

Original sponsor: Rules Committee by
request of the Governor

Offered: 5/6/77
Referred: Judiciary

1 IN THE SENATE

BY THE COMMERCE COMMITTEE

2 CS FOR SENATE BILL NO. 224

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the functions and regulatory powers
7 of the Alaska Transportation Commission under the
8 Alaska Air Commerce Act of 1960, the Alaska Motor
9 Freight Carrier Act, the Alaska Bus Act and the Alaska
10 Ferry Transportation Act."

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

12 * Section 1. AS 02.05.040 is amended to read:

13 Sec. 02.05.040. CERTIFICATES REQUIRED. Subject to the provisions
14 of sec. 50 of this chapter, no person may engage in air commerce,
15 whether directly or indirectly, unless there is in force a certificate
16 issued by the commission authorizing that person to engage in air
17 commerce as a scheduled carrier, contract carrier, [OR] air taxi oper-
18 ator, or indirect carrier.

19 * Sec. 2. AS 02.05 is amended by adding a new section to read:

20 Sec. 02.05.045. REGISTRATION OF INTERSTATE OR FOREIGN OPERATING
21 AUTHORITY. (a) An air carrier may not engage in interstate or foreign
22 commerce in the state unless it has complied with the requirements of
23 this section:

24 (1) If all or any part of a carrier's operation requires
25 authority from the Civil Aeronautics Board, the carrier shall file with
26 the commission a document of registration, which states the operation to
27 be conducted in the state and which is authorized by the Civil Aero-
28 nautics Board. A copy of the carrier's Civil Aeronautics Board certi-
29 ficate must be attached to the carrier's document of registration. A

1 copy of the document that amends an interstate or foreign commerce air
2 carrier's authority to operate must also be filed with the commission
3 within a reasonable time after the amending authority has been granted.

4 (2) If all or any part of an interstate or foreign commerce
5 air carrier's operation does not require authority from the Civil
6 Aeronautics Board, the carrier shall file with the commission a document
7 of registration. The document of registration must state the type of
8 operation and location of that operation to be conducted in the state.
9 The operation to be conducted in the state must be described in suffi-
10 cient detail so that a person familiar with the applicable federal laws
11 will be able to determine from the information provided by the document
12 of registration that Civil Aeronautics Board authority is not required
13 for that operation. The carrier shall attach to the document of regis-
14 tration an affidavit of the carrier's chief executive officer or his
15 designee stating that the document of registration is true and complete,
16 that the common carrier operation to be conducted in the state does not
17 require Civil Aeronautics Board authority, and that liability and
18 property damage insurance has been obtained by the carrier under sec.
19 130 of this chapter. Payment of all applicable fees must accompany the
20 document of registration. If the carrier's operation as stated in the
21 document of registration is modified, the carrier shall submit an
22 amended document of registration and other documents in the same manner
23 as if the carrier were filing its original document of registration.

24 (b) A carrier is registered with the commission when the commis-
25 sion has acknowledged receipt of the document of registration.

26 (c) This section does not require the registration of interstate
27 or foreign commerce air carrier authority when the enforcement of this
28 statute would violate federal law.

29 * Sec. 3. AS 02.05.050(a)(2) is repealed and re-enacted to read:

1 (2) may make charter trips and render other special services
2 as authorized by the commission.

3 * Sec. 4. AS 02.05.050 is amended by adding a new subsection to read:

4 (f) Indirect carriers. A person holding a certificate issued
5 under this chapter which authorizes that person to engage in air com-
6 merce as an indirect carrier may engage in air commerce to the extent
7 authorized by the certificate. Any person who indirectly engaged in air
8 commerce after August 31, 1971, and before January 1, 1978, may file an
9 application with the commission for authority to operate in air commerce
10 as an indirect carrier, if the application is filed before July 1, 1978.
11 The commission shall issue a certificate of authority under the re-
12 quirements of this subsection. The certificate authorizes the applicant
13 to engage in indirect air commerce to the extent the applicant conducted
14 indirect air commerce operations continuously during the period August
15 31, 1971 - January 1, 1978. The commission by regulation may establish
16 more than one separate classification of indirect air carriers, and if
17 the classifications are established, the commission shall prescribe in
18 its regulations the extent to which each classification is to be regu-
19 lated under the provisions of this chapter.

20 * Sec. 5. AS 02.05.055 is repealed and re-enacted to read:

21 Sec. 02.05.055. TYPES OF AIRCRAFT AUTHORIZED. An air carrier
22 subject to the provisions of this chapter may operate only that type of
23 aircraft authorized by the air carrier's certificate of authority. The
24 commission may amend, modify, or revoke a carrier's authority to operate
25 a type of aircraft under the requirements of sec. 100 of this chapter.

26 * Sec. 6. AS 02.05 is amended by adding a new section to read:

27 Sec. 02.05.065. TEMPORARY AUTHORITY AND TEMPORARY APPROVAL. (a)
28 The commission may grant temporary authority to operate between points
29 or within an area as an air carrier in order to provide service for

1 which there is an immediate and urgent need or when unusual circum-
2 stances have imposed on the carrier an undue burden that may jeopardize
3 the viability of the carrier to provide adequate and continuous service.
4 The granted authority may not exceed 180 days unless a hearing has been
5 provided interested parties.

6 (b) The commission may grant temporary authority to operate as an
7 air carrier in order to evaluate and obtain operational information of a
8 new method or mode of transportation. The granted authority is valid
9 for the time the commission specifies, but the commission shall re-
10 evaluate the propriety of continuing the temporary authority at least
11 once each year.

12 (c) The commission may temporarily approve the transfer of an air
13 carrier certificate pending the final disposition of an application for
14 transfer of a certificate if the failure to grant the temporary approval
15 may result in the interruption of adequate and continuous service to the
16 public or may result in destruction of or injury to the present value or
17 future usefulness of the air carrier properties sought to be trans-
18 ferred.

19 (d) Transportation service rendered under the grant of temporary
20 authority or temporary approval of transfer is subject to all applicable
21 provisions of this chapter and the regulations, requirements, and
22 orders of the commission. Temporary authority or temporary approval of
23 transfer may be granted without a hearing or other proceeding. If the
24 lawfulness of such a grant is an issue in an adjudicatory proceeding,
25 the commission, within its discretion and without hearing, may extend
26 the temporary authority or temporary approval for a period not to exceed
27 the pendency of the proceeding or such lesser time as required by the
28 public interest. The grant of temporary authority or temporary approval
29 of transfer creates no presumption that a corresponding permanent

1 certificate or permanent approval of transfer will be granted.

2 * Sec. 7. AS 02.05.075 is repealed and re-enacted to read:

3 Sec. 02.05.075. FEES. A fee must be paid to the commission by
4 every applicant, petitioner, complainant, or other person who applies
5 for a certificate, temporary certificate, extension of or transfer of a
6 certificate, or who submits to the commission a document of registration
7 of interstate or foreign commerce authority, files an accusation or
8 complaint, or initiates any other formal proceeding which will require
9 the commission to make a formal decision. The commission may adopt
10 regulations interpreting this statute and setting reasonable fees to be
11 assessed.

12 * Sec. 8. AS 02.05.080(a) is amended to read:

13 (a) Subject to the provisions of (d) of this section, the commis-
14 sion shall issue a certificate authorizing air carrier operations. The
15 commission may grant less authority than that requested by the applicant
16 or refuse to grant any authority. The commission shall grant authority
17 [THE APPLICANT TO ENGAGE IN AIR COMMERCE AS A SCHEDULED OR CONTRACT
18 CARRIER OR AIR TAXI OPERATOR, OR AUTHORIZING THE WHOLE OR ANY PART OF
19 THE OPERATIONS COVERED BY AN APPLICATION FOR A CERTIFICATE],

20 (1) if the commission finds that the applicant is fit,
21 willing and able to engage in air commerce properly and is able to
22 comply with the provisions of this chapter and the [RULES,] regula-
23 tions[,] and requirements of the commission; and

24 (2) if the commission finds that air commerce and the per-
25 formance of it by the applicant in the type of aircraft for which a
26 certificate is requested under (e) of this section is required by the
27 public convenience and necessity and is consistent with the declaration
28 of policy contained in sec. 10 of this chapter.

29 * Sec. 9. AS 02.05.080(e) is amended to read:

1 (e) A certificate issued by the commission [AFTER MAY 1, 1966,]
2 shall specify what type or types of aircraft [WHETHER] the certificated
3 air carrier may use [OPERATE FIXED-WING AIRCRAFT, ROTARY-WING AIRCRAFT,
4 OR BOTH].

5 * Sec. 10. AS 02.05.250(4) is repealed and re-enacted to read:

6 (4) "air taxi operator" means a fixed-base air carrier which
7 holds itself out as a common carrier to provide air transportation
8 primarily through the charter of its aircraft from its authorized base
9 or bases of operation;

10 * Sec. 11. AS 02.05.250 is amended by adding new paragraphs to read:

11 (11) "indirect carrier" means a person who represents himself
12 as one who sells, offers for sale, contracts for, arranges for, or
13 offers to contract for or arrange for the air transportation of another
14 person or another person's property and who expects to receive or does
15 receive compensation for the described services; the term does not apply
16 to persons acting as employees or agents of an air carrier who is sub-
17 ject to or exempt from the authority of the commission by other sections
18 of this chapter;

19 (12) "scheduled carrier" means any person holding an air
20 carrier's certificate which authorizes the person to operate over
21 established routes on regular schedules and to make charter trips and
22 render special services when allowed by the operator's certificate; the
23 fact that the certificate may authorize other privileges under this
24 chapter does not change the character of the certificate.

25 * Sec. 12. AS 42.10.020(4) is amended to read:

26 (4) vehicles operated by a construction contractor, except
27 those vehicles designed to transport bulk commodities in dump-type
28 equipment; [WHILE PERFORMING SUCH A BUSINESS AS DEFINED IN SEC. 420(12)
29 OF THIS CHAPTER EXCEPT THAT] weight fees in an amount as provided by

1 sec. 240 of this chapter shall be paid for each vehicle designed to be
2 operated on a public highway under this paragraph.

3 * Sec. 13. AS 42.10 .130(a) is amended to read:

4 (a) No person may operate in the state as a common carrier or
5 contract carrier transporting property in intrastate commerce for com-
6 ensation without a permit or temporary authority [NO COMMON CARRIER,
7 CONTRACT CARRIER, OR TEMPORARY CARRIER MAY OPERATE FOR THE TRANSPORTA-
8 TION OF PROPERTY IN INTRASTATE COMMERCE FOR COMPENSATION IN THE STATE
9 WITHOUT A PERMIT]. An application for a permit as a common carrier or
10 contract carrier or an extension of the permit shall be on file for at
11 least 30 days before it is granted unless the commission finds that
12 special conditions require the earlier granting of it. Except as
13 provided in this section, the commission shall not grant a permit or an
14 extension of a permit if it finds that the applicant is not financially
15 able, properly and adequately equipped and capable of conducting the
16 transportation service applied for in compliance with the law and [RULES
17 AND] regulations of the commission. The commission may deny an appli-
18 cation if the applicant or any of its principal officers or stockholders
19 fails or has failed to comply with the laws of the state.

20 * Sec. 14. AS 42.10.130(c) is amended to read:

21 (c) Except as provided in (a) and [,] (b) [, (d) AND (e)] of this
22 section, a permit shall be issued to any qualified applicant, authoriz-
23 ing the whole or a part of the operations covered by the application, if
24 the proposed service is or will be required by the present or future
25 public convenience and necessity; otherwise the application shall be
26 denied.

27 * Sec. 15. AS 42.10.135 is repealed and re-enacted to read:

28 Sec. 42.10.135. REGISTRATION OF INTERSTATE OR FOREIGN OPERATING
29 AUTHORITY. (a) A motor carrier may not engage in interstate or foreign

1 motor carriage in the state unless it has complied with the requirements
2 of this subsection:

3 (1) If all or any part of a carrier's operation requires
4 authority from the Interstate Commerce Commission, the carrier shall
5 file with the commission a document of registration, which states the
6 operation to be conducted in the state and which is authorized by the
7 Interstate Commerce Commission. A copy of the carrier's Interstate
8 Commerce Commission certificate must be attached to the carrier's docu-
9 ment of registration. A copy of the document that amends an interstate
10 or foreign commerce motor carrier's authority to operate must also be
11 filed with the commission within a reasonable time after the amending
12 authority has been granted.

13 (2) If all or any part of an interstate or foreign commerce
14 motor carrier's operation does not require authority from the Interstate
15 Commerce Commission, the carrier shall file with the commission a docu-
16 ment of registration. The document of registration must state the type
17 of operation and location of that operation to be conducted in the
18 state. The operation to be conducted in the state must be described in
19 sufficient detail so that a person familiar with the applicable federal
20 laws will be able to determine from the information provided by the
21 document of registration that Interstate Commerce Commission authority
22 is not required for that operation. The carrier shall attach to the
23 document of registration an affidavit of the carrier's chief executive
24 officer or his designee stating that the document of registration is
25 true and complete, that the common carrier operation to be conducted in
26 the state does not require Interstate Commerce Commission authority, and
27 that liability and property damage insurance has been obtained by the
28 carrier under sec. 190 of this chapter. Payment of all applicable fees
29 must accompany the document of registration. If the carrier's operation

1 as stated in the document of registration is modified, the carrier shall
2 submit an amended document of registration and other documents in the
3 same manner as if the carrier were filing its original document of
4 registration.

5 (b) A carrier is registered with the commission when the commis-
6 sion has acknowledged receipt of the document of registration.

7 (c) This section does not require the registration of interstate
8 or foreign commerce motor carrier authority when the enforcement of this
9 statute would violate federal law.

10 * Sec. 16. AS 42.10.160 is repealed and re-enacted to read:

11 Sec. 42.10.160. FEES. A fee must be paid to the commission by
12 every applicant, petitioner, complainant, or other person who applies
13 for a permit, temporary permit, extension of or transfer of a permit, or
14 who submits to the commission a document of registration of interstate
15 or foreign commerce authority, files an accusation or complaint, or
16 initiates any other formal proceeding which will require the commission
17 to make a formal decision. The commission may adopt regulations inter-
18 preting this section and setting reasonable fees to be assessed.

19 * Sec. 17. AS 42.10.190(a) is repealed and re-enacted to read:

20 (a) The commission may not accept the registration of an inter-
21 state carrier or foreign common carrier under sec. 135 of this chapter,
22 nor grant a common carrier permit, a contract carrier permit, or a
23 temporary permit, nor allow any authorized carrier to retain its permit
24 unless the carrier has submitted to the commission evidence that it has
25 adequate liability and property damage insurance, the commission has
26 determined that the submitted evidence is sufficient and that the terms
27 of insurance satisfy the purpose of this section, and the state has
28 authorized the insurance carrier to do business in this state. Alter-
29 natively, the applicant, petitioner, or carrier may deposit with the

1 commission, in place of evidence of insurance, evidence of security
2 which the commission determines is adequate to satisfy the purpose of
3 this section. The purpose of this section is to protect the public
4 against loss resulting from personal injury or property damage for which
5 a common carrier may be liable as a result of its operations.

6 * Sec. 18. AS 42.10.210 is repealed and re-enacted to read:

7 Sec. 42.10.210. TEMPORARY AUTHORITY AND TEMPORARY APPROVAL. (a)
8 The commission may grant temporary authority to operate between points
9 or within an area as a common or contract carrier in order to provide
10 service for which there is an immediate and urgent need or when unusual
11 circumstances have imposed on the carrier an undue burden that may
12 jeopardize the viability of the carrier to provide adequate and con-
13 tinuous service. The granted authority may not exceed 180 days unless
14 a hearing has been provided interested parties.

15 (b) The commission may grant temporary authority to operate as a
16 common or contract carrier in order to evaluate and obtain operational
17 information of a new method or mode of transportation. The granted
18 authority is valid for the time the commission specifies, but the
19 commission shall reevaluate the propriety of continuing the temporary
20 authority at least once each year.

21 (c) The commission may temporarily approve the transfer of a
22 common carrier or contract carrier permit pending the final disposition
23 of an application for transfer of a permit if the failure to grant the
24 temporary approval may result in the interruption of adequate and con-
25 tinuous service to the public or may result in destruction of or injury
26 to the present value or future usefulness of the motor carrier pro-
27 perties sought to be transferred.

28 (d) Transportation service rendered under the grant of temporary
29 authority or temporary approval of transfer is subject to all applicable

1 provisions of this chapter and the regulations, requirements, and
2 orders of the commission. Temporary authority or temporary approval of
3 transfer may be granted without a hearing or other proceeding. If the
4 lawfulness of such a grant is an issue in an adjudicatory proceeding,
5 the commission, within its discretion and without hearing, may extend
6 the temporary authority or temporary approval for a period not to exceed
7 the pendency of the proceeding or such lesser time as required by the
8 public interest. The grant of any temporary permit, temporary author-
9 ity, or temporary approval of transfer creates no presumption that a
10 corresponding permanent permit or permanent approval of transfer will be
11 granted.

12 * Sec. 19. AS 42.10.420(12) is amended to read:

13 (12) "construction contractor" means a contractor licensed by
14 the state as a general contractor under AS 08.18 to engage in and who is
15 actively and regularly engaged in the business of constructing, re-
16 pairing or removing any kind of private or public facility or structure
17 and does not include "contract carriers" authorized to transport com-
18 modities in bulk in dump-type equipment [UNLESS THE "CONTRACT CARRIER"
19 IS ALSO ACTIVELY ENGAGED IN THE BUSINESS OF CONSTRUCTING, REPAIRING OR
20 REMOVING PRIVATE OR PUBLIC FACILITIES OR STRUCTURES AS A LICENSED
21 GENERAL CONTRACTOR UNDER AS 08.18].

22 * Sec. 20. AS 42.15 is amended by adding a new section to read:

23 Sec. 42.15.066. REGISTRATION OF INTERSTATE OR FOREIGN OPERATING
24 AUTHORITY. (a) A bus carrier may not engage in interstate or foreign
25 bus commerce within the state unless it has complied with the following
26 requirements:

27 (1) If all or any part of a carrier's operation requires
28 authority from the Interstate Commerce Commission, the carrier shall
29 file with the commission a document of registration, which states the

1 operation to be conducted in the state and which is authorized by the
2 Interstate Commerce Commission. A copy of the carrier's Interstate
3 Commerce Commission certificate must be attached to the carrier's
4 document of registration. A copy of the document which amends an inter-
5 state or foreign commerce bus carrier's authority to operate must also
6 be filed with the commission within a reasonable time after the amending
7 authority has been granted.

8 (2) If all or any part of an interstate or foreign commerce
9 bus carrier's operation does not require authority from the Interstate
10 Commerce Commission, the carrier shall file with the commission a docu-
11 ment of registration. The document of registration must state the type
12 of operation and location of that operation to be conducted in the
13 state. The operation to be conducted in the state must be described in
14 sufficient detail so that a person familiar with the applicable federal
15 laws will be able to determine from the information provided by the
16 document of registration that Interstate Commerce Commission authority
17 is not required for that operation. The carrier shall attach to the
18 document of registration an affidavit of the carrier's chief executive
19 officer or his designee stating that the document of registration is
20 true and complete, that the bus carrier operation to be conducted in the
21 state does not require Interstate Commerce Commission authority, and
22 that liability and property damage insurance has been obtained by the
23 carrier under sec. 221 of this chapter. Payment of all applicable fees
24 must accompany the document of registration. If the carrier's operation
25 as stated in the document of registration is modified, the carrier shall
26 submit an amended document of registration and other documents in the
27 same manner as if the carrier were filing its original document of
28 registration.

29 (b) A bus carrier is registered with the commission when the

1 commission has acknowledged receipt of the document of registration.

2 (c) This section does not require the registration of interstate
3 or foreign commerce bus carrier authority when the enforcement of this
4 statute would violate federal law.

5 * Sec. 21. AS 42.15 is amended by adding a new section to read:

6 Sec. 42.15.074. FEES. A fee must be paid to the commission by
7 every applicant, petitioner, complainant, or other person who applies
8 for a certificate, temporary certificate, extension of or transfer of a
9 certificate, or who submits to the commission a document of registration
10 of interstate or foreign commerce authority, files an accusation or
11 complaint, or initiates any other formal proceeding which will require
12 the commission to make a formal decision. The commission may adopt
13 regulations interpreting this statute and setting reasonable fees to be
14 assessed.

15 * Sec. 22. AS 42.15.111 is repealed and re-enacted to read:

16 Sec. 42.15.111. TEMPORARY AUTHORITY AND TEMPORARY APPROVAL. (a)
17 The commission may grant temporary authority to operate between points
18 or within an area as a common carrier in order to provide service for
19 which there is an immediate and urgent need or when unusual circum-
20 stances have imposed on the carrier an undue burden that may jeopardize
21 the viability of the carrier to provide adequate and continuous service.
22 The granted authority may not exceed 180 days unless a hearing has been
23 provided interested parties.

24 (b) The commission may grant temporary authority to operate as a
25 common carrier in order to evaluate and obtain operational information
26 of a new method or mode of transportation. The granted authority is
27 valid for the time the commission specifies, but the commission shall
28 reevaluate the propriety of continuing the temporary authority at least
29 once each year.

1 (c) The commission may temporarily approve the transfer of a
2 common carrier certificate pending the final disposition of an appli-
3 cation for transfer of a certificate if the failure to grant the tem-
4 porary approval may result in the interruption of adequate and contin-
5 uous service to the public or may result in destruction of or injury to
6 the present value or future usefulness of the bus carrier properties
7 sought to be transferred.

8 (d) Transportation service rendered under the grant of temporary
9 authority or temporary approval of transfer is subject to all applicable
10 provisions of this chapter and the regulations, requirements and orders
11 of the commission. Temporary authority or temporary approval of trans-
12 fer may be granted without a hearing or other proceeding. If the law-
13 fulness of such a grant is an issue in an adjudicatory proceeding, the
14 commission, within its discretion and without hearing, may extend the
15 temporary authority or temporary approval for a period not to exceed the
16 pendency of the proceeding or such lesser time as required by the public
17 interest. The grant of temporary authority or temporary approval of
18 transfer creates no presumption that a corresponding permanent certifi-
19 cate or permanent approval of transfer will be granted.

20 * Sec. 23. AS 42.15.221(a) is repealed and re-enacted to read:

21 Sec. 42.15.221. INSURANCE OR DEPOSIT OF SECURITY. (a) The
22 commission may not accept the registration of an interstate bus carrier
23 or foreign bus carrier under sec. 66 of this chapter, nor grant a bus
24 carrier certificate or a temporary certificate, nor allow any authorized
25 bus carrier to retain its certificate unless the carrier has submitted
26 to the commission evidence that it has adequate liability and property
27 damage insurance, the commission has determined the submitted evidence
28 is sufficient and the terms of insurance satisfy the purpose of this
29 section, and the state has authorized the insurance carrier to do

1 business in this state. Alternatively, the applicant, petitioner, or
2 carrier may deposit with the commission, in place of evidence of in-
3 surance, evidence of security which the commission determines is ade-
4 quate to satisfy the purpose of this section. The purpose of this
5 section is to protect the public against loss resulting from personal
6 injury or property damage for which a common bus carrier may be liable
7 as a result of its operations.

8 * Sec. 24. AS 42.25 is amended by adding a new section to read:

9 Sec. 42.25.025. TEMPORARY AUTHORITY AND TEMPORARY APPROVAL. (a)
10 The commission may grant temporary authority to operate between points
11 or within an area as a ferry operator in order to provide service for
12 which there is an immediate and urgent need or when unusual circum-
13 stances have imposed on the operator an undue burden that may jeopardize
14 the viability of the operator to provide adequate and continuous ser-
15 vice. The granted authority may not exceed 180 days unless a hearing
16 has been provided interested parties.

17 (b) The commission may grant temporary authority to operate as a
18 ferry operator in order to evaluate and obtain operational information
19 of a new method or mode of transportation. The granted authority is
20 valid for the time the commission specifies, but the commission shall
21 reevaluate the propriety of continuing the temporary authority at least
22 once each year.

23 (c) The commission may temporarily approve the transfer of a ferry
24 operator certificate pending the final disposition of an application for
25 transfer of a certificate if the failure to grant the temporary approval
26 may result in the interruption of adequate and continuous service to the
27 public or may result in destruction of or injury to the present value or
28 future usefulness of the ferry operator's properties sought to be trans-
29 ferred.

1 (d) Transportation service rendered under the grant of temporary
2 authority or temporary approval of transfer is subject to all applicable
3 provisions of this chapter and the regulations, requirements and orders
4 of the commission. Temporary authority or temporary approval of trans-
5 fer may be granted without a hearing or other proceeding. If the law-
6 fulness of such a grant is an issue in an adjudicatory proceeding, the
7 commission, within its discretion and without hearing, may extend the
8 temporary authority or temporary approval for a period not to exceed the
9 pendency of the proceeding or such lesser time as required by the public
10 interest. The grant of temporary authority or temporary approval of
11 transfer creates no presumption that a corresponding permanent certifi-
12 cate or permanent approval of transfer will be granted.

13 * Sec. 25. AS 42.10.130(d), (e) and (f) and AS 42.15.071(c) are repealed.
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