

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 HOUSE BILL NO. 181

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 create the Public Service
7 Commission of Alaska; defining its authority
8 and duties; and providing for an effective
9 date."

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

11 Section 1. PUBLIC SERVICE COMMISSION OF ALASKA CREATED:
12 MEMBERSHIP. There is hereby created under the provisions of the
13 State Organization Act of 1959, a Public Service Commission of
14 Alaska as a division within the Department of Labor and Economics.
15 The commission shall consist of five (5) members, one (1) each
16 from the Southeastern, Southcentral, Central and Northwestern
17 election districts and one (1) from the state at large. Said
18 members of such commission shall be appointed by the governor
19 and confirmed by the legislature in joint session assembled.
20 The member at large shall be appointed to serve a period of four
21 (4) years, and shall be ex-officio chairman of the commission.
22 The term of office of the remaining four (4) members shall be
23 determined by lot at the first meeting. Two (2) members shall
24 hold office for a period of two (2) years and two (2) for a
25 period of four (4) years. All members of said commission shall
26 serve as such until their successors are duly appointed and
27 qualified. No member of said commission whose office is created
28 under the provisions of this Act or any person appointed to any
29 position or employed in any capacity by or to serve on said com-

1 mission shall have any official or professional relationship or
2 connection with, or hold any stock or securities or have any
3 pecuniary interest in any public utility operating in the State
4 of Alaska. Each member appointed to the public service commis-
5 sion of alaska shall take and subscribe to an oath in writing
6 that he will faithfully perform the duties of his office, and
7 support and defend to the best of his ability the Constitution
8 of the United States of America and the Constitution and laws of
9 the State of Alaska and the United States of America, and such
10 oath shall be filed with the Secretary of State.

11 Sec. 2. DEFINITION OF TERMS: SHORT TITLE OF ACT. The
12 term "public utility" as used in this Act shall mean and embrace
13 every corporation, municipal or otherwise, company, individual,
14 association of individuals, their lessees, trustees, or receivers
15 appointed by any court whatsoever, that now or hereafter may own,
16 operate, manage or control any street railway, ferry system or
17 any plant or equipment within the state for the conveyance of
18 persons or commodities by air, water or surface transportation or
19 of telephone messages, or for the production, transmission,
20 delivery or furnishing of heat, light, water or power, or for the
21 furnishing of elevator or warehouse service either directly or
22 indirectly to or for the public.

23 The term "street railway", as used in this Act, shall mean
24 and embrace systems of transportation of passengers for hire with-
25 in towns, cities, suburbs, and on the public and private highways
26 and roads within the State of Alaska, or the environs thereof, by
27 means of cars, buses, taxi cabs or other vehicles operated by
28 electric or other power.

29 The term "rate" as used in this Act shall mean and include

1 every individual or joint rate, fare, toll, charge, rental or
2 other compensation of any utility or any two (2) or more such in-
3 dividual or joint rates, fares, tolls, charges, rentals or other
4 compensations of any utility or any schedule or tariff thereon.

5 The term "service" is used in this Act in its broadest and
6 most inclusive sense and includes not only the use or accomoda-
7 tion afforded consumers or patrons but also any product or
8 commodity furnished by any public or other utility and the plant,
9 equipment, apparatus, appliances, property and facility employed
10 by any public or other utility in performing any service or in
11 furnishing any product or commodity and devoted to the purposes
12 in which such public or other utility is engaged and to the use
13 and accomodation of the public.

14 The term "commission" used in this Act shall mean the public
15 service commission of Alaska hereby created.

16 The term "utility" as used in this Act shall mean every plant
17 or equipment within the state used for the conveyance of persons
18 or commodities by air, water or surface transportation or of
19 telephone messages, or for the production, transmission, delivery,
20 or furnishing of heat, light, water or power, or for the furnish-
21 ing of elevator or warehouse service, either directly or indirect-
22 ly to the public: Provided, however, that a warehouse owned or
23 operated by any person, firm, or corporation engaged in the busi-
24 ness of operating a warehouse business for the storage of used
25 household goods only shall not be a public utility within the
26 meaning of this Act.

27 This Act shall be commonly known and referred to as the
28 "Public Service Commission Act."

29 Sec. 3. COUNSEL: APPOINTMENT: ATTORNEY GENERAL. The

1 Attorney General shall be the legal counsel for the commission
2 and shall prosecute all cases in which the commission may be
3 interested. He shall advise the commission in legal matters
4 arising in the discharge of its duties and shall represent the
5 commission in all suits to which the commission is a party.

6 Sec. 4. DUTY OF COMMISSION: HEARINGS: AUTHORITY OF COM-
7 MISSION. The commission created by this Act shall in all con-
8 troversial proceedings heard by it be an impartial fact-finding
9 body and shall make its orders in such cases upon the facts im-
10 partially found by it. The commission shall in no such proceed-
11 ings, during the hearing, sit in the role either of a proponent
12 or opponent on any issue to be decided by it. All evidence given
13 in any such proceeding shall be offered on behalf of the res-
14 pective parties to, or appearing in, the proceeding and not in
15 the name or behalf of the commission itself. If in any such pro-
16 ceeding the public interest is not otherwise adequately repre-
17 sented by counsel in the opinion of the commission, it shall be
18 the duty of the Attorney General, if requested by the commission,
19 to make adequate preparation for the presentation of the inter-
20 est of the public in such proceeding and he shall at the hearing
21 represent the public interests therein involved: Provided, how-
22 ever, that nothing in this section contained shall prevent the
23 public service commission of Alaska from instituting, prosecuting,
24 hearing or determining any investigation or proceeding which it
25 is authorized to do, or make, on its own motion by any law with
26 the administration of which it is charged.

27 Sec. 5. ADDITIONAL DUTIES: STUDIES OF LAWS AND PRACTICES
28 CERTAIN UTILITIES: RECOMMENDATIONS TO LEGISLATURE: HEARINGS. In
29 addition to all other powers and duties conferred by law, said

1 commission shall have the following further additional duties:
2 To make a careful study of all laws with the administration of
3 which it is charged, and of the practices of public utilities,
4 and of motor vehicle air and marine carriers, and to make a spe-
5 cial written report thereon and of any recommendations it may have
6 thereon, and shall file copies thereof both with the speaker of
7 the house of representatives and the president of the senate at
8 the opening of each regular session of the legislature of Alaska,
9 and shall also file a copy of such report with the governor not
10 less than ten (10) days prior to the opening of said session of
11 the legislature. To assist said commission in making such study
12 it is hereby authorized to prepare and submit questionnaires to
13 public utilities and to motor vehicle air and marine carriers
14 calling for information relevant to each study, and it may hold
15 hearings for that purpose and may issue subpoenas to witnesses
16 commanding their attendance at such hearings, and said commission
17 is hereby authorized to examine or cause to be examined, the
18 books and records of any public utility or motor vehicle air and
19 marine carriers in connection with such study.

20 Sec. 6. PUBLISHING NOTICES: NEWSPAPERS: NOTICE OF HEARINGS:
21 FAILURE TO MAIL NOTICES: RIGHT TO PUBLISH NOTICES. Whenever
22 the public service commission of Alaska shall order a hearing in
23 any proceeding instituted by or against any public utility or a
24 motor vehicle air or marine carrier, notice of such hearing shall
25 be given by one (1) publication appearing not less than then (10)
26 days prior to the date fixed for said hearing in a newspaper of
27 general circulation published in the division wherein reside
28 patrons or customers of said public utility or motor vehicle air
29 or marine carrier who might be affected by an order made by the

1 commission pursuant to said hearing. In addition to such publish-
2 ed notice, said commission shall mail notice of such hearing, also
3 notice of the filing with it of applications or proceedings to
4 such persons, firms or corporations having competitive interests
5 involved and to the representatives of any city or town affected
6 by such hearing, application or proceeding; Provided, that fail-
7 ure to mail such notices shall not be deemed to be jurisdictional,
8 but may be cause for rehearing.

9 Sec. 7. ORDER OF COMMISSION: SUGGESTED ORDER: MAILING TO
10 PARTIES: EXCEPTIONS. In every case where any law or order to be
11 administered by the commission provides that a party to a pro-
12 ceeding before the commission shall have a time in which to file
13 written exceptions to a suggested order before the same may be-
14 come the final order of the commission, it shall be the duty of
15 the commission to promptly mail to each party having such right
16 a copy of such suggested order, and the time for filing such
17 exceptions as provided by law or order shall in each case commence
18 to run on the day of mailing of such copy of such suggested order.

19 Sec. 8. PENDING ACTIONS OR PROCEEDINGS: DUTY OF COMMISSION.
20 This Act shall not affect pending actions or proceedings brought
21 by or against the people of Alaska or the public service commis-
22 sion, or by any other person, firm or corporation, under the pro-
23 visions of the acts establishing or conferring power upon the
24 public service commission but the same may be prosecuted and de-
25 fended with the same effect as though this Act had not been
26 passed except the same shall be continued and carried on by the
27 public service commission of Alaska.

28 Sec. 9. AUTHORITY TO EMPLOY ASSISTANTS: COMPENSATION. The
29 commission is authorized to employ such engineers, examiners, ex-

1 perts, clerks, accountants and other assistants as it may deem
2 necessary, at such rates of compensation as it may determine.

3 Sec. 10. REGULATIONS TO HAVE EFFECT OF LAW. All rules
4 and regulations promulgated by the public service commission of
5 Alaska shall have the force and effect of law. Notwithstanding
6 any provision of this Act, all rules and regulations shall be
7 promulgated in conformity with the provisions of the Administra-
8 tive Procedure Act of 1959.

9 Sec. 11. SEPARABILITY CLAUSE. If any provision of this Act,
10 or the application thereof to any person or circumstance, is held
11 invalid, the remainder of this Act, and the application of such
12 provision to other persons or circumstances, shall not be affected
13 thereby.

14 Sec. 12. EFFECTIVE DATE. This Act shall take effect imme-
15 diately upon its passage and approval or upon its becoming law
16 without such approval.

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