

Introduced: 3/4/87  
Referred: Labor & Commerce  
& Finance

5-0101B

1 IN THE SENATE

BY COGHILL

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 22

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act exempting certain telephone and electric  
7 utilities and certain transactions from regulation by  
8 the Alaska Public Utilities Commission; and providing  
9 for an effective date."

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

11 \* Section 1. AS 42.05.431(b) is amended to read:

12 (b) Except as provided in (c) of this section, a [A] wholesale  
13 power agreement between public utilities is subject to advance ap-  
14 proval of the commission. After a wholesale power agreement is in  
15 effect, the commission may not invalidate any purchase or sale obliga-  
16 tion under the agreement. However, if the commission finds that rates  
17 set in accordance with the agreement are not just and reasonable, the  
18 commission may order the parties to negotiate an amendment to the  
19 agreement and if the parties fail to agree, to use the dispute resolu-  
20 tion procedures contained in the contract.

21 \* Sec. 2. AS 42.05.431 is amended by adding a new subsection to read:

22 (c) A wholesale agreement for the sale of power between the  
23 Alaska Power Authority and a public utility is not subject to review  
24 or approval by the commission.

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

26 (e) Notwithstanding any other provisions of this chapter, an  
27 [ANY] electric or telephone utility that does not gross \$50,000 an-  
28 nually or that has fewer than 250 subscribers is exempt from regu-  
29 lation under this chapter unless 25 percent of the subscribers

1 petition the commission for regulation. The commission may not  
2 combine the revenue or subscribers of different utilities owned by the  
3 same company when determining whether a utility is exempt under this  
4 subsection.

5 \* Sec. 4. AS 42.05.711 is amended by adding a new subsection to read:

6 (m) The Alaska Power Authority is not a public utility under  
7 this chapter.

8 \* Sec. 5. AS 44.83.090(b) is amended to read:

9 (b) The authority is not subject to the jurisdiction of the  
10 Alaska Public Utilities Commission. Nothing in this chapter [AS 44.-  
11 83.010 - 44.83.425] grants the authority any jurisdiction over the  
12 services or rates of any public utility or diminishes or otherwise  
13 alters the jurisdiction of the Alaska Public Utilities Commission with  
14 respect to any public utility, including any right the commission may  
15 have to review and approve or disapprove contracts for the purchase of  
16 electricity by a public utility other than a wholesale power agreement  
17 for the purchase of power from the authority.

18 \* Sec. 6. Sections 1, 2, 4, and 5 of this Act are retroactive to  
19 June 7, 1986.

20 \* Sec. 7. This Act takes effect immediately under AS 01.10.070(c).