

1 IN THE SENATE

BY COGHILL AND ZHAROFF

2 SENATE BILL NO. 368

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to standards for construing the
7 regulatory powers of the Alaska Public Utilities
8 Commission and to public utility exemptions from
9 regulation by the Alaska Public Utilities Commission;
10 and providing for an effective date."

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

12 * Section 1. AS 42.05.141(a) is amended to read:

13 (a) The Alaska Public Utilities Commission may

14 (1) regulate every public utility engaged or proposing to
15 engage in such a business inside the state, except to the extent
16 exempted by AS 42.05.711; in exercising its authority, the commission
17 has the powers expressly conferred or reasonably implied by this
18 chapter [, AND THE POWERS OF THE COMMISSION SHALL BE LIBERALLY CON-
19 STRUED 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 * Sec. 2. AS 42.05.711(e) is amended to read:

13 (e) Notwithstanding any other provisions of this chapter, an
14 [ANY] electric or telephone utility that does not gross \$50,000 an-
15 nually is exempt from regulation under this chapter unless 25 percent
16 of the subscribers petition the commission for regulation. The com-
17 mission may not combine the revenue of different utilities owned by
18 the same company when determining whether a utility is exempt under
19 this subsection.

20 * Sec. 3. AS 42.05.711 is amended by adding a new subsection to read:

21 (m) Notwithstanding any other provisions of this chapter, an
22 electric or telephone utility that has fewer than 500 subscribers is
23 exempt from regulation under this chapter, other than the certifica-
24 tion provisions of AS 42.05.221 - 42.05.281, unless 25 percent of the
25 subscribers petition the commission for regulation under the procedure
26 described in AS 42.05.712. The commission may not combine the sub-
27 scribers of different utilities owned by the same company when deter-
28 mining whether a utility is exempt under this subsection.

29 * Sec. 4. The amendment to AS 42.05.141(a) made by sec. 1 of this Act,

1 does not apply to a proceeding begun before the effective date of this Act.

2 * Sec. 5. This Act takes effect immediately under AS 01.10.070(c).