

AMENDMENTS TO CSHB 202

Adopted in the House April 9, 1969

Page 2, Line 27: Delete "Two members" substitute "The chairman and one other member"

Page 4, Line 4: After the word "director" add: "if not a member of the commission"

Page 4, Line 5: After the period add: "The combined salary of an executive director who is a member of the commission may not exceed that of a superior judge."

Page 8, Line 16: After the period add: "Such a certificate is subject to modification where there are areas of conflict with other public utilities."

Page 19, Line 19: After the word "depreciation" insert a comma.

Page 23, Line 23: Delete \$500, substitute \$1,000

Page 27, Line 21: Insert after "regulated" "or municipal"

Page 29, Between Lines 14 and 15: Insert "(b) Municipally owned utilities (except those consenting to all provisions of this chapter) are exempt from the provisions of this chapter if there is no other utility in the integrated economic area or in an adjacent service area competing or having the potential to compete with any one of the municipally owned utilities."

Page 29, Between Lines 9 and 10: Insert "(8) 'integrated economic area' means an area that has met the standards for incorporation as a borough under AS 07.10.030 or for mandatory incorporation as a borough under Sec. 3, Ch. 52, SLA 1963."

Original sponsor: Fink

Offered: 3/29/69
Referred: Local Govern-
ment and Finance

*See "Comments"
sheet*

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 202

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the regulation of public utilities,
7 defining the composition, powers and duties of the
8 Alaska Public Service Commission; and providing for
9 an effective date."

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

11 * Section 1. AS 42.05.010 is amended to read:

12 Sec. 42.05.010. ALASKA PUBLIC SERVICE COMMISSION CREATED. There
13 is created within the Department of Commerce the Alaska Public Service
14 Commission.

15 * Sec. 2. AS 42.05.020 is amended to read:

16 Sec. 42.05.020. COMPOSITION OF ALASKA PUBLIC SERVICE COMMISSION.

17 (a) The Alaska Public Service Commission consists of three members,
18 appointed by the governor and confirmed by the legislature in joint
19 session assembled.

20 (b) The governor shall designate one member of the commission as
21 chairman of the commission. This member shall serve as chairman for a
22 term of four years, but may be appointed for successive terms.

23 * Sec. 3. AS 42.05.030 is amended to read:

24 Sec. 42.05.030. TERM OF OFFICE; VACANCY (a) The term of office
25 of each member is six years [, OR UNTIL HIS SUCCESSOR IS APPOINTED AND
26 QUALIFIES]. The [HOWEVER, THE] governor shall designate who [WHICH],
27 among his initial appointees, shall serve, respectively, for terms of
28 two years, four years and six years. A commissioner, upon the expira-
29 tion of his term, shall continue to hold office until his successor is

1 appointed and qualified.

2 (b) A vacancy arising in the office of commissioner shall be
3 filled by appointment by the governor and confirmed by the legislature
4 in joint session and an appointee selected to fill a vacancy shall hold
5 office for the balance of the full term for which his predecessor on
6 the commission was appointed.

7 (c) A vacancy in the commission does not impair the authority
8 of a quorum of commissioners to exercise all the powers and perform
9 all the duties of the commission.

10 * Sec. 4. AS 42.05 is amended by adding a new section to read:

11 Sec. 42.05.035. REMOVAL OF COMMISSIONERS. (a) The governor may
12 remove a commissioner from office by and with the consent of a majority
13 of the legislature.

14 (b) The governor may remove a commissioner from office for cause
15 including but not limited to incompetence, neglect of duty or mis-
16 conduct in office. A commissioner, to be removed for cause, shall be
17 given a copy of the charges against him and afforded an opportunity to
18 be publicly heard in person or by counsel in his own defense upon not
19 less than 10 days notice. If a commissioner is removed for cause, the
20 governor shall file with the secretary of state a complete statement
21 of all charges made against the commissioner and his finding on them,
22 together with a complete record of the proceedings.

23 (c) Subsections (a) and (b) of this section provide two separate
24 and distinct methods for removal of a commissioner from office.

25 * Sec. 5. AS 42.05.070 - 42.05.650 are repealed.

26 * Sec. 6. AS 42.05 is amended by adding new sections to read:

27 Sec. 42.05.071. QUORUM. Two members of the commission shall
28 constitute a quorum for the transaction of business, for the performance
29 of a duty, or for the exercise of a power of the commission.

1 Sec. 42.05.081. OATH OF OFFICE. Each commissioner and the
2 executive director of the commission, before entering upon the duties
3 of his office shall take and subscribe to the oath prescribed for
4 principal officers of the state.

5 Sec. 42.05.091. COMPENSATION OF MEMBERS OF COMMISSION. (a)
6 Members of the commission are entitled to the per diem established by
7 law for other boards and commissions and shall be paid for their
8 necessary travel expense.

9 (b) The annual salary for each member of the commission, other
10 than the chairman, is \$6,000 to be paid in approximately equal monthly
11 payments. The chairman of the commission shall serve full time and is
12 entitled to the same salary as a judge of the superior court.

13 Sec. 42.05.101. PRINCIPAL OFFICE; SEAL. (a) The commission
14 shall establish a principal office and branch offices necessary to
15 efficiently discharge its business. For the convenience of the public
16 or of parties to a proceeding the commission may hold meetings, hearings
17 or other proceedings at other locations.

18 (b) The commission shall have an official seal.

19 Sec. 42.05.111. LEGAL COUNSEL. (a) The attorney general is
20 legal counsel for the commission. He shall advise the commission in
21 legal matters arising in the discharge of its duties and represent the
22 commission in suits to which it is a party. The attorney general may
23 represent the public interest in any proceeding before the commission.

24 (b) The commission may employ temporary legal counsel from time
25 to time in proceedings before the commission in which the attorney
26 general is representing the public interest or a party before the
27 commission.

28 Sec. 42.05.121. EMPLOYMENT OF COMMISSION PERSONNEL. (a) The
29 commission may employ an executive director who shall be an experienced

1 administrator and who may be one of the commission members. The
2 commission may employ engineers, experts, clerks, accountants, and
3 other agents and assistants it considers necessary. The executive
4 director and all other employees and agents of the commission, other
5 than legal counsel, are in the classified service under AS 39.25.

6 (b) In addition to its staff of regular employees, the commission
7 may contract for and engage the services of consultants and experts
8 the commission considers necessary for the purpose of developing
9 information or conducting studies and investigations.

10 Sec. 42.05.131. RESTRICTIONS ON MEMBERS AND EMPLOYEES. No
11 member of the commission nor an employee of the commission may have
12 an official connection with, or hold stock or securities in, or have
13 a pecuniary interest in a public utility within the state. Membership
14 in a cooperative association is not a "pecuniary interest" within the
15 meaning of this section; however, no member or employee of the commis-
16 sion may be an officer, board member or employee of a cooperative
17 association. No member or employee may act upon a matter in which
18 his relationship with any person creates a conflict of interests or
19 an unfair advantage over anyone subject to regulation by the commission.

20 ARTICLE 2. POWERS AND DUTIES OF THE COMMISSION.

21 Sec. 42.05.141. GENERAL POWERS AND DUTIES OF THE COMMISSION.

22 The Alaska Public Service Commission may

23 (1) regulate every public utility engaged or proposing to
24 engage in such a business within the state, except to the extent
25 exempted by sec. 711 of this chapter and the powers of the commission
26 shall be liberally construed to accomplish its stated purposes;

27 (2) investigate, upon complaint or upon its own motion,
28 the rates, classifications, rules, regulations, practices, services
29 and facilities of a public utility and hold hearings thereon;

1 (3) make or require just, fair and reasonable rates,
2 classifications, regulations, practices, services and facilities for
3 a public utility;

4 (4) prescribe the system of accounts and regulate the
5 service and safety of operations of a public utility;

6 (5) require a public utility to file reports and other
7 information and data;

8 (6) regulate a public utility in all other matters affecting
9 its relationship with other public utilities, its customers and with
10 the general public.

11 Sec. 42.05.151. ADMINISTRATIVE AUTHORITY OF COMMISSION; REGULA-
12 TIONS AND HEARING PROCEDURES. (a) The commission may adopt regulations,
13 not inconsistent with the law, necessary or proper in the exercise of
14 its powers or for the performance of its duties under this chapter.

15 (b) The commission shall adopt regulations governing practice
16 and procedure, consistent with due process of law, including the
17 conduct of formal and informal investigations, pre-hearing conferences,
18 hearings and proceedings, and the handling of procedural motions by a
19 single commissioner. Technical rules of evidence need not apply to
20 investigations, pre-hearing conferences, hearings and proceedings be-
21 fore the commission. The commission shall provide for representation
22 by out-of-state attorneys substantially in accordance with Civil Rule
23 81.

24 (c) The commission, each commissioner or an employee authorized
25 by the commission may administer oaths, certify to all official acts,
26 and issue subpoenas, subpoenas duces tecum and other process to compel
27 the attendance of witnesses and the production of testimony, records,
28 papers, accounts and documents in an inquiry, investigation, hearing,
29 or proceeding before the commission in any part of the state. Each

1 commissioner is authorized to issue orders on procedural motions. The
2 commission may petition a court of this state to enforce its subpoenas,
3 subpoenas duces tecum or other process.

4 Sec. 42.05.161. APPLICATION OF ADMINISTRATIVE PROCEDURE ACT.

5 (a) The administrative adjudication procedures of the Administrative
6 Procedure Act (AS 44.62) do not apply to adjudicatory proceedings of
7 the commission except that final administrative determinations by the
8 commission are subject to judicial review under that Act as provided
9 in sec. 551(a) of this chapter.

10 (b) The Administrative Procedure Act shall apply to regulations
11 adopted by the commission.

12 Sec. 42.05.171. FORMAL INVESTIGATIONS AND HEARINGS. A formal
13 investigation or hearing which the commission has power to undertake
14 or to hold may be undertaken or held by or before two or more com-
15 missioners designated for the purpose by the commission. The testimony
16 and evidence in a formal investigation or hearing may be taken by the
17 commissioner or commissioners to whom such investigation or hearing
18 has been assigned. A commissioner who has not read or heard the entire
19 record, including the argument, may not participate in making a
20 decision of the commission.

21 Sec. 42.05.181. FINAL ORDERS OF THE COMMISSION. No final order
22 of the commission compelling affirmative action, denying a right or
23 privilege, or granting a right or privilege over protest of an interested
24 party may be entered by the commission without giving opportunity to be
25 heard, including, if requested by the public utility or any interested
26 party, a public oral hearing.

27 Sec. 42.05.191. REPORTS ON PROCEEDINGS. The commission shall
28 make reports on all proceedings under this chapter in which hearings
29 are held. Each report shall state the commission's findings, the basis

1 for the findings, and conclusions together with its decision and order,
2 Reports shall be entered of record and copies shall be furnished to
3 all the parties to the proceedings.

4 Sec. 42.05.201. PUBLICATION OF REPORTS, ORDERS, DECISIONS AND
5 REGULATIONS. All reports, orders, decisions and regulations of the
6 commission shall be in writing. The commission shall apprise all
7 affected utilities and interested parties of these reports, orders,
8 decisions, and regulations as they are issued and adopted, and, when
9 appropriate to do so, shall publish them in a manner that will reason-
10 ably inform the public or the affected consumers of any public utility
11 service. The commission may by regulation set charges for costs of
12 printing or reproducing and furnishing copies of its reports, orders,
13 decisions and regulations to members of the public other than the
14 United States or state government, a city or borough, or other political
15 subdivision of the state. The publication requirement, as it pertains
16 to regulations, does not supersede the requirements of the Administrative
17 Procedure Act (AS 44.62).

18 Sec. 42.05.211. ANNUAL REPORT. The commission shall publish an
19 annual report reviewing its work and submit it to the legislature by
20 February 15 of each year. In addition, the report shall contain in-
21 formation and data which bear a significant relationship to the
22 development and regulation of public utilities in the state.

23 ARTICLE 3. CERTIFICATE OF PUBLIC
24 CONVENIENCE AND NECESSITY.

25 Sec. 42.05.221. CERTIFICATES REQUIRED. (a) No public utility
26 may operate and receive compensation for providing a commodity or
27 service after January 1, 1970 without first having obtained from the
28 commission under this chapter a certificate declaring that public
29 convenience and necessity require or will require the service. Where

1 a public utility provides more than one type of utility service, a
2 separate certificate of convenience and necessity shall be required
3 for each type. A certificate shall describe the nature and extent
4 of the authority granted therein, including as appropriate for the
5 services involved, a description of the authorized area or areas and
6 scope of operations of the public utility.

7 (b) All certificates of convenience and necessity issued to a
8 public utility before the effective date of this Act shall remain in
9 effect but they are subject to modification where there are areas of
10 conflict with public utilities that have not previously been required
11 to have a certificate.

12 (c) A certificate shall be issued to a public utility not re-
13 quired to have one before the effective date of this Act, and which
14 is required to have one after that date, if it appears to the com-
15 mission that the utility was actually operating in good faith on that
16 date.

17 (d) In an area where two or more public utilities are competing
18 to furnish the same type of utility service, the commission shall take
19 appropriate action to eliminate the competition and duplication of
20 facilities by delineating the service area or areas of each utility,
21 or otherwise identifying and defining the authorized scope of operations
22 of each utility.

23 Sec. 42.05.231. APPLICATION. Application for a certificate shall
24 be in writing and shall be in the form and contain the information
25 required by the commission by regulation.

26 Sec. 42.05.241. CONDITIONS OF ISSUANCE. No certificate may be
27 issued unless the commission finds that the applicant is fit, willing
28 and able to provide the utility services applied for and that the
29 services are required for the convenience and necessity of the public.

1 The commission may issue a certificate granting an application in
2 whole or in part and attach to the grant of it the terms and conditions
3 it considers necessary to protect and promote the public interest in-
4 cluding the condition that the applicant may or shall serve an area
5 or provide a necessary service not contemplated by the applicant.
6 The commission may, for good cause, deny an application with or without
7 prejudice.

8 Sec. 42.05.251. USE OF STREETS IN CITIES AND BOROUGHES. Public
9 utilities have the right to use public streets, alleys and other public
10 ways of a city or borough, whether home rule or otherwise, upon payment
11 of a reasonable permit fee and on reasonable terms and conditions and
12 with reasonable exceptions the city or borough requires. A dispute as
13 to whether fees, terms, conditions or exceptions are reasonable shall
14 be decided by the commission.

15 Sec. 42.05.261. DISCONTINUANCE, SUSPENSION OR ABANDONMENT OF
16 CERTIFICATED SERVICE. (a) Except as otherwise provided in this
17 section, no public utility may discontinue or abandon a service for
18 which a certificate has been issued by the commission unless upon the
19 application of the public utility and if, after notice and opportunity
20 for hearing, the commission finds that the continued service is not
21 required by public convenience and necessity. Any interested person
22 may file with the commission a protest or memorandum of opposition to
23 or in support of discontinuance or abandonment. The commission may
24 authorize temporary suspension of a service or of part of a service.

25 (b) Upon complaint or upon its own motion, the commission may
26 reinvestigate a previously authorized discontinuance, abandonment or
27 suspension of a service of a public utility. If, after providing notice
28 and an opportunity for a hearing, the commission finds that the public
29 convenience and necessity require the service to be resumed, it may

1 order the public utility to again provide the service.

2 Sec. 42.05.271. MODIFICATION, SUSPENSION OR REVOCATION OF
3 CERTIFICATES. Upon complaint or upon its own motion the commission,
4 after notice and opportunity for hearing and for good cause shown, may
5 amend, modify, suspend, or revoke a certificate, in whole or in part.
6 Good cause for amendment, modification, suspension or revocation of a
7 certificate includes

8 (1) the requirements of public convenience and necessity;

9 (2) misrepresentation of a material fact in obtaining the
10 certificate;

11 (3) unauthorized discontinuance or abandonment of all or
12 part of a public utility's service;

13 (4) wilful failure to comply with the provisions of this
14 chapter or the rules, regulations or orders of the commission; or

15 (5) wilful failure to comply with a term, condition, or
16 limitation of the certificate.

17 Sec. 42.05.281. TRANSFER OF CERTIFICATE. A certificate may not
18 be transferred without the prior approval of the commission.

19 ARTICLE 4. SERVICES AND FACILITIES.

20 Sec. 42.05.291. STANDARDS OF SERVICE AND FACILITIES. (a) Each
21 public utility shall furnish and maintain adequate, efficient, safe
22 and reasonable service and facilities. This service shall be reasonably
23 continuous and without unreasonable interruption or delay.

24 (b) Subject to the provisions of this chapter and the regulations
25 or orders of the commission, a public utility may have reasonable rules
26 and regulations governing the conditions under which it shall render
27 service.

28 (c) The commission may, upon its own motion or upon complaint
29 after providing reasonable notice and opportunity for hearing, prescribe

1 as to service and facilities, including the crossing of facilities,
2 just and reasonable standards, classifications, regulations, and
3 practices to be furnished, imposed, observed, and followed by public
4 utilities; prescribe adequate and reasonable standards for the measure-
5 ment of quantity, quality, pressure, initial voltage, or other con-
6 ditions pertaining to the supply of the service of public utilities;
7 prescribe reasonable regulations for the examination and testing of the
8 service, and for the measurement of it; prescribe or approve reasonable
9 regulations, specifications, and standards to secure the accuracy of
10 meters and appliances for measurement; and provide for the examination
11 and testing of appliances used for the measurement of a service of a
12 public utility. In doing so, the commission shall conform to the
13 standard practices of the industry.

14 (d) When the commission, upon its own motion or upon complaint,
15 after providing reasonable notice and opportunity for hearing, finds
16 that the service or facilities of a public utility are unreasonable,
17 unsafe, inadequate, insufficient, or unreasonably discriminatory, or
18 otherwise in violation of this chapter, the commission shall prescribe,
19 by regulation or order, the reasonable, safe, adequate, sufficient
20 service or facilities to be observed, furnished, enforced, or employed,
21 including all repairs, changes, alterations, extensions, substitutions,
22 or improvements in facilities that are reasonably necessary and proper
23 for the safety, accommodation, and convenience of the public.

24 Sec. 42.05.301. DISCRIMINATION IN SERVICE. No public utility
25 may, as to service, make or grant an unreasonable preference or
26 advantage to any person or subject any person to an unreasonable pre-
27 judice or disadvantage. No public utility may establish or maintain
28 or provide an unreasonable difference as to service, either as between
29 localities or as between classes of service, but nothing in this

1 section prohibits the establishment of reasonable classifications of
2 service or requires unreasonable investment in facilities.

3 Sec. 42.05.311. JOINT USE AND INTERCONNECTION OF FACILITIES. (a)
4 A public utility having sewers, conduits, utilidors, poles, pole lines,
5 pipes, pipelines, mains or other distribution or transmission facilities
6 shall, for a reasonable compensation, permit another public utility to
7 use them when the public convenience and necessity require this use and
8 the use will not result in substantial injury to the owner, or in
9 substantial detriment to the service to the customers of the owner.
10 The cost of modifications or additions necessary to a joint use shall be
11 at the expense of the public utility requesting the use of the facili-
12 ties. This section does not authorize a public utility to share the
13 use of the facilities of another public utility offering the same
14 service when the joint use would result in violating the service area
15 of the utility owning the facilities.

16 (b) A telephone utility shall permit connection to be made
17 and telephone service to be furnished between a telephone system
18 operated by it and the telephone system or toll facilities operated
19 by another public utility, or between its toll facilities and the
20 toll facilities of another public utility, when public convenience
21 and necessity require the connection and the connection will not result
22 in substantial injury to the owner or other users of the facilities of
23 either public utility or in substantial detriment to the service of
24 either public utility. The term "connection" means the radio channels
25 and circuit trunk lines or wire circuits and connections required to
26 furnish reasonably adequate communication service between the telephone
27 utilities.

28 (c) The tariff of a public utility shall include rules setting
29 out the terms and conditions under which it will construct, or permit

1 its customers or subscribers to construct, and install lines, cables,
2 radio links, or pipes from its existing facilities to the premises of
3 applicants for service.

4 Sec. 42.05.321. FAILURE TO AGREE UPON JOINT USE OR INTERCONNECTION

5 In case of failure to agree upon the joint use or interconnection of
6 facilities or the conditions or compensation for joint use or inter-
7 connections, the public utility or an interested person may apply to
8 the commission for an order requiring the interconnection. If, after
9 investigation and opportunity for hearing, the commission finds that
10 public convenience and necessity require the joint use or connection,
11 and that the use or connection will not result in substantial injury
12 to the owner utility or its customers, or in substantial detriment to
13 the services furnished by the owner utility, or in the creation of
14 safety hazards, it shall

15 (1) order that the use be permitted;

16 (2) prescribe reasonable conditions and compensation for
17 the joint use;

18 (3) order the interconnection to be made;

19 (4) determine the time and manner of the interconnection;

20 (5) determine the apportionment of costs and responsibility
21 for operation and maintenance of the interconnection.

22 Sec. 42.05.331. STANDARDS FOR MEASUREMENT. The commission shall
23 establish by regulation adequate, fair and realistic standards for the
24 measurement of quality, pressure, voltage or other conditions of
25 utility services and shall prescribe reasonable regulations for
26 examination and testing of the service and the accuracy of the devices
27 used to measure it. In so doing, the commission shall conform to the
28 standard practices of the industry.

29 Sec. 42.05.341. TESTING OF METER STANDARDS. (a) The commission

1 shall provide by regulation for the periodic testing and certification
2 of meter standards by laboratories acceptable to the commission. The
3 commission shall also provide by regulation for the taking of appeals
4 to the commission from the findings of a utility which tests its
5 own meters or appliances for measurement.

6 Sec. 42.05.351. TESTING OF APPLIANCES. The commission shall
7 provide for the examination and testing of appliances used for the
8 measuring of a service of a public utility and may purchase equipment,
9 apparatus, and standards required for this purpose. The commissioner
10 of commerce may assign the examination and testing function to the
11 division of weights and measures. Upon the payment of a reasonable
12 fee established by the commission, a consumer may have the appliance,
13 which is used by him, tested. The commission shall establish by
14 regulation allowable tolerances with respect to the functioning or
15 operation of the appliance. If the measuring appliance does not perform
16 within these tolerances, the utility concerned shall pay the costs of
17 the test by reimbursing the person requesting the test for the fee
18 paid by him. This reimbursement shall be made no later than at the
19 time of the next regular billing following the test.

20 ARTICLE 5. RATES AND RATE SCHEDULES.

21 Sec. 42.05.361. TARIFFS; FILING AND PUBLIC INSPECTION. (a) Each
22 public utility shall file its complete tariff with the commission at
23 the time and in the form established by the commission by regulation.
24 The tariff shall show all rates, classifications, rules, regulations
25 and practices collected or enforced or to be collected or enforced by
26 the public utility. Special arrangement contracts affecting rates and
27 charges shall be filed as special tariffs. The public utility shall
28 clearly print, or type, its complete tariff and keep an up-to-date
29 copy of it on file at its principal business office and at the principal

1 office in each community served. The tariffs shall be made available
2 to, and subject to inspection by, the general public on demand.

3 (b) The tariffs of a public utility which is also subject to
4 the jurisdiction of a federal regulatory body shall correspond, so
5 far as practicable, to the form of those prescribed by the federal
6 regulatory body.

7 (c) The commission may reject the filing of all or part of a
8 tariff which does not comply with the form or filing regulations of
9 the commission. The commission may reject, upon notice and hearing,
10 all or part of a tariff which is not consistent with this chapter or
11 the regulations of the commission. A tariff or provision so rejected
12 is void.

13 Sec. 42.05.371. ADHERENCE TO TARIFFS. No public utility may,
14 directly or indirectly, demand or receive a greater or less rate for
15 a service provided or to be provided by it than that specified in its
16 tariffs and filed in the manner provided in this chapter. The rates
17 specified in its properly filed tariffs are the lawful rates of a
18 public utility until changed in the manner provided under this chapter.
19 If a public utility has more than one rate applicable to service
20 furnished to a customer, it shall, upon demand by the customer or the
21 commission, compute bills under the rate most advantageous to the
22 customer.

23 Sec. 42.05.381. RATES TO BE JUST AND REASONABLE. (a) All rates
24 demanded or received by a public utility, or by any two or more public
25 utilities jointly, for a service furnished or to be furnished shall be just
26 and reasonable. Each unjust or unreasonable rate demanded or received
27 for such service is unlawful.

28 (b) A municipality is entitled to a fair and reasonable rate of
29 return in establishing the rates of a municipally owned and operated

1 utility, and a municipality may include in the utility revenue require-
2 ments a reasonable street permit fee and an amount the utility, if
3 investor owned, would have paid to the municipality for taxes.

4 Sec. 42.05.391. DISCRIMINATION IN RATES. (a) No public utility
5 may, as to rates, grant an unreasonable preference or advantage to any
6 of its customers or subject a customer to an unreasonable prejudice or
7 disadvantage. No public utility may establish or maintain an unreason-
8 able difference as to rates, either as between localities or between
9 classes of service.

10 (b) A rate charged by a municipality for a public utility service
11 furnished beyond its corporate limits is not considered unjustly dis-
12 criminatory solely because a different rate is charged for a similar
13 service within its corporate limits.

14 (c) No public utility may give or pay a rebate or bonus, directly
15 or indirectly, unless it conforms to a tariff approved by the com-
16 mission. No public utility may mislead or deceive the public in any
17 manner as to rates charged for a service. No public utility may offer
18 or pay any compensation or consideration or furnish any equipment to
19 secure the installation or adoption of the use of utility service
20 unless it conforms to a tariff approved by the commission, and the
21 compensation, consideration or equipment is offered to all persons
22 in the same classification applying for the public utility service; in
23 determining the reasonableness of such a tariff filed by a public
24 utility, the commission shall consider, among other things, evidence
25 of consideration or compensation paid by a competitor, regulated or
26 non-regulated, of the public utility to secure the installation or
27 adoption of the use of the competitors service.

28 Sec. 42.05.401. APPORTIONMENT OF JOINT RATES. If public
29 utilities entitled to share in a joint rate are unable to agree upon

1 how the receipts are to be apportioned or if the method of apportion-
2 ment appears unjust or unreasonable, the commission may, after hearing,
3 upon its own motion or upon complaint, establish the proportion to
4 which each public utility shall be entitled.

5 Sec. 42.05.411 NEW OR REVISED TARIFFS. (a) Unless the commission
6 otherwise orders, no change may be made by a public utility in its
7 rates, classifications, rules, regulations or practices or in a special
8 tariff relating to a rate, classification, rule, regulation or practice
9 except after 30 days notice to the commission and to the public. Notice
10 shall be given by filing with the commission and keeping open for public
11 inspection the revised tariff provisions which shall plainly indicate
12 the changes to be made in the schedules then in force and the time
13 when the changes will go into effect. The commission may prescribe
14 additional means of giving notice. The commission, for good cause
15 shown, may allow changes to take effect on less than 30 days' notice
16 under conditions the commission prescribes.

17 (b) New and revised tariffs shall be filed in the manner provided
18 in sec. 361(a) of this chapter.

19 (c) Upon the filing of a new or revised tariff, the commission,
20 upon complaint or upon its own motion, without notice, may initiate an
21 investigation of the reasonableness and lawfulness of the change.

22 Sec. 42.05.421. SUSPENSION OF TARIFF FILING. (a) When a tariff
23 is filed containing a new or revised rate, classification, rule, regu-
24 lation, or practice, the commission may, upon complaint or upon its
25 own motion, upon reasonable notice, order an investigation and a
26 hearing concerning the lawfulness of the proposed change.

27 (b) Pending completion of the investigation and hearing and a
28 decision thereon, the commission, by order stating the reasons for
29 its action, may from time to time suspend the operation of the tariff

1 change and defer its effective date but not for a longer, aggregate
2 period than five months beyond the time when the change would other-
3 wise go into effect.

4 (c) After hearing, whether completed before or after the rate,
5 classification, rule, regulation or practice goes into effect, the
6 commission may issue orders granting, denying or modifying the tariff
7 change in whole or in part.

8 (d) In the case of a proposed increased rate, the commission may
9 by order require the interested public utility or utilities to place
10 in escrow and keep accurate account of all amounts received by reason
11 of the increase, specifying by whom and in whose behalf the amounts
12 are paid. Upon completion of the hearing and decision the commission
13 may by order require the public utility to refund to the persons in
14 whose behalf the amounts were paid, that portion of the increased rates
15 which was found to be unreasonable or unlawful.

16 (e) At a hearing involving a proposed tariff or tariff change,
17 whether the change is suspended or not suspended, the burden of proof
18 to show that the change is reasonable and lawful is upon the public
19 utility. The commission shall give to the hearing and decision of
20 these questions priority over other questions pending before it and
21 render its decision as speedily as possible.

22 Sec. 42.05.431. POWER OF COMMISSION TO FIX RATES. When the
23 commission, after an investigation and hearing, finds that a rate
24 demanded, observed, charged or collected by a public utility for a
25 service, subject to the jurisdiction of the commission, or that a
26 classification, rule, regulation, practice, or contract affecting the
27 rate, is unjust, unreasonable, unduly discriminatory or preferential,
28 the commission shall determine a just and reasonable rate, classifi-
29 cation, rule, regulation, practice, or contract to be observed or

1 allowed and shall establish it by order. A municipality may covenant
2 with bondholders with regard to rates of a municipally owned utility,
3 and the covenant is valid and enforceable and is considered to be a
4 contract with the holders from time to time of the bonds.

5 Sec. 42.05.441. VALUATION OF PROPERTY OF A PUBLIC UTILITY. (a)
6 The commission may, after providing reasonable notice and opportunity
7 to be heard, ascertain and set the fair value of the whole or any part
8 of the property of a public utility, insofar as it is material to the
9 exercise of the jurisdiction of the commission. The commission may
10 make revaluations from time to time and ascertain the fair value of all
11 new construction, extensions, and additions to the property of a public
12 utility. If a public utility furnishes more than one type of utility
13 service, the commission shall segregate the property used and useful
14 in furnishing each type of service, and it may not consider the
15 property as a unit in determining the value for the purpose of fixing
16 rates.

17 (b) In determining fair value of public utility property for
18 rate making purposes, the commission shall be guided primarily by the
19 average of original cost, less accrued depreciation and reproduction
20 cost, less physical depreciation. Original cost is the cost of the
21 property to the person first devoting it to the public service. A
22 value for good will, going concern, natural resources and other in-
23 tangibles may not be included as an element of fair value for rate
24 making purposes.

25 ARTICLE 6. ACCOUNTS, RECORDS AND REPORTS.

26 Sec. 42.05.451. SYSTEM OF ACCOUNTS AND REPORTS. (a) Every
27 public utility shall use a generally recognized system of public
28 utility accounting. If a public utility does not adopt a generally
29 recognized system of public utility accounting, the commission shall

1 prescribe the accounting system which the utility shall adopt.

2 (b) Each public utility shall maintain its accounts on a
3 calendar year basis unless specifically authorized by the commission
4 to maintain its accounts on a fiscal year basis. Within 90 days after
5 the close of its authorized annual accounting period, or additional
6 time granted upon a showing of good cause, each public utility shall
7 file with the commission a verified annual report of its operations
8 during the period reported, on forms furnished by or acceptable to the
9 commission, containing the financial, statistical and other information
10 the commission may, by regulation, require.

11 Sec. 42.05.461. CONTINUING PROPERTY RECORDS. The commission
12 may require a public utility to establish, provide, and maintain as
13 a part of its system of accounts, continuing property records, in-
14 cluding a list or inventory of all the units of tangible property used
15 or useful in the public service, showing the current location of the
16 property units by definite reference to the specific land parcels upon
17 which the units are located or stored. The commission may require a
18 public utility to keep accounts and records in such a manner as to show
19 currently, the original cost of the property when first devoted to the
20 public service, and the reserve accumulated to provide for its de-
21 preciation.

22 Sec. 42.05.471. DEPRECIATION RATES, INITIAL LOSSES AND ACCOUNTS.

23 (a) Each public utility shall carry a separate, proper and adequate
24 depreciation account. From time to time the commission shall determine
25 the proper and adequate rates of depreciation for each major class of
26 property of a public utility. The commission shall accept rates of
27 depreciation and depreciation accounts prescribed and maintained under
28 regulations of a federal agency or the terms of a bond ordinance. The
29 commission shall determine and allow depreciation expense in fixing the

1 rates, tolls and charges to be paid for the services of a public
2 utility.

3 (b) The commission is not bound in rate proceedings to accept,
4 as just and reasonable for rate-making purposes, estimates of annual
5 or accrued depreciation established under the provisions of this
6 section, but in rate proceedings it may give consideration to state-
7 ments of depreciation submitted in accordance with this section in
8 addition to other relevant factors.

9 (c) The amount of net operating losses incurred by a new public
10 utility in developing a sufficient volume of business to provide a
11 profit at reasonable rates shall be amortized as an expense for the
12 period and at the rate set by the commission.

13 Sec. 42.05.481. SUBSIDIARY BUSINESS ACCOUNTS. A public utility
14 engaged, directly or indirectly, in another business or a subsidiary
15 business shall keep separate accounts relating to that business.
16 Except as the commission provides, no property, expense or revenue
17 used in or derived from that business may be considered in establishing
18 the rates and charges of the utility for its public services.

19 Sec. 42.05.491. RECORDS AND ACCOUNTS TO BE KEPT IN STATE. A
20 public utility shall keep the books, accounts, papers and records
21 required by the commission, in an office within this state, and may not
22 remove them from the state, except upon the terms and conditions that
23 may be prescribed by the commission. The provisions of this section
24 do not apply to a public utility whose accounts are kept at its
25 principal place of business outside the state, in the manner prescribed
26 by a federal regulatory body; however, such a public utility shall at
27 its option, either furnish to the commission, within a reasonable time
28 fixed by the commission, certified copies of its books, accounts, papers
29 and records relating to the business done by the public utility within

1 this state, or agree to pay the actual expenses incurred by the com-
2 mission in sending personnel to examine the utility's books and
3 records at the place where they are kept.

4 Sec. 42.05.501. INSPECTION OF BOOKS AND RECORDS BY COMMISSION.

5 The commission shall at all reasonable times have access to, and may
6 designate any of its employees, agents or consultants to inspect and
7 examine, the accounts, records, books, maps, inventories, appraisals,
8 valuations, or other reports and documents, kept by public utilities
9 or their affiliated interests, or prepared or kept for them by others.
10 The commission may require a public utility or its affiliated interest
11 to file with the commission, copies of any or all of these accounts,
12 records, books, maps, inventories, appraisals, valuations, or other
13 reports and documents.

14 ARTICLE 7. FINANCIAL AND MANAGEMENT REGULATION.

15 Sec. 42.05.511. UNREASONABLE MANAGEMENT PRACTICES. (a) The

16 commission may investigate the management of a public utility, in-
17 cluding but not limited to staffing patterns, wage and salary scales
18 and agreements, purchasing and payment arrangements with affiliated
19 interests for the purpose of determining unreasonable practices which
20 adversely affect the cost or quality of service of the public utility.

21 (b) Where unreasonable practices are found to exist, the com-
22 mission may, after providing reasonable notice and opportunity for
23 hearing, order the public utility to take the corrective action the
24 commission may require.

25 Sec. 42.05.521. IMPAIRED CAPITAL. When the commission finds
26 that the capital of a public utility is impaired, or might become
27 impaired by continuation of current practices, it may, after investi-
28 gation and hearing, issue an order directing the public utility to
29 cease paying dividends on its common stock until the impairment has

1 been removed.

2 Sec. 42.05.531. DISTRIBUTION OF SURPLUS AND PROFITS. The
3 surplus and profits of public utilities shall be distributed in
4 accordance with the bylaws or ordinances controlling the utility.

5 ARTICLE 8. JUDICIAL REVIEW, PENALTIES AND ENFORCEMENT.

6 Sec. 42.05.541. EFFECT OF REGULATIONS AND ORDERS. Regulations
7 and orders adopted and issued by the commission in accordance with this
8 chapter have the effect of law.

9 Sec. 42.05.551. REVIEW AND ENFORCEMENT. (a) All final orders
10 of the commission are subject to judicial review in accordance with
11 AS 44.62.560 - 44.62.570 of the Administrative Procedure Act.

12 (b) The commission may apply to the superior court for enforce-
13 ment of this chapter, the regulations adopted under it and the orders
14 of the commission. If the court determines that the statute and
15 regulations are valid and that the order was regularly and validly
16 made and issued, it shall enforce the order by injunction and other
17 process.

18 Sec. 42.05.561. VIOLATION A MISDEMEANOR. Any person who knowingly
19 fails or refuses to comply with a provision of this chapter or a regu-
20 lation, order or decision of the commission, or a final order or decree
21 of a court, or who knowingly procures, aids, or abets such a violation,
22 is guilty of a misdemeanor, and upon conviction, is punishable by a
23 fine of not more than \$500 for each offense.

24 Sec. 42.05.571. CIVIL PENALTIES FOR VIOLATION OR NONCOMPLIANCE.
25 In addition to all other penalties and remedies provided by law, a
26 public utility which violates (including failure to obey or comply with)
27 a provision of this chapter, or an order, decision, or regulation of
28 the commission is subject to a civil penalty of not more than \$100
29 for each offense.

1 Sec. 42.05.581. EACH VIOLATION A SEPARATE OFFENSE. Each
2 violation of a provision of this chapter or of an order, decision, or
3 regulation of the commission is a separate and distinct offense, and
4 in case of a continuing violation each day's continuance is a sep-
5 arate and distinct offense.

6 Sec. 42.05.591. COMMISSION TO LEVY CIVIL PENALTY. When the
7 commission finds, after providing notice and an opportunity to be
8 heard, that a public utility has been in violation, and is charged
9 under secs. 571 and 581 of this chapter, the commission shall determine
10 the extent and duration of the violation, the circumstances under
11 which it occurred and the amount of the civil penalty, if any, to
12 be levied. A levy of penalty shall be made by written order of
13 the commission.

14 Sec. 42.05.601. ACTIONS TO RECOVER PENALTIES AND FINES;
15 DISPOSITION. (a) Actions to recover penalties or impose fines
16 under this chapter shall be brought by the attorney general in a
17 court of competent jurisdiction.

18 (b) All fines imposed and all penalties recovered under the
19 provisions of this chapter shall be paid to the commission and
20 deposited by it in the general fund of the state.

21 Sec. 42.05.611. PENALTIES CUMULATIVE. (a) All penalties
22 imposed under this chapter are cumulative and an action for the
23 recovery of a civil penalty is not a bar to any criminal prosecution;
24 a criminal prosecution is not a bar to an action for the recovery
25 of a civil penalty

26 (b) Neither a criminal prosecution nor an action to recover
27 a civil penalty is a bar to an enforcement proceeding to require
28 compliance, or to any other remedy provided by this chapter.

29 Sec. 42.05.621. JOINDER OF ACTIONS. Under the applicable

1 court rules, appeals from orders of the commission, applications
2 for enforcement of commission orders and actions for recovery
3 of a penalty may be joined. The court may in the interests of
4 justice separate the actions.

5 ARTICLE 9. GENERAL PROVISIONS.

6 Sec. 42.05.631. EMINENT DOMAIN. A public utility may
7 exercise the power of eminent domain for public utility uses.
8 This section does not authorize the use of a declaration of
9 taking.

10 Sec. 42.05.641. REGULATION BY MUNICIPALITY. The com-
11 mission's jurisdiction and authority extend to public utilities
12 operating within a city or borough, whether home rule or other-
13 wise, or a service area. In the event of a conflict between
14 a certificate, order, decision or regulation of the commission
15 and a charter, permit, franchise, ordinance, rule or regulation
16 of such a local governmental entity, the certificate, order,
17 decision or regulation of the commission shall prevail.

18 Sec. 42.05.651. EXPENSES OF HEARING. After a public
19 hearing held under this chapter the commission shall allocate
20 the actual costs among the parties, including the commission,
21 as is just, subject to a hearing at the request of any party.
22 In assessing costs, the commission shall consider the results,
23 inability to pay, evidence of good faith, other relevant factors
24 and mitigating circumstances. The commission may determine and
25 allow a reasonable time in which costs shall be paid. An order
26 of the commission that increases a rate of a public utility does
27 not take effect until the costs assessed against the public
28 utility are paid. The costs shall be paid to the commission and
29 deposited in the general fund.

1 Sec. 42.05.661. APPLICATION FEES. With each application
2 relating to a certificate the applicant shall pay the commission
3 a fee of \$50, which shall be deposited in the general fund of
4 the state.

5 Sec. 42.05.671. PUBLIC DISCLOSURE OF INFORMATION. Facts
6 and information in the possession of the commission are public,
7 and reports, files, books, accounts and papers of every nature
8 in its possession are open to public inspection at reasonable
9 times. However, a person may make written objections to the
10 public disclosure of information contained in an application,
11 report or document filed under the provisions of this chapter
12 or of information obtained by the commission under the provisions
13 of this chapter, stating the grounds for the objection. When
14 an objection is made, the commission shall order the information
15 withheld from public disclosure if in its judgment a disclosure
16 of the information would adversely affect the interest of that
17 person and is not required in the interest of the public.

18 Sec. 42.05.681. VALIDITY OF CERTAIN CERTIFICATES. No
19 certificate issued before July 29, 1968, to a public utility
20 for the generation, transmission, or distribution of electric
21 energy and power, or for the furnishing of telephone or telegraph
22 communications may be considered as terminated, or voided, for the
23 sole reason that such utility did not or would not produce an
24 annual gross income in excess of \$25,000.

25 Sec. 42.05.691. UTILITY CLASSES. The commission may by
26 regulation provide for the classification of public utilities
27 based upon differences in annual revenue, assets, nature of
28 ownership and other appropriate distinctions and as between
29 such classifications, by regulation, provide for different

1 reporting, accounting and other regulatory requirements.

2 Sec. 42.05.701. DEFINITIONS. In this chapter

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

4 (2) "public utility" or "utility" includes every corpora-
5 tion (whether public, cooperative, or otherwise), company, individual,
6 or association of individuals, their lessees, trustees, or receivers
7 appointed by a court, that owns, operates, manages, or controls any
8 plant, pipeline, or system for

9 (A) furnishing, by generation, transmission or dis-
10 tribution, electrical service to the public for compensation;

11 (B) furnishing telephone, radio telephone, tele-
12 graph or other communications service to the public for
13 compensation;

14 (C) furnishing water, steam or sewer service to
15 the public for compensation;

16 (D) furnishing by means of a distribution system,
17 natural or manufactured gas, petroleum or petroleum products
18 to the public for compensation;

19 (E) transmission by pipeline of steam, natural or
20 manufactured gas, petroleum or petroleum products for sale
21 or resale to a regulated public utility to the extent required
22 by the commission to establish the reasonable price to be
23 allowed for gas, petroleum or petroleum products as operating
24 expenses in determining the reasonableness of the regulated
25 public utilities rates;

26 (3) "service" means (unless the context indicates other-
27 wise) every commodity, product, use, facility, convenience or other
28 form of service which is offered for and provided by a public utility
29 for the convenience and necessity of the public;

1 (4) "rate" includes each rate, toll, fare, rental, charge,
2 or other form of compensation demanded, observed, charged or collected
3 by a public utility for its services;

4 (5) "public" or "general public" means the public generally,
5 or any limited portion of the public, including but not limited to an
6 individual, cooperative, corporation, society, public utility, city,
7 borough, or other political subdivision of the state or agency of the
8 state or United States government for which the service is performed
9 or to which the commodity is delivered;

10 (6) "affiliated interest" includes:

11 (A) a person owning or holding directly or indirectly
12 five per cent or more of the voting securities of a public
13 utility engaged in intrastate business in this state;

14 (B) a person, other than those specified in (A) of
15 this paragraph, in a chain of successive ownership of five per
16 cent or more of voting securities, the chain beginning with the
17 holder of the voting securities of such public utility;

18 (C) a corporation five per cent or more of whose
19 voting securities are owned by a person owning five per cent or
20 more of the voting securities of the public utility or by a
21 person in such a chain of successive ownership of five per cent
22 or more of voting securities;

23 (D) a corporation five per cent or more of whose
24 voting securities are owned or held by a public utility;

25 (E) a person with whom the public utility has a
26 management or service contract; and

27 (F) a person who is an officer or director of such a
28 public utility or of a corporation in a chain of successive
29 ownership of five per cent or more of voting securities;

1 (7) "tariff" means a rate, charge, toll, rule or
2 regulation of a utility relating to services furnished by the
3 utility to the general public for compensation and every map, page,
4 adoption notice, instrument or other document filed with the com-
5 mission setting out the terms and conditions under which utility
6 services are offered to the public and instruments of concurrence
7 and all other documents and data setting out the terms of a
8 utility's business relations with another utility insofar as they
9 affect the general public either directly or indirectly.

10 Sec. 42.05.711. EXEMPTIONS. The provisions of this chapter
11 do not apply to a person who furnishes water, gas or petroleum or
12 petroleum products by tank, wagon, or similar conveyance, unless
13 the person is thereby supplying water, gas, petroleum or petroleum
14 products to a public utility in which he has an "affiliated interest".

15 Sec. 42.05.721. SHORT TITLE. This chapter may be cited as
16 the Alaska Public Service Commission Act.

17 * Sec. 7. All litigations, hearings, investigations, and other pro-
18 ceedings whatsoever, pending under any law repealed by this Act, shall
19 continue and remain in full force and effect, and may be continued and
20 completed under the provisions of this Act. All certificates, orders,
21 rules, regulations, or tariffs made, issued, or filed under any law
22 repealed by this Act, and in full force and effect upon the effective
23 date of this Act, shall remain in full force and effect for the term
24 issued, or until revoked, vacated, or modified under the provisions of
25 this Act. All existing contracts and obligations of the commission,
26 entered into or created under any law repealed by this Act, and in force
27 and effect upon the effective date of this Act, shall remain in full
28 force and effect and shall continue to be performed by the commission.
29 The existing rates, charges, tariffs, rules, regulations, service and

1 service area of the municipally owned utility shall continue and remain
2 in full force and effect unless otherwise ordered by the commission under
3 the provisions of this Act.

4 * Sec. 8. AS 07.12 is amended by adding a new section to read:

5 Sec. 07.12.030. LIMIT ON POWER TO GRANT FRANCHISES AND REGULATE
6 UTILITIES. AS 29.10.141 - 29.10.153, relating to the granting of
7 franchises and regulation of public utilities apply to home rule
8 boroughs.

9 * Sec. 9. AS 29.08 is amended by adding a new section to read:

10 Sec. 29.08.020. LIMIT ON POWER TO GRANT FRANCHISES AND
11 REGULATE UTILITIES. AS 29.10.141 - 29.10.153, relating to the
12 granting of franchises and regulation of public utilities apply
13 to home rule cities.

14 * Sec. 10. AS 29.10.141 is amended to read:

15 Sec. 29.10.141. FRANCHISES AND PERMITS. (a) The council
16 may grant franchises, including exclusive franchise privileges,
17 for the construction, operation and maintenance of [ELECTRIC LIGHT
18 AND POWER PLANTS, WATER PLANTS,] bus transportation systems and
19 public utilities not regulated under AS 42.05, and may [, TELEPHONE
20 AND OTHER PUBLIC SERVICE, AND TO] permit the use of streets and
21 other public places for a period of not to exceed 20 years, under
22 [RULES AND] regulations prescribed by ordinance.

23 (b) No franchise is valid until it has been submitted to the
24 electors of the municipality and at least 55 per cent of the votes
25 cast are in favor of the franchise. At least 30 days' notice of a
26 franchise referendum election shall be given in the same manner as
27 is provided for notice of general city elections and the notice shall
28 specify the purpose of the election. Every ordinance granting a
29 public service franchise shall provide for its submission for

1 ratification to the qualified voters of the city at either a general or
2 special election, and the result of the election shall be canvassed
3 publicly by the council and spread upon the records of the minutes
4 and the result declared and certified in the same manner as in a
5 general election.

6 (c) Public utilities regulated under AS 42.05 have the right
7 to use the streets and other public places, upon payment of a
8 reasonable permit fee and on reasonable terms and conditions and
9 with reasonable exceptions the council requires. A dispute as to
10 whether fees, terms, conditions or exceptions are reasonable shall
11 be decided by the Alaska Public Service Commission.

12 * Sec. 11. AS 29.10.144(a) is amended to read:

13 (a) The council may regulate, fix, establish and change, as it
14 considers proper, the rates and charges imposed for utilities services
15 given to the city or its inhabitants by a public service association,
16 corporation or individual, not regulated under AS 42.05, and may
17 regulate and provide what is a reasonable deposit for meters and
18 security for service to be given, and provide that interest be paid
19 on the deposit. All rates, charges and regulations shall be reasonable
20 and shall permit a fair and reasonable return on invested capital.

21 * Sec. 12. AS 29.10.147 is amended to read:

22 Sec. 29.10.147. HEARING FOR REGULATION OF UTILITIES RATES. [(a)]
23 If the council considers it advisable to regulate, change or fix the
24 rates to be charged by any public service corporation, association
25 or individual, not regulated under AS 42.05, it shall order a hearing
26 to be held before the council at a time and place specified and notice
27 of the hearing shall be given by at least one publication in a news-
28 paper of general circulation in the city, if the paper is published
29 in the city. If no newspaper is published in the city, notice shall

1 be given by posting a notice in three public places in the city, and
2 by serving written notice upon the corporations, associations and
3 individuals whose rates are to be regulated, fixed or changed in
4 the same manner that summons are served. The notices shall be
5 published or posted and served at least 15 days before the hearing.

6 * Sec. 13. This Act takes effect on July 1, 1969.
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