

Original sponsors: McKinnon and Swanson

Offered: 4/20/77
Referred: Finance

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 CS FOR HOUSE BILL NO. 399

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating a special utility consumer counsel;
7 and providing for an effective date."

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

9 * Section 1. AS 44.23 is amended by adding new sections to read:

10 Sec. 44.23.070. LEGISLATIVE INTENT. The legislature determines
11 that the public interest requires and demands the regulation of public
12 utilities and will be better served by consumer representation before
13 utility regulatory agencies, outside of and apart from the representation
14 already provided by the Alaska Public Utilities Commission and its
15 staff. Therefore, the legislature concludes that it is in the public
16 interest that a public utility consumer counsel be established to repre-
17 sent the interests of consumers before utility regulatory agencies.

18 Sec. 44.23.080. PUBLIC UTILITY CONSUMER COUNSEL. (a) Within the
19 Department of Law is the office of the public utility consumer counsel.

20 (b) The office of the public utility consumer counsel consists of
21 at least one assistant attorney general appointed by the attorney
22 general who is admitted to the practice of law in the state, and is
23 familiar with public utility regulation and practice before public
24 utility regulatory commissions.

25 (c) The Department of Law shall set out separately the expenses of
26 the office of the public utility consumer counsel as an independent sub-
27 program or element of the Department of Law budget, which shall be
28 submitted by the governor in accordance with the Executive Budget Act
29 (AS 37.07) as part of his annual budget presentation to the legislature.

1 The funds budgeted shall include sufficient allowances for expert wit-
2 ness fees and other costs of participating in regulatory proceedings to
3 allow the office to operate effectively in representing the consumer of
4 services of a public utility.

5 (d) The public utility consumer counsel may

6 (1) intervene as a party or otherwise participate in a hear-
7 ing or other procedure before a utility regulatory agency for the
8 purpose of representing the interest of utility consumers in the
9 proceeding whenever he determines that the result of a proceeding may
10 substantially affect the interests of utility consumers;

11 (2) maintain actions for judicial review of utility regula-
12 tory agency decisions and may intervene or otherwise participate in
13 civil proceedings involving review or enforcement of agency action which
14 he determines may substantially affect the interests of consumers;

15 (3) select and contract for the services of technically
16 qualified persons in the area of public utility matters to assist him in
17 the preparation and presentation of matters before regulatory agencies
18 and the courts.

19 (e) The public utility consumer counsel shall submit to the
20 legislature an annual report of the activities of his office. The
21 report shall be submitted on or before the first day of the legislative
22 session.

23 * Sec. 2. AS 42.05.111 is amended to read:

24 Sec. 42.05.111. LEGAL COUNSEL. (a) The commission shall employ
25 [ATTORNEY GENERAL IS] legal counsel who [FOR THE COMMISSION. HE] shall
26 advise the commission in legal matters arising in the discharge of its
27 duties and, notwithstanding AS 44.23.020, represent the commission in
28 actions to which it is a party. If, in the opinion of the commission, the
29 public interest is not adequately represented by counsel in a proceeding,

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the commission's counsel [ATTORNEY GENERAL], upon request of the commission, shall represent the public interest.

(b) The commission may employ temporary legal counsel from time to time in proceedings before the commission in which its own counsel [THE ATTORNEY GENERAL] is representing the public interest or a party before the commission.

* Sec. 3. This Act takes effect July 1, 1977.