

HB

1911

COMMITTEE REPORT

3/13/75

HOUSE

Mr. Speaker:

Date 4/16/75

The Committee on JUDICIARY has had HB 101

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 HB 101 AND THAT

CS FOR HB 101 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>	_____	_____

Members NOT concurring in the Majority report:

<u>[Signature]</u>	recommends: <u>[Signature]</u>
_____	recommends:
_____	recommends:
_____	recommends:
_____	recommends:

[Signature] Chairman

House Judiciary Committee  
April 3, 1975

The meeting was called to order at 7:20 p.m. by Chairman Gardiner, and was ruled a continuance of the afternoon meeting.

#### HB 191 Transportation Tariff

Commissioner Motley testified that the ATC would like to give 45 days notice, but this creates problems in administration. It would be theoretically possible to have two different rates in effect at the same time. He felt that this problem could be worked out, possibly by giving the federal notice earlier than required.

Mr. Specking suggested making the language similar to that of the ICC. He questioned whether the commission or the shipper was required to notify the public.

Mr. Bradley moved HB 191 out of committee and asked unanimous consent. Mr. Parr objected. Mr. Bradley withdrew his motion. Mr. Parr requested that the ATC be notified for one final time and requested to present justification as to why they oppose the 45 days notice.

#### HJR 11 Veto, special session

The following amendments were adopted:

page 1, line 7: in the title -- after "bills" insert a period and delete the rest of the title.

page 2, line 2: delete the underlined language in lines 2 and 3 and insert: "than the fifth day of the next regular or special session of that legislature."

CS HJR 11 was moved out of committee.

#### HJR 4 Governor's term

Mr. Gardiner turned the chair over to Mr. Bradley. Mr. Gardiner, sponsor of the bill, testified that the adverse effects of an election in the middle of a governor's possible term must be weighed against the public accountability that the election provides. He said that work in an election year is just as important as any other time and should not be sacrificed to political ambition. He suggested that language be put in the bill to state that a governor having a 4 year term previous to election to a six year term would be allowed to serve the full six year term. This would hold true not only for transitional periods but could also be incorporated to cover a lt. governor who serves more than 4 years of a governor's term -- who would then not be eligible to run, but who serves less than four years -- would be eligible for a six year term of his own.

It was decided that proposed amendments would be drawn up.

House Judiciary Committee  
March 25, 1975

The meeting was called to order at 1:25 p.m. by Chairman Gardiner. All members were present except Mr. Specking.

HB 2 Alaska Art

Helen Fischer, sponsor of the bill, testified that it would cover other than native Alaska artists as a companion bill to the Silver Hand. This bill specifies controls and provides penalties for misuse. She stated that the Department of Commerce does not anticipate much additional cost to administer the program. She suggested that the last paragraph of the bill be deleted.

Mr. Parr moved on page 4, line 3: after "processors" delete to end of bill. The amendment passed.

Kathy Schenker of ANAC testified that if the stickers were improperly used they might legitimize replicas of authentic native art and confuse the public. She suggested that the artists themselves apply to use the stickers, not the merchants. Mrs. Fischer concurred. She questioned the availability of funds to administer the program.

The committee considered the possibility of another bill to amend 45.66.040 to amend the Silver Hand statutes so that artists and not merchants affix the Silver Hand stickers.

Mr. Clocksin asked whether the bill was designed to protect all Alaska art -- even mass produced products -- or creative Alaska art. He stated that the public would be confused in differentiating this sticker from the Silver Hand. He stated that even with Mr. Parr's amendment, out of state work would have to be prohibited in the definition section.

HB 191 Transportation tariffs

Don Clocksin testified that the bill was a proposal of the Bush Justice conference. Presently proposed changes are submitted to the Transportation Commission, processed, and then notice given the public. He charged that the notice given was so inadequate as to allow almost no public input. The bill would require 30 days notice to the public.

Wes Coyner of the Alaska Carriers Assoc. testified that there are literally hundreds of proposed rate changes received by the Commission each week. He stated that the ATC is against the bill. The Committee requested that the commission be notified again of the next scheduled meeting.

Alan Compton testified that it presently takes two weeks to get the notice out to the public. By requiring that the public have 30 days notice the process is merely extended two weeks.

On the phone the ATC stated that they are opposed to the bill because of the many changes they receive each week. They did send a letter to the Commissioner of Commerce so stating.

*last change*

*Free mailing list of newspaper publishing  
eliminated by Reg  
\$20 a year journal - publication*

Original sponsor: Gardiner

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 191

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to changes in transportation tariffs."

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

8 \* Section 1. AS 42.10.290(a) is amended to read:

9 (a) Unless the commission otherwise orders, no change may be made  
10 by a common carrier in its rates, classifications, rules, regulations,  
11 or practices or in a contract or agreement relating to a rate, classifi-  
12 cation, rule, regulation, or practice except after 45 [30] days notice  
13 to the commission and 30 days notice to the public. Notice shall be  
14 given to the commission by filing with the commission and keeping open  
15 for public inspection the revised tariff provisions which shall plainly  
16 indicate the changes to be made in the schedules then in force and the  
17 time when the changes will go into effect. The commission shall pre-  
18 scribe means by regulation whereby notice is given to the public before  
19 or no later than 15 days after the filing which shall be reasonably  
20 adequate to notify customers affected by the filing. [MAY PRESCRIBE  
21 ADDITIONAL MEANS OF GIVING NOTICE]. The commission, for good cause  
22 shown, may allow changes to take effect on less than 45 [30] days notice  
23 to the commission or 30 days notice to the public under such conditions  
24 as the commission may prescribe.

25 \* Sec. 2. AS 42.15.191(a) is amended to read:

26 (a) Unless the commission otherwise orders, no change may be made  
27 by a common carrier in its rates, classifications, rules, regulations or  
28 practices or in a contract or agreement relating to a rate, classifica-

*- if not  
affected  
no public*

*Public notice  
is effective notice*

1 the commission and 30 days' notice to the public. Notice shall be  
2 given to the commission by filing with the commission and keeping open  
3 for public inspection the revised tariff provisions which shall plainly  
4 indicate the changes to be made in the schedules then in force and the  
5 time when the changes will go into effect. The commission shall pre-  
6 scribe means by regulation whereby notice is given to the public before  
7 or no later than 15 days after the filing which shall be reasonably  
8 adequate to notify customers affected by the filing [MAY PRESCRIBE  
9 ADDITIONAL MEANS OF GIVING NOTICE]. The commission, for good cause  
10 shown, may allow changes to take effect on less than 45 [30] days' notice  
11 to the commission or 30 days' notice to the public under conditions the  
12 commission prescribes.

13 \* Sec. 3. AS 02.05.140(b) is amended to read:

*Air carriers  
AT Com recommendation*

14 (b) Extent and manner of filing. Tariffs shall be filed and made  
15 available to the public as provided in (f) of this section for changed  
16 tariffs as set out there, otherwise to the extent and in the manner  
17 required by regulations of the commission. The form of every tariff  
18 shall be prescribed by the commission. The commission shall prescribe  
19 a form as nearly similar as possible to the form of tariffs required of  
20 air carriers by the Civil Aeronautics Board or other agency of the  
21 federal government under the Act of Congress entitled "Federal Aviation  
22 Act of 1958," and acts amending or supplementing it. The rates, fares  
23 and charges shown in a tariff shall be stated in terms of lawful money  
24 of the United States.

25 \* Sec. 4. AS 02.05.140(f) is repealed and re-enacted to read:

26 (f) Notice of change in tariff. Unless the commission otherwise  
27 orders, no change may be made in a rate, fare, or charge, or a classi-  
28 fication, rule, regulation, or practice affecting the rate, fare, or  
29 charge or the value of the service thereunder, specified in any effect-

1       tive tariff of a certificated carrier, air taxi operator or carrier  
2       exempt under sec. 50(b) of this chapter, except after 45 days notice  
3       to the commission and 30 days notice to the public. Notice shall be  
4       given to the commission by filing with the commission and keeping open  
5       for public inspection the revised tariff provisions which shall plainly  
6       indicate the changes to be made in the schedules then in force and the  
7       time when the changes will go into effect. The commission shall pre-  
8       scribe means by regulation whereby notice is given to the public before  
9       or no later than 15 days after the filing which shall be reasonably  
10      adequate to notify customers affected by the filing. The commission,  
11      for good cause shown, may allow changes to take effect on less than 45  
12      days notice to the commission or 30 days notice to the public under such  
13      conditions as the commission may prescribe.

HB191

One of twice a month

MAR 27 REC'D

ALASKA TRANSPORTATION COMMISSION  
1000 Mackay Bldg., 338 Denali St.  
Anchorage, Alaska 99501  
Telephone 279-1451

RECEIVED

Volume 2, No. 6

JOURNAL

Alaska Land Service Corporation  
March 25, 1975

Applications pending before the Commission are hereby noticed pursuant to the provisions of 3 AAC 60.180 of the Alaska Transportation Commission Rules of Practice and Procedure.

PROTEST DEADLINE: April 9, 1975, unless otherwise noted.

<u>DOCKET NO. &amp; DATE FILED</u>	<u>APPLICANT</u>	<u>SERVICE DESIRED</u>
75-70-AT/A 3/13/75	C & L, INC., d/b/a Port Heiden-Chignik Air Service P. O. Box 747 Wemmer, Alaska 99603	Amend air taxi certificate No. 59 to include fixed wing aircraft 12,500 lbs. or less GTOW, from an additional base of operations at Brown Bear Lodge Airstrip and Regular Field (near Port Heiden).
	Attorney: Andrew E. Hoge, 601 W. 5th, #304, Anchorage	
75-71-AS/A 3/11/75	ALASKA AERONAUTICAL INDUSTRIES, INC. P. O. Box 6067 Anchorage, Alaska 99502	Amend air scheduled certificate No. 234 to include Anchorage/Seward/Anchorage service.
	Attorney: S. A. Debenham, 511 W. 4th Ave., Anchorage	
75-72-MF/X 3/14/75	Willard D. Rowley, d/b/a R & R CONST. P. O. Box 464 Chugiak, Alaska 99567	Temporary common carrier authority to transport wrecked, damaged, and/or disabled vehicles on the roads adjacent to and utilized for transportation of equipment, materials and supplies for the Trans-Alaska Pipeline construction projects on the one hand, and on the other hand, points in Zones 4 and 5. Authority limited to the use of wrecker type vehicles which weigh not less than 15,000 pounds.

PROTEST DEADLINE: April 4, 1975.

75-73-MF/O  
3/14/75

Willard D. Rowley, d/b/a  
R & R CONST.  
P. O. Box 464  
Chugiak, Alaska 99567

Common carrier permit to  
transport wrecked, damaged,  
and/or disabled vehicles on  
the roads adjacent to and  
utilized for transportation

of equipment, materials and supplies for the Trans-  
Alaska Pipeline construction projects on the one hand,  
and on the other hand, points in Zones 4 and 5.  
Authority limited to the use of wrecker type vehicles  
which weigh not less than 15,000 pounds.

75-76-AT/O  
3/17/75

Dennis R. Thomas, d/b/a  
THOMAS TRADING POST  
Crooked Creek, Alaska 99576

Air taxi certificate to  
utilize fixed wing aircraft  
of 12,500 lbs. or less GTOW  
from a base of operations

at Crooked Creek, Alaska.

75-77-AT/T  
3/17/75

AIRSERV, INC.  
Box 807  
Kodiak, Alaska 99615

Acquire by transfer of  
South Central Air Taxi,  
Inc., Air Taxi Certificate  
No: 266

Attorney: George L. Benesch, 608 W. 5th Ave., Anchorage

75-79-MP/T  
3/18/75

MT. MCKINLEY BUS LINES, INC.  
731 C Street  
Anchorage, Alaska 99501

Transfer stock ownership  
and control of Certificate  
of Public Convenience and  
Necessity No. C-15 to

William S. Gilbert from Ralph H. Dickenson.

Applicant has requested temporary transfer pending  
final decision.

Attorney: Kenneth R. Lamb, 921 W. 6th Ave., Anchorage

74-146-MF/O  
3/11/75

Lawrence J. Davis, d/b/a  
SONNY CONTRACTOR  
Box 148  
Bethel, Alaska 99559

Amendment of application for  
common carrier permit to  
transport commodities in  
bulk in dump type equipment,  
and general commodities, in-

cluding houses, buildings and mobile homes between  
points within a fifty (50) mile radius of Bethel,  
Alaska.

Application originally noticed in the June 5, 1974  
Journal, Volume 1, No. 10.

Applicant has requested temporary authority pending  
final decision.

Attorney: Christopher R. Cooke, P. O. Box 555, Bethel

PROTESTS AND PETITIONS TO INTERVENE in any of the foregoing applications shall be filed pursuant to 3 AAC 60.100, 190, and 430(b). All filings shall be postmarked not later than APRIL 9, 1975, unless otherwise noted or served on the Commission Recorder, 10th Floor, MacKay Bldg., 338 Denali Street, Anchorage by 4:30 p.m. on said date, and shall include proof of service on applicant AND his attorney.

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68-153-MP/A ALASKA HINAY TOURS, INC. Order No. 75-104, dated March 10, 1975, granted name change to WESTOURS MOTOR COACHES, INC. and re-issuing certificate of public convenience and necessity No. 2 to conform to 3 AAC 66.380 and in compliance with previously granted authority. Order to become effective May 1, 1975.

Copy of Order No. 75-104 will be available upon request

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#### TEMPORARY AUTHORITY

75-14-MF/X B & J TRUCKING CO. Telegram sent March 14, 1975 granting temporary extension of authority of Contract Carrier Permit No. 257 to transport commodities in bulk in dump type equipment between points in Zone 4.

Authority will expire May 1, 1975.

On March 14, 1975, a telegram was sent to the following carriers cancelling temporary emergency authority to transport bulk petroleum from Tesoro refinery in Zone 3 to points along or adjacent to the Trans-Alaska pipeline route north of Fairbanks in Zone 4, as of midnight, March 15, 1975.

SOURDOUGH FREIGHT LINES, INC., Permit No. 79, Docket 75-45-MF/X  
HEATHERLY AND SONS, INC., Permit No. 100, Docket 75-46-MF/X  
LYNDEN TRANSPORT, INC., Permit No. 121, Docket 75-55-MF/A  
COPPER FREIGHT LINES, INC., Permit No. 65, Docket 75-56-MF/A

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TEMPORARY EMERGENCY EXEMPTION granted to Roger W. Nordlum, d/b/a NORDLUM EQUIPMENT by Order No. 75-116 dated March 19, 1975, to provide authority to utilize fixed wing aircraft of less than 12,500 lbs. GTOW in air commerce for the account of Petty Ray Geophysical, Inc., with respect to the latter's geophysical operations in the area northwest of Kotzebue, Alaska. This authority will expire April 30, 1975, unless sooner amended, suspended, or revoked by order of the Commission

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ATTENTION PROCEDURE CHANGE

Effective immediately, and until further notice, requests for temporary authority will be handled by petition when filed concurrently or subsequent to filing standard application for permanent authority, when there is an existing permit or certificate involved. The petition for temporary authority must request EXACTLY the same authority as the permanent application, and be accompanied by a check for \$40.00 to cover publication and clerical fees.

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ALL COMMISSION FILES ARE AVAILABLE for review between the hours of 8:00 a.m. to 12:00 noon, and 1:00 p.m. to 4:00 p.m. at the main office on the 10th Floor of the MacKay Bldg., Anchorage, Alaska. The Commission office is closed between 12:00 noon and 1:00 p.m.

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SPECIAL NOTICE

The ATC Journal is published twice a month and mailed approximately the 5th and 20th. Actual publication dates are the 10th and 25th of each month, with protest and petition to intervene deadline 15 days thereafter. If you are on the subscription list and have not received your copy two or three days after the established publication date, contact this office and another copy will be mailed immediately.

Misplaced or missing issues of a journal will not be legitimate grounds for late filings.

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The following matters have been set for hearing by notice to the parties. Hearings before the Commission are open to the public, however, because the parties to the proceeding incur expenses, only the parties can participate. Late-breaking developments may require a postponement or outright cancellation of a hearing, causing a change in the following schedule. A current calendar is posted outside the hearing room at the Commission office.

<u>DATE</u>	<u>NAME</u>	<u>DOCKET NO.</u>	<u>PLACE</u>	<u>TIME</u>
March 25	Larry's Auto Service	73-93-MF/O	Anchorage	9:30 a.m.
April 7	Mt. McKinley Bus Lines, Inc.	74-6-MP/I	Anchorage	9:30 a.m.
April 8	Sidney R. Campbell	70-323-MF/O	Anchorage	9:30 a.m.
	Mel's Trucking	73-177-MF/T	Fairbanks	9:30 a.m.
	D-8 Company	C3616 & 3617	Fairbanks	9:30 a.m.
April 9	Air North	74-16-AT/A	Fairbanks	9:30 a.m.
April 10	Arctic Auto Rental	C3688 & 3690	Anchorage	9:30 a.m.
April 11	Footes Housemoving	73-173-MF/O	Anchorage	9:30 a.m.
April 14	Carlson's Modern Housemoving	73-194-MF/A	Anchorage	9:30 a.m.
April 15	Bear Lake Lodge, Inc.	73-295-AT/O	Cold Bay	2:00 p.m.
	Franz Flying Service	74-130-AT/O		
April 21	Sea Airmotive, Inc.	74-50-AT/A	Anchorage	9:20 a.m.
April 22	Tom Bertrand and Michael Yorke	74-228-AT/C	Anchorage	9:30 a.m.
	Silvertip Air Service	75-19-AT/O	Anchorage	
April 23	Airborne Freight Corp.	74-323-MF/A	Anchorage	9:30 a.m.

# MEMORANDUM

## State of Alaska

TO: [The Honorable Terry Gardiner  
House of Representatives

DEPT. \_\_\_\_\_

DIV. \_\_\_\_\_

SEC. \_\_\_\_\_

DATE : 3/25/75

FROM: Chairman Johnson  
ATC - Anchorage

SUBJECT: House Bill 191

Enclosed is a copy of the ATC's comments on the above referenced Bill that we discussed on the telephone this date.

TO: ATC

DATE: February 25, 1975

(~~CONFIDENTIAL~~) - HOUSE) BILL 191

RE: An Act relating to changes in transportation tariffs.

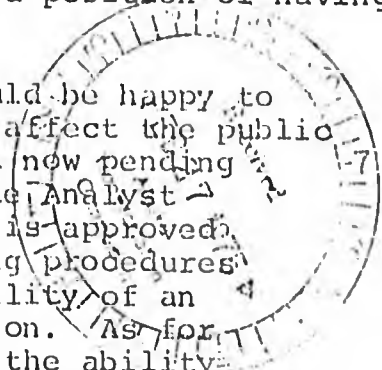
Check One:

- 1. TOP PRIORITY - in favor of. \_\_\_\_\_
- 2. FAVOR - in favor of, but not top priority. \_\_\_\_\_
- 3. OK - no definite stand. \_\_\_\_\_
- 4. NOT IN FAVOR - XX \_\_\_\_\_
- 5. TOP PRIORITY - "Strongly Opposed" \_\_\_\_\_
- 6. BILL DOES NOT PERTAIN TO DIVISION \_\_\_\_\_

COMMENTS: (Justification must be stated for the above line checked - continue on another page if needed.)

The commissioners and the staff here at ATC have reviewed this bill. While we all recognize and appreciate the intention behind it, we do not feel the language in this particular piece of legislation accomplishes that purpose. First of all, the 45 days notice rather than 30 days notice would create real problems in that a majority of these rates apply to both intra- and inter-state, and with the ICC still requiring 30 days, it could put a carrier in a position of having two different rates in effect at the same time.

Please advise Rep. Gardiner that the Commission would be happy to testify in depth on these tariff matters, how they affect the public and what our problems are in this area. Our budget now pending before the Legislature includes a position of a Rate Analyst which the Commission desperately needs and if that is approved and funded, we hope to set up some sort of docketing procedures on rate increases which would eliminate the possibility of an increase going through that has escaped our attention. As for notice to the public, the Commission presently has the ability to adopt more strict regulations in this area and we heartily concur that this should be a priority item of the Commission.



Writer's Signature: *R. G. Locken*  
Writer's Title: Commissioner  
(DEADLINE 24 hours)

COMMENTS OF ATC

Per telephone conversation 4/10/75 with Commissioners Rocker and DeBoer of the ATC, have been informed that their concern with HB 191 falls into three main areas:

1. In the interest of uniformity, the air act AS 02.05 should probably be included in the bill.
2. They are against the idea of public notice on all applications for rate changes, classifications, etc. They say they receive approximately 255 filings a week, and of those perhaps 4 or 5 would be of general public interest. Need discretionary publication.
3. They are concerned about who should bear the cost of publication of all the notices. Ultimately, the consumer pays, but either the ATC will need an increased budget if it is directed to publish notice at its expense, or there should be provisions for the carrier to pay the publication costs. They suggest that normally the carrier pays such costs and express language be put in to indicate that the carrier applying for the change or whatever must pay for the public notice.

A M E N D M E N T S

2. Page 1 line 18 after the word "public" insert the following:  
"on matters affecting the general public interest"
3. Page 1 line 20 after the word "filing" insert the following:  
"The cost of said <sup>Public</sup> notice to the public, when notice is deemed appropriate by the Commission, shall be borne by the carrier or carriers making the filing."

With adoption of the above amendments, or amendments doing essentially the same thing, the ATC would endorse HB 191.

# AGREEMENT

UNDER SECTION 5(a) OF THE  
INTERSTATE COMMERCE ACT

Including

ARTICLES OF INCORPORATION

and

BY-- LAWS

of

ALASKA CARRIERS ASSOCIATION, INC.

3443 Minnesota Drive

Anchorage, Alaska 99503

(907) 272-0568

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ALASKA CARRIERS ASSOCIATION, INC.  
3443 MINNESOTA DRIVE  
ANCHORAGE, ALASKA 99503

OCTOBER 5, 1974

The following changes in the Association By-Laws were approved by a ballot vote of the membership effective July 31, 1974:

1. Amend Article V, Section 3, to add the words "Except as provided in Section 4 of this Article," at the beginning of the first sentence in Section 3.

2. Amend Article V to add a new Section 4 as follows:

"Section 4: Affiliated Associations. Any conference of the Association may organize itself as an affiliated independent association under the non-profit corporate laws of the State of Alaska, AS Title 10, under the following conditions:

1. Membership in Alaska Carriers Association, Inc., shall be a prerequisite for membership in any such affiliated independent association. Membership dues shall be paid to Alaska Carriers Association, Inc., by the affiliated association for its individual members in an amount negotiated by, and agreed to, from time to time by the Board of Directors of such affiliated association and the Board of Directors of Alaska Carriers Association, Inc.

2. Any affiliated association shall be financially independent and capable of self support through the assessment of membership dues and the securing of revenues through other legitimate means and shall have the right to employ a manager to serve under the direction of its Board of Directors.

3. The President of any affiliated association shall serve as a member of the Board of Directors of Alaska Carriers Association, Inc., in the same manner as outlined in Article VI, Section 1, Paragraph A, pertaining to conference groups of Alaska Carriers Association, Inc.

4. Alaska Carriers Association, Inc., may perform clerical, secretarial and bookkeeping services, including tariff publication, and may provide office facilities for any affiliated association and shall charge such affiliated association for said services and facilities at reasonable fees and charges as negotiated by, and agreed to, from time to time by the Board of Directors of such affiliated association and the Board of Directors of Alaska Carriers Association, Inc.

5. Alaska Carriers Association, Inc., shall not be responsible nor legally liable for the actions of any affiliated association or its employees."

AFFIDAVIT

STATE OF ALASKA

I, Edward R. Sanders, being first duly sworn, depose and state on oath: That I am the duly elected attorney-in-fact for each of the carriers listed in Exhibit 3 of this agreement, who are parties to this agreement, that I am authorized and directed by each of said carriers to make application to the Interstate Commerce Commission in their behalf for approval of said agreements; that I was duly authorized to verify and file the original application for approval of proposed agreement and to prepare and file this revised agreement which contains no new changes in the agreement; that I have knowledge of the matters contained in this agreement; that all of the statements, exhibits and matters set forth herein are true and correct to the best of my knowledge, information and belief.

/s/ Edward R. Sanders  
Edward R. Sanders

Sworn and subscribed to before me this 5th day of January, 1973.

/s/ William L. Fritsch  
Notary Public, State of Alaska  
My Commission expires 9/24/76

(Seal)

-----  
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of this agreement in this proceeding, by first-class mail, upon the Alaska Transportation Commission, to parties of record herein and to each carrier applicant shown in Exhibit 3 hereof.

Dated at Anchorage, Alaska this 5th day of January 1973.

/s/ Edward R. Sanders  
Edward R. Sanders

EXHIBIT I

SECTION I

ARTICLES OF INCORPORATION

OF

ALASKA CARRIERS ASSOCIATION, INC.

Know All Men By These Presents:

That we, the undersigned, being adult persons and bonafide residents of the State of Alaska, have this day united and associated ourselves together for the purpose of forming a non-profit corporation under the laws of the State of Alaska and the laws of the United States applicable thereto, and we do hereby make, sign and acknowledge in triplicate the following articles of incorporation:

ARTICLE I

The name of this corporation shall be Alaska Carriers Association, Inc., hereinafter called the "Association".

ARTICLE II

The nature of the business, and the objects and purposes to be transacted, promoted and carried on by this Association shall be, and are, to do any things hereinafter mentioned, as fully and to the same extent and purposes as natural persons might or could do, to-wit:

(A) To create an organization of the trucking companies operating from, to or within Alaska to prosecute and accomplish all matters of interest or concern to the members thereof.

(B) To further the education of those engaged in such transportation on matters affecting the operation of motor vehicles, including safety facilities, safety devices and laws governing such operations.

(C) To affiliate with or to establish reciprocal relations with any other association or organization, commercial or industrial, and with the American Trucking Associations, Inc.

(D) To participate in the national affairs of the trucking industry through the timely election of a state vice president and directors of the American Trucking Associations, Inc., and in the activities of such association nationally.

(E) To act as the medium for the expression of views of its members on matters affecting the interests of those engaged in the transportation of property.

(F) To foster and advance safety on the public roads and highways.

(G) To do such things as may be proper to create and stimulate a fair and intelligent attitude on the part of the public with respect to the transportation business of its members and to work to accomplish fair and intelligent legislation with respect thereto.

(H) To promote and foster the business of its members and distribute to such members, and the public, accurate and reliable information on matters of transportation.

(I) To do everything possible to remove abuses from the business of transportation.

(J) To promote harmony among the members of this Association by encouraging and promoting the welfare of the truckers both internally, by persuasion and discipline, and externally by affiliation with the American Trucking Associations, Inc., thereby promulgating suggestive legislation and the pooling of ideas.

(K) To lease, buy, mortgage and sell real estate and personal property, in the manner provided by law, for the purpose of carrying on the purposes of this Association, to act as distributing agent, without profit, for the members of this Association; and to do all such acts and things as may be necessary, proper and advisable for increasing the trucking business of its members and for facilitating the same.

(L) In general, to carry on any other business in connection therewith, not forbidden by the laws of the State of Alaska or of the United States, and with all the powers conferred upon non-profit corporations by the laws of the State of Alaska.

#### ARTICLE III

The location of the principal place of transacting business of the Association within the State of Alaska shall be the City of Anchorage, Alaska.

#### ARTICLE IV

The existence of this Association shall commence with the filing of these Articles of Incorporation in the office of the Director of Finance, State of Alaska, and shall continue therefrom for a period of twenty (20) years; thereafter to be renewed according to law.

#### ARTICLE V

The terms of admission to membership in this organization shall be that which the membership hereof shall prescribe in its By-Laws.

#### ARTICLE VI

The highest amount of indebtedness or liability to which the Association shall at any time be subject shall be the sum of Two Hundred Thousand Dollars (\$200,000). The private property of the members of this Association shall not be liable for corporate debts.

#### ARTICLE VII

The affairs of this Association shall be managed by a Board of Directors. Such Directors shall be elected at the first meeting of the membership and thereafter in accordance with the By-Laws of the Association.

#### ARTICLE VIII

These Articles of Incorporation may be amended at a regular or special meeting of the members of the Association called for that purpose by vote of two-thirds of the members present or represented at the meeting. However, any amendment of these Articles of Incorporation should not be made at a regular or special meeting unless a notice is mailed to each member at his last address of record, at least 30 days before the meeting, stating that it is proposed that the articles be amended at the said meeting.

IN WITNESS WHEREOF, we have hereunto subscribed our names and affixed our seals to these Articles of incorporation, in triplicate, at Anchorage, in the State of Alaska, this 5th day of January, 1973.

/s/ James L. Playle  
James L. Playle, President

/s/ Bernard Kopf  
Bernard Kopf, First Vice President

/s/ Gordon S. Harang  
Gordon S. Harang, Secretary-Treasurer

STATE OF ALASKA )  
                  ) ss  
THIRD DIVISION )

THIS IS TO CERTIFY that on this 5th day of January 1973, before me, the undersigned Notary Public in and for the State of Alaska, duly commissioned and sworn, personally came James L. Playle, Bernard Kopf and Gordon S. Harang, each to me personally known to be the identical individuals named in and who executed the foregoing Articles of Incorporation, and each duly acknowledged to me that he signed the same as his free and voluntary act and deed for the uses and purposes therein mentioned; and each stated that he held the office designated beneath his signature; and each stated that these amended Articles of Incorporation were amended at the regular annual meeting of the Corporation at Anchorage, Alaska, on November 6, 1971 and that notice of said meeting was furnished to all members more than thirty days prior to said meeting; which notice stated that it was proposed that the Articles of Incorporation be amended at said meeting; and, that all amendments were approved by a vote of two-thirds (2/3) or more of the members present and represented at said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year above written.

/s/ William L. Fritsch  
Notary Public in and for the State of  
Alaska  
My Commission expires 9/24/76

(SEAL)

EXHIBIT I

SECTION 2

BY - LAWS  
of  
ALASKA CARRIERS ASSOCIATION, INC.

ARTICLE I

IDENTITY

This Association shall be known as ALASKA CARRIERS ASSOCIATION, INC., a non-profit corporation of the State of Alaska, with its principal office in the City of Anchorage, in the State of Alaska.

ARTICLE II

PURPOSES

The objectives of this Association are:

(A) To foster and promote the trucking industry in the State of Alaska and elsewhere;

(B) To promote uniformity and certainty in customs and usages of the motor trucking industry;

(C) To promote the welfare of its members by friendly association, cooperation and education to the end that valuable aid to the trucking industry and to the community may thereby be developed;

(D) To act as the medium for the expression of views of its members on matters affecting the interests of those engaged in the trucking industry and to distribute to its members and the public accurate and reliable information on matters of transportation;

(E) To consider, compile, publish, print and file with the Interstate Commerce Commission, the Alaska Transportation Commission or any other proper regulatory body, tariffs required by law and all changes therein; and to appear for its members in all such matters before such regulatory bodies;

(F) To do such things as may be proper to create and stimulate a fair and intelligent attitude on the part of the public and to encourage the passage of wise and just laws beneficial to the motor trucking industry;

(G) To settle and adjust differences among its members where possible;

(H) To inculcate a high standard of business integrity, equity and justice in all who are either directly or indirectly connected with the motor trucking industry to the end that it may carry on its business with the confidence and respect of the public, as well as the members of the industry;

(I) To lease, buy, mortgage and sell real estate and personal property, in the manner provided by law, for the purpose of carrying on the objectives of this Association, and to act as distributing agent without profit for its members; and

(J) In general, to carry on any other business in connection therewith, not forbidden by the laws of Alaska or of the United States, and with all the powers conferred upon non-profit corporations by the laws of the State of Alaska.

ARTICLE III  
MEMBERSHIP

Section 1: Any reputable person, firm, co-partnership, or corporation directly connected with or engaged in transportation of persons or property by motor vehicle from, to or between points in the State of Alaska, together with such other persons as may be engaged in allied or related industries, also connecting carriers using different modes of transportation, shall be eligible for membership in this Association. Any eligible common carrier of persons or property may only become or remain a member of the Association by executing an agreement to abide by the By-Laws of the Association, upon payment of dues and assessments as provided herein, and, if desiring to participate in the tariffs of the Association, upon executing a Rate and Tariff Agreement, a Power of Attorney in favor of the Association, and payment of dues and assessments as provided herein. The classes of membership shall be as hereinafter provided.

Section 2: Active Membership. Any individual, partnership, corporation, or other form of organization directly engaged in the transportation of persons or property by motor vehicle on the highways, roadways, streets and thoroughfares in the State of Alaska shall be eligible to Active Membership in this Association.

The Active Membership shall consist of two classes:

- (a) For-Hire (those engaged in for-hire transportation).
- (b) Private (those engaged only in private transportation).

Section 3: Associate Membership. Any individual, partnership, corporation or other form of business enterprise engaged in a business allied or related to, or otherwise interested in, the transportation of property by motor vehicle shall be eligible to Associate Membership in this Association.

Section 4: Application for Membership. Application for membership in the Association shall be made in such form as may be established by the Board of Directors and shall be accompanied by such initiation fees and dues as may be prescribed by these By-Laws or by regulation of the Board of Directors.

Section 5: Withdrawal or Expulsion. Any member may withdraw from the Association by giving sixty (60) days written notice of intent to do so and by making payment of all obligations due the Association to the effective date of withdrawal.

Any member may be suspended or expelled for failure to promptly pay any and all amounts due to the Association.

No member, under suspension from this Association, shall be permitted to exercise any privileges of membership until all matters entering into such suspension have been satisfactorily settled and all monies due the Association shall have been paid.

All property rights, interests and privileges in or to this Association shall cease upon termination of membership by voluntary withdrawal, expulsion, death, adjudication of bankruptcy, corporate dissolution or other cause.

Section 6: Authorized Representatives. All members shall designate in writing filed with the Association the name of the representative (and alternate representative if desired) who shall be authorized to act on behalf of such member in the affairs of this Association, and such designated representatives or alternate shall be eligible to election to the Board of Directors of this Association in the manner hereinafter provided.

## ARTICLE IV

### VOTING RIGHTS OF MEMBERS

Section 1: Active Members. Each Active Member shall be entitled to one vote in the election of members of the Board of Directors, and in all other matters related to the conduct of the affairs of this Association.

Section 2: Associate Members. Each Associated Member shall be entitled to one vote in the election of the Chairman, Vice Chairman and Secretary of the Associate Member Conference, provided, however, Associate Members will not be entitled to vote for Directors at Large.

Section 3: Method of Voting. The right to vote shall be limited to the representative or alternate representative of the member designated in accordance with Section 6 of Article III of these By-Laws. Voting on all matters involving the corporate affairs of this Association, or the membership generally, including the election of Directors at Large, and the amendment of these By-Laws shall be by secret ballot in convention assembled. Mail ballot may be authorized by the Board of Directors in cases of urgency for the purpose of amending these By-Laws or the Articles of Incorporation.

Section 4: Voting. All voting rights in this Association may be exercised by proxy. All proxies shall be in writing and filed with the secretary of the unit, conference or Association, at the case may be, prior to the opening of any meeting. No member may hold more than two (2) proxies at any one meeting. Proxies, once filed, shall be valid for one (1) year unless a specific time limitation is contained in the proxy or it is revoked in writing and such written revocation is filed in the same manner as the proxy being revoked.

## ARTICLE V

### MEMBERSHIP GROUPS

Section 1: Geographical Units. Within the membership of the Association there shall be established Geographical Units, each of which shall be composed of members of the Association located within specified areas of Alaska. Each of such Geographical Units shall be organized with a Chairman, Vice Chairman and a Secretary to be elected annually, not more than sixty (60) days and not less than thirty (30) days prior to the annual convention.

Subject to the power of the Board of Directors to change the number and revise the areas of such units, the Geographical Units of the membership are established as follows:

- #1 Anchorage Unit - All areas of Alaska served by highways west and south of, but not including Glennallen.
- #2 Fairbanks Unit - All areas of Alaska not included in Units #1 and #3.
- #3 Southeastern Unit - All areas of Alaska known as the panhandle or Southeastern Alaska.

Section 2: Conference Groups. Within the membership of the Association there shall be authorized Conference Groups, for the several different types of operations and interests within the trucking industry. Membership in such conferences shall be open to all members of the Association whose operations and activities fall within the types of interest and operations of the respective conferences. Each such Conference Group shall be organized with a Chairman, Vice Chairman and a Secretary to be elected annually.

The following Conference Groups are authorized and the Board of Directors may authorize additional such groups at any time they deem it necessary or desirable to do so:

1. Associate Member Conference
2. Common Carrier Conference
3. Dump Truck Carrier Conference
4. Heavy & Specialized Carrier Conference
5. Household Goods Carrier Conference
6. Local Cartage Carrier Conference
7. Private Carrier Conference
8. Refuse Haulers Conference
9. Tank Truck Carrier Conference
10. Wrecker - Towing Carrier Conference

Section 3: Unit and Conference Activities. No policy, plan of action, or statement shall be made, adopted or issued by any Geographical Unit or Conference Group on any subject which would affect the Association or any other Geographical Unit or Conference Group, except with the express approval of the Board of Directors. Nor shall they take any action contrary to, or inconsistent with, policies theretofore adopted by the Board of Directors. Any Geographical Unit or Conference Group may submit recommendations to the Board of Directors for consideration and action. No Geographical Unit or Conference Group shall have any authority to incur any obligations or enter into any agreements in the name of the Association unless specifically authorized to do so by the Board of Directors.

## ARTICLE VI

### DIRECTORS

Section 1: Board of Directors. The corporate powers of the Association shall be exercised, and the affairs of the Association shall be managed by a Board of Directors. Such Directors shall be designated representatives or alternate representatives of member companies.

The Board of Directors may delegate its authority concerning the affairs of this Association, to such extent as it deems advisable, to an Executive Committee consisting of seven members, one of which shall be the President of the Association. The remaining members to be elected by and from the Board of Directors and to serve at the pleasure of the Board of Directors. The President shall serve as Chairman of the Executive Committee and shall appoint such other officers of the Executive Committee as he from time to time deems necessary. Three members of the Executive Committee shall constitute a quorum.

It shall be the responsibility of the Executive Committee to report to the Board of Directors, at each quarterly and/or other meeting of the Board of Directors, concerning its actions taken since the last report submitted by the Executive Committee. The Executive Committee shall furnish the Board of Directors with a copy of the minutes of its meetings as soon as it is practical for the Managing Director to reproduce and mail such minutes. The Board of Directors will, at the time of receiving such reports, approve or disapprove the actions taken by the Executive Committee. In the event the Board of Directors disapproves an action of the Executive Committee it can only take corrective action dating from the time of its vote of disapproval.

The membership of the Board of Directors shall be composed of elected members as follows:

(A) Conference Groups. The Chairman of each of the Conference Groups, as provided in Article V, shall be a member of the Board of Directors. When a Chairman of a Conference is not present at a meeting of the Board of Directors the Vice Chairman of that

Conference shall serve as a member of the Board of Directors during that meeting. When neither the Chairman nor the Vice Chairman of a Conference is present at a meeting of the Board of Directors the Secretary of that Conference shall serve as a member of the Board of Directors during that meeting.

(B) Geographical Units. The Chairman of each of the Geographical Units, as provided in Article V, shall be a member of the Board of Directors and the Vice Chairman and Secretary, in the order named, shall be alternate members of the Board of Directors.

(C) Directors at Large and Alternates. Other members of the Board of Directors shall be elected at large from the active for-hire membership of the Association. An Alternate Director at Large shall be elected for each Director at Large and may be an officer, owner or principle employee of the same carrier as the Director at Large. Elections shall be as follows:

Members of the Board of Directors and Alternate Members of the Board of Directors shall be elected from the following groups as indicated below in connection with each:

GROUP:

- 1 Two (2) Directors and Alternates shall be elected from companies registering with the Association one piece of payload bearing equipment.
- 2 Three (3) Directors and Alternates shall be elected from companies registering with the Association two to five pieces of payload bearing equipment.
- 3 Three (3) Directors and Alternates shall be elected from companies registering with the Association six to ten pieces of payload bearing equipment.
- 4 Two (2) Directors and Alternates shall be elected from companies registering with the Association 11 to 30 pieces of payload bearing equipment.
- 5 A maximum of four (4) Directors and Alternates shall be elected from companies registering with the Association 30 to 60 pieces of payload bearing equipment.
- 6 Companies registering with the Association more than 60 pieces of payload bearing equipment shall each have a Member and Alternate Member on the Board of Directors.

Nominations for Directors at Large shall be recommended by a nominating committee appointed by the President of the Association.

(D) Immediate Past President. The Immediate Past President of the Association shall be a member of the Board of Directors.

Section 2: Tenure of Office. Directors shall hold office for one year or until their successors are elected and qualified.

Section 3: Seating of Directors. All Directors shall be elected prior to the meeting of the Board of Directors at the annual convention at which time their term of office for the ensuing year will begin.

Section 4: Vacancies. Vacancies on the Board of Directors created by death, resignation, disqualification, or other cause shall be filled (1) by the Conference Group or Geographical Unit in the case of representatives of such Group or Unit, and (2) by vote of the Board of Directors in the case of Directors at Large.

Section 5: Meetings. The Board of Directors shall hold an organizational meeting at the annual convention of the Association. Other meetings shall be held upon the call of the President. At least three such meetings in addition to the annual convention shall be called at regular intervals throughout the year. Notice of such meeting shall be given in writing to each member of the Board of Directors at least three days before the day of such meeting.

Section 6: Quorum. A majority of the members of the Board of Directors shall constitute a quorum at any meeting.

Section 7: Removal. A member of the Board of Directors may be removed by the Board of Directors for failure to attend two consecutive regular meetings of the Board of Directors.

## ARTICLE VII

### OFFICERS

Section 1: Principal Officers. The officers of the Association shall be a President, a Vice President and a Secretary-Treasurer. Each of such officers shall be elected by the Board of Directors from its membership, at its organizational meeting at the annual convention of the Association, and shall hold office until his successor is elected and qualified.

Section 2: President. The President shall be the chief executive officer of the Association. He shall preside at the convention of members and at all meetings of the Board of Directors. He shall be an ex-officio member of all committees and have the responsibility of appointing such committees, except he shall neither appoint nor be an ex-officio member of the Executive Committee, the General Rate Committees, the Standing Rate Committees or the Quotation Committees.

Section 3: Vice Presidents. There shall be a First Vice President and a Second Vice President with duties and responsibilities as follows:

The First Vice President shall act in the office of President in the absence or disability of the President; shall inform himself as fully as possible concerning the affairs of the Association; and shall have and perform such other duties as may be assigned to him by the Board of Directors or the President.

The Second Vice President shall act in the office of President in the event of the absence or disability of both the President and First Vice President; shall act in the office of First Vice President in the event of the absence or disability of the First Vice President; shall be the permanent chairman of the Membership Committee and, as such, shall be charged with the active and continuing effort to increase the membership of the Association. He shall also perform such additional duties as may be assigned to him by the Board of Directors or the President.

Section 4: Secretary-Treasurer. The Secretary-Treasurer shall carry out the duties normally associated with the office of secretary. He shall safeguard the funds of the Association and supervise the maintenance of complete and accurate records of all receipts and disbursements. He shall direct that all funds of the Association be deposited in the name and account of the Association in a depository satisfactory to the Board of Directors. He shall make reports to the Board of Directors and to the convention of members at such times as are deemed appropriate by the Board.

## ARTICLE VIII

### MANAGING DIRECTOR

Section 1: A Managing Director may be employed by the Board of Directors.

Section 2: The Board of Directors may assign duties to the Managing Director, including the responsibility of employing assistants.

Section 3: The Managing Director shall serve under the direction of the Board of Directors.

## ARTICLE IX

### COMMITTEES

Section 1: Standing Committees. The President, with the approval of the Board of Directors, shall appoint standing committees as the Board of Directors may from time to time designate.

At least one member of the Board of Directors shall be included in the personnel of each committee, and such Director or other Director member of the committee shall act as Chairman.

Section 2: Special Committees. The President, with the approval of the Board of Directors, may appoint such other committees as he may deem advisable.

Section 3: Powers of Committees. No committee shall have any power to bind the Association in any manner except as expressly authorized by the Board of Directors.

## ARTICLE X

### ANNUAL CONVENTION

An annual convention of the membership as a whole shall be held each year during the month of September or October at a time and place to be established by the Board of Directors. Notice of such annual convention shall be given in writing to all members of the Association at least fifteen (15) days before the date of the convention.

## ARTICLE XI

### MEMBERSHIP ACTION

Any question upon which membership action is required or desired, at a time other than at the annual convention, shall be submitted to the vote of the membership by mail ballot. Proposals for membership action shall be submitted to the President for presentation to the Board of Directors or to the Executive Committee for their consideration and approval before placement on a mail ballot. Such proposals may be submitted by any Geographical Unit, or Conference Group, or by any ten (10) members (Active or Associate), except that questions involving approval or disapproval of any Board of Directors action must be submitted directly to the vote of the membership by the President and shall be considered only upon receipt of a written request signed by not less than twenty (20) members (Active or Associate). Unless otherwise required by law or by these By-Laws, a majority of those members returning ballots within ten (10) days from the date of the mailing of the ballots or within such time as may be specified beyond such ten (10) day period by appropriate Board action shall constitute membership action.

ARTICLE XII

RULES OF ORDER

(1) Roberts Rules of Order shall be the parliamentary authority of this Association.

(2) No one shall be permitted the privilege of the floor for more than five minutes at any meeting of the Association, its Board of Directors or any Unit or Conference without special permission of the chair.

ARTICLE XIII

INITIATION FEES

Initiation fees for membership shall be:

Active Membership . . . . \$25.00
Associate Membership . . \$25.00

ARTICLE XIV

DUES

Section 1: Active Members. The monthly dues of Active Members shall be as determined by the Board of Directors from time to time subject to the following conditions:

(A) Such dues shall be determined upon the basis of all payload bearing equipment operated from, to or between points in Alaska when fully covered by tariffs published by the Association. When the Association does not publish any of such tariffs or publishes only a partial tariff coverage for a carrier then the number of units upon which charges are based shall be an adjusted number approved by the Board of Directors. Active members shall include both "For-hire" and "Private" carriers (see Paragraph (C)).

(B) Each Active Member shall report to the Association, in writing on a form provided by the Association, on June 1st of each year, the number of pieces of payload bearing equipment being operated from, to or between points in Alaska and such report shall be the basis of dues of such member for the following year, except as provided in Paragraph (A) above, except, further, that dues may be adjusted at any time to reflect increases or decreases in the number of payload bearing units being operated.

(C) Rail and Water Carrier members shall pay dues upon a basis determined by the Board of Directors to be a fair and equitable share of the cost of operating the Association. Such dues amount shall be mitigated and assessed both with regard to the ability to pay and the value of the services of the Association to such carriers.

(D) The schedule of dues, fees and assessments established by the Board of Directors may be changed by the Board of Directors from time to time by notice to the members.

Section 2: Associate Members. The dues of Associate members shall be assessed annually as follows:

Operating one place of business in the state:
(a) - With less than five employees - - - - - \$35.00 per year
(b) - With five or more employees - - - - - 75.00 per year
Operating more than one place of business - - - - - 100.00 per year
Operating in more than one state - - - - - 175.00 per year

Section 3: Payment of Dues. All dues shall be payable in advance, and the payment of dues may be enforced by forfeiture of membership or by legal action, or both.

Section 4: Change in Rate of Dues. The Board of Directors shall have the authority to change the rate of dues as provided in this Article, subject to the following conditions: (1) that all members of the Board of Directors shall have been notified of any such proposal at least fifteen (15) days before the day of the meeting at which such action is taken, and (2) no increase in the rate of dues shall be made effective until at least sixty (60) days following the mailing of the notice to the affected members of the Board action.

#### ARTICLE XV

##### LIABILITY OF MEMBERS

No liability of any nature shall attach to the membership of this Association other than for dues and charges made according to these By-Laws, or charges for special services rendered, or for special assessments levied with the written approval of the member.

#### ARTICLE XVI

##### AMENDMENTS TO BY-LAWS

Except as otherwise provided herein, these By-Laws may be amended by the vote of the Active and Associate members taken in accordance with Article XI hereof, or by action of the membership during annual convention.

#### ARTICLE XVII

##### FISCAL YEAR

This Association shall operate for fiscal purposes from the first day of July to and through the thirtieth (30th) day of June of each year.

#### ARTICLE XVIII

##### TARIFF BUREAU FUNCTION

Section 1: Tariff Bureau. To accomplish the purpose expressed in Article II, Paragraph E, a tariff bureau shall be a part of the Association and the following standing committees shall exist to control and direct the functioning of the tariff bureau:

(A) General Rate Committee - General Commodity - see Section 8 for membership, duties and authority of this committee.

General Rate Committee - Household Goods - see Section 8 for membership, duties and authority of this committee.

General Rate Committee - Inter Modal - see Section 8 for membership, duties and authority of this committee.

(B) Standing Rate Committee - General Commodity - see Section 9 for membership, duties and authority of this committee.

Standing Rate Committee - Household Goods - see Section 9 for membership, duties and authority of this committee.

Standing Rate Committee - Inter Modal - see Section 9 for membership, duties and authority of this committee.

Section 2: Issuing Officer. The Managing Director shall, in addition to his regularly assigned duties, be the issuing officer for the tariffs compiled, published, printed and filed by the Association and shall direct the compiling, publishing, printing, and filing of the tariffs of the Association.

Section 3: Participating Carriers. Any member common carrier of persons or property operating in interstate or foreign commerce or Alaska intrastate commerce may become a participating carrier in tariffs published by the Association upon execution of a rate and tariff agreement as provided for herein, upon execution of proper power of attorney, and upon payment of fees, dues and/or assessments as provided for in the By-Laws.

Section 4: Rate and Tariff Agreement. Each motor common carrier shall execute a rate and tariff agreement reading as follows:

The undersigned carrier, in consideration of the covenants of the Alaska Carriers Association, Inc., and of each other carrier of the same class who shall enter into like and similar agreements, hereby covenants and agrees with the said Association and with each and every said other carrier that it will initiate, change, publish or cause to be published and filed, tariffs of rates, exceptions to classification, ratings, rules, regulations or practices, governing the transportation of property, by it in interstate or foreign commerce (or intrastate) to, from or within the State of Alaska, in accordance with the provisions of the By-Laws of said Association and the Rules of Procedure established thereunder, as the same may be from time to time hereafter revised, amended or supplemented.

In consideration of which, the Alaska Carriers Association, Inc., agrees to publish, or cause to be published, tariffs and/or quotations for the account of the said undersigned carrier in accordance with its By-Laws provisions relating to the tariff bureau function; and the Rules of Procedure as provided in Articles XVIII, XIX and XX now or as they may hereafter be revised, amended or supplemented.

It is expressly stipulated that the undersigned carrier and any other carrier party to this agreement shall have the free and unrestrained right to take independent action with respect to tariffs and/or quotations published by the Alaska Carriers Association, Inc.

The undersigned carrier further hereby constitutes said Alaska Carriers Association, Inc., or the then duly elected and acting Managing Director of the Alaska Carriers Association, Inc., or either or any of them, its Agent and Attorney-in-fact, which appointments said Alaska Carriers Association, Inc., hereby accepts, to file and prosecute any and all applications to competent authority which may be required for the approval and authorization of this agreement.

In Testimony Whereof, the parties hereto have set their hands and seals on this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Carrier \_\_\_\_\_

Signed by \_\_\_\_\_ Title \_\_\_\_\_

Business Address:

\_\_\_\_\_ (number & street) \_\_\_\_\_ (city or town & zip code)

If a corporation:  
State in which organized \_\_\_\_\_ Date of Incorporation \_\_\_\_\_

If a partnership:  
Date of formation of partnership \_\_\_\_\_

Name of Partners:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If an individual:  
Date business began \_\_\_\_\_

Type of carrier:

Motor common	Rail Common	Water Common
Interstate ( )	Interstate ( )	Interstate ( )
Intrastate ( )	Intrastate ( )	Intrastate ( )

ICC Certificate No. (Docket No.) MC \_\_\_\_\_

ATC Permit No. COM \_\_\_\_\_

Accepted by:  
ALASKA CARRIERS ASSOCIATION, INC.

ATC Permit No. CONT \_\_\_\_\_

\_\_\_\_\_  
Edward R. Sanders

Section 5: Carriers of other Classes. Common carriers by water subject to Part III of the Interstate Commerce Act and common carriers by rail subject to Part I of the Interstate Commerce Act may be listed in tariffs of the Association as participants in joint rates or through routes with motor common carriers in such tariffs upon: (A) execution of a rate and tariff agreement; and (B) payment of such fees, dues and assessments as may be fixed by the Board of Directors. Such participation is subject to the restrictions otherwise provided herein relating to the consideration and discussion of matters affecting joint rates and through routes with motor common carriers.

Section 6: Dues, Fees and Assessments. Each member carrier participating in the tariffs published by the Association shall pay dues, fees and assessments as provided in Article XIV herein.

Section 7: Services of the Tariff Bureau. The Association will:

(1) Maintain a system for the joint consideration of publication of, or changes in, rates, charges, classifications, divisions, allowances, rules, regulations and practices pertaining thereto.

(2) Compile, publish and file, or cause to be compiled, published and filed with the Interstate Commerce Commission or the Alaska Transportation Commission, or any other regulatory body having proper jurisdiction, all necessary tariffs covering movements from, to or between points in Alaska.

(3) Investigate, procure, analyze, compile, publish and disseminate statistics, reports and information which pertain to any of the purposes for which the Tariff Bureau of the Association was created.

Section 8: General Rate Committees.

(1) There shall be three (3) General Rate Committees as follows:

- (a) General Rate Committee - General Commodity
  - (b) General Rate Committee - Household Goods
  - (c) General Rate Committee - Inter Modal
- (Such committees shall act as the Quotation Committees, as the case may be.)

(2) The "General Rate Committee - General Commodity" shall perform its assigned duties in connection with movement by motor vehicle of all commodities other than Household Goods, as defined by the Commission, and shall have nine (9) elected members. The members of the committee shall be elected by and from the member motor common carriers participating in the "General Commodity" tariffs of the Association. Five (5) members present shall constitute a quorum.

(3) The "General Rate Committee - Household Goods" shall perform its assigned duties only in connection with movement by motor vehicle of Household Goods, as defined by the Commission, and shall have nine (9) elected members. The members of the committee shall be elected by and from the member motor common carriers participating in the tariffs of the Association covering the movement of Household Goods, as defined by the Commission. Five (5) members shall constitute a quorum.

(4) The "General Rate Committee - Inter Modal" shall perform its assigned duties only in connection with transportation performed under joint rates or over through routes of carriers of different classes or modes with motor common carriers. The committee shall be composed of the single rail carrier member (The Alaska Railroad), three (3) water carrier members and five (5) motor carrier members of the Association. The motor and water carrier modes shall nominate and elect from their respective memberships, annually during the month of September, representatives to serve on the committee. Proposals for joint consideration shall be acted upon only by the motor carrier committee members and the member or members representing the other mode(s) forming the joint rate(s) and/or through route(s).

(5) The affairs of the participating carriers concerning rates, charges, classifications, divisions, allowances, rules, regulations and practices pertaining thereto shall be vested in the General Rate Committee having jurisdiction over the commodities being handled, as outlined in (2), (3) or (4) above. Such General Rate Committee may, and does hereby delegate to the appropriate Standing Rate Committee having jurisdiction over like commodities, its authority to perform all its duties except that it (they) retains to itself the right: (a) to overrule the decisions of the Standing Rate Committee; (b) to hear and render decisions in connection with appeals from the recommendations of the Standing Rate Committee; and (c) to take initial and final action on proposals (see (6) below).

(6) A General Rate Committee at its discretion may substitute itself for the like Standing Rate Committee to consider any proposal, in which event its recommendations thereon shall be final. In any case where a General Rate Committee substitutes itself for its like Standing Rate Committee, the procedures respecting the filing and mailing of written representations provided for in Article XIX hereof, and the procedures respecting consideration of and action on proposals by the General Rate Committee provided for in Article XIX hereof shall apply.

(7) A vacancy occurring on a General Rate Committee, whether occasioned by death, resignation or inability to act, shall be filled by appointment by the chairman or acting chairman. The member of the committee so appointed shall serve for the remainder of the term of such prior member unless, at the next meeting, the General Rate Committee shall elect another proper carrier representative instead of and in place of the member so appointed.

(8) Each General Rate Committee shall have a chairman, a vice chairman and a secretary and such officers shall be elected by and from the membership of the committee.

In the absence or inability of the chairman, the vice chairman shall perform the duties of the chairman; in the absence or inability of both the chairman and vice chairman, the secretary shall perform the duties of the chairman; as acting chairman. The officers shall be elected annually at the first meeting of the committee following the election of the members of the committee(s).

(9) Meetings of the General Rate Committees shall be held at such time and place as the committees shall decide, or in absence of action by the committees, at such times and places as the chairman of either committee shall decide. All actions of the committees shall be by majority vote of those present with a quorum present.

(10) The members of the General Commodity and Household Goods General Rate Committees shall be elected annually by the members each year at the Association's convention from among the general commodity or household goods carriers, as the case may be, qualified by participation in such tariffs published by the Association. The chairman of each such General Rate Committee shall appoint a nominating committee of three of the outgoing committee(s) before the election who will nominate proposed new members of the committee(s). Other proposed committee members may be nominated during the election by the members present or in writing if not present.

(11) Members of the General Rate Committees shall serve without compensation from the Association and shall defray their own expenses.

#### Section 9: Standing Rate Committees.

(1) There shall be three (3) Standing Rate Committees as follows:

(a) Standing Rate Committee - General Commodity

(b) Standing Rate Committee - Household Goods

(c) Standing Rate Committee - Inter Modal

(Such committees shall also act as Quotations Committees, as the case may be.)

(2) The "Standing Rate Committee - General Commodity" shall perform its assigned duties in connection with movement by motor vehicle of all commodities other than Household Goods, as defined by the Commission, and shall have five (5) elected members. The members of the committee shall be elected by and from the member motor common carriers participating in the "General Commodity" tariffs of the Association. Three (3) members shall constitute a quorum.

(3) The "Standing Rate Committee - Household Goods" shall perform its assigned duties only in connection with movement by motor vehicle of Household Goods, as defined by the Commission, and shall have five (5) elected members. The members of the committee shall be elected by and from the member motor common carriers participating in the tariffs of the Association covering the movement of Household Goods, as defined by the Commission. Three (3) members shall constitute a quorum.

(4) The "Standing Rate Committee - Inter Modal" shall perform its assigned duties only in connection with transportation performed under joint rates or over through routes which include carriers of different classes or modes with motor carriers. The committee shall be composed of the single rail carrier member (The Alaska Railroad), one (1) water carrier member and three (3) motor carrier members of the Association. The motor and water carrier modes shall nominate and elect from their respective memberships, annually during the month of September, representatives to serve on the committee. Proposals for joint consideration shall be acted upon only by the motor carrier committee members and the member or members representing the other mode(s) forming the joint rate(s) and/or through route(s).

(5) It shall be the duty of the Standing Rate Committees ("General Commodity", "Household Goods" or "Inter Modal" as the case may be):

(a) To initially investigate, hear, consider, study, report on, and recommend disposition of, in a fair and impartial manner, all proposals to establish or change a rate, charge, exceptions to classification, allowance, rule, regulation or practice pertaining thereto in accordance with provisions of the By-Laws of the Association and the Rules of Procedure established hereunder.

(b) To perform such other duties as may be authorized by the similar General Rate Committee, except no authority of the similar General Rate Committee in acting on appealed proposals may be delegated to the Standing Rate Committee.

(c) The Standing Rate Committees shall have the power to appoint subcommittees within any regional area for the purposes as outlined in Paragraph (a), above. The power of the appointed subcommittee shall be specifically limited to making recommendations to the applicable Standing Rate Committee.

(6) Vacancies shall be filled in the same manner as provided for in Section 8, Paragraph (7).

(7) Officers and duties shall be as provided for in Section 8, Paragraph (8).

(8) Meetings shall be held as provided for in Article XIX, Rule 1, Paragraph (2).

(9) Members of the Standing Rate Committees shall serve without compensation from the Association and shall defray their own expense.

Section 10: Independent Announcement.

Any carrier member and/or participating carrier shall have the free, unrestricted and unrestrained right to have any rate, rating, charge, classification, allowance, rule, regulation or practice pertaining thereto, or any change therein, published for its account by independent announcement under the terms and provisions set out in the Rules of Procedure established by the General Rate Committee.

ARTICLE XIX

RULES OF PROCEDURE - TARIFFS

OF

ALASKA CARRIERS ASSOCIATION, INC.

(For definitions of terms used, see Article XXI)

The following rules of procedure relate to all tariffs published by the Association.

RULE 1: PROPOSALS

(1) All proposals for initiation of or changes in rates, charges, exceptions to classification, allowances, rules, regulations and practices pertaining thereto, made by any interested person or by a member motor common carrier, participating in the tariffs published by the Association, shall be submitted in writing and shall state clearly and concisely the proposed addition to, cancellation from or change in any particular tariff published by the Association and the reasons and justification therefor. Such proposals shall be filed with the Alaska Carriers Association, Inc., 3443 Minnesota Drive, Anchorage, Alaska 99503.

(2) Proposals received in the Association office not later than twenty (20) days before a regular meeting of the proper Rate Committee will be docketed and published in

the regular "Rate Docket" announcement and placed on the agenda of the Committee. Proposals received later will either be handled at a special committee meeting, if one is held, or at the next regular committee meeting. No proposals will be considered until published in the "Rate Docket" on at least ten (10) days' notice to interested parties with the day of mailing, Saturdays, Sundays and legal holidays excluded.

(3) Except as otherwise provided herein, all proposals for tariff changes will be publicized in the Association's "Rate Docket" announcement which will be sent by first class mail to all member carriers participating in tariffs of the Association proposed to be changed as well as to all interested parties requesting such notification, not less than ten (10) days prior to the meeting of the Standing Rate Committee.

**RULE 2: STANDING RATE COMMITTEES**

(1) The "Standing Rate Committee - General Commodity" shall meet on the second (2nd) Wednesday of each month and the chairman of the committee may, on his own accord or at the written request of any three members of the committee, call special meetings of the committee for any time and place. No recommendations on any proposals will be made at any meeting unless they have been duly published as provided for in Rule 1, Paragraph (3) of this Article.

(2) The "Standing Rate Committee - Household Goods" shall meet on the third (3rd) Wednesday of each month and the chairman of the committee may, on his own accord or at the written request of any three members of the committee, call special meetings of the committee for any time and place. No recommendations on any proposals will be made at any meeting unless they have been duly published as provided for in Rule 1, Paragraph (3) of this Article.

(3) The "Standing Rate Committee - Inter Modal" shall meet on the fourth (4th) Wednesday of each month, if there are matters properly before it at that time, and the chairman of the committee may, on his own accord or at the written request of any three members of the committee call special meetings of the committee for any time and place. No recommendations on any proposals will be made at any meeting unless they have been duly published as provided for in Rule 1, Paragraph (3) of this Article.

(4) At the meetings the respective committees, a quorum being present, shall consider each proposal or subject on the docket and by majority vote disposition of each. Such disposition shall be published within ten (10) days following the end of the meeting in an issue of the Association's Rate Docket Disposition Notice, which will be mailed to all interested parties by first class mail. The disposition of the committees shall be:

- (a) Cleared for publication,
- (b) Recommend adoption,
- (c) Recommend amendment,
- (d) Refer to proper General Rate Committee, or
- (e) Recommend disapproval.

(5) If no appeal from the action of the Standing Rate Committees is received in the Association's offices within ten (10) days following the date of the Rate Docket Disposition Notice, excluding the date of mailing, Saturdays, Sundays and legal holidays, the recommendations of the Standing Rate Committees will stand approved and publication will be made as soon thereafter as possible.

(6) If any interested person, participating member motor common carrier or other party with valid interest appeals any recommendation of the Standing Rate Committees, the appealed matter will be placed on the agenda of the next meeting of the proper General Rate Committee. Appeals must be given to the Association in writing.

(7) Nothing provided herein shall prevent a proponent of a proposal from withdrawing or modifying such proposal. If the proposal is modified, it becomes a new proposal and is thereafter subject to the handling procedures prescribed herein for new proposals. Modification of a proposal has the effect of withdrawing it from consideration until it has been handled as a new proposal. Notice in writing shall be given all concurring carriers therein upon receipt by the Association of the withdrawal of any proposal.

(8) Any person interested in any subject on the docket for a meeting of the Standing Rate Committees may appear before such committee and be heard on such subject. Any such person may, instead, present written testimony or data relevant to the subject and such testimony or data will be taken fully into consideration by the committees. However, such written testimony or data must be received in the Association offices by no later than the day preceding the advertised date of the meeting. Such written testimony or data shall be presented in ten (10) copies except the committee may waive this requirement at its discretion.

(9) All voting by the Standing Rate Committee shall, except by unanimous consent of the members present, be in executive session.

**RULE 3: GENERAL RATE COMMITTEES**

(1) The appropriate General Rate Committees shall hold meetings at all times necessary to act upon appeals from recommendations of its similar Standing Rate Committee or to substitute itself for its similar Standing Rate Committee except that appeals from the recommendations of its similar Standing Rate Committee may, at the discretion of the chairman, or acting chairman, be handled by mail ballot.

(2) A notice of appeals will be included in the "Rate Docket" announcement and will be mailed to all members of the involved General Rate Committee, carriers affected and interested persons showing the matters appealed. Where a meeting on appeals is to be held by the General Rate Committee, announcement shall be made at least ten (10) days prior to the date of the meeting, excluding the date of mailing of the notice, Saturdays, Sundays and legal holidays. Any person interested in any subject on the docket for a meeting of the appropriate General Rate Committees may appear before such committee and be heard on such subject.

(3) When a mail ballot procedure is used the votes of the committee members must be received within fifteen (15) days after the date of the "Rate Docket" announcement. When no reply is received from a committee member, it will be considered a vote in favor of the Standing Rate Committee recommendation.

(4) All actions of the General Rate Committees must be by majority vote of the quorum present.

**RULE 4: DOCKETING NOT NECESSARY**

Changes of the character described below may be made without filing of a formal proposal, public notice, or placing on the public docket for consideration by the proper Standing Rate Committee:

(a) Rates in tariffs of the Association via one or more routes may be published via additional routes.

(b) Correction of clerical and/or typographical errors provided such errors have not been in effect more than ninety (90) days.

(c) Changes made necessary by law or action of a regulatory body.

(d) Tariff changes made necessary by reason of the revocation or modification of concurrences and/or powers of attorney, or the cancellation of rates necessitated by reason of the discontinuance of service by any carrier party to such rates due to revocation or modification of such concurrences and/or powers of attorney.

(e) Addition, elimination or correction of points in grouping tariffs where no change of rates results.

RULE 5:

INDEPENDENT ACTION

(1) Every carrier shall have the free and unrestrained right to take independent action either before, during or after any determination arrived at under the procedures set forth herein.

(2) Any carrier or carriers taking independent action shall notify the Association in writing, furnishing such information as is necessary to make such publication. On receipt of such written notification, all member carriers and all interested parties subscribers to the Association's "Rate Docket" service will be notified by the Association, by first class mail, not later than one week (7 days) thereafter.

(3) Notification of independent action will be made by publication of a special notice to all persons and member carriers scheduled to receive copies of the "Rate Docket" announcements as provided in Rule 1 herein.

(4) Where the provisions on which independent action is taken involve joint rates and/or through routes, the proponent carrier will obtain and furnish to the Association the concurrences of the connecting carriers forming the complete route from origin to destination.

(5) Notification by the Association of independent action, depending on the nature of the publication involved, shall state whether the same: (a) will be published for account of all carriers which do not within ten (10) days after the date of the notification, excluding the date of mailing, Saturdays, Sundays and legal holidays, instruct otherwise; or (b) will be published only for account of carriers taking independent action unless within ten (10) days after the date of the notification, excluding the date of mailing, Saturdays, Sundays and legal holidays, other member carriers advise that they desire publication made also for their account.

(6) The Association will publish the provisions as instructed under independent action within fifteen (15) days after the expiration of the period provided for in (5) above unless all carriers for whom such independent action is to be published advise that they will make publication in tariffs otherwise issued.

(7) The Association will publish the provisions as instructed under independent action either: (a) in the existing tariffs of the Association; or (b) in separate tariff issues as they deem appropriate. The cost in connection with the compilation, publication, mailing and filing of publication instructed under independent action shall be borne by the carrier or carriers for whom made. If made for the account of more than one carrier, a prorata share of the cost shall be charged each such carrier.

EXHIBIT I

SECTION 2

ARTICLE XX

RULES OF PROCEDURE - GOVERNMENT QUOTATIONS  
PURSUANT TO SECTION 22 OF THE INTERSTATE COMMERCE ACT

Governing the publication of and making additions, changes and eliminations in quotations published by Alaska Carriers Association, Inc. (For definitions, see Article XXI).

RULE 1: Proposals for the publication of, or change in, quotations may be submitted to the Association by a carrier, an agency of the United States Government, or the Association. Proposals shall contain a clear and concise statement of the publication, or changes, to be made with reasons and justification therefor. Where the quotation is to apply over joint-line carrier routes, carrier routes and junction points over which such quotation is to apply shall be shown.

RULE 2: Upon receipt of the proposal, the Managing Director shall, except when the proposed publication is one not requiring docket procedure as provided in RULE 9 hereof, assign a docket number to the proposal and record the date the proposal is received in the Association office. The proposal shall then be processed in the manner, and subject to the conditions, hereinafter set forth.

RULE 3:

(1) All quotations, and changes therein, except rules and regulations having general application, published by the Association, shall be made subject to specific carrier routing.

(2) All quotations, and changes therein, published by the Association shall be restricted in application to shipments moving on government bills of lading where the United States, or an agency thereof, is the consignor or consignee and where the United States, or an agency thereof, pays the transportation charges directly to the carrier, or carriers.

(3) Quotations which increase the amount to be paid upon any shipment shall be published on notice of not less than 30 days unless the government agency to which the quotation is tendered consents in writing to accept such quotation subject to an effective date of less than 30 days.

(4) The proponent of a proposal shall specify either that the publication shall be made subject to, or shall not be made subject to, an expiration date. When the proponent specifies a particular expiration date, that date will be used. When the proponent specifies that the publication is to be subject to an expiration date, but does not specify a particular date, and when the proponent fails to specify that the publication shall be, or shall not be, subject to an expiration date, the Association shall make the publication subject to an expiration date one year from the effective date.

RULE 4:

(1) A carrier proponent may specify that the proposal be published without carrier or quotation committee consideration. When the quotation is to apply over joint-line carrier routes, it shall be the responsibility of the proponent carrier to obtain the concurrence of the other joint-line carriers involved and furnish them to the Association and the concurrence of such joint-line carriers shall be unqualified. The Association shall:

(a) Send notice of such proposed publication to the other interested parties immediately through its Quotation Bulletin Service;

(b) Make the necessary publication within fifteen (15) days following the receipt of the proposal, all necessary information and concurrences of joint-line carriers where required;

(2) When the proponent does not specify that the proposal is to be published pursuant to the provisions of Paragraph (1) above, the proposal will be processed in conformity with the provisions of RULE 5 or RULE 8 of this article.

#### RULE 5:

(1) The Association shall announce in its Quotation Bulletin Service that publication of proposed matter will be published: (a) for the account of all who do not advise to the contrary within ten (10) days after notification, excluding date of mailing, Saturdays, Sundays, and legal holidays; or (b) for the account of all carriers who advise, within the same length of time, that they wish the publication made for their account also. If any carrier having the ability to participate or any representative of the Government of the United States or any agency thereof objects, the proposal will be considered by the Quotation Committee. When objections are received, such objections shall be published in the Association's Quotation Bulletin Service and the proposal held for the consideration of the Committee at its next meeting. In the event no objection is received within the time limit specified, the Association shall publish the subject matter of such proposal as soon thereafter as possible.

(2) The proponent may withdraw its proposal by notice in writing to the Association at any time prior to publication pursuant to carrier approval or prior to the proposal being shown on the agenda for the Quotation Committee's next meeting.

#### RULE 6:

(1) The Association's appropriate Quotation Committee shall meet, discuss, consider and dispose of proposals to publish, change or cancel quotations in accordance with the rules of procedure established in this article only, but shall be constituted and otherwise subject to the provisions of Article XVIII, Section 9 (2), (3) and (4) relating to Standing Rate Committees who shall thus also function as the Quotation Committees.

(2) Any carrier, or representative of the government of the United States, or an agency thereof, interested in the subject matter to be considered may appear before the committee at the committee's meeting and express his views for, or against, docketed proposals.

#### RULE 7:

(1) The date for meetings of the appropriate Quotation Committee shall be determined by the chairman. Regular meetings to consider proposals shall be held only after notice thereof of not less than 10 days from the date of the notice, Saturdays, Sundays and legal holidays excluded, has been given in the Quotation Bulletin Service.

(2) When the meeting is to be held pursuant to regular notice, the Association shall show in the notice an agenda reflecting a statement of the proposals to be considered by the committee at the meeting. The Association shall include in such agenda all proposals received by the Association to and including the 15th day preceding the date of the meeting which have not been approved by the Association, which have been approved by the Association but to which objections have been duly filed, and those which have been approved by the Association where the time limit for the filing of objections will not have expired prior to the 15th day preceding the date of the meeting.

RULE 8:

(1) The Quotation Committee shall consider each proposal separately and shall, by vote, either approve or disapprove the proposal. Each member of the committee present shall have one vote and no votes by proxy shall be authorized. The result of the voting shall be determined by majority vote of the quorum and a tie vote will be considered as failing to approve the proposition voted upon.

(2) Proposals before the committee for consideration may be amended by vote of the committee subject to the consent of the proponent. If the proponent is present, the consent may be given verbally; otherwise, the consent must be in writing and must be on file prior to the vote on the amendment. The chairman may direct the amendment of a proposal to conform with the proposal as originally filed without committee action where there has been an error in copying from the proposal to the published agenda. No proposals shall be approved or disapproved by the committee unless they appear upon the published agenda. Proposals before the committee for consideration may be withdrawn upon request of the proponent.

(3) The recommendations of the appropriate Quotation Committee in approving, disapproving or deferring action upon the proposals shall be published by the Association in its Quotation Bulletin Service. If no appeal from the action of the Quotation Committee is received in the Association's offices within ten (10) days following the date of the disposition notice, excluding the date of mailing, Saturdays, Sundays and legal holidays, the recommendations of the Quotation Committee will stand approved.

(4) Following notice as provided in Paragraph (3) above, to which no objections have been received, the Association will publish the subject matter of the proposals approved by the Committees as soon thereafter as possible. If objection is received the objected to matter will be handled by the appropriate General Rate Committee as provided in Article XVIII, Section 8 and the procedures of Article XIX, Rule 3.

(5) Except as noted in the next following sentence, the Association shall publish the subject matter of the proposals approved by the committee as soon as possible following the meeting. When the committee approves an amended proposal the Association shall publish the subject matter thereof following the 10th day subsequent to the meeting.

RULE 9:

(1) The following publications will be made by the Association upon instructions of the carrier without docket procedure and without notice in the Association's Quotation Bulletin Service, subject to the following conditions:

(a) Addition of the carrier's participation in quotations which have been previously published for the account of other carriers, subject to the provisions of Note 1 below.

(b) Restrictions against the application of quotations or services via the instructing carrier's line, subject to the provisions of Notes 1 and 2 below.

(c) Elimination of the carrier's participation in routes or quotations, subject to the provisions of Note 2 below.

NOTE 1: When the participation of the carrier is in a joint-line route, the publication shall be made only when all joint-line carriers therein notify the Association of their concurrence in such addition and it shall be the responsibility of the instructing carrier to see that the Association is so notified.

NOTE 2: Publication of the restrictions and eliminations noted in (b) and (c) above will be made under the provisions of this section only when they will not result in the application of quotations, or quotations charges, reflected in the Association's quotation publications via the line of the instructing carrier which are lower than those currently effective via the other carriers participating in such quotations. When such

restrictions or eliminations will result in such lower application, the instruction shall be construed as a proposal under the other sections of these rules and shall be so processed.

(2) The Association shall publish the subject matter authorized under the provisions of this section as soon as possible following receipt of the instructions including the concurrences of joint-line carriers where required.

RULE 10: Every carrier shall have the free and unrestrained right to take independent action either before, during or after any determination arrived at under the procedures herein set forth.

When independent action is taken, the carrier announcing the same shall, in writing, furnish the Association a clear and concise statement of the publication, or changes, to be made with reasons and justification therefor. If the quotation will apply only over the single line of proponent carrier the notice of that carrier will be sufficient to require publication by the Association for that carrier's individual account. Where the publication is to apply over joint-line carrier routes, it shall be the responsibility of the proponent carrier to see that the other joint-line carriers notify the Association, in writing, of their concurrence.

Upon receipt of the notice of independent action, including the concurrence of joint-line carriers where required, the Association shall, through its Quotation Bulletin Service and within 5 days, notify the competing carriers participating in its quotations of the independent action. Such other carriers as may also desire to have the subject quotation provisions published for their own account shall so notify the Association in writing within 10 days following the date of the Association notice respecting the independent action announcement.

The Association will make the requested publication as soon as possible following the ten (10) day notice period for the account of proponent and all other carriers who have so advised their desire that the publication apply for their account.

RULE 11: Whenever there is any proposed quotation, or change therein, in order for publication, i. e., complete to a point where the Association is required to publish the provisions in its next regularly scheduled publication, any carrier interested therein may require the Association to make special publication thereof prior to the next regularly scheduled publication subject to the following conditions:

(1) The carrier shall notify the Association in writing of such request and shall include in its request a statement that it agrees to pay the Association the cost of the publication and mailing of the particular publication. The Association shall then make the publication immediately following receipt of the request, but shall be permitted not to exceed 15 days following receipt of the request in event the Association affairs require such additional time.

(2) The carrier shall have the right to require such special publication only if it agrees to pay the costs thereof and the Association may require advance cash payment of such costs as a condition precedent to the publication.

RULE 12: Each carrier participating in the Association's quotation publications shall file with the Association a power of attorney designating the Association as its agent to publish and file such quotations for its account.

## ARTICLE XXI

### DEFINITIONS

As used herein the following terms shall have the definitive meanings shown in connection herewith:

MEMBER MOTOR COMMON CARRIER, means a motor common carrier operating in interstate or foreign commerce and who has executed a "Rate and Tariff Agreement" to engage in a joint consideration of rates pursuant to Section 5a of the Interstate Commerce Act or a common or contract carrier operating in Alaska Intrastate Commerce, as the case may be.

WATER CARRIER, means a common carrier by water who is a member of the Alaska Carriers Association, Inc. who has executed a "Rate and Tariff Agreement" to engage in a joint consideration of inter modal joint rates or through routes with motor common carrier members pursuant to Section 5a of the Interstate Commerce Act.

RAIL CARRIER, means a common carrier by rail who is a member of the Alaska Carriers Association, Inc. who has executed a "Rate and Tariff Agreement" to engage in a joint consideration of inter modal joint rates or through routes with motor common carrier members pursuant to Section 5a of the Interstate Commerce Act.

INTER MODAL, means relating to transportation under joint rates or over through routes over the lines of member motor common carriers in conjunction with rail lines or water carriers.

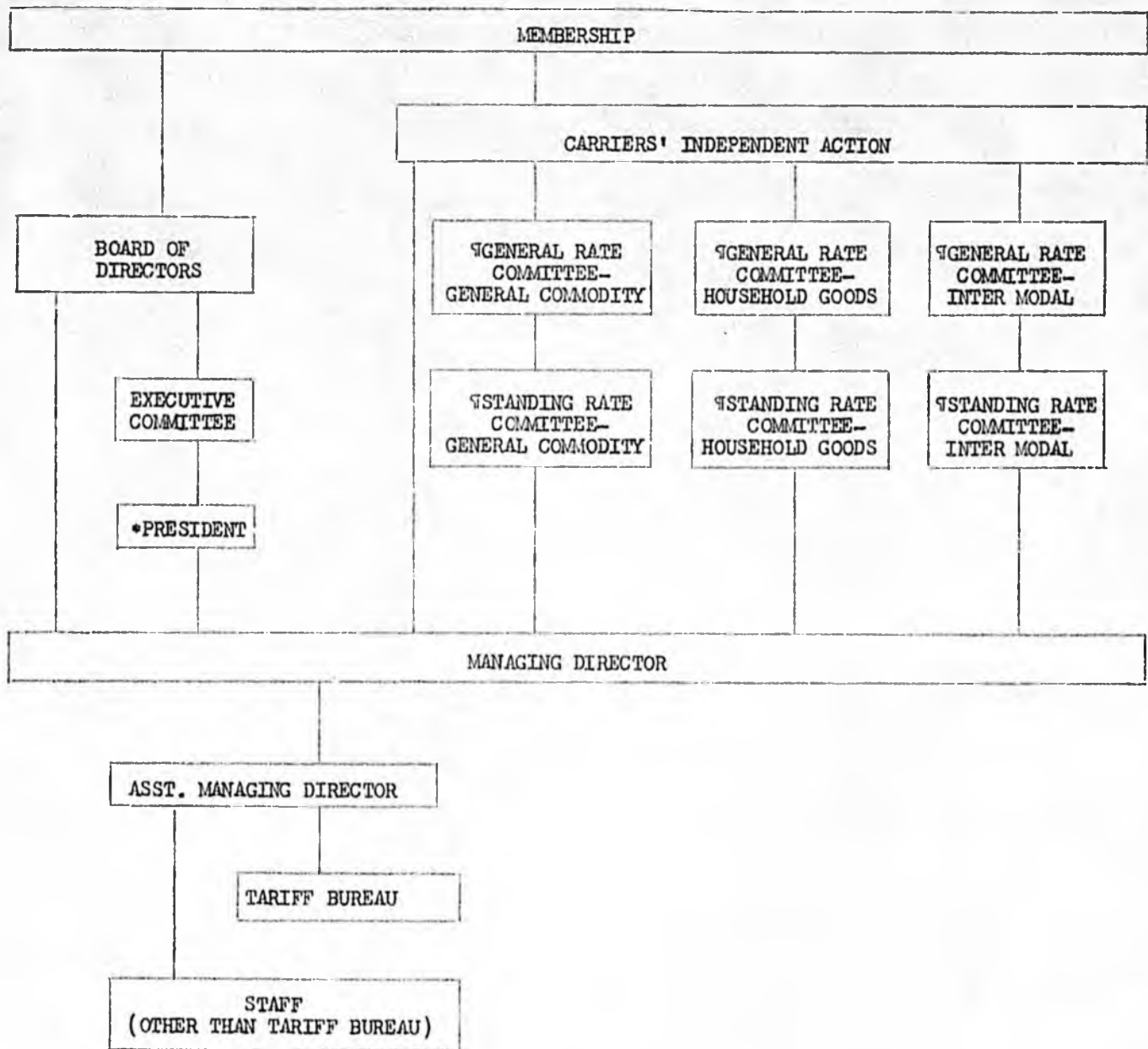
HOUSEHOLD GOODS AS DEFINED BY THE COMMISSION, means that class of commodities designated by the Interstate Commerce Commission in Ex Parte No. MC-19.

QUOTATION COMMITTEE, means the "Standing Rate Committee - General Commodity" or "Standing Rate Committee - Household Goods" or "Standing Rate Committee - Inter Modal", as the case may be. (See Article XVIII, Section 9, Paragraphs (2), (3) and (4).)

QUOTATION BULLETIN SERVICE, means a publication of similar nature to the "Rate Docket" and shall include both a notice of the proposed quotation publication and a subsequent notice of disposition of proposals. Both notices will be mailed by first class mail to all interested parties, including carriers and others who have requested copies.

EXHIBIT 2

ORGANIZATIONAL CHART



† - Such committees also function as Section 22 Quotation Committees.

\* - The President appoints and is an ex officio member of all standing and special committees other than the General Rate, Standing Rate and Quotation Committees.

## ALASKA CARRIERS ASSOCIATION, INC.

5(a) AGREEMENT No. 83

EXHIBIT 3

## INTERSTATE MOTOR COMMON CARRIERS OF GENERAL COMMODITIES

CARRIER NAME	CITY, STATE	IOC CERTIFICATE MC--
AAA DELIVERY, INC.....	Kenai, Alaska.....	135222
AIRBORNE FREIGHT CORPORATION.....	Seattle, Washington.....	123343
ALASKA TRANSFER, INC.....	Juneau, Alaska.....	123323
ALASKA TRANSFER & STORAGE (Charles A. Powell, d/b/a)	Kodiak, Alaska.....	126136
ALASKA TRUCK TRANSPORT, INC.....	Anchorage, Alaska.....	118520
ALASKA VAN AND STORAGE CO., INC.....	Anchorage, Alaska.....	118490
ARCTIC MOTOR FREIGHT, INC.....	Anchorage, Alaska.....	118452
AR-DEES ALASKA TRUCK LINES, INC.....	Hardin, Montana.....	113573
ARROWHEAD TRANSFER (Ola Harang and Gordon S. Harang, A Partnership, d/b/a).....	Sitka, Alaska.....	124413
AURORA DELIVERY (Ferman L. Strickland and Eileen M. Strickland, d/b/a).....	Anchorage, Alaska.....	119402
P. J. BAKER MOBILE HOME SERVICE (Proctor J. Baker, d/b/a).....	Fairbanks, Alaska.....	129932
BAYLESS & ROBERTS, INC.....	Copper Center, Alaska...	133425
BELARDI & SCHNEIDER, INC.....	Juneau, Alaska.....	127119
BRISTOL BAY CONTRACTORS (Harry A. Shawback, d/b/a)..	King Salmon, Alaska.....	119724
CITY EXPRESS (John W. Hoogland and Joanne C. Hoogland, A Partnership, d/b/a).....	Seward, Alaska.....	128207
CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE....	Menlo Park, California..	42487
COPPER FREIGHT LINES, INC.....	Valdez, Alaska.....	118495
DEJONG TRUCKING CO., INC.....	Spenard, Alaska.....	118516
DENALI TRANSPORTATION CORPORATION.....	Fairbanks, Alaska.....	118494
ORVILLE J. DICKMAN.....	Teller, Alaska.....	121681
DIERINGER TRUCKING SERVICE (James F. Dieringer, d/b/a).....	Valdez, Alaska.....	118513
DOUGLAS TRUCKING COMPANY (James S. McCormick, d/b/a)	Douglas, Alaska.....	123958
ED'S FUEL AND TRANSFER (E. J. Bradley, d/b/a).....	Wrangell, Alaska.....	127156
ETOLIN TRANSFER & STORAGE CO. (Peter C. McCormack, III, d/b/a).....	Wrangell, Alaska.....	121552
FAIRBANKS MIDWEST TRUCK LINES, INC.....	Anchorage, Alaska.....	126526
FAIRWAY FAST FREIGHT SERVICE (Ervon E. Fairbanks and Leslie A. Fairbanks, d/b/a).....	Skagway, Alaska.....	125778
FOSS L & T CO.....	Seattle, Washington.....	126420
H & S WAREHOUSE, INC.....	Fairbanks, Alaska.....	118475
HAINES TRANSFER CO. (Donald E. Krake, d/b/a).....	Haines, Alaska.....	125271

## ALASKA CARRIERS ASSOCIATION, INC.

## INTERSTATE MOTOR COMMON CARRIERS OF GENERAL COMMODITIES (Continued)

CARRIER NAME	CITY, STATE	ICC CERTIFICATE MC-
HEATHERLY & SONS, INC.....	Anchorage, Alaska.....	123328
HOMER FREIGHT LINES (Kodiak Oilfield Haulers, Inc., d/b/a).....	Soldotna, Alaska.....	125637
HOMER TRANSFER COMPANY, INC.....	Homer, Alaska.....	121629
HOOD AND SONS (William A. Hood, John W. Hood and Richard Hood, d/b/a).....	Valdez, Alaska.....	119723
HOOVER'S MOVERS (Durward Glasen, d/b/a).....	Cordova, Alaska.....	128653
HUSKY PARCEL DELIVERY, INC.....	Ketchikan, Alaska.....	123332
IRELAND TRANSFER & STORAGE CO., A Corporation.....	Ketchikan, Alaska.....	123327
K & W TRUCKING CO., INC.....	Anchorage, Alaska.....	125551
KODIAK TRANSFER CO. (Daniel L. Ensslin, d/b/a).....	Kodiak, Alaska.....	126271
KOPPERUD TRANSPORTATION (Herbert N. Kopperud, d/b/a)	Palmer, Alaska.....	118489
LYNDEN TRANSPORT, INC.....	Lynden, Washington.....	65802
MOBILE HOME MOVERS AND SERVICES, INC.....	Anchorage, Alaska.....	119558
MONSEN TRANSFER (Paul E. Monsen, d/b/a).....	Naknek, Alaska.....	123338
MORGAN DRIVE-AWAY, INC.....	Elkhart, Indiana.....	103993
MUKLUK FREIGHT LINES, INC.....	Anchorage, Alaska.....	118518
O. G. NESS TRUCK CO. (O. G. Ness, d/b/a).....	Valdez, Alaska.....	118145
NORTH PACIFIC TRUCKING & CONTRACTING (Gary K. Waggins, d/b/a).....	Kodiak, Alaska.....	126123
OGLE'S TRANSFER SERVICE (Homer Ogle, Jr., d/b/a)....	Yakutat, Alaska.....	133096
ORME TRANSFER, INC.....	Juneau, Alaska.....	127031
PACIFIC WESTERN LINES (Alaska Aggregate Corporation, d/b/a).....	Anchorage, Alaska.....	119660
PARCEL DELIVERY & TRANSFER, INC.....	Anchorage, Alaska.....	118446
PIONEER ALASKA EXPRESS, INC.....	Fairbanks, Alaska.....	118445
Q TRUCKING COMPANY (Charles M. Roder, d/b/a).....	Nome, Alaska.....	128214
RELIABLE TRANSFER COMPANY OF PETERSBURG, INCORPORATED	Petersburg, Alaska.....	124514
RELIABLE TRANSFER CORP.....	Juneau, Alaska.....	123297
AL RENK & SONS, INC.....	Anchorage, Alaska.....	123298
SAFE, INC. (Seattle-Anchorage-Fairbanks Express, Inc., d/b/a).....	Seattle, Washington.....	96615
SEA-LAND FREIGHT SERVICE, INC.....	Elizabeth, New Jersey...	96612
SERVICE TRANSFER, INC.....	Sitka, Alaska.....	124128
SHULL CONSTRUCTION, INC.....	Ketchikan, Alaska.....	127885

## ALASKA CARRIERS ASSOCIATION, INC.

## INTERSTATE MOTOR COMMON CARRIERS OF GENERAL COMMODITIES (Continued)

CARRIER NAME	CITY, STATE	ICC CERTIFICATE MC-
SMYTH OVERSEAS VAN LINES, INC.....	Seattle, Washington....	118482
SOURDOUGH EXPRESS, INC.....	Fairbanks, Alaska.....	118527
SOURDOUGH FREIGHT LINES (Gene Rogge, d/b/a).....	Fairbanks, Alaska.....	118514
TACHICK FREIGHT LINES, INC.....	Soldotna, Alaska.....	118449
TITUS TRUCKING CO., INC.....	Sweet Home, Oregon....	135149
TONGASS SANITATION & A. CROWE ENTERPRISES (Wallace A. Crowe, d/b/a).....	Ketchikan, Alaska.....	126972
TOTEM TOTERS, INC.....	Anchorage, Alaska.....	118758
TRANSIT HOMES, INC.....	Greenville, South Carolina.....	94350
UNFER BROS. (Bill Unfer and Vic Unfer, A Partnership, d/b/a).....	Valdez, Alaska.....	118444
UNITED TRANSPORTATION, INC.....	Bethel, Alaska.....	123284
WEAVER BROS., INC.....	Anchorage, Alaska.....	113753
SIG WOLD STORAGE & TRANSFER, INC.....	Fairbanks, Alaska.....	118524

ALASKA CARRIERS ASSOCIATION, INC.  
 INTERSTATE MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

CARRIER NAME	CITY, STATE	ICC CERTIFICATE MC--
AAA DELIVERY, INC.....	Kenai, Alaska.....	135222
AIR VAN LINES, INC.....	Anchorage, Alaska.....	118474
ALASKA ORIENT VAN SERVICE, INC.....	Seattle, Washington.....	118506
ALASKA TERMINALS, INC.....	Seattle, Washington.....	118491
ALASKA TRANSFER, INC.....	Juneau, Alaska.....	123323
ALASKA TRANSFER & STORAGE (Charles A. Powell, d/b/a)	Kodiak, Alaska.....	126136
ALASKA TRUCK TRANSPORT, INC.....	Anchorage, Alaska.....	118520
ALASKA VAN AND STORAGE CO., INC.....	Anchorage, Alaska.....	118490
ALLIED VAN LINES, INC.....	Chicago, Illinois.....	118805
AR-DEES ALASKA TRUCK LINES, INC.....	Hardin, Montana.....	113573
ARROWHEAD TRANSFER (Ola Harang and Gordon S. Harang, A Partnership, d/b/a).....	Sitka, Alaska.....	124413
ATLAS VAN LINES, INC.....	Evansville, Indiana.....	79658
BRISTOL BAY CONTRACTORS (Harry A. Shawback, d/b/a)..	King Salmon, Alaska.....	119724
CARTWRIGHT VAN LINES, INC. (A Washington Corporation)	Seattle, Washington.....	88368
CITY EXPRESS (John W. Hoogland and Joanne C. Hoogland, A Partnership, d/b/a).....	Seward, Alaska.....	128207
DENALI TRANSPORTATION CORPORATION.....	Fairbanks, Alaska.....	118494
DOUGLAS TRUCKING COMPANY (James S. McCormick, d/b/a)	Douglas, Alaska.....	123958
ED'S FUEL AND TRANSFER (E. J. Bradley, d/b/a).....	Wrangell, Alaska.....	127156
ETOLIN TRANSFER & STORAGE CO. (Peter C. McCormack, III, d/b/a).....	Wrangell, Alaska.....	121552
FAIRWAY FAST FREIGHT SERVICE (Ervon E. Fairbanks and Leslie A. Fairbanks, d/b/a).....	Skagway, Alaska.....	125778
GLOBAL VAN LINES, INC.....	Anaheim, California.....	41098
H & S WAREHOUSE, INC.....	Fairbanks, Alaska.....	118475
HAINES TRANSFER CO. (Donald E. Krake, d/b/a).....	Haines, Alaska.....	125271
HOMER TRANSFER COMPANY, INC.....	Homer, Alaska.....	121629
HOOVER'S MOVERS (Durward Glasen, d/b/a).....	Cordova, Alaska.....	128653
HUSKY PARCEL DELIVERY, INC.....	Ketchikan, Alaska.....	123332
IRELAND TRANSFER & STORAGE CO., A Corporation.....	Ketchikan, Alaska.....	123327
KING VAN LINES, INC.....	Wichita, Kansas.....	70272
KODIAK TRANSFER CO. (Daniel L. Ensslin, d/b/a).....	Kodiak, Alaska.....	126271
O. G. NESS TRUCK CO. (O. G. Ness, d/b/a).....	Valdez, Alaska.....	118145
NORTH AMERICAN VAN LINES, INC. (A Delaware Corporation).....	Fort Wayne, Indiana.....	107012

## ALASKA CARRIERS ASSOCIATION, INC.

## INTERSTATE MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS (Continued)

CARRIER NAME	CITY, STATE	ICC CERTIFICATE MC-
OGLE'S TRANSFER SERVICE (Homer Ogle, Jr., d/b/a)....	Yakutat, Alaska.....	133096
ORME TRANSFER, INC.....	Juneau, Alaska.....	127031
PACIFIC MOVERS (Leo E. Schlotfeldt, d/b/a).....	Tacoma, Washington.....	129850
RELIABLE TRANSFER CORP.....	Juneau, Alaska.....	123297
REPUBLIC VAN AND STORAGE CO., INC.....	Baltimore, Maryland.....	110585
SERVICE TRANSFER, INC.....	Sitka, Alaska.....	124128
SLYTH OVERSEAS VAN LINES, INC.....	Seattle, Washington.....	118482
SOURDOUGH EXPRESS, INC.....	Fairbanks, Alaska.....	118527
UNITED TRANSPORTATION, INC.....	Bethel, Alaska.....	123284
UNITED VAN LINES, INC.....	Fenton, Missouri.....	67234
VON DER AHE VAN LINES, INC.....	Fenton, Missouri.....	1931
WHEATON VAN LINES, INC.....	Indianapolis, Indiana...	87113
SIG WOLD STORAGE & TRANSFER, INC.....	Fairbanks, Alaska.....	118524

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.

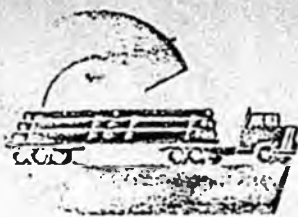
THEREFORE, for reasons outlined above, Alaska Carriers Association, Inc. respectfully submits that existing tariff publication procedures provide more than ample opportunity for interested shippers, shipper organizations, and the general public to be made aware of proposed tariff changes, including reductions 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



# MUKLUK FREIGHT LINES, INC.

ONE OF THE CROWLEY COMPANIES

570 W 53rd AVE. ANCHORAGE, ALASKA 99502 PHONE (907) 274-9531 TELEX 26-457

March 13, 1975

Terry Gardiner - State Representative  
Pouch V  
Juneau, Alaska 99811

Attn: Thomas B. Turnbull, Assistant

Dear Mr. Turnbull:

Thank you for your response to my letter dated March 6, regarding HB 191. I, too, feel that the consumers of transportation require, and are due, sufficient notice of tariff changes.

As a representative of a motor carrier; I know what it entails to operate within a regulated industry, bound by tariff filing requirements in an environment of great economic fluctuation. In such an atmosphere, without the ability to immediately reflect these day-to-day changes, it is difficult, at best, for a motor carrier to assure an appropriate level of revenue to sustain efficient service for the shipping public.

To delay the effectiveness of a tariff change by another 15 days will have an undesirable effect on both shipper and carrier. I would suggest reliance on present rule making proceedings before the Interstate Commerce Commission requiring, among other actions, mailing of public copies of tariff changes, concurrently with filing, to the regulatory agency. This would provide 30 days notice to ~~the shipping public~~ and, where justified, allow changes to go into effect in a minimal amount of time.

Attached is a comprehensive article that appeared in the February 17, 1975, issue of TRAFFIC WORLD, outlining ICC rule making with regard to this matter.

I would appreciate your relaying these thoughts to Mr. Gardiner and hope they can be of some assistance toward his efforts to achieve adequate public notice and would further appreciate hearing more of his reflections on HB 191.

Very truly yours,

IRVIN P. COOK, JR.  
Assistant Traffic Manager

IPC/kw

Attachment

## Changes When Filed At ICC Under Rules Adopted Feb. 6

ICC Chairman George M. Stafford announced February 6 the Commission's adoption of new rules requiring carriers to notify all tariff subscribers of published rate changes at the same time the tariff is sent to the agency.

The new rules were outlined in a report and order in No. 35613, Regulations for the Transmission of Tariffs and Schedules to Subscribers and Other Interested Parties.

The report and order, which embraces No. 35059, Investigation of Charges for Furnishing Tariffs by Eastern Railroads, discontinued February 27, 1974, was served by the Commission late February 6.

Mr. Stafford said the action was "prompted by a concern that tariff users cannot presently rely on the timely receipt of tariff changes."

The new rules, which take effect in 90 days, generally provide that tariffs be mailed to subscribers not later than the time they are transmitted to the Commission, and that special expedited means for dispatching them are made.

The regulations also require that a copy of the tariff or schedule be furnished without delay to any person who makes a "reasonable" request.

All new tariff filings must contain a certificate of compliance which includes the manner in which the subscriber was notified.

"Under existing regulations, tariff changes generally must be filed with the Commission at least 30 days prior to the effective date," Mr. Stafford explained. "It has been found, however, that regular tariff subscribers often receive tariff changes only a few days before the change is to become effective—or even after it has gone into effect, and, therefore, do not always have sufficient time to anticipate changes or to file timely protest with the Commission."

In its report, the Commission said the need for the new rules was "urgent."

Subscribers and other parties will receive at least one copy of each new tariff, schedule, supplement and loose-leaf page amendment.

Nearly 100 parties had filed statements in the case.

The amendment is contained in the appendix of the report and order and reads in part as follows:

"1300.30 Transmission of Publications to Subscribers

"(a) Except as otherwise authorized in paragraphs (b) and (d) of this section, one copy of each new tariff, supplement and loose-leaf page must be transmitted to each subscriber thereto by first-class mail (or other means agreed upon in writing by subscriber and carrier or agent) not later than the time the copies for official filing are transmitted to the Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

"I hereby certify that I have on or before this day sent one copy of each publication listed hereon to each subscriber by first class mail, or by other means of transmission agreed upon in writing by the subscriber.

"(Signature of person transmitting publications)

"(b) If a new tariff or supplement is filed which in its entirety is published under an

and file without notice or no notice of less than 10 days, or if a new loose-leaf page is filed which contains a provision published under an authority from this Commission to publish and file without notice or on notice of less than 10 days, paragraph (a) of this section need not be complied with as to such publication if it cannot be, or compliance would cause excessive delay, but one copy of such publication must be transmitted to each subscriber thereto by first-class mail (or other means . . .) within five calendar days, starting with the calendar day following that on which the copies for official filing are transmitted to the Commission and the letter of transmittal to the Commission must contain the following certification:

"I hereby certify that I will within five days after today send one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon by the subscriber . . .

"Included in this exception are supplements issued for the purpose of announcing suspensions made by the Commission, publications (published in the name of the carrier only) announcing adoptions, and publications reproducing service orders . . .

Said the Commission, in its report:

"Balancing the obligations and the benefits accruing, we have modified the rules to require each carrier and each agent to furnish one copy of each publication to the subscriber or other interested person without charge, or at a charge which, in no case, is more than one-half of the demonstrable cost of the paper and the printing or other reproduction process employed which is proportionately assignable to the copy as part of the publication of multiple copies for filing, normal distribution, and stocking.

"Carrier or publishing agent in-house cost factors related only to the material and its physical reproduction operation, such as for compiling, overhead, equipment, depreciation, handling, sorting, etc., may not be included in the base for the calculation, but the actual cost of postal service or other authorized means of transmission may be added thereto."

Earlier, the eastern railroads wanted to charge 7 cents a page for the service. No other bureau sought to charge for the service.

## Canada Steam Authorized To Control Strickland

The ICC's Division 3 has upheld an administrative law judge's recommendation that Canada Steamship Lines, Ltd., be granted authority to control Strickland Transportation Co., Inc., but has imposed certain restrictions on the transaction.

The division's action came in a decision and

### Correction

On page 35 of the February 3 issue of *Traffic World*, in an article about control of R. C. Motor Lines by Eastern Express, it was stated erroneously that Eastern was controlled by "American Export Industries, a subsidiary of Isbrandtsen Co."

Isbrandtsen Co. is a major stockholder in American Export Industries, but AEL is not a subsidiary of Isbrandtsen or any other company. *Traffic World* regrets its error.

Strickland Transportation Co., Inc.

In the initial decision served August 6, 1974, the judge had imposed financial restrictions to protect Strickland's assets and assure continued good service.

The restriction says Strickland must: "Pay rent for the use of property owned by any parent, subsidiary or affiliate in excess of that provided for in current leases in effect with respect thereto, and upon their expiration, at a rent not exceeding costs of amortization, interest and proprietary expenses for such property, or enter into any new leases . . ."

The division added the phrase "with any parent, subsidiary or affiliate" following the word "leases" for clarification purposes.

The division said the law judge sought to eliminate dormant authority held by Strickland without substantially affecting its traffic between the southwest and Canada.

However, the division said, the deletion of dormant authority would "impede" continued service. It was "preferable to leave Strickland's authority intact," said the division, which added the following restriction:

All of the authority in MC-59680, Sub. 127, "is restricted against the transportation of traffic moving between origin or destination points in Canada and Michigan, on the one hand, and, on the other, points of destination or origin in Illinois, Indiana, Michigan, Ohio and Wisconsin."

The division said while traffic between points in Canada and points in Illinois, Indiana, Michigan, Ohio and Wisconsin had been interlined by Strickland with other carriers, the service by Strickland would be "detrimental" to other carriers.

## Commission Reports

\* An asterisk before the docket number means that the report will not be printed in full in the pertinent series of Commission reports. Mimeographed copies of such reports in full may be obtained by prompt application to the Commission.

\* CLASS RATES-1, and S. No. M.27345, Class Rates Between Points in Nevada and Points in California. Report and Order by Review Board No. 4 (served February 12). Proposed reduced class rates between points in the Reno, Nev., rate group and specified points in California, found not shown to be just and reasonable. Schedules ordered canceled and proceeding discontinued. By schedules filed to become effective February 21, 1974, the Rocky Mountain Motor Tariff Bureau, agent, published at the request of Applegate Drayage Co., and Reno-Loyalton-Calpine Stage Lines, Inc., reduced motor carrier class rates for application between the Reno, Nev., group, on the one hand, and, on the other, 23 north California points. On protest of motor carrier members of the bureau, operation of the schedules was suspended until September 21, 1974, when they became effective. The parties presently maintain class rates between the Reno group and the Susanville, Calif., group (rate basis 350) which includes 12 of the named points, and between the Reno group and the Sacramento, Calif., group (rate basis 340) which includes Sacramento. The proposal, said the board, would establish a new rate basis number 307 between the Reno group and the 23 named points, resulting in reduced rates. The respondent stated that other carriers maintain lower rates than those proposed. The bureau also said its carriers have a merchandise rate which allows a shipper to consolidate shipments destined to northern California. According to the respondent, if the shipper tenders at least 100,000 pounds, he receives a rate lower than the rates proposed. Protestants said the reduction to Sacramento would be a "disruptive" effect on the existing class rate

March 3, 1975

TO: Bob Bradley  
FROM: Terry Gardiner  
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.

file 191

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

June 6, 1975

Mr. James J. Johnson, Chairman  
Alaska Transportation Commission  
10th Floor, McKay Building  
338 Denali Street  
Anchorage, Alaska 99501

Subject: Docket Number 75-121-RR/A

Dear Mr. Johnson:

This letter is in response to your notice of proposed changes in the regulations of the ATC. I have a couple preliminary matters and then will comment on the merits of the proposed changes.

1. Please consider this letter a request for notice of all future proposed actions of the ATC, whether on this specific matter or others, as provided in AS 44.62.190(a)(2). This request is separate from others that may have been or will be submitted by other staff members of Alaska Legal Services.
2. The notice procedures here do not comply with the state Administrative Procedures Act, as they must under AS 42.07.151(b). AS 44.62.190(a)(1) requires that notice be published in the newspaper "at least 30 days before the adoption, amendment, or repeal of a regulation." The notice I saw (attached as Appendix A) was in the May 28 edition of the Tundra Times. The notice states that publication occurred May 21 and 28, 1975. Since the deadline for comments is June 10, 1975, 30 days has not elapsed. The 30 days must run from the date of the last publication to the date of the deadline for comments, or, at a minimum, the date of the public hearing. Any less notice not only does not comply with the law, but also is inadequate for public reaction to your proposals.
3. The general purpose of these proposed changes seems to be to tie notice periods to the publication of the journal and to delete from the requirement of public notice "petitions,

Mr. James J. Johnson

-2-

June 6, 1975

complaints, and other proceedings" in 3 AAC 60.180(b). However, not only is such a change unwise, but, effective September 2, 1975, entirely new notice provisions will have to be adopted, rendering this change meaningless.

On June 4, Governor Hammond signed Committee Substitute for House Bill 191 into effect (copy attached as Appendix B). The bill goes into effect 90 days after that date.

CSHB 191 alters the ATC notice statutes to require 1) at least 30 days actual notice to the public of proposed changes in rates, classifications, etc.; 2) notice "reasonably adequate to notify customers affected by the filing".

I believe that the "journal" method of notifying the public is not "reasonably adequate" and must be discontinued after September 2. First, the journal is not adequate because it is unlikely that a member of the public, however interested in the affairs of your commission, will spend \$20 per year on the chance that a few items in it may apply to his or her area. Second, the journal is not adequate because, as currently distributed, it does not provide 30 days' notice. A recent journal (attached as Appendix C) was dated March 25, 1975, and gave notice of applications before the ATC which were filed March 11, 13 and 14. The protest deadlines were April 4 and 9, substantially less than the 30 days required in CSHB 191. Third, the journal is not adequate because, in some situations, bilingual notice by television and radio will be required to make the effected consumers aware of the proposals.

Therefore, I strongly recommend you withdraw the proposed amendments and redraft them to comply with the letter and spirit of CSHB 191. This can easily be done by the September deadline.

Thank you.

Sincerely,

Donald E. Clocksin  
Deputy Director

cc: Tina Stonorov, Alaska Conservation Society  
Jim Grandjean, Anchorage ALSC  
Tony Motley, Commissioner of Commerce  
Representative Terry Gardiner  
Senator Jalmar Kerttula

DEC:mjb

**LEGAL NOTICE**

**NOTICE  
OF PROPOSED CHANGES  
IN THE REGULATIONS OF THE  
DEPARTMENT OF COMMERCE  
ALASKA  
TRANSPORTATION COMMISSION**

Notice is hereby given that the Department of Commerce, Alaska Transportation Commission, under authority vested by AS 42.07.141(a) and (b), proposes to amend regulations in Title 3 of the Alaska Administrative Code to implement AS 42.07.121, AS 02.05, AS 42.15, AS 42.25 and AS 42.10 as follows:

3 AAC 60.100(c), 3 AAC 60.180(b) and 3 AAC 60.430(a) are amended to read:

**3 AAC 60.100.  
INTERVENTION.**

(c) Intervention in an application proceeding shall be within the time specified in the notice of application as published in the commission's journal.

**3 AAC 60.180. NOTICE.**

(b) The commission shall compile a journal of all applications, to be published regularly not less frequently than once a month. Notice to all carriers and the general public shall be accomplished by publication of the journal. Official notice is completed upon publication in the journal. Upon payment of the charge therefor, any person may subscribe to the journal which shall be mailed first class to his designated address. Copies of the journal shall be maintained for public inspection at the offices of the commission in Anchorage, Fairbanks and Juneau.

**3 AAC 60.430.  
TEMPORARY AUTHORITY.**

(a) The commission shall notice all applications for temporary authority in the manner provided in sec. 180 of this chapter.

Notice is also given that any person interested may on or before June 10, 1975 file written arguments or statements relevant to the action proposed hereinabove or may appear and offer oral or written arguments or other statements at a hearing to be held June 17, 1975, at the hour of 10:00 A.M., in the Alaska Transportation Commission's Hearing Room, 10th Floor MacKay Building, 338 Denali Street, Anchorage, Alaska, 99501.

Thereafter the Alaska Transportation Commission, upon its own motion or at the instance of any interested person, may at the hearing or thereafter adopt the above changes substantially as proposed without further notice.

DATED at ANCHORAGE, ALASKA, this 13th day of May, 1975.

JAMES J. JOHNSON, Chairman  
Alaska Transportation Commission

ROBERT C. ROCKER,  
Commissioner  
Alaska Transportation Commission

QUENTIN L. DEBOER,  
Commissioner

Alaska Transportation Commission  
ALL CORRESPONDENCE PLEASE  
REFER TO: DOCKET NO.

75-121-RR/A,  
Pub. May 21, & 28, 1975.

Original sponsor: Gardiner

Offered: 4/16/75  
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 191

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to changes in transportation tariffs."

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

8 \* Section 1. AS 42.10.290(a) is amended to read:

9 (a) Unless the commission otherwise orders, no change may be made  
10 by a common carrier in its rates, classifications, rules, regulations,  
11 or practices or in a contract or agreement relating to a rate, classifi-  
12 cation, rule, regulation, or practice except after 45 [30] days notice  
13 to the commission and 30 days notice to the public. Notice shall be  
14 given to the commission by filing with the commission and keeping open  
15 for public inspection the revised tariff provisions which shall plainly  
16 indicate the changes to be made in the schedules then in force and the  
17 time when the changes will go into effect. The commission shall pre-  
18 scribe means by regulation whereby notice is given to the public before  
19 or no later than 15 days after the filing which shall be reasonably  
20 adequate to notify customers affected by the filing [MAY PRESCRIBE  
21 ADDITIONAL MEANS OF GIVING NOTICE]. The commission, for good cause  
22 shown, may allow changes to take effect on less than 45 [30] days notice  
23 to the commission or 30 days notice to the public under such conditions  
24 as the commission may prescribe.

25 \* Sec. 2. AS 42.15.191(a) is amended to read:

26 (a) Unless the commission otherwise orders, no change may be made  
27 by a common carrier in its rates, classifications, rules, regulations or  
28 practices or in a contract or agreement relating to a rate, classifica-  
29 tion, rule, regulation or practice except after 45 [30] days' notice to

1 the commission and 30 days' notice to the public. Notice shall be  
2 given to the commission by filing with the commission and keeping open  
3 for public inspection the revised tariff provisions which shall plainly  
4 indicate the changes to be made in the schedules then in force and the  
5 time when the changes will go into effect. The commission shall pre-  
6 scribe means by regulation whereby notice is given to the public before  
7 or no later than 15 days after the filing which shall be reasonably  
8 adequate to notify customers affected by the filing [MAY PRESCRIBE  
9 ADDITIONAL MEANS OF GIVING NOTICE]. The commission, for good cause  
10 shown, may allow changes to take effect on less than 45 [30] days' notice  
11 to the commission or 30 days' notice to the public under conditions the  
12 commission prescribes.

13 \* Sec. 3. AS 02.05.140(b) is amended to read:

14 (b) Extent and manner of filing. Tariffs shall be filed and made  
15 available to the public as provided in (f) of this section for changed  
16 tariffs as set out there, otherwise to the extent and in the manner  
17 required by regulations of the commission. The form of every tariff  
18 shall be prescribed by the commission. The commission shall prescribe  
19 a form as nearly similar as possible to the form of tariffs required of  
20 air carriers by the Civil Aeronautics Board or other agency of the  
21 federal government under the Act of Congress entitled "Federal Aviation  
22 Act of 1958," and acts amending or supplementing it. The rates, fares  
23 and charges shown in a tariff shall be stated in terms of lawful money  
24 of the United States.

25 \* Sec. 4. AS 02.05.140(f) is repealed and re-enacted to read:

26 (f) Notice of change in tariff. Unless the commission otherwise  
27 orders, no change may be made in a rate, fare, or charge, or a classi-  
28 fication, rule, regulation, or practice affecting the rate, fare, or  
29 charge or the value of the service thereunder, specified in any effec-

1       tive tariff of a certificated carrier, air taxi operator or carrier  
2       exempt under sec. 50(b) of this chapter, except after 45 days notice  
3       to the commission and 30 days notice to the public. Notice shall be  
4       given to the commission by filing with the commission and keeping open  
5       for public inspection the revised tariff provisions which shall plainly  
6       indicate the changes to be made in the schedules then in force and the  
7       time when the changes will go into effect. The commission shall pre-  
8       scribe means by regulation whereby notice is given to the public before  
9       or no later than 15 days after the filing which shall be reasonably  
10      adequate to notify customers affected by the filing. The commission,  
11      for good cause shown, may allow changes to take effect on less than 45  
12      days notice to the commission or 30 days notice to the public under such  
13      conditions as the commission may prescribe.

ALASKA TRANSPORTATION COMMISSION  
1000 MacKay Bldg., 338 Denali St.  
Anchorage, Alaska 99501  
Telephone 279-1451

RECEIVED

Alaska Local Service Corporation

Volume 2, No. 6

JOURNAL

March 25, 1975

Applications pending before the Commission are hereby noticed pursuant to the provisions of 3 AAC 60.180 of the Alaska Transportation Commission Rules of Practice and Procedure.

PROTEST DEADLINE: April 9, 1975, unless otherwise noted.

DOCKET NO. &  
DATE FILED

APPLICANT

SERVICE DESIRED

75-70-AT/A  
3/13/75

C & L, INC., d/b/a  
Port Heiden-Chignik Air  
Service  
P. O. Box 747  
Womer, Alaska 99603

Amend air taxi certificate  
No. 59 to include fixed  
wing aircraft 12,000 lbs.  
less GTOW, from an additional  
base of operations at Brown  
Bear Lodge Airstrip and  
Regular Field (near Port Heiden).

Attorney: Andrew E. Hogo, 601 W. 5th, #304, Anchorage

75-71-AS/A  
3/11/75

ALASKA AERONAUTICAL  
INDUSTRIES, INC.  
P. O. Box 6067  
Anchorage, Alaska 99502

Amend air scheduled certifi-  
cate No. 234 to include  
Anchorage/Seward/Anchorage  
service.

Attorney: S. A. Debonham, 511 W. 4th Ave., Anchorage

75-72-MF/X  
3/14/75

Willard D. Rowley, d/b/a  
R & R CONST.  
P. O. Box 464  
Chugiak, Alaska 99567

Temporary common carrier  
authority to transport  
wrecked, damaged, and/or  
disabled vehicles on the  
roads adjacent to and

utilized for transportation of equipment, materials  
and supplies for the Trans-Alaska Pipeline construc-  
tion projects on the one hand, and on the other hand,  
points in Zones 4 and 5. Authority limited to the  
use of wrecker type vehicles which weigh not less  
than 15,000 pounds.

PROTEST DEADLINE: April 4, 1975.

Appendix C