

Introduced: 2/15/79
Referred: Commerce and
Finance

1 IN THE HOUSE

BY MCKINNON

2 HOUSE BILL NO. 224

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

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

17 Sec. 44.23.070. PUBLIC UTILITY CONSUMER COUNSEL. (a) The office
18 of the public utility consumer counsel is in the Department of Law.

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

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

1 ness fees and other costs of participating in regulatory proceedings to
2 allow the office to operate effectively in representing the consumer of
3 services of a public utility.

4 (d) The public utility consumer counsel may

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

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

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

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

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

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

1 the commission, shall represent the public interest.

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

6 * Sec. 3. This Act takes effect July 1, 1979.

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