyance of telephone messages shall permit a physical connection
17 or connections to be made and telephone service to be furnished,
18 between any telephone system operated by it, and the telephone
19 toll line operated by another such public utility or between
20 its toll line and the telephone system of another such public
21 utility, or between its toll line and the toll line of another
22 such public utility, or between its telephone system and the
23 telephone system of another such public utility, whenever public
24 convenience and necessity require such physical connection or
25 connections and such physical connection or connections will
26 not result in irreparable injury to the owner or other users of
27 the facilities of such public utilities, nor in any substantial
28 detriment to the service to be rendered by such public utilities.
29 If any prospective consumers or patrons of any public utility

1 for the production, transmission, delivery or furnishing of light
2 or power living in the territory outside of cities and towns,
3 and within not to exceed one-half of one (1) mile of the trans-
4 mission line of such utility, shall agree to and shall construct
5 and install the necessary equipment, in compliance with plans and
6 specifications prescribed by such utility, such public utility
7 shall permit the necessary physical connection or connections to
8 be made and service to be furnished to the person or persons who
9 have constructed and installed such equipment. The term
10 "physical connection" as used in this Section, shall mean such
11 number of trunk lines or complete wire circuits and connections
12 as may be required to furnish reasonably adequate telephone
13 service between such public utilities.

14 (b) In case of failure to agree upon such use or the
15 conditions or compensation for such use, or in case of failure
16 to agree upon such physical connection or connections, or the
17 terms and conditions upon which the same shall be made, any public
18 utility or any person, association or corporation interested may
19 apply to the Commission and if after investigation the Commission
20 shall ascertain that public convenience and necessity require
21 such use or such physical connections, and that such use or such
22 physical connection or connections would not result in irrepar-
23 able injury to the owner or other users of such equipment or of
24 the facilities of such public utilities, nor in any substantial
25 detriment to the service to be rendered by such owner or other
26 public utilities or other users of such equipment or facilities,
27 it shall by order direct that such use be permitted and prescribe
28 reasonable conditions and compensations for such joint use and
29 that such physical connection or connections be made and

1 determine how and within what time such connection or connections
2 shall be made, and by whom the expense of making and maintaining
3 such connection or connections shall be paid.

4 Sec. 3. VALUATION OF ASSETS: CONSIDERATIONS: APPEAL: RATES
5 PENDING APPEAL. (a) The Commission shall value all property of
6 every public utility actually used and useful for the convenience
7 of the public at its fair value as a base for rate making
8 purposes, giving such consideration as it deems appropriate in
9 each case to all bases of valuation which may be presented or
10 which the Commission is authorized to consider by the following
11 provisions of this Section. As one of the elements in such
12 valuation the Commission shall give weight to the reasonable cost
13 of bringing the property to its then state of efficiency. In
14 making such valuation, the Commission may avail itself of any
15 information in possession of the board of tax commissioners or
16 of any local authorities.

17 (b) The lands of such public utility shall not be
18 valued at a greater amount than the assessed value of said lands
19 exclusive of improvements as valued for taxation. In making such
20 valuation no account shall be taken of presumptive value resting
21 on natural resources independent of any structures in relation
22 thereto, the natural resource itself shall be viewed as the
23 public's property. No account shall be taken of good will for
24 presumptive values growing out of the operation of any utility
25 as a going concern, all such values to rest with the municipality
26 by reason of the special and exclusive grants given such utility
27 enterprises. All public utility valuations shall be based upon
28 tangible property, that is, such property as has value by reason
29 of construction costs, either in materials purchased or in

1 assembling of materials into structures by the labor or of workers
2 and the services of superintendents, including engineers, archi-
3 tects, legal and court costs, accounting systems and transporta-
4 tion costs, and also including insurance and interest charges
5 on capital accounts during the construction period. As an element
6 in determining value the Commission may also take into accout
7 reproduction costs at current prices, less depreciation, based
8 on the items set forth in the last sentence hereof and shall not
9 include good will, going value, or natural resources.

10 Any single municipality or any ^{five} ten (10) consumers or any
11 utility affected by a rate order may within thirty (30) days from
12 the rendition thereof by the Commission take an appeal de novo
13 to the U. S. District Court of the Division in which the utility
14 is located.

15 Pending the appeals as in this Section provided, the
16 utility affected by an order or judgment of the Commission shall
17 have the right to collect the rate as fixed by said order or
18 judgment or at the old rate, whichever is higher in amount, and
19 shall refund the same to the consumer if such difference be not
20 sustained finally.

21 Sec. 4. NOTICE AND HEARING. Before final determination of
22 such value, the Commission shall, after notice to the public
23 utility, hold a public hearing as to such valuation in the manner
24 prescribed for a hearing as hereinafter provided.

25 Sec. 5. EXPENSES OF VALUATION: PAYMENT; RATE INCREASE. The
26 Commission, within five (5) days after any such valuation is
27 determined, shall deliver a written statement thereof to the
28 public utility interested and a copy thereof to the clerk of
29 each municipality in which any part of the plant or equipment of

1 such utility is located. In such statement, the Commission shall
2 declare and fix the reasonable and necessary expenses incurred
3 by it in making such valuation, and, within twenty (20) days
4 thereafter, the utility shall pay into the revolving fund of the
5 Territory the amount of the expenses so declared and fixed.

6 The Commission shall not make any order, based on any such
7 valuation, increasing any rate of any public utility until such
8 expenses have been paid. All such moneys paid into the revolving
9 fund are hereby appropriated to the Public Service Commission to
10 defray its expenses.

11 Sec. 6. REVALUATION. The Commission may, at any time, on
12 its own initiative, make a revaluation of such property.

13 Sec. 7. ANNUAL REPORTS. Every public utility shall keep
14 records adequate to show all business transactions, its assets,
15 and general condition. The accounts shall be closed annually on
16 the thirty-first day of December, and a balance sheet of that
17 date promptly taken therefrom. On or before the tenth day of
18 March following, such balance sheet, together with such other
19 information as the Commission shall prescribe, verified by an
20 officer of the public utility, shall be filed with the Commission
21 or at such place as it may designate. The Commission shall pre-
22 scribe the form in which such reports are to be rendered.

23 Sec. 8. AUDITING ACCOUNTS. The Commission shall provide
24 for the examination and audit of all accounts, and all items
25 shall be allocated to the accounts in the manner prescribed by
26 the Commission.

27 Sec. 9. AGENTS AND EXAMINERS: AUTHORITY. The agents,
28 accountants or examiners employed by the Commission shall have
29 authority, under the direction of the Commission, to inspect and

1 examine any and all books, accounts, papers, records and memoranda
2 kept by such public utility.

3 Sec. 10. DEPRECIATION RATES. The Commission shall pro-
4 mulgate rules for the depreciation, depreciation rates, and the
5 creation and handling of depreciation funds by public utilities
6 hereunder.

7 Sec. 11. ADDITIONS AND EXPANSIONS: DUTY OF COMMISSION:
8 APPROVAL REQUIRED. The Commission shall adapt procedures by
9 which it shall be kept informed of all new construction, exten-
10 sions and additions to the property of such public utility and
11 shall prescribe the necessary forms, regulations and instructions
12 to the officers and employees of such public utility for the
13 keeping of construction and accounts which shall clearly dis-
14 tinguish all operating expenses and new construction.

15 Sec. 12. DISTRIBUTION: SURPLUS: PROFITS. Nothing in this
16 Act shall be taken to prohibit a public utility from entering
17 into any reasonable arrangement with its customers or consumers,
18 or with its employees, or with any municipality in which any
19 of its property is located, for the division or distribution
20 of its surplus profits, or providing for a sliding scale of
21 charges or other financial device that may be practicable and
22 advantageous to the parties interested. No such arrangement or
23 device shall be lawful until it shall be found by the Commission
24 after investigation, to be reasonable and just and not incon-
25 sistent with the purpose of this Act. Such arrangement shall be
26 under the supervision and regulation of the Commission.

27 Sec. 13. DETERMINATION OF RATES. The Commission shall
28 ascertain, determine and order such rates, charges and regulations
29 as may be necessary to give effect to such arrangement, but the

1 right and power to make such other and further changes in
2 rates, charges and regulations as the Commission may ascertain
3 and determine to be necessary and reasonable, and the right to
4 revoke its approval and amend or rescind all orders relative
5 thereto, is reserved and vested in the Commission, notwith-
6 standing any such arrangement and mutual agreement.

7 ARTICLE VI

8 REPORTS, METERS, RATE SCHEDULES, CLASSIFIED SERVICE

9 Section 1. ITEMIZED EXPENSES PER UNIT. Each public utility
10 shall furnish to the Commission in such form and at such time as
11 the Commission shall require, such accounts, reports and infor-
12 mation as will show in itemized details: (1) The depreciation,
13 per unit, (2) the salaries and wages separately per unit, (3)
14 legal expenses per unit, (4) taxes and rentals separately per
15 unit, (5) the quantity and value of material used per unit,
16 (6) the receipts from residuals, by-products, services or other
17 sales, separately per unit, (7) the total and net cost per unit,
18 (8) the gross and net profit per unit, (9) the dividends and
19 interest per unit, (10) surplus or reserve per unit, (11) the
20 prices per unit paid by consumer, and, in addition, such other
21 items, whether of a nature similar to those hereinbefore enumerated
22 or otherwise, as the Commission may prescribe, in order to show
23 completely and in detail the entire operation of the public
24 utility in furnishing the unit of its product or service for the
25 public.

26 Sec. 2. ANNUAL REPORTS OF COMMISSION. The Commission shall
27 publish annual reports showing its proceedings and showing in
28 tabular form the details per unit as provided in Section 1 of
29 this Article for all the public utilities of each kind in the

1 Territory and such monthly or occasional reports as it may deem
2 advisable.

3 Sec. 3. REPORTS OF VALUES. The Commission shall also
4 publish in its annual reports the value of all the property
5 actually used and useful for the convenience of the public, and
6 the value of the physical property actually used and useful for
7 the convenience of the public, of every public utility the value
8 of whose property has been ascertained by it.

9 Sec. 4. BOOKS OPEN TO INSPECTION. All facts and informa-
10 tion in the possession of the Commission shall be public and all
11 reports, files, books, accounts, papers and memoranda of every
12 nature whatsoever in their possession shall be open to inspection
13 by the public at all reasonable times, except as provided in
14 Section 5 of this Article.

15 Sec. 5. FACTS WHEN WITHHELD. Whenever the Commission
16 shall determine it to be necessary, in the interest of the public,
17 to withhold from the public any facts or information in its
18 possession, such facts may be withheld for such period after the
19 acquisition thereof, not exceeding ninety (90) days, as the
20 Commission may determine.

21 Sec. 6. TIME FACTS WITHHELD. No facts or information shall
22 be withheld by the Commission from the public for a longer
23 period than ninety (90) days nor be so withheld for any reason
24 whatsoever other than the interest of the public.

25 Sec. 7. STANDARD UNITS. The Commission shall ascertain and
26 prescribe for each kind of public utility suitable and convenient
27 standard commercial units of product or service. These shall be
28 lawful units for the purpose of this Act.

29 Sec. 8. STANDARDS FOR MEASUREMENT. The Commission shall

1 ascertain and fix adequate and serviceable standards for the
2 measurement of quality, pressure, initial voltage, or other
3 conditions pertaining to the supply of the product or service
4 rendered by any public utility and prescribe reasonable regula-
5 tions for examinations and testing of such product or service
6 and for the measurement thereof;

7 Sec. 9. ACCURACY OF METERS: RULES. The Commission shall
8 establish reasonable rules, regulations, specifications and
9 standards to secure the accuracy of all meters and appliances for
10 measurements, and every public utility is required to carry into
11 effect all orders issued by the Commission relative thereto.

12 Sec. 10. TESTING OF APPLIANCES. The Commission shall pro-
13 vide for the examination and testing of any and all appliances
14 used for the measuring of any product or service of a public
15 utility. Any consumer or user may have any such appliance tested
16 upon payment of the fees fixed by the Commission. The Commission
17 shall declare and establish reasonable fees to be paid for
18 testing such appliances on the request of the consumers or users,
19 the fee to be paid by the consumer or user at the time of his
20 request, but to be paid by the public utility and repaid to the
21 consumer or user of the appliance, if the appliance be found un-
22 reasonably defective or incorrect to the disadvantage of the con-
23 sumer or user.

24 Sec. 11. PURCHASE OF INSTRUMENTS. The Commission may
25 purchase such material, apparatus and standard measuring instru-
26 ments for such examinations and tests as it may deem necessary.

27 Sec. 12. POWER TO ENTER PREMISES. The Commission, its
28 agents, experts or examiners shall have power to enter upon any
29 premises occupied by any public utility for the purpose of making

1 the examinations and tests provided in this Act and to set up
2 and use on such premises any apparatus and appliances and occupy
3 reasonable space therefor.

4 Sec. 13. SCHEDULE OF RATES FOR PUBLIC. Every public
5 utility shall file with the Commission, within a time fixed by
6 the Commission, schedules, which shall be open to public inspec-
7 tion, showing all rates, tolls and charges which it has estab-
8 lished and which are endorsed at the time for any service per-
9 formed by it within Alaska, or for any service in connection
10 therewith, or performed by any public utility controlled or
11 operated by it.

12 Sec. 14. REGULATIONS AFFECTING RATES; FILING. Every
13 public utility shall file, with and as a part of such schedule,
14 all rules and regulations that in any manner affect the rates
15 charged or to be charged for any service.

16 Sec. 15. PRINTING OF SCHEDULE. A copy of so much of said
17 schedule as the Commission shall deem necessary for the use of
18 the public shall be printed in plain type, and kept on file in
19 every station or office of such public utility where payments
20 are made by the consumer or users, open to the public in such
21 form and place as to be readily accessible to the public and
22 as can be conveniently inspected.

23 Sec. 16. JOINT RATES, PRINTING. Where a schedule of joint
24 rates or charges is or may be in force between two (2) or more
25 public utilities, such schedules shall, in like manner, be
26 printed and filed with the Commission and so much thereof as the
27 Commission shall deem necessary for the use of the public shall
28 be filed in every such station or office as provided in Sections
29 13 and 15 of this Article.

1 Sec. 17. CHANGE OF RATES, HOW MADE. No change shall there-
2 after be made, ^{by any public utility under the jurisdiction of the Commission} in any schedule, including schedules of joint rates,
3 except upon thirty (30) days' notice to the Commission and
4 approval by the Commission and all such changes shall be plainly
5 indicated upon existing schedules or by filing new schedules
6 in lieu thereof thirty (30) days prior to the time the same are
7 to take effect; Provided, that the Commission, upon application
8 of any public utility, may prescribe a less time within which a
9 reduction may be made.

10 Sec. 18. FILING COPIES OF SCHEDULE. Copies of all new
11 schedules shall be filed as hereinafter provided in every station
12 or office of such public utility where payments are made by
13 consumers or users ten (10) days prior to the time the same are
14 to take effect, unless the Commission shall prescribe a less
15 time.

16 Sec. 19. RATES VARYING FROM SCHEDULE UNLAWFUL. It shall be
17 unlawful for any public utility to charge, demand, collect or
18 receive a greater or less compensation for any service performed
19 by it within the Territory, or for any service in connection
20 therewith, than is specified in such printed schedules, including
21 schedules of joint rates, as may at the time be in force, to
22 demand, collect or receive any rates, tolls or charges not
23 specified in such schedule, except that [service to] hospitals and
24 [similar] non-profit [service] institutions [which accept and care
25 for charity patients without charge] may be authorized to receive
26 free service subject to Commission approval. The [rates, tolls
27 and charges named therein shall be the lawful rates, tolls and
28 charges unless the same are changed as provided in this Act.

29 Sec. 20. FORMS CHANGED. The Commission may prescribe

1 by such utility is not justified by the actual needs of the
2 utility, or that any other item of expense is being incurred by
3 the utility which is either unnecessary or excessive, the commis-
4 sion shall designate such item or items, and such item or items
5 so designated, or such parts thereof as the Commission may deem
6 unnecessary or excessive, shall not be taken into consideration
7 in determining and fixing the rates which such utility is per-
8 mitted to charge for the service which it renders.

9 Sec. 3. EXAMINATION OF BOOKS AND OFFICIALS: SUBSTANTIAL
10 INTEREST OF STOCKHOLDER; AFFILIATED INTERESTS: CONTRACTS WITH
11 AFFILIATES; ANNUAL REPORTS; STATEMENTS FROM OTHER SOURCES. The
12 Commission or any Commissioner when authorized by the Commission
13 or any person or persons employed by the Commission for that pur-
14 pose, shall upon demand have the right to inspect the books,
15 accounts, papers, records and memoranda of any public utility
16 and to examine, under oath, any officer, agent or employee of
17 such public utility in relation to its business and affairs. Any
18 person other than one of said Commissioners who shall make such
19 demand shall produce his authority to make such inspection.

20 Sec. 4. PRODUCTION OF BOOKS: NOTICE SERVICE. The Commis-
21 sion may require, by order or subpoena, to be served on any public
22 utility in the same manner that a summons is served in a civil
23 action in the district court, the production, within the Terri-
24 tory, at such time and place as it may designate, of any books,
25 accounts, papers, or records kept by said public utility in any
26 office or place without the Territory of Alaska or verified
27 copies in lieu thereof, if the Commission shall so order, in
28 order that an examination thereof may be made by the Commission
29 or under its direction. Any public utility failing or

1 refusing, after reasonable written notice, to comply with any
2 such order or subpoena shall, for each day it shall so fail or re-
3 fuse, forfeit and pay into the treasury a sum of not less than
4 fifty dollars (\$50.00).

5 Sec. 5. AGENTS: APPOINTMENT: POWERS. For the purpose of
6 making an investigation with regard to any public utility, the
7 Commission shall have power to appoint, by an order in writing,
8 an agent, whose duties shall be prescribed in such order. In
9 the discharge of his duties, such agent shall have every power
10 whatsoever of an inquisitorial nature granted in this Act to the
11 Commission. The Commission may conduct any number of such
12 investigations contemporaneously through different agents; and
13 may delegate to such agent the taking of all testimony bearing
14 upon any investigation or hearing. The decision of the Commission
15 shall be based upon its examination of all testimony and records.
16 The recommendations made by such agents shall be advisory only,
17 and shall not preclude the taking of further testimony if the
18 Commission so orders, nor further investigation.

19 Sec. 6. INFORMATION TO BE FURNISHED. Every public utility
20 shall furnish to the Commission all information required by it
21 to carry into effect the provisions of this Act, and shall make
22 specific answers to all questions submitted by the Commission.

23 Sec. 7. COMPLAINTS: INVESTIGATION AND HEARING. Upon a
24 complaint made against any public utility by any mercantile,
25 agricultural or manufacturing society or by any body politic or
26 municipal organization or by ⁵⁰ten (10) persons, firms, corpora-
27 tions or associations, or ¹⁰ten (10) complainants of all or any ^{and}
28 of the aforementioned classes, or by any public utility, that ^{P. U.}
29 any of the rates, tolls, charges or schedules or any joint rate ^{complaint}

1 or rates in which such petitioner is directly interested are in.
2 any respect unreasonable or unjustly discriminatory, or that any
3 regulation, measurement, practice or act whatsoever affecting or
4 relating to the service of any public utility, or any service in
5 connection therewith, is in any respect unreasonable, unsafe,
6 insufficient or unjustly discriminatory, or that any service is
7 inadequate or can not be obtained, the Commission shall proceed,
8 with or without notice, to make such investigation as it may deem
9 necessary or convenient. But no order affecting said rates,
10 tolls, charges, schedules, regulations, measurements, practice
11 or act, complained of, shall be entered by the Commission with-
12 out a formal public hearing.

13 Sec. 8. NOTICE OF COMPLAINT: TIME FOR HEARING. The Commis-
14 sion shall, prior to such formal hearing, notify the public
15 utility complained of that a complaint has been made, and ten
16 (10) days after such notice has been given, the Commission may
17 proceed to set a time and place for a hearing and an investigation
18 as hereinafter provided.

19 Sec. 9. TEN DAYS' NOTICE OF HEARING. The Commission shall
20 give the public utility and the complainant, if any, ten (10)
21 days' notice of the time and place when and where such hearing
22 and investigation will be held and such matters considered and
23 determined. Both the public utility and complainant shall be
24 entitled to be heard and shall have process to enforce the
25 attendance of witnesses.

26 Sec. 10. SEPARATE HEARING. The Commission may, in its
27 discretion, when complaint is made of more than one (1) rate or
28 charge, order separate hearings thereon, and may consider and
29 determine the several matters complained of separately and at

1 such times as it may prescribe. No complaint shall at any time
2 be dismissed because of the absence of direct damage to the
3 complainant.

4 Sec. 11. UNREASONABLE RATES: INVESTIGATION. Whenever the
5 Commission shall believe that any rate or charge may be unreason-
6 able or unjustly discriminatory or that any service is inadequate,
7 or cannot be obtained, or that an investigation of any matters
8 relating to any public utility should for any reason be made,
9 it may, on its motion, summarily investigate the same, with or
10 without notice.

11 Sec. 12. HEARING ORDERED: STATEMENT: NOTICE. If, after
12 making such investigation, the Commission becomes satisfied that
13 sufficient grounds exist to warrant a formal hearing being ordered
14 as to the matters so investigated, it shall furnish such
15 public utility interested a statement notifying the public utility
16 of the matters under investigation. Ten (10) days after such
17 notice has been given, the Commission may proceed to set a time
18 and place for a hearing and an investigation, as hereinbefore
19 provided.

20 Sec. 13. NOTICE OF HEARING: PRACTICE. Notice of the time
21 and place for such hearing shall be given to the public utility
22 and to such other interested person as the Commission shall
23 deem necessary, as provided in Section 9 in this Act, and
24 thereafter proceedings shall be had and conducted in reference
25 to the matter investigated in like manner as though complaint
26 had been filed with the Commission relative to the matter
27 investigated, and the same order or orders may be made in refer-
28 ence thereto as if such investigation had been made on complaint.

29 Sec. 14. COMPLAINT BY PUBLIC UTILITY. Any public utility

1 may make complaint as to any matter affecting its own rates or
2 service with like effect as though made by any mercantile, agri-
3 cultural or manufacturing society, body politic or municipal
4 organization or by ten (10) persons, firms, corporations or
5 associations.

6 Sec. 15. OATHS; SUBPOENAS; DISOBEYING ORDERS. Each of
7 the Commissioners and every agent provided for in this Act shall
8 have power to administer oaths, certify to official acts, issue
9 subpoenas, compel the attendance of witnesses and the production
10 of books, accounts, papers, records, documents and testimony.
11 In case of disobedience on the part of any person or persons to
12 comply with any order of the Commission or any Commissioner or
13 any subpoena, or on the refusal of any witness to testify to any
14 matter regarding which he may be lawfully interrogated before
15 the Commission, or its authorized agent, it shall be the duty of
16 the district court or the judge thereof, on application of a
17 Commissioner, to compel the obedience to the requirements of a
18 subpoena issued from such court or a refusal to testify therein.

19 Sec. 16. WITNESSES' FEES. The Commission shall promulgate
20 and adapt regulations governing transportation, subsistence and
21 remuneration of witnesses who shall be called to appear before
22 the Commission or its agent.

23 Sec. 17. DEPOSITIONS. The Commission, or any party, may,
24 in any investigation, cause the depositions of witnesses residing
25 without the Territory to be taken in the manner prescribed by
26 law for like depositions in civil actions in district courts.

27 Sec. 18. RECORD OF PROCEEDINGS. A record shall be kept
28 of all proceedings had before the Commission or its agent or
29 any formal investigation had and all testimony shall be taken

1 down by the stenographer appointed by the Commission.

2 Sec. 19. ACTION AGAINST COMMISSION, TRANSCRIPT. Whenever
3 any action is commenced against the Commission under the provisions
4 of this Act, the Commission shall, before said action is reached
5 for trial, cause a certified transcript of all proceedings had
6 and testimony taken upon such investigation to be filed with the
7 clerk of the district court of the division where the action is
8 pending.

9 Sec. 20. TRANSCRIPT: CONTENTS: CERTIFICATE. A transcript
10 copy of the evidence and proceedings, or any specific part thereof,
11 on any investigation, taken by the stenographer appointed by
12 the Commission, being certified under oath by such stenographer
13 to be a true and correct transcript of all the testimony on the
14 investigation, of a particular witness or of other specific
15 part thereof, carefully prepared by him from his original notes,
16 and to be a correct statement of the evidence and proceedings
17 had on such investigations so purporting to be taken and tran-
18 scribed, shall be received in evidence with the same effect as if
19 such reporter were present and testified to the fact so certified.

20 Sec. 21. COPIES OF TRANSCRIPT FURNISHED. A copy of such
21 transcript shall be furnished on terms fixed by the Commission to
22 any party to such investigation.

23 Sec. 22. UNJUST RATES: ORDERS. Whenever, upon an investi-
24 gation, the Commission shall find any rates, tolls, charges,
25 schedules or joint rate or rates, to be unjust, unreasonable, in-
26 sufficient or unjustly discriminatory, or to be preferential or
27 otherwise in violation of any of the provisions of this Act, the
28 Commission shall determine, and by order fix just and reasonable
29 rates, tolls, charges, schedules or joint rates to be imposed,

1. observed and followed in the future in lieu of those found to be
2 unjust, unreasonable, insufficient or unjustly discriminatory or
3 preferential or otherwise in violation of any of the provisions
4 of this Act.

5 Sec. 23. INADEQUATE SERVICE: ORDERS. Whenever, upon in-
6 vestigation made under the provisions of this Act, the Commission
7 shall find any regulations, measurements, practices, acts or
8 service to be unjust, unreasonable, unwholesome, unsanitary, un-
9 safe, insufficient, preferential, unjustly discriminatory or
10 otherwise in violation of any of the provisions of this Act; or
11 shall find that any service is inadequate or that any service
12 which can be reasonably demanded can not be obtained, the
13 Commission shall determine and declare and by order fix just and
14 reasonable measurements, regulations, acts, practices or service
15 to be furnished, imposed, observed and followed in the future in
16 lieu of those found to be unjust, unreasonable, unwholesome, un-
17 sanitary, unsafe, insufficient, preferential, unjustly discrimin-
18 atory, inadequate, or otherwise in violation of this Act, as the
19 case may be, and shall make such other order respecting such
20 measurement, regulation, act, practice or service as shall be
21 just and reasonable.

22 Sec. 24. *Effective Date of Order*
EXPENSES OF INVESTIGATIONS; PAYMENT BY UTILITY.
23 In its order upon any investigation, made under the provisions
24 of this Act, either upon complaint against any public utility, or
25 upon the petition of any such public utility or upon the initia-
26 tion of the Commission, the Commission shall ascertain and de-
27 clare the expenses incurred by it upon such investigation, and
28 the public utility affected thereby shall pay into the treasury
29 of the Territory the amount of the expenses, so ascertained and

1 declared, within a time to be fixed in the order, not exceeding
2 twenty (20) days from the date thereof. The Commission shall
3 cause a certified copy of all such orders to be delivered to an
4 officer or agent of the public utility affected thereby, and all
5 such orders shall, of their own force, take effect and become
6 operative twenty (20) days after service thereof unless a differ-
7 ent time be provided in said order; Provided, that so much of
8 any order of the Commission as may increase any rate of such
9 public utility shall not take effect until such expenses are paid
10 into the treasury. All such moneys paid into the treasury of
11 the Territory are hereby appropriated to the Public Service
12 Commission to defray its expenses.

13 Sec. 25. CHANGE OF SCHEDULE TO COMPLY WITH ORDER. All
14 public utilities to which the order applies shall make such
15 changes in their schedule on file as may be necessary to make the
16 same conform to said order, and no change shall thereafter be
17 made by any public utility in any such rates, tolls, or charges,
18 or any joint rate or rates, without the approval of the Commis-
19 sion. Certified copies of all other orders of the Commission
20 shall be delivered to the public utility affected thereby in
21 like manner and the same shall take effect within such time
22 thereafter as the Commission shall prescribe.

23 Sec. 26. RESCINDING ORDERS, NOTICE. The Commission may,
24 at any time, upon notice to the public utility and after oppor-
25 tunity to be heard as provided herein, rescind, alter or amend
26 any order fixing any rate or rates, tolls, charges or schedules,
27 or any other order made by the Commission, and certified copies
28 of the same shall be served and take effect as herein provided
29 for original orders.

1 Sec. 27. RATES IN FORCE PRIMA FACIE LAWFUL. All rates,
2 tolls, charges, schedules and joint rates fixed by the Commission
3 shall be in force and be prima facie lawful, and all regulations,
4 practices and services prescribed by the Commission shall be in
5 force and shall be prima facie reasonable unless finally found
6 otherwise in an action brought for that purpose pursuant to the
7 provisions of this Act.

8 Sec. 28. ACTIONS TO VACATE OR ENJOIN ENFORCEMENT OF ORDERS.
9 Any person, firm, association, corporation, city, town or public
10 utility adversely affected by any decision, ruling, order, deter-
11 mination, requirement or direction of the Commission may commence
12 an action in the district court of any judicial division in which
13 that portion of the utility which is the subject-matter of the
14 procedure before the Commission operates or seeks to operate,
15 against the Commission to vacate or set aside or enjoin the en-
16 forcement of any such decision, ruling, order, determination,
17 requirement or direction, on the ground that the same is in-
18 sufficient, unreasonable, unlawful, or procured by fraud or other
19 unlawful methods.

20 Sec. 29. ACTIONS TO VACATE OR ENJOIN: WHEN SHALL BE
21 COMMENCED. Every such action shall be commenced within sixty
22 (60) days after the entry or rendition by the Commission of such
23 decision, ruling, order, determination, requirement or direction
24 complained of; Provided, that if a rehearing by the Commission
25 has been petitioned for, the right to commence such action as is
26 here provided for shall terminate thirty (30) days after the
27 determination by the Commission of such petition for rehearing.
28 The word "order" as used herein shall include any final order,
29 decision, ruling, determination, requirement or direction made

1 by the Public Service Commission upon any matter within its
2 jurisdiction.

3 Sec. 30. ACTIONS TO VACATE OR ENJOIN; SERVICE OF COMPLAINT
4 AND PROCESS; NOTICES. In every such action a copy of the com-
5 plaint shall be served upon the Commission together with the
6 summons. Immediately upon service of summons the Public Service
7 Commission shall cause written notice, containing all the
8 essential information contained in the summons, to be mailed
9 to all parties who appeared, either in person or by attorney,
10 before the Commission during any part of the hearing or considera-
11 tion of the matter complained of; Provided, that the mailing of
12 such notice to any attorney shall be deemed notice to all parties
13 for whom he appeared; Provided, further, that failure to mail
14 the notice required herein shall not deprive the court of
15 jurisdiction.

16 Sec. 31. ACTIONS TO VACATE OR ENJOIN; ADDITIONAL PARTIES.
17 Whenever any person, firm, association, corporation, city, town
18 or public utility, shall file in any such action, at any time
19 before judgment, a written motion to be made a party, either
20 plaintiff or defendant, and which motion alleges facts showing
21 that the party filing the same has any interest in the determina-
22 tion of the action, such person, firm, association, corporation,
23 city, town or public utility shall be thereupon made a party
24 plaintiff or defendant as its interest appears, and it shall
25 thereafter have all the rights of any party to such action, in-
26 cluding the right to appeal.

27 Sec. 32. ACTIONS TO VACATE OR ENJOIN; TRANSCRIPT OF COMMIS-
28 SION RECORD TO BE RECEIVED IN EVIDENCE. Upon service of summons
29 in any such action the Commission shall forthwith cause to be

1 made a complete transcript of all the pleadings, evidence and
2 entries filed, introduced, and made with, before, and by the
3 Commission in the proceeding complained of in such action, and
4 such transcript shall be received in evidence in such action, when
5 offered by any party thereto.

6 Sec. 33. ACTIONS TO VACATE OR ENJOIN; NOTICE AND HEARING
7 REQUIRED. No injunction shall issue in any such action suspend-
8 ing or staying any order of the Commission except after notice
9 to the Commission and hearing.

10 Sec. 34. BURDEN OF PROOF. In all trials, actions and
11 proceedings arising under the provisions of this Act or growing
12 out of the exercise of the authority and powers granted herein
13 to the Commission, the burden of proof shall be upon the party
14 adverse to such Commission or seeking to set aside any deter-
15 mination, requirement, direction or order of said Commission, to
16 show that the determination, requirement, direction or order of
17 the Commission complained of is unreasonable ^{and} or unlawful, as the
18 case may be.

19 Sec. 35. RULES AND PRACTICE; FEES OF OFFICERS. In all
20 actions and proceedings in court arising under this Act, all
21 processes shall be served and the practice and rules of evidence
22 shall be the same as in civil actions, except as otherwise herein
23 provided. Every U. S. Marshal or other officer empowered to
24 execute civil processes shall execute any process issued under
25 the provisions of this act, and shall receive such compensation
26 therefore as may be prescribed by law for similar services.

27 ARTICLE VIII

28 MISCELLANEOUS PROVISIONS

29 Section 1. REGULATIONS TO HAVE EFFECT OF LAW. All rules

1 and regulations lawfully promulgated by the Commission shall
2 have the force and effect of law.

3 Sec. 2. SEPARABILITY CLAUSE. If any provision of this Act,
4 or the application thereof to any person or circumstance, is held
5 invalid, the remainder of this Act, and the application of such
6 provision to other persons or circumstances, shall not be affected
7 thereby.

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