

Introduced: 2/9/84
Referred: Labor & Commerce

1 IN THE HOUSE

BY ABOOD

2

HOUSE BILL NO. 591

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to interexchange telecommunications
7 services; and providing for an effective date."

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

9 * Section 1. FINDINGS AND PURPOSE. It is the purpose of this Act to
10 encourage and promote competition in the provision of interexchange tele-
11 communications services. The legislature of the State of Alaska finds that
12 competition in the provision of these services is required for the con-
13 venience and necessity of the public.

14 * Sec. 2. AS 42.05.141(a) is amended to read:

15 (a) The Alaska Public Utilities Commission may

16 (1) regulate every public utility engaged or proposing to
17 engage in such a business inside the state, except to the extent
18 exempted by AS 42.05.711, and the powers of the commission shall be
19 liberally construed to accomplish its stated purposes;

20 (2) investigate, upon complaint or upon its own motion, the
21 rates, classifications, rules, regulations, practices, services and
22 facilities of a public utility and hold hearings on them;

23 (3) make or require just, fair and reasonable rates, clas-
24 sifications, regulations, practices, services and facilities for a
25 public utility;

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

28 (5) require a public utility to file reports and other
29 information and data;

1 (6) appear personally or by counsel and represent the
2 interests and welfare of the state in all matters and proceedings
3 involving a public utility pending before an officer, department,
4 board, commission or court of the state or of another state or the
5 United States and to intervene in, protest, resist, or advocate the
6 granting, denial or modification of any petition, application, com-
7 plaint or other proceeding;

8 (7) examine witnesses and offer evidence in any proceeding
9 affecting the state and initiate or participate in judicial proceed-
10 ings to the extent necessary to protect and promote the interests of
11 the state;

12 (8) prescribe surcharges and subsidy supports to ensure
13 provision of statewide interexchange telecommunications services at
14 affordable rates.

15 * Sec. 3. AS 42.05.221 is amended by adding a new subsection to read:

16 (g) Notwithstanding the provisions of (d) of this section, the
17 commission may not prohibit competition in the provision of interex-
18 change telecommunications services.

19 * Sec. 4. AS 42.05.241 is amended to read:

20 Sec. 42.05.241. CONDITIONS OF ISSUANCE. (a) A certificate may
21 not be issued unless the commission finds that the applicant is fit,
22 willing and able to provide the utility services applied for and that
23 the services are required for the convenience and necessity of the
24 public.

25 (b) Notwithstanding (a) of this section, a certificate may be
26 denied in response to application to become a competitive interex-
27 change telecommunications carrier only if the commission finds that
28 the applicant is not fit, willing, and able to provide the service for
29 which it has filed an application.

1 (c) Except in response to an application to be certified as a
2 competitive interexchange telecommunications carrier, the [THE] com-
3 mission may issue a certificate granting an application in whole or in
4 part and attach to the grant of it the terms and conditions it con-
5 siders necessary to protect and promote the public interest including
6 the condition that the applicant may or shall serve an area or provide
7 a necessary service not contemplated by the applicant.

8 (d) The commission shall make a final decision upon an applica-
9 tion to be certified as a competitive interexchange telecommunications
10 carrier within 90 days of the filing of the application for the certi-
11 ficcate and the commission may not place conditions upon the certifi-
12 cate or limit the area for which the certificate is granted.

13 (e) The commission may, for good cause, deny an application with
14 or without prejudice.

15 * Sec. 5. AS 42.05.711 is amended by adding a new subsection to read:

16 (m) A competitive interexchange telecommunications carrier is
17 exempt from the provisions of AS 42.05.261 - 42.05.271, 42.05.291 -
18 42.05.301, and 42.05.321 - 42.05.531.

19 * Sec. 6. AS 42.05.720 is amended by adding a new paragraph to read:

20 (9) "competitive interexchange telecommunications carrier"
21 means a provider of interexchange telecommunications services that did
22 not participate in the system of jurisdictional separations and
23 settlements on or before December 31, 1983.

24 * Sec. 7. This Act takes effect July 1, 1984.