

Introduced: 2/14/78  
Referred: Commerce and  
Finance

1 IN THE HOUSE

BY PARR

2 HOUSE BILL NO. 812

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act creating the Alaska Communications Commission;  
7 and providing for an effective date."

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

9 \* Section 1. AS 42 is amended by adding a new chapter to read:

10 CHAPTER 04. ALASKA COMMUNICATIONS COMMISSION ACT.

11 ARTICLE 1. ESTABLISHMENT OF ALASKA COMMUNICATIONS COMMISSION.

12 Sec. 42.04.010. ALASKA COMMUNICATIONS COMMISSION CREATED. There  
13 is created within the Department of Commerce and Economic Development  
14 the Alaska Communications Commission, to regulate communications common  
15 carriers.

16 Sec. 42.04.020. COMPOSITION OF ALASKA COMMUNICATIONS COMMISSION.

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

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 two years, and may be appointed for successive terms.

23 Sec. 42.04.030. TERM OF OFFICE; VACANCY. (a) The members of the  
24 commission shall be appointed for terms of six years, except that of the  
25 members first appointed to the commission, one shall be appointed for a  
26 term of two years, one for a term of four years, and one for a term of  
27 six years. Commissioners may be appointed to successive terms. A  
28 commissioner, upon the expiration of his term, shall continue to hold  
29 office until his successor is appointed and qualified. No member of the

1 commission may hold any other state or federal office, position or  
2 employment, either elective or appointive, except as a member of the  
3 armed forces of the United States or of this state.

4 (b) A vacancy arising on the commission shall be filled by appoint-  
5 ment by the governor and confirmation by a majority of the members of  
6 the legislature in joint session, and an appointee to fill a vacancy  
7 shall hold office for the balance of the term for which his predecessor  
8 on the commission was appointed.

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

12 Sec. 42.04.040. REMOVAL OF COMMISSIONERS. The governor may remove  
13 a commissioner from office by and with the consent of a majority of the  
14 legislature.

15 Sec. 42.04.050. QUORUM. Two members of the commission constitute  
16 a quorum for the transaction of business, for the performance of a duty,  
17 or for the exercise of a power of the commission.

18 Sec. 42.04.060. OATH OF OFFICE. Each commissioner and the execu-  
19 tive director of the commission, before entering upon the duties of his  
20 office, shall take and subscribe to the oath prescribed for principal  
21 officers of the state.

22 Sec. 42.04.070. COMPENSATION OF MEMBERS OF THE ALASKA COMMUNICA-  
23 TIONS COMMISSION. Members of the commission are in the exempt service  
24 described in AS 39.25 and receive an annual salary equal to that of a  
25 district court judge.

26 Sec. 42.04.080. PRINCIPAL OFFICE; SEAL. (a) The commission shall  
27 establish a principal office, and may establish branch offices at loca-  
28 tions in this state necessary or convenient to the discharge of its  
29 duties. For the convenience of the public or of other interested

1 persons the commission may hold meetings, hearings or other proceedings  
2 at any of its offices or at other locations in this state.

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

4 Sec. 42.04.090. LEGAL COUNSEL. (a) The attorney general is legal  
5 counsel for the commission. He shall advise the commission in legal  
6 matters arising in the discharge of its duties and represent the commis-  
7 sion in actions to which it is a party. If, in the opinion of the com-  
8 mission, the public interest is not adequately represented by counsel  
9 in a proceeding, the attorney general, upon request of the commission,  
10 shall represent the public interest.

11 (b) The commission may employ temporary legal counsel from time to  
12 time in matters in which the commission is involved.

13 Sec. 42.04.100. EMPLOYMENT OF COMMISSION PERSONNEL. (a) The  
14 commission may employ an executive director who shall have had at least  
15 five years of experience in telecommunications or an allied field. The  
16 executive director may not be one of the commissioners.

17 (b) The commission may, as it considers necessary for the purpose  
18 of performing its duties under this chapter, employ or contract for the  
19 services of hearing officers, engineers, experts, clerks, accountants,  
20 and other consultants, agents and assistants. The commission shall make  
21 the maximum possible use of employees and experts available in the  
22 various departments and agencies of state government.

23 (c) The executive director, his deputy, and his secretary, are in  
24 the partially exempt service described in AS 39.25. All other employees  
25 of the commission, other than legal counsel, are in the classified ser-  
26 vice under AS 39.25.

27 Sec. 42.04.110. RESTRICTIONS ON COMMISSIONERS AND EMPLOYEES. No  
28 member or employee of the commission may have an official connection  
29 with, or hold stock or securities in, or have a pecuniary interest in, a

1 corporation, company or association engaged in the telecommunications  
2 industry. No member or employee may act upon a matter in which his  
3 relationship with any person creates a conflict of interest.

4 ARTICLE 2. POWERS AND DUTIES OF COMMISSION.

5 Sec. 42.04.120. GENERAL POWERS AND DUTIES OF THE COMMISSION. The  
6 Alaska Communications Commission may

7 (1) regulate every communications common carrier engaged or  
8 proposing to engage in such a business inside the state, and the powers  
9 of the commission shall be liberally construed to accomplish its stated  
10 purposes;

11 (2) investigate, upon complaint or upon its own motion, the  
12 rates, classifications, rules, regulations, practices, services and  
13 facilities of a communications common carrier and hold hearings on them;

14 (3) make or require just, fair and reasonable rates, classi-  
15 fications, regulations, practices, services and facilities for a communi-  
16 cations common carrier;

17 (4) prescribe the system of accounts and regulate the service  
18 and safety of operations of a communications common carrier;

19 (5) require a communications common carrier to file reports  
20 and other information and data;

21 (6) appear personally or by counsel and represent the inter-  
22 ests and welfare of the state in all matters and proceedings involving a  
23 communications common carrier pending before an officer, department,  
24 board, commission or court of the state or of another state or the  
25 United States and to intervene in, protest, resist, or advocate the  
26 granting, denial or modification of any petition, application, complaint  
27 or other proceeding;

28 (7) examine witnesses and offer evidence in any communica-  
29 tions proceeding affecting the state and initiate or participate in

1 judicial proceedings to the extent necessary to protect and promote the  
2 interests of the state.

3 Sec. 42.04.130. ADMINISTRATIVE AUTHORITY OF COMMISSION; REGULA-  
4 TIONS AND HEARING PROCEDURES. (a) The commission may adopt regulations,  
5 not inconsistent with the law, necessary or proper to exercise its  
6 powers and to perform its duties under this chapter.

7 (b) The commission shall adopt regulations governing practice and  
8 procedure, consistent with due process of law, including the conduct of  
9 formal and informal investigations, pre-hearing conferences, hearings  
10 and proceedings, and the handling of procedural motions by a single  
11 commissioner. Technical rules of evidence need not apply to investiga-  
12 tions, pre-hearing conferences, hearings and proceedings before the  
13 commission. The commission shall provide for representation by out-of-  
14 state attorneys substantially in accordance with Alaska Civil Rule 81.

15 (c) The commission, each commissioner or an employee authorized by  
16 the commission may administer oaths, certify to all official acts, and  
17 issue subpoenas, subpoenas duces tecum and other process to compel the  
18 attendance of witnesses and the production of testimony, records,  
19 papers, accounts and documents in an inquiry, investigation, hearing or  
20 proceeding before the commission in any part of the state. Each commis-  
21 sioner is authorized to issue orders on procedural motions. The commis-  
22 sion may petition a court of this state to enforce its subpoenas, sub-  
23 poenas duces tecum or other process.

24 Sec. 42.04.140. APPLICATION OF ADMINISTRATIVE PROCEDURE ACT. (a)  
25 The administrative adjudication procedures of the Administrative Proce-  
26 dure Act (AS 44.62) do not apply to adjudicatory proceedings of the  
27 commission except that final administrative determinations by the  
28 commission are subject to judicial review under that Act as provided in  
29 sec. 510(a) of this chapter.

1 (b) The Administrative Procedure Act applies to regulations  
2 adopted by the commission.

3 Sec. 42.04.150. FORMAL HEARINGS. A formal hearing which the  
4 commission has power to hold may be held by or before a commissioner  
5 designated for the purpose by the commission. The testimony and evidence  
6 in a formal hearing may be taken by the commissioner to whom the hearing  
7 has been assigned. A commissioner who has not heard the testimony,  
8 including the argument, may not participate in making a decision of the  
9 commission. In determining the place of a hearing the commission shall  
10 give preference to holding the hearing at a place most convenient for  
11 those interested in the subject of the hearing.

12 Sec. 42.04.160. FINAL ORDERS OF THE COMMISSION. No final order of  
13 the commission compelling affirmative action, denying a right or privi-  
14 lege, or granting a right or privilege over protest of the communica-  
15 tions common carrier or any party of record may be entered without  
16 giving the interested party reasonable notice and an opportunity to be  
17 heard.

18 Sec. 42.04.170. FORMAT OF ORDERS. Every formal order of the  
19 commission shall be based upon the facts of record. Every order entered  
20 pursuant to a hearing shall state the commission's findings, the basis  
21 of its findings and conclusions, together with its decision. These  
22 orders shall be entered of record and a copy of them shall be served on  
23 all parties of record in the proceeding.

24 Sec. 42.04.180. PUBLICATION OF REPORTS, ORDERS, DECISIONS AND  
25 REGULATIONS. All reports, orders, decisions and regulations of the  
26 commission shall be in writing. The commission shall apprise all  
27 affected carriers and interested parties of these reports, orders,  
28 decisions, and regulations as they are issued and adopted, and, when  
29 appropriate to do so, shall publish them in a manner that will reasonably

1 inform the public or the affected consumers of any communications  
2 service. The commission may set charges for costs of printing or re-  
3 producing and furnishing copies of its reports, orders, decisions and  
4 regulations. The publication requirement, as it pertains to regulations,  
5 does not supersede the requirements of the Administrative Procedure Act.

6 Sec. 42.04.190. ANNUAL REPORT. The commission shall publish an  
7 annual report reviewing its work and submit it to the legislature by  
8 February 15 of each year. The report shall contain information and data  
9 which bear a significant relationship to the development and regulation  
10 of communications services in the state and include an outline of the  
11 commission's program for the development and regulation of communications  
12 services in the forthcoming year.

13 ARTICLE 3. CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

14 Sec. 42.04.200. CERTIFICATES REQUIRED. (a) No communications  
15 common carrier may operate and receive compensation for providing a  
16 commodity or service without first having obtained from the commission  
17 under this chapter a certificate declaring that public convenience and  
18 necessity require or will require the service. A certificate shall  
19 describe the nature and extent of the authority granted in it, including  
20 a description of the authorized area and scope of operations of the  
21 carrier.

22 (b) In an area where the commission determines that two or more  
23 communications common carriers are competing to furnish identical  
24 service and that the competition is not in the public interest, the  
25 commission shall take appropriate action to eliminate the competition  
26 and any undesirable duplication of facilities. This appropriate action  
27 may include, but is not limited to, ordering the competing carriers to  
28 enter into a contract which, among other things would:

29 (1) delineate the service area or exchange boundaries of each

1 in those areas of competition;

2 (2) eliminate existing duplication and paralleling to the  
3 fullest reasonable extent;

4 (3) preclude future duplication and paralleling;

5 (4) provide for the exchange of customers and facilities for  
6 the purposes of providing better public service and of eliminating  
7 duplication and paralleling; and

8 (5) provide such other mutually equitable arrangements as  
9 would be in the public interest.

10 (c) The commission may employ professional consultants to assist  
11 it in administering the provisions of this section and may apportion the  
12 expenses relating to this administration among the competing carriers  
13 involved.

14 Sec. 42.04.210. APPLICATION. Application for a certificate shall  
15 be in writing and shall be in the form and contain the information re-  
16 quired by the commission by regulation.

17 Sec. 42.04.220. CONDITIONS OF ISSUANCE. No certificate may be  
18 issued unless the commission finds that the applicant is fit, willing  
19 and able to provide the services applied for and that the services are  
20 required for the convenience and necessity of the public. The commis-  
21 sion may issue a certificate granting an application in whole or in part  
22 and attach to the grant of it the terms and conditions it considers  
23 necessary to protect and promote the public interest including the  
24 condition that the applicant may or shall serve an area or provide a  
25 necessary service not contemplated by the applicant. The commission  
26 may, for good cause, deny an application with or without prejudice.

27 Sec. 42.04.230. USE OF STREETS IN CITIES AND BOROUGHES. Communica-  
28 tions common carriers have the right to a permit to use public streets,  
29 alleys and other public ways of a city or borough, whether home rule or

1 otherwise, upon payment of a reasonable permit fee and on reasonable  
2 terms and conditions and with reasonable exceptions the city or borough  
3 requires. A dispute as to whether fees, terms, conditions or exceptions  
4 are reasonable shall be decided by the commission. The commission may  
5 require a carrier to add the amount of any permit fee paid as a pro rata  
6 surcharge to its bills for service rendered at locations within the  
7 boundaries of any city or borough which requires payment of a permit fee.

8 Sec. 42.04.240. DISCONTINUANCE, SUSPENSION OR ABANDONMENT OF  
9 CERTIFICATED SERVICE. (a) Except as otherwise provided in this section,  
10 no communications common carrier may discontinue or abandon a service  
11 for which a certificate has been issued by the commission unless upon the  
12 application of the carrier and if, after notice and opportunity for  
13 hearing, the commission finds that the continued service is not required  
14 by public convenience and necessity. Any interested person may file with  
15 the commission a protest or memorandum of opposition to or in support  
16 of discontinuance or abandonment. The commission may authorize temporary  
17 suspension of a service or of part of a service.

18 (b) Upon complaint or upon its own motion, the commission may  
19 reinvestigate a previously authorized discontinuance, abandonment or  
20 suspension of a service of an operating communications common carrier.  
21 If, after providing notice and an opportunity for a hearing, the commis-  
22 sion finds that the public convenience and necessity require the service  
23 to be resumed, it may order the carrier to again provide the service.

24 Sec. 42.04.250. MODIFICATION, SUSPENSION OR REVOCATION OF CERTIFI-  
25 CATES. Upon complaint or upon its own motion the commission, after  
26 notice and opportunity for hearing and for good cause shown, may amend,  
27 modify, suspend, or revoke a certificate, in whole or in part. Good  
28 cause for amendment, modification, suspension or revocation of a certi-  
29 ficate includes

- 1 (1) the requirements of public convenience and necessity;  
2 (2) misrepresentation of a material fact in obtaining the  
3 certificate;  
4 (3) unauthorized discontinuance or abandonment of all or part  
5 of a communications common carrier's service;  
6 (4) wilful failure to comply with the provisions of this chap-  
7 ter or the rules, regulations or orders of the commission; or  
8 (5) wilful failure to comply with a term, condition, or limi-  
9 tation of the certificate.

10 Sec. 42.04.260. TRANSFER OF CERTIFICATE. A certificate may not be  
11 sold or leased, rented, transferred or inherited without the prior ap-  
12 proval of the commission.

13 ARTICLE 4. SERVICES AND FACILITIES.

14 Sec. 42.04.270. STANDARDS OF SERVICE AND FACILITIES. (a) Each  
15 communications common carrier shall furnish and maintain adequate,  
16 efficient and safe service and facilities. This service shall be  
17 reasonably continuous and without unreasonable interruption or delay.

18 (b) Subject to the provisions of this chapter and the regulations  
19 or orders of the commission, a communications common carrier may estab-  
20 lish reasonable rules and regulations governing the conditions under  
21 which it will render service.

22 (c) The commission may, upon its own motion or upon complaint  
23 after providing reasonable notice and opportunity for hearing, prescribe  
24 as to service and facilities, including the crossing of facilities, just  
25 and reasonable standards, classifications, regulations, and practices to  
26 be furnished, imposed, observed, and followed by communications common  
27 carriers; prescribe adequate and reasonable standards for the measure-  
28 ment of quantity, quality, or other conditions pertaining to the supply  
29 of the service of carriers; prescribe reasonable regulations for the

1 examination and testing of the service, and for the measurement of it;  
2 prescribe or approve reasonable regulations, specifications, and stan-  
3 dards to secure the accuracy of methods for measurement; and provide for  
4 the examination and testing of methods used for the measurement of a  
5 service of a communications common carrier. In doing so, the commission  
6 shall conform to the standard practices of the industry.

7 (d) If the commission, upon its own motion or upon complaint,  
8 after providing reasonable notice and opportunity for hearing, finds  
9 that the service or facilities of a communications common carrier are  
10 unreasonable, unsafe, inadequate, insufficient, or unreasonably dis-  
11 criminatory, or otherwise in violation of this chapter, the commission  
12 shall prescribe, by regulation or order, the reasonable, safe, adequate,  
13 sufficient service or facilities to be observed, furnished, enforced, or  
14 employed, including all repairs, changes, alterations, extensions, sub-  
15 stitutions, or improvements in facilities that are reasonably necessary  
16 and proper for the safety, accommodation, and convenience of the public.

17 Sec. 42.04.280. DISCRIMINATION IN SERVICE. No communications  
18 common carrier may, as to service, make or grant an unreasonable prefer-  
19 ence or advantage to any person or subject any person to an unreasonable  
20 prejudice or disadvantage. No communications common carrier may estab-  
21 lish or maintain or provide an unreasonable difference as to service,  
22 either as between localities or as between classes of service, but  
23 nothing in this section prohibits the establishment of reasonable  
24 classifications of service.

25 Sec. 42.04.290. JOINT USE AND INTERCONNECTION OF FACILITIES. (a)  
26 A communications common carrier having space satellites, wires, cables,  
27 radios, conduits, utilidors, poles, or pole lines, shall, for a reason-  
28 able compensation, permit another carrier to use them when the public  
29 convenience and necessity require this use and the use will not result

1 in substantial injury to the owner, or in substantial detriment to the  
2 service to the customers of the owners. The cost of modifications or  
3 additions necessary to a joint use shall be at the expense of the  
4 carrier requesting the use of the facilities.

5 (b) A communications common carrier shall permit connection to be  
6 made and service to be furnished between a system or exchange operated  
7 by it and the system, exchange or toll facilities operated by another  
8 communications common carrier or with the communications facility, ex-  
9 change or system not subject to regulation under this chapter, or between  
10 its toll facilities or exchange and the toll facilities or exchange of  
11 another communications common carrier, when public convenience and  
12 necessity require the connection and the connection will not result in  
13 substantial injury to the owner or other users of the facilities or ex-  
14 change of either carrier or in substantial detriment to the service of  
15 either carrier.

16 (c) The tariff of a carrier shall include rules setting out the  
17 terms and conditions under which it will construct, or permit its  
18 customers or subscribers to construct, and install lines, cables or  
19 radio links from its existing facilities or exchanges to the premises of  
20 applicants for service.

21 Sec. 42.04.300. FAILURE TO AGREE UPON JOINT USE OR INTERCONNECTION.  
22 In case of failure to agree upon the joint use or interconnection of  
23 facilities or exchanges or the conditions or compensation for joint use  
24 or interconnections, the communications common carrier, including any  
25 municipality, or an interested person may apply to the commission for an  
26 order requiring the interconnection. If, after investigation and oppor-  
27 tunity for hearing, the commission finds that public convenience and  
28 necessity require the joint use or connection, and that the use or  
29 connection will not result in substantial injury to the owner carrier,

1 or its customers, or in substantial detriment to the services furnished  
2 by the owner carrier, or in the creation of safety hazards, it shall

- 3 (1) order that the use be permitted;
- 4 (2) prescribe reasonable conditions and compensation for the  
5 joint use;
- 6 (3) order the interconnection to be made;
- 7 (4) determine the time and manner of the interconnection;
- 8 (5) determine the apportionment of costs and responsibility  
9 for operation and maintenance of the interconnection.

10 Sec. 42.04.310. STANDARDS FOR MEASUREMENT. The commission shall  
11 establish by regulation adequate, fair and realistic standards for the  
12 measurement of quality or other conditions of communications common car-  
13 rier services and shall prescribe reasonable regulations for examination  
14 and testing of the service and the accuracy of the devices used to  
15 measure it.

16 ARTICLE 5. RATES AND RATE SCHEDULES.

17 Sec. 42.04.320. TARIFFS, CONTRACTS, FILING AND PUBLIC INSPECTION.

18 (a) Under such regulations as the commission shall prescribe, every  
19 communications common carrier shall file with the commission, within such  
20 time and in such form as the commission shall designate, its complete tar-  
21 iff showing all rates, including joint rates, tolls, rentals, and charges  
22 collected and all classifications, rules, regulations, and terms and con-  
23 ditions under which it furnishes its services and facilities to the gen-  
24 eral public, together with a copy of every special contract with custo-  
25 mers which in any way affects or relates to the serving carrier's rates,  
26 tolls, charges, rentals, classifications, services or facilities. The  
27 communications common carrier shall clearly print, or type, its complete  
28 tariff and keep an up-to-date copy of it on file at its principal business  
29 office and at a designated place in each community served. The tariffs

1 shall be made available to, and subject to inspection by, the general  
2 public on demand.

3 (b) The tariffs of a communications common carrier which are also  
4 subject to the jurisdiction of a federal regulatory body shall corres-  
5 pond, so far as practicable, to the form of those prescribed by the  
6 federal 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 the  
9 commission or which is not consistent with this chapter or the regulations  
10 of the commission. A tariff or provision so rejected is void.

11 Sec. 42.04.330. ADHERENCE TO TARIFFS. The terms and conditions  
12 under which every communications common carrier offers its services and  
13 facilities to the public shall be governed strictly by the provisions of  
14 its currently effective tariffs. No legally filed and effective tariff  
15 rate, charge, toll, rental, rule, regulation or condition of service  
16 shall be changed except in the manner provided in this chapter. If more  
17 than one tariff rate or charge can reasonably be applied for billing  
18 purposes the one most advantageous to the customer shall be used.

19 Sec. 42.04.340. RATES TO BE JUST AND REASONABLE. (a) All rates  
20 demanded or received by a communications common carrier, or by any two  
21 or more carriers jointly, for a service furnished or to be furnished  
22 shall be just and reasonable.

23 (b) In establishing the revenue requirements of a municipally  
24 owned and operated communications common carrier the municipality is  
25 entitled to include a reasonable rate of return.

26 (c) No communications common carrier, whether subject to regula-  
27 tion by the commission or exempt from regulation, may charge a fee for  
28 connection to, disconnection from, or transfer of services in an amount  
29 in excess of the actual cost to the carrier of performing the service

1 plus a profit at a reasonable percentage of that cost not to exceed the  
2 percentage established by the commission by regulation.

3 Sec. 42.04.350. DISCRIMINATION IN RATES. (a) No communications  
4 common carrier may, as to rates, grant an unreasonable preference or  
5 advantage to any of its customers or subject a customer to an unreason-  
6 able prejudice or disadvantage. No carrier may establish or maintain  
7 an unreasonable difference as to rates, either as between localities or  
8 between classes of service.

9 (b) A rate charged by a municipality for a communications common  
10 carrier service furnished beyond its corporate limits is not considered  
11 unjustly discriminatory solely because a different rate is charged for  
12 a similar service within its corporate limits.

13 (c) No communications common carrier may directly or indirectly re-  
14 fund, rebate or remit in any manner, or by any device, any portion of the  
15 rates and charges or charge, demand or receive a greater or lesser com-  
16 pensation for its services than is specified in its effective tariff. No  
17 carrier may extend to any customer any form of contract, agreement, in-  
18 ducement, privilege or facility, or apply any rule, regulation or condi-  
19 tion of service except such as are extended or applied to all customers  
20 under like circumstances. No carrier may offer or pay any compensation  
21 or consideration or furnish any equipment to secure the installation or  
22 adoption of the use of service unless it conforms to a tariff approved  
23 by the commission, and the compensation, consideration or equipment is  
24 offered to all persons in the same classification using or applying for  
25 the service; in determining the reasonableness of such a tariff filed by  
26 a communications common carrier the commission shall consider, among  
27 other things, evidence of consideration or compensation paid by a compe-  
28 titor, regulated or nonregulated, of the communications common carrier  
29 to secure the installation or adoption of the use of the competitor's

1 service.

2 (d) Nothing in this section prevents a communications common car-  
3 rier from charging reduced rates to customers transferred to it from a  
4 competing carrier provided the reduction is an integral part of a con-  
5 tract, arrangement or plan to eliminate the overlapping of service areas  
6 or to minimize duplication of facilities and competition between carriers.

7 Sec. 42.04.360. APPORTIONMENT OF JOINT RATES. (a) If communica-  
8 tions common carriers share in a joint rate, the apportionment of  
9 receipts shall be just and reasonable. The method of apportionment  
10 shall be approved by the commission and the commission may, if it  
11 considers it to be in the public interest, establish the portion to which  
12 each carrier shall be entitled.

13 (b) If the commission does not have professional staff to investi-  
14 gate, evaluate and testify regarding any proceeding under (a) of this  
15 section it may employ qualified professional consultants for this  
16 purpose at the direct expense of the parties to the dispute and divide  
17 the cost among the parties in the proportion of their respective opera-  
18 ting revenues before commencement of the proceeding. The cost alloca-  
19 tion to each party shall be determined before employment of the con-  
20 sultants and after giving the parties reasonable notice and opportunity  
21 to be heard.

22 Sec. 42.04.370. NEW OR REVISED TARIFFS. (a) No communications  
23 common carrier may establish or place in effect any new or revised  
24 rates, charges, rules, regulations, conditions of service or practices  
25 except after 45 days notice to the commission and 30 days notice to the  
26 public. Notice shall be given to the commission by filing with the  
27 commission and keeping open for public inspection the revised tariff  
28 provisions which shall plainly indicate the changes to be made in the  
29 schedules then in force and the time when the changes will go into

1 effect. The commission shall prescribe means by regulation whereby  
2 notice is given to the public before or no later than 15 days after the  
3 filing which shall be reasonably adequate to notify customers affected  
4 by the filing. The commission, for good cause shown, may allow changes  
5 to take effect on less than 45 days notice to the commission or 30 days  
6 notice to the public under conditions the commission prescribes.

7 (b) New and revised tariffs shall be filed in the manner provided  
8 in sec. 320(a) of this chapter.

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

12 Sec. 42.04.380. SUSPENSION OF TARIFF FILING. (a) When a tariff  
13 filing is made containing a new or revised rate, classification, rule,  
14 regulation, practice, or condition of service the commission may, either  
15 upon written complaint or upon its own motion, after reasonable notice,  
16 conduct a hearing to determine the reasonableness and propriety of the  
17 filing. Pending such a hearing the commission may, by order stating the  
18 reasons for its action, suspend the operation of the tariff filing for  
19 an initial period not longer than six months beyond the time when it  
20 would otherwise go into effect.

21 (b) An order suspending a tariff filing may be vacated if, after  
22 investigation, the commission finds that it is in all respects proper.  
23 Otherwise the commission shall hold a hearing on the suspended filing  
24 and issue its order, before the end of the suspension period, granting,  
25 denying or modifying the suspended tariff in whole or in part.

26 (c) In the case of a proposed increased rate, the commission may  
27 by order require the interested communications common carrier or carriers  
28 to place in escrow in a financial institution approved by the commission  
29 and keep accurate account of all amounts received by reason of the

1 increase, specifying by whom and in whose behalf the amounts are paid.  
2 Upon completion of the hearing and decision the commission may by order  
3 require the carrier to refund to the persons in whose behalf the amounts  
4 were paid, that portion of the increased rates which was found to be  
5 unreasonable or unlawful. No funds may be released from escrow without  
6 the commission's prior written consent and the escrow agent shall be so  
7 instructed by the carrier, in writing, with a copy to the commission.  
8 The carrier may, at its expense, substitute a bond in lieu of the escrow  
9 requirement.

10 (d) One who initiates a change in existing tariffs shall bear the  
11 burden to prove the reasonableness of the change.

12 Sec. 42.04.390. POWER OF COMMISSION TO FIX RATES. When the  
13 commission, after an investigation and hearing, finds that a rate  
14 demanded, observed, charged or collected by a communications common  
15 carrier for a service, subject to the jurisdiction of the commission, or  
16 that a classification, rule, regulation, practice, or contract affecting  
17 the rate, is unjust, unreasonable, unduly discriminatory or preferen-  
18 tial, the commission shall determine a just and reasonable rate, classi-  
19 fication, rule, regulation, practice, or contract to be observed or  
20 allowed and shall establish it by order. A municipality may covenant  
21 with bond purchasers regarding rates of a municipally owned communica-  
22 tions common carrier, and the covenant is valid and enforceable and is  
23 considered to be a contract with the holders from time to time of the  
24 bonds.

25 Sec. 42.04.400. VALUATION OF PROPERTY OF A COMMUNICATIONS COMMON  
26 CARRIER. (a) The commission may, after providing reasonable notice  
27 and opportunity to be heard, ascertain and set the fair value of the  
28 whole or any part of the property of a communications common carrier,  
29 insofar as it is material to the exercise of the jurisdiction of the

1 commission. The commission may make revaluations from time to time and  
2 ascertain the fair value of all new construction, extensions, and addi-  
3 tions to the property of a carrier. If a carrier furnishes more than  
4 one classification of service the carrier shall allocate the investment  
5 and expenses associated with the property used and useful in furnishing  
6 service among the services and it may not solely consider the carrier's  
7 total investment and expenses in fixing rates for a particular service.

8 (b) In determining the value for rate making purposes of communi-  
9 cations common carrier property used and useful in rendering service to  
10 the public, the commission shall be guided by acquisition cost or, if  
11 lower, the original cost of the property to the person first devoting  
12 it to public service, less accrued depreciation, plus materials and  
13 supplies and a reasonable allowance for cash working capital when re-  
14 quired.

15 ARTICLE 6. ACCOUNTS, RECORDS AND REPORTS.

16 Sec. 42.04.410. SYSTEM OF ACCOUNTS AND REPORTS. (a) The commis-  
17 sion may classify the communications common carriers under its jurisdic-  
18 tion and prescribe a uniform system of accounts for each class and the  
19 manner in which the accounts and supporting records shall be kept.

20 (b) Each communications common carrier shall maintain its  
21 accounts on a calendar-year basis unless specifically authorized by the  
22 commission to maintain its accounts on a fiscal-year basis. Within 90  
23 days after the close of its authorized annual accounting period, or  
24 additional time granted upon a showing of good cause, each carrier shall  
25 file with the commission a verified annual report of its operations  
26 during the period reported, on forms prescribed by the commission.

27 Sec. 42.04.420. CONTINUING PROPERTY RECORDS. The commission may  
28 require a communications common carrier to establish, provide, and main-  
29 tain as a part of its system of accounts, continuing property records

1 segregated by the year of placement in service, including a list or  
2 inventory of all the major units of tangible property used or useful in  
3 the public service, showing the current location of the property units  
4 by definite reference to the specific land parcels upon which the units  
5 are located or stored. The commission may require a carrier to keep  
6 accounts and records in such a manner as to show, currently, the original  
7 cost of the property when first devoted to the public service, and the  
8 related reserve for depreciation. Each carrier with annual revenues  
9 exceeding \$100,000 shall keep continuing property records.

10 Sec. 42.04.430. DEPRECIATION RATES, INITIAL LOSSES AND ACCOUNTS.

11 (a) To provide for the loss in service value of its property, not  
12 restored by current maintenance, every communications common carrier  
13 shall charge adequate, but not excessive, depreciation expense for each  
14 major class of property used and useful in serving the public. From  
15 time to time the commission shall determine the proper and adequate rates  
16 of depreciation for each major class of property of a carrier. The  
17 commission shall accept rates of depreciation and depreciation accounts  
18 prescribed and maintained under regulations of a federal agency or the  
19 terms of a bond ordinance. The commission shall determine and allow  
20 depreciation expense in fixing the rates, tolls and charges to be paid  
21 for the services of a carrier.

22 (b) The commission is not bound in rate proceedings to accept, as  
23 just and reasonable for rate-making purposes, estimates of annual or  
24 accrued depreciation established under the provisions of this section,  
25 or to allow annual or accrued depreciation on property directly or  
26 indirectly contributed by customers or others.

27 Sec. 42.04.440. SUBSIDIARY BUSINESS ACCOUNTS. A communications  
28 common carrier engaged, directly or indirectly, in another business,  
29 including another utility business, or a subsidiary business shall keep

1 separate accounts relating to that business. Except as the commission  
2 provides, no property, expense or revenue used in or derived from that  
3 business may be considered in establishing the rates and charges of the  
4 carrier for its public services.

5 Sec. 42.04.450. RECORDS AND ACCOUNTS TO BE KEPT IN STATE. A  
6 communications common carrier shall keep the books, accounts, papers  
7 and records required by the commission, in an office in this state,  
8 and may not remove them from the state, except upon the terms and condi-  
9 tions that may be prescribed by the commission. The provisions of this  
10 section do not apply to a carrier whose accounts are kept at its princi-  
11 pal place of business outside the state, in the manner prescribed by a  
12 federal regulatory body; however, such a communications common carrier  
13 shall, at its option, either furnish to the commission, within a reason-  
14 able time fixed by the commission, certified copies of its books,  
15 accounts, papers and records relating to the business done by the  
16 communications common carrier inside this state, or agree to pay the  
17 actual expenses incurred by the commission in sending personnel to  
18 examine the carrier's books and records at the place where they are  
19 kept.

20 Sec. 42.04.460. INSPECTION OF BOOKS AND RECORDS BY COMMISSION.  
21 The commission shall at all reasonable times have access to, and may  
22 designate any of its employees, agents or consultants to inspect and  
23 examine, the accounts, records, books, maps, inventories, appraisals,  
24 valuations, or other reports and documents, kept by communications  
25 common carriers or their affiliated interests, or prepared or kept for  
26 them by others, which relate to any contract or transaction between them.  
27 The commission may require a carrier or its affiliated interest to file  
28 with the commission, copies of any or all of these accounts, records,  
29 books, maps, inventories, appraisals, valuations, or other reports

1 and documents.

2 ARTICLE 7. FINANCIAL AND MANAGEMENT REGULATION.

3 Sec. 42.04.470. UNREASONABLE MANAGEMENT PRACTICES. (a) The commis-  
4 sion may investigate the management of a communications common carrier,  
5 including but not limited to staffing patterns, wage and salary scales  
6 and agreements, investment policies and practices, purchasing and payment  
7 arrangements with affiliated interests for the purpose of determining  
8 inefficient or unreasonable practices which adversely affect the cost or  
9 quality of service of the carrier.

10 (b) When unreasonable practices are found to exist, the commission  
11 may, after providing reasonable notice and opportunity for hearing, take  
12 appropriate action to protect the public from these inefficient or  
13 unreasonable practices and may order the communications common carrier  
14 to take the corrective action the commission may require to achieve  
15 effective development and regulation of services.

16 (c) In a rate proceeding the carrier involved has the burden of  
17 proving that any written or unwritten contract or arrangement it may  
18 have with any of its affiliated interests for the furnishing of any  
19 services or for the purchase, sale, lease or exchange of any property is  
20 necessary and consistent with the public interest and that the payment  
21 made for the service or property, or consideration given, is reasonably  
22 based, in part, upon the submission of satisfactory proof as to the cost  
23 to the affiliated interest of furnishing the service or property and,  
24 in part, upon the estimated cost the carrier would have incurred if it  
25 furnished the service or property with its own personnel and capital.

26 Sec. 42.04.480. IMPAIRED CAPITAL. When the commission finds that  
27 the capital of a communications common carrier corporation is impaired,  
28 or might become impaired, it may, after investigation and hearing, issue  
29 an order directing the carrier to cease paying dividends on its common

1 stock until the impairment has been removed.

2 Sec. 42.04.490. DISTRIBUTION OF SURPLUS AND PROFITS. The surplus  
3 and profits of communications common carriers shall be distributed in  
4 accordance with the bylaws or ordinances controlling the carrier.

5 ARTICLE 8. JUDICIAL REVIEW, PENALTIES AND ENFORCEMENT.

6 Sec. 42.04.500. EFFECT OF REGULATIONS. Regulations adopted and  
7 issued by the commission in accordance with this chapter have the effect  
8 of law.

9 Sec. 42.04.510. REVIEW AND ENFORCEMENT. (a) All final orders of  
10 the commission are subject to judicial review in accordance with AS 44.-  
11 62.560 - 44.62.570 of the Alaska Administrative Procedure Act.

12 (b) If an appeal is not taken from a final order of the commission,  
13 the commission may apply to the superior court for enforcement of this  
14 chapter, the regulations adopted under it and the orders of the commis-  
15 sion. The court shall enforce the order by injunction or other process.

16 Sec. 42.04.520. INJUNCTIVE AND MONETARY SANCTIONS. (a) A person  
17 who violates a provision of sec. 270 of this chapter or of any regulation  
18 issued under sec. 270 of this chapter is subject to a civil penalty of  
19 not more than \$1,000 for each violation for each day that the violation  
20 persists. However, the maximum civil penalty shall not exceed \$200,000  
21 for any related series of violations.

22 (b) A civil penalty may be compromised by the commission. In  
23 determining the amount of the penalty, or the amount agreed upon in  
24 compromise, the appropriateness of the penalty to the size of the busi-  
25 ness of the person charged, the gravity of the violation, and the good  
26 faith of the person charged in attempting to achieve compliance, after  
27 notification of a violation, shall be considered. The amount of the  
28 penalty, when finally determined, or the amount agreed upon in com-  
29 promise, may be deducted from any sums owing by the state to the person

1 charged or may be recovered in a civil action in the state courts.

2 (c) A person may be enjoined by the superior court from committing  
3 any violation mentioned in this section.

4 Sec. 42.04.530. CIVIL PENALTIES. (a) In addition to all other  
5 penalties and remedies provided by law, a communications common carrier  
6 and every person, and their lessees or receivers appointed by a court  
7 in any way subject to the provisions of this chapter, together with  
8 their officers, managers, agents or employees that either violate or  
9 procure, aid or abet the violation of any provision of this chapter, or  
10 of any order, rule, regulation or written requirement of the commission  
11 are subject to a maximum penalty of \$100 for each violation. Each act  
12 of omission as well as each act of commission shall be considered a  
13 violation subject to the penalty.

14 (b) No penalty may be assessed unless the commission first issues  
15 an order to show cause why the penalty should not be levied. The order  
16 shall describe each violation with reasonable particularity and designate  
17 the maximum penalty which may be assessed for each violation. The order  
18 shall be served on the alleged violator named in the order. The order  
19 shall state a time and place for the hearing.

20 (c) After a hearing the commission shall enter its findings of  
21 fact and final order which shall state when the penalties, if any, are  
22 payable.

23 Sec. 42.04.540. EACH VIOLATION A SEPARATE OFFENSE. Each violation  
24 of a provision of this chapter or of an order, decision, regulation or  
25 written requirement of the commission is a separate and distinct offense,  
26 and in case of a continuing violation each day's continuance is a sepa-  
27 rate and distinct offense.

28 Sec. 42.04.550. ACTIONS TO RECOVER PENALTIES; DISPOSITION. (a)  
29 Actions to recover penalties under this chapter shall be brought by

1 the attorney general in a court of competent jurisdiction.

2 (b) All penalties recovered under the provisions of this chapter  
3 shall be paid to the commission and deposited by it in the general fund  
4 of the state.

5 Sec. 42.04.560. PENALTIES CUMULATIVE. (a) All penalties imposed  
6 under this chapter are cumulative and an action for the recovery of a  
7 civil penalty is not a bar to any criminal prosecution; a criminal pro-  
8 secution is not a bar to an action for the recovery of a civil penalty.

9 (b) Neither a criminal prosecution nor an action to recover a  
10 civil penalty is a bar to an enforcement proceeding to require com-  
11 pliance, or to any other remedy provided by this chapter.

12 Sec. 42.04.570. JOINDER OF ACTIONS. Under the applicable court  
13 rules, appeals from orders of the commission, applications for enforce-  
14 ment of commission orders and actions for recovery of a penalty may be  
15 joined. The court may in the interests of justice separate the actions.

16 ARTICLE 9. MISCELLANEOUS PROVISIONS.

17 Sec. 42.04.580. EMINENT DOMAIN. A communications common carrier  
18 may exercise the power of eminent domain for communications common  
19 carrier uses. This section does not authorize the use of a declaration  
20 of taking.

21 Sec. 42.04.590. REGULATION BY MUNICIPALITY. The commission's  
22 jurisdiction and authority extend to communications common carriers  
23 operating within a city or borough, whether home rule or otherwise. In  
24 the event of a conflict between a certificate, order, decision or regula-  
25 tion of the commission and a charter, permit, franchise, ordinance, rule  
26 or regulation of the local governmental entity, the certificate, order,  
27 decision or regulation of the commission shall prevail.

28 Sec. 42.04.600. EXPENSES OF INVESTIGATION OR HEARING. After  
29 completion of a hearing or investigation held under this chapter, the

1 commission shall allocate the costs of the hearing or investigation  
2 among the parties, including the commission, as is just under the  
3 circumstances. In allocating costs, the commission may consider the  
4 results, ability to pay, evidence of good faith, other relevant factors  
5 and mitigating circumstances. The costs allocated may include the costs  
6 of any time devoted to the investigation or hearing by hired consul-  
7 tants, whether or not the consultants appear as witnesses or parti-  
8 cipants. The costs allocated may also include any out-of-pocket ex-  
9 penses incurred by the commission in the particular proceeding. The  
10 commission shall provide an opportunity for any person objecting to an  
11 allocation to be heard before the allocation becomes final.

12 Sec. 42.04.610. APPLICATION FEES. With each application relating  
13 to a certificate the applicant shall pay the commission a fee of \$50  
14 which shall be deposited in the general fund of the state.

15 Sec. 42.04.620. PUBLIC DISCLOSURE OF INFORMATION. Facts and  
16 information in the possession of the commission are public, and reports,  
17 files, books, accounts and papers of every nature in its possession  
18 except records which by law are designated to be of a nonpublic or  
19 privileged nature are open to public inspection at reasonable times.  
20 However, a person may make written objections to the public disclosure  
21 of information contained in an application, report or document filed  
22 under the provisions of this chapter or of information obtained by the  
23 commission under the provisions of this chapter, stating the grounds for  
24 the objection. When an objection is made, the commission shall order  
25 the information withheld from public disclosure if the information would  
26 adversely affect the interest of that person and is not required in the  
27 interest of the public.

28 ARTICLE 10. GENERAL PROVISIONS.

29 Sec. 42.04.630. DEFINITIONS. In this chapter

1 (1) "commission" means the Alaska Communications Commission;

2 (2) "communications common carrier" or "carrier" includes  
3 every corporation (whether public, cooperative, or otherwise), company,  
4 individual, or association of individuals, their lessees, trustees, or  
5 receivers appointed by a court, that owns, operates, manages or controls  
6 any plant, exchange or system for furnishing telecommunications service  
7 to the public for compensation;

8 (3) "service" means (unless the context indicates otherwise)  
9 every commodity, product, use, facility, convenience or other form of  
10 service which is offered for and provided by a communications common  
11 carrier for the convenience and necessity of the public;

12 (4) "rate" includes each rate, toll, rental, charge, or other  
13 form of compensation demanded, observed, charged or collected by a  
14 communications common carrier for its services;

15 (5) "public" or "general public" means any group of 10 or  
16 more customers that purchase the service or commodity furnished by a  
17 communications common carrier as defined in (2) of this section;

18 (6) "affiliated interest" includes:

19 (A) a person owning or holding directly or indirectly  
20 five per cent or more of the voting securities of a communications  
21 common carrier engaged in intrastate business in this state;

22 (B) a person, other than those specified in (A) of this  
23 paragraph, in a chain of successive ownership of five per cent or  
24 more of voting securities, the chain beginning with the holder of  
25 the voting securities of such communications common carrier;

26 (C) a corporation five per cent or more of whose voting  
27 securities are owned by a person owning five per cent or more of the  
28 voting securities of the communications common carrier or by a per-  
29 son in such a chain of successive ownership of five per cent or more

1 of voting securities;

2 (D) a corporation five per cent or more of whose voting  
3 securities are owned or held by a communications common carrier;

4 (E) a person with whom the communications common carrier  
5 has a management or service contract;

6 (F) a person who is an officer or director of such a  
7 communications common carrier or of a corporation in a chain of  
8 successive ownership of five per cent or more of voting securities;

9 (G) a corporation which has one or more officers or  
10 directors in common with a communications common carrier;

11 (H) A person or corporation who or which the commission  
12 determines as a matter of fact, after investigation and hearing,  
13 actually is exercising such substantial influence over the policies  
14 and actions of a carrier in conjunction with one or more other  
15 corporations or persons with whom they are related by ownership or  
16 blood, or by action in concert, that together they are affiliated  
17 with the carrier within the meaning of this section even though none  
18 of them alone is so affiliated; or

19 (I) a person or corporation who or which the commission  
20 determines as a matter of fact after investigation and hearing  
21 actually is exercising substantial influence over the policies and  
22 actions of a carrier even though such influence is not based upon  
23 stockholdings, stockholders, officers or directors to the extent  
24 specified in this section;

25 (7) "tariff" means a rate, charge, toll, rule or regulation of  
26 a carrier relating to services furnished by the carrier to the general  
27 public for compensation and every map, page, adoption notice, instrument  
28 or other document filed with the commission setting out the terms and  
29 conditions under which services are offered to the public and instruments

1 of concurrence and all other documents and data setting out the terms of  
2 a carrier's business relations with another carrier insofar as they  
3 affect the general public either directly or indirectly;

4 (8) "telecommunications" means the transmission and reception  
5 of messages, impressions, pictures and signals by means of electricity,  
6 electromagnetic waves and any other kind of energy, force variations or  
7 impulses whether conveyed by cable, wire, radiated through space, or  
8 transmitted through other media within a specified area or between  
9 designated points.

10 (9) "local exchange telephone utility" means a utility en-  
11 gaged in the business of furnishing communications service to the public  
12 for compensation through one or more local telephone exchanges which may  
13 be operated separately or in conjunction with one or more other local  
14 telephone exchanges through directly interconnected circuitry in which  
15 extended area service is provided without requiring the payment of a  
16 toll charge;

17 (10) "exchange" or "local exchange" means an operating unit  
18 established by a utility for communication service within a specific  
19 geographic area, which unit usually embraces a city, town, village or  
20 community and its environs and usually consists of one or more central  
21 offices together with the associated plant used in furnishing telephone  
22 communication service to the general public within that area;

23 Sec. 42.04.640. EXEMPTIONS. (a) The ownership in whole or part,  
24 of the corporate stock of a communications common carrier does not make  
25 the owner a public utility.

26 (b) The commission, on a finding that no legitimate public in-  
27 terest will be served, may formally order the exemption of a communica-  
28 tions common carrier from all or any portion of this chapter.

29 (c) Notwithstanding any other provisions of this chapter, a

1 local exchange telephone utility that does not gross \$25,000 annually is  
2 exempt from regulation under this chapter unless 25 per cent of the  
3 subscribers petition the commission for regulation.

4 Sec. 42.04.650. SHORT TITLE. This chapter may be cited as the  
5 Alaska Communications Commission Act.

6 \* Sec. 2. AS 42.05.681 is amended to read:

7 Sec. 42.05.681. VALIDITY OF CERTAIN CERTIFICATES. No certificate  
8 issued before July 29, 1968, to a public utility for the generation,  
9 transmission, or distribution of electric energy and power [, OR FOR THE  
10 FURNISHING OF TELECOMMUNICATIONS] may be considered as terminated, or  
11 voided, for the sole reason that the utility did not or would not pro-  
12 duce an annual gross income in excess of \$25,000.

13 \* Sec. 3. AS 42.05.711(e) is amended to read:

14 (e) Notwithstanding any other provisions of this chapter, any  
15 electric [OR TELEPHONE] utility that does not gross \$25,000 annually is  
16 exempt from regulation hereunder unless 25 per cent of the subscribers  
17 petition the commission for regulation.

18 \* Sec. 4. All litigations, hearings, investigations, and other proceedings  
19 whatsoever, pending under any law amended or repealed by this Act, shall con-  
20 tinue and remain in full force and effect, and may be continued and completed  
21 under the provisions of this Act. All certificates, orders, rules, regula-  
22 tions, or tariffs made, issued, or filed under any law amended or repealed by  
23 this Act, and in full force and effect on July 1, 1978, shall remain in full  
24 force and effect for the term issued, or until revoked, vacated, or modified  
25 under the provisions of this Act. All existing contracts and obligations of  
26 the Alaska Public Utilities Commission entered into or created under any law  
27 amended or repealed by this Act, and in force and effect on July 1, 1978,  
28 shall remain in full force and effect and shall be performed by the Alaska  
29 Communications Commission. The existing rates, charges, tariffs, rules,

1 regulations, service, and service area of a municipally owned telecommuni-  
2 cations utility shall continue and remain in full force and effect unless  
3 otherwise ordered by the Alaska Communications Commission under the provi-  
4 sions of this Act.

5 \* Sec. 5. The Alaska Communications Commission is vested with the duties  
6 and powers formerly held by the Alaska Public Utilities Commission relating  
7 to the regulation of telecommunications utilities delivered by communications  
8 common carriers.

9 \* Sec. 6. AS 42.05.123, 42.05.701(2)(B) and 42.05.701(8) are repealed.

10 \* Sec. 7. This Act takes effect July 1, 1979.

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29