

1 IN THE HOUSE

BY MR. FISHER

2 HOUSE BILL NO. 157

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act to prohibit the unnecessary duplica-  
7 tion of electric distribution facilities;  
8 and providing for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 Section 1. POLICY. It is hereby declared to be the policy  
11 of the state that the public interest requires that the public be  
12 protected from the economic waste inherent in the duplication and  
13 over-lapping of electric distribution facilities.

14 Sec. 2. DEFINITIONS. As used in this Act, the term:

15 (1) "Person" means any natural person, firm, associa-  
16 tion, corporation, business trust, partnership, federal agency,  
17 state or political subdivision or agency thereof, or any body  
18 politic.

19 (2) "Supplier of electric service" means any person  
20 engaged in selling electric power and energy.

21 (3) "Distribution line" means facilities, including  
22 poles, towers, wire and other fixtures, from which electric ser-  
23 vice is distributed directly to the consumer.

24 Sec. 3. CONSENT OF UTILITY. No supplier of electric service  
25 shall furnish, or offer to furnish, electric service to any  
26 premises which are being or have been served by another supplier  
27 of electric service without the written consent of such former or  
28 present supplier, unless the latter is unable or unwilling to  
29 provide the service requested.

1           Sec. 4. EXTENSION OF SERVICE. No supplier of electric ser-  
2 vice shall furnish, or offer to furnish, electric service to any  
3 premises located within 1,500 feet of a distribution line of  
4 another supplier of electric service without obtaining the written  
5 consent of such other supplier, unless the latter is unable or  
6 unwilling to provide the service requested. In the event the  
7 premises to be served are within 1,500 feet of distribution lines  
8 of two or more suppliers, the supplier whose distribution line is  
9 nearest to the premises shall have the right to furnish service  
10 thereto. Nothing contained herein shall preclude any supplier of  
11 electric service from extending service to his own property or  
12 facilities.

13           Sec. 5. JUDICIAL REVIEW. Any person who feels aggrieved  
14 that he is required under this Act to accept electric service from  
15 a supplier not of his choice may petition the court having general  
16 equity jurisdiction of the place of such service for an order to  
17 show cause why he should not be released from such obligation. If  
18 the court finds that the service is inadequate and will not likely  
19 be made adequate, the court shall order such release.

20           Sec. 6. JUDICIAL ENFORCEMENT. The court having general  
21 equity jurisdiction of the place of such service, upon proper com-  
22 plaint and showing by any party aggrieved, shall enjoin the  
23 furnishing of, or offer to furnish, electric service in violation  
24 of Secs. 3 and 4 of this Act, and shall award the complainant in  
25 any such suit threefold his actual damages, any exemplary damages  
26 which may be assessed, and the costs of his suit including a  
27 reasonable attorney fee.

28           Sec. 7. EFFECTIVE DATE. This Act shall become effective  
29 immediately upon its passage and approval, or upon its becoming

1 law without such approval.

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29