

**HB**

**234**

<TARGET><BILL>HB 234</BILL><SUBJECT>HB  
234</SUBJECT><COMM>HFIN28</COMM></TARGET>



# Fiscal Note

State of Alaska  
2014 Legislative Session

Bill Version: HB 234  
Fiscal Note Number: 1  
(H) Publish Date: 2/5/14

Identifier: HB234-DCCED-RCA-01-23-14  
Title: EXTEND REGULATORY COMMISSION OF ALASKA  
Sponsor: \*\* HAWKER, ISAACSON  
Requester: Labor & Commerce

Department: Department of Commerce, Community and Economic Development  
Appropriation: Regulatory Commission of Alaska  
Allocation: Regulatory Commission of Alaska  
OMB Component Number: 2417

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates					
			FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
<b>OPERATING EXPENDITURES</b>								
Personal Services		6,847.0	6,805.9	6,805.9	6,805.9	6,805.9	6,805.9	6,805.9
Travel		51.5	51.5	51.5	51.5	51.5	51.5	51.5
Services		2,371.4	2,276.2	2,276.2	2,276.2	2,276.2	2,276.2	2,276.2
Commodities		156.9	156.9	156.9	156.9	156.9	156.9	156.9
Capital Outlay		4.0	4.0	4.0	4.0	4.0	4.0	4.0
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>0.0</b>	<b>9,430.8</b>	<b>9,294.5</b>	<b>9,294.5</b>	<b>9,294.5</b>	<b>9,294.5</b>	<b>9,294.5</b>	<b>9,294.5</b>

**Fund Source (Operating Only)**

1007 I/A Rcpts		140.0	140.0	140.0	140.0	140.0	140.0
1061 CIP Rcpts		50.0	50.0	50.0	50.0	50.0	50.0
1141 RCA Rcpts		9,104.5	9,104.5	9,104.5	9,104.5	9,104.5	9,104.5
1212 Stimulus09		136.3					
<b>Total</b>	<b>0.0</b>	<b>9,430.8</b>	<b>9,294.5</b>	<b>9,294.5</b>	<b>9,294.5</b>	<b>9,294.5</b>	<b>9,294.5</b>

**Positions**

Full-time		58.0	58.0	58.0	58.0	58.0	58.0
Part-time							
Temporary		4.0	3.0	3.0	3.0	3.0	3.0

<b>Change in Revenues</b>							
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Estimated SUPPLEMENTAL (FY2014) cost: 0.0

Estimated CAPITAL (FY2015) cost: 0.0

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Not applicable, initial version.

Prepared By: T. W. Patch, Chairman	Phone: (907)276-6222
Division: Regulatory Commission of Alaska	Date: 01/23/2014 03:45 PM
Approved By: Jeanne Mungle, Director	Date: 01/24/14
Agency: Administrative Services	

FISCAL NOTE ANALYSIS #1

STATE OF ALASKA  
2014 LEGISLATIVE SESSION

BILL NO. HB 234

**Analysis**

This legislation extends the termination date of the Regulatory Commission of Alaska (RCA) for eight years to June 30, 2022. The ARRA federal stimulus funds shown in FY 2015 are available through November 2014. The fiscal note reflects the decrease in federal funds and a related temporary employee beginning in FY2016.

The RCA is funded through the regulatory cost charge (RCC) mechanism, direct charges, inter-agency receipts, and ARRA federal stimulus funds. No general funds are directly allocated for support of the agency. The RCC is recalculated each year and allows the agency to recover its operating costs through an assessment on the revenues of regulated industry.



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### Commissioners

**Section Links**

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Name	Term	Email Address	
Paul F Lisankie	March 2, 2009 - March 1, 2015	paul.lisankie@alaska.gov	<a href="#">Biography</a>
TW Patch, Chair	March 1, 2010 - March 1, 2016	tw.patch@alaska.gov	<a href="#">Biography</a>
Robert M. Pickett	March 7, 2008 - March 1, 2014	bob.pickett@alaska.gov	<a href="#">Biography</a>
Norman Rokeberg	February 19, 2013 - March 1, 2019	norman.rokeberg@alaska.gov	<a href="#">Biography</a>
Jan Wilson	April 11, 2006 - March 1, 2018 (Reappointed: 4/1/2012)	janis.wilson@alaska.gov	<a href="#">Biography</a>

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# REPRESENTATIVE MIKE HAWKER

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ALASKA STATE LEGISLATURE • DISTRICT 27

Anchorage • Glen Alps • Rainbow • Indian • Bird • Girdwood

## House Bill 234 Sponsor Statement

**Short Title: Extend Regulatory Commission of Alaska**

House Bill 234 extends the termination date of the Regulatory Commission of Alaska until June 30, 2022, in accordance with the recommendation of the Legislative Auditor.

The Regulatory Commission of Alaska is an independent, quasi-judicial regulatory body charged with regulating public utilities and pipeline services. Regulation is accomplished by certifying qualified providers and ensuring they provide safe and adequate services and facilities at just and reasonable rates, terms, and conditions.

SESSION: State Capitol Room 502, Juneau, Alaska 99801 • 465-4949 • FAX: 465-4979

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Rep.Mike.Hawker@akleg.gov • [www.housemajority.org/hawker](http://www.housemajority.org/hawker)

# ALASKA STATE LEGISLATURE

## LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



P.O. Box 113300  
Juneau, AK 99811-3300  
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SUMMARY OF: A Sunset Review on the Department of Commerce, Community, and Economic Development, Regulatory Commission of Alaska, July 19, 2013

### PURPOSE OF THE REPORT

In accordance with Title 24 and Title 44 of the Alaska Statutes (sunset legislation), we have reviewed the Regulatory Commission of Alaska's (commission or RCA) activities. The purpose of this audit was to determine if there is a demonstrated public need for its continued existence and if it has been operating in an effective manner. As required by AS 44.66.050(a), this report shall be considered by the committee of reference during the legislative oversight process in determining whether the commission should be reestablished. Currently, under AS 44.66.010(a)(3), RCA will terminate on June 30, 2014, and will have one year from that date to conclude its administrative operations.

### REPORT CONCLUSIONS

Overall, RCA is operating in the public's interest. In our opinion, the commission fulfills a public need and is serving Alaskans by:

- Assessing utility and pipeline companies' capabilities for safely serving the public;
- Evaluating regulated entities' tariffs and charges;
- Verifying charges passed through to consumers from electric and natural gas utilities;
- Adjudicating disputes between ratepayers and regulated entities; and
- Providing consumer protection services.

We recommend the legislature extend RCA's termination date until June 30, 2022.

Although the commission partially addressed case management system data deficiencies noted in the audit of RCA's FY 11 annual report,<sup>1</sup> continuing deficiencies were noted and further improvements are recommended. We also recommend the legislature consider clarifying the statutory timeline for rulemaking proceedings.

### FINDINGS AND RECOMMENDATIONS

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<sup>1</sup>Department of Commerce, Community and Economic Development; Regulatory Commission of Alaska, FY 11 Annual Report, May 23, 2012, audit control number 08-30067-12.

### Recommendation No. 1

RCA's chair should improve and enforce written procedures to ensure case management system data is accurate, consistent, and complete.

Although RCA management developed written procedures for tariff filing and docket data entry during FY 12, testing results showed procedures were not consistently applied. The data errors can be attributed to a lack of adequate training and documentation of data review, and a lack of ongoing quality reviews to ensure case management system data is accurate, consistent, and complete.

### Recommendation No. 2

The legislature should consider clarifying AS 42.05.175(e) to ensure RCA fulfills legislative intent when processing regulatory dockets.

The legislature should consider clarifying AS 42.05.175(e) to ensure RCA fulfills legislative intent when processing regulatory dockets. Currently, RCA interprets AS 42.05.175(e) to allow for two separate dockets during the regulatory process. If the legislature intends the entire regulatory deliberative process to be subject to the 730-day timeline, the legislature should consider clarifying Alaska Statutes.

# ALASKA STATE LEGISLATURE

## LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



P.O. Box 113300  
Juneau, AK 99811-3300  
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August 19, 2013

Members of the Legislative Budget  
and Audit Committee:

In accordance with the provisions of Title 24 and Title 44 of the Alaska Statutes (sunset legislation), we have reviewed the Regulatory Commission of Alaska's (commission) activities and the attached report is submitted for your review.

### DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT REGULATORY COMMISSION OF ALASKA SUNSET REVIEW

July 19, 2013

Audit Control Number  
08-20079-13

The audit was conducted as required by AS 44.66.050 and under the authority of AS 24.20.271(1). Alaska Statute 44.66.050(c) lists the criteria to be used to assess the demonstrated public need for a given board, commission, agency, or program subject to the sunset review process. Per AS 44.66.010(a)(3), the commission is scheduled to terminate on June 30, 2014.

In our opinion, the commission's termination date should be extended. We recommend that the legislature extend the termination date to June 30, 2022.

The audit was conducted in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. Fieldwork procedures utilized in the course of developing the findings and recommendations presented in this report are discussed in the Objectives, Scope, and Methodology.

A handwritten signature in black ink, appearing to read "Kris Curtis".

Kris Curtis, CPA, CISA  
Legislative Auditor

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## OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Title 24 and 44 of the Alaska Statutes, we have reviewed the Regulatory Commission of Alaska's (commission or RCA) activities to determine if there is a demonstrated public need for its continued existence and if it has been operating in an efficient and effective manner.

As required by AS 44.66.050(a), this report shall be considered by the committee of reference during the legislative oversight process in determining whether the commission should be reestablished. Currently, under AS 44.66.010(a)(3), RCA will terminate on June 30, 2014, and will have one year from that date to conclude its administrative operations.

### Objectives

The three central, interrelated objectives of our audit were:

1. Determine if the termination date of the commission should be extended.
2. Determine if RCA is operating in the public's interest.
3. Provide a current status of the recommendations made in the prior sunset audit report.

### Scope and Methodology

The assessment of the commission's operations and performance was based on criteria established in AS 44.66.050(c). Criteria set out in this statute relate to the determination of a demonstrated public need for the commission.

The audit evaluated RCA operations from July 1, 2010, through May 15, 2013. The audit reviewed information from RCA's database related to utility, pipeline, and regulatory dockets; tariff filings; and informal consumer complaints that were open or opened from July 2012, through February 2013.

During the course of the audit, the following were reviewed and evaluated:

- Applicable Alaska Statutes and regulations to identify RCA's functions and responsibilities. Changes made during the audit period were reviewed to determine whether the changes enhanced or impeded commission activities. Changes were also evaluated for consistency with statutory purpose and to ascertain if the commission operated in the public's interest.
- Public notice documentation to ascertain whether public notice of RCA public meetings, regulatory docket proceedings, and tariff filings was published as required by Alaska Statutes.

- The prior sunset audit and a previous audit of the RCA FY 11 annual report to identify issues affecting the commission.
- Appeals of RCA decisions to the Alaska Superior and Supreme Courts to determine whether the commission's adjudicatory decisions were based on evidential record and contain justification for the decision reached.
- FY 13 Regulatory Cost Charge levied on regulated entities by RCA to determine compliance with statutory and regulatory calculation requirements.

In order to identify and evaluate issues relating to RCA's activities, we conducted interviews with: RCA's staff, management, and commissioners; Alaska Energy Authority management; and Regulatory Affairs and Public Advocacy section staff within the Department of Law. Topics of discussion included RCA's operational efficiency, suggestions for areas of improvement, and whether RCA is duplicating the activities of another governmental agency or private company.

Representatives from public utilities and individuals party to utility dockets or tariff filings presented before the commission from July 2012 through February 2013 were surveyed. The surveys sought opinions on: what statutory or regulatory changes should be made; whether the commission operated efficiently and in the public's interest; whether the commission effectively communicated; satisfaction with RCA's overall operations; the adequacy of RCA's website; and whether the commission duplicated functions of another governmental or private entity.

A random sample of 25 of 175 utility dockets open or opened during the audit period (July 1, 2012 through February 28, 2013) was selected and assessed for the effectiveness of internal controls and for compliance with statutory timelines and extensions. An additional random sample of 16 utility dockets from the same period was selected to further assess the effectiveness of internal controls. In determining sample size, the applicable controls were considered moderately significant; the inherent risk was considered limited; and the risk of noncompliance was considered low. The internal control error rate was statistically projected over the total population of 175 utility dockets.

A random sample of 26 of 261 tariff filings open or opened during the audit period was selected and assessed for the effectiveness of internal controls and for compliance with statutory timelines and public notice requirements. In determining sample size, the applicable controls were considered moderately significant; the inherent risk was considered limited; and the risk of noncompliance was considered low. Error rates were statistically projected over the total population of 261 tariff filings.

A random sample of nine of 41 pipeline dockets open or opened during the audit period was selected and assessed for the effectiveness of internal controls. In determining sample size, the applicable controls were considered moderately significant; the inherent risk was considered limited; and the risk of noncompliance was considered low.

A random sample of 25 of 175 informal consumer complaints open or opened during the audit period was selected and assessed for the effectiveness of internal controls. In determining sample size, the applicable controls were considered moderately significant; the inherent risk was considered limited; and the risk of noncompliance was considered low. Error rates were statistically projected over the total population of 175 informal consumer complaints.

A random sample of five of nine regulatory dockets open or opened during the audit period was selected and assessed for the effectiveness of internal controls. Additionally, an analysis of 22 regulatory dockets open or opened from July 2010 through February 2013 was performed to determine compliance with RCA's statutory requirement not to evade statutory timelines.

Inquiries regarding commission-related complaints were made with the following organizations:

- Alaska State Commission for Human Rights;
- Department of Administration's Division of Personnel and Labor Relations;
- United States Equal Employment Opportunity Commission;
- Department of Commerce, Community, and Economic Development's Commissioner's Office;
- Office of the Ombudsman;
- Office of Victims' Rights; and
- Office of the Governor's Alaska Boards and Commission.

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## **ORGANIZATION AND FUNCTION**

The Regulatory Commission of Alaska (commission or RCA) is responsible for ensuring safe, adequate, and fair public utility and pipeline services. This is done by allowing regulated entities to charge users rates and provide services in a manner consistent with both the public and regulated entities' interests. RCA has the authority to adopt regulations and to hold formal, quasi-judicial hearings to accomplish these purposes.

The commission regulates pipeline, telephone, electric, natural gas, water, sewer, refuse, cable TV, and heat services through a certification process. A public utility or pipeline company must obtain a certificate of public convenience and necessity which describes the authorized service area and scope of operations. A certificate is issued when RCA formally finds the applicant to be fit, willing, and able to provide the service requested.

In addition to the certificate process, the commission may also economically regulate the rates, classifications, rules, regulations, practices, services, and facilities of public utilities and pipeline companies covered by Alaska Statutes. The commission determines whether the rates being charged or proposed by regulated entities are fair, just, and reasonable.

All economically regulated utilities and pipeline companies are required to maintain a tariff and operate under the terms of the tariff. *Tariffs* are the written terms, conditions, rules and rates governing a company's conduct in providing public utility or pipeline services. The commission reviews all initial tariffs and tariff revisions.

The commission records in dockets the activities relating to certifying and regulating public utilities and pipeline companies, formal complaint resolutions, and regulation adoptions. These dockets are categorized into four types: utility, pipeline, complaint, and regulatory.

As shown in Exhibit 1, RCA consists of five commissioners. The commissioners are appointed by the governor, confirmed by the legislature for six-year terms, and must either be a member of the Alaska Bar Association or have a degree in engineering, finance, economics, accounting, business administration, or public administration from an accredited university. The commission's staff includes administrative law judges, engineers, financial analysts, consumer protection officers, paralegals, as well as administrative and support staff. RCA also receives legal advice from counsel assigned to it by the Department of Law.

RCA had 61 permanent and two non permanent positions in its \$9.4 million FY 13 operating budget.

### **Exhibit 1**

#### **Regulatory Commission of Alaska Members**

##### **as of June 2013**

T.W. Patch, Chair  
Term expires March 2016

Robert Pickett  
Term expires March 2014

Norman Rokeberg  
Term expires March 2019

Paul Lisankie  
Term expires March 2015

Jan Wilson  
Term expires March 2018

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## **BACKGROUND INFORMATION**

### Regulatory Commission of Alaska's (commission or RCA) Use of Dockets in Rulemaking Proceedings

Subsections of AS 42.05.175 provide statutory timeline requirements for rulemaking proceedings that:

- Require RCA to issue a final order in a rulemaking docket not later than 730 days after a complete petition for regulatory change is filed or after the commission issues an initiating order for such proceedings;
- Allow for one 90-day extension if the commission finds good cause exists for the extension; and
- Do not allow RCA to evade statutory timeline requirements by terminating a proceeding in a docket and opening a proceeding in another docket on substantially the same matter.

In practice, the commission's regulation adoption process may include two rulemaking dockets for the same or similar matter. The first rulemaking docket is opened to ascertain whether there is a need for regulations in an area of concern or interest. Once public testimony and comments are obtained regarding potential regulations, the docket is closed. If the record indicates a need for regulations, RCA opens another docket to consider adopting regulations. This second rulemaking docket is closed by an order to adopt or an order not to adopt the regulations.

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## **REPORT CONCLUSIONS**

In concluding whether the Regulatory Commission of Alaska's (commission or RCA) termination date should be extended, we evaluated the commission's operations using the 11 factors set out in AS 44.66.050(c). Under the State's "sunset" law, these factors are used to assess whether an agency has demonstrated a public policy need for continuing operations.

Overall, RCA is operating in the public's interest. In our opinion, the commission fulfills a public need and is serving Alaskans by:

- Assessing utility and pipeline companies' capabilities for safely serving the public;
- Evaluating regulated entities' tariffs and charges;
- Verifying charges passed through to consumers from electric and natural gas utilities;
- Adjudicating disputes between ratepayers and regulated entities; and
- Providing consumer protection services.

Under AS 44.66.010(a)(3), RCA is scheduled to terminate June 30, 2014. We recommend the legislature extend RCA's termination date until June 30, 2022.

Although the commission partially addressed case management system data deficiencies noted in the audit of RCA's FY 11 annual report,<sup>1</sup> continuing deficiencies were noted and further improvements are recommended. (See Recommendation No. 1.) Additionally, we recommend the legislature consider clarifying the statutory timeline for rulemaking proceedings. (See Recommendation No. 2.)

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<sup>1</sup>Department of Commerce, Community and Economic Development; Regulatory Commission of Alaska, FY 11 Annual Report, May 23, 2012, audit control number 08-30067-12.

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## FINDINGS AND RECOMMENDATIONS

In the previous sunset audit,<sup>2</sup> no recommendations were made. However, the audit of the Regulatory Commission of Alaska's (commission or RCA) FY 11 annual report included one recommendation to implement written procedures to ensure case management system data was accurate, consistent, and complete. This prior recommendation has been partially implemented and is reiterated as Recommendation No. 1. Additionally, one new recommendation is made regarding processing rulemaking dockets.

### Recommendation No. 1

RCA's chair should improve and enforce written procedures to ensure case management system data is accurate, consistent, and complete.

### Prior Finding

Certain data in the FY 09 and FY 11 RCA annual reports was unreliable due to inaccurate and incomplete case management system data. Case management system data problems stemmed from not having comprehensive written procedures in place to ensure accurate data was entered into the system in a consistent manner and not having quality control mechanisms to ensure the data was accurate, consistent, and complete.

Inaccurate data in the commission's annual reports misleads the legislature, industry, and public regarding the commission's efficiency and effectiveness in performing its functions. RCA management is responsible for ensuring the information collected and reported is accurate, consistent, and complete.

### Legislative Audit's Current Position

An examination of 26 of 261 tariff filings and 41 of 175 utility dockets open or opened from July 2012 through February 2013 found case management system data error rates of 27 percent and 20 percent in each respective sample. Additionally, analysis of 25 of 175 consumer complaints open or opened during the same time period found a 12 percent error rate.<sup>3</sup>

Although RCA management developed written procedures for tariff filing and docket data entry during FY 12, testing results showed procedures were not consistently applied. The

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<sup>2</sup>Department of Commerce, Community and Economic Development; Regulatory Commission of Alaska, *Sunset Review, October 16, 2010*, audit control number 08-20067-11.

<sup>3</sup>Based on a 90 percent confidence level, the projected error rates derived from test work exceeded the assigned acceptable tolerable error rate of 10 percent in the sample. Statistical analysis resulted in projected error rates up to 40 percent for tariff filings, 29 percent for utility dockets, and 23 percent for consumer complaints.

data errors can be attributed to a lack of adequate training and documentation of data review and a lack of ongoing quality reviews to ensure case management system data is accurate, consistent, and complete.

Missing or improper information entered into the case management system affects the integrity of the data, and could affect tariff filing and utility docket processing, including compliance with statutory and regulatory timelines.

Again, we recommend RCA's chair improve and enforce written procedures that ensure case management system data is accurate, consistent, and complete.

## Recommendation No. 2

The legislature should consider clarifying AS 42.05.175(e) to ensure RCA fulfills legislative intent when processing regulatory dockets.

A review of 22 rulemaking dockets found two instances where RCA split the rulemaking proceedings into two dockets: one to "*consider the need*" for regulations and another to "*consider the adoption*" of regulations. This process appears to circumvent statutory timelines for regulatory proceedings.

Alaska Statutes 42.05.175(e) and (f) require rulemaking dockets to be completed within 730 days but does allow a 90-day extension for good cause. Alaska Statute 42.05.175(l) states that RCA may not evade the timelines by terminating a proceeding in a docket and opening a proceeding in another docket on substantially the same matter.

RCA management believes that including clear intent language in a regulatory docket's initiating order makes the process transparent and complies with Alaska Statutes. We acknowledge that dockets included language that identified RCA's intent. In that regard, the process was transparent. However, this approach allows RCA to take over four and a half years to complete proceedings, appears to evade statutory timelines, and does not appear to serve the regulated community and public's interests.

Currently, RCA interprets AS 42.05.175(e) to allow for two separate dockets during the regulatory process. If the legislature intends the entire regulatory deliberative process to be subject to the 730-day timeline, the legislature should consider clarifying AS 42.05.175(e) to ensure legislative intent is met.

## **ANALYSIS OF PUBLIC NEED**

The following analyses of the Regulatory Commission of Alaska's (commission or RCA) activities relate to the public need factors defined in the "sunset" law, AS 44.66.050(c). These analyses were not intended to be comprehensive, but to address those areas we were able to cover within the scope of our review.

As part of the audit, we surveyed representatives from public utilities and individuals party to utility dockets or tariff filings presented before the commission from July 2012 through February 2013. One hundred eleven representatives were provided the survey for utility dockets and 41 (37 percent) responded. Sixty-eight representatives were provided the survey for tariff filings and 31 (46 percent) responded. Survey questions and results are presented in Appendices A and B.

***Determine the extent to which the board, commission, or program has operated in the public interest.***

We conclude that RCA is serving the public's interest. The commission is concerned about affording all parties to a decision appropriate due process while at the same time being responsive to concerns about the timeliness of its decision-making process. Approximately 94 percent of tariff survey respondents and 85 percent of utility docket survey respondents agreed that RCA operates in the public's interest.

RCA identifies its core services as the following:

1. Review utility and pipeline filings for compliance and approval.
2. Provide guidance to utility and pipeline service providers.
3. Ensure Alaska's interests are considered in the development of federal legislation and regulations.
4. Resolve disputes involving regulated entities.
5. Educate and inform the public to enhance the public's understanding and use of utility and pipeline services.

In carrying out its responsibilities, RCA acts in a quasi-judicial manner. Accordingly, decisions must be supported by findings of fact, and the findings of fact must be based solely upon evidence appearing in the record of a given proceeding. Analysis of final orders from samples of utility, pipeline, and regulatory dockets indicated that RCA's legal counsel reviews final orders to ensure final decisions are based on evidentiary record and contain justification for the decisions reached.

Of 261 tariff filings and 175 utility dockets open or opened from July 2012 through February 2013, 26 tariff filings and 25 utility dockets were examined for compliance as part

of this audit. Results showed that RCA complied with statutory timelines for these proceedings. However, the process for rulemaking appears to circumvent statutory timeline requirements by splitting the regulatory process into two separate dockets. RCA applies the 730-day statutory timeline to rulemaking dockets opened for the same regulatory matter. Additionally, the commission may extend one or both dockets for 90 days. Therefore, under RCA's process for rulemaking proceedings, it could take up to 1,640 days (2 × 820 days) to adopt regulations for a particular matter. (See Recommendation No. 2.)

***Determine the extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices that it has adopted, and any other matter, including budgetary, resource, and personnel matters.***

RCA operations were enhanced by regulations governing the submission and processing of electronic filing of docketed matters. The regulations were adopted in FY 11; however, the electronic filing system was not fully implemented until February 2012. The regulations require all parties and representatives participating in docket proceedings to file online through the commission's electronic filing system. Parties that are unable to file electronically may request a waiver. Per inquiry with management, no waivers were requested as of February 2013. Sixty-six percent of utility docket survey respondents rated the electronic filing system between "good" and "very good." Twenty percent rated the system as "fair."

RCA's operations could be further enhanced by adopting regulations that govern submitting and processing electronic tariff filings. RCA implemented a test program for electronic tariff filing, but did not open a rulemaking docket to adopt regulations. Regulations for electronically filing dockets and tariffs were separated to ease adoption and implementation.

The commission's operations were not impeded by budgetary matters. Regulated entities paid the commission an annual regulatory cost charge (RCC) to cover most of the expenditures for RCA and the Regulatory Affairs and Public Advocacy (RAPA) section within the Department of Law. The expected RCCs from all regulated utilities may not exceed statutory percentages of the total adjusted gross revenue of all regulated public utilities. Regulations further define the methodology to determine an annual RCC. The FY 12 and FY 13 RCC calculations were reviewed and found to comply with statutory and regulatory requirements. The Schedule of Revenues and Expenditures for FY 11 through March 2013 is included as Appendix C.

***Determine the extent to which the board, commission, or agency has recommended statutory changes that are generally of benefit to the public interest.***

From FY 11 through FY 13, RCA did not formally introduce any legislation. However, 14 legislative bills relating to the commission were introduced. Except for the commission's reauthorization bill, RCA management did not present a position on the introduced bills. The following three RCA-related bills were enacted by the legislature during the audit period.

1. Senate Bill 23 created a new class of public utilities for regulating liquefied natural gas storage facilities.
2. House Bill (HB) 4 made public utility agreements and contracts entered into with the Alaska Gasline Development Corporation subject to RCA review and added AS 42.08 which applies to the regulation of in-state natural gas pipelines.
3. House Bill 24 reauthorized RCA.

Reauthorization legislation (HB 24) directed RCA to provide a proposal to reduce the statutory 450-day timeline for dockets related to suspended tariffs that change a utility's revenue requirement or rate design. Legislative intent language in HB 24 required RCA to provide a proposal to the legislature by January 17, 2012.<sup>4</sup> In response, RCA did not propose a statutory reduction in the 450-day rate case timeline under AS 42.05.175(c); rather, RCA plans to reduce the time for these dockets through regulatory changes and to customize each docket timeline based on the complexity of the case. The timeline for the most complex dockets will be set at the statutory 450-days, while less complex dockets may be set at less than 450 days.

***Determine the extent to which the board, commission, or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service that it has provided.***

RCA offered members of the public an opportunity to speak at public meetings. Review of all 15 public meetings conducted from July 2012 through April 2013 showed that RCA published notices in accordance with regulations. Notices stating the dates and times of the public meetings, including the agendas, appeared on RCA's website and on the State's Online Public Notice website. Over 75 percent of tariff filing survey respondents and 90 percent of utility docket survey respondents rated RCA's communication of important actions between "good" and "very good." Additionally, 95 percent of utility docket survey respondents reported that RCA informed them of statutory timelines related to their dockets.

RCA also encouraged feedback from the public by annually participating in several public events. In FY 11, FY 12, and FY 13 the commission conducted two, four, and seven public outreaches and workshops respectively. These included informational booths to provide consumer protection and financial education to the general public at the Alaska State Fair, the Elders and Youth Conference, and the Homer Electric Association Energy and Conservation Fair. RCA, in a joint venture with AARP Alaska, also participated in several Wise Consumer workshop presentations in various cities in Southcentral and Southeast Alaska.

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<sup>4</sup>A Report to the Legislature by the Regulatory Commission of Alaska, On a Proposal to Reduce the Statutory Timeline for Tariff Filings that Change a Utility's Revenue Requirement or Rate Design, January 17, 2012.

***Determine the extent to which the board, commission, or agency has encouraged public participation in the making of its regulations and decisions.***

The quasi-judicial manner in which RCA operates provided opportunities for all interested and affected parties to informally and formally respond to proposed regulations and decisions. Review of five of nine rulemaking dockets open or opened during the first eight months of FY 13 confirmed that RCA public noticed proposed regulations in accordance with the *Administrative Procedures Act*. Review of 26 of 261 tariff filings open or opened during the same time period confirmed that RCA public noticed tariff filings in accordance with regulations.

RCA's website was instrumental in communicating with the public. In addition to posting upcoming public meetings notices, formal actions were posted on RCA's website along with the commission's annual reports, discussions of major regulatory issues, and a forum for public comment. Furthermore, consumers could file complaints and utility companies could electronically file documents related to docket proceedings through RCA's website. A computer terminal was made available at RCA's office for the public to use for researching records.

Approximately 68 percent of tariff survey respondents and 60 percent of utility docket survey respondents reported that RCA's website was easy to use for finding information. Eighty-seven percent and 95 percent tariff and utility docket survey respondents respectively stated that the website provided sufficient information regarding tariff filings and utility dockets. Of the website users, 32 percent of survey respondents (eight of 31 tariff respondents and 15 of the 40 utility docket respondents) stated that they would like the website to provide better searching capabilities – a continuing concern of survey respondents from the prior sunset audit.

***Determine the efficiency with which public inquiries or complaints regarding the activities of the board, commission, or agency filed with it, with the department to which a board or commission is administratively assigned, or with the office of victims' rights or the office of the ombudsman have been processed and resolved.***

No RCA-related complaints were filed with Department of Commerce, Community, and Economic Development, the Alaska Office of Victims' Rights, and the Boards and Commissions section within the Office of the Governor from July 2010 through January 2013. Four complaints were filed with the State's Office of the Ombudsman and all were efficiently resolved and closed.

As part of its operating mission, RCA has an active consumer protection function which provides utility customers an avenue to seek complaint resolution. Exhibit 2 illustrates the consumer complaints filed with RCA regarding utility types during the first eight months of FY 13.

Consumers may file complaints through mail, email, telephone, fax, in person, and online through RCA's website. RCA generally tries to resolve disputes between consumers and utility companies informally before opening a formal complaint. Testing<sup>5</sup> showed that RCA resolved 88 percent of consumer complaints within 45 days of receipt.

From July 2010 through April 2013, RCA had 10 appeal cases open or opened with eight at the Alaska Superior Court and two at the Alaska Supreme Court. Nine cases were closed, and one at the Alaska Superior Court level remained open as of the end of FY 13.

In eight of the nine closed cases, RCA's decision was reaffirmed or the parties settled. The remaining case was remanded back to RCA by the Alaska Supreme Court. The remand was an issue of interpretation of legal precedent.

**Exhibit 2**

Consumer Complaints Filed with RCA July 1, 2012 through February 28, 2013		
	Number Filed	Percent of Total
Telecommunications	65	37%
Electric	62	35%
Natural Gas	19	11%
Water / Sewer	12	7%
Refuse	12	7%
Cable Television	5	3%
Total	175	100%

Source: RCA case management system.

***Determine the extent to which a board or commission that regulates entry into an occupation or profession has presented qualified applicants to serve the public.***

A public utility or pipeline carrier must obtain from RCA a certificate of public convenience and necessity which describes the authorized service area and scope of operations. A certificate is issued upon RCA formally finding the applicant to be fit, willing, and able to provide the service requested. RCA generally regulates the rates, services, and practices of these entities.

RCA employs utility financial analysts and utility engineers to perform appropriate analyses to make a determination of an applicant's capabilities before granting a certificate. As of June 2013, there were 655 active certificated entities. Of these, 143 are economically regulated entities which are required to maintain a tariff and operate under the tariff's terms. Exhibit 3 lists the number of economically regulated certificates by service type.

**Exhibit 3**

RCA Economically Regulated Certificates by Service Type As of June 6, 2013	
Telecommunications	51
Electric	35
Pipeline	26
Water	13
Gas	6
Sewer	6
Refuse	4
Heat	2
Total	143

Source: RCA case management system.

<sup>5</sup>Of 175 consumer complaints open or opened from July 2012 through February 2013, a sample of 25 complaints was reviewed.

***Determine the extent to which state personnel practices, including affirmative action requirements, have been complied with by the board, commission, or agency to its own activities and the area of activity or interest.***

From July 2010 through January 2013, no RCA-related complaints were filed with the Alaska State Commission for Human Rights, the United States Equal Employment Opportunity Commission, or the Department of Administration's Division of Personnel and Labor Relations.

***Determine the extent to which statutory, regulatory, budgeting, or other changes are necessary to enable the agency, board, or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.***

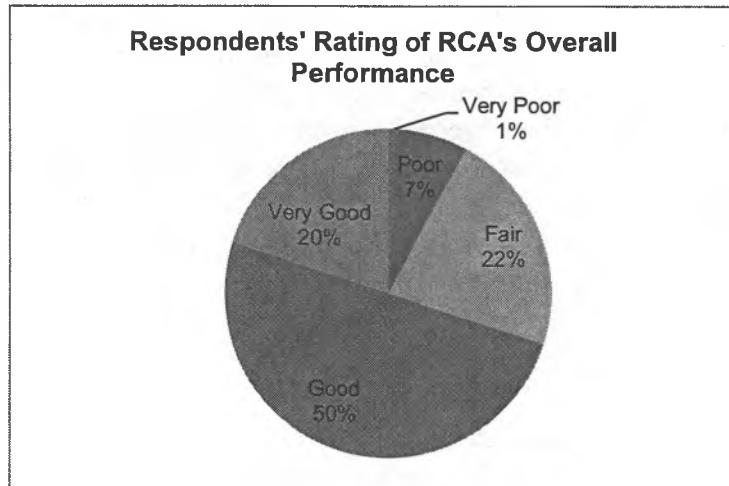
RCA addressed specific concerns raised in the prior sunset audit by adopting regulations for discovery, implementing electronic filing for dockets, and proposing a plan for reducing the timeline for tariff rate docket proceedings.

Survey respondents identified concerns that may warrant further action by RCA. Forty-two percent of tariff survey respondents and 66 percent utility docket survey respondents believed existing Alaska Statutes and regulations were obsolete, vague, unduly restrictive, or inadequate. Twenty-three percent of those respondents (four of 13 tariff respondents and five of 27 utility docket respondents) commented on the need to reduce the statutory timeline for suspended tariff dockets. Another 10 percent of the survey respondents (two of 13 tariff respondents and two of 27 utility dockets) suggested implementing electronic filing for tariffs.

***Determine the extent to which the board, commission, or agency has effectively attained its objectives and purposes and the efficiency with which the board, commission, or agency has operated.***

The audit of RCA's FY 11 annual report concluded that five of 12 performance measures reported on by the commission were either inaccurately reported or the underlying case management system data was unreliable. Review of data from the case management system for this audit identified similar errors with data entry into the system for utility dockets, consumer complaints, and tariff filings. Although RCA had written procedures to ensure

**Exhibit 4**



the case management system data is accurate, consistent, and complete, test work showed the enforcement of these procedures was inconsistent. RCA's management acknowledged and agreed that improvements are needed regarding the enforcement of written procedures, staff training, and data review documentation. (See Recommendation No. 1.)

As shown in Exhibit 4, over two thirds of survey respondents (68 percent tariff and 70 percent utility docket respondents) rated RCA's overall performance between "good" and "very good."

Fifty-eight percent of the tariff filing survey respondents rated the overall efficiency of the filing process between "good" and "very good," and 29 percent rated it as "fair." Sixty-eight percent of the utility docket survey respondents rated the overall efficiency of the hearing process between "good" and "very good," and 22 percent rated it as "fair."

***Determine the extent to which the board, commission, or agency duplicates the activities of another governmental agency or the private sector.***

RCA's mission is to assure viable utility and pipeline services are provided with just and reasonable rates to consumers in Alaska. RCA's role is to reach decisions which consider the often competing interests of the concerned parties in pursuit of outcomes which protect and promote the overall public interest. In carrying out its mission, RCA interacts and communicates with several agencies such as RAPA, the Alaska Energy Authority (AEA), and the Federal Energy Regulatory Commission (FERC). None of these agencies duplicate RCA's activities.

RAPA was established within the Department of Law to advocate on behalf of the public's interests in utility and pipeline matters that come before the commission,<sup>6</sup> in court appeals, and before the legislature and other policymakers. The attorney general, as the public advocate, advocates for the general public's interests with particular attention to the interests of consumers who would not otherwise have an effective voice regarding the rates and services of regulated utilities or pipeline carriers operating in the State. There is a common mission between the two organizations; however, they perform different functions. RCA issues decisions on utility matters in the public's interests and RAPA advocates for the public.

RCA assists in administering the State's power cost equalization (PCE) program. AEA administers the program and authorizes payments to utility companies based on eligibility determinations and PCE rate calculations performed by RCA.

RCA and FERC have similar responsibilities in regulating utility and pipeline companies, but their jurisdictions are distinct. FERC regulates interstate transmission of natural gas, oil, and electricity, while RCA has jurisdiction to regulate intrastate shipments.

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<sup>6</sup>Alaska Statute 44.23.020(e).

Interviews conducted with RAPA and AEA management indicated no duplication of efforts with RCA. Over 85 percent of survey respondents stated that RCA did not duplicate the activities of another government agency or private entity. The remaining survey responses were reviewed, and it was determined that RCA did not duplicate the activities listed.

## **A**PPENDICE**S**

As part of the audit, representatives from public utilities and individuals who were party to utility dockets or tariff filings presented before the Regulatory Commission of Alaska (RCA) from July 2012 through February 2013 were surveyed. One hundred eleven representatives were provided the survey for utility dockets and 41 (37 percent) responded. Sixty-eight representatives were provided the survey for tariff filings and 31 (46 percent) responded. The survey results are summarized in Appendices A and B.

Additionally, Appendix C provides a schedule of RCA revenues and expenditures from FY 11 through March 31, 2013

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## Appendix A

### Regulatory Commission of Alaska Tariff Survey Results

1. How would you rate RCA's communications of important actions (such as: completion of filing, tariff action meeting, commission decision) related to tariff filing(s) to which you have an interest?

Response	Number of Responses	Percentage of Total Responses
Fair	7	23%
Good	11	35%
Very Good	13	42%
Total Respondents	31	100%

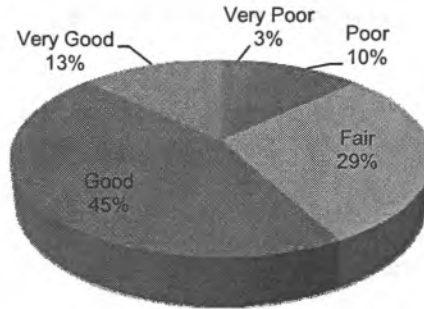
**RCA's Communication of Important Actions**



2. How would you rate the overall efficiency of the tariff filing process?

Response	Number of Responses	Percentage of Total Responses
Very Poor	1	3%
Poor	3	10%
Fair	9	29%
Good	14	45%
Very Good	4	13%
Total Respondents	31	100%

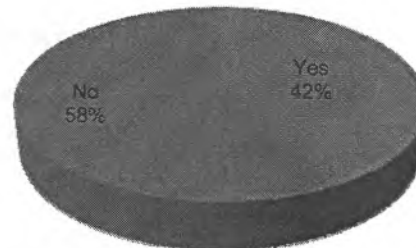
**Overall Efficiency of the Tariff Filing Process**



3. Are there any existing RCA statutes and regulations that you believe are obsolete, vague, unduly restrictive, inefficient and/or inadequate?

Response	Number of Responses	Percentage of Total Responses
Yes	13	42%
No	18	58%
Total Respondents	31	100%

**Existing Statutes and Regulations Obsolete, Vague, Unduly Restrictive, Inefficient and/or Inadequate**



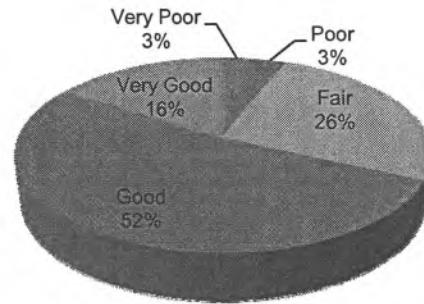
## Appendix A

### Regulatory Commission of Alaska Tariff Survey Results (Continued)

4. What is your overall satisfaction with RCA's performance?

<u>Response</u>	<u>Number of Responses</u>	<u>Percentage of Total Responses</u>
Very Poor	1	3%
Poor	1	3%
Fair	8	26%
Good	16	52%
Very Good	5	16%
Total Respondents	31	100%

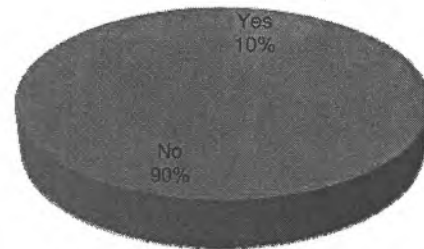
**Overall Satisfaction with RCA's Performance**



5. In your opinion, does RCA duplicate functions of another governmental agency or private entity?

<u>Response</u>	<u>Number of Responses</u>	<u>Percentage of Total Responses</u>
Yes	3	10%
No	28	90%
Total Respondents	31	100%

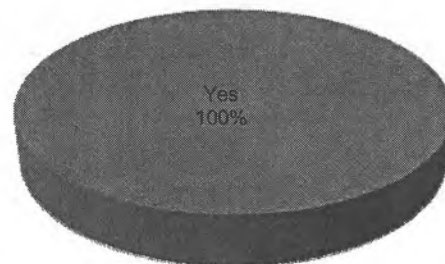
**RCA Duplication of Other Agency Functions**



6a. Have you visited RCA's website in the past year to obtain information about the tariff filing(s) to which you have an interest?

<u>Response</u>	<u>Number of Responses</u>	<u>Percentage of Total Responses</u>
Yes	31	100%
Total Respondents	31	100%

**Used RCA's Website**

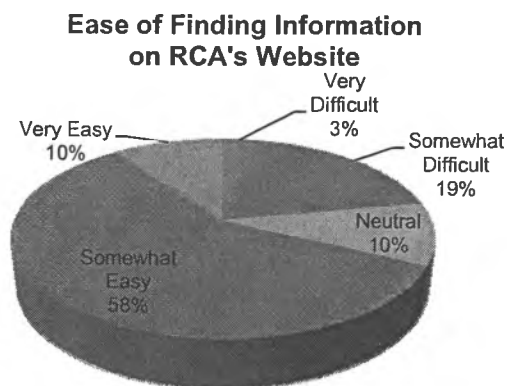


## Appendix A

### Regulatory Commission of Alaska Tariff Survey Results (Continued)

6b. How would you rate the ease of finding what you were looking for on RCA's website?

<u>Response</u>	<u>Number of Responses</u>	<u>Percentage of Total Responses</u>
Very Difficult	1	3%
Somewhat Difficult	6	19%
Neutral	3	10%
Somewhat Easy	18	58%
Very Easy	3	10%
Total Respondents	31	100%



6c. Did RCA's website provide sufficient information regarding the tariff filing(s) to which you have an interest?

<u>Response</u>	<u>Number of Responses</u>	<u>Percentage of Total Responses</u>
Yes	27	87%
No	4	13%
Total Respondents	31	100%

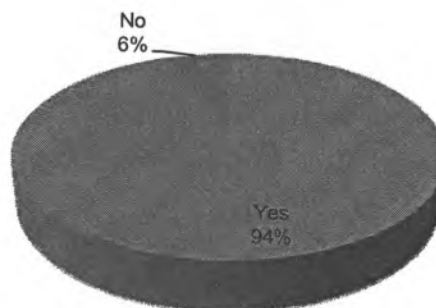
**Sufficiency of Website Information**



7. In your opinion, does RCA operate in the public interest?

<u>Response</u>	<u>Number of Responses</u>	<u>Percentage of Total Responses</u>
Yes	29	94%
No	2	6%
Total Respondents	31	100%

**RCA Operating in the Public's Interest**



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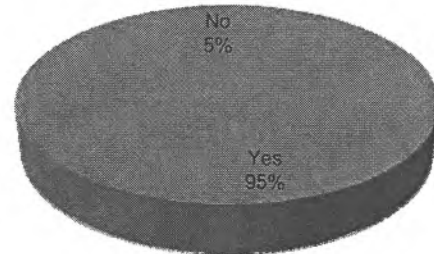
## Appendix B

### Regulatory Commission of Alaska Utility Docket Survey Results

1. Were you informed by RCA of the statutory deadline in each utility docket to which you were a party?

Response	Number of Responses	Percentage of Total Responses
Yes	39	95%
No	2	5%
Total Respondents	41	100%

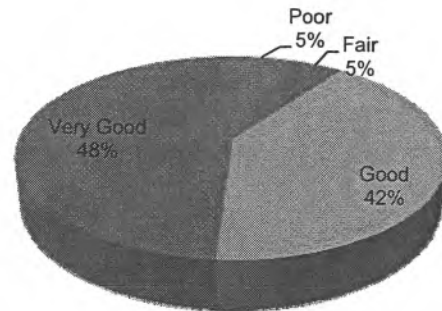
**Informed of Statutory Deadline**



2. How would you rate RCA's communications of important actions (such as: prehearing conference, completion of filing/application, assigned docket manager, issuance date for a final order) related to each utility docket to which you were a party?

Response	Number of Responses	Percentage of Total Responses
Poor	2	5%
Fair	2	5%
Good	17	42%
Very Good	20	48%
Total Respondents	41	100%

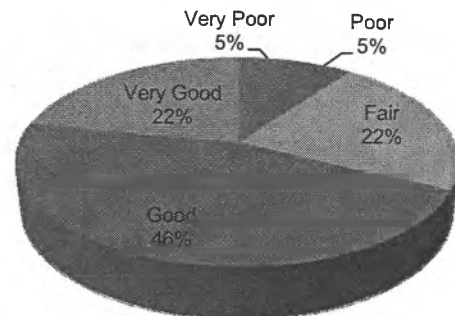
**RCA's Communication of Important Actions**



3. How would you rate the overall efficiency of the hearing process for each utility docket to which you were a party?

Response	Number of Responses	Percentage of Total Responses
Very Poor	2	5%
Poor	2	5%
Fair	9	22%
Good	19	46%
Very Good	9	22%
Total Respondents	41	100%

**Overall Efficiency of the Hearing Process**



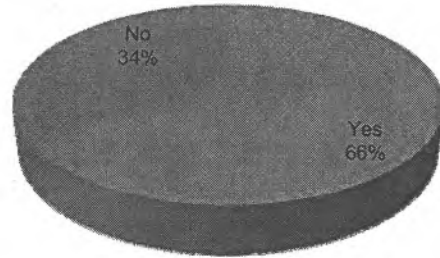
**Appendix B**

**Regulatory Commission of Alaska  
Utility Docket Survey Results  
(Continued)**

4. Are there any existing RCA statutes and regulations that you believe are obsolete, vague, unduly restrictive, inefficient and/or inadequate?

**Existing Statutes and Regulations  
Obsolete, Vague, Unduly Restrictive,  
Inefficient and/or Inadequate**

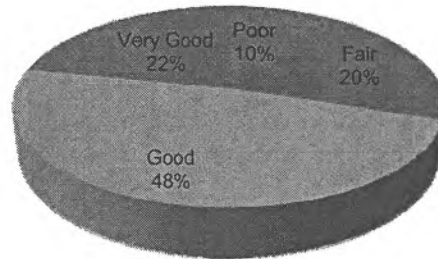
<u>Response</u>	<u>Number of Responses</u>	<u>Percentage of Total Responses</u>
Yes	27	66%
No	14	34%
Total Respondents	41	100%



5. What is your overall satisfaction with RCA's performance?

**Overall Satisfaction with  
RCA's Performance**

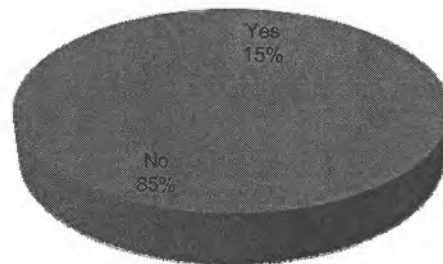
<u>Response</u>	<u>Number of Responses</u>	<u>Percentage of Total Responses</u>
Poor	4	10%
Fair	8	20%
Good	20	48%
Very Good	9	22%
Total Respondents	41	100%



6. In your opinion, does RCA duplicate functions of another governmental agency or private entity?

**RCA Duplication of Other Agency  
Functions**

<u>Response</u>	<u>Number of Responses</u>	<u>Percentage of Total Responses</u>
Yes	6	15%
No	35	85%
Total Respondents	41	100%



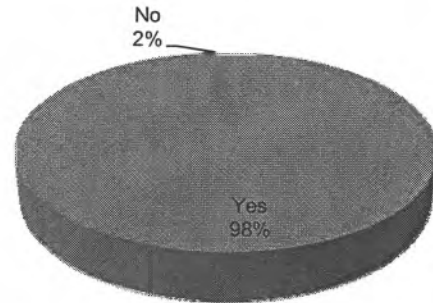
## Appendix B

### Regulatory Commission of Alaska Utility Docket Survey Results (Continued)

7a. Have you visited RCA's website in the past year to obtain information about each utility docket to which you were a party?

Response	Number of Responses	Percentage of Total Responses
Yes	40	98%
No	1	2%
Total Respondents	41	100%

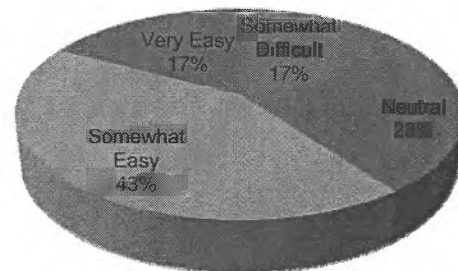
**Used RCA's Website**



7b. How would you rate the ease of finding what you were looking for on RCA's website?

Response	Number of Responses	Percentage of Total Responses
Somewhat Difficult	7	17%
Neutral	9	23%
Somewhat Easy	17	43%
Very Easy	7	17%
Total Respondents	40	100%

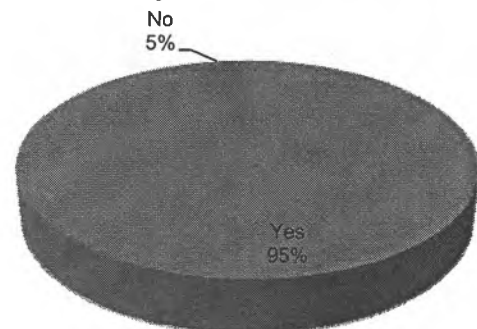
**Ease of Finding Information on RCA's Website**



7c. Did RCA's website provide sufficient information regarding each utility docket to which you were a party?

Response	Number of Responses	Percentage of Total Responses
Yes	38	95%
No	2	5%
Total Respondents	40	100%

**Sufficiency of Website Information**

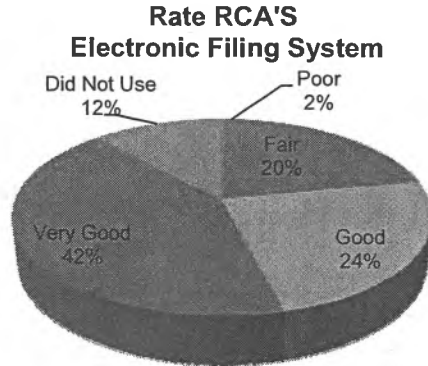


**Appendix B**

**Regulatory Commission of Alaska  
Utility Docket Survey Results  
(Continued)**

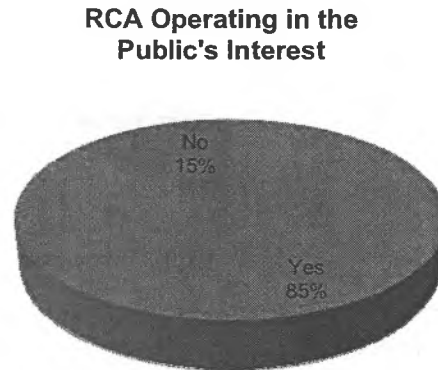
10. How would you rate RCA's electronic filing system that was implemented in February 2012?

<b>Response</b>	<b>Number of Responses</b>	<b>Percentage of Total Responses</b>
Poor	1	2%
Fair	8	20%
Good	10	24%
Very Good	17	42%
Did not Use	5	12%
<b>Total Respondents</b>	<b>41</b>	<b>100%</b>



11. In your opinion, does RCA operate in the public interest?

<b>Response</b>	<b>Number of Responses</b>	<b>Percentage of Total Responses</b>
Yes	35	85%
No	6	15%
<b>Total Respondents</b>	<b>41</b>	<b>100%</b>



## Appendix C

**Department of Commerce, Community, and Economic Development  
Regulatory Commission of Alaska  
Schedule of Revenues and Expenditures  
FY 11 through March 31, 2013  
(Unaudited)**

<u>Revenues</u>	<u>FY 11</u>	<u>FY 12</u>	<u>July 1, 2012 – March 31, 2013</u>
Utility Regulatory Cost Charge	\$ 9,314,100	\$ 9,020,100	\$ 5,954,100
Utility Application Fee	15,600	30,100	26,000
Utility Hearing Reimbursement	6,900	0	0
Public Document Sale	800	700	1,700
Third Party Collection	0	900	7,500
Alaska Energy Authority, Power Cost Equalization Program	62,600	93,400	55,200
Federal Stimulus - State Electricity Regulations Assistance Program	82,600	93,600	67,900
<b>Total Revenues</b>	<u>\$ 9,482,600</u>	<u>\$ 9,238,800</u>	<u>\$ 6,112,400</u>
 <u>Expenditure</u>			
Personal Services	\$ 5,455,400	\$ 5,731,500	\$ 4,223,700
Travel	79,300	105,000	67,600
Contract Services	1,749,500	1,554,600	1,396,700
Commodities	178,000	182,700	87,800
Capital Outlay	66,100	0	0
<b>Total Expenditures</b>	<u>\$ 7,528,300</u>	<u>\$ 7,573,800</u>	<u>\$ 5,775,800</u>
 <u>Transfer to</u>			
Department of Law - Regulatory Affairs and Public Advocacy	<u>\$ 1,570,600</u>	<u>\$ 1,367,400</u>	To Be Determined at Fiscal Year End
<b>Surplus<sup>7</sup> (Deficit)</b>	<u>\$ 383,700</u>	<u>\$ 297,600</u>	To Be Determined at Fiscal Year End

<sup>7</sup>Each surplus is accounted for in the next fiscal year's RCC calculation.

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THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

Department of Commerce, Community,  
and Economic Development

OFFICE OF THE COMMISSIONER

P.O. Box 110800  
Juneau, Alaska 99811-0800  
Main: 907.465.2500  
Programs fax: 907.465.5442

September 10, 2013

Ms. Kris Curtis, CPA, CISA  
Legislative Auditor  
Division of Legislative Audit  
Alaska State Legislature  
4341 B Street, Suite 400  
Anchorage, AK 99503

RECEIVED

SEP 11 2013

LEGISLATIVE AUDIT

Re: Preliminary Audit Report, Department of Commerce, Community, and Economic  
Development (DCCED), Regulatory Commission of Alaska (RCA) July 19, 2013

Dear Ms. Curtis,

Thank you for the opportunity to respond to the auditor's conclusion and recommendations regarding the sunset review of the Regulatory Commission of Alaska. The department concurs that the RCA fulfills a public need and supports extending the commission's termination date to June 30, 2022. Our comments on the auditor's two recommendations are provided below.

Recommendation No.1

RCA's chair should improve and enforce written procedures to ensure case management system data is accurate, consistent, and complete.

In general, DCCED concurs with this recommendation. The RCA is committed to continual refinement of written procedures and the implementation of quality control measures to ensure data is accurate, consistent, and complete.

Recommendation No. 2

The legislature should consider clarifying AS 42.05.1.175(e) to ensure legislative intent is met by RCA when processing regulatory dockets.

Although this audit recommendation is directed at the legislature, DCCED appreciates the opportunity to preview an audit recommendation that may affect the department. It is important to note that until recently, the RCA regulations docket (R-docket) procedures were used to allow informal interaction and information gathering by the Commissioners and the public prior to issuing a specific regulatory proposal. In 2012, a new regulatory provision (3AAC 48.060 (b)) established an Information Docket (I-Docket) category to

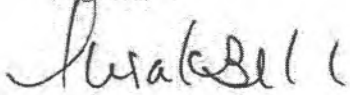
Ms. Kris Curtis, CPA, CISA  
September 10, 2013  
Page 2

address this activity. As a result, the R-Docket is now used exclusively to consider specific regulation proposals.

DCCED remains open to cooperative review of any options proposed by the legislature and executive branch that will benefit the state and improve services to the public.

Again, thank you for the opportunity to respond to the audit conclusion and recommendations. If you have any additional questions, please contact me at 465-2500.

Regards,



Susan Bell  
Commissioner

cc: T.W. Patch, RCA Chairman  
JoEllen Hanrahan, ASD Director



STATE OF ALASKA  
DEPARTMENT OF  
**COMMERCE**  
COMMUNITY AND  
ECONOMIC DEVELOPMENT

*Sean Parnell, Governor*  
*Susan K. Bell, Commissioner*  
*T.W. Patch, Chairman*

**Regulatory Commission of Alaska**

September 4, 2013

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SEP 12 2013

LEGISLATIVE AUDIT

Ms. Kris Curtis, CPA, CISA  
Legislative Auditor  
Division of Legislative Audit  
Legislative Budget and Audit Committee  
Alaska State Legislature  
P.O. Box 113300  
Juneau, Alaska 99811-3300

RE: "Confidential" Preliminary Audit Report, Department of Commerce, Community, and Economic Development, Regulatory Commission of Alaska, July 19, 2013

Dear Ms. Curtis:

Thank you for your letter regarding this matter, and specifically for the opportunity to submit the Regulatory Commission of Alaska's independent written response.

REPORT CONCLUSION

I endorse with enthusiasm your conclusion that the Regulatory Commission of Alaska (RCA) is operating in the public interest. I concur that the RCA fulfills a public need and serves Alaskans in the ways you have identified. I also believe that the RCA serves its many constituencies in additional areas.

I join with you and believe that the RCA, the Legislature, utilities and pipelines regulated by the RCA, and all Alaskans will be well served by legislative action extending RCA's termination date until June 30, 2022 or beyond.

FINDINGS AND RECOMMENDATIONS

**Recommendation No. 1:** RCA's Chair should improve and enforce written procedures to ensure case management system data is accurate, consistent, and complete.

**Commission Response:** In general the RCA agrees that the recommendation for continued refinement of written procedures, training of staff on those procedures, and implementation of carefully considered quality control measures will result in case management system data that is:

(1) entered into the system in a consistent fashion, (2) complete and useful, and (3) accurate based on the filing.

The agency planned its case management system to be a tool that would enable document retrieval by a simple means and provide for the electronic processing of documents and information routed to, within, and from the agency. At the time of system acquisition, the agency did not appreciate the level of resource commitment that would be necessary to ensure system data is fully complete, wholly accurate, and useful. Nonetheless, despite the difficulties presented by the case management system, I believe the agency meets all responsibilities assigned by its enabling legislation and extends its best effort to present accurate information at all times.

While the RCA has procedures and training manuals for most operations, we have recently started to review and edit all case management system manuals to assure that they are clear, understandable, and appropriate to the mission of the agency. For work sections that have beta versions of procedures manuals your letter has spurred action to move them to actual operations versions. Following adoption of edits employees will train on the practices and procedures set out in the manuals.

We contemplate adopting a training schedule and will adopt a practice of cross training staff responsible for input of information into the case management system. In addition to initial training we will conduct recurrent training as concerns are noted and cross training on other sections' procedures manuals. While your recommendation embodies a suggestion that enforcement is indicated, we have limited enforcement tools available. Certainly directed training is one action along an enforcement continuum. The implementation of enforcement for repeated failure to employ adopted data entry procedures will be carefully studied.

Quality control procedures are being reevaluated and will be adopted. Out-of-section or independent periodic testing of both the quality of original input and effectiveness of the quality control procedure is under consideration. It may be difficult to judge quality of original input if, at a stage of first review and correction, data is fully and accurately corrected and specific item training is individually tailored and timely performed.

The RCA continues to revise filing types and document categories. Such revisions should limit opportunity for error at the time of original data input and enhance the case management system search capability employed within and from outside the agency.

**Recommendation No. 2:** The Legislature should consider clarifying AS 42.05.175(e) to ensure legislative intent is met by RCA when processing regulatory dockets.

**Commission Response:** The RCA disagrees with Recommendation No. 2 and does not concur that clarification of the statutory provision enacted by the legislature is appropriate. The recommendation appears based on the implicit finding that the commission may have exceeded, on two occasions, the AS 42.05.175(e) timeline for regulations dockets by closing one docket and opening another to consider matters of similar scope. The implicit finding on which the

recommendation rests, in turn, appears to be based on the unstated assumption that a study of the need for regulations is “substantially the same matter” (for the purposes of AS 42.05.175(I)) as a specific proposal to address that need. That assumption is at variance with the general scheme for regulations adoption set out in the Administrative Procedures Act (APA) (AS 44.62, specifically AS 44.62.180-AS 44.62.290).

Except in the case of a petition filed under AS 44.62.220, no agency in state government is expected to address the need for regulations in a public setting. Therefore, the public is often unaware that such a consideration is occurring. Indeed, a responsible agency is probably continuously reviewing and considering changes to its regulations, a process that is assisted by the Department of Law (AS 44.62.125(b)). The RCA, in the spirit of open government and by means of a transparent and participatory process, chooses to inform and invite the public and more specifically, the concerned and directly affected public, into that process and, until recently, the only vehicle for doing so was a regulations docket (“R-docket”).

When the RCA (or any agency subject to the APA) provides the public with notice of a specific proposal for a change in regulations, the APA is implicated. In fairness, until a public notice is issued, it cannot be asserted that the regulations process has been commenced. The fact that, for the convenience of the public and administrative efficiency, the RCA chose to identify pre-APA proceedings as “R-dockets” does not change the substance of the regulatory activity.

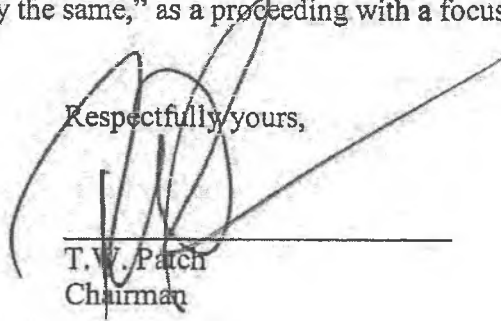
Simply put, the well-informed and careful consideration of the need for regulations is a completely distinct matter from a proposal to adopt, revise, or repeal specific regulations. It is not only appropriate, but also practically required, for the RCA to give clear notice to the public that it has changed the nature of its activity and is no longer considering the need for change but is now considering a concrete regulations proposal. The negative implications of Recommendation No. 2 include the perverse incentive to consider the need for regulations changes without accounting for:

- public input
- a convenient method to access the factual and policy material collected for the purpose, and
- the public’s ability to monitor the commission’s progress in reaching a decision about what, if anything, needs to be done and whether regulations are the appropriate method for accomplishing the agency’s statutory mission.

Additionally, after considering whether a need exists for new or amended regulations the commission may decide, on the record developed, that the proper course is to take no action. Or, the commission may decide that an alternative other than a change in regulations may be the better course. The RCA, as a quasi-judicial agency, may address a regulatory need through the adjudication process, followed by orders to specific utilities or classes of utilities to implement the adjudicated decision. Although examples of this outcome are not included in your analysis, the commission is authorized to regulate through case-by-case adjudication. In that event, the appropriate timeline would apply to the adjudicatory matter (usually AS 42.05.175(d)). Another alternative course of action for a regulatory need would be to seek legislative action, for which there is no timeline at all.

On some level, every action the RCA takes involves the same subject matter (i.e., regulation of public utilities and pipeline carriers). Therefore, the inclusion of the word "substantially" (AS 42.05.175(I)) dictates a detailed analysis of not merely the title of a proceeding but also the articulated purpose established by order, and the scope of the proceeding. A proceeding, however denominated, that is opened to determine whether there is a jurisdictional issue that needs to be addressed and to consider what decision best serves the public interest cannot be considered the "same," much less "substantially the same," as a proceeding with a focus on adoption of a specific regulations proposal.

Respectfully yours,



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T.W. Patch  
Chairman

cc: The Honorable Susan Bell  
Commissioner  
Department of Commerce, Community & Economic Development

JoEllen Hanrahan  
Administrative Services Director  
Department of Commerce, Community & Economic Development

# ALASKA STATE LEGISLATURE

## LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



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September 20, 2013

Members of the Legislative Budget  
and Audit Committee

We have reviewed the Department of Commerce, Community, and Economic Development and the Regulatory Commission of Alaska management responses to the preliminary audit report, *Department of Commerce, Community, and Economic Development, Regulatory Commission of Alaska, Sunset Review, July 19, 2013*. Nothing contained in the responses causes us to revise or reconsider the report's conclusions and recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "Kris Curtis".

Kris Curtis, CPA, CISA  
Legislative Auditor

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## **A Summary of Efforts by the RCA to Reduce the Time Required to Conclude Proceedings that Change a Utility's Revenue Requirement or Rate Design**

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Upon consideration of past practices, recent experiences, and with a mind toward improving process, we conclude that the agency already possess the tools most often needed to shorten the length of time it takes to complete a rate case. The Regulatory Commission of Alaska (RCA) appreciates the time and consideration given by the legislature to issues of utility rate making and concerns for RCA process, utility company needs and ratepayer protections. Determining a just and reasonable rate requires time to fully develop a record upon which the RCA can base a well reasoned decision. There must be a balance struck between a utilities' desire for immediate recovery and the ratepayer assurance that rates are just and reasonable.

### **IMPROVED PRACTICE GOALS**

In 2012, the RCA delivered to the Alaska State Legislature a proposal for concluding proceedings in less than the statutorily permitted 450 days for tariff filings that change a utility's revenue requirement or rate design.<sup>1</sup> We reported to the legislature that we expected our efforts in streamlining rate case proceedings to result in final decisions being issued within 270 to 365 days,<sup>2</sup> a full 85 to 180 days shorter than the 450 days set forth at AS 42.05.175(c). To streamline the proceedings we stated that we would:

- Set pre-hearing conferences to occur shortly after suspending any tariff filing that changed a utility's revenue requirement or rate design.
- Encourage the parties to set forth mutually agreeable procedural schedules.
- Encourage parties to identify issues early and to seek resolution of as many issues as possible by way of settlement and stipulation acceptable to the RCA.
- If the parties were not able to reach a stipulation to resolve issues, we would set hearings earlier to allow well reasoned decisions to be issued closer to 365 days rather than the statutorily prescribed timeline of 450 days.
- Complete four regulations dockets with the aim of simplifying rate cases and reducing the need for frequent rate cases.

### **ACTUAL RESULTS**

Since filing our proposal, 48 tariff filings that change revenue requirements or rate design, have been suspended into 44 dockets. 20 of these dockets have prescribed timelines of 450 days,<sup>3</sup> and 24 of these dockets have been stayed at the request of the utility and with the consent of the other parties in the proceeding.

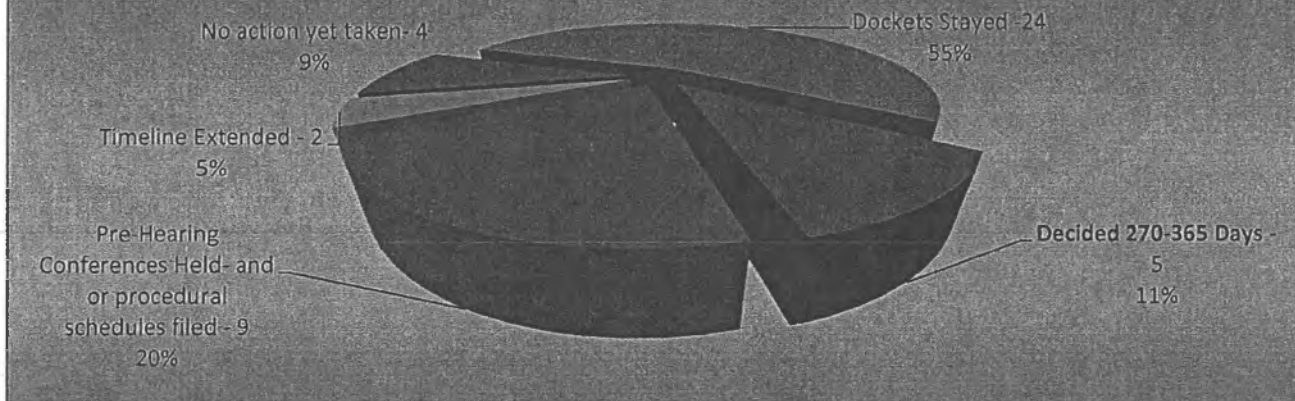
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<sup>1</sup> A Report to the Legislature by the Regulatory Commission of Alaska On a Proposal to Reduce the Statutory Timeline for Tariff Filings that Change A Utility's Revenue Requirement or Rate Design (Proposal), dated January 16, 2012.

<sup>2</sup> Proposal at 10.

<sup>3</sup> AS 42.05.175(c)

Results for 44 Dockets with an AS 42.05.175(c) Timeline of 450 days  
Resulting from 48 Tariffs Filed By Utilities Since January 2012



- In 5 of these dockets, final orders were published between 270 and 365 days of the initial filings.
- In 9 of these dockets, the RCA and the parties participated in early scheduling and have set these matters for hearing so that hearings conclude sufficiently before the statutory timeline, which will allow the Commission enough time to publish a final order, if the parties do not stipulate a resolution acceptable to the RCA. This will allow for the resolution of matters closer to the 365 day goal identified by the utilities and the RCA rather than the 450-day limit prescribed by AS. 42.05.175(c).
- In 2 of these dockets, the parties have consented to an extension of the timeline to accommodate the parties' agreed desires as proposed by their procedural schedules. And in one of these two dockets, the RCA has accepted a stipulation resolving the rate of return aspect of the case,
- 4 of these dockets were opened within the last 30 days. In three of these dockets, procedural schedules are expected to be filed the week of January 21<sup>st</sup> and in the fourth docket, a pre-hearing conference will be set shortly after February 12, 2014.
- In 12 dockets (all pertaining to Doyon Utilities), the United States and the Attorney General requested the full 450-day timeline. Doyon requested to reschedule a hearing, resulting in an extension of the 450-day timeline by 36 days. The parties have since requested a stay in the proceedings so that a settlement might be negotiated, and Doyon also requested a stay in 12 subsequently opened dockets. Doyon's unopposed request for a stay was granted and as a result, no statutory deadline has been established.
- A table with more docket details is included at the end of this summary.

### RULEMAKING DOCKETS

We stated that we intended "to complete four open regulations dockets that may reduce the need for frequent rate cases and simplify issues in rate cases making shorter rate cases all the more feasible."<sup>4</sup> In each of these dockets, we sought and considered comments from public commenters and regulated

<sup>4</sup> Proposal at 2.

utilities. One of these dockets produced new regulations. The four rulemaking dockets referred to in our Proposal are as follows:

- R-10-002/R-11-001~ *In the Matter of the Consideration of the Need for Regulations Regarding Discovery/ In the Matter of the Consideration of Adoption of Regulations Regarding Discovery.* The RCA adopted proposed regulations at a Public Meeting held April 10, 2013. These proposed regulations became effective August 18, 2013.
- R-11-004~ *In the Matter of Consideration of Regulations Establishing Cost of Capital Policies, Procedures and Filing Requirements for Economically Regulated Public Utilities.* After seeking, receiving, and considering comments from utilities, no regulations were adopted. This docket was closed January 9, 2013.
- R-11-005 ~ *In the Matter of Making a Comprehensive Proposal to the Alaska Legislature of Changes Necessary To Allow for Shorter Timelines for Tariff Filings that Change a Public Utility's Revenue Requirement or Rate Design.* After seeking, receiving, and considering comments from utilities, the RCA developed a proposal to shorten the time required to consider tariff filings that change a utility's revenue requirement or rate design and submitted that proposal to the legislature, on January 16, 2012. This docket was closed November 7, 2013.
- R-11-006~ *In the Matter of the Consideration of a Plant Replacement and Improvement Surcharge Mechanism for Water and Wastewater Utilities.* After seeking, receiving, and considering comments from utilities, proposed regulations were drafted and submitted for comment on December 13, 2012. After considering comments received regarding the proposed regulations, the RCA withdrew the proposed regulations for further study at a Public Meeting held September 13, 2013. On November 4, 2013, the statutory deadline for this docket was extended. Proposed regulations were presented and discussed at a January 8, 2014, Public Meeting. Public comments on the newly proposed regulations are due February 7, 2014.

An additional docket designed to solicit comments on process improvement was opened after our January 2012 report to the Legislature. That docket concerned immediate filing of utility information usually obtained in the pre-hearing discovery process:

- R-12-001 ~ *In the Matter of Modifying Filing Requirements for Tariff Filings Under 3 AAC 48.275(a) Including Consideration of Adding a Master Data Exchange Document Filing Requirement and Consideration of Other Modifications to the Ratemaking Process.* After seeking, receiving, and considering comments from utilities, the RCA scheduled two conferences. At the first conference on January 7, 2013, none of the participants expressed interest in attending a second conference. Because of an overwhelming lack of utility participation we determined at our January 23, 2013, Public Meeting to cancel the second scheduled conference. After receiving no further additional participation and after ascertaining a distinct lack of enthusiasm for this proposal, we closed this docket on September 23, 2013.

Docket Proceedings that Change a Utility's Revenue Requirement or Rate Design<sup>5</sup>

Docket	Party	Date Open	Statutory Deadline <sup>6</sup>	Final Order Issued	No. of days Elapsed	Statutory Deadline Extended	Notes
U-12-014	Lausen's Dependable Disposal, Inc TA16-502	3/9/2012	4/5/2013	2/21/2013	349	No	<ul style="list-style-type: none"> <li>Order U-12-014(1) addressed rendering determination in shortened time.</li> <li>Final Determination rendered February 21, 2013, in U-12-14(8).</li> </ul>
U-12-075	TDX North Slope Generating TA154-227	5/31/2012	7/10/2013	4/03/2013	326	No	<ul style="list-style-type: none"> <li>Order U-12-075(10) dated April 2, 2013, accepted a stipulation settling case.</li> </ul>
U-12-121	Home Water, LLC TA18-386, TA19-386, TA20-386, TA21-386, TA22-386	8/13/2012	9/22/2013	06/11/2013	303	No	<ul style="list-style-type: none"> <li>We issued notice of acceptance of stipulation on June 11, 2013, in U-12-121(5).</li> </ul>
U-12-140	McGrath Light and Power Company TA132-44 Revenue Requirement	10/29/2012	12/8/2013	09/17/2013	324	No	<ul style="list-style-type: none"> <li>The parties submitted proposed schedules and with minor changes have proceeded.</li> <li>Hearing set for August 29-30, 2013.</li> <li>The Second Amended Stipulation accepted September 17, 2013.</li> </ul>
U-13-005	Nikishka Bay Utilities, Inc., TA18-142 Rate Redesign	1/24/2013	3/5/2014	11/15/2013	295	No	<ul style="list-style-type: none"> <li>The parties submitted proposed schedules.</li> <li>U-13-005(7), dated April 10, 2013, adopted a schedule and set a two day hearing beginning October 16.</li> <li>U-13-005(12), accepted Stipulation Resolving Disputed Issue.</li> </ul>
U-13-006	Municipality of Anchorage d/b/a ML&P TA326-121	1/31/2013	3/15/2014	n/a	n/a	05/27/2014	<ul style="list-style-type: none"> <li>March 7, 2013, prehearing/scheduling conference held.</li> <li>U-13-006(6), set a Nov. 18, 2013, hearing date.</li> <li>U-13-006(7), dated May 15, 2013, accepted Stipulation re Rate of Return.</li> <li>U-13-006(12), dated October 13, 2013, adopted a procedural schedule and extended the statutory timeline with the request and with the consent of the parties which sets a February 10, 2014, hearing date for the remaining issues.</li> </ul>

<sup>5</sup> In this chart, rows shaded in green have concluded, alternating (for ease of reading) white and gray rows indicate open dockets, and rows shaded in yellow indicate stayed dockets.

<sup>6</sup> All dockets in this table have 450-day statutory timelines per AS 42.05.175(c).

Docket	Party	Date Open	Statutory Deadline	Final Order Issued	No. of days Elapsed	Statutory Deadline Extended	Notes
U-13-007	Chugach Electric Association, Inc. TA364-8	2/6/2013	3/16/2014	n/a	n/a	No	<ul style="list-style-type: none"> <li>U-13-007(2), dated March 19, 2013, set a schedule with Dec. 6, 2013, hearing date.</li> <li>Between Dec 3<sup>rd</sup> – 9<sup>th</sup>, 5 partial stipulations were filed. Some of these partial stipulations resolved aspects of the case</li> <li>On December 16, 2013, hearing commenced regarding unresolved issues and acceptability of partial stipulations.</li> </ul>
U-13-155	Potter Creek Water Company, LLC TA41-358	06/12/2013	9/05/2014	n/a	n/a	No	<ul style="list-style-type: none"> <li>On September 25, 2013, the parties filed a proposed procedural schedule with a May 19, 2014, hearing date.</li> <li>U-13-155(3), dated September 27, 2013, adopted the procedural schedule filed September 25, 2013.</li> </ul>
U-13-157	Mile 8 Utilities, LLC TA36-258	7/1/2013	9/24/2014	n/a	n/a	No	<ul style="list-style-type: none"> <li>U-13-157(2)/U-13-158(2), dated August 22, 2013, set a prehearing conference to take place on September 21, 2013.</li> <li>U-13-157(6)/U-13-158(6), dated September 19, 2013, accepted a jointly proposed procedural schedule with a hearing date of June 5, 2014.</li> </ul>
U-13-158	Mile 8 Utilities, LLC TA17-259						
U-13-184	Municipality of Anchorage, d/b/a/ ML&P TA332-121	10/24/2013	12/3/2014	n/a	n/a	01/06/2015	<ul style="list-style-type: none"> <li>A pre-hearing conference was held November 26, 2013. At that conference the parties proposed a procedural schedule and consented to an extension of the statutory deadline to accommodate the procedural schedule.</li> </ul>
U-13-201	Municipality of Anchorage, d/b/a/ AWU TA148-122	12/30/2015	2/7/2015	n/a	n/a	No	<ul style="list-style-type: none"> <li>U-13-201(1)/U-13-202(1), dated December 30, 2013, set a pre-hearing conference to take place on January 27, 2014.</li> </ul>
U-13-202	Municipality of Anchorage, d/b/a/ ASU TA147-126						
U-13-203	Homer Electric Association TA355-32	12/30/2013	2/8/2015	n/a	n/a	No	<ul style="list-style-type: none"> <li>An order dated December 30, 2013, required the parties to file briefings regarding the RCA's authority to decide certain aspects of the case.</li> <li>Hearing commenced January 14, 2014.</li> </ul>
U-13-204	Homer Electric Association TA356-32						
U-13-205	TDX Adak Generating, LLC TA27-684	12/30/2013	2/7/2015	n/a	n/a	No	<ul style="list-style-type: none"> <li>No prehearing conference has been set.</li> </ul>

Docket	Party	Date Open	Statutory Deadline <sup>5</sup>	Final Order Issued	No. of days Elapsed	Statutory Deadline Extended	Notes
U-13-206	Sand Point Generating, LLC TA230-230						
U-13-207	TDX North Slope Generating, LLC TA164-227						
U-14-001	Chugach Electric Association, Inc. TA382-8	01/02/2014	2/12/2015	n/a	n/a	No	• U-14-001(1), dated January 2, 2014, set a pre-hearing conference for January 30, 2014.
U-14-002	Alaska Power Company TA835-2	01/13/2014	2/20/2015	n/a	n/a	No	• A pre-hearing conference will be set shortly after February 12, 2014, when the time for intervention has passed.
U-12-076	Doyon Utilities LLC TA7-717	6/8/2012	8/6/2013 (STAYED)	n/a	n/a	To Be Determined	<ul style="list-style-type: none"> <li>• On May 23, 2013, Doyon requested the RCA render a decision within 10 months</li> <li>• The Department of Defense and Attorney General requested entire 450 days.</li> <li>• Doyon agreed to lengthy schedule in exchange for interim rate relief- which was granted in Order 9 on July 24, 2012.</li> <li>• Doyon requested to reschedule the start of the hearing from May 23, 2013 to June 3, 2013.</li> <li>• October 25, 2012, Order 13 granted Doyon's request to delay the start of the hearing and Doyon consented to an extension of the statutory timeline to allow for a well reasoned decision following the hearing.</li> <li>• January 18, 2013, Order 16 granted the Parties' joint request to stay proceedings for settlement discussions. The parties consented to extend the statutory timeline in these proceedings the same amount of time that the proceedings are stayed.</li> </ul>
U-12-077	Doyon Utilities LLC TA7-718						
U-12-078	Doyon Utilities LLC TA7-719						
U-12-079	Doyon Utilities LLC TA3-720						
U-12-080	Doyon Utilities LLC TA10-721						
U-12-081	Doyon Utilities LLC TA10-722						
U-12-082	Doyon Utilities LLC TA10-723						
U-12-083	Doyon Utilities LLC TA8-724						
U-12-084	Doyon Utilities LLC TA11-725						
U-12-085	Doyon Utilities LLC TA7-726						
U-12-086	Doyon Utilities LLC TA12-727						
U-12-087	Doyon Utilities LLC TA12-728						

Docket	Party	Date Open	Statutory Deadline	Final Order Issued	No. of days Elapsed	Statutory Deadline Extended	Notes
U-13-168	Doyon Utilities LLC TA9-717	9/30/2013	n/a (STAYED)	n/a	n/a	To Be Determined	<ul style="list-style-type: none"> <li>• On August 15, 2013, Doyon requested the RCA suspend its tariff filings and stay the proceedings so that ongoing settlement discussions with the DOD could continue.</li> <li>• On October 8, 2013, the parties filed consents which will extend the statutory timeline in these proceedings the same amount of time that the proceedings are stayed.</li> <li>• The proceedings are currently stayed.</li> </ul>
U-13-169	Doyon Utilities LLC TA9-718						
U-13-170	Doyon Utilities LLC TA9-719						
U-13-171	Doyon Utilities LLC TA4-720						
U-13-172	Doyon Utilities LLC TA12-721						
U-13-173	Doyon Utilities LLC TA12-722						
U-13-174	Doyon Utilities LLC TA12-723						
U-13-175	Doyon Utilities LLC TA9-724						
U-13-176	Doyon Utilities LLC TA13-725						
U-13-177	Doyon Utilities LLC TA9-726						
U-13-178	Doyon Utilities LLC TA15-727						
U-13-179	Doyon Utilities LLC TA15-728						



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February 3, 2014

Honorable Kurt Olson  
State Capitol Building  
Room 24  
Juneau, Alaska 99801

RE: HB234

Dear Representative Olson,

On behalf of the Alaska Municipal League, I would like to offer our support of HB234.

We at the Alaska Municipal League believe that the Regulatory Commission of Alaska operates in the interest of the public by serving Alaskans in: assessing utility and pipeline companies' capabilities for safely serving the public; evaluating regulated entities' tariffs and charges; verifying charges passed through the consumers from electric and natural gas utilities; settling disputes between ratepayers and regulated entities; and providing consumer protection services.

We have often depended on help and information from the Commission, especially with regards to energy issues, with which we deal on a constant basis.

We whole-heartedly support the extension of the termination date of the Regulatory Commission of Alaska until June 30, 2022.

Sincerely,

*Kathie Wasserman*

Kathie Wasserman  
Executive Director