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Referred: Commerce,  
Judiciary and Finance

BY GUESS, GETMAN, HENLEY,  
HODMAN, KERTTULA, MOGILL,  
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1 IN THE HOUSE

2 HOUSE BILL NO. 164

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the Alaska Public Service Commis-  
7 sion, defining its powers and duties; and providing for  
8 an effective date."

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

10 \* Section 1. AS 42.05 is repealed and re-enacted to read:

11 CHAPTER 5. ALASKA PUBLIC SERVICE COMMISSION ACT.

12 ARTICLE 1. ESTABLISHMENT OF PUBLIC SERVICE COMMISSION.

13 Sec. 42.05.005. CREATION AND COMPOSITION. There is created the  
14 Public Service Commission consisting of five members appointed by the  
15 governor and confirmed by the legislature in joint session.

16 Sec. 42.05.025. TERM OF OFFICE. The term of office of each  
17 member is five years or until his successor is appointed and qualifies.  
18 The term of the members shall begin on February 1 and is subject to  
19 all provisions of AS 39.05.060.

20 Sec. 42.05.035. QUALIFICATIONS OF MEMBERS. (a) The members of  
21 the commission shall be appointed with due regard to their fitness to  
22 exercise the powers and duties of the commission, based on their  
23 qualifications and experience.

24 (b) Each member shall be a citizen of the United States and a  
25 resident of Alaska.

26 Sec. 42.05.045. CHAIRMAN OF THE COMMISSION. The commission shall  
27 elect one of its members as chairman.

28 Sec. 42.05.055. RESTRICTIONS ON MEMBERS AND EMPLOYEES. No member  
29 of the commission nor an employee of the commission may have an

1 official relation or connection with, or hold stock or securities, or  
2 have a pecuniary interest in a public utility in the state. Membership  
3 in a cooperative association is not a "pecuniary interest" within the  
4 meaning of this section. No member or employee may act in any matter  
5 in which his relationship or affiliation with an organization, company  
6 or otherwise creates a conflict of interest or unfair advantage between  
7 the member or employee and those subject to regulation by the commis-  
8 sion.

9 Sec. 42.05.065. OATH OF OFFICE. Each member of the commission  
10 shall take and subscribe to the oath of office prescribed for principal  
11 officers of the state.

12 Sec. 42.05.075. QUORUM, PRINCIPAL OFFICE, SEAL. (a) Three of  
13 the members of the commission constitutes a quorum for the transaction  
14 of business.

15 (b) The commission shall establish a principal office. Whenever  
16 the convenience of the public or of the parties may be promoted, or  
17 delay or expense may be prevented, the commission may hold hearings or  
18 other proceedings at another place.

19 (c) The commission shall have an official seal which shall be  
20 preserved in the custody of the executive director.

21 Sec. 42.05.085. COMPENSATION OF MEMBERS. Each member of the  
22 commission is entitled to the per diem established by law for other  
23 boards and commissions and shall be paid for his necessary travel  
24 expense, and \$2,500 a year.

25 Sec. 42.05.095. EXECUTIVE DIRECTOR. After February 15, 1969, the  
26 commission shall employ an executive director of the commission who  
27 shall be charged with the performance and supervision of all administra-  
28 tive functions of the commission. Before February 15, 1969, the com-  
29 missioner of commerce shall employ the executive director. The executive

1 director shall be in the partially exempt service under AS 39.25.

2       Sec. 42.05.105. **LEGAL COUNSEL AND HEARING OFFICERS.** The commis-  
3 sion may employ legal counsel and hearing officers from time to time as  
4 needed and at such times as the Department of Law is representing the  
5 public interest or any other party before the commission. The Depart-  
6 ment of Law shall furnish legal counsel on a continuing basis. The  
7 attorney general shall at the request of the commission represent the  
8 commission in suits in which it is a party, and may represent the pub-  
9 lic interest in any proceeding before the commission.

10       Sec. 42.05.115. **EMPLOYMENT OF PERSONNEL.** Officers, employees  
11 and agents of the commission, other than the executive director, legal  
12 counsel and hearing officers, are appointed to their positions in  
13 accordance with AS 39.25.020(2) and they shall be in the classified  
14 service under AS 39.25.

15       Sec. 42.05.125. **DELEGATION OF FUNCTIONS.** The commission may  
16 delegate the performance of a function under this chapter to any of  
17 its officers, employees, agents or administrative units, except as to  
18 the promulgation of rules and regulations, and the determination of  
19 controversies.

20       Sec. 42.05.135. **GENERAL POWERS OF COMMISSION.** The commission is  
21 empowered to perform acts, conduct investigations, issue, amend, and  
22 rescind orders, and to make, amend, and rescind general or special  
23 rules, regulations, and procedure under this chapter and the Alaska  
24 Administrative Procedure Act (AS 44.62) which the commission considers  
25 necessary to carry out the provisions of this chapter.

26       Sec. 42.05.145. **ANNUAL REPORT.** The commission shall publish an  
27 annual report reviewing its work and submit it to the legislature by  
28 February 15 of each year. In addition the report shall contain in-  
29 formation and data which bears a significant relationship to the

1 development and regulation of public utilities, carriers and others  
2 under the jurisdiction of the commission.

3 Sec. 42.05.155. PUBLICATION OF COMMISSION DOCUMENTS. The commis-  
4 sion shall provide for the publication of its reports, orders, deci-  
5 sions, rules and regulations. Publication shall be in a manner and  
6 form best adapted to public information and use.

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15 **ARTICLE 2. JURISDICTION AND GENERAL**  
16 **AUTHORITY OF THE COMMISSION.**

17 Sec. 42.05.175. JURISDICTION. The jurisdiction of the commission  
18 extends to all public utilities in the state, as defined in sec. 595  
19 of this chapter.

20 Sec. 42.05.185. INFORMAL INVESTIGATION. (a) The commission may,  
21 upon giving five days' written notice to a public utility, enter its  
22 premises during business hours, and inspect its books, accounts, papers,  
23 records and memoranda, and test its equipment. The commission may  
24 delegate in writing to any of its employees its authority to conduct an  
25 informal investigation under this section.

26 (b) The commission may by order or subpoena served on a public  
27 utility in the same manner as a summons in the superior court, or  
28 served by certified mail, require a public utility to produce original  
29 or verified copies of its books, accounts, papers, or records on any

1 matter investigated under this section.

2 Sec. 42.05.195. FORMAL INVESTIGATION. The commission may insti-  
3 tute a formal investigation by issuing an order of investigation. The  
4 order of investigation shall state the reasons for the formal investi-  
5 gation, designate information required to be produced by the public  
6 utility and the time and place of its production.

7 Sec. 42.05.205. HEARINGS. (a) Hearings shall be initiated by  
8 the commission upon issuance and service of an order of hearing upon a  
9 public utility.

10 (b) Hearings shall be conducted under AS 44.62.410 - 44.62.480  
11 of the Alaska Administrative Procedure Act.

12 Sec. 42.05.215. REPORTS. The commission shall make reports in  
13 writing on all proceedings under this chapter in which hearings are  
14 held. Each report shall state the commission's findings, and the  
15 basis for the findings, and conclusions together with its decision  
16 and order. The recommended decision of a hearing officer may be adopted  
17 as the report of the commission. All reports shall be entered of record  
18 and copies shall be furnished to all the parties to the proceeding.

19 Sec. 42.05.225. FINAL ORDERS OF THE COMMISSION. No final order  
20 of the commission compelling affirmative action, denying a right or  
21 privilege, or granting a right or privilege over protest of an inter-  
22 ested party may be entered by the commission without giving opportunity  
23 to be heard, including, if requested by the public utility or an in-  
24 terested party, a public hearing.

25 ARTICLE 3. CERTIFICATE OF PUBLIC  
26 CONVENIENCE AND NECESSITY.

27 Sec. 42.05.245. CERTIFICATES OF CONVENIENCE AND NECESSITY. No  
28 public utility may operate after January 1, 1968, without first having  
29 obtained from the commission under this chapter a certificate declaring

1 that public convenience and necessity require or will require the opera-  
2 tion and delineating the area where service is to be provided. All  
3 certificates of convenience and necessity now issued to a utility shall  
4 remain in effect but they are subject to modification where there are  
5 areas of conflict with utilities that have not previously been required  
6 to have a certificate.

7 Sec. 42.05.255. APPLICATION. Application for a certificate shall  
8 be in writing, verified, and be in the form and contain the information  
9 required by the commission by regulation.

10 Sec. 42.05.265. ISSUANCE. The commission shall issue a certifi-  
11 cate authorizing the whole or a part of the service covered by the  
12 application, if it finds that the applicant is fit, willing and able  
13 to provide the services of a public utility, and that the services are  
14 required by the public convenience and necessity or it may issue a  
15 certificate conditioned upon the applicant serving an area not included  
16 in the application; otherwise the application shall be denied.

17 ARTICLE 4. COMMISSION REGULATION OF  
18 RATES AND SERVICE.

19 Sec. 42.05.295. ESTABLISHMENT OF REASONABLE RATES. All rates  
20 and charges made, demanded, or received by a public utility for the  
21 sale of a service in the state, and all rules and regulations affecting  
22 or pertaining to rates or charges shall be just and reasonable.

23 Sec. 42.05.305. PREFERENCE AND DISCRIMINATION PROHIBITED. No  
24 public utility may with respect to a transmission or sale subject to  
25 the jurisdiction of the commission

26 (1) make or grant an unreasonable preference or advantage  
27 to a person or subject a person to an unreasonable prejudice or dis-  
28 advantage, or

29 (2) maintain an unreasonable difference in rates, charges,

1 service, facilities, or in any other respect, either as between  
2 localities or as between classes of service, except that municipally  
3 owned utilities may add charges to persons situated within the municipal  
4 boundaries which charges shall be separately stated for billing or  
5 invoice purposes.

6 Sec. 42.05.315. COMPLIANCE WITH RATE SCHEDULES. No public utility  
7 may charge, demand, collect or receive a greater or lesser compensation  
8 for services furnished by it in the state, or for service in connection  
9 therewith, than is specified in its effective published schedule, nor  
10 shall the utility collect or receive tolls or charges not specified in  
11 its schedule. A public utility may charge consumers an amount not ex-  
12 ceeding the cost for extraordinary service provided, including the  
13 repair of damages to its facilities.

14 Sec. 42.05.325. FILING OF SCHEDULES. Under rules and regulations  
15 prescribed by the commission, each public utility shall file schedules  
16 with the commission. Schedules shall show all rates and charges for the  
17 sale of services, the classifications, practices, and regulations direct-  
18 ly affecting the rates and charges, and all contracts which affect the  
19 rates, charges, classifications, and services. Each public utility  
20 shall keep its schedules open to inspection in a form and at times and  
21 places convenient to the public.

22 Sec. 42.05.335. CHANGES IN RATES. Unless the commission other-  
23 wise orders, no change may be made by a public utility in a rate,  
24 charge, classification, or service, or in a rule, regulation, or con-  
25 tract relating thereto, except after 30 days' notice to the commission  
26 and to the public. The notice shall be given by filing with the com-  
27 mission and keeping open for public inspection new schedules stating  
28 plainly the change or changes to be made in the schedule or schedules  
29 then in force and the time when the change or changes will go into

1 effect. The commission may prescribe additional means of giving  
2 notice. The commission, for good cause shown, may allow changes to  
3 take effect without requiring 30 days' notice by issuing an order  
4 specifying the changes to be made, the time they take effect and the  
5 manner in which they are to be filed and published.

6 **Sec. 42.05.345. SUSPENSION BY COMMISSION OF NEW RATE SCHEDULES.**

7 Whenever a new schedule is filed, the commission may, either upon  
8 complaint or upon its own initiative without complaint, at once, or if  
9 it so orders, upon reasonable notice, enter upon an investigation and  
10 hearing on the lawfulness of the rate, charge, classification or  
11 service. Pending the investigation, hearing and decision, the commis-  
12 sion may suspend the operation of a new schedule and defer use of its  
13 rates, charges, classifications, or services, by filing a written  
14 statement in the commission records of its reasons for the suspension  
15 together with the suspended schedule and by delivering a copy of the  
16 statement to the public utility. A new schedule may not be suspended  
17 for more than five months beyond the time it would otherwise go into  
18 effect. After full hearings, either completed before or after the rate,  
19 charge, classification or service goes into effect, the commission may  
20 issue orders granting, denying or modifying in whole or in part the  
21 new schedule. If the proceeding has not been concluded and an order  
22 issued at the expiration of five months, the proposed change of rate,  
23 charge, classifications, or service shall go into effect at the end of  
24 that period. In the case of a proposed increased rate or charge, the  
25 commission may by order require the interested public utility or public  
26 utilities to keep accurate account in detail of all amounts received  
27 by reason of the increase, specifying by whom and in whose behalf the  
28 amounts are paid. Upon completion of the hearing and decision the com-  
29 mission may by order require the public utility to refund with interest,

1 not exceeding six per cent a year, to the persons in whose behalf the  
2 amounts were paid, that portion of the increased rates or charges  
3 which by its decision was found not to be justified. At a hearing in-  
4 volving a rate or charge sought to be increased the burden of proof to  
5 show that the increased rate or charge is just and reasonable shall  
6 be upon the public utility. The commission shall give to the hearing  
7 and decision of these questions preference over other questions pending  
8 before it and decide them as speedily as possible.

9       Sec. 42.05.355. POWER OF COMMISSION TO FIX RATES. Whenever the  
10 commission, after an investigation and hearing upon its own motion or  
11 upon complaint, finds that a rate charge or classification, demanded,  
12 observed, charged or collected by a public utility for the sale of a  
13 service subject to the jurisdiction of the commission, or that a rule,  
14 regulation, practice, or contract affecting the rate, charge, or  
15 classification is unjust, unreasonable, unduly discriminatory or prefer-  
16 ential, the commission shall determine the just and reasonable rate,  
17 charge, classification, rule, regulation, practice, or contract to be  
18 thereafter observed and in force, and shall fix the same by order.

19       Sec. 42.05.365. SERVICE. (a) Wherever the commission upon  
20 investigation and after opportunity for hearing, finds that a practice  
21 or service of a public utility is inadequate, insufficient, unjust,  
22 unreasonable, unsafe, preferential or unjustly discriminatory, the  
23 commission shall determine the proper, adequate, or sufficient practice  
24 or service to be furnished and shall fix the same by its order, rule  
25 or regulation.

26       (b) The commission may examine the management of a public utility,  
27 including staffing patterns and wage and salary scales. The commission,  
28 after opportunity for hearing, may order the correction of abuses found  
29 which adversely affect the cost or quality of the product or service of

1 the public utility.

2 **Sec. 42.05.375. JOINT USE AND INTERCONNECTION OF FACILITIES. (a)**

3 Every public utility having sewers, tracks, conduits, subways, utilidors,  
4 poles, pole lines, pipes, pipelines, mains or other distribution or  
5 transmission media shall for a reasonable compensation permit the use of  
6 them by another public utility whenever public convenience and necessity  
7 require this use and the use will not result in substantial injury to  
8 the owner, or in substantial detriment to the service to the customers  
9 or consumers of the owner. The cost of modifications or additions neces-  
10 sary to a joint use shall be at the expense of the public utility re-  
11 questing the use of the media. This section does not authorize a public  
12 utility to contract or share the use of the media of another public  
13 utility offering the same service when the purpose of the joint use is  
14 to violate the service area of the utility owning the media.

15 (b) Every public utility for the convenience of telephone messages  
16 shall permit physical connection to be made and telephone service to be  
17 furnished between a telephone system operated by it and the telephone  
18 system or toll line operated by another public utility, or between its  
19 toll line and the toll line of another public utility, whenever public  
20 convenience and necessity require the physical connection and the  
21 physical connection will not result in substantial injury to the owner  
22 or other users of the facilities of either public utility or in sub-  
23 stantial detriment to the service of either public utility. The term  
24 "physical connection" means the trunk lines or complete wire circuits  
25 and connections required to furnish reasonably adequate telephone serv-  
26 ice between the public utilities.

27 (c) If a prospective consumer or patron is situated within a  
28 reasonable distance of the distribution facilities of a public utility  
29 which generates, transmits, delivers, or furnishes electric energy and

1 power and the prospective consumer constructs and installs the neces-  
2 sary facilities in compliance with plans and specifications furnished  
3 by the utility, the utility shall permit the physical connection to  
4 be made and service to be furnished to that person. The utility may  
5 deny the connection if it would result in substantial detriment to  
6 other consumers of the utility, or if safety hazards would be created.  
7 This section may not be interpreted to require a utility to assume main-  
8 tenance or other responsibility for facilities which it does not own.

9 **Sec. 42.05.385. FAILURE TO AGREE UPON JOINT USE OR INTERCONNEC-**  
10 **TION.** In case of failure to agree upon the joint use or interconne-  
11 tion of media or the conditions or compensation for joint use or inter-  
12 connections, the public utility or an interested person may apply to  
13 the commission. If, after investigation, the commission finds that  
14 public convenience and necessity require the joint use or physical  
15 connection, and that the use or physical connection does not result in  
16 substantial injury to the owner or users of the media, or in substan-  
17 tial detriment to the services furnished by the owner or users, or in  
18 the creation of safety hazards, it shall

- 19 (1) order that the use be permitted;  
20 (2) prescribe reasonable conditions and compensation for  
21 the use;  
22 (3) order that the physical connection be made;  
23 (4) determine the time and manner of connection;  
24 (5) determine the party who shall pay the expense of making  
25 and maintaining the connection.

26 **Sec. 42.05.405. STANDARD UNITS AND EXPENSES PER UNIT.** For each  
27 kind of public utility, the commission shall prescribe suitable and  
28 convenient standard commercial units of product or service. These  
29 units are lawful units for purposes of this chapter. Each public

1 utility shall furnish the commission with accounts, reports and informa-  
2 tion based upon the prescribed units which the commission requires.

3 **Sec. 42.05.415. STANDARDS FOR MEASUREMENT.** The commission shall  
4 fix by regulation adequate and serviceable standards for the measure-  
5 ment of quality, pressure, voltage or other conditions, including, but  
6 not limited to, quantity and quality of service pertaining to the supply  
7 of the product or service furnished by a public utility and shall  
8 prescribe reasonable regulations for examinations and testing of the  
9 product or service and for the measurement of it. In doing so, the  
10 commission shall conform to the standard practices of the industry or  
11 activity regulated.

12 **Sec. 42.05.425. TESTING OF METER STANDARDS.** The commission  
13 shall provide by regulation for the periodic testing and certification  
14 of meter standards by laboratories acceptable to the commission. The  
15 commission shall also provide regulations for the taking of appeals to  
16 the commission from the findings of a utility which tests its own meters  
17 or appliances for measurement.

18 **Sec. 42.05.445. CLASSES OF SERVICE.** The commission shall provide  
19 for a comprehensive classification of services for each public utility.  
20 The classification shall take into account the quantity used, the time  
21 when used, the purpose for which used and other reasonable factors.  
22 Each public utility shall conform its schedule of rates, tolls and  
23 charges to the classification.

24 **ARTICLE 5. VALUATION AND ACCOUNTING PROCEDURES.**

25 **Sec. 42.05.455. VALUATION OF PUBLIC UTILITY PROPERTIES.** The  
26 commission may, when necessary for rate-making purposes, investigate  
27 and ascertain the actual legitimate costs of the property used or use-  
28 ful of every public utility, the depreciation therein, and when found  
29 necessary for rate-making purposes, other facts which bear on the

1 determination of the cost or depreciation, and the fair value in fact  
2 of the property. No consideration may be given to good will, going  
3 value, or natural resources. Every public utility, upon request, shall  
4 file with the commission an inventory of all or any part of its property  
5 and a statement of its original cost, and shall keep the commission  
6 informed regarding the cost of all additions, improvements, extensions,  
7 and new construction.

8       **Sec. 42.05.465. SYSTEMS OF ACCOUNTS AND REPORTS.** (a) Every  
9 public utility, including municipally-owned utilities which are other-  
10 wise exempt from this chapter, shall use and follow generally recog-  
11 nized systems of public utility accounting. If a public utility does  
12 not adopt generally recognized systems of public utility accounting, the  
13 commission shall prescribe the accounting system which the utility  
14 shall adopt. However, the commission may waive this requirement if  
15 the public utility does a gross annual business of less than \$100,000.  
16 Each public utility, including municipally-owned utilities which are  
17 otherwise exempt from this chapter, shall submit reports which the  
18 commission requires on forms furnished by the commission.

19       (b) Every public utility engaged, directly or indirectly, in  
20 another business or a subsidiary business shall keep separate accounts  
21 relating to that business. Except as the commission provides, no  
22 property, expense or revenue utilized in or derived from that business  
23 may be considered in establishing the rates and charges of the utility  
24 for its public services.

25                   **ARTICLE 6. SECURITIES AND DISTRIBUTION OF**  
26                   **SURPLUS PROFITS.**

27       **Sec. 42.05.505. STATEMENT OF ISSUANCE OF SECURITIES.** A public  
28 utility, except a municipally or consumer-owned utility, before issuing  
29 securities shall file with the commission a statement setting out:

- 1 (1) the amount and character of the proposed securities;  
2 (2) the purposes for which they are to be issued;  
3 (3) the terms on which securities are to be issued, includ-  
4 ing a detailed description and a detailed statement of the value of  
5 property or services that are to be received in full or partial payment,  
6 and of property or services already received by the public utility, the  
7 cost of which is to be paid by the public utility with securities; and  
8 (4) a statement of the assets and liabilities of the utility  
9 as of the most recent available date, together with other financial  
10 information which the commission may require.

11 **Sec. 42.05.525. IMPAIRED CAPITAL.** Whenever the commission finds  
12 that the capital of a public utility is impaired, it may after investi-  
13 gation and hearing, issue an order directing the public utility to cease  
14 paying dividends on its common stock until the impairment has been re-  
15 moved.

16 **Sec. 42.05.535. DISTRIBUTION OF SURPLUS, PROFITS AND OPERATING**  
17 **MARGINS.** The surplus, profits and operating margins of public utili-  
18 ties shall be distributed in accordance with the bylaws or ordinances  
19 controlling the utility. The commission may adopt regulations govern-  
20 ing the distribution of surplus, profits, and operating margins by  
21 public utilities. The commission may upon investigation and hearing  
22 issue orders governing the distribution of surplus, profits or operat-  
23 ing margins of a public utility or may amend or rescind its orders.

24 **ARTICLE 7. ENFORCEMENT, JUDICIAL**  
25 **REVIEW AND PENALTIES.**

26 **Sec. 42.05.545. EFFECT OF RULES, REGULATIONS AND ORDERS.** Rules,  
27 regulations and orders adopted and issued by the commission in accor-  
28 dance with this chapter and the Administrative Procedure Act (AS 44.62)  
29 have the effect of law.

1           **Sec. 42.05.555. REVIEW AND ENFORCEMENT.** (a) All final orders of  
2 the commission are subject to judicial review in accordance with the  
3 Alaska Administrative Procedure Act (AS 44.62).

4           (b) The commission may apply to the superior court for enforce-  
5 ment of this chapter, the rules and regulations adopted under it and  
6 the orders of the commission. If after a hearing the court determines  
7 that the statute, rules and regulations are valid and that the order  
8 was regularly and validly made and duly issued, it shall enforce the  
9 order by injunction and other proper process.

10           **Sec. 42.05.565. PENALTIES.** Whoever knowingly violates a valid  
11 written rule, regulation or order of the commission shall be fined not  
12 more than \$500 by the superior court for each day the violation con-  
13 tinues.

14           **Sec. 42.05.575. JOINDER OF ACTIONS.** Under the applicable court  
15 rules, appeals from orders of the commission, applications for enforce-  
16 ment of commission orders and actions for recovery of a penalty may be  
17 joined, provided that the court may in the interests of justice separate  
18 the actions.

19                           **ARTICLE 8. GENERAL PROVISIONS.**

20           **Sec. 42.05.585. EMINENT DOMAIN.** A public utility may exercise  
21 the power of eminent domain for public uses authorized by law. This  
22 section does not authorize the use of a declaration of taking by a  
23 public utility which does not have that power under another law.

24           **Sec. 42.05.587. REGULATION BY MUNICIPALITY.** If there is a  
25 conflict between a rule, regulation, order or ordinance of a munici-  
26 pality and a rule, regulation or order of the commission, the latter  
27 shall prevail.

28           **Sec. 42.05.590. DISCRIMINATION BY EXEMPT UTILITIES.** On a complaint  
29 from a consumer of a municipally-owned utility, otherwise exempt from

1 regulation under this chapter, alleging discrimination prohibited by  
2 sec. 305 of this chapter, the commission may conduct a formal or infor-  
3 mal investigation and hearing and enter an order it considers just and  
4 reasonable and the order may be enforced in the same manner as any other  
5 order of the commission under this chapter.

6 Sec. 42.05.593. VIOLATION OF CHAPTER. Home rule cities and  
7 boroughs, as well as other municipalities, may not violate the provi-  
8 sions of this chapter.

9 Sec. 42.05.595. DEFINITIONS. In this chapter

10 (1) "commission" means the Public Service Commission;

11 (2) "public utility" or "utility" includes every corpora-  
12 tion, whether municipal, public, cooperative or otherwise, company,  
13 individual, or association of individuals, their lessees, trustees,  
14 or receivers appointed by a court, that owns, operates, manages or  
15 controls a plant or system for the generation, transmission, or distri-  
16 bution of electric energy and power, for the furnishing of telephone or  
17 telegraph communications, for the transmission or distribution of heat,  
18 natural or manufactured gas, oil or other petroleum products, or  
19 water, or for the furnishing of sewer services, and the plant and  
20 facilities used for any of the foregoing purposes; this chapter does  
21 not apply to a person who furnishes oil or other petroleum products  
22 by tank, wagon, or similar conveyance.

23 \* Sec. 2. This Act takes effect on the day after its passage and  
24 approval or on the day it becomes law without approval.  
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