

1 IN THE SENATE

BY SENATOR MCNABB

2 SENATE BILL NO. 54

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; prescribing penalties; author-  
9 izing an appropriation; and declaring an  
10 emergency."

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

12 Chapter 1. ORGANIZATION OF COMMISSION.

13 Section 1. Public Service Commission of Alaska created --

14 Membership. There is hereby created the Public Service Commission  
15 of Alaska which shall consist of five (5) members, one (1) each  
16 from Southeastern, Southcentral, Central and Northwestern district  
17 and one (1) from the State at large. Said members of such  
18 commission shall be appointed by the Governor and confirmed by the  
19 legislature in joint session assembled. The member at large shall  
20 be appointed to serve a period of four (4) years, and shall be ex-  
21 officio chairman of the commission. The term of office of the  
22 remaining four (4) members shall be determined by lot at the first  
23 meeting. Two (2) members shall hold office for a period of two (2)  
24 years and two (2) for a period of four (4) years. No election  
25 district shall be represented for two (2) successive four (4)  
26 year terms. All members of said commission shall serve as such  
27 until their successors are duly appointed and qualified. No  
28 member of said commission whose office is created under the pro-  
29 visions of this Act or any person appointed to any position or

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

12       Sec. 2. Definition of terms---Short title of Act. The term  
13 "public utility" as used in this Act shall mean and embrace every  
14 corporation, municipal or otherwise, company, individual, associa-  
15 tion of individuals, their lessees, trustees, or receivers appoint-  
16 ed by any court whatsoever, that now or hereafter may own, operate,  
17 manage or control any street railway, ferry system or any plant or  
18 equipment within the State for the conveyance of persons or  
19 commodities by air, water or surface transportation, or of telephone  
20 messages, or for the production, transmission, delivery or furn-  
21 ishing of heat, light, water or power, or for the furnishing of  
22 elevator or warehouse service either directly or indirectly to or  
23 for the public.

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

1           The term "rate" as used in this Act shall mean and include  
2 every individual or joint rate, fare, toll, charge, rental or  
3 other compensation of any utility or any two (2) or more such in-  
4 dividual or joint rates, fares, tolls, charges, rentals or other  
5 compensations of any utility or any schedule or tariff thereon.

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

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

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

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

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

7           Sec. 4. Duty of commission--Hearings--Authority of commis-  
8 sion. The commission created by this Act shall in all controver-  
9 sial proceedings heard by it be an impartial fact-finding body  
10 and shall make its orders in such cases upon the facts impartially  
11 found by it. The commission shall in no such proceeding, during  
12 the hearing, set in the role either of a proponent or opponent  
13 on any issue to be decided by it. All evidence given in any such  
14 proceeding shall be offered on behalf of the respective parties  
15 to, or appearing in, the proceeding and not in the name or behalf  
16 of the commission itself. If in any such proceeding the public  
17 interest is not otherwise adequately represented by counsel in  
18 the opinion of the commission, it shall be the duty of the  
19 Attorney General, if requested by the commission, to make adequate  
20 preparation for the presentation of the interest of the public in  
21 such proceeding and he shall at the hearing represent the public  
22 interests therein involved: Provided, however, That nothing in  
23 this section contained shall prevent the public service commission  
24 of Alaska from instituting, prosecuting, hearing or determining  
25 any investigation or proceeding which it is authorized to do, or  
26 make, on its own motion by any law with the administration of  
27 which it is charged.

28           Sec. 5. Additional duties--Studies of laws and practices  
29 certain utilities--Recommendations to Legislature--Hearings. In

1 addition to all other powers and duties conferred in this Act  
2 upon the public service commission of Alaska, said commission  
3 shall have the following further additional duties: To make a  
4 careful study of all laws with the administration of which it is  
5 charged, and of the practices of public utilities, and of motor  
6 vehicle air and marine carriers, and to make a special written  
7 report thereon and of any recommendations it may have thereon, and  
8 shall file copies thereof both with the Speaker of the House of  
9 Representatives and the President of the Senate at the opening of  
10 the 2nd regular session of the Legislature of Alaska, and shall  
11 also file a copy of such report with the Governor not less than  
12 ten (10) days prior to the opening of said session of the Legis-  
13 lature. To assist said commission in making such study it is  
14 hereby authorized to prepare and submit questionnaires to public  
15 utilities and to motor vehicle air and marine carriers calling for  
16 information relevant to each study, and it may hold hearings for  
17 that purpose and may issue subpoenas to witnesses commanding  
18 their attendance at such hearings, and said commission is hereby  
19 authorized to examine or cause to be examined, the books and  
20 records of any public utility or motor vehicle air and marine  
21 carriers in connection with such study.

22       Sec. 6. Publishing notices--Newspapers--Notice of hearings--  
23 Failure to mail notices--Right to publish notices. Whenever the  
24 public service commission of Alaska shall order a hearing in any  
25 proceeding instituted by or against any public utility or a motor  
26 vehicle air or marine carrier, notice of such hearing shall be  
27 given by one (1) publication appearing not less than ten (10)  
28 days prior to the date fixed for said hearing in a newspaper of  
29 general circulation published in the division wherein reside

1 patrons or customers of said public utility or motor vehicle, air  
2 or marine carrier who might be affected by an order made by the  
3 commission pursuant to said hearing. In addition to such publish-  
4 ed notice, said commission shall mail notice of such hearing, also  
5 notice of the filing with it of applications or proceedings to  
6 such persons, firms or corporations having competitive interests  
7 involved and to the representatives of any city or town affected  
8 by such hearing, application or proceeding; Provided, That failure  
9 to mail such notices shall not be deemed to be jurisdictional, but  
10 may be cause for rehearing.

11 Sec. 7. Order of commission--Suggested order--Mailing to  
12 parties--Exceptions. In every case where any law or order to be  
13 administered by the commission created by this Act provides that a  
14 party to a proceeding before the commission shall have a time in  
15 which to file written exceptions to a suggested order before the  
16 same may become the final order of the commission, it shall be the  
17 duty of the commission to promptly mail to each party having such  
18 right a copy of such suggested order, and the time for filing such  
19 exceptions as provided by law or order shall in each case commence  
20 to run on the day of mailing of such copy of such suggested order.

21 Sec. 8. Pending actions or proceedings--Duty of commission.  
22 This Act shall not affect pending actions or proceedings brought  
23 by or against the people of Alaska or the public service commission,  
24 or by any other person, firm or corporation, under the provisions  
25 of the acts establishing or conferring power upon the public  
26 service commission but the same may be prosecuted and defended  
27 with the same effect as though this Act had not been passed except  
28 the same shall be continued and carried on by the public service  
29 commission of Alaska.

1           Sec. 9. Authority to employ assistants--Compensation. The  
2 commission is authorized to employ such engineers, examiners, ex-  
3 perts, clerks, accountants and other assistants as it may deem  
4 necessary, at such rates of compensation as it may determine.

5           Chapter 2. SERVICE, VALUATION, ACCOUNTS AND RATES.

6           Section 1. Service and facilities required--Rates--Regional  
7 units for rate making--Act construed. Every public utility is  
8 required to furnish reasonably adequate service and facilities.  
9 The charge made by any public utility for any service rendered  
10 or to be rendered either directly or in connection therewith shall  
11 be reasonable and just, and every unjust or unreasonable charge  
12 for such service is prohibited and declared unlawful. The commis-  
13 sion, in order to expedite the determination of rate questions, or  
14 to avoid unnecessary and unreasonable expense, or to avoid dis-  
15 crimination in rates between classes of customers, or, whenever in  
16 the judgment of the commission public interest so requires, may,  
17 for rate making and accounting purposes or either of them, con-  
18 sider a single municipality and/or two more municipalities and/or  
19 the adjacent and/or intervening rural territory as a regional  
20 unit where the same utility serves such region, and may within  
21 such region prescribe uniform rates for consumers or patrons of  
22 the same class. Nothing in this Act contained shall authorize  
23 any public utility during the remainder of the term of any  
24 grant or franchise under which it may be acting at the time this  
25 Act takes effect to charge for any service, in such grant or  
26 franchise contracted, exceeding the maximum rate or rates therefor,  
27 if any, that may be fixed in such grant or franchise.

28           Sec. 2. Facilities and equipment--Use by other utilities--  
29 Compensation for--Public convenience and necessity--Orders of pub-

1   lic service commission. (a) Every public utility, and every  
2   municipality, and every person, association or corporation having  
3   tracks, conduits, subways, poles or other equipment on, over or  
4   under any street or highway shall for a reasonable compensation,  
5   permit the use of the same by any other public utility or by a  
6   municipality owning or operating a utility, whenever public con-  
7   venience and necessity require such use, and such use will not  
8   result in irreparable injury to the owner or other users of such  
9   equipment, nor in any substantial detriment to the service to be  
10   rendered by such owners or other users. Every public utility for  
11   the conveyance of telephone messages shall permit a physical con-  
12   nection or connections to be made and telephone service to be  
13   furnished, between any telephone system operated by it, and the  
14   telephone toll line operated by another such public utility or  
15   between its toll line and the telephone system of another such  
16   public utility, or between its toll line and the toll line of  
17   another such public utility, or between its telephone system and  
18   the telephone system of another such public utility, whenever  
19   public convenience and necessity require such physical connection  
20   or connections and such physical connection or connections will  
21   not result in irreparable injury to the owner or other users of  
22   the facilities of such public utilities, nor in any substantial  
23   detriment to the service to be rendered by such public utilities.  
24   If any prospective consumers or patrons of any public utility  
25   for the production, transmission, delivery or furnishing of light  
26   or power living in territory outside of cities and towns, and  
27   within not to exceed one-half of one (1) mile of the transmission  
28   line of such utility, shall agree to and shall construct and in-  
29   stall the necessary equipment, in compliance with plans and

1 specifications prescribed by such utility, such public utility  
2 shall permit the necessary physical connection or connections to  
3 be made and service to be furnished to the person or persons who  
4 have constructed and installed such equipment. The term "physical  
5 connection" as used in this section, shall mean such number of  
6 trunk lines or complete wire circuits and connections as may be  
7 required to furnish reasonably adequate telephone service between  
8 such public utilities.

9 (b) In case of failure to agree upon such use or the condi-  
10 tions or compensation for such use, or in case of failure to  
11 agree upon such physical connection or connections, or the terms  
12 and conditions upon which the same shall be made, any public  
13 utility or any person, association or corporation interested may  
14 apply to the commission and if after investigation the commission  
15 shall ascertain that public convenience and necessity require such  
16 use or such physical connections, and that such use or such physical  
17 connection or connections would not result in irreparable injury  
18 to the owner or other users of such equipment or of the facilities  
19 of such public utilities, nor in any substantial detriment to the  
20 service to be rendered by such owner or other public utilities or  
21 other users of such equipment or facilities, it shall by order  
22 direct that such use be permitted and prescribe reasonable condi-  
23 tions and compensations for such joint use and that such physical  
24 connection or connections be made and determine how and within what  
25 time such connection or connections shall be made, and by whom the  
26 expense of making and maintaining such connection or connections  
27 shall be paid.

28 (c) Such use so ordered shall be permitted and such physical  
29 connection or connections so ordered shall be made and such condi-

1 tions and compensation so prescribed for such use, and such terms  
2 and conditions upon which such physical connection or connections  
3 shall be made, as so determined, shall be lawful conditions and  
4 compensations for such use, and the lawful terms and conditions  
5 upon which such physical connection or connections shall be made,  
6 to be observed, followed and paid, subject to recourse to the  
7 courts upon the complaint of any interested party.

8       Sec. 3. Valuation of assets--Considerations--Appeal to Court  
9 --Appeal from Court of Original Jurisdiction--Rates pending  
10 appeals. (a) The commission shall value all property of every  
11 public utility actually used and useful for the convenience of the  
12 public at its fair value, giving such consideration as it deems  
13 appropriate in each case to all bases of valuation which may be  
14 presented or which the commission is authorized to consider by  
15 the following provisions of this section. As one of the elements  
16 in such valuation the commission shall give weight to the reason-  
17 able cost of bringing the property to its then state of efficiency.  
18 In making such valuation, the commission may avail itself of any  
19 information in possession of any state or local taxing authority.

20       (b) In making such valuation no account shall be taken of  
21 presumptive value resting on natural resources independent of any  
22 structures in relation thereto, the natural resource itself shall  
23 be viewed as the public's property. No account shall be taken of  
24 good will for presumptive values growing out of the operation of  
25 any utility as a going concern, all such values to rest with the  
26 municipality by reason of the special and exclusive grants given  
27 such utility enterprises. No account shall be taken of construc-  
28 tion costs unless such costs were actually incurred and paid as  
29 part of the cost entering into the construction of the utility.

1 All public utility valuations shall be based upon tangible property,  
2 that is, such property as has value by reason of construction costs,  
3 either in materials purchased or in assembling of materials into  
4 structures by the labor or of workers and the services of superin-  
5 tendents, including engineers, legal and court costs, accounting  
6 systems and transportation costs, and also including insurance and  
7 interest charges on capital accounts during the construction period.  
8 As an element in determining value the commission may also take  
9 into account reproduction costs at current prices, less deprecia-  
10 tion, based on the items set forth in the last sentence hereof and  
11 shall not include good will, going value, or natural resources.

12 Any single municipality or any ten (10) consumers or any  
13 utility affected by a rate order may within thirty (30) days from  
14 the rendition thereof by the commission take an appeal de novo to  
15 the Superior Court of the district in which the utility is located.  
16 Such appeal shall be filed with the clerk of the court, and when  
17 filed shall have precedence upon the calendar of said court to be  
18 tried without a jury. From a judgment of the superior court an  
19 appeal in such cases shall lie to the Supreme Court.

20 Pending the appeals as in this section provided, the utility  
21 affected by an order or judgment of the commission shall have  
22 the right to collect the rate as fixed by said order or judgment  
23 or at the old rate, whichever is higher in amount, and shall refund  
24 the same to the consumer if such difference be not sustained  
25 finally.

26 Sec. 4. Notice and hearing. Before final determination of  
27 such value, the commission shall, after notice to the public  
28 utility, hold a public hearing as to such valuation in the manner  
29 prescribed for a hearing as hereinafter provided.

1           Sec. 5. Expenses of valuation--Payment--Rate increase. The  
2 commission, within five (5) days after any such valuation is de-  
3 termined, shall deliver a written statement thereof to the public  
4 utility interested and a copy thereof to the clerk of each municipi-  
5 pality in which any part of the plant or equipment of such utility  
6 is located. In such statement, the commission shall declare and  
7 fix the reasonable and necessary expenses incurred by it in making  
8 such valuation, and, within twenty (20) days thereafter, the  
9 utility shall pay into the treasury of the State the amount of the  
10 expenses so declared and fixed.

11           The commission shall not make any order, based on any such  
12 valuation, increasing any rate of any public utility until such  
13 expenses have been paid. All such moneys paid into the treasury  
14 of the State are hereby appropriated to the public service  
15 commission to defray its expenses.

16           Sec. 6. Revaluation. The commission may, at any time, on  
17 its own initiative, make a revaluation of such property.

18           Sec. 7. Accounts of business--System. Every public utility  
19 shall keep and render to the commission, in the manner and form  
20 prescribed by the commission, uniform accounts of all business  
21 transacted. In formulating a system of accounting for any class  
22 of public utilities, the commission shall consider any system of  
23 accounting established by any federal law, commission or depart-  
24 ment and any system authorized by a national association of such  
25 utilities.

26           Sec. 8. Subsidiary business--Accounts. Every public  
27 utility engaged, directly or indirectly, in any other or subsid-  
28 iary business shall, if ordered by the commission, keep and render  
29 separately to the commission, in like manner and form, the accounts

1 of all such business, in which case, all the provisions of this  
2 Act shall apply with like force and effect to the books, accounts,  
3 papers and records of such other business: Provided, Every public  
4 utility may, with the consent of the commission and the proper  
5 local authorities, furnish to all patrons or persons applying  
6 therefor any service, product or commodity which it creates as a  
7 necessary incident and subsidiary to its main or primary business.  
8 No such consent shall be granted except as provided hereinafter  
9 and every such subsidiary business shall be subject to all the  
10 provisions of this Act.

11       Sec. 9. Forms of books and accounts. The commission shall  
12 prescribe the forms of all books, accounts, papers and records  
13 required to be kept, and every public utility is required to keep  
14 and render its books, accounts, papers and records accurately and  
15 faithfully in the manner and form prescribed by the commission and  
16 to comply with all directions of the commission relating to such  
17 books, accounts, papers and records.

18       Sec. 10. Blanks furnished. The commission shall cause to be  
19 prepared suitable blanks for carrying out the purpose of this Act  
20 and shall, when necessary, furnish such blanks to each public  
21 utility.

22       Sec. 11. Books prescribed by commission. No public utility  
23 shall keep any other books, accounts, papers or records of the  
24 business transacted than those prescribed or approved by the  
25 commission, unless required by other public authority.

26       Sec. 12. Closing accounts--Date. The accounts shall be  
27 closed annually on the thirty-first day of December, and a balance  
28 sheet of that date promptly taken therefrom. On or before the  
29 tenth day of March following such balance sheet, together with

1 such other information as the commission shall prescribe, verified  
2 by an officer of the public utility, shall be filed with the  
3 commission.

4 Sec. 13. Auditing accounts. The commission shall provide  
5 for the examination and audit of all accounts, and all items shall  
6 be allocated to the accounts in the manner prescribed by the  
7 commission.

8 Sec. 14. Agents and examiners--Authority. The agents,  
9 accountants or examiners employed by the commission including but  
10 being not limited to the Legislative Audit Committee shall have  
11 authority, under the direction of the commission, to inspect and  
12 examine any and all books, accounts, papers, records and memoranda  
13 kept by such public utility.

14 Sec. 15. Depreciation account and rates. Every public  
15 utility shall carry a separate, proper and adequate depreciation  
16 account whenever the commission, after investigation, shall de-  
17 termine that such depreciation account reasonably can be required.  
18 The commission, from time to time, shall ascertain and determine  
19 the proper and adequate rates of depreciation of the several  
20 classes of property of each public utility. The rates, tolls and  
21 charges shall be such as will provide the amounts required over  
22 and above the reasonable and necessary operating expenses to main-  
23 tain such property in an operating state of efficiency correspond-  
24 ing to the progress of the industry. Each public utility shall  
25 conform its depreciation accounts to such rates, so ascertained  
26 and determined by the commission. The commission shall make  
27 changes in such rates of depreciation, from time to time, as it  
28 may find necessary.

29 Sec. 16. Rules of depreciation. The commission shall also

1 prescribe rules, regulations and forms of accounts regarding such  
2 depreciation, which the public utility is required to carry into  
3 effect.

4       Sec. 17. Rates--Depreciation. The commission shall provide  
5 for such depreciation in fixing the rates, tolls and charges to be  
6 paid by the public.

7       Sec. 18. Depreciation fund--Use and investment. All money  
8 thus provided shall be set aside out of the earnings and carried in  
9 a separate depreciation fund. The money in this fund shall be  
10 applied first to depreciation expenses. Any balance in the fund,  
11 not applied to depreciation expenses, may be invested by the  
12 public utility or expended temporarily by it for new construction,  
13 extensions or additions to its utility property. This fund shall  
14 be used for no other purpose. If invested, the income from the  
15 investment shall be carried into and become a part of the deprecia-  
16 tion fund. Any balance, not applied to depreciation expenses,  
17 shall always remain a part of the depreciation fund. In no event  
18 shall moneys, temporarily expended from this fund for new construc-  
19 tion, extensions or additions to the property, be carried into or  
20 considered a part of the capital account of such public utility.  
21 Upon the sale of any public utility property, to continue in  
22 operation as such, the balance in the depreciation fund, unexpended  
23 for depreciation expenses, shall be transferred to the purchaser  
24 and by the purchaser shall be held, administered and used as herein  
25 authorized and required.

26       Sec. 19. Additions and expansions--Duty of commission--  
27 Approval required. The commission shall keep itself informed of  
28 all new construction, extensions and additions to the property of  
29 such public utility and shall prescribe the necessary forms,

1 regulations and instructions to the officers and employees of such  
2 public utility for the keeping of construction and accounts which  
3 shall clearly distinguish all operating expenses and new construc-  
4 tion. Unless a public utility shall obtain the approval by the  
5 commission of any expenditure exceeding ten thousand dollars  
6 (\$10,000) for an extension, construction, addition or improvement  
7 of its plant and equipment, the commission shall not, in any pro-  
8 ceeding involving the rates of such utility, consider the property  
9 acquired by such expenditures as a part of the rate base, unless  
10 in such proceeding the utility shall show that such property is in  
11 fact used and useful in the public service; Provided, That the  
12 commission in its discretion may authorize the expenditure for  
13 such purpose of a less amount than shown in such estimate.

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

26 Sec. 21. Determination of rates. The commission shall  
27 ascertain, determine and order such rates, charges and regulations  
28 as may be necessary to give effect to such arrangement, but the  
29 right and power to make such other and further changes in rates,

1 charges and regulations as the commission may ascertain and de-  
2 termine to be necessary and reasonable, and the right to revoke  
3 its approval and amend or rescind all orders relative thereto, is  
4 reserved and vested in the commission, notwithstanding any such  
5 arrangement and mutual agreement.

6 Chapter 3. REPORTS, METERS, RATE SCHEDULES, CLASSIFIED  
7 SERVICE.

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

24 Sec. 2. Annual reports of commission. The commission shall  
25 publish annual reports showing its proceedings and showing in  
26 tabular form the details per unit as provided in Section 1 of this  
27 Chapter for all the public utilities of each kind in the State and  
28 such monthly or occasional reports as it may deem advisable.

29 Sec. 3. Reports of values. The commission shall also publish

1 in its annual reports the value of all the property actually used  
2 and useful for the convenience of the public, and the value of the  
3 physical property actually used and useful for the convenience of  
4 the public, of every public utility the value of whose property  
5 has been ascertained by it.

6 Sec. 4. Books open to inspection. All facts and information  
7 in the possession of the commission shall be public and all  
8 reports, files, books, accounts, papers and memoranda of every  
9 nature whatsoever in their possession shall be open to inspection  
10 by the public at all reasonable times, except as provided in Sec-  
11 tion 5 of this Chapter.

12 Sec. 5. Facts when withheld. Whenever the commission shall  
13 determine it to be necessary, in the interest of the public, to  
14 withhold from the public any facts or information in its possess-  
15 ion, such facts may be withheld for such period after the acquisi-  
16 tion thereof, not exceeding ninety (90) days, as the commission  
17 may determine.

18 Sec. 6. Time facts withheld. No facts or information shall  
19 be withheld by the commission from the public for a longer period  
20 than ninety (90) days nor be so withheld for any reason whatsoever  
21 other than the interest of the public.

22 Sec. 7. Standard units. The commission shall ascertain and  
23 prescribe for each kind of public utility suitable and convenient  
24 standard commercial units of product or service. These shall be  
25 lawful units for the purpose of this Act.

26 Sec. 8. Standards for measurement. The commission shall  
27 ascertain and fix adequate and serviceable standards for the  
28 measurement of quality, pressure, initial voltage, or other con-  
29 ditions including but being not limited to quantity and quality

1 of service pertaining to the supply of the product or service  
2 rendered by any public utility and prescribe reasonable regulations  
3 for examinations and testing of such product or service and for the  
4 measurement thereof.

5 Sec. 9. Accuracy of meters--Rules. The commission shall  
6 establish reasonable rules, regulations, specifications and  
7 standards to secure the accuracy of all meters and appliances for  
8 measurements, and every public utility is required to carry into  
9 effect all orders issued by the commission relative thereto.

10 Sec. 10. Testing of appliances. The commission shall pro-  
11 vide for the examination and testing of any and all appliances  
12 used for the measuring of any product or service of a public  
13 utility. Any consumer or user may have any such appliance tested  
14 upon payment of the fees fixed by the commission. The oommission  
15 shall declare and establish reasonable fees to be paid for test-  
16 ing such appliances on the request of the consumers or users, the  
17 fee to be paid by the consumer or user at the time of his request,  
18 but to be paid by the public utility and repaid to the consumer  
19 or user of the appliance or rate be found unreasonably defective  
20 or incorrect to the disadvantage of the consumer or user.

21 Sec. 11. Purchase of instruments. The commission may pur-  
22 chase such material, apparatus and standard measuring instruments  
23 for such examinations and tests as it may deem necessary.

24 Sec. 12. Power to enter premises. The commission, its  
25 agents, experts or examiners shall have power to enter upon any  
26 premises occupied by any public utility for the purpose of making  
27 the examinations and tests provided in this Act and to set up  
28 and use on such premises any apparatus and appliances and occupy  
29 reasonable space therefor.

1           Sec. 13. Schedule of rates for public. Every public  
2 utility shall file with the commission, within a time fixed by  
3 the commission, schedules, which shall be open to public inspec-  
4 tion, showing all rates, tolls and charges which it has establish-  
5 ed and which are endorsed at the time for any service performed  
6 by it within the state, or for any service in connection there-  
7 with, or performed by any public utility controlled or operated  
8 by it.

9           Sec. 14. Regulations affecting rates--Filing. Every public  
10 utility shall file, with and as a part of such schedule, all  
11 rules and regulations that in any manner affect the rates  
12 charged or to be charged for any service.

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

20           Sec. 16. Joint rates, printing. Where a schedule of joint  
21 rates or charges is or may be in force between two (2) or more  
22 public utilities, such schedules shall, in like manner, be printed  
23 and filed with the commission and so much thereof as the commis-  
24 sion shall deem necessary for the use of the public shall be filed  
25 in every such station or office as provided in Sections 13 and 15  
26 of this chapter.

27           Sec. 17. Change of rates, how made. No change shall there-  
28 after be made in any schedule of rates or service, including  
29 schedules of joint rates, except upon thirty (30) days' notice to

1 the commission and approval by the commission and all such changes  
2 shall be plainly indicated upon existing schedules or by filing new  
3 schedules in lieu thereof thirty (30) days prior to the time the  
4 same are to take effect; Provided, That the commission, upon appli-  
5 cation of any public utility, may prescribe a less time within  
6 which a reduction may be made.

7       Sec. 18. Filing copies of schedule. Copies of all new  
8 schedules shall be filed as hereinafter provided in every station  
9 or office of such public utility where payments are made by con-  
10 sumers or users ten (10) days prior to the time the same are to  
11 take effect, unless the commission shall prescribe a less time.

12       Sec. 19. Rates varying from schedule unlawful. It shall  
13 be unlawful for any public utility to charge, demand, collect or  
14 receive a greater or less compensation for any service performed  
15 by it within the state, or for any service in connection therewith,  
16 than is specified in such printed schedules, including schedules  
17 of joint rates, as may at the time be in force, or to demand,  
18 collect or receive any rates, tolls or charges not specified in  
19 such schedule. The rates, tolls and charges named therein shall  
20 be the lawful rates, tolls and charges unless the same are changed  
21 as provided in this Act.

22       Sec. 20. Hospitals--Free Service. Any public utility operat-  
23 ing in any city or town, and any city or town in this State which  
24 owns or operates or which may hereafter own or operate any public  
25 utility, is hereby authorized, with the consent of the public  
26 service commission, to furnish utility service, free of charge, to  
27 any hospital located within such city or towns or immediately ad-  
28 jacent thereto which accepts and cares for charity patients.

29       Sec. 21. Forms changed. The commission may prescribe

1 such changes in the form in which the schedules are issued by any  
2 public utility as may be found to be expedient.

3       Sec. 22. Classified service. The commission shall provide  
4 for a comprehensive classification of such service for each pub-  
5 lic utility and such classification may take into account the  
6 quality used, the time when used, the purpose for which used and  
7 other reasonable consideration. Each public utility is required to  
8 conform its schedules of rates, tolls and charges to such classific-  
9 ation.

10       Chapter 4. EXAMINATIONS, INVESTIGATIONS, PROCEDURE, ORDERS

11       Section 1. Tests and inspections--Rules. The commission shall  
12 have power to adopt reasonable and proper rules and regulations  
13 relative to all inspections, tests, audits and investigations, and  
14 to adopt and publish reasonable and proper rules to govern its  
15 proceedings, and to regulate the mode and manner of all investiga-  
16 tions of public utilities and other parties before it.

17       Sec. 2. Management of business--Compensation of officers and  
18 employees--Not to be considered in fixing of rates when found ex-  
19 cessive. The commission shall inquire into the management of the  
20 business of all public utilities, and shall keep itself informed  
21 as to the manner and method in which the same is conducted and  
22 shall have the right to obtain from any public utility all necess-  
23 ary information to enable the commission to perform its duties.  
24 If, in its inquiry into the management of any public utility, the  
25 commission finds that the amount paid for the services of its  
26 officers, employees, or any of them, is excessive, or that the  
27 number of officers or persons employed by such utility is not  
28 justified by the actual needs of the utility, or that any other  
29 item of expense is being incurred by the utility which is either

1 unnecessary or excessive, the commission shall designate such item  
2 or items, and such item or items so designated, or such parts  
3 thereof as the commission may deem unnecessary or excessive, shall  
4 not be taken into consideration in determining and fixing the  
5 rates which such utility is permitted to charge for the service  
6 which it renders.

7       Sec. 3. Examination of books and officials--Substantial  
8 interest of stockholder--Affiliated interests--Contracts with  
9 affiliates--Annual reports--Statements from other sources. The  
10 commission or any commissioner when authorized by the commission  
11 or any person or persons employed by the commission for that pur-  
12 pose, shall upon demand have the right to inspect the books,  
13 accounts, papers, records and memoranda of any public utility  
14 and to examine, under oath, any officer, agent or employee of  
15 such public utility in relation to its business and affairs.  
16 Any person other than one of said commissioners who shall make  
17 such demand shall produce his authority to make such inspection.

18       Sec. 4. Production of books--Notice--Service. The com-  
19 mission may require, by order or subpoena to be served on any  
20 public utility in the same manner that a summons is served in a  
21 civil action in the superior court, the production, within the  
22 State, at such time and place as it may designate, of any  
23 books, accounts, papers, or records kept by said public utility  
24 in any office or place without the State of Alaska, or veri-  
25 fied copies in lieu thereof, if the commission shall so order,  
26 in order that an examination thereof may be made by the commis-  
27 sion or under its direction. Any public utility failing or re-  
28 fusing, after reasonable written notice, to comply with any such  
29 order or subpoena shall, for each day it shall so fail or refuse,

1 forfeit and pay into the State treasury a sum of not less than  
2 fifty dollars (\$50.00).

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

17       Sec. 6. Information to be furnished. Every public utility  
18 shall furnish to the commission all information required by it  
19 to carry into effect the provisions of this Act, and shall make  
20 specific answers to all questions submitted by the commission.

21       Sec. 7. Complaints--Investigation and hearing. Upon a  
22 complaint made against any public utility by any mercantile,  
23 agricultural or manufacturing society or by any body politic or  
24 municipal organization or by ten (10) persons, firms, corpor-  
25 ations or associations, or ten (10) complainants of all or any  
26 of the aforementioned classes, or by any public utility, that  
27 any of the rates, tolls, charges or schedules or any joint rate  
28 or rates in which such petitioner is directly interested are in  
29 any respect unreasonable or unjustly discriminatory, or that any

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

11 Sec. 8. Notice of complaint--Time for hearing. The commis-  
12 sion shall, prior to such formal hearing, notify the public  
13 utility complained of that a complaint has been made, and ten  
14 (10) days after such notice has been given, the commission may  
15 proceed to set a time and place for a hearing and an investigation  
16 as hereinafter provided.

17 Sec. 9. Ten days' notice of hearing. The commission shall  
18 give the public utility and the complainant, if any, ten (10)  
19 days' notice of the time and place when and where such hearing and  
20 investigation will be held and such matters considered and deter-  
21 mined. Both the public utility and complainant shall be entitled  
22 to be heard and shall have process to enforce the attendance of  
23 witnesses.

24 Sec. 10. Separate hearing. The commission may, in its  
25 discretion, when complaint is made of more than one (1) rate or  
26 charge, order separate hearings thereon, and may consider and  
27 determine the several matters complained of separately and at  
28 such times as it may prescribe. No complaint shall at any time  
29 be dismissed because of the absence of direct damage to the com-

1 plainant.

2       Sec. 11. Unreasonable rates--Investigation. Whenever the  
3 commission shall believe that any rate or charge may be unreason-  
4 able or unjustly discriminatory or that any service is inadequate,  
5 or cannot be obtained, or that an investigation of any matters re-  
6 lating to any public utility should for any reason be made, it may,  
7 on its motion, summarily investigate the same, with or without  
8 notice.

9       Sec. 12. Hearing ordered--Statement--Notice. If, after mak-  
10 ing such investigation, the commission becomes satisfied that  
11 sufficient grounds exist to warrant a formal hearing being ordered  
12 as to the matters so investigated, it shall furnish such public  
13 utility interested a statement notifying the public utility of the  
14 matters under investigation. Ten (10) days after such notice has  
15 been given, the commission may proceed to set a time and place  
16 for a hearing and an investigation, as hereinbefore provided.

17       Sec. 13. Notice of hearing--Practice. Notice of the time  
18 and place for such hearing shall be given to the public utility  
19 and to such other interested person as the commission shall deem  
20 necessary, as provided in Section 9 of this Chapter, and there-  
21 after proceedings shall be had and conducted in reference to the  
22 matter investigated in like manner as though complaint had been  
23 filed with the commission relative to the matter investigated, and  
24 the same order or orders may be made in reference thereto as if  
25 such investigation had been made on complaint.

26       Sec. 14. Complaint by public utility. Any public utility  
27 may make complaint as to any matter affecting its own rates or  
28 service with like effect as though made by any mercantile, agri-  
29 cultural or manufacturing society, body politic or municipal

1 organization or by ten (10) persons, firms, corporations or  
2 associations.

3       Sec. 15. Oaths--Subpoenas--Disobeying orders. Each of the  
4 commissioners and every agent provided for in this Act shall have  
5 power to administer oaths, certify to official acts, issue sub-  
6 poenas, compel the attendance of witnesses and the production of  
7 books, accounts, papers, records, documents and testimony. In  
8 case of disobedience on the part of any person or persons to com-  
9 ply with any order of the commission or any commissioner or any  
10 subpoena, or on the refusal of any witness to testify to any  
11 matter regarding which he may be lawfully interrogated before the  
12 commission, or its authorized agent, it shall be the duty of the  
13 superior court or the judge thereof, on application of a commis-  
14 sioner, to compel the obedience to the requirements of a subpoena  
15 issued from such court or a refusal to testify therein.

16       Sec. 16. Witnesses' fees and mileage--Limitation on expendi-  
17 tures. Each witness who shall appear before the commission or  
18 its agent by its order, shall receive for his attendance the fees  
19 and mileage now provided for witnesses in civil cases in courts of  
20 record which shall be audited and paid by the State, in the same  
21 manner as other expenses are audited and paid, upon the presenta-  
22 tion of proper vouchers sworn to by such witnesses and approved by  
23 the chairman of the commission. No witnesses subpoenaed at the  
24 instance of parties other than the commission shall be entitled to  
25 compensation from the State for attendance or travel unless the  
26 commission shall certify that his testimony was material to the  
27 matter investigated; Provided, That the commission shall have power  
28 to pass upon, approve and limit the expenditures of a public  
29 utility in connection with a rate case which are to be charged

1 against the rate base and to be amortized over a period of years as  
2 determined by the commission; it being the intent and purpose to  
3 prevent excessive expenditures by the utilities for expert wit-  
4 nesses, legal and stenographic expenses in rate hearings and  
5 appraisals.

6 Sec. 17. Depositions. The commission, or any party, may,  
7 in any investigation, cause the depositions of witnesses resid-  
8 ing without the State to be taken in the manner prescribed by law  
9 for like depositions in civil actions in superior courts.

10 Sec. 18. Record of proceedings. A record shall be kept of  
11 all proceedings had before the commission or its agent or any  
12 formal investigation had and all testimony shall be taken down by  
13 the stenographer appointed by the commission.

14 Sec. 19. Action against commission, transcript. Whenever  
15 any action is commenced against the commission under the provisions  
16 of this chapter, the commission shall, before said action is reach-  
17 ed for trial, cause a certified transcript of all proceedings had  
18 and testimony taken upon such investigation to be filed with the  
19 clerk of the superior court of the district where the action is  
20 pending.

21 Sec. 20. Transcript--Contents--Certificate. A transcript  
22 copy of the evidence and proceedings, or any specific part there-  
23 of, on any investigation, taken by the stenographer appointed by  
24 the commission, being certified under oath by such stenographer  
25 to be a true and correct transcript of all the testimony on the  
26 investigation, of a particular witness or of other specific part  
27 thereof, carefully prepared by him from his original notes,  
28 and to be a correct statement of the evidence and proceedings had  
29 on such investigations so purporting to be taken and transcribed,

1 shall be received in evidence with the same effect as if such re-  
2 porter were present and testified to the fact so certified.

3 Sec. 21. Copies of transcript furnished. A copy of such  
4 transcript shall be furnished on terms fixed by the commission to  
5 any party to such investigation.

6 Sec. 22. Unjust rates--Orders. Whenever, upon an investi-  
7 gation, the commission shall find any rates, tolls, charges,  
8 schedules or joint rate or rates, to be unjust, unreasonable, in-  
9 sufficient or unjustly discriminatory, or to be preferential or  
10 otherwise in violation of any of the provisions of this Act, the  
11 commission shall determine, and by order fix just and reasonable  
12 rates, tolls, charges, schedules or joint rates to be imposed,  
13 observed and followed in the future in lieu of those found to be  
14 unjust, unreasonable, insufficient or unjustly discriminatory or  
15 preferential or otherwise in violation of any of the provisions  
16 of this Act.

17 Sec. 23. Inadequate service--Orders. Whenever, upon in-  
18 vestigation made under the provisions of this Act, the commission  
19 shall find any regulations, measurements, practices, acts or  
20 service to be unjust, unreasonable, unwholesome, unsanitary, un-  
21 safe, insufficient, preferential, unjustly discriminatory or other-  
22 wise in violation of any of the provisions of this Act or the in-  
23 tent hereof; or shall find that any service is inadequate or that  
24 any service which can be reasonably demanded can not be obtained,  
25 the commission shall determine and declare and by order fix just  
26 and reasonable measurements, regulations, acts, practices or  
27 service to be furnished, imposed, observed and followed in the  
28 future in lieu of those found to be unjust, unreasonable, unwhole-  
29 some, unsanitary, unsafe, insufficient, preferential, unjustly

1 discriminatory, inadequate, or otherwise in violation of this Act,  
2 as the case may be, and shall make such other order respecting such  
3 measurement, regulation, act, practice or service as shall be just  
4 and reasonable.

5       Sec. 24. Expenses of investigations--Payment by utility. In  
6 its order upon any investigation, made under the provisions of this  
7 Act, either upon complaint against any public utility, or upon the  
8 petition of any such public utility or upon the initiation of the  
9 commission, the commission shall ascertain and declare the ex-  
10 penses incurred by it upon such investigation, and the public  
11 utility affected thereby shall pay into the treasury of the State  
12 the amount of the expenses, so ascertained and declared, within a  
13 time to be fixed in the order, not exceeding twenty (20) days from  
14 the date thereof. The commission shall cause a certified copy of  
15 all such orders to be delivered to an officer or agent of the  
16 public utility affected thereby, and all such orders shall, of  
17 their own force, take effect and become operative twenty (20) days  
18 after service thereof unless a different time be provided in said  
19 order; Provided, That so much of any order of the commission as  
20 may increase any rate of such public utility shall not take effect  
21 until such expenses are paid into the treasury. All such moneys  
22 paid into the treasury of the State are hereby appropriated to the  
23 public service commission to defray its expenses.

24       Sec. 25. Change of schedule to comply with order. All public  
25 utilities to which the order applies shall make such changes in  
26 their schedule on file as may be necessary to make the same con-  
27 form to said order, and no change shall thereafter be made by any  
28 public utility in any such rates, tolls, or charges, or any joint  
29 rate or rates, without the approval of the commission. Certified

1 copies of all other orders of the commission shall be delivered to  
2 the public utility affected thereby in like manner and the same  
3 shall take effect within such time thereafter as the commission  
4 shall prescribe.

5       Sec. 26. Rescinding orders, notice. The commission may,  
6 at any time, upon notice to the public utility and after oppor-  
7 tunity to be heard as provided herein, rescind, alter or amend  
8 any order fixing any rate or rates, tolls, charges or schedules,  
9 or any other order made by the commission, and certified copies  
10 of the same shall be served and take effect as herein provided  
11 for original orders.

12       Sec. 27. Rates in force prima facie lawful. All rates,  
13 tolls, charges, schedules and joint rates fixed by the commission  
14 shall be in force and be prima facie lawful, and all regulations,  
15 practices and services prescribed by the commission shall be in  
16 force and shall be prima facie reasonable unless finally found  
17 otherwise in an action brought for that purpose pursuant to the  
18 provisions of this chapter.

19       Sec. 28. Actions to vacate or enjoin enforcement of orders.  
20 Any person, firm, association, corporation, city, town or public  
21 utility adversely affected by any decision, ruling, order, deter-  
22 mination, requirement or direction of the public service commis-  
23 sion may commence an action in the superior court of any judicial  
24 district in which that portion of the utility which is the  
25 subject-matter of the procedure before the public service commis-  
26 sion operates or seeks to operate, against the commission to vacate  
27 or set aside or enjoin the enforcement of any such decision, ruling,  
28 order, determination, requirement or direction, on the ground that  
29 the same is insufficient, unreasonable, unlawful, or procured by

1 fraud or other unlawful methods.

2       Sec. 29. Actions to vacate or enjoin--When shall be commenc-  
3 ed. Every such action shall be commenced within sixty (60) days  
4 after the entry or rendition by the public service commission of  
5 such decision, ruling, order, determination, requirement or direc-  
6 tion complained of; Provided, That if a rehearing by the commission  
7 has been petitioned for, the right to commence such action as is  
8 here provided for shall terminate thirty (30) days after the de-  
9 termination by the commission of such petition for rehearing;  
10 Provided, further, That whatever court, having jurisdiction, first  
11 acquires jurisdiction shall retain the same to the exclusion of  
12 all other courts of concurrent jurisdiction. The word "order" as  
13 used herein shall include any final order, decision, ruling, de-  
14 termination, requirement or direction made by the public service  
15 commission upon any matter within its jurisdiction.

16       Sec. 30. Actions to vacate or enjoin.--Service of complaint  
17 and process-Notices. In every such action a copy of the complaint  
18 shall be served upon the public service commission with the summons,  
19 said service to be made upon the Office of the Governor of Alaska,  
20 and the public service commission shall plead to said complaint  
21 within twenty (20) days after service of summons. Immediately  
22 upon service of summons the public service commission shall cause  
23 written notice, containing all the essential information contained  
24 in the summons, to be mailed to all parties who appeared, either in  
25 person or by attorney, before the commission during any part of  
26 the hearing or consideration of the matter complained of; Provided,  
27 That the mailing of such notice to any attorney shall be deemed  
28 notice to all parties for whom he appeared.

29       Sec. 31. Actions to vacate or enjoin--Additional parties.

1 Whenever any person, firm, association, corporation, city, town  
2 or public utility, shall file in any such action, at any time  
3 before judgment, a written motion to be made a party, either  
4 plaintiff or defendant, and which motion alleges facts showing  
5 that the party filing the same has any interest in the determin-  
6 ation of the action, such person, firm, association, corporation,  
7 city, town or public utility shall be thereupon made a party plain-  
8 tiff or defendant as its interest appears, and it shall thereafter  
9 have all the rights of any party to such action, including the  
10 right to appeal.

11 Sec. 32. Actions to vacate or enjoin--Transcript of commis-  
12 sion record to be received in evidence. Upon service of summons  
13 in any such action the public service commission shall forthwith  
14 cause to be made a complete transcript of all the pleadings, evi-  
15 dence and entries filed, introduced, and made with, before, and  
16 by the public service commission in the proceeding complained of  
17 in such action, and such transcript shall be received in evidence  
18 in such action, when offered by any party thereto.

19 Sec. 33. Actions to vacate or enjoin--Precedence over other  
20 civil actions. All such actions shall have precedence over any  
21 civil cases of a different nature pending in any such court, and  
22 the same shall be tried and determined as other civil actions  
23 except as otherwise herein provided.

24 Sec. 34. Actions to vacate or enjoin--Notice and hearing  
25 required. No injunction shall issue in any such action suspend-  
26 ing or staying any order of the commission except after notice  
27 to the commission and hearing.

28 Sec. 35. Burden of proof. In all trials, actions and  
29 proceedings arising under the provisions of this Act or growing

1 out of the exercise of the authority and powers granted herein  
2 to the commission, the burden of proof shall be upon the party  
3 adverse to such commission or seeking to set aside any determina-  
4 tion, requirement, direction or order of said commission, to  
5 show that the determination, requirement, direction or order of  
6 the commission complained of is unreasonable or unlawful, as the  
7 case may be.

8 Sec. 36. Rules and practice--Fees of officers. In all  
9 actions and proceedings in court arising under this Act, all  
10 processes shall be served and the practice and rules of evidence  
11 shall be the same as in civil actions, except as otherwise here-  
12 in provided. Every U. S. Marshal or other officer empowered to  
13 execute civil processes shall execute any process issued under  
14 the provisions of this Act, and shall receive such compensation  
15 therefor as may be prescribed by law for similar services.

16 Chapter 5. REGULATIONS TO HAVE EFFECT OF LAW.

17 All rules and regulations promulgated by the public service  
18 commission of Alaska shall have the force and effect of law.

19 Chapter 6. APPROPRIATION CLAUSE.

20 There is hereby authorized by the Legislature of the State  
21 of Alaska to be paid out of the general fund in the State of  
22 Alaska such moneys as may be deemed necessary for the efficient  
23 carrying out of this Act and the duties of this commission.

24 Chapter 7. SEPARABILITY CLAUSE.

25 If any provision of this Act, or the application thereof to  
26 any person or circumstance, is held invalid, the remainder of  
27 this Act, and the application of such provision to other persons  
28 or circumstances, shall not be affected thereby.

29 Chapter 8. EMERGENCY CLAUSE.

1           This Act shall take effect immediately upon its passage and  
2 approval or upon its becoming law without such approval.

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