

HB

1911/1912

HB 191, 192

Tape no.

Date

12

3/12

"An Act relating to changes in transportation tariffs."

# COMMITTEE REPORT

2/21/75

HOUSE

JUDICIARY

Mr. Speaker:

Date 11/11/75

The Committee on Commerce has had HB 191

under consideration. A Majority of the members of the Committee

recommends it DO PASS

recommends it DO NOT PASS

recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR \_\_\_\_\_ AND THAT

CS FOR \_\_\_\_\_ DO PASS

"and" recommends it BE REFERRED TO THE \_\_\_\_\_

COMMITTEE

reports it back WITHOUT RECOMMENDATION

"other"

Members signing the Majority report:

<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>

Members NOT concurring in the Majority report:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

[Signature] Chairman

COMMITTEE REPORT

2/21/75

HOUSE

JUDICIARY

Mr. Speaker:

Date Mar 11 1975

The Committee on Commerce has had HB 192

under consideration. A Majority of the members of the Committee

recommends it DO PASS

recommends it DO NOT PASS

recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR \_\_\_\_\_ AND THAT

CS FOR \_\_\_\_\_ DO PASS

"and" recommends it BE REFERRED TO THE \_\_\_\_\_

COMMITTEE

reports it back WITHOUT RECOMMENDATION

"other"

Members signing the Majority report:

<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>

Members NOT concurring in the Majority report:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

[Signature] Chairman

March 4, 1975

Alaska Transportation Commission  
MacKay Building  
Anchorage, Alaska

Dear Commissioners,

The House Commerce Committee will be holding hearings on House Bill 191, transportation tariff change, on Wednesday March 12 at 8 a.m. Please contact us if you need more information.

Sincerely,

Bob Bradley

BB:mr

March 4, 1975

Alaska Public Utilities Commission  
MacKay Building  
Anchorage, Alaska 99501

Dear Commissioners,

The House Commerce Committee will be holding hearings on the following bills, HB 192 and HB 243 on public utility rates and tariffs will be heard on Wednesday, March 12, and HB 19 on telephone utilities will be held on Thursday March 13. Testimony will be heard at these times. Hearings are in Room 203 of the Assembly Building at 8 a.m.

Sincerely,

Bob Bradley

BS/mr

POSITION PAPER  
REGARDING HB 191  
(AN ACT RELATING TO CHANGES IN TRANSPORTATION TARIFFS)

SUBMITTED BY  
ALASKA CARRIERS ASSOCIATION, INC.  
3443 Minnesota Drive  
Anchorage, Alaska 99503

William L. Fritsch  
General Manager

Prepared March 11, 1975

COMES NOW, Alaska Carriers Association, Inc. by William L. Fritsch, its General Manager, for and on behalf of the regulated for-hire common motor carriers under the jurisdiction of the Alaska Transportation Commission pursuant to Title 42, Alaska Statutes and does hereby submit its opposition to the changes proposed in AS 42.10.290(a) and AS 42.15.191(a) in the subject HB 191 for reasons hereinafter set forth.

Presently the affected provisions of Title 42 prescribe a 30 day notice to the Commission and to the public of changes in motor freight tariffs. The proposal to extend this 30 day notice period to 45 days is unnecessary and burdensome in that it duplicates and further extends an already rigorous and exhaustive procedure of public notice of proposed tariff changes.

Generally, it takes 10-12 weeks to effect a change in the agency motor freight tariffs issued by Alaska Carriers Association, Inc. from the time of inception. The procedure followed in implementing changes in our agency tariffs are outlined in this Association's Agreement with the Interstate Commerce Commission under Section 5(a) of the Interstate Commerce Act which includes this Association's Articles of Incorporation and By-Laws. A copy of this agreement is attached hereto and by reference made a part hereof. Briefly, the procedure followed to implement changes in our motor freight tariffs is as follows:

1. Shippers as well as carriers may initiate changes in our motor freight tariffs. Proposals for tariff changes must be submitted in writing.
2. Upon receipt of written proposals for tariff changes, this Association publishes a monthly "Rate Docket" which is available to the general public on an annual subscription basis.
3. The monthly Rate Docket publication outlines the proposals received since the preceding monthly docket and announces a meeting of the Association's Standing Rate Committee. Notice of the meeting is given on at least ten days' notice excluding the day of mailing of the docket, Saturdays, Sundays and holidays.
4. At its scheduled meeting the Standing Rate Committee receives testimony, evidence and arguments for and/or against proposals from proponents and opponents including shippers as well as competing carriers.
5. The Standing Rate Committee approves or disapproves the proposal(s) or may modify the proposal to insure its reasonableness.
6. Following the meeting of the Standing Rate Committee, the minutes of the meeting are published in the form of a "Disposition of the Rate Docket" and are mailed to docket subscribers allowing ten working days for:
  - 1)-competing carriers to concur or withdraw from participation in the approved publication; and
  - 2)-any interested parties to appeal the Standing Rate Committee's decision to our higher General Rate Committee.

7. Should a decision of the Standing Rate Committee be appealed to the General Rate Committee, notice of a General Rate Committee meeting is published and distributed to docket subscribers announcing the meeting of the General Rate Committee on not less than ten working days' notice.
8. At its meeting, the General Rate Committee also allows the submission of testimony, evidence and arguments for or against proposals referred or appealed to it. The General Rate Committee then renders its decision approving or disapproving the proposal or modifying the proposal to insure its reasonableness.
9. Following the meeting of the General Rate Committee the minutes of its meeting are published in the form of a "Disposition Notice" again allowing at least ten working days for competing carriers to submit their concurrence or withdrawal from participation in the publication as approved for publication by the General Rate Committee.
10. Following the ten working day waiting period, actual tariff publication is made and transmitted to the Interstate Commerce Commission and/or Alaska Transportation Commission for filing on 30 days statutory notice to the Commission and to the public. Allowing for publication and mailing time this 30 day notice will normally consume 35-40 days as the formal publication must be physically received by the Commissions 30 full days prior to their scheduled effective date.
11. During the 30 day statutory notice period copies of the tariff publication are mailed to tariff subscribers and the official file copies are open for public inspection at the respective Commission offices. Interested parties may petition the Commissions for suspension and investigation of tariff changes thought to be unreasonable.

In addition to the extensive procedure outlined herein above the following points should also be observed:


1. Alaska Carriers Association, Inc., as tariff publishing agent for the motor freight carriers of Alaska, does in fact receive numerous proposals from shippers and shippers do in fact actively participate in our docketing procedure. While it is true that small or occasional shippers may lack the time and expertise to participate in these tariff publication procedures they have the benefit of larger shipper participation and resulting protection.
2. For the same reasons that small or occasional shippers may not participate in the above reference procedures they lack the ability to employ counsel to actively participate in a formal suspension and investigation proceeding before the Alaska Transportation Commission and/or the Interstate Commerce Commission.
3. The Alaska Transportation Commission already has the authority to give public notice of proposed tariff changes and has done so from time to time. Additional delay in affecting tariff changes would unnecessarily delay rate reductions as well as needed increases.

4. Yet another restriction is now being placed on tariff publishing agents by the Interstate Commerce Commission requiring that tariff revisions and supplements be mailed to all tariff subscribers simultaneous with their formal filing with the regulatory agency.
5. Under the procedures outlined above, all competing carriers enjoy the free and unrestrained right to independent action regarding all tariff matters.
6. Alaska Carriers Association, Inc. supports the budgetary request of Alaska Transportation Commission to include a rate analyst on the Commission staff. A rate analyst on the Commission's staff would be extremely helpful to insure reasonable and equitable transportation rates and charges.

THEREFORE, for reasons outlined above, Alaska Carriers Association, Inc. respectfully submits that existing tariff publication procedures provide more than ample opportunity for interested shippers, shipper organizations, and the general public to be made aware of proposed tariff changes, including reductions as well as increases, and therefore the amendments to AS 42 proposed in the subject HB 191 are unnecessary and burdensome for both carrier and shipper alike.

Respectfully submitted,

ALASKA CARRIERS ASSOCIATION, INC.

By   
William L. Fritsch, General Manager

cc: Alaska Transportation Commission  
Alaska Bar Association  
ACA Board of Directors

LAW OFFICES OF  
ALASKA LEGAL SERVICES CORPORATION  
315 FIFTH STREET, SUITE 8  
JUNEAU, ALASKA 99801  
TELEPHONE 586-~~XXXX~~ 6425

*File*

MEMORANDUM

To: Rep. Terry Gardiner

From: Don Clocksin *DC*

Subject: Floor Debate - HB 192, Public Utility Notices

Date: March 20, 1975

Since your bill, HB 192, is in Rules, you may want to refer to this summary when it appears on the House calendar,

I. Background.

This bill originated from the Bush Justice Conference in June, 1974, in Minto, Alaska. There, Alaskans living in rural areas gathered to discuss the delivery of state services to the bush and to recommend changes. One problem identified was the lack of notice and input rural residents had on decisions made by administrative agencies that affected their lives. The Administrative Law Committee of the Alaska Bar Association, made up of lawyers representing utilities and consumers developed the legislation.

II. Present Law.

Under present procedures of the Alaska Public Utility Commission, if a utility requests a rate change or other revision of its tariff from the APUC, the Commission files it, notifies the public, and, if no objections are received within 30 days, the change goes into effect automatically. The present law requires 30 days' notice to the public from the date the proposed revision is filed. Since delays occur between filing with the APUC and actual publication, substantially less than 30 days' actual notice is available to comment. Testimony indicated in 1973 that only 17.3 days actual notice to the public was given, on the average.

III. What the Bill Will Do.

The bill would require at least 30 days' actual notice to the public, and gives the APUC 15 days from the date the proposed change is filed with them to issue the public notice.

The net result is to increase by 15 days the period of time before

a revision can take effect and to assure more time for public comment. The bill will not alter the right of the APUC to adopt changes quicker than that in emergencies.

IV. Support.

The bill is supported by the Bush Justice Monitoring Committee, Alaska Legal Services Corporation, the Alaska Bar Association, and is approved by Commissioner Zerbetz of the APUC. There is no known opposition.

cc: Rep. Bob Bradley ✓

**TERRY GARDINER**

STATE REPRESENTATIVE

POUCH V  
JUNEAU  
99811

BOX 1092  
KETCHIKAN  
99801

# Alaska State Legislature

March 3, 1975

*File  
out #191  
192*

TO: Bob Bradley  
FROM: Terry Gardiner *T.G.*  
SUBJECT: HB 191 and 192

HB 191 and 192 have been referred to your committee, and then they go to Judiciary. I introduced these bills at the request of the State Bar Association and Alaska Legal Services. Enclosed is a whole pile of back up material including a letter that you once wrote supporting such legislation when you were Director of SEACAP. I have talked to Gordon Zerbetz, the Commissioner of APUC, which would be affected by this legislation and he thinks that it is a great idea. I don't think that there will be any opposition to these bills, so speed them on their way if you can.

191+192

SOUTHEASTERN ALASKA  
COMMUNITY  
ACTION PROGRAM



May 22, 1973

Mr. Gordon J. Zerbetz, Commissioner  
Alaska Public Utilities Commission  
110 MacKay Building  
Anchorage, Alaska 99501

RECEIVED APUC

Dear Mr. Zerbetz:

24 MAY 73 14: 07 The Southeastern Alaska Community Action Program works with the villages in Southeastern Alaska. Through this close working relationship we are able to better understand the needs of these rural people than are many agencies. The Public Utilities Commission decisions are such that they have widespread effect on the people and villages of Southeastern. For this reason SEACAP has taken interest in the upcoming PUC public hearing. SEACAP is concerned about the type of notices the utility companies now utilized to inform their subscribers of rate changes. The predominate method is to publish written notices in the legal column of the newspaper that services the affected area. This method has several obvious shortcomings for the village people. Many people living in the village do not receive newspapers. Many older people are not able to read or read with great difficulty. Few people take the time to read the legal columns even if they are receiving a newspaper. As not to criticize without suggestions for improvement SEACAP does have several recommendations. The notice of rate changes should be continued in the newspapers. In addition, notices should be posted in public buildings (i.e. post office, city hall) and on community bulletin boards. Individual notices should also be sent to subscribers with their regular utility bill, at least 30 days before the rate change is to become effective. Announcements on the radio should also be used to spread this type of information. To insure all the people understand, the announcement should be read in English and the dialect native to the affected area. The adoption of these recommendations would bring better service to the public.

Very truly yours

Robert E. Bradley  
Executive Director/SEACAP

Telephone (907) 452-1746

*Doyon, Limited*

~~XXXXXXXXXXXX~~

527 Third Avenue

~~XXXXXXXXXXXX~~

*Fairbanks, Alaska 99701*

May 29, 1973

Mr. Jack Stearn  
Executive Director  
Alaska Public Utilities Commission  
1100 MacKay Building  
338 Denali Street  
Anchorage, Alaska 99501

Dear Mr. Stearn,

It has been brought to our attention that you are soliciting comments on Title 3 to implement AS 42.05 as it relates to notice that utility companies must provide to their customers whenever these companies set or change their rates.

RECEIVED APR 31 MAY 73 11: 50  
Doyon, Limited is a native Regional Corporation with a very deep interest in utilities within the 42 villages in our region. We have been aware for some time that the notice for public hearings on rate changes and service has been totally inadequate.

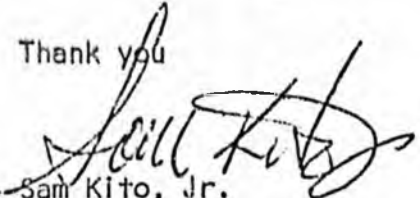
I would like to thank the Commission for sincerely looking into this problem and doing something about it.

We believe that future public notice should be given by radio as well as newspapers. Newspaper notice is generally in the legal section and receives very little scrutiny. Radio notices would be just an additional way to make sure that as many people as possible know about the hearings. Additionally we feel that native languages should be used where the language is used more than English.

One final method of notification we believe should be used is to require the utility to give written notice to individual customers along with utility bills.

Please enter this letter into the official transcript of hearing.

Thank you

  
Sam Kito, Jr.

Executive Vice President