

1
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

IN THE HOUSE

BY MESSRS. KERTTULA, HAMMOND,
HANSEN AND TAYLOR

HOUSE BILL NO. 454

IN THE LEGISLATURE OF THE STATE OF ALASKA

SECOND LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to suppliers of electric service; prohibiting the unnecessary duplication of electric distribution facilities; providing for the continuance of electric service in certain areas; and providing for an effective date."

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

Section 1. POLICY. It is hereby declared to be the policy of the state that the public interest requires that the public be protected from the economic waste inherent in the duplication and overlapping of electric distribution facilities.

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

(1) "electric supplier" means any person, firm, corporation, cooperative, business trust, partnership, state or political subdivision or agency thereof engaged in selling electric power and energy whose gross annual income therefrom equals or exceeds \$100,000;

(2) "distribution line" means facilities, including poles, towers, conductor, and other fixtures, from which electric service is furnished directly to the consumer;

(3) "commission" means the Alaska Public Service Commission.

Sec. 3. DUPLICATION OF ELECTRIC SERVICE PROHIBITED. No electric supplier shall construct or extend facilities, or

1 furnish or offer to furnish electric service, to any premises
2 which are already receiving electric service from another
3 electric supplier, or which are not receiving such service but
4 are located within 1000 feet of a distribution line of another
5 electric supplier, except with the consent in writing of such
6 other electric supplier. This section shall not preclude (1)
7 the electric supplier whose distribution line is located in
8 closest proximity to premises not already being served from
9 furnishing electric service thereto, or (2) any electric
10 supplier from extending electric service to its own property
11 and facilities or to another electric supplier for resale.

12 Sec. 4. CONTINUATION OF SERVICE IN CERTAIN AREAS. In case
13 an area has been or shall be included, as a result of incorporation,
14 annexation, or otherwise, within the boundaries of a city, town,
15 village, or borough, all electric suppliers furnishing electric
16 service or operating electric facilities in such area prior
17 to such inclusion shall, subject to the provisions of Sec. 1
18 of this Act, have the right to continue and extend the furnishing
19 of electric service and to construct, maintain, and operate
20 electric facilities in such area and to utilize public lands
21 and thoroughfares therein for such purpose, but such electric
22 suppliers shall comply with lawful safety requirements as
23 to the manner of constructing and maintaining electric facilities
24 on such public lands and thoroughfares.

25 Sec. 5. DELINEATION OF SERVICE AREAS. If any person, firm,
26 corporation, cooperative, business trust, partnership, state
27 or political subdivision or agency thereof not a supplier of
28 electric service as defined herein is engaged in selling
29 electric energy and power in the same, or in any area adjacent

1 or contiguous to the service area of an electric supplier as
2 herein defined, the commission, upon the request of either
3 party, shall delineate and determine the areas to be served by
4 each of such parties insofar as such action may be required to
5 prevent the unnecessary duplication or overlapping of electric
6 services and facilities.

7 Sec. 6. COMMISSION REVIEW AND ENFORCEMENT. Any consumer
8 who feels aggrieved that he is required under this Act to
9 accept electric service from a supplier not of his choice
10 may petition the commission for an order to show cause why he
11 should not be released from such obligation. If the commission
12 finds that the service is inadequate and will not likely be made
13 adequate, or that the terms and conditions of such service are
14 unreasonable and will not likely be made reasonable, the com-
15 mission shall order such release. The commission, upon proper
16 complaint and showing by any party aggrieved, shall by order
17 prohibit the furnishing of, or offer to furnish, electric service
18 in violation of Secs. 3 and 4 of this Act. All proceedings here-
19 under shall be conducted pursuant to the Administrative
20 Procedure Act.

21 Sec. 7. APPLICABILITY. The provisions of this Act shall
22 be applicable notwithstanding any other provision of law, or
23 the terms of any certificate of public convenience and necessity
24 issued by the commission or other regulatory body, or the grant,
25 renewal, or absence of any franchise, license, permit from
26 any city, town, village, or borough.

27 Sec. 8. EFFECTIVE DATE. This Act takes effect on the day
28 after its passage and approval or on the day it becomes law
29 without such approval.