

Original Sponsor: House Commerce
Committee

Offered: 4/9/63
Referred: Rules

1 IN THE HOUSE

BY THE SENATE COMMERCE COMMITTEE

2 SENATE CS FOR 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 July 1, 1964,
13 without first having obtained from the commission under the
14 provisions of this chapter a certificate declaring that
15 public 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 not grant a certificate without a

1 prior hearing in the area affected. The commission may grant
2 a certificate to provide service in an area already served by
3 a 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.

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

7 (2) "public utility" or "utility" includes every
8 corporation, whether [MUNICIPAL,] public, cooperative or
9 otherwise, company, individual, or association [ASSOCIATION]
10 of individuals, their lessees, trustees, or receivers ap-
11 pointed by a court, that owns, operates, manages, or controls
12 any plant or system for the generation, transmission, or
13 distribution of electric energy and power, for the furnishing
14 of telephone or telegraph communications, for the transmis-
15 sion or distribution of heat, natural or manufactured gas, oil,
16 or other petroleum products, or water, or for the furnishing
17 of community sewer services, and the plant and facilities used
18 for any of the foregoing purposes; this chapter does not
19 apply to a person who furnishes water or oil or other
20 petroleum products by tank, wagon or similar conveyance, to
21 a public utility which does a gross annual business of less
22 than \$100,000 nor to a municipally-owned and operated [WATER
23 OR SEWER] utility; [THIS CHAPTER DOES NOT APPLY TO A UTILITY
24 UNTIL THE LEGISLATURE ADOPTS SPECIFIC LEGISLATION PURSUANT TO
25 THE SUBMISSION OF A REPORT AND RECOMMENDATION ON THE SUBJECT
26 BY THE COMMISSION TO THE FIRST SESSION OF THE SECOND STATE
27 LEGISLATURE IN JANUARY, 1961;] this chapter does not apply to
28 a pipeline, plant, system or equipment used primarily for
29 gathering, collecting, transporting or shipping crude oil,

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natural gas, condensate or other petroleum substance or product produced by or belonging to the owner, operator, or manager of the pipeline, plant, system, or equipment;

* Sec. 3. AS 42.05 is amended by adding a new section to read:

Sec. 42.05.660. OPERATIVE DATE OF CERTAIN SECTIONS.

Sec. 190 and secs. 200 - 630 of this chapter do not become operative until July 1, 1964.