

COMMITTEE REPORT
HOUSE

(11)

FURTHER:

3/4/85

Date: 4-13-85

Mr. Speaker:

The Committee on FINANCE has had HR 162

"An Act relating to public utility consumer representation; and providing for an effective date."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HR 162 (FIN) same title new title
- and recommends individual recommendations
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]

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MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

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CHAIRMAN

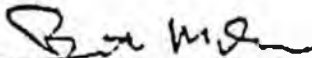
Position Paper
CS for HR 162 (Judiciary)

The bill provides for the addition of a utility consumer representation function to the Office of Public Advocacy. The office will represent the interests of residential consumers before regulatory bodies and would have the ability to seek judicial review. Such offices in 37 other states have successfully intervened and achieved substantial savings for utility consumers.

While the current staff of the Office of Public Advocacy has little experience and no expertise in the highly complex and specialized field of utility consumer representation, the placement of this function within an existing division of the Department of Administration will allow the realization of savings from the sharing of office facilities. The Office of Public Advocacy would therefore create, as contemplated by the bill, a separate unit devoted exclusively to utility consumer representation. A serious recruiting effort would be launched in order to assure the employment of experience staff.

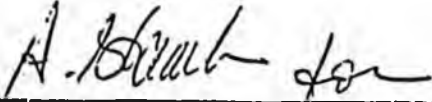
The bill's provision for the creation of an independent subprogram or element of the budget will help to minimize interference with OPA's current statutory mandate.

The OPA must be fully operational on or before July 1, 1985. An effective date of October 1, 1985 would therefore be preferable in order to avoid the difficulty of meeting identical deadlines.



Brant McGee
Public Advocate

3-15-85
Date



Commissioner Lisa Rudd
Department of Administration

3-15-85
Date



REPRESENTATIVE DON CLOCKSIN

Alaska House of Representatives

MAJORITY LEADER

1024 WEST SIXTH AVENUE
ANCHORAGE, ALASKA 99501
(907) 274-4031

WHILE IN JUNEAU:
POUCH V
JUNEAU, ALASKA 99811
(907) 465-3704

M E M O R A N D U M

TO: Members of the Finance Committee

DATE: March 13, 1985

FROM: Representative Don Clocksin

SUBJECT: CSHB 162 - An Act
Relating to Public Utility
Consumer Representation

What the Bill will do

CSHB 162 establishes a public utility consumer representation section in the Office of Public Advocacy of the Department of Administration. The section would represent the interests of residential utility ratepayers in proceedings where policy and utility rates are set.

Cost

The cost of the section is estimated to be \$229,400 in FY 86. An updated fiscal note is currently being prepared by the Office of Public Advocacy. This amount would fund two staff attorneys, one support staff, operating costs and the payment of expert witnesses.

Supporters

CSHB 162 is supported by the APUC, the Office of Public Advocacy, consumer groups and individual residential ratepayers.

Opponents

Spokesmen for several utilities have spoken against the concept of representation for ratepayers.

DC:JE:blg

Attachment

CSHB 162 FACT SHEET

Since 1922, 37 states in the nation have institutionalized the function of utility consumer representation within state government. Five states set up offices last year. Fiscal Year '84 funding for these offices varies from \$180,000 in Miss. to \$1.6 million in Maryland, and average approximately \$400,000.

The offices have proven to be cost effective in representing the consumer interest in utility cases. A 1981 study evaluated the reductions in rate increases brought about solely through the efforts of the offices. It found that Ohio's office saved consumers \$61.3 million over three years in rate increases the PUC found were unnecessary. Offices in Mass. and Missouri saved consumers \$47.5 million in two years, an average of \$5.5 million per case. The offices' budgets were only \$575,000 and \$412,400 respectively in 1984.

In No. Carolina, the percentage of electric rate increase requests approved by the PUC dropped from 90.3% to 70.2% in the three years after the state office was established. More importantly, the DOLLAR value of rate increases dropped by more than two-thirds, saving consumers \$247 million.

A 1984 survey of more than half of the nation's PUC commissioners found that, "A large segment of the state public utility commissioners we polled are convinced that utility customers can best be presented at the state level through the creation of state-funded offices of Consumer Advocacy. In their view, such offices are the best vehicle for serving the greatest number of consumers in the most unbiased, well-informed, and well-organized manner."

Utilities hire lawyers, accountants and lobbyists to argue their cases before the PUC and Administration, then pass the costs of that representation on to the ratepayers through rate increases. Utilities often spend \$50-75,000 plus expensive expert witness fees on an average rate case. A Public Utility Consumer Representation Section would help address that imbalance.

The APUC is not responsible for representing consumer interest in rate cases. The Commission acts as a judge in listening to testimony from utilities and other interested parties; the Commission staff represents the combined interests of the utility, commercial users and residential ratepayers.

The Need for Representation of Residential Utility Ratepayers in Alaska

Currently, the APUC (Alaska Public Utilities Commission) acts as a judge in listening to testimony from utilities and other interested parties on rate increase requests and other policy issues. The Commission staff represents the combined interests of the utility, commercial users and residential ratepayers in making its recommendation. Neither the Commission nor its staff is responsible for protecting the interests of consumers.

Utilities hire lawyers and accountants to argue their case, then pass the costs of that representation on to the ratepayers through rate increases. Commercial and industrial users often form associations to represent their interests, then pass the costs on to consumers through higher-priced goods. In Alaska, no body is empowered to represent the specific interests of consumers before the APUC. Moreover, the Commission is forbidden from taking a position not advocated by one of the parties to a proceeding. Thus, if neither the utility nor the commercial users nor the staff (arguing the combined interests) advocates a position most advantageous to consumers, the APUC cannot issue an order to that effect.

The arrangement is similar to a courtroom: If the prosecutor asks for an assault conviction, the judge cannot approve a murder conviction in the same proceeding. Likewise, our judicial system provides for a defense attorney; the judge is not responsible for hearing the prosecutor's arguments and advocating the rights of the defendant--the defense attorney has that responsibility.

Thirty-seven other states have recognized this inequity and established offices similar to the one proposed or have authorized citizen utility boards (CUBs), funded by ratepayers through solicitations enclosed in utility bills. Maryland set up its Office of Public Counsel in 1924 and 5 states organized offices this past legislative session.

The offices of utility consumer representation have proven to be cost effective in providing consumer advocacy. In 1981, analyst David Schwartz conducted a study of the offices to evaluate the reductions in rate increases brought about solely through the efforts of the offices, compared to their annual budgets. For example, he cites the Ohio office, where the Consumer Counsel effected direct savings of \$61.3 million over 3 years. The offices in Massachusetts and Missouri brought about a direct savings of \$47.5 million in 2 years, an average of \$5.5 million per case. The budgets of these two offices were only \$575,000 and \$412,400 respectively in 1984.

According to Schwartz, the offices have provided high QUALITY representation. Many state offices have succeeded in appealing to the courts or petitioning other regulatory bodies to overrule decisions made at the Commission level. In 1980, for example, the Missouri Supreme Court ruled in favor of the Office of Public Counsel, requiring that automatic utility rate adjustment clauses be substituted with stricter regulatory review of cost fluctuations.

The offices have encouraged utilities to operate more efficiently. Despite the successes of the offices outlined above, utilities have not gone out of business and consumers have not been faced with massive rate increases on the rebound. Closer monitoring and evaluation of utility rate increases have forced utilities to more carefully justify proposals and to run tighter, leaner operations.

The Alaska Public Utilities Commissioners and the State Attorney General support the establishment of an Office of Consumer Utility Representation to protect the interests of residential ratepayers in Alaska.

Original sponsors: Clocksin, Collins,
Davis, et al

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 162 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to public utility consumer represen-
7 tation; and providing for an effective date."

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

9 * Section 1. AS 44.23 is amended by adding a new section to read:

10 Sec. 44.23.070. PUBLIC UTILITY CONSUMER REPRESENTATION. (a) A
11 public utility consumer representation section is established in the
12 Department of Law.

13 (b) The attorney general shall appoint one or more attorneys to
14 operate the section. An appointee shall be familiar with public
15 utility regulation and practice before public utility regulatory
16 commissions. An appointment is for a three-year renewable term. An
17 appointee may not be removed from service, nor may an appointee's
18 salary be reduced, during a term except for good cause shown.

19 (c) The budget of the section shall be set out as an independent
20 sub-program or element of the Department of Law budget submitted by
21 the governor under the Executive Budget Act (AS 37.07). The section's
22 proposed budget shall provide for expert witness fees and other costs
23 of participating in regulatory proceedings in an amount adequate to
24 allow the section to effectively represent residential public utility
25 consumers.

26 (d) The section may

27 (1) initiate, intervene as a party in, or otherwise partic-
28 ipate in a hearing or other proceeding involving a public utility for
29 the purpose of representing the interests of residential public

1 utility consumers in the proceeding if the section determines that the
2 result of the proceeding may substantially affect the interests of
3 those consumers;

4 (2) maintain an action for judicial review of decisions of
5 a public utility regulatory agency and intervene or otherwise partici-
6 pate in civil proceedings involving review or enforcement of a public
7 utility regulatory agency action that the section determines may
8 substantially affect the interests of residential consumers;

9 (3) select and contract for the services of consultants and
10 experts to assist the section in the preparation and presentation of
11 matters before agencies, commissions, offices or courts;

12 (4) initiate public education and public reports in the
13 news media to protect and represent public utility consumer interests;

14 (5) have access, during normal business hours, to the
15 records of state agencies that are not classified by law as confiden-
16 tial;

17 (6) conduct discovery necessary to perform the duties set
18 out in this section; and

19 (7) organize community advisory groups in areas affected by
20 public utility regulatory actions.

21 (e) The section shall submit an annual report to the governor
22 and the legislature at the beginning of each regular session of the
23 legislature summarizing the activities of the section in the previous
24 fiscal year.

25 (f) In this section

26 (1) "public utility" has the meaning given in AS 42.05.720;

27 (2) "public utility consumer" means a residential customer
28 of a public utility;

29 (3) "section" means the public utility consumer

1 representation section in the Department of Law.

2 * Sec. 2. This Act takes effect July 1, 1985.

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STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 162
 Title: "An Act relating to
 public utility consumer representation"
 Sponsor: Rep. Clocksin
 Requestor: House Finance
 Date of Request: 4/9/85

FISCAL DETAIL

Agency Affected: Department of Law
 Program Category Affected: Public Protection
 BRU, Program or Subprogram(s) Affected: Consumer Protection
Utilities consumer Representation

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		119.8	158.9	166.8	175.1	183.9
200 TRAVEL		6.2	11.0	11.6	12.2	12.8
300 CONTRACTUAL		53.4	75.8	79.6	83.6	87.8
400 SUPPLIES		7.3	8.2	8.6	9.0	9.5
500 EQUIPMENT		13.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		199.7	253.9	266.6	279.9	294.0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND		199.7	253.9	266.6	279.9	294.0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

This fiscal note reflects 10 month funding for the lead attorney and 9 month funding for an assistant attorney and secretary in FY 86.

Prepared By: Rep. Duncan Phone: 465-3706
 Division: House Finance Date: 4-9-85

Approved by Commissioner: _____ Date: _____
 Agency: _____

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Duncan
4/12/85

Financial Analysis - CSHB 162 (Finance)

Staff

Attorney V, R25A = 10 months	\$60,157
Associate Attorney II, R19A = 9months	\$36,956.7
Legal Secretary I, R10B = 9 months	\$22,713.3
Total Personal Services	<u>\$119,827.0</u>

Staff Travel

1. Hearing Attendance outside of Anchorage	\$2,000 per diem \$2,100 travel
2. Staff travel to gather evidence	\$1,000 per diem \$1,050 travel
Total travel and per diem	<u>\$6,150</u>

Contractual

Communications & Postage	\$5,000
Duplicating	\$2,000
Rents & Utilities est 452 sq. ft. at \$2.30 per mo. 452 x \$2.30 x 10 -	\$10,396
WP Equipment maintenance - 150 x 10 =	\$1,500
Professional fees, for licensed utilities experts	\$28,000
Utilities experts staff support, preparation of exhibits, written testimony	\$3,000
Experts travel to attend hearings and offer testimony	\$1,000 subsistence \$2,500 travel
Total Contractual Services	<u>\$53,396</u>

Commodities - ongoing

Stationary, office supplies & consumables \$3,500

Utilities/tariff/law library materials \$1,500

Commodities - One time

New position office materials \$2,250

Total Commodities \$7,250

Equipment - One time

New position equipment \$3,000

Word Processor \$10,000 x 1 \$10,000

Total Equipment \$13,000

TOTAL FISCAL NOTE \$199,623.0

Costs beyond FY 86 have been adjusted to delete one time costs, increase annual funding from 10 to 12 months, and include a 5% inflation factor.

A M E N D M E N T

#2

Offered in the HOUSE

By Uehling

TO: CSHB 162 (Finance)

Page 1, line 22:

Delete "shall" and insert "may"

Page 1, lines 23 - 25, delete:

"in an amount adequate to allow the section to effectively represent residential public utility consumers"

Moen

A M E N D M E N T

#3

Offered in the HOUSE

By Uehling

To: CSHB 162 (Finance)

Page 2, line 5:

delete "a public utility regulatory agency" and
insert "the Alaska Public Utilities Commission"

Page 2, lines 6 - 7:

delete "a public utility regulatory agency action" and
insert: "an action by the Alaska Public Utilities Commission"

A M E N D M E N T

#4

Offered in the HOUSE

By Uehling

TO: CSHB 162 (Finance)

Page 2, line 18, delete:

"; and"

Page 2, lines 19 - 20:

Delete all material except the period.

SECTIONAL ANALYSIS

CSHB 162 (Finance)

Section 1 - establishes a public utility consumer representation section in the Department of Law. The section would represent the interests of residential utility ratepayers in proceedings where policy and utility rates are set.

Subsection d(7) (new section) states that the public utility consumer representation section of the Department of Law may "organize community advisory groups in areas affected by public utility regulatory actions."

This language was inserted to address the concern that the staff of the section have adequate input from affected communities.

Subsection f(1) corrected erroneous reference from AS 42.05.712 to AS 42.05.720.

Original sponsors: Clocksin, Collins,
Davis, et al

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BY THE FINANCE COMMITTEE

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17 commissions. An appointment is for a three-year renewable term. An
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19 salary be reduced, during a term except for good cause shown.

20 (c) The budget of the section shall be set out as an independent
21 sub-program or element of the Department of Law budget submitted by
22 the governor under the Executive Budget Act (AS 37.07). The section's
23 proposed budget shall provide for expert witness fees and other costs
24 of participating in regulatory proceedings in an amount adequate to
25 allow the section to effectively represent residential public utility
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2 utility consumers in the proceeding if the section determines that the
3 result of the proceeding may substantially affect the interests of
4 those consumers;

5 (2) maintain an action for judicial review of decisions of
6 a public utility regulatory agency and intervene or otherwise partici-
7 pate in civil proceedings involving review or enforcement of a public
8 utility regulatory agency action that the section determines may
9 substantially affect the interests of residential consumers;

10 (3) select and contract for the services of consultants and
11 experts to assist the section in the preparation and presentation of
12 matters before agencies, commissions, offices or courts;

13 (4) initiate public education and public reports in the
14 news media to protect and represent public utility consumer interests;

15 (5) have access, during normal business hours, to the
16 records of state agencies that are not classified by law as confiden-
17 tial;

18 (6) conduct discovery necessary to perform the duties set
19 out in this section; and

20 (7) organize community advisory groups in areas affected by
21 public utility regulatory actions.

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24 legislature summarizing the activities of the section in the previous
25 fiscal year.

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3 * Sec. 2. This Act takes effect July 1, 1985.
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STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 3/15/85

Page 1 of 8

REQUEST

Bill/Resolution No.: CSHB 162

Title: An Act relating to public utility consumer protection

Sponsor: Clocksin

Requestor:

Date of Request:

FISCAL DETAIL

Agency Affected: Dept. of Administration

Program Category Affected: Due Process

BRU, Program or Subprogram(s) Affected: Office of Public Advocacy

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES	-0-	204,317	216,576	229,570	243,344	257,944
200 TRAVEL		10,500	11,130	11,797	12,504	13,254
300 CONTRACTUAL		71,940	76,256	80,831	85,680	90,820
400 SUPPLIES		13,800	14,628	15,505	16,435	17,421
500 EQUIPMENT		20,000	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	320,557	318,590	337,703	357,763	379,439
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	320,557	318,590	337,703	357,763	379,439
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	1.0	4.0	4.0	4.0	4.0	4.0
PART-TIME						
TEMPORARY						

ANALYSIS: (attach separate page if necessary)

Prepared By: Brant McGee
Division: Office of Public Advocacy

Phone: 274-1684
Date: 3/15/85

Approved by Commissioner: Lisa Rudd
Agency: Department of Administration

Date: 3-15-85

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

FISCAL NOTE ANALYSIS

This fiscal notes provides for a four person staff to establish an office of public utility consumer representation within the Office of Public Advocacy of the Department of Administration. The office will be staffed by two attorneys, an associate attorney and a legal secretary if HB 162 is enacted and if this fiscal note is approved.

The primary function of this office will be to represent the interest of residential utility consumers in service and rate findings before the APDC and the FCC. The office will review contested filings and intervene in those contested filings that require representation of residential consumers.

Outside consultants will be used as expert witnesses in order to avoid the creation of a large in-house staff for major case examinations. We have used an average hourly rate of \$100 in budgeting for such services and estimate a total of 375 expert witness hours will be required.

The cost projected in this fiscal note represent the minimum funds necessary to effectively implement this bill. The office will not be able to intervene in every public utility matter that may adversely impact residential consumers. However, we believe that the staffing level of the office proposed by this fiscal note is realistic and necessary if a public utility consumer representation office is to function effectively.

Fiscal AnalysisStaff

Attorney V (12 mos.)	\$75,440
Attorney IV (10 mos.)	59,856
Associate Attorney II (10 mos.)	43,699
Legal Secretary (10 mos.)	25,322

Total Plus Services and Benefits: \$204,317

Staff Travel

- Hearing attendance outside of Anchorage -
5 hearings, 3 days each for 2 staff members
at \$80 per day.
5 x 3 x 2 x \$80 = \$2,400 per diem
Travel cost 5 x 2 x \$250 avg. RT
instate fare = \$2,500 travel
- Staff travel to gather evidence -
5 trips at 3 days each
5 x 3 x \$80 = \$1,200 per diem
5 x 1 x \$250 = \$1,250 travel
- Staff travel out-of-state to gather
evidence. 3 trips at 5 days each
3 x 5 x \$80 = \$1,200 per diem
3 x 1 x \$650 = \$1,950 travel

Total travel and per diem: \$10,500

Contractual

Communications & postage - 600 per mo. =	\$ 6,000
Duplicating - 400 per mo. =	4,000
Rents & utilities est. 525 sq. ft at \$2.30 per mo. 525 x \$2.30 x 12	14,490
WP equipment maintenance - 150 x 10 =	1,500
Professional fees, hourly rate for licensed utilities experts 375 hrs. x \$100 =	37,500

Utilities experts staff support, preparation of exhibits, written testimony est. 100 hrs. x \$40 =	\$4,000
Experts travel to attend hearings and offer testimony 5 trips x 3 days x \$80 =	\$1,200 subsistence
5 trips x \$650 travel =	\$3,250 travel
Total Contractual Services:	<u>\$71,940</u>
<u>Commodities - Ongoing</u>	
Stationary office supplies & consumables \$150 x 4 x 10 =	\$6,000
Utilities/tariff/law library materials \$100 x 10 x 3 =	\$3,000
<u>Commodities - Single time</u>	
New position offices materials \$1,200 x 4 =	\$4,800
Total Commodities	<u>\$13,800</u>
<u>Equipment - Single time</u>	
New position, attorney equipment 2,600 x 3 =	\$7,800
New position, secretary equipment 2,200 x 1 =	\$2,200
Word processor \$10,000 x 1 =	\$10,000
Total Equipment:	<u>\$20,000</u>
TOTAL FISCAL NOTE	\$320,557

Costs beyond FY 86 have been adjusted to delete single time costs, increase annual funding from 10 to 12 months, and they include a 5% inflation factor.

1.	POSITION TITLE Attorney V			RANGE/STEP 25/A	ORIG. UNIT PX	PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCH NUMBER	ORU PRIORITY	LOCATION EBA	ELECTION DISTRICT 8	LEG.	
3.	CONTINUATION LEVEL			ADDITION	JUSTIFICATION				
4.	TYPE OF EXPENDITURE			AMOUNT	<p>This position will serve as the senior member of the office of public utility consumer representation within Office of Public Advocacy. This office will be established in accordance with HB162, if this bill is enacted. The position will be responsible for initiating, intervening and participating in state or federal hearings or proceedings for the purpose of representing the interest of residential public utilities consumers. The position will also be responsible for maintaining actions for judicial review of public utilities regulatory agency decisions and intervene or otherwise participate in civil proceedings involving review or enforcement action that may substantially affect the interests of residential consumers. Because the position's duties are those of a public utilities regulation legal expert, allocation to the senior practicing attorney level of Attorney V is recommended.</p>				
PERSONAL SERVICES									
5.	Salary 4996/Mo.		59,952						
6.	Benefits		10,178						
7.	Supplemental Benefits		2,680						
8.	Fixed Benefits		2,630						
9.	TOTAL PERSONAL SERVICES	01	75,440*						
10.	Travel	02	3,500						
11.	Contractual	03	35,220						
12.	Commodities	04	3,450						
13.	Equipment	05	2,600						
14.	Other								
15.	TOTAL COST		120,210						
RECEIPT CODE			FUNDING SOURCE						
16.			Federal Receipts 1002						
17.			G.F. Match 1003						
18.			General Funds 1004						
19.			1-A Receipts 1005						
20.			Program Receipts 1028						
21.			Other						
TOTAL				120,210					

FOR B&H USE ONLY
KEY NUMBER

REQUEST FOR
NEW POSITION

AGENCY Department of Administration

PROGRAM Due Process

BRU Office of Public Advocacy

COMPONENT _____

FY 86

Page 5 of 8

Revised Date _____

1.	POSITION TITLE Attorney IV			RANGE/STEP 24/A	ORG. UNIT PX	PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 10	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION EBA	ELECTION DISTRICT 8	LEC.	
3.	CONTINUATION LEVEL			ADDITION			JUSTIFICATION		
4.	TYPE OF EXPENDITURE			AMOUNT					
	PERSONAL SERVICES								
5.	Salary 4663/MO.		46,630						
6.	Benefits		7,916						
7.	Supplemental Benefits		2,680						
8.	Fixed Benefits		2,630						
9.	TOTAL PERSONAL SERVICES			59,856					
10.	Travel		3,500						
11.	Contractual		23,480						
12.	Commodities		3,450						
13.	Equipment		2,600						
14.	Other								
15.	TOTAL COST			92,886					
16.	RECEIPT CODE	FUNDING SOURCE							
17.		Federal Receipts 1002							
18.		G.F. Match 1003							
19.		General Funds 1004		92,886					
20.		I-A Receipts 1005							
21.		Program Receipts 1028							
		Other							
FOR BRU USE ONLY									
KEY NUMBER _____									

This position will serve as the supporting attorney member of the office of public utility consumer representation within the Office of Public Advocacy. This office will be established in accordance with HB162, if this bill is enacted. The position will be responsible for initiating, intervening and participating in state or federal hearings or proceedings for the purpose of representing the interest of residential public utilities consumers. The position will also be responsible for maintaining actions for judicial review or public utility regulatory agency decisions and intervene or otherwise participate in civil proceedings involving review or enforcement action that may substantially affect the interests of residential consumers. A second attorney position is essential to assure coverage of on-going office cases while the other attorney is exclusively involved in rate proceedings.

**REQUEST FOR
NEW POSITION**

AGENCY Department of Administration
 PROGRAM Due Process
 BRU Office of Public Advocacy
 COMPONENT _____

FY 86

Page 6 of 8
 Revised Date _____

1.	POSITION TITLE Associate Attorney II			RANGE/STEP 19/A	DARG. UNIT PX	PAGE/LINE	CONV.	APPROV.	DIS/SP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 10	NP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION EBA	ELECTION DISTRICT 8	LEG.	
3.	CONTINUATION LEVEL			ADDITION					
4.	TYPE OF EXPENDITURE			AMOUNT					
	1		2		3				
	PERSONAL SERVICES								
5.	Salary	3336/MO.	33,360						
6.	Benefits		5,664						
7.	Supplemental Benefits		2,045						
8.	Fixed Benefits		2,630						
9.	TOTAL PERSONAL SERVICES		01	43,699					
10.	Travel		02	3,500					
11.	Contractual		03	11,740					
12.	Commodities		04	3,450					
13.	Equipment		05	2,600					
14.	Other								
15.	TOTAL COST			64,989					
	JUSTIFICATION								
	This position will serve as the principal staff assistant to the Attorney in charge and staff Attorney in the office of public utility consumer representation. This office will be established in accordance with HB162, if this bill is enacted. The position will provide legal and public utilities research on behalf of the office. The research will focus on public utilities rate and service filings and will include analysis and investigations of the impacts such filings will have on public utilities residential consumers. The position will also assist the attorneys in the preparation of legal documents and evidence filed by the office in ongoing hearings and proceedings. Allocation of the position to the senior paralegal level of Associate Attorney II is recommended because of the complex nature of public utilities regulation and law.								
	RECEIPT CODE			FUNDING SOURCE					
16.				Federal Receipts	1002				
17.				C.F. Hatch	1003				
18.				General Funds	1004	64,989			
19.				I-A Receipts	1005				
20.				Program Receipts	1028				
21.				Other					
FOR BAA USE ONLY									
KEY NUMBER									

**REQUEST FOR
NEW POSITION**

AGENCY Department of Administration

PROGRAM Due Process

BRU Office of Public Advocacy

COMPONENT _____

FY 86

Page 7 of 8

Revised Date _____

1.	POSITION TITLE Legal Secretary I			RANGE/STEP 10/A	DARG. UNIT GGU	PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 10	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION EBA	ELECTION DISTRICT 8	LEG.	
3.	CONTINUATION LEVEL	ADDITION		JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT					
	PERSONAL SERVICES								
5.	Salary 1835/MO.		18,350						
6.	Benefits		3,115						
7.	Supplemental Benefits		1,125						
8.	Fixed Benefits		2,732						
9.	TOTAL PERSONAL SERVICES		25,322						
10.	Travel		02	-0-					
11.	Contractual		03	1,500					
12.	Commodities		04	3,450					
13.	Equipment		05	12,200					
14.	Other								
15.	TOTAL COST			42,472					
16.	RECEIPT CODE	FUNDING SOURCE							
17.		Federal Receipts 1002							
18.		C.F. Match 1003							
19.		General Funds 1004		42,472					
20.		I-A Receipts 1005							
21.		Program Receipts 1028							
		Other							
FOR B&M USE ONLY									
KEY NUMBER _____									

This position will serve as the clerical support position for the office of public utility consumer representation. This office will be established in accordance with HB162, if this bill is enacted. The position will provide office communications, scheduling, filing, and the production of all legal documents needed by the new office. The work of the office is expected to result in a substantial volume of legal documents, public communications and evidence requiring the full-time services of a legal secretary.

**REQUEST FOR
NEW POSITION**

AGENCY Department of Administration

PROGRAM Due Process

BRU Office of Public Advocacy

COMPONENT _____

FY 86

Page 8 of 8
Revised Date _____



MORE

09/27/84

PERSONAL SERVICES EXPENDITURES DETAIL REPORT
 DEPT. OF COMMERCE & ECONOMIC DEVELOPMENT SCENARIO 1

PAGE: 1

COMP: AFUC

BRU: AFUC

ICR	JOB CLASS TITLE	T	LOC	B	S	R&S	MONTH	MOS	PREM	ANN	TOTAL
		S	U				RATE	BDG	PAY	DENES	P.S.
0045	ADMINISTRATIVE SP TEC II	F	EBA	G	A	08A	1630	0	0	0	0
0065	CONSR PROT-INFO OFF II	F	EBA	G	A	17A	2894	12	0	10485	45223
0055	ADMINISTRATIVE SP TEC II	F	EBA	G	A	08A	1630	12	0	7099	26667
0001	EXEC DIR PUB UTIL COMM	F	EBA	X	A	26D	5498	12	0	15990	81966
0002	DEP DIR PUB UTIL COMM	F	EBA	X	A	23F	4961	12	0	14947	74479
0003	UTILITY ENGINEER IV	F	EBA	G	A	21E	4356	12	0	13875	66152
0004	UTILITY TARIFF ANALYST I	F	EBA	G	A	17F	3451	12	0	11975	53392
0005	UTILITY FIN ANALYST IV	F	EBA	S	A	23C	4688	12	0	14660	70923
0006	UTILITY FIN ANALYST II	F	EBA	G	A	19C	3563	12	0	12276	55041
0007	UTILITY FIN ANALYST II	F	EBA	G	A	19C	3563	12	0	12276	55041
0008	ADMINISTRATIVE ASST I	F	EBA	G	A	12K	2609	12	0	9425	39245
0009	COMMISSIONER	F	EBA	X	A	26C	5303	12	0	15612	79248
0010	ADMIN. SUPPORT TECH. II	F	EBA	G	A	08B	1677	12	0	7226	27360
0011	ADMINISTRATIVE SP TEC IV	F	EBA	G	A	12B	2134	12	0	8449	34065
0012	COMMISSIONER, PUC	F	EBA	X	A	26C	5303	12	0	15612	79248
0013	COMMISSIONER, PUC	F	EBA	X	A	26C	5303	12	0	15612	79248

00493



MORE

09/27/84

PERSONAL SERVICES EXPENDITURES DETAIL REPORT
DEPT. OF COMMERCE & ECONOMIC DEVELOPMENT SCENARIO 1

PAGE: 2

COMP: APUC

BRU: APUC

ICN	JOB CLASS TITLE	T	LOC	B	S	R&S	MNTH	MOS	PREM	ANN	TOTAL
		S		U			RATE	BDG	PAY	BENES	P.S.
6014	COMMISSIONER, PUC	F	EBA	X	A	26C	5303	12	0	15612	79248
6015	ADMINISTRATIVE SP TEC II	F	EBA	G	A	08F	1893	12	0	7802	30520
6016	DRAFTING TECH II	F	EBA	G	A	11L	2517	12	0	9475	39690
6017	ADMINISTRATIVE SP TEC II	F	EBA	G	A	10D	2009	12	0	8114	32231
6018	ADMINISTRATIVE SPT CN SP	F	EBA	S	A	14E	2728	12	0	10179	42918
6019	PARALEGAL ASST II	F	EBA	G	A	16B	2803	12	0	10240	43882
6020	ADMINISTRATIVE SP TEC II	F	EBA	G	A	10E	2071	12	0	8280	33140
6021	ADMINISTRATIVE SP TEC II	F	EBA	G	A	10E	2071	12	0	8280	33140
6022	UTILITY ENGINEER V	F	EBA	S	A	23J	5379	12	0	16003	80562
6023	CONSR PROT-INFO OFF II	F	EBA	G	A	20J	4356	12	0	13875	66152
6024	ADM SUPPORT TECH IV	F	EBA	G	A	12B	2134	12	0	8449	34065
6026	UTILITY FIN ANALYST III	F	EBA	G	A	21B	3954	12	0	13094	60545
6027	UTILITY ENGINEER III	F	EBA	G	A	19D	3698	12	0	12596	56973
6028	UTILITY ENGINEER IV	F	EBA	G	A	21J	4663	12	0	14470	70427
6029	CORRESPONDENCE SEC III	F	EBA	G	A	12B	2134	12	0	8449	34065
6030	UTILITY FIN ANALYST II	F	EBA	G	A	19D	3698	12	0	12596	56973

FROM TERMINAL 2001 ON PRINTER 20001 DATE 09/27/84 TIME 10:49

MORE
09/27/84

PERSONAL SERVICES EXPENDITURES DETAIL REPORT
DEPT. OF COMMERCE & ECONOMIC DEVELOPMENT SCENARIO 1

PAGE: 3

COMP: APUC

BRU: APUC

PCN	JOB CLASS TITLE	T	LOC	B	S	R&S	MTH	MOS	PREM	ANN	TOTAL
		S		U			RATE	BDG	PAY	BENES	P.S.
6031	UTILITY FIN ANALYST III	F	EBA	G	A	21F	4513	12	0	14191	60348
6032	COMMISSIONER, PUC	F	EBA	X	A	26C	5303	12	0	15612	79248
6033	UTILITY ENGINEER III	F	EBA	G	A	19B	3451	12	0	11975	53392
6034	ADMINISTRATIVE SP TEC II	F	EBA	G	A	10C	1955	12	0	7968	31429
6035	COMMON COMMON CARRIER SP	F	EBA	G	A	22F	4835	12	0	14805	72828
6036	CONSNR PROT-INFO OFF I	F	EBA	G	A	14J	2894	12	0	10485	45223
6037	UTILITY TARIFF ANALYST I	F	EBA	G	A	14J	2894	12	0	10485	45223
6039	ECONOMIST II	F	EBA	G	A	20E	4074	12	0	13326	62214
6040	ADM SUPPORT TECH III	F	EBA	G	A	10B	1893	12	0	7802	30520
6041	UTILITY TARIFF ANA III	F	EBA	S	A	20J	4382	12	0	14065	66651
6042	UTILITY FIN ANALYST II	F	EBA	G	A	19B	3451	12	0	11975	53392
6043	CHF HEARING EXAMINER	F	EBA	X	A	25F	5705	12	0	16392	84852
6045	UTILITY FIN ANALYST III	F	EBA	G	A	21D	4224	12	0	13618	64308
6046	PARALEGAL ASST I	F	EBA	G	A	13D	2432	12	0	9248	36442
6047	UTILITY FIN ANALYST II	F	EBA	G	A	19B	3451	12	0	11975	53392
6048	ADM SUPPORT TECH III	F	EBA	G	A	10D	2009	12	0	8114	32231

00495

MORE

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PERSONAL SERVICES EXPENDITURES DETAIL REPORT
DEPT. OF COMMERCE & ECONOMIC DEVELOPMENT SCENARIO 1

PAGE: 4

COMP: APUC

BRU: APUC

ICR	JOB CLASS TITLE	T	LOC	B	S	R&S	HTH	NOS	PREM	ANN	TOTAL
		S		U			RATE	DDG	PAY	GENES	P.S.
6049	SECRETARY I	F	EBA	G	A	10F	2134	12	0	3449	34065
6050	UTILITY ENGINEER III	F	EBA	G	A	19C	3563	12	0	12276	55041
6052	ADMINISTRATIVE SP TEC II	F	EBA	G	A	08B	1677	12	0	7226	27360
6053	UTILITY FIN ANALYST II	F	EBA	G	A	19A	3335	12	0	11666	51696
6054	UTILITY TARIFF ANALYST I	F	EBA	G	A	17A	2894	12	0	10485	45223
6055	ADMINISTRATIVE SP TEC I	F	EBA	G	A	06B	1499	12	0	6748	24740
6056	ADMINISTRATIVE SP TEC II	F	EBA	G	A	08B	1677	12	0	7226	27360
6057	HEARING EXAMINER	F	EBA	X	A	22A	3900	12	0	12886	59686
6057							0	0	0	0	0

00496

TO: Senator Fred Zharoff
Representative Adelheid Herrmann

House Judiciary Committee Members,
Representatives M. Mike Miller,
John Sund, Max Gruenberg, Robin Taylor,
Don Clocksin, Fritz Pettyjohn, Randy Phillips

FROM: Fred Torrisi

RE: HB 162

DATE: February 19, 1985

In the fast-changing, deregulated world of today, it is becoming increasingly difficult for those living in remote locations to pay for basic utilities. In all locations it is important that rate schedules be written so as to protect those persons who only use a minimum amount. The Office of Public Utility Consumer Representation which is established by HB 162 is an important step towards protection of these rights.

Offered: 3/4/85
Referred: Finance

Original sponsors: Clocksin, Collins,
Davis, et al

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 162 (Judiciary)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to public utility consumer represen-
7 tation; and providing for an effective date."

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

9 * Section 1. AS 44.21.410(a) is amended to read:

10 (a) The office of public advocacy shall

11 (1) perform the duties of the public guardian under AS
12 13.26.360 - 13.26.410;

13 (2) provide visitors and experts in guardianship proceed-
14 ings under AS 13.26.131;

15 (3) provide guardian ad litem services to children in child
16 protection actions under AS 47.17.030(e) and to wards and respondents
17 in guardianship proceedings who will suffer financial hardship or
18 become dependent upon a government agency or a private person or
19 agency if the services are not provided at state expense under AS 13.-
20 26.112;

21 (4) provide legal representation in guardianship proceed-
22 ings to respondents who are financially unable to employ attorneys
23 under AS 13.26.106(b), to indigent parties in cases involving child
24 custody in which the opposing party is represented by counsel provided
25 by a public agency, and to indigent parents or guardians of a minor
26 respondent in a commitment proceeding concerning the minor under
27 AS 47.30.775;

28 (5) provide legal representation and guardian ad litem
29 services under AS 25.24.310; in cases arising under the Uniform

1 Interstate Compact on Juveniles (AS 47.15); in cases involving peti-
2 tions to adopt a minor under AS 25.23.100(j); in cases involving
3 petitions to remove the disabilities of a minor under AS 09.55.590; in
4 children's proceedings under AS 47.10.050(a); and in cases involving
5 indigent persons who are entitled to representation under AS 18.85.100
6 and who cannot be represented by the public defender agency because of
7 a conflict of interests;

8 (6) provide public utility consumer representation under
9 AS 44.21.460.

10 * Sec. 2. AS 44.21 is amended by adding a new section to read:

11 Sec. 44.21.460. PUBLIC UTILITY CONSUMER REPRESENTATION. (a) A
12 public utility consumer representation section is established in the
13 office of public advocacy.

14 (b) The director of the office of public advocacy shall appoint
15 one or more attorneys to operate the public utility consumer represen-
16 tation section. An appointee shall be familiar with public utility
17 regulation and practice before public utility regulatory commissions.
18 An appointment is for a three-year renewable term. An appointee may
19 not be removed from service, nor may an appointee's salary be reduced,
20 during a term except for good cause shown.

21 (c) The budget of the section shall be set out as an independent
22 sub-program or element of the office of public advocacy budget submit-
23 ted by the governor under the Executive Budget Act (AS 37.07). The
24 section's proposed budget shall provide for expert witness fees and
25 other costs of participating in regulatory proceedings in an amount
26 adequate to allow the section to effectively represent residential
27 public utility consumers.

28 (d) The section may

29 (1) initiate, intervene as a party in, or otherwise

7
1 participate in a hearing or other proceeding involving a public utility for the purpose of representing the interests of residential public utility consumers in the proceeding if the section determines that the result of the proceeding may substantially affect the interests of those consumers;

2
3
4
5
6 (2) maintain an action for judicial review of decisions of a public utility regulatory agency and intervene or otherwise participate in civil proceedings involving review or enforcement of a public utility regulatory agency action that the section determines may substantially affect the interests of residential consumers;

7
8
9
10
11 (3) select and contract for the services of consultants and experts to assist the section in the preparation and presentation of matters before agencies, commissions, offices or courts;

12
13
14 (4) initiate public education and public reports in the news media to protect and represent public utility consumer interests;

15
16 (5) have access, during normal business hours, to the records of state agencies that are not classified by law as confidential; and

17
18
19 (6) conduct discovery necessary to perform the duties set out in this section.

20
21 (e) The section shall submit an annual report to the governor and the legislature at the beginning of each regular session of the legislature summarizing the activities of the section in the previous fiscal year.

22
23
24 (f) In this section

25
26 (1) "public utility" has the meaning given in AS 42.05.712;

27 (2) "public utility consumer" means a residential customer of a public utility;

28
29 (3) "section" means the public utility consumer

1 representation section in the office of public advocacy.

2 * Sec. 3. This Act takes effect July 1, 1985.

Introduced: 2/1/85
Referred: Judiciary and
Finance

BY CLOCKSIN, COLLINS, DAVIS,
M.M. MILLER, NAVARRE, GRUENBERG,
DUNCAN, KOPONEN AND HURLEY

1 IN THE HOUSE

2 HOUSE BILL NO. 162

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to public utility consumer represen-
7 tation; and providing for an effective date."

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

9 * Section 1. AS 44.23 is amended by adding a new section to read:

10 Sec. 44.23.070. OFFICE OF PUBLIC UTILITY CONSUMER REPRESENTA-
11 TION. (a) The office of public utility consumer representation is
12 established in the consumer protection section of the Department of
13 Law.

14 (b) The attorney general shall appoint one or more attorneys to
15 operate the office of public utility consumer representation. An
16 appointee shall be familiar with public utility regulation and prac-
17 tice before public utility regulatory commissions. An appointment is
18 for a three-year renewable term. An appointee may not be removed from
19 office, nor may an appointee's salary be reduced, during a term except
20 for good cause shown.

21 (c) The budget of the office shall be set out as an independent
22 sub-program or element of the Department of Law budget submitted by
23 the governor under the Executive Budget Act (AS 37.07). The office's
24 proposed budget shall provide for expert witness fees and other costs
25 of participating in regulatory proceedings in an amount adequate to
26 allow the office to effectively represent residential public utility
27 consumers.

28 (d) The office may

29 (1) initiate, intervene as a party in, or otherwise

1 participate in a hearing or other proceeding of a state or federal
2 agency, board, commission, office, or court for the purpose of repre-
3 senting the interest of residential public utility consumers in the
4 proceeding if the office determines that the result of the proceeding
5 may substantially affect the interests of those consumers;

6 (2) maintain an action for judicial review of decisions of
7 a public utility regulatory agency and intervene or otherwise partici-
8 pate in civil proceedings involving review or enforcement of a public
9 utility regulatory agency action that the office determines may
10 substantially affect the interests of residential consumers;

11 (3) select and contract for the services of consultants and
12 experts to assist the office in the preparation and presentation of
13 matters before agencies, commissions, offices or courts;

14 (4) initiate public education and public reports in the
15 news media to protect and represent public utility consumer interests;

16 (5) have access, during normal business hours, to the
17 records of state agencies that are not classified by law as confiden-
18 tial; and

19 (6) take depositions and subpoena witnesses and documents
20 in performing the duties set out in this section.

21 (e) The office shall submit an annual report to the attorney
22 general and the legislature at the beginning of each regular session
23 of the legislature summarizing the activities of the office in the
24 previous fiscal year.

25 (f) In this section

26 (1) "office" means the office of public utility consumer
27 representation;

28 (2) "public utility consumer" means a residential customer
29 of a public utility regulated by the Alaska Public Utility Commission

1 under AS 42.05 or a public utility operated by a political subdivision
2 of the state.

3 * Sec. 2. This Act takes effect July 1, 1985.