

Introduced: 3/30/63
Referred: Rules

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 HOUSE BILL NO. 228

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the regulation of public
7 utilities."

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

9 * Section 1. AS 42.05 is amended by adding new sections to
10 read:

11 Sec. 42.05.193. CERTIFICATES OF CONVENIENCE AND NECES-
12 SITY. No public utility shall operate after January 1, 1964,
13 without first having obtained from the commission under the
14 provisions of this chapter a certificate declaring that pub-
15 lic convenience and necessity requires or will require the
16 operation and delineating the area where service is to be
17 provided.

18 Sec. 42.05.194. CERTIFICATES GRANTED TO EXISTING
19 UTILITIES. A certificate shall be granted if it appears to
20 the commission that the public utility was actually operating
21 in good faith on October 15, 1962, within the confines of the
22 requested area, or that the public utility was installing the
23 facilities necessary to furnish service under a franchise as
24 of that date.

25 Sec. 42.05.195. TRANSFER OF CERTIFICATE. A certificate
26 may be sold, assigned, leased, transferred, or inherited
27 subject to approval of the commission.

28 Sec. 42.05.196. POWER OF COMMISSION TO GRANT CERTIFI-
29 CATE. The commission shall have the power after hearing,

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1 upon reasonable notice to interested parties, to grant a
2 certificate to provide service in an area already served by
3 certificate holder only when the existing public utility or
4 utilities serving the area are not providing and will not
5 provide service to the satisfaction of the commission. In
6 all other cases the commission with or without hearing may
7 issue a certificate as requested or for good cause shown deny
8 the same in whole or part.

9 * Sec. 2, AS 42.05.640(2) is amended to read:

10 (2) "public utility" or "utility" includes every
11 corporation, whether [MUNICIPAL,] public, cooperative or
12 otherwise, company, individual, or association [ASSOCIATION]
13 of individuals, their lessees, trustees, or receivers appoint-
14 ed by a court, that owns, operates, manages, or controls any
15 plant or system for the generation, transmission, or distri-
16 bution of electric energy and power, for the furnishing of
17 telephone or telegraph communications, for the transmission
18 or distribution of heat, natural or manufactured gas, oil or
19 other petroleum products, or water, or for the furnishing of
20 community sewer services, and the plant and facilities used
21 for any of the foregoing purposes; this chapter does not
22 apply to a person who furnishes water or oil or other petro-
23 leum products by tank, wagon or similar conveyance, [TO A
24 PUBLIC UTILITY WHICH DOES A GROSS ANNUAL BUSINESS OF LESS
25 THAN \$100,000] nor to a municipally-owned and operated [WATER
26 OR SEWER] utility; [THIS CHAPTER DOES NOT APPLY TO A UTILITY
27 UNTIL THE LEGISLATURE ADOPTS SPECIFIC LEGISLATION PURSUANT TO
28 THE SUBMISSION OF A REPORT AND RECOMMENDATION ON THE SUBJECT
29 BY THE COMMISSION TO THE FIRST SESSION OF THE SECOND STATE

1 LEGISLATURE IN JANUARY, 1961;] this chapter does not apply
2 to a pipeline, plant, system or equipment used primarily
3 for gathering, collecting, transporting or shipping crude oil,
4 natural gas, condensate or other petroleum substance or pro-
5 duct produced by or belonging to the owner, operator, or
6 manager of the plant, system, or equipment;

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