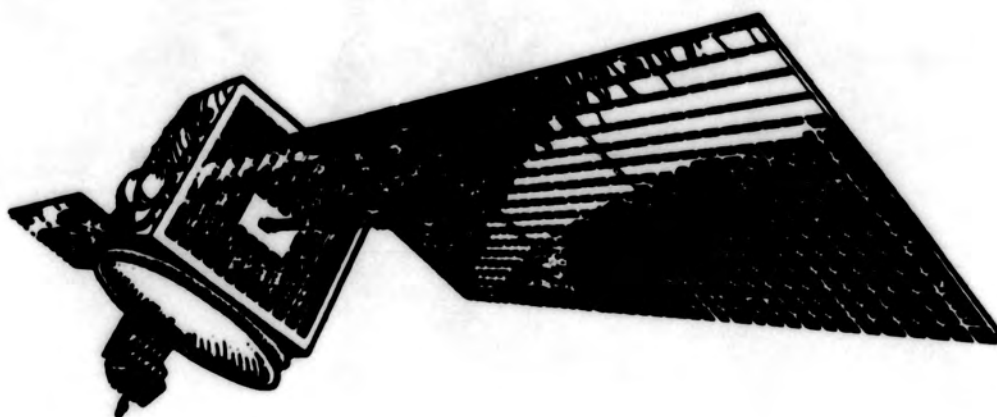


SCOMM

47:1

AN INTERIM REPORT
HOUSE SPECIAL COMMITTEE ON TELECOMMUNICATIONS



JANUARY 13, 1986
COMMITTEE CHAIR
Representative H.A. 'Red' Boucher

This report was prepared during the 1985
legislative interim for the
House Special Committee on Telecommunications

Chair: Representative H.A. "Red" Boucher

Vice-chair: Representative David Thompson

Members: Representative Virginia Collins
Representative Mike Davis
Representative Peter Goll
Representative Marco Pignalberi
Representative Kay Wallis

Report prepared by Kathleen Anders
and Chris Herberger
Consultants to the Committee

TABLE OF CONTENTS

	Page
Introduction.	1
Overview of Past Legislative History.	3
Policy Issues Facing the Legislature.	4
Telephone Issues	
Background	7
Universal Service.	8
Lifeline Rates	9
Access Charges . . . . .	.10
Bypass . . . . .	.11
Competition. . . . .	.13
Interstate Competition, Rate Integration, Subsidies. . . . .	.14
Commercial Television. . . . .	.16
Public Broadcasting. . . . .	.17
Educational Programs . . . . .	.18
Teleconferencing . . . . .	.19
Converging Technologies. . . . .	.20
Budget Review . . . . .	.21
Appendices.	
Appendix A -- Session Laws Relating to Telecommunications 1975-1985	
Appendix B -- General Alaska Statutes on Telecommunications	
Appendix C -- Written Comments from Telecommunication Professionals	

INTRODUCTION

Alaska's telecommunications system is suffering from neglect. While we have sophisticated satellite and computer equipment, we have yet to understand the efficient use of that equipment, the costs involved, or where those costs are being incurred. The system is being technologically driven, with emphasis placed on the hardware rather than the user. The state has no comprehensive plan for the use of telecommunications technology, as exemplified in the lack of any information resource management plan. State government is paying \$28 million (FY86) for public and commercial television, various educational programs, and computer networks without making the agencies accountable for their efficient use of that money.

The historical support of Alaska's local and long distance phone rates is in jeopardy and the state must prepare for increasing prices. The amount of money long distance companies pay local telephone companies to support the local network is being reduced by as much as 59%. Some state residents may have their local rates rise \$3 in 1986. The \$115 million subsidy resulting from customers in other states paying higher-than-cost rates so Alaskans can pay lower-than-costs rates might be reduced or even eliminated. The state and/or the ratepayers could be faced with having to pay \$115 million more in long

distance rates. A \$2 phone call from a village to Juneau could increase 500%.

The state has spent over \$200 million in the past eleven years for our telecommunications system, and it is time to determine what that system is accomplishing, what it should be accomplishing, and the methods to reach those goals. With the decline of oil revenues, prioritization of communication programs that the state should financially support is needed. Historically, the financial support has been concentrated in buying hardware, with an apparent inadequate user-related operating support. This focus must change.

The state's telecommunications system is essential for citizen participation in education and the political process as well as to receive basic telephone service, health care and entertainment. Telecommunications provide the necessary structure for Alaska's economic development. While one may be overwhelmed by the technological complexity of telecommunications, the basic role of telecommunications is as easy to understand as the role of our concrete highways. Roads are to make transportation of goods, services and people efficient and effective. One does not need to understand how to make asphalt, or how to fix potholes and frost heaves in order to know where roads should go. The same is true with telecommunications, our electronic highways, which make communication efficient and effective. An understanding of transponders and switching centers is not necessary to know that information needs to travel from Point A to Point B.

This report gives a general overview of issue areas that need to be addressed by the legislature or other organizations. It also gives a review of past telecommunication legislation, and a budget summary of state supported telecommunication activities. Many of the issues found in this report were identified by professionals and users in the field of telecommunications. Their written comments are found in Appendix C.

Overview Of Past Legislative History

The following session laws and resolves have been past over the past eleven years by the legislature and signed by the governor. (Summaries of each session law and resolve, and copies of all session laws, excluding most of the appropriations bills, are found in Appendix A.

--21 special/supplemental appropriation bills for telecommunication facilities or programs totalling approximately \$20,084,880

--2 intent languages contained in separate appropriation bills

--8 additions/changes to state statutes

--7 resolutions and resolves

--1 Executive Order

--11 operating appropriations totalling approximately
\$171,832,870

--10 capital appropriations totalling approximately
\$78,818,000

--9 additional/miscellaneous appropriations totalling
approximately \$20,828,010

--2 other

The above review does not include the policy decisions made outside of the legislative branch by the Office of Telecommunications, the Attorney General's Office or by the Alaska Public Utilities Commission.

It is interesting to note that out of the 59 listed session laws, 40 were strictly appropriations while only 19 dealt with policy issues. This seems to support the observation that money has been spent without careful thought or accountability given as to the most efficient use of that money.

Policy Issues Facing The Legislature

The communication industry is now going through more changes than it has in the past seventy years, and these changes are affecting Alaska. The deregulation of the long-distance telephone market and various telephone services, plus the allowance of competition has

telephone companies and users, confused and experiencing radical change. Communication technology continues to introduce new options for the flow of information.

With the decline of oil revenues, the state needs a comprehensive plan for telecommunications. No longer can programs be funded without knowing if they are meeting the needs of the people and without knowing what the needs of the people are. Defining what the communication needs of the people are¹, then prioritizing programs to meet those needs is critical to the economic and social welfare of this state. The broad areas of policy concern in Alaskan telecommunication are:

- I. Increasing local and long-distance telephone rates jeopardizing universal service
 - A. Defining universal service for Alaskan's communication needs
 - B. Authorizing lifeline rates
- II. Competition
 - A. Interstate
 - B. Intrastate
- III. Payments and subsidies supporting Alaska's telephone network
 - A. Rate integration
 - B. Supplemental subsidy
 - C. High cost factor

¹See comments of Professor Larry Pearson, UAA Journalism, Appendix C.

IV. Access charges

V. Bypass

VI. Commercial Television

- A. Merit of continued state support**
- B. Other funding methods**
- C. Combining educational and commercial T.V.**

VII. Alaska Public Broadcasting Commission

- A. Overlapping roles of APBC and LearnAlaska**
- B. Responsiveness to local needs**

VIII. Instructional Television

- A. Expansion of instructional television to urban areas**
- B. What criteria to use to review instructional television**

IX. Teleconferencing

- A. Cost-effectiveness of teleconferencing for public access**

X. Converging Technologies

- A. Combining audio, video and digital technology**
- B. Determining efficient information flow within state government**

The legislature needs to be aware of all these issues and certainly can make policy decisions affecting each area. However, the final policy decisions concerning interstate competition and the payments and subsidies supporting Alaska's telephone network will be made at the federal level in the Federal Communications Commission's arena. The telephone issues have more immediate visible consequences than the others, but all need to be addressed to assure state cohesiveness and economic development.

Many of the telephone issues could also be addressed by the Alaska Public Utilities Commission. However, many of the problems are quite new and it could be appropriate for the Legislature to give the APUC guidelines in the areas of public interest and policy. The issues concerning Learn Alaska, instructional television, teleconferencing and public broadcasting are also appropriate for legislative action since the legislature controls their respective budgets.

TELEPHONE ISSUES

Background

The telephone industry has been changing for many years but the landmark of that change was the break-up of AT&T. That break-up marked the allowance of full competition in the long distance toll market, and the shifting of costs from the long distance companies to the ratepayer.

Although AT&T does not directly serve Alaska, these two changes are affecting the state's telephone system. Providing telephone service for Alaskans is possible because of a complicated structure of payments and subsidies paid by the ratepayers and the long distance companies. (REA loans have also played a role in financing local

phone companies.²) That structure is now changing for both local and long distance rates.

Universal service

The term "universal service" has become the new buzz word in an industry which has requested \$5 billion worth of local rate increases in 1984. The general definition of universal service is the availability of affordable telephone service for all. However, this definition perhaps should be expanded for Alaskans due to the importance that electronic communication plays in eliminating the problem of distance and isolation. Universal service, in its broadest sense, refers to the affordability and availability of communications and information.³ This goes beyond basic telephone service to possibly include distance education, access to the political process, videotext etc. Universal service for Alaskans could mean affordable availability of communications and information whatever technology is used. Once the legislature defines universal service for Alaskans, then prioritization for funding communication programs may occur.

POSSIBLE LEGISLATIVE ACTION: 1) Add statute language defining universal service for Alaskans.

²See comments by Gordon Parker, Director of the Alaska Telephone Association, Appendix C.

³See comments by Doug Barry and Bev Michaels from Learn Alaska, Appendix C.

Lifeline rates⁴

With residents paying \$3 to \$12/month more in local rates by 1994, \$2 in access charges in 1986, and a potential 500% increase in long distance rates within the same time period, the low-income telephone users could be forced off the telephone system. The Federal Communications Commission has initiated a program by which it would match state assistance to qualifying low-income people up to the amount of the residential access charge. Since the residential access charge is currently \$1, the FCC would contribute \$1 and state assistance would contribute \$1 for a total effect of eliminating the access charge plus reducing the resident's monthly bill by \$1. In June 1986 when the access charge becomes \$2, the total effect would double. Each state has the option of participating in this program.

Some states such as California, Arkansas, New York, Wisconsin have implemented or mandated other lifeline programs reducing the cost of local service by as much as 50% to 66%. Funding for the programs usually comes from a tax on long distance calls.

The Alaska Public Utilities Commission is hesitant to implement a lifeline program, either by participating in the federal program or by creating a separate program, because of its statutory language concerning discriminatory rates. In AS 42.05.381 (a) and AS 42.05.391 (a), unreasonable and unjust rates are prohibited between classes of

⁴See comments by the Alaska Telephone Association, Alaska Consumer Advocacy Program, and United Utilities, Appendix C.

customers. A lifeline rate could be legally questioned as a discriminatory rate. The APUC is looking for direction in this area.

Lifeline rates could be viewed as preserving the social goal of universal service, or as a separate social goal.

POSSIBLE LEGISLATIVE ACTION: 1) Amend statutes authorizing lifeline rates in the state of Alaska. 2) Determine eligibility requirements and funding sources or mandate the APUC to do so through a rulemaking proceeding.

Access charges

The first evidence of the change in the historical payment structure is already seen in the \$1 charge now appearing on everyone's monthly phone bills. That \$1 being paid by every residential and small business ratepayer (\$6 per line for large businesses) in the United States use to be paid by the long distance companies (AT&T, Sprint, MCI, Alascom, GCI, etc.) to help support the cost of the local network. The access charges have been implemented by the Federal Communications Commission and state public utility commissions have the option of doing likewise. The Alaska Public Utilities Commission has not decided one way or the other, but it does have an open docket, U-83-63, to consider the matter. Of the thirty-nine states that have issued an order on access charges, 36 have decided not to implement additional access charges, arguing that raising rates for local users jeopardizes the social goal of universal service.

Implementation of the access charges allowed long distance companies to lower their rates. This lowering of long distance rates is the underlying reason for the access charges. By reducing the toll bills of the telephone system's large-volume users, the FCC argued, there would be less incentive for those users to build their own telephone network and eliminate some phone charges. If enough users left the system, then the costs would have to be recouped from fewer customers and rates would have to be increased, creating a death spiral.

POSSIBLE LEGISLATIVE ACTION: 1) Allowing or disallowing the state to implement access charges.

Bypass

The state as a user of telephone service could save money from reduced toll charges by constructing its own telephone system connecting all state offices. This would eliminate the need to use Alascom or any of the local companies except to make calls to people outside of the state network.

The policy question arises when evaluating the impact on the remaining users of the state leaving the existing telephone system. The state is a large user of the intrastate long distance network and without the state contributing revenues to maintain the system, the rates for the remaining users could increase. Do the interests of

the state as a user differ from the state's responsibility for protecting all the users, or can these goals be mutually attained?⁵

Based on FY84 expenditures, the state spends approximately \$8.35 million on long distance calls, 80% of which are in-state calls. Not only might the state save on regular business calls, but possibly could also reduce the cost of the distance-education programs which rely on the telephone system to deliver their programs. Margery Walker, Dean of Rural Education has commented⁶ that the long distance phone bill cannot support growth of the programs, either with additional sites or with more courses being offered.

The Division of Telecommunications Services has delayed its preparations for an assessment of the impact of a state telephone network on remaining users telephone rates until the Alaska Public Utilities Commission decides on Alascom's \$20.68% in-state rate increase request. If approved, annual telephone costs of the state have been estimated to increase by approximately \$1.28 million.

POSSIBLE LEGISLATIVE ACTION: 1) Study the impact on remaining users of the state leaving the present telephone system. 2) Depending on

⁵See comments by Alaska Telephone Association and Ted McIntire, Director of Telecommunications Services within the Department of Administration, Appendix C.

⁶See comments by Margery Walker, Appendix C.

the results of that study, determine whether the state should bypass or not.

Competition

In the Division of Telecommunication Services' Fourth Annual Report to the Governor, the main concern of the State of Alaska was stated as: "to protect the Alaska telephone subscriber from excessive rate increases while keeping Alaska telephone companies economically viable, and to insure the continuance of universal service." The certification of competitive long distance carriers within Alaska raises the question of what service responsibilities the competitive carriers should have.

If competitors did enter the in-state Alaska market, they would most likely want to serve only the main three population centers, at least initially. Alascom, though, has the responsibility of serving every population center of 25 people or more. For its intrastate operations, Alascom pools all of its revenues and then distributes them statewide in order to equalize rates. In other words, some of the revenues gained from the Anchorage-Fairbanks-Juneau triangle are used to offset the costs of serving the more expensive rural areas.

If a competitor takes some of Anchorage-Fairbanks-Juneau revenue, then Alascom would be required to support the Bush with less revenue than before. A competitor, though, could be required as part of its certificate to contribute to the cost of serving the Bush.

At hearings held by the Alaska Public Utilities Commission in November 1984, the issue of Alascom's ability to support its competitive routes with revenues from its captive rural customers was raised. The solution of adding utilities to the present anti-trust statute language was suggested by the Alaska Consumer Advocacy Program.

POSSIBLE LEGISLATIVE ACTION: 1) Allowing or disallowing competition within the state of Alaska. 2) Add utilities to the present anti-trust statute language.

Interstate competition, rate integration and subsidies

Alaska's long distance telephone system is supported by a series of subsidies, discounts, and payments from AT&T to Alascom and GCI. Rate integration, the national policy of providing residents of Alaska, Hawaii, Puerto Rico and the Virgin Islands with interstate long distance rates comparable to interstate long distance rates found in the continental United States, is made possible by AT&T supporting Alascom's system at a current rate of \$100 million/year. The 1983 support was \$158 million.

Rate integration was to be implemented in four steps ending in 1980. The final step still has not occurred and has been postponed indefinitely pending review by a new Federal State Joint-Board. In place of the fourth step, AT&T is paying Alascom a supplemental subsidy of \$15 million/year. This \$15 million is suppose to be used to offset intrastate rates. Thus, Alaskans are paying higher

interstate rates than they should be, but are paying lower intrastate rates.

GCI is also receiving a discounted rate from AT&T for its connections in Seattle. The discounted rate is a result of the AT&T/GCI agreement approved in May 1985. That agreement also provided for continuance of the \$115 million from AT&T to Alascom which was being appealed by AT&T.

AT&T has said that it is unwilling to continue the \$115 million payments to Alascom. Since the long distance call market is now competitive, AT&T feels that \$115 million is an unfair burden for it to bear alone. The state/and or the ratepayers could be faced with \$115 million in additional long distance charges.

The new Federal-State Joint Board, consisting of three Federal Communication Commission commissioners and four state public utility commissioners (including APUC commissioner Marvin Weatherly) will review rate integration, interstate competition, and the high cost support mechanism. The state's interest will be represented by the Attorney General's office and the Office of the Governor. The Joint Board was created in September 1985 and has yet to meet for the first time.

POSSIBLE LEGISLATIVE ACTION: 1) Assure that the Attorney General's office and the Office of the Governor have sufficient funding to adequately represent Alaskan's economic and social interests.⁷

The next issues involve communication programs financially supported by the state. A problem underlying all these state programs is that the information needs of the people have not been defined. What kind of information do people want and need? There is no rational method to determine whether programs such as LearnAlaska, commercial television, and public broadcasting are worthwhile or not because there has been no determination of what people need in terms of communication and information. Once the need has been determined, then evaluation of the programs can be conducted. Some accountability is needed from program directors as to what part of their budget is used for operations, for development and planning, and for application.

Commercial Television

The original objective of the Television Demonstration Project, now called RATNET, was to demonstrate the technical feasibility of using earth stations for television broadcasting. Nine years later,

⁷ See comments by Peter Froehlich, Assistant Attorney General for the State of Alaska, Appendix C.

this objective clearly has been achieved, and direction needs to be given to this program.

The state needs to determine whether it has an obligation to provide entertainment television, and, if not, whether it wishes to continue the subsidization of it in its present form with state revenues declining.⁸

The wishes of the audience should also be taken into account. Do the people want this type of network programming? What impact does commercial television have on rural Alaskans?

There also could be alternatives to the present set-up including helping communities establish cable television and having the operational cost be funded by non-state sources.

POSSIBLE LEGISLATIVE ACTION: 1) Determine whether the state has an obligation to provide commercial television--whether commercial television is included in the definition of universal service. 2) Depending on action taken on #1, prioritize funding of commercial television. 3) Determine alternative funding.

Public Broadcasting

⁸See comments by Nancy Steres, Rural Education; Marjorie Benning, Learn Alaska; Bill Bramble, Dept. of Education; and Steve Smith, Appendix C.

The State provides entertainment and instructional television to 227 locations via satellite yet has not extended the same priority to public television. The goal of the Alaska Public Broadcasting Commission is to provide public television to all communities with a population of 25 or more. The State needs to determine whether it concurs with this goal and what public need this goal would fulfill.

The offerings of public broadcasting and the programs found on Instructional Television and LearnAlaska could be viewed as overlapping in some areas in either content, viewers or both. The state needs to determine whether duplicative efforts do exist, and, if so, determine ways to eliminate such duplication. The function of public broadcasting needs to be determined also. Cooperative efforts between public radio and LearnAlaska has also been suggested by the Alaska Public Broadcasting Commission in its report, Public Broadcasting in Alaska: A Long-Range Plan. Classes would be offered over the radio stations followed by a Learn Alaska audio conference.

POSSIBLE LEGISLATIVE ACTION: 1) Clarify role of public broadcasting in Alaska. 2) Clarify state's purpose of funding public broadcasting. 3) Investigate possible duplicative efforts between public broadcasting and LearnAlaska and implement reform.

Educational Programs

The State should determine the educational and informational needs of the people, and then evaluate whether Learn Alaska and the University programs are serving those needs. Criteria needs to be

established in order to evaluate the effectiveness of these programs. No criteria has been set so far and care must be taken to establish standards appropriate for distance education.⁹ Programming, equipment and applications should be considered.

The question of extending Learn Alaska to urban areas also needs to be addressed. Residents of Anchorage, Fairbanks and Juneau must pay cable charges to receive instructional television while rural students receive state subsidized programs.

Educational programs also need to be flexible enough to take advantage of more effective ways of communicating as they become available. Stress should be placed on the message content, not on how the message travels.

POSSIBLE LEGISLATIVE ACTION: 1) Establish criteria for evaluating distance-education programs

Teleconferencing

This is an area where government's words are louder than its actions. During the 1985 legislative session, the legislature and the governor approved the use of teleconferencing for conducting public hearings and meetings. Governor Sheffield in his transmittal letter to Representative Grussendorf wrote, "The availability of new

⁹See comments by Steve Smith, Appendix C.

communications technology combined with our declining revenues make passage of this important measure [HB 140] a timely step towards economical efficient expansion of public access to the administrative process. However, the legislative budget FY86 for line charges was reduced by \$200,000 (41%), and staff was cut 43%.

Since there has been little assessment as to the effectiveness of the legislative teleconference network, it is difficult to determine whether last year's cuts were trimming the fat or making the implementation of HB 140 impossible.

Learn Alaska also has a teleconference system and cooperation between that network and the legislative network might be possible. There could be a conflict, though, with determining who gets priority use, a nursing class or a legislative hearing?

POSSIBLE LEGISLATIVE ACTION: 1) If teleconferencing fulfills a public need, assure it adequate funding.

Converging Technologies

With the convergence of communication and computer technology it is necessary to rethink traditional distinctions among services and the present system for information flow. State owned and operated technologies need to be evaluated for their efficient and effective delivery of information.

Once proper patterns of information flow are established, then the appropriate technology to carry that information can be determined. It might be a personal messenger or it could be electronic mail.

The state presently operates four separate computer systems which might contain redundancies. State computing resources might work most efficiently centralized, or vice versa. Various state agencies might be able to make their individual systems compatible with each other.

POSSIBLE LEGISLATIVE ACTION: 1) Implement a state plan on technology outlining the information flows within the government and the best ways to facilitate those flows.

Budget Review

There is no doubt that oil revenues are declining and this reduction should create some thought about the necessity and priority of state subsidized telecommunications programs. The State's commitments and priorities must be clarified and followed. It is not very useful to begin a project one year and then allocate it inadequate operating funds the following year. Telecommunication budgets within agencies must become clear and programs must become accountable for their use of the money. The following breakdown of the state telecommunication budget is certainly not complete and possibly not even fully accurate because of the present impossibility to discover agency spending on telecommunications.

Telecommunication Programs
Capital & Operating Expenditures Authorized
Common-Size Comparative Summary

	Dollars (In Thousands)		Common-Size Percentage	
	FY 86	Year FY85	FY86	FY85
APBC - General	\$5,614.4	\$5,578.8*	20%	17%
APBC - Public TV	\$2,571.6	\$4,045.8	9%	13%
Div. of Telecom Operations [\$3,408.7 for TVP]	\$8,553.9	\$8,661.6	31%	27%
Div. of Telecom Services	\$821.4	\$1,356.0	3%	5%
Dept. of Ed/OIS	\$834.7	\$4,487.9**	3%	14%
ITV/LearnAK	\$3,601.8	\$520.0	13%	2%
UAITS	\$977.6	\$1,283.7	3.5%	4%
UAITS/LearnAK	\$1,255.5	\$1,066.9***	4.5%	3%
LAA/Public Affairs	\$1,970.5	\$3,270.2	7%	10%
Other (H&SS, Public Safety, C&RR)	\$1,705.0	\$1,790.7****	6%	5%
TOTAL	\$27,906.4	\$32,061.6	100%	100%

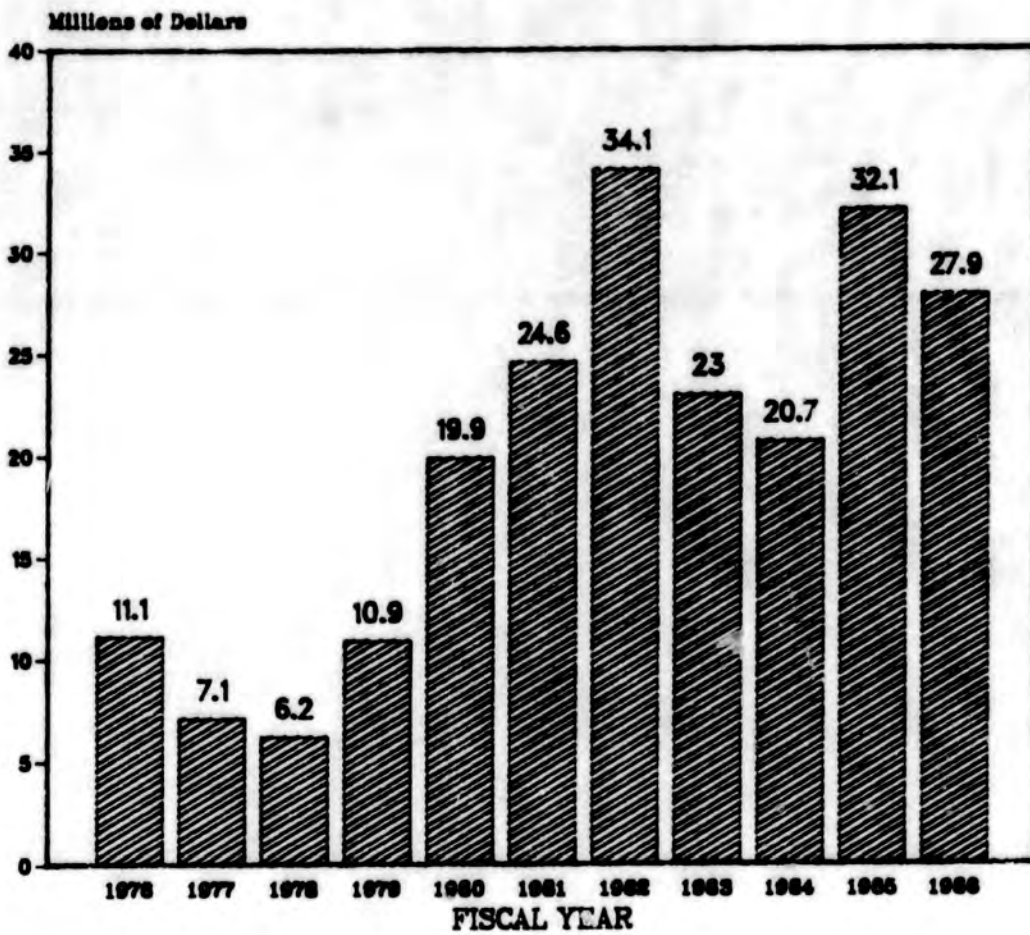
*Breakdown of APBC budget from \$8,186.0 FY86 and \$9,624.6 FY85 supplied by Charles Northrip, Exec. Director, APBC. [See his comments in the addendum to this report]. Total costs were compiled from review of each appropriation bill as were other figures presented in this table excluding UAITS/Learn Alaska for which the budget components were also supplied by program administrators.

**This was appropriated to "Education Technology & Telecommunications", DOE LearnAK component included. Appropriation amended by \$157. in FY86, (Chapt. 105, SLA 85).

***It should be noted LearnAK within UAITS was reorganized after FY85 and while it appears the budget increased, according to program directors, there was an actual cut of \$120,000 in funding for FY86 due to additional costs being placed under this program.

****Appropriation of \$600.7 was amended in FY86 and transferred from Public Safety to DOA for state accounting system. Also an additional \$20. appropriation to Public Safety was amended and freed for reappropriation (Chapt. 105, SLA 85).

Telecommunications Appropriations 1975 - 1985



REFERENCES

- Alaska Code Revision Commission. A Study of Laws Relating To Computers And Telecommunications Systems. Juneau: Alaska State Legislature, June 8, 1983.
- Alaska Consumer Advocacy Program. Telecommunications Policy in Alaska. Anchorage: Alaska Consumer Advocacy Program, April 23, 1985.
- Alaska Department of Revenue. Revenue Sources FY 1984 - 1987 Quarterly Update. Juneau: State of Alaska, March, 1985, and June, 1985.
- Alaska Public Broadcasting Commission, Public Broadcasting In Alaska: A Long Range Plan. Juneau: Alaska Public Broadcasting Commission, 1985.
- Anders, Gary and William Bramble. "Alaska/Pacific Rim Economic Relations and the Potential Role of Telecommunications." In PTC Proceedings, ed. Dan Wedemeyer. Honolulu: Pacific Telecommunications Council, 1985.
- Anderson, Nels A. "Final Report on Telecommunications Project Study." Memorandum to Sen. John Sackett, January 14, 1985.
- Baltes, Kathleen. Division of Public Services, Legislative Affairs Agency. "Estimated Costs of Teleconferencing." Memorandum to Rep. Boucher, March 6, 1985.
- Bentley, Estelle. Office of Instructional Services, Dept. of Education. Juneau, Alaska. August 19, 1985. Telephone Interview.
- Booz-Allen & Hamilton, Inc. State of Alaska Five Year Telecommunications Plan. Juneau: State of Alaska, August, 1982.
- Bramble, William. Office of Instructional Services, Dept. of Education. Juneau, Alaska. June 21, 1985. Personal Interview.
- Brothman, Stuart. "Designing Effective Communications Policy Research for the Lawyer-Policymaker." In Telecommunications Policy Handbook. Jorge Reina Schement, et.al. eds. New York, N.Y.: Praeger Publishers, 1982.
- Brown, Frederic. Attorney-at-Law. Fairbanks, Alaska. July 12, 1985. Telephone Interview.

Chavers, Betty. Learn Alaska Network. University of Alaska. Anchorage, Alaska. August 21, 1985. Telephone Interview.

DataPro Research Corp., A History of the Telecommunications Regulatory Environment. Delran, New Jersey: Datapro Research Corporation, 1985.

Dervin, Brenda. "Citizen Access as an Information Equity Issue." In Telecommunication Policy Handbook. Jorge Reina Schement et.al. eds. New York, N.Y.: Praeger Publishers, 1982.

DeVries, Ann. House Research Agency. "Description of Alaska Telecommunications Systems." Memorandum to Sen. Pat Rodey. January 9, 1981.

Dietz, Conrad. University of Alaska Computer Network. A Report to the University of Alaska Board of Regents. Fairbanks: University of Alaska, 1985.

Division of Telecommunication Services, Dept. of Administration. An Analysis of State Telephone Cost Increases Between FY 82-FY83. Juneau: State of Alaska, March 6, 1984.

_____. Annual Report on Teleconferencing To Gov. Bill Sheffield. Juneau: State of Alaska, May, 1985.

_____. Funding History Division of Telecommunications and Other Telecommunications Projects 1975-1985. Juneau: State of Alaska, June, 1985.

_____. History and Current Management of State Provided Television Services. Juneau: State of Alaska, December 1984.

_____. Inventory of Communications Facilities Serving Alaska Communities 1985. Juneau: State of Alaska, 1985.

_____. Satellite Television Alternative Study. Juneau: State of Alaska, April, 1984.

_____. Telecommunications Fourth Annual Report. Juneau: State of Alaska, August, 1984.

Figura J.D., Mark. Attorney Generals Office. Anchorage, Alaska. August 13, 1985. Telephone Interview.

Forbes, Norma. Television's Effects on Rural Alaska. Fairbanks: Center for Cross Cultural Study, University of Alaska, March, 1984.

Forbes, Norma and Walter J. Lonner. Sociocultural and Cognitive Effects of Commercial Television on Previously Television-Naive Rural Alaskan Children. Bellingham, Washington: Western Washington University, August, 1980.

Frampton, Bob. Division of Telecommunication Services. Juneau, Alaska. August 13, 1985. Personal Interview.

Froelich J.D., Peter. Attorney General's Office. Juneau, Alaska. July 2, 1985. Personal Interview.

_____. "HB 140: On the Use of Teleconferencing Under The Administrative Procedures Act." Memorandum to Erik Dahl. February 13, 1985.

Halterman, Cynthia. Division of Telecommunication Services. Dept. of Administration. Juneau, Alaska. June 14, 1985. Personal Interview.

Hammond, Kenneth. "Judgement and Decision in Public Policy Formation." In Policy Studies Annual Review. Vol. 6 1982.

House Special Committee on Telecommunications Hearing Minutes. Juneau, Alaska. January 24, 1985 - May 9, 1985.

Hoversten, Mel. Division of Telecommunications Operations. Dept. of Administration. Anchorage, Alaska. August 12, 1985. Telephone Interview.

_____. Information Systems Committee 1984 Annual Report. Juneau: State of Alaska, December, 1984.

Irwin, Manley Rutherford. Telecommunications America. Westport, Connecticut: Quorum Books, 1984.

Jacobson, Andrew, et. al. "USA Regulation and Policy -- Access." Telecommunications. July, 1984.

Laschever, Eric. House Research Agency. "Telecommunications Programs in Alaska." Memorandum to Rep. Pignalberi. December 31, 1984.

Leonard, William L. Access Charges. Philadelphia, Pennsylvania: Bell Telephone Company of Pennsylvania.

Long, J. David. "System Must Help To Support Economic Development." CIP Review. May/June 1983.

- McIntire, Ted. Division of Telecommunication Services, Dept. of Administration. Juneau, Alaska. June 11, 1985. Personal Interview.
- _____. "Proposed Alascom Interim and Permanent Intrastate Rate Increase." Memorandum to Gary Bader, Administrative Services, Dept. of Administration. January 11, 1985.
- _____. Telecommunications in Alaska (A Brief Overview). Juneau: State of Alaska, December, 1984.
- Melody, William. Telecommunications in Alaska: Economics and Public Policy. Anchorage: Alaska Communications Research Project, April 1978.
- Merritt, Robert. Department of Electrical Engineering, University of Alaska. Fairbanks, Alaska. July 15, 1985. Telephone Interview.
- _____. The Alaska Telecommunications System. Fairbanks: State of Alaska, September 30, 1980.
- Office of Educational Technology and Telecommunications. Department of Education. A Study of The Feasibility of Computer Networking In Education. Juneau: State of Alaska, January 1983.
- _____. Final Report Statewide Computer Literacy Study. Juneau: State of Alaska, January, 1983.
- Office of Instructional Services. Department of Education. Use of Learn Alaska Instructional Television in K-12 Schools. Juneau: State of Alaska.
- Office of Telecommunications. Office of the Governor. Jurisdictional Cost Separations and Toll Rate Disparities in Alaska. Anchorage: State of Alaska, October 16, 1978.
- _____. Satellite Television Demonstration Project Vol. I & II. Juneau: State of Alaska, February 1, 1978.
- Office of Telecommunications. U.S. Dept of Commerce. Federal Regulations Relevant To The Structural Development of Telecommunications Industries. Washington, D.C.: Government Printing Office, November, 1977.
- Parker, Walter B. State of Alaska Telecommunications Policy: A Key To Alaskan Participation In The Information Society. Anchorage: Parker Associates, Inc., February 25, 1985.

_____. The Future of Universal Telephone Service In Alaska. Anchorage: Parker Associates, Inc., February, 1985.

Plummer, Sioux. Division of Telecommunications. Dept. of Administration. Juneau, Alaska. May 29, 1985. Personal Interview.

Rainery, Richard and Jennifer Klein. Rural Research Agency. "Impact of Converting ITV and TVP Delivery System to Dual Transmission Format." Memorandum to Sen. Frank Ferguson. April 23, 1984.

Richter, M.J. "Bypass Technology: New Heart For The Local Telos Or Not?" Electronic News. August 13, 1984.

Rowland, William D. "The Struggle for Self-Determination: Public Broadcasting, Policy Problems, and Reform." In Telecommunications Policy Handbook. Jorge Reina Schement et.al. eds.. New York, N.Y.: Praeger Publishers, 1982.

Rural Research Agency. Alaska State Legislature. Satellite Television In Alaska. Juneau: State of Alaska, August, 1984.

Shea, Jim. Deputy Commissioner of Information Resource Management and Telecommunications. Dept. of Administration. Juneau, Alaska. June 24, 1985. Personal Interview.

Smith, Steve. Fairbanks, Alaska. March 20, 1985. Personal Correspondence to Rep. Boucher.

Stanley, Glenn. Telecommunications Report. Fairbanks: State of Alaska, November, 1980.

Walp, Robert. General Communications Inc. Anchorage, Alaska. July 12, 1985. Telephone Interview.

Yurow, Jane H., ed. Issues In International Telecommunications Policy: A Sourcebook. Washington, D.C.: George Washington University, 1983.

APPENDICES

APPENDIX A

APPENDIX A

I. Session Laws, Executive Orders, and Legislative Resolves

The following list of session laws, executive orders and legislative resolves pertaining to telecommunications spans a ten year period, 1975-1985. Copies of all session laws, excluding the appropriation bills, are included in Appendix A. Please note that all dollar figures in the list are expressed in thousands.

This information was obtained from House Special Committee on Telecommunications Interim Draft Report, prepared by Kathleen Anders.

SUMMARY

NOTE: SLA means session law

1975 (FY76)

Chapter 56, SLA 75: Makes a supplemental appropriation to the Office of the Governor for telecommunications. \$27.4

Chapter 88, SLA 75: Makes a supplemental appropriation to the Office of the Governor to initiate procurement and installation of satellite terminals to serve rural communities. \$5,000.

Chapter 154, SLA 75: Makes a supplemental appropriation to the Department of Public Works, Division of Communications for television translator systems. \$30.

Chapter 209, SLA 75: Appropriates money for the operating and capital expenses of state government including telecommunication appropriations of \$3883.2 for operating, and \$2191.1 for capital.

House Concurrent Resolution No. 60: Expresses the importance of communications planning and policy for the welfare of the state and its citizens; resolves that while the state should not become extensively involved in the operations of the state's telecommunications network, state ownership of satellite earth stations is necessary and in the public interest.

Senate Joint Resolution No. 5: Expresses concern about a single company being able to dominate communications in Alaska, and sets forth requirements to be met before the Federal Communications Commission approves the application of RCA Alaska Communications.

1976 (FY77)

Chapter 87, SLA 76: Changes the name of the Alaska Educational Broadcasting Commission to the Alaska Public Broadcasting Commission. Also amends the constituency and purpose of the Commission.

Chapter 162, SLA 76: Makes fraudulent use of a telecommunication service, specifically cable television lines, a misdemeanor.

Chapter 213, SLA 76: Makes a special appropriation to the Dept. of Education to develop an educational telecommunications system proposal and a video production facility. \$148.75

Chapter 223, SLA 76: Makes special appropriations to the Office of the Governor for legislative coverage, public radio network and Television Demonstration Project, \$1500., and to the Alaska Education Broadcasting Commission for earth station costs, \$1825.

Chapter 224, SLA 76: Provides for a communication carriers section in the Alaska Public Utilities Commission.

Chapter 279, SLA 76: Appropriates money for the operating and capital expenses of the state government including telecommunication appropriations of \$4593.3 for operating, and \$512. for capital.

1977 (FY78)

Chapter 19, SLA 77: Makes a supplemental appropriation to the Dept. of Education for maintenance of Bethel area TV translators. \$12.

Chapter 127, SLA 77: Makes a special appropriation to the Office of the Governor to extend the television demonstration project for six months. \$600.

Chapter 153, SLA 77: Appropriates money for the operating and capital expenses of the state government including telecommunication appropriations of \$4843.5 for operating, and \$707.2 for capital.

Legislative Resolve No. 20: Relates to Alaska Telecommunications Day, noting that telecommunications are of vital concern to all Alaskans and are of primary importance to the state's commerce and economic development.

Legislative Resolve No. 93: Relates to the establishment of a legislative teleconferencing network, forms a Network Task Force, and sets forth criteria for its function and administration.

Legislative Resolve No. 101: Relates to the review of interstate and intrastate telephone service and rates in relation to the second phase of rate integration.

1978 (FY79)

Chapter 17, SLA 78: Makes junk telephone calls unlawful; "junk telephone calls" meaning a call made for the purpose of advertising through the use of a recorded advertisement.

Chapter 25, SLA 78: Makes supplemental appropriations to the Office of the Governor for participation in intrastate tariff hearings and rate separation hearings. \$235.

Chapter 94, SLA 78: Makes a special appropriation to University of Alaska Geophysical Institute for implementing an immediate satellite Quick Look System, and demonstrating the usefulness of that kind of information to the state. \$214.

Chapter 113, SLA 78: Appropriates money for the operating and capital expenses of the state government including telecommunication appropriations of \$6977.45 for operating, and \$720.8 for capital.

Chapter 161, SLA 78: Makes miscellaneous appropriations for television and telecommunications services including satellite TV service, mini-TV transmitters, legislative teleconferencing, public/educational services in DOE, APBC's tape delay center in Anch., and electronic equipment for KYUK. \$7532.97

1979 (FY80)

Chapter 3, SLA 79: Makes a supplemental appropriation to the Dept. of Transportation and Public Facilities for funding programs during the final quarter of FY79. The Division of Communications received \$420.55.

Chapter 6, SLA 79: Makes a supplemental appropriation to the Alaska Public Broadcasting Commission to be used for community television in 18 villages, \$197.5.

Chapter 29, SLA 79: Makes supplemental appropriations to the Dept. of Law for payment of legal consulting services for telecommunications FY79 \$125.5, and to the Office of the Governor for consulting services for telecommunications FY79 \$101.1.

Chapter 44, SLA 79: Makes supplemental appropriations to the Office of the Governor and the Ombudsman for additional communications costs resulting from the RCA intrastate rate increase, \$2904.8, and to the Dept. of Transportation/Public Facilities, \$27.5.

Chapter 80, SLA 79: Appropriates money for the operating and capital expenses of the state government including telecommunication appropriations of \$15125.42 for operating, and \$1029.7 for capital.

Legislative Resolve No. 25: Directs the Legislative Council to have APBC and DOE conduct a feasibility study of educational television, defines educational television, and expresses the need for planning for satellite television.

Senate Resolve No. 5: Urges the negotiation with Alascom for the exchange of small earth stations for television service. If agreement is reached, state should withdraw its application for earth stations at locations where there are no competing applications except for Alascom. Urges the Governor to support private ownership of telecommunications facilities.

1980 (FY81)

Chapter 6, SLA 80: Supplements appropriations for operating expenses of the state government including Dept. of Transportation/Public Facilities communications for \$662.28.

Chapter 50, SLA 80: Amends and transfers money among appropriations for the state operating and capital expenses. Additional telecommunications appropriations equals \$4591.11.

Chapter 120, SLA 80: Appropriates money for the operating and capital expenses for the state government including telecommunications appropriations of \$12748.3 for operating and \$140. for capital.

Chapter 173, SLA 80: Amends, adjusts, and repeals various appropriations; makes special appropriations and grants to municipalities. Adds \$100. for mini-TV.

Chapter 174, SLA 80: Makes appropriations for operating and capital expenses relating to telecommunications for \$8553.7.

1981 (FY82)

Chapter 16, SLA 81: Makes, amends, adjusts, and repeals appropriations and extends lapse dates. Unexpensed and unobligated portion of appropriation made to APBC in Chap. 6, SLA 79 is reappropriated to APBC for installation of transmitters and an earth station.

Chapter 82, SLA 81: Amends various appropriations, makes special appropriations, and appropriates money for the operating and capital expenses for the state government including telecommunications appropriations of \$32642.7 for operating and \$1574.7 for capital. Includes intent language stating that the Dept. of Administration shall submit a study for all centrex and telephone related services of state agencies to be operated on a statewide interconnected basis. Also states that DOA shall seek alternatives to open-ended state subsidization of television.

Executive Order 50: Governor's affirmation of importance of telecommunications. Finds it is in the interest of all Alaskans to facilitate the development of both basic and advanced telecommunication services, and to have those facilities available to all. Encourages private ownership and control of telecommunications facilities. Consolidates telecommunication activities into DOA; creates position of Deputy Commissioner of Telecommunications, Div. of Telecommunication Services and Div. of Telecommunication Systems. Sets forth powers and duties of these divisions. Transfers APBC from DOE to DOA and transfers the Television Project from APBC to Div. of Telecommunications Systems. Establishes an instructional television network within the Dept. of Education and the University. Deletes references to "instructional television" from APBC statutes.

1982 (FY83)

Chapter 25, SLA 82: Appropriates money for capital projects including an APBC equipment grant for \$500.

Chapter 44, SLA 82: Makes a special appropriation to DOA for a cost analysis of alternative designs for the state health communications network. \$130

Chapter 101, SLA 82: Changes lapse dates on various appropriations and appropriates money for the operating and capital expenses of the state government including telecommunication appropriations of \$19728.7 for operating and \$417.8 for capital.

Chapter 103, SLA 82: Provides for the DOE to conduct a study concerning a computer network system enabling schools to use computers for instruction and administration, and the means by which educational use of computers may be compatible statewide. Also provides for a plan to improve computer literacy in school students and in those not in schools.

Chapter 139, SLA 82: Changes various appropriations and lapse dates, and appropriates \$50. to DOE for computer network study.

Chapter 141, SLA 82: Changes lapse dates on various appropriations. Additional money appropriated for telecommunications. \$1339.6

1983 (FY84)

Chapter 10, SLA 83: Makes supplemental and special appropriations for capital projects. To the LIO, \$138., to the University for KUAC, \$60., and for municipal grants \$646.0.

Chapter 30, SLA 83: Economically deregulates cable television.

Chapter 106, SLA 83: Makes reappropriations, transfers money among appropriations and extends lapse dates. Additional appropriation to telecommunications equals \$173.

Chapter 107, SLA 83: Makes appropriations for the operating and capital expenses of the state government including telecommunication appropriations of \$19413.5 for operating, and \$588.5 for capital.

1984 (FY85)

Chapter 21 SLA 84: Makes special appropriations to state agencies for development projects including \$96. to the Alaska Public Broadcasting Commission.

Chapter 24, SLA 84: Makes special appropriations for capital projects. APBC received \$1953.6; Univ. of AK., \$111.; Learn Alaska, \$520.; DOA Telecommunication Services, 750.; Dept. of Transportation/Public Safety \$600.7; other, \$534.. Total for telecommunications equals \$4569.3.

Chapter 45, SLA 84: Makes special appropriations for capital projects including a municipal grant for radio translator purchase and installation equaling \$38..

Chapter 114, SLA 84: Excludes a person from prosecution for theft of

telecommunication services, if the service was obtained through the use of a home earth station.

Chapter 122, SLA 84: Makes appropriations for the operating and capital expenses of the state government including \$26808.6 for telecommunications operating budget.

Chapter 171, SLA 84: Changes and makes various appropriations including an additional telecommunication appropriation of \$462., a reappropriation of \$37.9 from Chap. 50, SLA 80 to APBC, and a reduction of \$112. from DOA Telecommunication Systems.

1985 (FY86)

Chapter 11, SLA 85: Changes the name of DOA's Division of Telecommunications Systems to Division of Telecommunication Operations.

Chapter 54, SLA 85: Clarifies legal use of teleconferencing for meetings and hearings held under the Administrative Procedures Act. Legalizes counting quorum, voting, and taking public testimony through teleconferencing.

Chapter 96, SLA 85: Makes special appropriations for capital projects including appropriations to telecommunications totalling \$1824.4.

Chapter 98, SLA 85: Makes appropriations for the operating and loan program expenses of the state government including appropriations

related to telecommunications totalling \$25068.2. Includes intent language stating that Older Alaskans Commission, Permanent Fund Trustees and Licensing Boards should use teleconferencing to save travel expenses.

Chapter 105, SLA 85: Makes, amends, transfers, and repeals operating and capital appropriations. To Community and Regional Affairs, \$75., to Legislative Affairs, \$65.3, to the Legislature, \$140., and the APUC, \$135.3. Frees for reappropriation \$1268.06.

SLA 1975

Introduced: 4/30/75
Referred: Finance

BY BROWN, ANDERSON, BOWMAN, BRADLEY,
BRADNER, COTTEN, COWPER, DAVIS, DUNCAN,
GARDINER, GRUENING, GUY, HUNTINGTON,
ITTA, MCKINNON, MALONE, MILLER, NAUGHTON,
OSE, OSTERBACK, OSTROSKY, PARKER, PARR,
SULLIVAN, SWANSON AND WALLIS

1 IN THE HOUSE

2 HOUSE CONCURRENT RESOLUTION NO. 60 am S
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 NINTH LEGISLATURE - FIRST SESSION

5 Relating to the telecommunications policy
6 of the state.

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

8 WHEREAS the communications needs of the state have never been adequately
9 met because of the large extent and size of the state, the engineering and
10 technical problems inherent in development of an adequate system under the
11 previous state of the art; and

12 WHEREAS communications planning and policy are of vital and continuing
13 interest to the public of the state, affecting the lives and personal welfare
14 of the citizens at all levels of activity, in both urban and rural areas;
15 and

16 WHEREAS recent technological advances have rendered feasible improvements
17 in Alaska's communications network not previously available; and

18 WHEREAS chief among those advances has been the development of a highly
19 sophisticated and practical applied science relating to the use of synchronous
20 orbit communications satellites in conjunction with earthbound transmitting
21 and receiving stations; and

22 WHEREAS the longlines long distance telephone carrier has recently
23 proposed methods of serving the long-term communications needs of the state
24 applying this advanced technology; and

25 WHEREAS both the state and federal governments are likely to be the
26 major telecommunications users and customers in any expanded statewide com-
27 munications network; and

28 WHEREAS the method of development and construction of a statewide system
29 of satellite earth stations will determine the quality of future communication

ORIGINAL

1 in Alaska for the next several decades; and

2 WHEREAS the State of Alaska has been investigating several alternative
3 methods of assuring the protection of the public interest and the continued
4 effective participation of the state in the long-range planning that will
5 govern that development; and

6 WHEREAS one alternative would provide that procurement, construction,
7 ownership and operation of satellite earth stations be entirely accomplished
8 by the private longlines carrier with the state acting in an advisory
9 capacity under terms of a contract of questionable enforceability; and

10 WHEREAS one other alternative would provide that procurement, construc-
11 tion and ownership be accomplished by the state, providing the state with
12 permanent proprietary participation in telecommunications planning and
13 policy; and

14 WHEREAS, while the Legislature of the State of Alaska does not wish
15 the state to become extensively involved in the operations of the state's
16 telecommunications network, it does find state ownership of satellite earth
17 stations necessary and in the public interest;

18 BE IT RESOLVED by the Legislature of the State of Alaska that the
19 Governor is strongly urged to expeditiously proceed with the steps necessary
20 to facilitate acquisition and installation of satellite earth stations
21 including but not limited to television reception capability in numbers and
22 according to specifications that will be determined by the Governor's
23 Office of Telecommunications in consultation with the longlines carrier.
24

25
26
27
28
29

1 Passed by the House May 12 .:1975

Walter G. ...
Speaker of the House

5 ATTEST:

6 Shirley Carter
7 Chief Clerk of the House

9 Passed by the Senate May 8 .:1975

Harvey P. ...
President of the Senate

13 ATTEST:

14 Dorothy Keith
15 Secretary of the Senate

16
17
18
19
20
21
22
23
24
25
26
27
28
29

1

Offered: 2/4/75
Referred: Rules

Original sponsor: Commerce Committee

1 IN THE SENATE

BY THE COMMERCE COMMITTEE

2 CS FOR SENATE JOINT RESOLUTION NO. 5

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 Relating to RCA Alaska Communications,
6 Inc., proposed satellite system.

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

8 WHEREAS, during the course of the past several years, the Alaska
9 Legislature has registered its opinion with the Federal Communications Com-
10 mission (FCC) regarding Alaska's communications requirements and needs; and

11 WHEREAS several firms, aside from RCA, Inc. -- RCA Global Communica-
12 tions. Inc. (RCA Globcom) and RCA Alaska Communications, Inc. (RCA Alascom)
13 -- have indicated their willingness to supply the State of Alaska with the
14 necessary hardware for a viable communications system at a reasonable cost;
15 and

16 WHEREAS, originally, RCA Alascom offered no satellite facility and was
17 persuaded to do so only after a great deal of effort, time, and money; and

18 WHEREAS the citizens of Alaska are now facing a burdensome rate base
19 for a communications system that will include outmoded terrestrial equipment
20 and satellite communications; and

21 WHEREAS the citizens of Alaska are vitally concerned about the advisa-
22 bility of a single company being able to dominate communications in Alaska;
23 and

24 WHEREAS an application for construction permits by RCA Alascom from the
25 Federal Communications Commission is due to be considered by that body in
26 the near future;

27 BE IT RESOLVED by the Alaska State Legislature that the following
28 requirements be met before the Federal Communications Commission approves
29 the application of RCA Alaska Communications, Inc.:

ORIGINAL

-1-

CSSJR 5 engrossed

1 (1) that RCA Alascom agrees to furnish a communications satellite
2 containing some transponders with sufficiently high power and gain as to
3 definitely assure the receipt of high quality television signals at all
4 permitted ground station locations;

5 (2) that the FCC require full, periodic disclosure of the present
6 and continuing interrelationships of RCA Alascom, RCA Globcom, and RCA, Inc.,
7 to the FCC, the Alaska Public Utilities Commission and the Governor's Office
8 of Telecommunications or its successor, particularly including financial
9 and legal data on the respective shares owned and manner of use made by each
10 of these companies in any shared satellite;

11 (3) that written contracts be executed between RCA Alascom and
12 RCA Globcom guaranteeing that Alaska's communications needs will be met and
13 that adequate channel capacity will be available for Alaska on any communica-
14 tions satellite jointly owned by these companies;

15 (4) that the FCC make clear that RCA Alascom is not to have
16 exclusive rights under any permit or license granted;

17 (5) that no approval be given until public hearings are conducted
18 throughout Alaska;

19 (6) that after consideration of the pending application, the FCC
20 will require RCA Alascom to ask for bids in the open market for any future
21 satellite needs so that it may not unilaterally choose to deal only with
22 its parent company, RCA Globcom;

23 (7) that RCA Alascom and RCA Globcom agree to have separate
24 reporting and financial systems and that they file reports as may be required
25 to the Alaska Public Utilities Commission and the Governor's Office of
26 Telecommunications or its successor.

27 COPIES of this resolution shall be sent to the Honorable Dean Burch,
28 Chairman, Federal Communications Commission; and to the Honorable Ted
29 Stevens and the Honorable Mike Gravel, U. S. Senators, and the Honorable

1 Don Young, U. S. Representative, members of the Alaska delegation in Congress

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

ORIGINAL

1 Passed by the Senate 9.1.5, 1975

2
3 *Henry D. ...*
4 President of the Senate

5 ATTEST:

6
7 *Seneca K... ..*
8 Secretary of the Senate

9 Passed by the House February 10, 1975

10
11 *J. Edgar Hoover*
12 Speaker of the House

13 ATTEST:

14
15 *James C. ...*
16 Chief Clerk of the House

1

SLA 1976



LAWS OF ALASKA

1976

Source

CSSB 691 am H

Chapter No.

87

AN ACT

Relating to public broadcasting.

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

- Section 1. AS 14.58.010 is amended to read:

CHAPTER 58. ALASKA PUBLIC BROADCASTING COMMISSION.

Sec. 14.58.010. CREATION OF ALASKA PUBLIC BROADCASTING COMMISSION. There is created within the Department of Education the Alaska Public Broadcasting Commission.

- Sec. 2. AS 14.58.020(a) is amended to read:

(a) The commission consists of nine members appointed by the governor, without regard to political affiliation, subject to confirmation by a majority of the members of the legislature in joint session. In making appointments to the commission, the governor shall give due consideration to representation from such fields as higher education, elementary and secondary education, communications, commercial broadcasting, public health, public works, labor, commerce and the professions. Members may be removed only for cause.

- Sec. 3. AS 14.58.050 is amended to read:

Sec. 14.58.050. PURPOSE OF THE COMMISSION. The commission is created to encourage and supervise the development of an integrated public broadcasting system for the state and for the coordination of all public broadcasting stations.

- Sec. 4. AS 14.58.060 is amended by adding new paragraphs to read:



LAWS OF ALASKA

1976

Source

HB 631

Chapter No.

224

AN ACT

Providing for a communications carriers section in the Alaska Public Utilities Commission.

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

Section 1. AS 42.07 is amended by adding a new section to read:

Sec. 42.07.123. COMMUNICATIONS CARRIERS SECTION. (a) There is established within the commission a communications carriers section which shall develop, recommend and administer policies and programs with respect to the regulation of rates, services, accounting and facilities of communications common carriers within the state involving the use of wire, cable, radio and space satellites.

(b) The section shall advise and make recommendations to the commission and represent the commission in matters pertaining to communication common carrier regulation and licensing and shall participate, as a party, in adjudicatory hearings in which significant common carrier issues are involved.

(c) It is the responsibility of the communications carrier section in its participation in rate or tariff adjudication proceedings to advocate and provide support for the lowest practicable rate under the circumstances.

Approved by governor: June 21, 1976
Actual effective date: September 19, 1976

SLA 1977

LR 20
Introduced: 2/18/77
Made a Special Order of
Business

BY THE STATE AFFAIRS
COMMITTEE

1 IN THE HOUSE

2 HOUSE JOINT RESOLUTION NO. 23

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 Relating to Alaska Telecommunications Day

6 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

7 WHEREAS the subject of telecommunications is of vital concern to all
8 Alaskans and is of primary importance to the state's commerce and economic
9 development; and

10 WHEREAS the state and private industry are bringing satellite communica-
11 tions -- both telephone and television -- to residents of isolated rural
12 areas which have never before had reliable communications; and

13 WHEREAS providing effective health care to rural areas requires depend-
14 able communications with hospitals and physicians and such communications are
15 now being provided in some areas of Alaska via satellite; and

16 WHEREAS providing telecommunications to the 49th state presents unique
17 problems because of vast distance and hostile terrain; and

18 WHEREAS issues vital to all Alaskans are pending before the Federal
19 Communications Commission, including the equitable resolution of complex
20 questions involving rate separations and integration as well as satellite
21 and earth station use and licensing; and

22 WHEREAS the Alaska Public Utilities Commission, the Alaska Telephone
23 Association, the Governor's Office of Telecommunications and RCA Alaska
24 Communications, Inc., are sponsoring an Alaska Telecommunications Day in
25 Washington, D.C. on February 24 in conjunction with the celebration of Alaska
26 Day;

27 BE IT RESOLVED that the Alaska State Legislature heartily commends
28 Alaska Telecommunications Day to the attention of the Federal Communication
29 Commission, the United States Congress and representatives of private

-1-

HJR 23

C....

1 industry, urging full participation in the activities planned for that day
2 the sponsors.

3 COPIES of this resolution shall be sent to the Honorable Richard Wiley,
4 Chairman, Federal Communications Commission; Mr. Walter R. Hinchman, Chief,
5 Common Carrier Bureau, Federal Communications Commission; to the Honorable
6 Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable
7 Don Young, U.S. Representative, members of the Alaska delegation in Congress
8 and to the sponsors of the Alaska Telecommunications Day.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

1 Passed by the House February 18, 1977

2
3 [Signature]
4 Speaker of the House

5 ATTEST:

6 [Signature]
7 Chief Clerk of the House

8
9 Passed by the Senate February 22, 1977

10
11 [Signature]
12 President of the Senate

13 ATTEST:

14
15 [Signature]
16 Secretary of the Senate

17
18
19
20
21
22
23
24
25
26
27
28
29

1

Introduced: 4/30/77
Referred: Rules

1 IN THE SENATE

BY SACKETT

2 SENATE CONCURRENT RESOLUTION NO. 57 am N

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 Relating to a legislative teleconferencing
6 network.

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

8 WHEREAS the use of teleconferencing has been demonstrated to be useful
9 and desirable in broadening the two-way contact between constituents and
10 legislators; and

11 WHEREAS increased use of teleconferencing can extend legislative respon-
12 siveness to the public and can increase public confidence in the legislature;

13 BE IT RESOLVED by the Alaska State Legislature that the Legislative
14 Council is directed to form a Legislative Teleconferencing Network Task Force
15 based upon the following criteria:

16 (1) The chairman of the Legislative Council shall be the chairman
17 of the task force.

18 (2) The chairman of the Legislative Council shall appoint five
19 members to the task force from the legislature to represent the reasonable
20 needs of the legislature which a teleconferencing network must recognize in
21 order to be successful. Preference shall be given to those legislators
22 who represent communities receiving the first teleconferencing stations;
23 however, no more than one legislator from each community may be appointed to
24 the task force.

25 (3) The Legislative Council shall request the Alaska Public Broad-
26 casting Commission to appoint 10 members to the task force to represent the
27 reasonable needs of communities which a teleconferencing network must recog-
28 nize in order to be successful. These members shall be appointed in accor-
29 dance with the following guidelines:

1 (A) an equal number of members, representing the communities
2 from which they are chosen, shall be chosen from each of the communities
3 receiving the first teleconferencing centers;

4 (B) each member shall have demonstrated an involvement in
5 community affairs and a commitment to increasing citizen participation
6 in policy making;

7 (C) no member may have a financial interest in the tele-
8 communications industry;

9 (4) The task force shall have no more than 20 members; and be it
10 FURTHER RESOLVED that the purpose of the task force is to make recommen-
11 dations to the Legislative Council concerning a system design for a tele-
12 conferencing network based on the following guidelines:

13 (1) The system shall operate in Anchorage, Bethel, Fairbanks,
14 Juneau, and Nome with allowance for expansion into other communities in the
15 future as those other communities develop the necessary technical capabilities

16 (2) The system shall provide residents of the communities affected
17 with an easy-to-use means of participating in legislative committee hearings
18 and obtaining information about legislation.

19 (3) The system shall be a closed circuit system with transmission
20 between the capital and centrally located community teleconferencing centers
21 in the communities affected. Constituents wishing to testify shall report to
22 these community teleconferencing centers in accordance with recommendations
23 made by the task force.

24 (4) The system shall be operational by January 15, 1978.

25 (5) The task force shall consider both technical and managerial
26 components of the system drawing upon the expertise of the state office of
27 telecommunications and any legislative committee on telecommunications and
28 make reasonable compromises in the event of conflicting needs of user groups;
29 and be it

1 FURTHER RESOLVED that nothing in this resolution shall be interpreted or
2 construed as regulating any broadcasting entity, public or private, or in any
3 manner interfering with efforts of the Alaska Public Broadcasting Commission
4 to provide timely legislative news coverage; and be it

5 FURTHER RESOLVED that it is not the purpose of this resolution to pro-
6 vide a system for broadcasting committee hearings directly into people's
7 homes, although that option may be made available to local broadcasters if
8 they determine that local interest warrants it; and be it

9 FURTHER RESOLVED that the Legislative Council shall receive the recom-
10 mendations of the task force and, subject to the Council's approval, transmit
11 them to the Legislative Affairs Agency for implementation and administration;
12 and be it

13 FURTHER RESOLVED that the Legislative Affairs Agency may contract with
14 the state office of telecommunications or other source of technical expertise
15 for the implementation of the recommended program; and be it

16 FURTHER RESOLVED that once operational the system shall be administered
17 by the Legislative Affairs Agency and when feasible the Legislative Affairs
18 Agency may make the system available to other governmental agencies on a
19 reimbursable costs basis; and be it

20 FURTHER RESOLVED that the Legislative Affairs Agency shall carry out a
21 program of public education and encouragement relating to the use of the
22 legislative teleconferencing network system.

23
24
25
26
27
28
29

LR 101

Original sponsor: State Affairs Committee
by request

Offered: 4/14/77
Referred: Rules

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 CS FOR HOUSE JOINT RESOLUTION NO. 32

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 Relating to review of interstate and
6 intrastate telephone service and rates.

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

8 WHEREAS Alaska is a land of vast distances, rugged terrain, widely
9 scattered population, and limited transportation facilities; and

10 WHEREAS the people of Alaska must rely in large measure upon telephone,
11 telegraph and other telecommunications services as a substitute for trans-
12 portation; and

13 WHEREAS the people of Alaska have been required to pay far higher rates
14 for interstate telephone service than have citizens in other states; and

15 WHEREAS the advent of satellite communications has largely eliminated
16 distance as a factor in setting long-distance telephone rates, thus making
17 possible the lowering of charges for interstate long-distance telephone
18 service; and

19 WHEREAS the Federal Communications Commission determined in 1973 that
20 this historic discrimination against the people of Alaska should be eliminated
21 through the integration of rates for Alaska telecommunications service into
22 the rate patterns existing in the contiguous forty-eight states, and that the
23 rate integration should take place with the beginning of domestic satellite
24 service to Alaska; and

25 WHEREAS RCA Alascom and the American Telephone and Telegraph Company
26 have stated their intention to the Federal Communications Commission to
27 implement a rate integration plan; and

28 WHEREAS rate integration, as proposed, will eliminate the disparity in
29 interstate telephone rates to Alaska in three approximately equal steps, the

ORIGINAL

-1-

CSHJR 32

1 first of which began in March, 1976; and

2 WHEREAS phase II of rate integration, scheduled to be implemented on
3 July 1, 1977, will provide a 50 per cent reduction in the existing disparity
4 between the rates paid by Alaska consumers for interstate telephone calls
5 and those paid by consumers in the contiguous forty-eight states; and

6 WHEREAS this reduction in interstate telephone rates will provide signi-
7 ficant public benefits by making service more widely affordable and by
8 strengthening the ties of Alaskans to their fellow citizens in other states;
9 and

10 WHEREAS the local long lines carrier, RCA Alascom, has recently sought
11 to delay the introduction of phase II of rate integration and its attendant
12 benefits to the people of Alaska by claiming, without any relevant justifica-
13 tion, that rate integration could lead to a 300 per cent increase in Alaska
14 intrastate telephone rates; and

15 WHEREAS RCA Alascom has failed to provide a rate integration proposal
16 for phases II and III, and the data underlying that proposal, as promised
17 to the Federal Communications Commission and the people of Alaska; and

18 WHEREAS RCA Alascom has provided no relevant, documented justification
19 for any delay in the scheduled implementation of phase II of rate integration
20 on July 1, 1977; and

21 WHEREAS no increase in intrastate telephone rates may be or should be
22 implemented without the submission of complete documentation and justification
23 to the Alaska Public Utilities Commission, and the full consideration of that
24 body; and

25 WHEREAS RCA Alascom has never been subjected to a thorough regulatory
26 audit nor have its interstate or intrastate telephone rates ever been investi-
27 gated as permitted and provided for in the Alaska statutes and the Federal
28 Communications Act of 1934;

29 BE IT RESOLVED that the Alaska State Legislature urges

1 1) the Federal Communications Commission to disapprove any request for
2 a delay in the implementation of phase II of rate integration as planned on
3 July 1, 1977;

4 2, the Federal Communications Commission to order for the period of
5 phase II an interim division of revenues between RCA Alascom and American
6 Telephone and Telegraph for their provision of interstate telephone service
7 in amounts which will insure the economic viability of all participating
8 carriers and remove the necessity for intrastate rate increases attributable
9 to rate integration;

10 3. the Federal Communications Commission to institute under its powers
11 granted by the Communications Act of 1934 an investigation, audit and rate
12 proceeding to determine the lawfulness of all RCA Alascom charges, practices,
13 classifications and regulations for or in connection with its interstate
14 telecommunications services;

15 4. the Federal Communications Commission to establish, concurrently
16 with the proceedings called for in 3 of this resolution, a Joint Board, under
17 sec. 410(c) of the Communications Act of 1934, including representation of
18 the Alaska Public Utilities Commission, to determine appropriate procedures
19 for separating costs and revenues for telephone carriers in Alaska;

20 5) the Alaska Public Utilities Commission to institute an investigation,
21 audit and rate proceeding to determine the lawfulness of RCA Alascom's
22 intrastate rates, classifications, rules, regulations, practices, services
23 and facilities under AS 42.05;

24 6. the Governor through his Office of Telecommunications to participate
25 fully in these proceedings before the Federal Communications Commission and
26 the Alaska Public Utilities Commission so that the interests of the citizens
27 of Alaska may be fully protected and advanced.

28 COPIES of this resolution shall be sent to the Honorable Richard E.
29 Wiley, Chairman, Federal Communications Commission; the Honorable Ted Stevens

1 and the Honorable Mike Gravel, U.S. Senators, the Honorable Don Young, U.S.
2 Representative, members of the Alaska delegation in Congress; to the members
3 of the Alaska Public Utilities Commission; and to the Governor's Office of
4 Telecommunications.

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

1 Passed by the House April 22, 1977

2
3 *H. Malone*
4 Speaker of the House

5 ATTEST:

6
7 *James H. ...*
8 Chief Clerk of the House

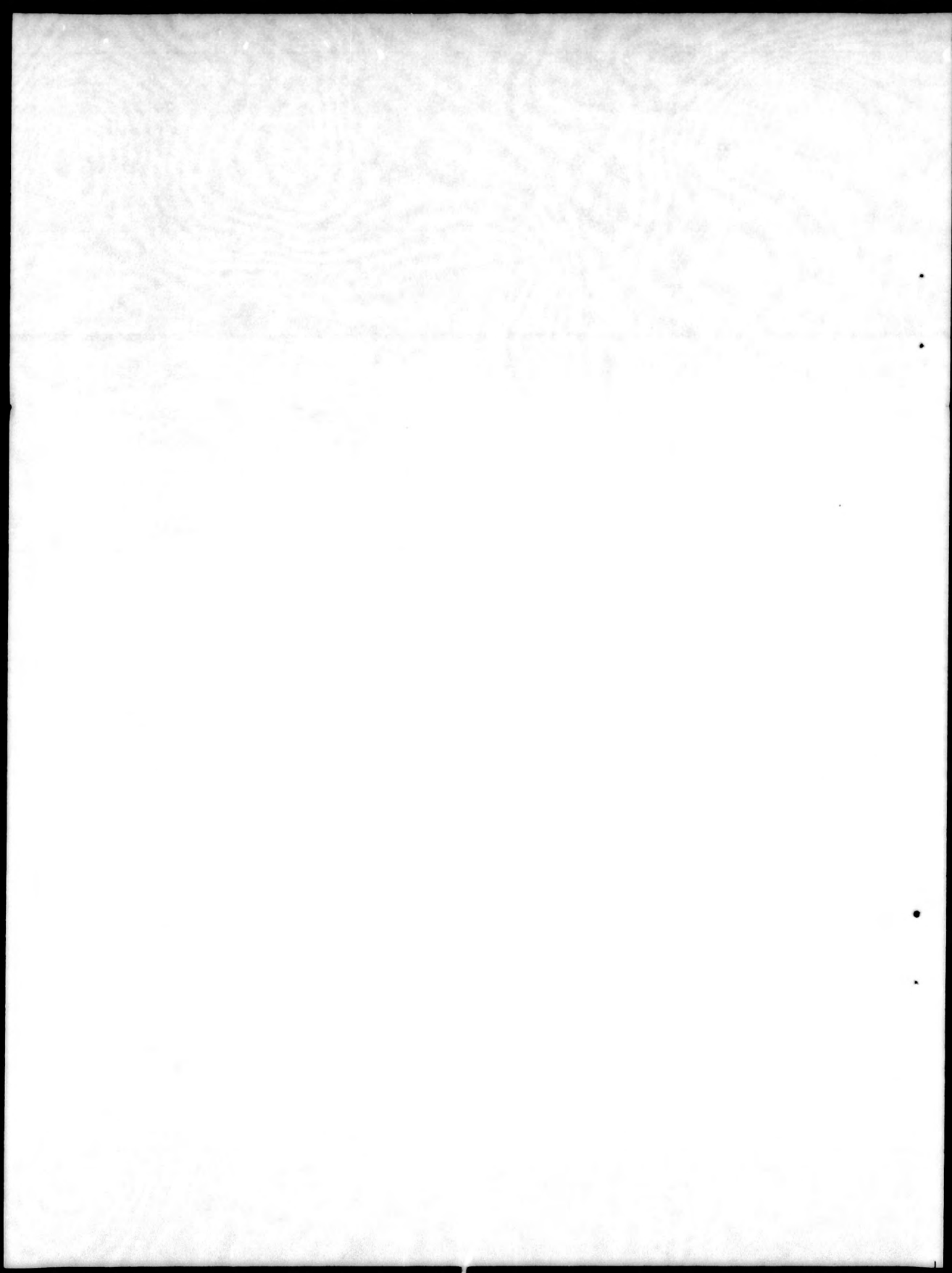
9 Passed by the Senate May 26, 1977

10
11 *J. ...*
12 President of the Senate

13 ATTEST:

14
15 *Ray ...*
16 Secretary of the Senate

29



SLA 1978



LAWS OF ALASKA

1978

Source

HR 641 am S.

Chapter No.

17

AN ACT

Relating to junk telephone calls.

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

* Section 1. AS 45.50 is amended by adding a new section to read:

Sec. 45.50.472. JUNK TELEPHONE CALLS. (a) Making a junk telephone call without the prior written consent of the person called is unlawful.

(b) In this section "junk telephone call" means a telephone call made for the purpose of advertising through the use of a recorded advertisement.

(c) The provisions of secs. 481 - 561 apply to this section.

Approved by the Governor: March 20, 1978
Actual Effective Date: June 13, 1978



LAWS OF ALASKA

1978

Source

Chapter No.

SCS CSHB 908(Rules) am S

161

AN ACT

Making miscellaneous appropriations for television and telecommunication services.

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

* Section 1. The sum of ~~\$10,940,000~~^{6,970,000} is appropriated to the Department of Administration to provide interstate and intrastate satellite television service to 176 Alaska communities through contract with a properly licensed private business enterprise and to contract with any private business enterprise for the construction of earth stations to be owned by entities other than the state. This appropriation is funded from the following sources:

General Funds	6,140,000 ^{2,170,000}
Program Receipts	4,800,000

* Sec. 2. The sum of ~~\$1,587,000~~^{100,000} is appropriated from the general fund to the Department of Administration for the purchase and installation of mini-TV transmitters for 127 communities.

* Sec. 3. The sum of \$80,000 is appropriated from the general fund to the Department of Education to continue and expand the present public and educational television services to Alaskan rural communities through fiscal year 1979.

* Sec. 4. The sum of ~~\$400,000~~^{20,000} is appropriated from the general fund to the Alaska Public Broadcasting Commission to fund grants for the production of television and radio programs for educational and public purposes.

* Sec. 5. The sum of \$125,000 is appropriated from the general fund to the Alaska Public Broadcasting Commission for operation of the tape delay center in Anchorage.

Chapter 161

* Sec. 6. The sum of \$25,000 is appropriated from the general fund to the Alaska Public Broadcasting Commission for the purchase of electronic equipment to distribute television services within the KYUK network.

* Sec. 7. The sum of \$232,972 is appropriated from the general fund to the Legislative Affairs Agency for legislative teleconferencing for fiscal year 1979.


* Sec. 8. The sum of ~~\$50,000~~ is appropriated from the general fund to the Department of Administration for purchasing time and providing services for teleconferencing meetings of state agencies and executive boards and commissions.

* Sec. 9. The unexpended and unobligated portions of the appropriations made in secs. 2 - 8 of this Act lapse into the general fund June 30, 1979. The unexpended and unobligated portion of the appropriation made in sec. 1 of this Act lapses into the general fund June 30, 1981.

Authentication

The following officers of the Legislature certify that the attached enrolled bill, Senate CS for CS for House Bill No. 908(Rules) am S, consisting of 2 pages, was passed in conformity with the requirements of the constitution and laws of the State of Alaska and the Uniform Rules of the Legislature.


Passed by the House June 16, 1978


Speaker of the House

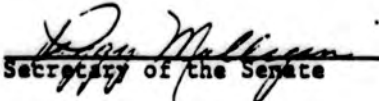
ATTEST:


Chief Clerk of the House


Passed by the Senate June 16, 1978


President of the Senate

ATTEST:


Secretary of the Senate

ACTION BY GOVERNOR

 Approved by the Governor July 12 1978


Governor of Alaska

July 13, 1978

The Honorable Hugh Malone
Speaker of the House
Alaska State Legislature
Juneau, Alaska 99611

The Honorable John L. Rader
President of the Senate
Alaska State Legislature
Juneau, Alaska 99611

Dear Mr. Speaker and Mr. President:

I have signed the following bill and am transmitting the enrolled and engrossed copies to the Lieutenant Governor's Office for permanent filing:

SENATE COMMITTEE SUBSTITUTE FOR
COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 908 (Rules) am S
(making miscellaneous appropriations for
television and telecommunication services.)
chapter 101, SLA 1978

However, I must reduce the appropriation for television services from the level authorized by the Legislature, along with many programs, in order to balance the budget. The funding I have authorized will, however, continue all of the services now being supplied and also expand the system to include all the regional centers. The small earth station program has so far brought telecommunication services to 100 communities and stands as one of the most innovative and effective uses of satellite technology in the world at this time. Today /laskans in the remotest areas are receiving basic telephone service, emergency medical communications and, in some places, television.

For the past year and a half the television demonstration project has been bringing more than 50 (weekly) hours of news, sports and other timely programming,

The Honorable Hugh Malone
The Honorable John L. Ricker
July 13, 1978

Page 2

into Alaska by satellite. It has also brought 10 hours per day of instruction, news, and entertainment to a sample group of bush communities.

Our long-range objective is to develop a system that is not State owned and operated and that requires no large subsidies. Much of this can be achieved by proper utilization of existing facilities, through augmentation, where possible, as opposed to duplication, and by encouragement of full and fair competition in the free market.

House Bill 906 provides for the expansion of the demonstration project and despite the tremendous budgetary constraints we are faced with, I am pleased that we will still be able to include all major regional centers during the forthcoming year. Eleven communities representing over 40,000 Alaskans will be added to the existing areas served. Thus, 90 percent of the State's population will be able to receive live television.

Sincerely,

Jay S. Hammond
Governor

SLA 1979

STATE OF ALASKA

THE LEGISLATURE

1979

Source

SCR 35

Legislative
Resolve No.

25



Directing the Legislative Council to conduct a feasibility study relating to educational television.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS there is a need to provide direction to all educational institutions to assure that any continued state funding for educational television broadcasting is based on a feasible, integrated plan that assures effective management and utilization of services; and

WHEREAS efforts such as these are particularly appropriate now, since comprehensive educational television planning is not likely to develop independently within the different institutions that are interested in educational television potential; and

WHEREAS this planning and essential policy advice should prove valuable in any future legislative consideration of the question of satellite television and its public worth and future in Alaska; and

WHEREAS the Alaska Public Broadcasting Commission has the statutory authority to provide educational broadcasting services to all public and private agencies in the state;

BE IT RESOLVED by the Alaska State Legislature that under the provisions of AS 24.20.090 and Uniform Rule 48(c) the Legislative Council, in consultation with the Alaska Public Broadcasting Commission and the instructional television coordinator with the Department of Education, is directed to conduct a feasibility study of the degree to which Alaska's public education needs can effectively be met through improved use or availability of educational television, and, upon the completion of its feasibility study, to prepare a plan of service with recommendations that address (1) desired level of

service to identified educational audiences; (2) technical capabilities required to provide service; (3) estimated capital and annual costs of service; (4) interagency management, operations, and funding; (5) utilization support services to users; and (6) other related issues that the feasibility study may raise as appropriate considerations; and be it

FURTHER RESOLVED that for the purpose of this resolution "educational television" is defined to include public affairs and cultural programs of general public interest, as well as instructional programs for (1) preschool; (2) kindergarten through 12th grade; (3) adult basic education; (4) postsecondary education; (5) continuing and professional education; and (6) other specialized education; and be it

FURTHER RESOLVED that the Legislative Council shall report its recommendations to the Legislature no later than January 31, 1980.

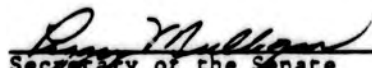
Authentication

The following officers of the Legislature certify that the attached enrolled resolution, Senate Concurrent Resolution No. 35, was passed in conformity with the requirements of the constitution and laws of the State of Alaska and the Uniform Rules of the Legislature.

Passed by the Senate April 27, 1979


President of the Senate

ATTEST:


Secretary of the Senate

Passed by the House April 30, 1979


Speaker of the House

ATTEST:


Chief Clerk of the House

STATE OF ALASKA
SENATE

1979

Source

SR 7 am

Senate
Resolve No.

5



Relating to ownership of earth stations.

BE IT RESOLVED BY THE SENATE:

WHEREAS communications planning and policy are of vital and continuing interest to the citizens of the state -- affecting their lives and personal welfare at all levels of activity, in both urban and rural areas; and

WHEREAS recent technological advances have rendered feasible improvements in Alaska's communications network not previously available; and

WHEREAS chief among those advances has been the development of a highly sophisticated and practical applied science relating to the use of synchronous-orbit communications satellites in conjunction with earthbound transmitting and receiving stations; and

WHEREAS, in recognition of those factors, the Alaska State Legislature resolved in House Concurrent Resolution No. 60 (1975) to urge the Governor, through the office of telecommunications, to acquire and install satellite earth stations in consultation with the state's long lines carrier; and

WHEREAS, under House Concurrent Resolution No. 60 (1975), the office of telecommunications and the long lines carrier entered into a series of three agreements providing for the installation, operation, and maintenance of 100 small earth stations in the rural areas of Alaska by the long lines carrier; and

WHEREAS the construction of the 100 small earth stations has been concluded, bringing the benefits of modern satellite communications to the remote areas of the state, and thereby

achieving the goals and purposes of the legislature expressed in House Concurrent Resolution No. 60 (1975); and

WHEREAS the telephone carriers have represented to the appropriate state and federal regulatory agencies their readiness, willingness, and ability to provide the monetary and physical resources necessary to provide such services, and to reimburse the state, on an equitable basis, for its capital expenditures pertaining to the 100 small earth stations; and

WHEREAS optimum telecommunications service can now best be provided by private industry, under the auspices of the appropriate state and federal regulatory commissions; and

WHEREAS the legislature has recognized that satellite television services will promote the general public health and well-being of Alaska citizens; and

WHEREAS the legislature has authorized continued funding of the television demonstration project; and

WHEREAS the long lines carrier has offered to reduce the rate for television services funded by the state from \$2,145,000 annually to \$750,000 annually for a period of three years in return for the ownership of the earth stations and related equipment, subject to the approval of the appropriate regulatory bodies if the equipment is independently valued at not less than \$4,185,000; and

WHEREAS the Governor has expressed interest in reducing state funding of television services; and

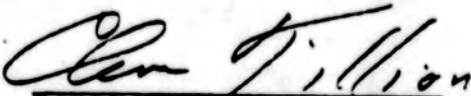
WHEREAS a reduction in annual rates will facilitate the ability of private enterprise to fund the television services;

BE IT RESOLVED that the Senate respectfully requests and urges the Governor to negotiate with the long lines carrier the exchange of small earth stations for television service and if an accepted agreement is reached to withdraw the state's applications for satellite earth stations at those locations where there are no competing applications, other than by the long lines carrier, for ownership of that equipment, and further requests and urges the Governor to support private ownership of telecommunications facilities.

Authentication


The following officers of the Legislature certify that the attached enrolled resolution, SENATE RESOLUTION NO. 7 am
_____, was passed in conformity with the requirements of the constitution and laws of the State of Alaska and the Uniform Rules of the Legislature.

Passed by the Senate April 17, 1979



President of the Senate

ATTEST:



Secretary of the Senate

SLA 1981



LAWS OF ALASKA

1981

Source

FCCSR 50

Chapter No.

82

AN ACT

Making special appropriations for loans, loan subsidies, and a loan guarantee; amending ch. 50, SLA 1980, and ch. 120, SLA 1980; repealing certain subsections of ch. 120, SLA 1980; transferring an appropriation made in ch. 16, SLA 1981; changing lapse dates on prior appropriations; appropriating for the operating and capital expenses of state government; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 15

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved with item vetoes: July 22, 1981
Actual Effective Date: July 23, 1981

1 GENERAL GOVERNMENT (CONT.)		APPROPRIATION		APPROPRIATION FUND SOURCES	
	ALLOCATIONS	ITEMS	GENERAL FUND	OTHER FUNDS	
2					
3					
4	598,500				
CENTREX SYSTEM CHARGES					
5 THE COMMISSIONER OF THE DEPARTMENT OF ADMINISTRATION					
6 SHALL SUBMIT A FEASIBILITY STUDY WITH THE FY 83 BUDGET					
7 REQUEST CONSIDERING STATE OWNERSHIP OF ALL CENTREX					
8 EQUIPMENT.					
9		19,704,800	19,375,000		
TELECOMMUNICATIONS SYSTEMS					
10				593,500	1
OPERATIONS (32 POSITIONS)					
11					1
12 THE DEPARTMENT OF ADMINISTRATION SHALL SUBMIT A					
13 FEASIBILITY STUDY WITH THE FY 83 BUDGET TO PLAN, DESIGN,					
14 IMPLEMENT, MANAGE AND OPERATE ALL CENTREX AND OTHER					
15 TELEPHONE-RELATED SERVICES OF STATE AGENCIES ON A					
16 STATEWIDE INTERCONNECTED BASIS, AND TO COORDINATE WITH					
17 THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES					
18 THE DESIGN OF ALL NEW FACILITIES REQUIRING CENTREX AND					
19 OTHER TELEPHONE-RELATED SERVICE AND THE DESIGN OF SPACE					
20 REQUIREMENTS TO IMPLEMENT THESE SERVICES.					
21 THE 910,333,100 INCLUDED IN THE OBJECT DESCRIPTION					
22 'MISCELLANEOUS' IS A CONTINUING APPROPRIATION WITHIN					
23 THE 920,344,500 APPROPRIATION FOR TELECOMMUNICATION					
24 SYSTEMS OPERATIONS AND DOES NOT LAPSE INTO THE GENERAL					
25 FUND UNDER AS 37.25.010.					
26 THE APPROPRIATION FOR THE TELECOMMUNICATIONS SYSTEMS					
27 OPERATIONS COMPONENT SHALL INCLUDE PURCHASE					
28 INSTALLATION AND MAINTENANCE OF CARRY STATIONS AND					

Chapter 82

FCCSHB 50

11

1 GENERAL GOVERNMENT (CONT.)		APPROPRIATION		APPROPRIATION FUND SOURCES	
	ALLOCATIONS	ITEMS	GENERAL FUND	OTHER FUNDS	
2					
3					
4					
TRANSMITTERS FOR CIRCLE HOT SPRINGS TRAPPER CROWN AND					
THE TRANSMITTERS WHICH ARE.					
5					
TELECOMMUNICATIONS SERVICES					
6					
PLANNING (9 POSITIONS)					
7		507,200	507,200		
8 DURING FY 1982 THE DEPARTMENT OF ADMINISTRATION SHALL					
9 ACTIVELY SEEK ALTERNATIVES TO OPEN-ENDED STATE					
10 SUBSIDIZATION OF TELEVISION. THE DEPARTMENT SHOULD					
11 REPORT TO THE SECOND SESSION OF THE TWELFTH LEGISLATURE					
12 ON WHAT ALTERNATIVES MAY BE AVAILABLE, INCLUDING					
13 COMBINED USE OF PRIVATE AND PUBLIC FUNDS, 'POOLING' OF					
14 USERS OF TELEVISION SERVICES, AND ANY OTHER ALTERNATIVES					
15 WHICH WOULD TEND TO REDUCE THE STATE'S PARTICIPATION					
16 WITHOUT SUBSTANTIALLY REDUCING SERVICE. THE DEPARTMENT					
17 SHOULD DETERMINE WHETHER ANY MAJOR TELEVISION NETWORK					
18 WILL SOON BE RELAYING ITS PROGRAMMING BY USE OF A					
19 SATELLITE					
20 AVAILABLE TO ALASKA, AND THE EXTENT TO WHICH SUCH A					
21 DEVELOPMENT MIGHT AID IN THE REDUCTION OF COSTS TO					
22 PUBLIC AND PRIVATE USERS OF TELEVISION SERVICES.					
23		6,813,800	6,813,800		2
PUBLIC BROADCASTING COMMISSION (8 POSITIONS)					
24 THE COMMISSION SHALL ASSURE THAT NONE OF THE STATE FUNDS					
25 DISTRIBUTED AS GRANTS OR FUNDING ENTITLEMENTS TO					
26 NON-STATE AGENCIES BE USED FOR THE PURPOSE OF LOBBYING					
27 ACTIVITIES BEFORE THE ALASKA LEGISLATURE.					

Chapter 82

FCCSHB 50

1

IN THE SENATE

EXECUTIVE ORDER NO. 50

1
2 Under the authority of art. III, sec. 23, of the Alaska Constitution,
3 and in accordance with AS 24.30.170(b), I order the following:

4 * Section 1. FINDINGS AND PURPOSE. (a) As governor, I find that ade-
5 quate telecommunications facilities and services available at reasonable and
6 affordable rates are essential to the conduct of government, commerce, and
7 private life and that these facilities and services should be available, to
8 the extent possible, to all agencies and citizens of the state regardless of
9 location. In addition, the future development of the state's public and
10 private sectors will depend greatly on the innovative use of new telecommuni-
11 cations services and techniques now becoming available. It is in the inter-
12 est of all people of the state for the state to facilitate the development
13 of both basic and advanced telecommunications services and facilities to be
14 available to all its citizens for their individual and mutual benefit.
15 Furthermore, I find that in the interest of minimizing the size and influence
16 of government, private ownership and control of telecommunication facilities
17 should be facilitated and enhanced, and that state government actions affect-
18 ing telecommunications should include an efficient and thorough assessment
19 of long-range costs and benefits to users as well as the direct and indirect
20 effect on the communications industry and the public.

21 (b) These goals can be best accomplished by coordinating all of
22 the state's telecommunications activities through one department. Consoli-
23 dating these activities will assure increased efficiency in providing the
24 public benefits of comprehensive telecommunications planning for the state;
25 increased accountability for adequate, reliable, and cost-effective tele-
26 communications system development; increased effectiveness in coordinating
27 and assisting public service telecommunications users; the establishment of
28 consistent public policy for the state related to telecommunications systems
29 and services; and better public understanding of the state's policies and

1 programs.

2 * Sec. 2. AS 14.58.010 is amended to read:

3 Sec. 14.58.010. CREATION OF ALASKA PUBLIC BROADCASTING COMMISSION.

4 There is created within the Department of Administration [EDUCATION]
5 the Alaska Public Broadcasting Commission.

6 * Sec. 3. AS 14.58.050 is amended to read:

7 Sec. 14.58.050. PURPOSE OF THE COMMISSION. The commission is
8 created to encourage and supervise the development of an integrated
9 public broadcasting system for the state and for the coordination of
10 all public broadcasting stations. The primary purpose of the commission
11 is the encouragement and support of noncommercial public broadcasting in
12 the state through the provision of operating and capital grants in sup-
13 port of the delivery of noncommercial programs intended for a general
14 audience by locally controlled nonprofit broadcast stations or tele-
15 communications entities. The commission may support stations and en-
16 tities which also engage in the delivery of instructional, for-credit
17 programs, and the commission may provide funds for those purposes, but
18 the primary purpose of commission funds is the support of activities
19 that result in the delivery of general audience, noncommercial material.

20 * Sec. 4. AS 14.58.060 is amended to read:

21 Sec. 14.58.060. DUTIES OF THE COMMISSION. The commission shall

22 [(1) CONTROL AND SUPERVISE THE USE OF BROADCASTING CHANNELS
23 RESERVED BY THE FEDERAL COMMUNICATIONS COMMISSION FOR EDUCATIONAL
24 BROADCASTING PURPOSES;

25 (2) INITIATE OR RECEIVE FOR REVIEW AND APPROVAL ALL APPLI-
26 CATIONS FOR EDUCATIONAL BROADCASTING LICENSES SUBMITTED TO THE FEDERAL
27 COMMUNICATIONS COMMISSION FOR OR ON BEHALF OF AN ELEMENTARY SCHOOL
28 SYSTEM, COMMUNITY COLLEGE, INSTITUTION OF HIGHER LEARNING, PRIVATE
29 EDUCATIONAL INSTITUTION, NONPROFIT COMMUNITY OR MUNICIPAL ORGANIZATION

1 IN THE STATE;

2 (3) INITIATE OR RECEIVE FOR REVIEW AND APPROVAL ALL APPLI-
3 CATIONS FOR FEDERAL, STATE OR PRIVATE FUNDS IF THE APPLICATIONS INVOLVE
4 ANY FORM OF EDUCATIONAL BROADCASTING;]

5 (4) apply for federal and private funds for public broad-
6 casting purposes and receive all federal, state or private funds,
7 property or assistance that may be appropriated, granted or otherwise
8 made available to the commission for public [EDUCATIONAL] broadcasting
9 purposes [AT ALL LEVELS OF EDUCATION], and use and disburse funds and
10 property for purposes consistent with the terms of this chapter, sub-
11 ject to reasonable limitations imposed by the grantor;

12 (5) provide consultative services in all aspects of public
13 [EDUCATIONAL] broadcasting to all public or private agencies in the
14 state which request them;

15 (6) serve as a library and clearinghouse for public broad-
16 casting information [ON BROADCASTING FOR EDUCATIONAL AND PUBLIC PUR-
17 POSE];

18 [(7) HAVE THE FINAL AUTHORITY OVER THE BROADCASTING POLICY
19 PROGRAMMING;]

20 (8) Repealed by sec. 7, ch 87, SLA 1976.

21 (9) through grants to qualified entities, develop an inte-
22 grated public broadcasting network for the state;

23 [(10) DEVELOP AND DISTRIBUTE PUBLIC BROADCAST PROGRAMMING FOR
24 EDUCATIONAL INSTITUTIONS AND PUBLIC AGENCIES IN THE STATE;]

25 (11) through grants to qualified entities, develop and dis-
26 tribute public broadcasting programming [FOR PUBLIC AFFAIRS] in the
27 state;

28 (12) prepare and submit to the governor and the legislature,
29 in consultation with the telecommunications divisions in the Department

1 of Administration, a long term plan for the development of public broad-
2 casting stations and systems in the state, and annually update the
3 plan;

4 (13) perform all other functions necessary to ensure the
5 orderly and coordinated development of public broadcasting in the
6 state.

7 * Sec. 5. AS 14.58.070 is amended to read:

8 Sec. 14.58.070. POWERS OF THE COMMISSION. (a) The commission may

9 (1) employ all consultative, technical and clerical personnel
10 necessary for the implementation of this chapter, within the limits of
11 available funds;

12 (2) employ a director, who shall be directly responsible to
13 the commission in financial and administrative matters;

14 (3) provide grants to locally controlled non-profit tele-
15 communications entities which [WHERE NO OTHER COMPETENT CONTRACTING
16 AGENCY EXISTS] lease, purchase, construct, own, operate and manage and
17 are the licensees [LICENSEE] of public [EDUCATIONAL] broadcasting
18 stations, production centers, and [ALL] other related equipment and
19 facilities for the production and transmission of open circuit, closed
20 circuit, 2,500 Megahertz, and other transmission means necessary to
21 provide fully effective public [EDUCATIONAL] broadcasting in the state;

22 (4) appoint unpaid advisory committees to assist in develop-
23 ment of programs for [INSTRUCTIONAL AND] public television broadcasts;

24 (5) provide assistance to licensed commercial broadcasting
25 stations for the broadcast of public affairs programming [AND UTILIZA-
26 TION OF SATELLITE COMMUNICATIONS FOR THE BROADCASTING OF SPECIAL PUBLIC
27 AFFAIRS PROGRAMMING].

28 (b) In performing its duties and exercising its authority under
29 this chapter, the commission may not exercise control over the specific

1 content or airing of any program material.

2 * Sec. 6. AS 14.58.090(2) is amended to read:

3 (2) "public broadcasting" includes, but is not limited to,
4 television and radio transmission by 2,500 megahertz, closed circuit or
5 microwave video and audio programming, slow-scan television program-
6 ming, programming via satellite, teletype or facsimile transmission,
7 and distribution methods, when the transmission, programming and dis-
8 tribution are intended to serve a noncommercial [EDUCATIONAL,] public
9 [OR INSTRUCTIONAL] purpose.

10 * Sec. 7. AS 44.21.020 is amended by adding a new paragraph to read:

11 (13) study, design, implement, and manage the telecommunica-
12 tions systems and services of the state under AS 44.21.200 -- 44.21.250.

13 * Sec. 8. AS 44.21.160 is amended by adding a new subsection to read:

14 (f) The division of data processing shall coordinate with the
15 divisions of telecommunications in providing for the effective transfer
16 of information by telecommunications through the establishment of com-
17 patible systems and common standards.

18 * ~~Sec. 9. AS 44.21~~ is amended by adding new sections to read:

19 ARTICLE 4. TELECOMMUNICATIONS.

20 Sec. 44.21.200. TELECOMMUNICATIONS DIVISIONS. There is estab-
21 lished in the department

22 (1) a division of telecommunications services; and

23 (2) a division of telecommunications systems.

24 Sec. 44.21.210. DEPUTY COMMISSIONER. (a) The telecommunications
25 divisions shall be administered by a deputy commissioner of the depart-
26 ment appointed by the commissioner.

27 (b) The deputy commissioner shall

28 (1) provide executive direction for the activities of the
29 telecommunications divisions; and

1 (2) assure that division activities in no way constitute an
2 influence on the content or airing of programming, and report to the
3 governor, the commissioner, and the Alaska Public Broadcasting Commis-
4 sion any request or attempt by an employee of the state to influence
5 the content or airing of program material.

6 Sec. 44.21.220. POWERS AND DUTIES OF THE TELECOMMUNICATIONS
7 DIVISIONS. (a) The telecommunications divisions, as directed by the
8 deputy commissioner, shall

9 (1) advise the governor on matters of policy and comprehen-
10 sive state planning for telecommunications services;

11 X (2) make an annual report to the governor and to the legis-
12 lature on the activities of the telecommunications divisions;

13 (3) coordinate, manage, and supervise state programs in
14 telecommunications, including the management of those telecommunication
15 services for the state obtained from common carriers and from the
16 communications industry;

17 (4) when requested, provide technical and consulting assis-
18 tance to the executive, judicial, and legislative branches of state
19 government, to the University of Alaska, and to private noncommercial
20 entities which request that assistance in facility procurement and
21 leasing and in identifying long-range goals and objectives for the
22 state and its political subdivisions in all aspects of telecommunica-
23 tions, including public, educational, and instructional telecommunica-
24 tions;

25 (5) prepare and maintain a state comprehensive telecommuni-
26 cations development plan to further state telecommunications develop-
27 ment and to meet state telecommunications needs and prepare and maintain
28 a comprehensive inventory of all state communications facilities;

29 (6) whenever feasible, procure services from private enter-

1 prise or certified and franchised utilities and contract for the con-
2 struction, management, operation and maintenance of telecommunications
3 systems, and develop a procurement policy under AS 37.05; the pro-
4 curement policy must seek to achieve the maximum benefit to the public,
5 and methods of procurement, including lease, purchase, rental, or com-
6 binations of lease, purchase, and rental, must be selected on the basis
7 of factors such as the ratio of long-range costs versus benefits, life
8 cycle costing, and the costs to the communications industry to the
9 extent that these costs may affect local and long distance basic tele-
10 phone rates;

11 (7) provide information and assistance to state agencies to
12 promote governmental coordination and unity in the preparation of
13 agency plans and programs involving the use of telecommunications;

14 (8) apply for and accept federal and private money, property,
15 or assistance, that may be appropriated, granted, or otherwise made
16 available to the telecommunications divisions and use and disburse
17 money and property for purposes consistent with AS 44.21.200 -- 44.21.-
18 250 and AS 14.58, subject to reasonable limitations imposed by the
19 grantor;

20 (9) participate with other governmental units in planning,
21 and assist local governments and governmental conferences and councils
22 in the state in planning and coordinating their activities relating to
23 telecommunications;

24 (10) provide for the orderly transition to new telecommuni-
25 cations services and systems by state agencies;

26 (11) serve as a clearinghouse for information, data, and
27 other materials which may be necessary or helpful to federal, state, or
28 local governmental agencies in the development of telecommunication
29 systems;

1 (12) coordinate their services and activities with those of
2 other state departments and agencies to the fullest extent possible to
3 avoid unnecessary duplication; and

4 (13) provide that all activities of the telecommunications
5 divisions are responsive to state statutes and regulations, and to the
6 regulations and rulings of the Federal Communications Commission.

7 (b) The telecommunications divisions, as directed by the deputy
8 commissioner, may

9 (1) coordinate their functions with local, regional, state,
10 and federal officials, private groups and individuals, and with offi-
11 cials of other countries, provinces, and states;

12 (2) enter into contracts and subcontracts on behalf of the
13 state to carry out the provisions of AS 44.21.200 -- 44.21.250;

14 (3) act for the state in the initiation, investigation, and
15 evaluation of, or participation in, programs related to the purposes of
16 the telecommunications divisions which involve more than one government
17 or governmental unit;

18 (4) on behalf of the state, apply for, accept, and expend
19 gifts or grants made to the state if the gifts or grants are for the
20 purposes of furthering the objectives of the telecommunications divi-
21 sions; and

22 (5) hold public hearings to obtain information for the
23 purpose of carrying out the provisions of AS 44.21.200 -- 44.21.250.

24 (c) The telecommunications divisions may not attempt to influence
25 or affect the content or airing of program material.

26 Sec. 44.21.230. DIVISION OF TELECOMMUNICATIONS SERVICES. (a) The
27 division of telecommunications services shall be administered by a
28 director appointed by the commissioner.

29 (b) The division of telecommunications services shall provide

1 (1) technical consultation to educational and public tele-
2 communications users;

3 (2) coordination and support to telecommunications services
4 for instruction, including technical assistance and assistance in prep-
5 aration of applications for grants related to program development as
6 may be requested by

7 (A) public school districts and the Department of Edu-
8 cation;

9 (B) the University of Alaska; and

10 (C) other state agencies as approved by the deputy
11 commissioner;

12 (3) coordination and support for health and safety-related
13 functions, including the administrative and client services provided by
14 state, federal, and private agencies;

15 (4) coordination and support to telecommunications services
16 for public participation in state-financed services, including the
17 public hearing process, as may be statutorily required or otherwise
18 appropriate;

19 (5) assistance, through design, development, and promotion,
20 to local school districts or other local and regional education agencies
21 for the regionalization of instructional telecommunications services;

22 (6) establishment of operational policies for public tele-
23 communications services other than public broadcasting; and

24 (7) assistance to the Alaska Public Broadcasting Commission
25 and any commission-designated subcommittees, as necessary to perform
26 assigned division functions; the division shall cooperate with the
27 commission and subcommittees in order to develop policies which are
28 responsive to the user groups which are represented on the commission.

29 (c) Subject to available funding, the division of telecommunica-

1 tions services may make grants to educational and public telecommunica-
2 tions users except grants for public broadcasting purposes.

3 (d) The division of telecommunications services shall study,
4 plan, and develop integrated instructional telecommunications services
5 for all residents of the state, and shall annually report on current
6 fiscal year instructional telecommunications activities and, after
7 public hearings, submit to the governor and the legislature an annually
8 updated long-term development plan prepared in consultation with the
9 Department of Education, the University of Alaska, local school dis-
10 tricts, and other local and regional education areas.

11 (e) The division of telecommunications services shall, after
12 public hearings, submit to the governor an annually updated long-term
13 development plan for teleconferencing facilities and services, including
14 facilities and services used both by state agencies and groups other
15 than state agencies.

16 (f) The division of telecommunications services may not own,
17 operate, or be the licensee of a public noncommercial broadcast station
18 or production center.

19 (g) Nothing in this section implies division responsibility for
20 programming content. Program design, production, and use are the
21 responsibility of the program-sponsoring agency or other entity, not
22 the division.

23 Sec. 44.21.240. DIVISION OF TELECOMMUNICATIONS SYSTEMS. (a) The
24 division of telecommunications systems shall be administered by a
25 director appointed by the commissioner.

26 (b) Except as provided in (e) of this section, the division of
27 telecommunications systems may, consistent with the provisions of AS
28 44.21.220(a)(6)

29 (1) plan, design, construct, manage, and operate all tele-

1 communications systems owned or leased by state agencies;

2 (2) manage centrex and other telephone-related services of
3 state agencies; *Services*

4 (3) be responsible generally for telecommunications systems
5 and design for state agencies; and

6 (4) coordinate with state agencies in performing their data
7 and word processing tasks.

8 (c) Within the limits of available financing, the division of
9 telecommunication systems shall administer and operate the satellite
10 television project, by

11 (1) coordinating with the satellite television user groups
12 and entities; and

13 (2) providing liaison, management support, and technical
14 assistance for the satellite television project.

15 (d) Decisions and policies relating to programming under the
16 satellite television project, including scheduling and allocation
17 policies, may not be made by the divisions of telecommunications or the
18 department, but may only be made by a network that is representative of
19 participating rural television users, by commercial broadcast users or
20 by other affected participating user groups and entities under pro-
21 cedures provided by statute or, if no statute applies, then by agree-
22 ment of the affected user networks or groups. The department shall
23 assist users in preparing agreements that may be required under this
24 subsection.

25 (e) The divisions of telecommunications and the department may
26 not engage in any activity which interferes with a contract or program
27 right relating to commercial television programming, including but not
28 limited to any right protected by copyright.

29 (f) Nothing in AS 44.21.200 -- 44.21.250 prohibits a state agency

1 from developing telecommunications systems within its own agency if the
2 commissioner gives written authorization for the agency to engage in
3 its own design, development, management, or operation. The commissioner
4 may authorize independent development only upon a showing of necessity.
5 A description of all authorization under this subsection must be in-
6 cluded in the annual report required under AS 44.21.220(a)(2).

7 (g) A state agency authorized to develop an internal telecom-
8 munications system shall, whenever feasible, coordinate its design
9 development, management, and operation with the division of telecom-
10 munications systems.

11 Sec. 44.21.250. DEFINITIONS. In AS 44.21.200 -- 44.21.250

12 (1) "commissioner" means the commissioner of administration;

13 (2) "department" means the Department of Administration;

14 (3) "deputy commissioner" means the deputy commissioner in
15 the department who administers the telecommunications divisions;

16 (4) "public broadcasting" means the delivery of radio or
17 television noncommercial programming intended for the general public by
18 any method of telecommunications;

19 (5) "public telecommunications" means telecommunications
20 which serve public broadcasting, general educational, instructional,
21 medical, safety, emergency, or public participation functions;

22 (6) "state agencies" means all departments, divisions, and
23 offices in the executive branch of state government; it does not mean
24 an agency of the legislative or judicial branch of government or the
25 University of Alaska;

26 (7) "telecommunications" means the transmission and reception
27 of messages, impressions, pictures, and signals by means of electromag-
28 netic transmission with or without benefit of a closed transmission
29 medium including all instrumentalities, facilities, apparatus, and

1 services, whether conveyed by cable or wire, radiated through space, or
2 transmitted through other media within a specified area or between
3 designated points;

4 (8) "telecommunications systems" means those systems in
5 which the principal service and functions are telecommunications.

6 * Sec. 10. AS 44.42.020 is amended to read:

7 Sec. 44.42.020. POWERS AND DUTIES. (a) The department shall

8 (1) plan, design, construct and maintain all state modes of
9 transportation and transportation facilities [, COMMUNICATION FACILI-
10 TIES,] and all docks, floats, breakwaters, buildings and similar
11 facilities;

12 (2) study existing transportation modes and facilities [AND
13 COMMUNICATION FACILITIES] in the state to determine how they might be
14 improved or whether they should continue to be maintained;

15 (3) study alternative means of improving transportation [AND
16 COMMUNICATION] in the state with regard to the economic costs of each
17 alternative and its environmental and social effects;

18 (4) develop a comprehensive, long-range intermodal trans-
19 portation plan for the state;

20 (5) study alternatives to existing modes of transportation
21 in urban areas and develop plans to improve urban transportation;

22 (6) cooperate and coordinate with and enter into agreements
23 with federal, state and local government agencies and private organi-
24 zations and persons in exercising its powers and duties;

25 (7) manage, operate, and maintain state transportation
26 facilities [, COMMUNICATION FACILITIES,] and all docks, floats, break-
27 waters and buildings, including all state highways, vessels, railroads,
28 pipelines, airports, and aviation facilities;

29 (8) study alternative means of transportation in the state,

1 considering the economic, social, and environmental impacts of each
2 alternative;

3 (9) coordinate and develop state and regional transportation
4 systems, considering deletions, additions, and the absence of altera-
5 tions;

6 (10) develop facility program plans for transportation [AND
7 COMMUNICATION FACILITIES] and state buildings, docks and breakwaters
8 required to implement the duties set out in this section, including but
9 not limited to (A) functional performance criteria; and (B) schedules
10 for completion;

11 (11) supervise and maintain all state automotive and mechan-
12 ical equipment, aircraft, and vessels, except vessels and aircraft used
13 by the Department of Fish and Game or the Department of Public Safety;
14 [AND]

15 (12) supervise aeronautics [AND COMMUNICATIONS] inside the
16 state, under AS 02.10; [.]

17 (13) complete and maintain a current inventory of public
18 facilities, including a projection of the serviceability of the facili-
19 ties and projections of replacements and additions to facilities needed
20 to provide the level of services programmed by the various user agen-
21 cies, for municipalities with populations of less than 12,000 and for
22 unincorporated communities, and perform those duties on a cooperative
23 basis with larger municipalities; [.]

24 (14) adopt energy performance standards for public facilities
25 of the state, the construction of which begins after July 1, 1980; the
26 standards shall be based on thermal and lighting energy standards
27 established by the American Society of Heating, Refrigeration and Air
28 Conditioning Engineers as adapted for application in high latitude,
29 cold climate environs;

1 (15) provide planning assistance, including but not limited
2 to energy audits and related technical services, to school districts
3 and regional educational attendance areas to develop and implement

4 (A) standards for the design, construction and opera-
5 tion of rural educational facilities; and

6 (B) energy conservation measures for rural educational
7 facilities.

8 (b) The department may

9 (1) engage in experimental projects relating to available or
10 future modes of transportation and any means of improving existing
11 transportation facilities and service [AND COMMUNICATION];

12 (2) exercise the power of eminent domain, including the
13 declaration of taking as provided in AS 09.55.

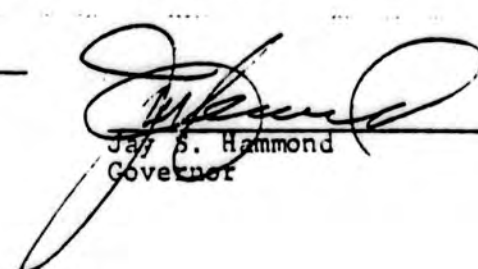
14 * Sec. 11. AS 44.42.055(b)(3)(F) is amended to read:

15 (F) [COMMUNICATIONS FACILITIES AND] transportation
16 facilities;

17 * Sec. 12. This order takes effect July 1, 1981.

18
19 DATED

July 12, 1981


Jay S. Hammond
Governor

SLA 1982



LAWS OF ALASKA

1982

Source

SB 719 am H

Chapter No.

103

AN ACT

Providing that the Department of Education conduct a computer network study; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 10

Approved by the Governor: June 14, 1982
Actual Effective Date: July 1, 1982

AN ACT

Providing that the Department of Education conduct a computer network study; and providing for an effective date.

* Section 1. The legislature recognizes

(1) that the Department of Education has experience with an operational computer-based administrative communication system that ties together a substantial percentage of the school districts and regional educational attendance areas in the state;

(2) that many of the schools have their own micro computers and that many individuals at the schools have their own personal computers;

(3) the desirability of extending the communications capability to administrators and staff of local schools to aid in local administrative and instructional activity; and

(4) the importance of the use of computers in modern communications and commerce.

* Sec. 2. The Department of Education shall conduct a study of the feasibility and benefits and costs of a system of computer networks that would enable schools to use computer communications for the purposes of instruction and administration. The Department of Education shall also undertake a study of the means by which computers used in education may be made compatible statewide. The Department of Education shall develop a plan, in cooperation with other appropriate state and local agencies, for improving the computer literacy of Alaskan public school students; the plan shall also include

Chapter 103

1 recommended methods and programs of increasing computer literacy for the
2 Alaska population who are not enrolled in educational institutions.

3 * Sec. 3. The Department of Education shall report its findings to the
4 First Session of the Thirteenth State Legislature within the first 10 days of
5 the session.

6 * Sec. 4. This Act takes effect July 1, 1982.
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

16

.

.

.

.



LAWS OF ALASKA

1983

Source

HB 274

Chapter No.

30

AN ACT

Relating to the regulation of public utilities; and providing
for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9.

Approved by the Governor: June 29, 1983
Actual Effective Date: June 30, 1983

AN ACT

Relating to the regulation of public utilities; and providing for an effective date.

* Section 1. AS 42.05.711 is amended by adding new subsections to read:

(k) A utility which furnishes cable television service is exempt from the provisions of this chapter other than AS 42.05.221 - 42.05.281 unless 25 percent of the subscribers petition the commission for regulation.

(l) A person, utility, or cooperative that is exempt from regulation under AS 42.05.711(a) or (d) - (k) is not subject to regulation by a municipality under AS 29.48.060 - 29.48.090.

* Sec. 2. This Act takes effect immediately in accordance with AS 01.-10.070(c).



LAWS OF ALASKA

1984

Source

Chapter No.

HCS CSSB 506 (Jud)

114

AN ACT

Relating to the unauthorized use of telecommunications services.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 20, 1984
Actual Effective Date: September 18, 1984

AN ACT

Relating to the unauthorized use of telecommunications services.

* Section 1. AS 11.46.200 is amended by adding a new subsection to read:

(c) A person may not be prosecuted under this section for theft of cable, microwave, subscription, or pay television or other telecommunications service if the service was obtained through the use of a device designed and used to intercept electromagnetic signals directly from a satellite, including a device commonly referred to as a home earth station.

* Sec. 2. AS 11.46.484(a) is amended to read:

(a) A person commits the crime of criminal mischief in the third degree if, having no right to do so or any reasonable ground to believe the person has such a right

(1) with intent to damage property of another, the person damages property of another in an amount of \$50 or more but less than \$500;

(2) the person drives, tows away, or takes the propelled vehicle of another;

(3) having custody of a propelled vehicle under a written agreement with the owner of the vehicle which includes an agreement to return the vehicle to the owner at a specified time, the person knowingly retains or withholds possession of the vehicle without the

Chapter 114

1 consent of the owner for so long a period beyond the time specified as
2 to render the retention or possession of the vehicle an unreasonable
3 deviation from the agreement; [OR]

4 (4) the person tampers with a fire protection device in a
5 building which is a public place; or

6 (5) the person uses a device to descramble an electronic
7 signal that has been scrambled to prevent unauthorized receipt or
8 viewing of the signal unless the device is used only to descramble
9 signals received directly from a satellite or unless the person owned
10 the device before the effective date of this Act.

11 * Sec. 3. AS 11.81.900(b)(51) is amended to read:

12 (51) "services" includes labor, professional services,
13 transportation, telephone or other communications service, entertain-
14 ment, including cable, subscription, or pay television or other tele-
15 communications service, the supplying of food, lodging, or other
16 accommodations in hotels, restaurants, or elsewhere, admission to
17 exhibitions, and the supplying of equipment for use;



LAWS OF ALASKA

1985

Source

HB 121

Chapter No.

11

AN ACT

Changing the name of the division of telecommunications systems in the Department of Administration; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 10

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: April 18, 1985
Actual Effective Date: April 19, 1985

AN ACT

Changing the name of the division of telecommunications systems in the Department of Administration; and providing for an effective date.

* Section 1. AS 44.21.300 is amended to read:

Sec. 44.21.300. TELECOMMUNICATIONS DIVISIONS. There is established in the department

- (1) a division of telecommunications services; and
- (2) a division of telecommunications operations [SYSTEMS].

* Sec. 2. AS 44.21.320(a) is amended to read:

Sec. 44.21.320. DIVISION OF TELECOMMUNICATIONS OPERATIONS [SYSTEMS]. (a) The division of telecommunications operations must [SYSTEMS SHALL] be administered by a director appointed by the commissioner.

* Sec. 3. AS 44.21.320(b) is amended to read:

(b) Except as provided in (e) of this section, the division of telecommunications operations [SYSTEMS] may, consistent with the provisions of AS 44.21.310(a)(6)

- (1) plan, design, construct, manage, and operate all telecommunications systems owned or leased by state agencies;
- (2) manage centrex and other telephone-related services of state agencies;
- (3) be responsible generally for telecommunications systems and design for state agencies; and

Chapter 11

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

(4) coordinate with state agencies in performing their data and word processing tasks.

* Sec. 4. AS 44.21.320(c) is amended to read:

(c) Within the limits of available financing, the division of telecommunications operations [TELECOMMUNICATION SYSTEMS] shall administer and operate the satellite television project, by

(1) coordinating with the satellite television user groups and entities; and

(2) providing liaison, management support, and technical assistance for the satellite television project.

* Sec. 5. AS 44.21.320(g) is amended to read:

(g) A state agency authorized to develop an internal telecommunications system shall, whenever feasible, coordinate its design development, management, and operation with the division of telecommunications operations [SYSTEMS].

* Sec. 6. This Act takes effect immediately in accordance with AS 01.-10.070(c).



LAWS OF ALASKA

1984

Source

HCS CSSB 504 (Jud)

Chapter No.

114

AN ACT

Relating to the unauthorized use of telecommunications services.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 20, 1984
Actual Effective Date: September 18, 1984

AN ACT

Relating to the unauthorized use of telecommunications services.

* Section 1. AS 11.46.200 is amended by adding a new subsection to read:

(c) A person may not be prosecuted under this section for theft of cable, microwave, subscription, or pay television or other telecommunications service if the service was obtained through the use of a device designed and used to intercept electromagnetic signals directly from a satellite, including a device commonly referred to as a home earth station.

* Sec. 2. AS 11.46.484(a) is amended to read:

(a) A person commits the crime of criminal mischief in the third degree if, having no right to do so or any reasonable ground to believe the person has such a right

(1) with intent to damage property of another, the person damages property of another in an amount of \$50 or more but less than \$500;

(2) the person drives, tows away, or takes the propelled vehicle of another;

(3) having custody of a propelled vehicle under a written agreement with the owner of the vehicle which includes an agreement to return the vehicle to the owner at a specified time, the person knowingly retains or withholds possession of the vehicle without the

Chapter 114

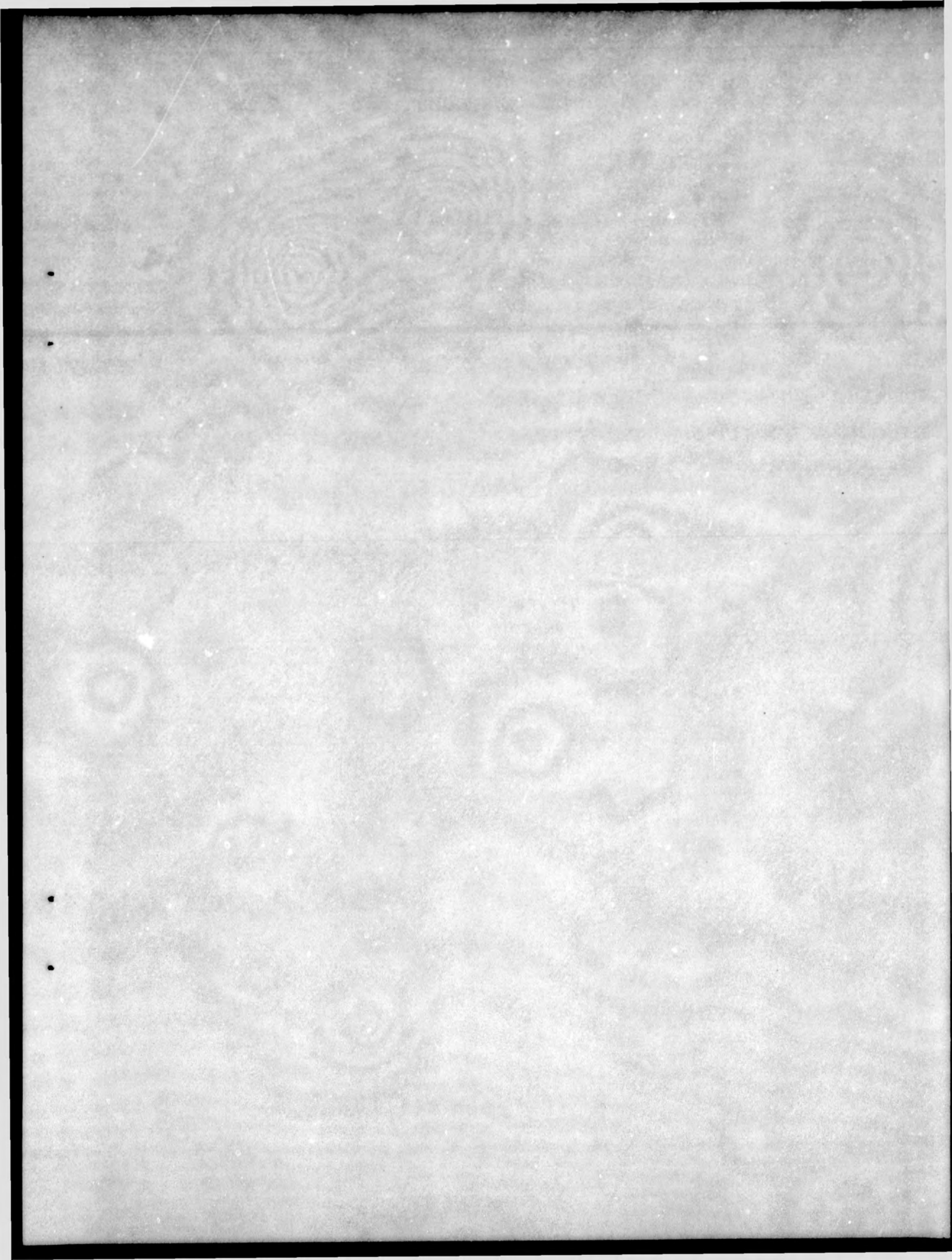
1 consent of the owner for so long a period beyond the time specified as
2 to render the retention or possession of the vehicle an unreasonable
3 deviation from the agreement; (OR)

4 (4) the person tampers with a fire protection device in a
5 building which is a public place; or

6 (5) the person uses a device to descramble an electronic
7 signal that has been scrambled to prevent unauthorized receipt or
8 viewing of the signal unless the device is used only to descramble
9 signals received directly from a satellite or unless the person owned
10 the device before the effective date of this Act.

11 * Sec. 3. AS 11.81.900(b)(51) is amended to read:

12 (51) "services" includes labor, professional services,
13 transportation, telephone or other communications service, entertain-
14 ment, including cable, subscription, or pay television or other tele-
15 communications service, the supplying of food, lodging, or other
16 accommodations in hotels, restaurants, or elsewhere, admission to
17 exhibitions, and the supplying of equipment for use;





LAWS OF ALASKA

1985

Source

CSSB 27(Fin)

Chapter No.

96

AN ACT

Making special appropriations for capital projects; and providing for an effective date.

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

THE ACT FOLLOWS ON: PAGE 1, LINE 9

Approved with Item Vetoes: June 6, 1985
Actual Effective Date: July 1, 1985

1 = SEC. 3 THE FOLLOWING APPROPRIATION ITEMS ARE FOR
 2 CAPITAL PROJECTS AND GRANTS FROM THE GENERAL FUND TO THE
 3 AGENCIES NAMED AND FOR THE PURPOSES EXPRESSED. (EDU__)
 4 MEANS THAT THE CAPITAL PROJECT IS LOCATED SOMEWHERE
 5 WITHIN THAT HOUSE OF REPRESENTATIVES ELECTION DISTRICT.
 6 THIS GEOGRAPHIC REFERENCE HAS BEEN INSERTED BY STAFF AND
 7 IS FOR INFORMATION PURPOSES ONLY.

	ALLOCATIONS	APPROPRIATION	APPROPRIATION FUND SOURCES	
		ITEMS	GENERAL FUND	OTHER FUNDS
10	*****	*****		
11	*****	DEPARTMENT OF ADMINISTRATION		
12	*****	*****		
13	SOCIAL SERVICES			
14		PIONEERS' HOME REMODELING-SITKA (ED 3)	2,468,100	2,468,000
15		PIONEER HOMES		
16		GENERAL PIONEER HOME PLANNING AND DESIGN (ED 3)	WT 200,000	WT 200,000
17	GENERAL GOVERNMENT			
18	* ALASKA PUBLIC BROADCASTING COMMISSION			
19		ASER TRANSMITTER (ED 20)	65,000	65,000
20		KTOD-FM EQUIPMENT (ED 4)	15,000	15,000
21		KYUK AM RADIO EQUIPMENT REPLACEMENT/EMERGENCY POWER <small>(UNIT / ED 20)</small>	88,100	88,100
22		PUBLIC RADIO EQUIPMENT (ED 1)	WT 16,500 26,000	WT 16,500 26,000

	ALLOCATIONS	APPROPRIATION	APPROPRIATION FUND SOURCE	
		ITEMS	GENERAL FUND	OTHER FUNDS
3	*****	*****		
4	*****	DEPARTMENT OF REVENUE		
5	*****	*****		
6	DEVELOPMENT			
7		ALASKA MUNICIPAL BOND BANK	750,000	750,000
8	*****	*****		
9	*****	DEPARTMENT OF EDUCATION		
10	*****	*****		
11	EDUCATION			
12	ALASKA STATE LIBRARIES			
13		MINNERLYN LIBRARY LIBRARY BOOKS (ED 5)	WT 100,000	WT 100,000
14	ALASKA STATE MUSEUMS			
15		SHELDON JACKSON MUSEUM PURCHASE, PHASE 3 (ED 3)	2,000,000	2,000,000
16		SECURITY SYSTEM - SHELDON JACKSON MUSEUM (ED 3)	12,500	12,500
17		SECURITY SYSTEM - ALASKA STATE MUSEUM (ED 4)	12,500	12,500
18		CHITINA DISTRICT HISTORICAL MUSEUM PHASE 15 COMPLETION (ED 14-21)	WT 10,000	WT 10,000
19		DANN HISTORICAL MUSEUM EXPANSION AND UPGRADE (ED 5)	WT 10,000	WT 10,000
20		MUNICH HISTORICAL SIGNS (ED 5)	WT 10,000	WT 10,000
21		ST. JOE MUSEUM LIBRARY DESIGN ENGINEERING CONSTRUCTION EXPANSION (ED 4)	WT 10,000	WT 10,000
22	* EDUCATION PROGRAM SUPPORT			
23		ARJAK LEARN ALASKA TRANSMITTER (ED 25)	40,000	40,000
24		HILLIS LEARN ALASKA TRANSMITTER (ED 2)	35,000	35,000

1 DEPARTMENT OF EDUCATION (CONT.)		APPROPRIATION		FUND SOURCES	
	ALLOCATIONS	ITEMS	GENERAL FUND	OTHER FUNDS	
4	LOWO ISLAND LEARN ALASKA TRANSMITTER (ED 2)	35,000	35,000		
5	WAPAKTAN LEARN ALASKA TRANSMITTER AND EARTH STATION (ED 2)	50,000	50,000		
6	TYONER LEARN ALASKA TRANSMITTER AND EARTH STATION (ED 2)	30,000	30,000		
7	EXECUTIVE ADMINISTRATION/SPECIAL PROJECTS				
8	ALASKA GOVERNMENT TEST COMPLETION (ED 00)				
9	ALEUTIAN REGION SCHOOL DISTRICT				
10	AKUTAN AND FALSE PASS SCHOOL COMPLETION (ED 2)	600,000	600,000		
11	ANNETTE ISLAND SCHOOLS				
12	ELEMENTARY SCHOOL ADDITION DESIGN AND PHASE I CONSTRUCTION (ED 2)	1,000,000		1,000,000	
13	CHATHAM SCHOOLS				
14	EIGHT FATHOM EIGHT - MODULAR SCHOOL BUILDING (ED 3)	175,000	175,000		
15	TENAKEE SPRING-SCHOOL CONSTRUCTION PHASE II (ED 3)	217,700	217,700		
16	CHUGACH SCHOOLS				
17	TATILEE SCHOOL - MAINTENANCE OF OIL TANK BERM LINER (ED 6)	25,000	25,000		
18	WHITTIER SCHOOL MODIFICATION - PHASE II (ED 6)	300,000	300,000		
19	COPPER RIVER SCHOOLS				
20	GLEHALLEN SECONDARY SCHOOL (ED 17)	3,000,000	3,000,000		
21	CRAIG CITY SCHOOLS				
22	HIGH SCHOOL RENOVATION AND CONSTRUCTION PHASE I (ED 2)	941,000		941,000	
23	HYDABURG CITY SCHOOLS				
24	SCHOOL REPAIRS AND IMPROVEMENTS (ED 2)				

Chapter 96

1 DEPARTMENT OF EDUCATION (CONT.)		APPROPRIATION		FUND SOURCES	
	ALLOCATIONS	ITEMS	GENERAL FUND	OTHER FUNDS	
4	KETCHIKAN GATEWAY BOROUGH SCHOOLS				
5	HOUGHTALING SCHOOL ROOF REBUILD, CODE UPGRADE AND RELATED IMPROVEMENTS (ED 1)	545,000	545,000		
6	KLAOCK SCHOOL DISTRICT				
7	ELEMENTARY SCHOOL ADDITION PHASE I (ED 2)	800,000		800,000	
8	LOWER KUSKOWIM SCHOOL DISTRICT				
9	TUMUNAK ELEMENTARY ADDITION PHASE I (ED 2)	2,300,000		2,300,000	
10	NORTHWEST ARCTIC SCHOOLS				
11	MAJOR MAINTENANCE (ED 22)	100,000	100,000		
12	KIVALINA ELEMENTARY SCHOOL (ED 22)	1,200,000	1,200,000		
13	SOUTHEAST ISLAND SCHOOLS				
14	THORNE BAY SCHOOL CONSTRUCTION PHASE I (ED 2)	635,000		635,000	
15	YAKUTAT CITY SCHOOLS				
16	ELEMENTARY SCHOOL DESIGN AND PHASE I CONSTRUCTION (ED 2)	300,000		300,000	
17	YUKON FLATS SCHOOLS				
18	STEVENS VILLAGE SCHOOL COMPLETION (ED 24)	1,000,000	1,000,000		
19	VENETIE ELEMENTARY SCHOOL (ED 24)	400,000	400,000		
20	YUKON/KOYUKOK SCHOOLS				
21	HANLEY SCHOOL UPGRADE (ED 24)	1,000,000		1,000,000	
22	YUKON KODYUKOK SITE SELECTION - NEMANA (ED 13)				
23	GRANTS TO NAMED RECIPIENTS: (AS 37.05.316)				
24	LITERACH COUNCIL OF ALASKA FACILITY ACQUISITION (ED 13.316)				

Chapter 96

1		ALLOCATIONS	APPROPRIATION ITEMS	APPROPRIATION GENERAL FUND	APPROPRIATION OTHER FUNDS	FUND SOURCES
2						
3	*****		*****			
4	***** DEPARTMENT OF HEALTH & SOCIAL SERVICES		*****			
5	*****		*****			
6	SOCIAL SERVICES					
7	FAMILY AND YOUTH SERVICES					
8	ALASKA YOUTH VILLAGE VANS (ED 4)		15,000	16,000		
9	YOUTH FACILITY CONSTRUCTION					
10	JOHNSON YOUTH CENTER EXPANSION (ED 4)		1,200,000	1,200,000		
11	YOUTH FACILITIES RENOVATION/REPAIR		902,000	902,000		
12	MCLAUGHLIN YOUTH CENTER RENOVATION/REPAIR (ED 7-15)	332,300				
13	FAIRBANKS YOUTH FACILITY RENOVATION/REPAIR (ED 20)	22,300				
14	HOME YOUTH FACILITY RENOVATION/REPAIR (ED 23)	147,000				
15	BETHEL YOUTH FACILITY RENOVATION/REPAIR (ED 25)	200,000				
16	INFORMATION SYSTEMS					
17	VITAL STATISTICS AUTOMATION PHASE 3 (ED 4)		100,000	100,000		
18	MEDICAID MANAGEMENT INFORMATION SYSTEM (ED 7-15)		2,000,000	250,000	1,750,000	
19	GRANTS TO NAMED RECIPIENTS: (AS 37.05.316)					
20	BETHEL SOCIAL SERVICES, INCORPORATED-SEWER IMPROVEMENTS (ED 25)		29,200	29,200		
21	HEALTH					
22	EMERGENCY MEDICAL SERVICES COMMUNICATIONS EQUIPMENT PURCHASE					
23	* SEARCH AND RESCUE COMMUNICATIONS EQUIPMENT (ED 2)		50,000	50,000		
24	SOUTHEAST REGION EMERGENCY MEDICAL SERVICES (ED 1)		20,000	20,000		

1	DEPARTMENT OF HEALTH & SOCIAL SERVICES (CONT.)	ALLOCATIONS	APPROPRIATION ITEMS	APPROPRIATION GENERAL FUND	APPROPRIATION OTHER FUNDS	FUND SOURCES
2						
3						
4	SOUTHEAST EMERGENCY MEDICAL SERVICES MEDICAL EQUIPMENT (ED 2)		43,000	43,000		
5	SOUTHEAST REGION EMERGENCY MEDICAL SERVICES EQUIPMENT PURCHASE (ED 1)		0	0		
6	HOPE EMERGENCY MEDICAL SERVICES EQUIPMENT PURCHASE (ED 6)		10,000	10,000		
7	* SOUTHERN REGION EMERGENCY MEDICAL SERVICES COUNCIL MICROWAVE COMMUNICATION SYSTEMS (ED 16)		600,000	600,000		
8	HEALTH CLINICS					
9	BETHEL HEALTH CENTER PLAN/DESIGN (ED 1)		0	0		
10	BETHEL FAMILY HEALTH SERVICES - HEALTH FACILITIES (ED 25)		0	0		
11	MENTAL HEALTH					
12	ALASKA PSYCHIATRIC INSTITUTE CHILDREN'S WING RENOVATION (ED 7-15)		250,000	250,000		
13	FAIRBANKS MENTAL HEALTH FACILITY CONSTRUCTION (ED 19-21)		300,000	300,000		
14	GRANTS TO NAMED RECIPIENTS: (AS 37.05.316)					
15	INTERIOR REGION EMERGENCY MEDICAL SERVICES COUNCIL-DISTRICT 17 MEDICAL SERVICES EQUIPMENT ACQUISITION AND MAINTENANCE (ED 1)		12,500	12,500		
16	INTERIOR REGION EMERGENCY MEDICAL SERVICES COUNCIL-CENTRAL/CIRCLE/LIVEGOOD EQUIPMENT ACQUISITION (ED 19-21)		15,000	17,000		
17	NORTON SOUND HEALTH CORPORATION-ALCOHOL TREATMENT FACILITY PHASE II (ED 25)		515,700	515,700		
18	BETHEL PREMATERNAL HOME-SEWER/SANITATION/RENOVATION (ED 25)		27,300	27,300		

	ALLOCATIONS	APPROPRIATION ITEMS	APPROPRIATION GENERAL FUND	APPROPRIATION OTHER FUNDS	FUND SOURCES
1					1
2					2
3	*****	*****			3
4	***** DEPARTMENT OF NATURAL RESOURCES *****				4
5	*****	*****			5
6	NATURAL RESOURCE MANAGEMENT				6
7	LAND DISPOSAL SURVEYS	689,000	689,000		7
8	MARINE BOUNDARY DELINEATION	1,946,300		1,946,300	8
9	PARK FACILITIES RENABILITATION				9
10	MICKERSHAM HOUSE RENOVATIONS (ED 4)	200,000	200,000		10
11	KENAI RECREATION UNITS (ED 5)	300,000	300,000		11
12	PARK FACILITIES RENABILITATION				12
13	RIKA'S LANDING PARK RESTORATION (ED 17)	100,000	100,000		13
14	FEDERAL LAND AND WATER CONSERVATION FUND	1,000,000		1,000,000	14
15	NATIONAL HISTORIC PRESERVATION FUND	640,000		640,000	15
16	AGRICULTURE MANAGEMENT				16
17	FAIRBANKS LIVESTOCK FACILITY COMPLETION (ED 19-21)	200,000	200,000		17
18	ALASKA STATE FAIRS				18
19	W/F SAMANA HALLER FAIR ASSOCIATION ROADS AND PARKING UPGRADE AND MAINTENANCE FACILITIES CONSTRUCTION (ED 19-21)		125,000	125,000	19
20	GRANTS TO NAMED RECIPIENTS: (AS 37.05.316)				20
21	ALASKA STATE FAIR INCORPORATED-STATE FAIR MASTER PLAN CONTINUATION (ED 16)		100,000	100,000	21

	ALLOCATIONS	APPROPRIATION ITEMS	APPROPRIATION GENERAL FUND	APPROPRIATION OTHER FUNDS	FUND SOURCES
1					1
2					2
3	*****	*****			3
4	***** DEPARTMENT OF FISH & GAME *****				4
5	*****	*****			5
6	NATURAL RESOURCE MANAGEMENT				6
7	VESSELS MAJOR MAINTENANCE	25,000	25,000		7
8	SPORT FISHERIES PUBLIC ACCESS ACQUISITION (ED 92)	800,000	200,000	600,000	8
9	RUSSELL CREEK HATCHERY RENOVATION (ED 26)	2,500,000		2,500,000	9
10	GRANTS TO NAMED RECIPIENTS: (AS 37.05.316)				10
11	W/F COOK INLET AQUACULTURE ASSOCIATION RAINY FISH LADDER FISH LADDER DESIGN (ED 5)		20,000	20,000	11
12	*****	*****			12
13	***** DEPARTMENT OF PUBLIC SAFETY *****				13
14	*****	*****			14
15	NATURAL RESOURCE MANAGEMENT				15
16	STATEWIDE MAJOR VESSEL REPAIRS	94,600	94,600		16
17	FISH AND WILDLIFE PROTECTION STATEWIDE EQUIPMENT	25,700	25,700		17
18	GRANTS TO NAMED RECIPIENTS: (AS 37.05.316)				18
19	W/F ALASKA FISH AND WILDLIFE LAFFORD FISH AND WILDLIFE CRIMESTOPPER PROGRAM (ED 19-21)		20,000	20,000	19
20	PUBLIC PROTECTION				20
21	ED 3 KENAI-COOK INLET				21
22	W/F SOLOMON CIVIL AIR PATROL HANGAR (ED 5)		200,000	200,000	22
23	ADMINISTRATION OF JUSTICE				23
24	VIDEO ARRAIGNMENT				24
25	VIDEO EQUIPMENT JUNEAU (ED 5)	150,000	150,000		25

Chapter 96
PAGE 13
CS58 27(FIN)

26	NORTH EAGLE RIVER INTERSECTION RE		
25	COOPER RIVER HIGHWAY BRIDGE REPLACEMENT		
24	CENTRAL HIGHWAYS PRELIMINARY ENGINEERING		
23	ANCHORAGE REISSUANCE PROGRAM		
22	STERLING HIGHWAY RECONSTRUCTION MP 147-157		
21	OLD SEWARD HIGHWAY: DOWLING TO HURFMAN		
20	PARKS HIGHWAY REHABILITATION MP 155-163		
19	BONIFACE PARKWAY RECONSTRUCTION		
18	NEW SEWARD HIGHWAY-DIRMOND TO INGRAM		
17	NEW SEWARD REHABILITATION 4TH-26TH AVENUE		
16	RABBIT CREEK/DEARHORN INTERCHANGE		
15	MASPERY ROAD ROW AND RECONSTRUCTION		
14	DIMOND BOULEVARD PHASE II		
13	GLENN HIGHWAY WIDENING: WULDOON		
12	BONIFACE INTERCHANGE CONSTRUCTION		
11	11 THE PROJECTS WILL BE ADDRESSED DURING FY 86:		
10	9 PROJECTS SERVE AS A GUIDE TO THE DEPARTMENT IN THE ORDER		
9	8 IT IS THE INTENT OF THE LEGISLATURE THE FOLLOWING		
8	7 CENTRAL REGION GENERAL FUND MATCH AND RELATED COSTS		
7	6 CENTRAL REGION HIGHWAYS		
6	5 STATEWIDE UTA TRANSIT GRANTS (ED 99)		
5	4 SAFETY IMPROVEMENT PROGRAM (ED 99)		
4	3		
3	2		
2	1		

Chapter 96
PAGE 12
CS58 27(FIN)

26	BRIDGE REHABILITATION AND REPLACEMENT PROGRAM (ED 99)	4,600,000	920,000	3,680,000
25	STATEWIDE HIGHWAYS			
24	STATEWIDE EQUIPMENT FLEET REPLACEMENT PROGRAM (ED 99)	15,000,000		15,000,000
23	SOUTHWEST REGION ADVANCED PROJECT DEFINITION (ED 91)	150,000	50,000	100,000
22	NORTHERN REGION ADVANCED PROJECT DEFINITION (ED 94)	1,102,000	150,000	952,000
21	CENTRAL REGION ADVANCED PROJECT DEFINITION (ED 92)	630,000	150,000	480,000
20	ROAD MAINTENANCE RESERVE FUND (ED 99)	1,150,000	1,150,000	0
19	LOCAL SERVICE ROADS AND TRAILS (ED 99)	1,150,000		1,150,000
18	DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION BONUS (ED 99)	630,000	402,300	227,700
17	SMALL STREAMS FLOOD INVESTIGATION (ED 99)	150,000	10,000	140,000
16	STATEWIDE RESEARCH PROGRAM (ED 99)	1,250,000	600,000	650,000
15	ANNUAL HIGHWAY PLANNING WORK PROGRAM (ED 99)	1,930,000	500,000	1,430,000
14	TRANSPORTATION			
13				
12				
11				
10				
9				
8	FUNDS WOMENS COALITION - SEWER IMPROVEMENTS/CRISIS CENTER TRANSPORTATION (ED 25)	31,000		31,000
7	GRANTS TO NAMED RECIPIENTS: (AS 27-05-216)			
6	AWARD-FURNITURE, SPRINKLERS, ELEVATOR, PAVING, FENCING (ED 9)	75,000		75,000
5	COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT			
4	VIDEO EQUIPMENT ANCHORAGE (ED 7-15)	135,000		135,000
3	ALLOCATIONS			
2	APPROPRIATION			
1	APPROPRIATION FUND SOURCES			

1	DEPARTMENT OF COMMUNITY & REGIONAL AFFAIRS (CONT.)			
2	ALLOCATIONS			
3	APPROPRIATION	ITEMS	GENERAL FUND	OTHER FUNDS
4	DEVELOPMENT			
5	ENERGY CONSERVATION			
6	WEATHERIZATION AND ENERGY CONSERVATION			
7	HOUSING ASSISTANCE			
8	SUPPLEMENTAL HOUSING DEVELOPMENT FUND (ED 99)			
9	COMMUNITY DEVELOPMENT			
10	COMMUNITY BLOCK GRANTS (ED 99)			
11	GRANTS TO NAMED RECIPIENTS: (AS 37.05.316)			
12	ALASKA RURAL REHABILITATION CORPORATION - MATANUSKA VALLEY COLONY 30TH ANNIVERSARY (ED 16)	20,000	20,000	
13	DELTA CORPORATION - TELEPHONE AND ROADS (ED 17)	500,000	500,000	
14	TOK UMBRELLA CORPORATION - TOR LOCAL SERVICE ROADS AND TRAILS (ED 17)	100,000	100,000	
15	ARCTIC AUDUBON SOCIETY - FOR AUDUBON/RIEDEL NATURE CENTER ACQUISITION (ED 14-21)	30,000	30,000	
16	CHEMA GOLDSTREAM VOLUNTEER FIRE DEPARTMENT-SATELLITE FACILITIES DESIGN/CONSTRUCTION/EQUIPMENT ACQUISITION (ED 14-21)	200,000	200,000	
17	GRANTS TO RECIPIENTS: (AS 37.05.316)			
18	KOOTZNOOCHO HERITAGE FOUNDATION - TOURISM DEVELOPMENT PHASE II	50,000	50,000	
19	MUSEUM COMPLETION/OPERATING EQUIPMENT (ED 21)	50,000	50,000	
20	PHASE II CLAM HOUSE RESTORATION MATCH (ED 21)	50,000	50,000	
21				
22				
23				

1	DEPARTMENT OF ENVIRONMENTAL CONSERVATION (CONT.)			
2	ALLOCATIONS			
3	APPROPRIATION	ITEMS	GENERAL FUND	OTHER FUNDS
4	PETERSBURG-HAWNER SLOUGH SEWER EXTENSION (ED 11)	110,000	110,000	
5	PETERSBURG-HAWNER SLOUGH SEWER EXTENSION (ED 11)	110,000	110,000	
6	NORTH SLOPE BOUGH-ATASUK ELECTRICAL SYSTEM (ED 22)	400,000	400,000	
7	PETERSBURG WATER PLANT CLARIFICATION SYSTEM (ED 11)	300,000	300,000	
8	SOLDOTNA - SOLDOTNA SLUDGE DRYER (ED 5)	20,000	20,000	
9	STONE RIVER - WATER AND SEWER IMPROVEMENTS (ED 24)	25,000	25,000	
10	VENETIE - WATER AND SEWER IMPROVEMENTS (ED 24)	25,000	25,000	
11	VARIOUS STATEWIDE PROJECTS, CONTINGENCIES & ADMINISTRATION	300,000	300,000	
12	VILLAGE SAFE WATER			
13	DICHUDE WATER TANK (ED 23)	329,000	329,000	
14	PORT PROTECTION WATER PROJECT PHASE I (ED 23)	49,000	49,000	
15	VARIOUS STATEWIDE PROJECTS	200,000	200,000	
16	DEPARTMENT OF COMMUNITY & REGIONAL AFFAIRS			
17	DEPARTMENT OF COMMUNITY & REGIONAL AFFAIRS			
18	DEPARTMENT OF COMMUNITY & REGIONAL AFFAIRS			
19	SOCIAL SERVICES			
20	GRANTS TO NAMED RECIPIENTS: (AS 37.05.316)			
21	MINIUMIK SENIOR CITIZEN CENTER - EXPANSION (ED 5)	90,000	90,000	
22	TRI VALLEY INCORPORATED - HEALY CHILD CARE FACILITY (ED 17)	110,000	110,000	
23	PLAY-M-LEARN - PROPERTY PURCHASE AND CONSTRUCTION (ED 14-21)	320,000	320,000	



LAWS OF ALASKA

1985

Source

CCSB 60

Chapter No.

98

AN ACT

Making appropriations for the operating and loan program expenses of state government; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 10

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved with Item Vetoes: June 7, 1985
Actual Effective Date: Section 16 is conditional; remainder
of Act takes effect July 1, 1985

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
1	DEPARTMENT OF ADMINISTRATION (CONT.)																							
2	APPROPRIATION	APPROPRIATION FUND SOURCES	GENERAL FUND	OTHER FUNDS	ALLOCATIONS	ITEMS																		
3																								
4																								
5																								
6																								
7																								
8																								
9																								
10																								
11																								
12																								
13																								
14																								
15																								
16																								
17																								
18																								
19																								
20																								
21																								
22																								
23																								
24																								
25																								

1 DEPARTMENT OF ADMINISTRATION (CONT.)

2

3

4 EACH DEPARTMENT'S POSITIONS SHALL BE AN AUTOMATED POSITION ACCOUNTING CONTROL SYSTEM FILE MAINTAINED BY THE DEPARTMENT UNDER INSTRUCTIONS FROM THE OFFICE OF MANAGEMENT AND BUDGET.

5 IT IS THE LEGISLATURE'S INTENT THAT THE REDUCTION AMOUNT IN THE MISCELLANEOUS LINE REPRESENTS A GENERAL REDUCTION OF FUNDS BUDGETED FOR RISK MANAGEMENT IN THAT AGENCY.

6 THIS AMOUNT SHOULD NOT BE TRANSFERRED TO THE DIVISION OF RISK MANAGEMENT.

7 ADMINISTRATIVE SERVICES (54 POSITIONS) 2,148,500

8 DATA AND WORD PROCESSING 120,300

9 PERSONNEL 718,500

10 GENERAL SERVICES 129,200

11 LABOR RELATIONS 2,600

12 EQUAL EMPLOYMENT OPPORTUNITY 28,600

13 TELECOMMUNICATIONS OPERATIONS 17,200

14 DATA AND WORD PROCESSING - APOC 16,200

15 CIP DIRECT CHANGE POSITIONS & COSTS 752,400

16 CIP DIRECT CHANGE POSITIONS AND COSTS (13 POSITIONS)

17 STATEWIDE ADMINISTRATIVE SERVICES 3,281,400

18 PERSONNEL (78 POSITIONS)

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27
1	OFFICE OF THE GOVERNOR (CONT.)																									
2	APPROPRIATION	APPROPRIATION FUND SOURCES	GENERAL FUND	OTHER FUNDS	ALLOCATIONS	ITEMS																				
3																										
4																										
5																										
6																										
7																										
8																										
9																										
10																										
11																										
12																										
13																										
14																										
15																										
16																										
17																										
18																										
19																										
20																										
21																										
22																										
23																										
24																										
25																										
26																										
27																										

1 OFFICE OF THE GOVERNOR (CONT.)

2

3

4 ELECTIONS DATA PROCESSING

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

1 DEPARTMENT OF REVENUE (CONT.)

2

3

4 THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS FOR THE PURPOSE OF DEVELOPING A PILOT PROJECT UNDER AS 44.07.050(3).

7 MUNICIPAL BOND BANK AUTHORITY (2 POSITIONS) 379,400

8 PERMANENT FUND CORPORATION (12 POSITIONS) 4,458,900

9 IT IS THE INTENT OF THE LEGISLATURE THAT THE PERMANENT FUND BOARD OF TRUSTEES REDUCE THE AMOUNT OF TRAVEL NECESSARY DURING FISCAL YEAR 1988 THROUGH EFFICIENT USE OF CONFERENCE TELEPHONE CALLS.

13 ALASKA HOUSING FINANCE CORPORATION (47 POSITIONS) 3,311,900

14 GENERAL GOVERNMENT

15 CHILD SUPPORT ENFORCEMENT

16 CHILD SUPPORT ENFORCEMENT (91 POSITIONS) 4,361,000

17 DATA AND WORD PROCESSING (2 POSITIONS) 809,700

18 REVENUE OPERATIONS 12,516,000

19 AUDIT (37 POSITIONS) 2,536,200

20 AUDIT/ DATA & WORD PROCESSING 66,500

21 PETROLEUM REVENUE (27 POSITIONS) 1,909,100

22 PETROLEUM REVENUE/ DATA & WORD PROCESSING (2 POSITIONS) 171,400

23 ENFORCEMENT (22 POSITIONS) 1,111,100

24 IT IS THE INTENT OF THE LEGISLATURE THAT THE ENFORCEMENT DIVISION PRIORITIZE DELINQUENT ACCOUNTS AND CONCENTRATE COLLECTION EFFORTS ON THOSE ACCOUNTS THAT ARE EXPECTED

ALLOCATIONS

APPROPRIATION ITEMS GENERAL FUND OTHER FUNDS

APPROPRIATION FUND SOURCES

1,111,100	9,109,700	3,410,300
171,400		
1,909,100		
66,500		
2,536,200		
12,516,000	9,109,700	3,410,300
809,700		
4,361,000		
5,167,500	1,357,900	3,809,600
3,311,900		
379,400		
4,458,900		

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

1 DEPARTMENT OF ADMINISTRATION (CONT.)

2

3

4 IS FURTHER THE INTENT OF THE LEGISLATURE THAT THE DEPARTMENT OF ADMINISTRATION SHALL PROVIDE SUFFICIENT CPU BACK-UP AND RESOURCES FOR THE APLIN SYSTEM TO MEET ALASKA'S LAW ENFORCEMENT NEEDS WITHIN THIS ALLOCATION.

9 TELECOMMUNICATIONS 9,379,300

10 TELECOMMUNICATIONS SERVICES (2 POSITIONS) 821,400

11 PUBLIC NEGOTIATING COMMISSION (6 POSITIONS) 7,558,100

12 IT IS THE INTENT OF THE LEGISLATURE TO CONTINUE THE SAND POINT REPAIR AT \$29,200, INCREASE FUNDING OF THE REPAIR/REPAIR POLIC RABIO TRANSLATOR, 916,000;

13 CONTINUE FUNDING FOR THE GALENA RADIO REPAIR, 970,700;

14 CONTINUE FUNDING FOR ALASKA REVIEW 9100,000; AND PROVIDE NECESSARY FUNDING FOR THE SEWARD TRANSLATOR, 930,500.

15 LEASING AND FACILITIES (3 POSITIONS) 37,791,000

16 IT IS THE INTENT OF THE LEGISLATURE THAT THE LEASING AND FACILITIES COMPONENT ASSUME THE \$292,700 COST OF RENTAL FOR THE ANCHORAGE EVALUATION UNIT OF THE COUNSELING AND PLACEMENT COMPONENT, DIVISION OF VOCATIONAL REHABILITATION.

23 RENOVATION.

24 IT IS THE INTENT OF THE LEGISLATURE THAT THE DEPARTMENT OF ADMINISTRATION USE EXISTING PV AS LEASING FUNDS TO PREPARE LEASE COSTS ASSOCIATED WITH THE RELOCATION OF THE DEPARTMENT OF NATURAL RESOURCES OFFICES IN ANCHORAGE.

ALLOCATIONS

APPROPRIATION ITEMS GENERAL FUND OTHER FUNDS

APPROPRIATION FUND SOURCES

9,379,300	8,466,700	988,600
821,400		
7,558,100	7,558,100	
37,791,000	37,269,700	522,100

1	DEPARTMENT OF EDUCATION (CONT.)		APPROPRIATION	APPROPRIATION FUND SOURCES	2
2		ALLOCATIONS	ITEMS	GENERAL FUND	OTHER FUNDS
3					3
4	CORRESPONDENCE STUDY	66,500			4
5	POSTSECONDARY COMMISSION	146,000			5
6	EDUCATION PROGRAM SUPPORT		28,259,500	18,347,200	17,912,300
7	SPECIAL SERVICES (11 POSITIONS)	4,961,100			7
8	SUPPLEMENTAL PROGRAMS (17 POSITIONS)	17,307,600			8
9	CURRICULUM SERVICES (13 POSITIONS)	1,981,000			9
10	INSTRUCTIONAL SERVICES (19 POSITIONS)	3,688,000			10
11	11 IT IS THE INTENT OF THE LEGISLATURE THAT AUDIO				
12	12 CONFERENCING SERVICES BE GIVEN TOP PRIORITY IN THE				
13	13 ALLOCATION OF FUNDS.				
14	ASSESSMENT AND EVALUATION (2 POSITIONS)	320,200			14
15	15 IT IS THE INTENT OF THE LEGISLATURE THAT THE RESULTS OF				
16	16 THE ALASKA ASSESSMENT TESTING BE AVAILABLE IN A MANNER				
17	17 THAT WILL ENABLE STATISTICALLY VALID DISTRICT				
18	18 COMPARISONS OF STUDENT ACHIEVEMENT IN RELATIONSHIP TO				
19	19 DIRECT INSTRUCTIONAL COSTS.				
20	EXECUTIVE ADMINISTRATION		1,116,600	956,100	160,500
21	COMMISSIONER'S OFFICE (6 POSITIONS)	331,700			21
22	22 ON OR BEFORE SEPTEMBER 15, 1985, THE DEPARTMENT SHALL				
23	23 PROVIDE THE OFFICE OF MANAGEMENT AND BUDGET, DIVISION OF				
24	24 BUDGET REVIEW, WITH A LIST OF EXISTING PERMANENT				
25	25 POSITIONS AS OF JULY 31, 1985. THE LISTING OF POSITIONS				
26	26 SHALL INCLUDE THE FOLLOWING INFORMATION ON EACH				
27	27 POSITION: POSITION CONTROL NUMBER (PCM), TITLE, RANGE.				

Chapter 98

1	DEPARTMENT OF LABOR (CONT.)		APPROPRIATION	APPROPRIATION FUND SOURCES	2
2		ALLOCATIONS	ITEMS	GENERAL FUND	OTHER FUNDS
3					3
4	RAILROAD SAFETY SURVEY	158,900			4
5	*****		*****		5
6	***** DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT		*****		6
7	*****		*****		7
8	8 PUBLIC PROTECTION				
9	MEASUREMENT STANDARDS		2,055,900	1,897,500	158,000
10	OPERATIONS (48 POSITIONS)	2,027,600			10
11	DATA AND WORD PROCESSING	7,900			11
12	BANKING SECURITIES & CORPORATIONS		1,248,300	1,133,300	115,000
13	FINANCIAL INSTITUTIONS (17 POSITIONS)	981,000			13
14	CORPORATIONS (7 POSITIONS)	246,900			14
15	DATA AND WORD PROCESSING	20,400			15
16	INSURANCE		1,028,500	768,500	260,000
17	OPERATIONS (19 POSITIONS)	1,022,300			17
18	DATA AND WORD PROCESSING	6,200			18
19	OCCUPATIONAL LICENSING		1,858,400	1,613,400	237,000
20	ADMINISTRATION (21 POSITIONS)	1,107,500			20
21	LICENSING BOARDS	133,400			21
22	22 <u>THE LEGISLATURE INTENDS THAT LICENSING BOARDS WILL</u>				
23	23 <u>REDUCE TRAVEL COSTS BY UTILIZING THE TELECONFERENCE</u>				
24	24 <u>SYSTEM TO THE EXTENT POSSIBLE.</u>				
25	INVESTIGATIONS (6 POSITIONS)	596,200			25

1	UNIVERSITY OF ALASKA (CONT.)		APPROPRIATION	APPROPRIATION	FUND SOURCES	
2		ALLOCATIONS	ITEMS	GENERAL FUND	OTHER FUNDS	
4	CIP OVERHEAD POSITIONS & ASSOCIATED COSTS (32 POSITIONS)	1,963,900				
5	THE BOARD OF REGENTS IS URGED TO RE-EVALUATE AND REVISE					
6	LONG-RANGE CIP GOALS AND PLANNING EFFORTS IN LIGHT OF					
7	REDUCED REVENUES.					
8	CIP STATEWIDE PLANNING IS AUTHORIZED TO USE NO MORE THAN					
9	6% OF CAPITAL PROJECT COSTS-TO FUND PLANNING ACTIVITIES.					
10	AND IS DIRECTED TO PROVIDE A REPORT TO THE 1986					
11	LEGISLATURE ON THE PORTION OF ALL CAPITAL PROJECT COSTS					
12	BEING USED FOR PLANNING ACTIVITIES.					
13	UNIVERSITY OF ALASKA, FAIRBANKS		119,490,000	63,586,800	55,903,200	
14	UNIVERSITY OF ALASKA, FAIRBANKS (1,111 POSITIONS)	80,223,000				
15	<u>IT IS THE INTENT OF THE LEGISLATURE THAT THE FOLLOWING</u>					
16	<u>PROGRAMS RECEIVE HIGHEST PRIORITY FOR CONTINUATION LEVEL</u>					
17	<u>FY'85 FUNDING AND THAT THE UNIVERSITY SUBMIT TO THE</u>					
18	<u>LEGISLATURE A BUDGET COMPARISON FOR THESE PROGRAMS FOR</u>					
19	<u>FY'85 AND FY'86:</u>					
20	SCHOOL OF ENGINEERING, SCHOOL OF MINERAL					
21	ENGINEERING, SCHOOL OF MANAGEMENT, ANTHROPOLOGY					
22	DEPARTMENT, COLLEGE OF NATURAL SCIENCE, GEOPHYSICAL					
23	INSTITUTE, INSTITUTE OF ARCTIC BIOLOGY, INSTITUTE OF					
24	MARINE SCIENCE, INSTITUTE OF NORTHERN FORESTRY,					
25	INSTITUTE OF WATER RESOURCES AND ACADEMIC SUPPORT					
26	SERVICES SUCH AS MUSEUM, LIBRARY AND <u>RUAC.</u>					

Chapter 98

PAGE 111

CCS HB 60

1	LEGISLATURE (CONT.)		APPROPRIATION	APPROPRIATION	FUND SOURCES	
2		ALLOCATIONS	ITEMS	GENERAL FUND	OTHER FUNDS	
4	OF FUNDS BUDGETED FOR RISK MANAGEMENT IN THAT AGENCY.					
5	THIS AMOUNT SHOULD NOT BE TRANSFERRED TO THE DIVISION OF					
6	RISK MANAGEMENT.					
7	<u>PUBLIC SERVICES (30 POSITIONS)</u>	1,909,200				
8	<u>ADMINISTRATIVE SERVICES (28 POSITIONS)</u>	1,751,800				
9	<u>LEGAL SERVICES (19 POSITIONS)</u>	1,467,200				
10	<u>SESSION EXPENSES (73 POSITIONS)</u>	5,137,400				
11	<u>COUNCIL & SUBCOMMITTEES (2 POSITIONS)</u>	563,000				
12	<u>OFFICE SPACE RENTAL (17 POSITIONS)</u>	2,398,400				
13	<u>HOUSE RESEARCH (10 POSITIONS)</u>	439,700				
14	<u>SENATE ADVISORY COUNCIL (11 POSITIONS)</u>	439,700				
15	SENATE LEADERSHIP					
16	HOUSE LEADERSHIP	900,000				
17	SPEAKER'S OFFICE	1,100,000				
18	INTERIM EXPENSES					
19	OMBUDSMAN (23 POSITIONS)		1,536,100	1,536,100		
20	IT IS THE LEGISLATURE'S INTENT THAT THE REDUCTION AMOUNT					
21	IN THE MISCELLANEOUS LINE REPRESENTS A GENERAL REDUCTION					
22	OF FUNDS BUDGETED FOR RISK MANAGEMENT IN THAT AGENCY.					
23	THIS AMOUNT SHOULD NOT BE TRANSFERRED TO THE DIVISION OF					
24	RISK MANAGEMENT.					

1,353,000 Wf
~~2,000,000~~
 1,667,000
~~2,000,000~~ Wf

1,353,000 Wf
~~2,000,000~~
 1,667,000
~~2,000,000~~ Wf

Chapter 98

PAGE 119

CCS HB 60



LAWS OF ALASKA

1985

Source

SCS CSHB 195(Fin) am S

Chapter No.

105

AN ACT

Making, amending, transferring, and repealing operating and capital appropriations; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 10

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved with Item Vetoes: June 15, 1985
Actual Effective Date: Section 762 takes effect July 1, 1985;
remainder of Act takes effect June 16, 1985

1 equipment and materials.

2 * Sec. 66. The sum of \$214,000 is appropriated from the general fund to
 3 the Department of Fish and Game, Fisheries Rehabilitation Enhancement and
 4 Development Division for the Prince William Sound pink salmon tagging study
 5 for the fiscal year ending June 30, 1986.

6 * Sec. 67. Section 9, ch. 204, SLA 1972, page 28, line 8 (Barrow
 7 Museum-\$500,000) is repealed.

8 * Sec. 68. The sum of ^{175,000}~~500,000~~ is appropriated from the general fund to
 9 the Department of Education for payment as a grant under AS 37.05.316 to
 10 the Alaska Native Foundation for Alaska Native Leadership Project opera-
 11 tions for the fiscal year ending June 30, 1986.

12 * Sec. 69. The sum of \$300,000 is appropriated from the general fund to
 13 the Department of Administration for payment as a grant under AS 37.05.315
 14 to the City of Selawik for the multi-purpose facility completion.

15 * Sec. 70. The sum of ^{15,000}~~500,000~~ is appropriated from the general fund to
 16 the Department of Community and Regional Affairs for payment as a grant
 17 under AS 37.05.316 to the Alaska Consumer Advocacy Project for consumer
 18 representation on utility issues for the fiscal year ending June 30, 1986.

19 * Sec. 71. Section 30, ch. 82, SLA 1981, page 185, lines 4 and 5 are
 20 amended to read:

	APPROPRIATION	GENERAL
	ITEMS	FUND
21		
22		
23	Comprehensive Road	
24	Plan for Eagle River,	
25	Chugiak, Birchwood,	
26	Peters Creek Areas	
27	(ED 7-12)	
	95,000	95,000
	[100,000]	[100,000]

28 * Sec. 72. Section 1, ch. 54, SLA 1980, as amended by sec. 49, ch. 120,
 29 SLA 1980, sec. 52, ch. 90, SLA 1981, sec. 21, ch. 141, SLA 1982, and sec.

1 Hill water project.

2 * Sec. 166. Section 58, ch. 141, SLA 1982 is amended to read:

3 * Sec. 58. The sum of \$400,000 is appropriated from the general
4 fund for payment as a grant to the City of Aleknagik for a maintenance
5 building and a municipal building.

6 * Sec. 167. Section 34, ch. 107, SLA 1983, page 117, line 9 is amended
7 to read:

	APPROPRIATION	GENERAL	OTHER
	ITEMS	FUND	FUNDS
10 Aleknagik-Maintenance/ 11 Equipment Storage/ 12 Multipurpose Building 13 (ED 26)	84,000	84,000	

14 * Sec. 168. Section 14, ch. 6, SLA 1979, is amended to read:

15 * Sec. 14. The sum of \$177,500 (\$197,500) is appropriated from the
16 general fund to the Department of Administration (EDUCATION) for the
17 Alaska Public Broadcasting Commission to be used for community
18 television as follows:

19 Unalakleet - transmitter and cable	\$ 12,500
20 Sleetmute - transmitter and cable	12,500
21 Skagway - translator and transmitter	22,500
22 * Hydaburg - transportation and installation of 23 earth station and transmitter	22,500
24 Koliganek - transmitter and cable	12,500
25 Selawik - transmitter and cable	12,500
26 Grayling - transmitter and cable	12,500
27 * Seward - transportation and installation of 28 earth station and transmitter	22,500
29 (KIANA - CABLE CONNECTION AND EQUIPMENT	12,500)

Chapter 103

1	Kivalina - cable connection	2,500
2	Moorvik - cable connection	2,500
3	[NUIQSUT - CABLE CONNECTION	2,500
4	ST. GEORGE - CABLE CONNECTION	2,500
5	UNALASKA - CABLE CONNECTION	2,500
6	Fort Yukon - cable connection	2,500
7	Dillingham - transmitter, cable connection	7,500
8	Togiak - transmitter, cable connection	12,500
9	Sand Point - cable connection	<u>5,000</u>
10		\$162,500 (\$182,500)
11	contingency fund to insure project completion	<u>15,000</u>
12		<u>TOTAL \$177,500</u>

* earth stations currently owned by the State of Alaska and in storage are expected to be used in these communities.

~~* Sec. 169. Section 4, ch. 24, SLA 1984, page 57, line 8 is amended to read:~~

	APPROPRIATION	GENERAL
	ITEMS	FUND
Management Information		
System (ED 99)	<u>305,000</u>	<u>305,000</u>
	(505,000)	(505,000)

* Sec. 170. Section 4, ch. 24, SLA 1984, page 57, line 15 is amended to read:

	APPROPRIATION	GENERAL
	ITEMS	FUND
<u>Southeast [TYEE-SWAN</u>		
<u>LAKE] Intertie (ED 1-3)</u>	404,000	404,000

* Sec. 171. Section 2, ch. 21, SLA 1984, page 8, line 13 is amended to read:

	APPROPRIATION	GENERAL
	ITEMS	FUND
Macanuska-Susitna Borough-		
Big Lake Airport Design		
<u>and construction pre-</u>		
<u>viously contracted</u>	100,000	100,000

* Sec. 172. Section 80, ch. 101, SLA 1982, page 73, line 23 is amended to read:

	APPROPRIATION	GENERAL
	ITEMS	FUND
Girdwood Pathway	<u>78,000</u>	<u>78,000</u>
	[175,000]	[175,000]

* Sec. 173. The appropriation from the general fund to the Department of Education for Kotzebue Radio Fire Protection in the amount of \$7,000, contained in sec. 17, ch. 209, SLA 1975, at page 37, is amended by reducing the amount appropriated to \$3,100.

* Sec. 174. The sum of \$85,300 is appropriated from the general fund to the Department of Administration, Alaska Public Broadcasting Commission for payment as a grant to Kachemak Bay Broadcasting for equipment and the relocation of KBBI facilities.

* Sec. 175. Section 30, ch. 82, SLA 1981, page 180, line 18 is amended to read:

	APPROPRIATION	GENERAL
	ITEMS	FUND
Tatitlek Breakwater		
Study (ED 5)	<u>25,000</u>	<u>25,000</u>
	[50,000]	[50,000]

* Sec. 176. The sum of \$25,000 is appropriated from the general fund to the Department of Health and Social Services for payment as a grant under

Chapter 105

Kotlik Erosion

Assessment (ED 22)	<u>31,800</u>	<u>31,800</u>
	[50,000]	[50,000]

* Sec. 187. The sum of \$98,000 is appropriated from the general fund to the Department of Administration for payment as a grant under AS 37.05.315 to the City of Alakanuk for completion of the water treatment facility.

* Sec. 188. The sum of \$203,500 is appropriated from the general fund to the Department of Administration for payment as a grant under AS 37.05.-315 to the City of St. Michael for completion of the water tank project.

* Sec. 189. The sum of \$506,600 is appropriated from the general fund to the Department of Administration for payment as a grant under AS 37.05.-315 to the City of Unalakleet for the erosion control project.

* Sec. 190. The sum of \$198,600 is appropriated from the general fund to the Department of Health and Social Services for payment as a grant under AS 37.05.316 to Alaska Youth Advocates for program operations for the fiscal year ending June 30, 1986.

* Sec. 191. Section 30, ch. 82, SLA 1981, page 183, line 14 is amended to read:

	APPROPRIATION ITEMS	GENERAL FUND
Valdez-Mineral Creek Bridge (ED 5)	<u>5,234,900</u> [5,500,000]	<u>5,234,900</u> [5,500,000]

* Sec. 192. (a) Section 30, ch. 82, SLA 1981, page 192, line 17 is amended to read:

	APPROPRIATION ITEMS	GENERAL FUND	OTHER FUNDS
Centralized Admin- istrative Services	<u>10,980,700</u> [10,985,700]	<u>10,773,000</u> [10,778,000]	207,700

1 (b) Section 30, ch. 82, SLA 1981, page 192, line 23 is amended to
 2 read:

ALLOCATIONS	
3 Phone and Data Line Interconnection Plan	325,000
	[330,000]

4 * Sec. 193. Section 6, ch. 90, SLA 1981 as amended by sec. 83, ch. 141,
 5 SLA 1982 and sec. 94, ch. 106, SLA 1983 is amended to read:

6 Sec. 6. The sum ^{30,713,200} ~~30,713,200~~ [31,800,000] is appropriated
 7 from the general fund to the Alaska Power Authority for feasibility
 8 studies, preconstruction design, and engineering, to be allocated to
 9 the following proposed projects:

Project	Amount	
12 (1) Black Bear Lake	1,400,000 ^{WT} 1,393,200	[1,400,000]
13 (2) Chester Lake	1,000,000	
14 (3) Chakachams Lake	997,600	[1,000,000]
15 (4) Grant Lake	1,000,000	
16 (5) Bethel regional study/Kisaralik	1,000,000 ^{WT} 777,200	[1,000,000]
17 (6) Power Creek	392,200	[700,000]
18 (7) Susitna	18,100,000	
19 (8) Tazimina Lake	2,000,000 ^{WT} 1,998,000	[2,000,000]
20 (9) West Creek	1,000,000 ^{WT} 998,000	[1,000,000]
21 (10) Rural community feasibility studies:		
22 Akhiok, <u>Akutan</u> , Ambler, Angoon, Atka, Chignik,		
23 Chignik Lagoon, Chignik Lake, Chuachbaluk,		
24 Cold Bay, Elim, False Pass, Goodnews Bay,		
25 Grayling, Gustavus, Ivanoff Bay, Kaltag,		
26 Karluk, Kiana, King Cove, Larsen Bay,		
27 Nikoiski, Old Harbor, Perryville,		
28 Scammon Bay, Shungnak, Tenakee Springs,		

Chapter 105

ALLOCATION

Helicopters

200,000
(300,000)

* Sec. 209. Section 80, ch. 101, SLA 1982, page 73, line 8 is amended to read:

	APPROPRIATION	GENERAL
	ITEMS	FUND
Capital Security for Equipments	<u>52,200</u>	<u>52,200</u>
and Training	(57,000)	(57,000)

~~Sec. 210. Section 34, ch. 107, SLA 1983, page 73, line 20 is amended to read:~~

	APPROPRIATION	GENERAL
	ITEMS	FUND
Driver Testing Equipment	<u>149,200</u>	<u>149,200</u>
	(150,000)	(150,000)

* Sec. 211. Section 34, ch. 107, SLA 1983, page 73, line 19 is amended to read:

	APPROPRIATION	GENERAL
	ITEMS	FUND
Microfilm Equip/Vehicle Services	<u>79,900</u>	<u>79,900</u>
	(82,200)	(82,200)

* Sec. 212. Section 4, ch. 24, SLA 1984, page 61, line 8 is amended to read:

	APPROPRIATION	GENERAL
	ITEMS	FUND
Public Safety Telephone System (ED 4)	<u>80,000</u>	<u>80,000</u>
	(100,000)	(100,000)

* Sec. 213. Section 13, ch. 101, SLA 1982, as amended by sec. 49, ch. 171, SLA 1984, is amended to read:

SCS CSHB 195(Fin) am S

(380,000) (380,000)

* Sec. 230. The sum of \$50,000 is appropriated from the general fund to the Department of Administration for payment as a grant under AS 37.05.315 to the City of Kenai for completion of the Women's Resource and Crisis Center facility.

* Sec. 231. The sum of \$7,000 is appropriated from the general fund to the Department of Administration for payment as a grant under AS 37.05.315 to the Kenai Peninsula Borough for purchase and installation of a satellite receiver dish for the Ninilchik school.

* Sec. 232. The sum of \$150,000 is appropriated from the general fund to the Department of Administration for payment as a grant under AS 37.05.315 to the City of Homer for Phase I/design of the Pratt Museum expansion.

* Sec. 233. The sum of \$130,000 is appropriated from the general fund to the Department of Administration for payment as a grant under AS 37.05.315 to the City of Soldotna for purchase and installation of bleachers at the Soldotna Sports Arena.

* Sec. 234. The sum of \$100,000 is appropriated from the general fund to the Department of Transportation and Public Facilities for East Hill Road maintenance and improvements.

* Sec. 235. The sum of ~~\$147,100~~^{145,000} is appropriated from the general fund to the Department of Administration for payment as a grant under AS 37.05.315 to the City of Homer for roads and projects improvements.

* Sec. 236. Section 80, ch. 101, SLA 1982, page 101, line 15 is amended to read:

	APPROPRIATION	GENERAL
	ITEMS	FUND
Chefornek-Riverfront		
Improvements	<u>200,000</u>	<u>200,000</u>

Chapter 105

* Sec. 249. (a) Section 32, ch. 107, SLA 1983, page 16, line 21 is

amended to read:

	APPROPRIATION ITEMS	GENERAL FUND	OTHER FUNDS
Education Design and Delivery	4,676,469	2,223,369	2,253,100
	[4,755,800]	[2,502,700]	

(b) Section 32, ch. 107, SLA 1983, page 16, line 23 is amended to

read:

	ALLOCATIONS
<u>Educational Technology and Telecommunications</u> (9 positions)	1,440,069
	[1,719,400]

* Sec. 250. (a) Section 22, ch. 122, SLA 1984, page 17, line 14 is

amended to read:

	APPROPRIATION ITEMS	GENERAL FUND	OTHER FUNDS
Education Design and Delivery	7,829,900	5,149,800	2,680,100
	[7,986,900]	[5,306,800]	

(b) Section 22, ch. 122, SLA 1984, page 17, line 16 is amended to

read:

	ALLOCATIONS
<u>Educational Technology and Telecommunications</u> (9 positions)	4,330,900
	[4,487,900]

* Sec. 251. The sum of \$436,331 is appropriated from the general fund

SCS CSMB 195(Fin) am S

1 to the Department of Education for completion of instructional television
 2 projects.

3 * Sec. 252. Section 30, ch. 82, SLA 1981, page 171, line 4 is amended
 4 to read:

	APPROPRIATION	GENERAL
	ITEMS	FUND
Atka Airport Construction		
(ED 15)	<u>1,799,600</u>	<u>1,799,600</u>
	(1,845,500)	(1,845,500)

10 * Sec. 253. Section 286, ch. 50, SLA 1980, page 81, line 7 is amended
 11 to read:

	APPROPRIATION	GENERAL
	ITEMS	FUND
Togiak (ED 16)	<u>3,486,000</u>	<u>3,486,000</u>
	(3,500,000)	(3,500,000)

16 * Sec. 254. Section 13, ch. 139, SLA 1982 is amended to read:

17 * Sec. 13. The sum of \$835,400 (\$870,000) is appropriated from the
 18 general fund to the Department of Transportation and Public Facilities
 19 for the Sand Point dock project.

20 * Sec. 255. (a) Section 25, ch. 80, SLA 1979, page 68, line 37, is
 21 amended to read:

	APPROPRIATION	GENERAL
	ITEMS	FUND
Water and harbor		
facilities	<u>2,467,100</u>	<u>2,467,100</u>
	(2,480,000)	(2,480,000)

27 (b) Section 25, ch. 80, SLA 1979, page 69, line 17 is amended to
 28 read:

ALLOCATIONS

1 * Sec. 261. The sum of \$45,000 is appropriated from the general fund to
2 the Department of Community and Regional Affairs for a vocational education
3 survey for the Bristol Bay/Aleutian Chain region for the fiscal year ending
4 June 30, 1986.

5 * Sec. 262. The sum of \$15,800 is appropriated from the general fund to
6 the Alaska Court System for clerical support in Naknek for the fiscal year
7 ending June 30, 1986.

8 * Sec. 263. The sum of \$5,000 is appropriated from the general fund to
9 the Department of Community and Regional Affairs for payment as a grant
10 under AS 37.05.316 to the Bristol Bay Area Health Corporation for the
11 purpose of water safety training materials for the fiscal year ending
12 June 30, 1986.

13 * Sec. 264. The sum of \$20,000 is appropriated from the general fund to
14 the University of Alaska, Rural Education for operation of the Naknek/King
15 Salmon satellite office for the fiscal year ending June 30, 1986.

16 * Sec. 265. The sum of \$31,300 is appropriated from the general fund to
17 the Alaska State Legislature, Legislative Affairs Agency for operation of
18 the Legislative Teleconference Centers in Naknek, Newhalen, St. Paul, Sand
19 Point, Togiak and Unalaska for the fiscal year ending June 30, 1986.

20 * Sec. 266. The sum of \$10,000 is appropriated from the general fund to
21 the Alaska State Legislature, Legislative Affairs Agency for operation of
22 the Dillingham Legislative Information Office for the fiscal year ending
23 June 30, 1986.

24 * Sec. 267. The sum of \$174,500 is appropriated from the general fund
25 to the Department of Health and Social Services for payment as a grant
26 under AS 37.05.346 to the Southcentral Counseling Center for additional
27 costs of operations for the fiscal year ending June 30, 1985.

28 * Sec. 268. Section 32, ch. 107, SLA 1983, page 11 lines 11 - 12 as
29 amended by sec. 17, ch. 171, SLA 1984 is amended to read:

Chapter 105

1 the Department of Administration for payment as a grant under AS 37.05.315
2 to the City of Selavik for public safety equipment.

3 ~~WT * Sec. 312. The sum of \$50,000 is appropriated from the general fund to~~
4 ~~the Department of Administration for payment as a grant under AS 37.05.315~~
5 ~~to the City of Buckland for housing, survey and plotting.~~

6 * Sec. 313. The sum of \$180,000 is appropriated from the general fund
7 to the Alaska State Legislature, Rural Research Agency for operations for
8 the fiscal year ending June 30, 1986.

9 * Sec. 314. The sum of \$20,900 is appropriated from the general fund to
10 the Department of Community and Regional Affairs for payment as a grant
11 under AS 37.05.317 to the unincorporated community of Noatak for dump
12 fencing.

13 * Sec. 315. The sum of ^{WT 30,000} ~~50,000~~ is appropriated from the general fund to
14 the Department of Natural Resources for the Chicago Creek Coal project
15 feasibility study and field work for the fiscal year ending June 30, 1986.

16 * Sec. 316. The sum of \$213,000 is appropriated from the general fund
17 to the Department of Health and Social Services for payment as a grant
18 under AS 37.05.316 to Manillaq Association for the Camp Innuiliq youth
19 program for the fiscal year ending June 30, 1986.

20 * Sec. 317. The sum of \$110,000 is appropriated from the general fund
21 to the Department of Education for payment as a grant under AS 37.05.316 to
22 Manillaq Manpower for the SCAN project for the fiscal year ending June 30,
23 1986.

24 * Sec. 318. The sum of \$50,000 is appropriated from the general fund to
25 the Alaska State Legislature, Rural Research Agency for costs associated
26 with the federal/state Arctic Research Commission for the fiscal year
27 ending June 30, 1986.

28 * Sec. 319. The sum of ^{WT 45,000} ~~57,000~~ is appropriated from the general fund to
29 the Department of Education for payment as a grant to the Northwest Arctic

Chapter 105

[3,364,900]

(c) Section 32, ch. 107, SLA 1983, page 17, line 14 is amended to read:

	ALLOCATIONS
Youth Employment Services	<u>445,400</u>
	[452,400]

* Sec. 363. (a) Section 28, ch. 82, SLA 1981, page 11, line 20 is amended to read:

	APPROPRIATION	GENERAL	OTHER
	ITEMS	FUND	FUNDS
Executive Adminis-			
tration	<u>4,190,200</u>	<u>3,628,200</u>	562,000
	[4,211,600]	[3,649,600]	

(b) Section 28, ch. 82, SLA 1981, page 13, line 21 as amended by sec. 184, ch. 106, SLA 1983 is amended to read:

	ALLOCATIONS
<u>Instructional Television</u>	
(5 positions)	<u>1,876,100</u>
	[1,897,500]

* Sec. 364. The sum of \$186,500 is appropriated from the general fund to the Department of Education for payment as a grant under AS 37.05.316 to the Alaska Black Leadership Conference for operation of a student tutorial program for the fiscal year ending June 30, 1986.

* Sec. 365. Section 30, ch. 82, SLA 1981, page 174, line 21 is amended to read:

	APPROPRIATION	GENERAL
	ITEMS	FUND
Nome Creek Road		
Improvement (ED 20)	<u>333,400</u>	<u>333,400</u>

Chapter 105

~~Wainichik Community Library.~~ *W*

* Sec. 423. The sum of \$12,000 is appropriated from the general fund to the Department of Health and Social Services for payment as a grant under AS 37.05.316 to the Southern Region Emergency Medical Services Council for a Life-Pak Monitor/Defibrillator for the Central Peninsula EMS Council.

~~W~~ ~~Sec. 424. The sum of \$50,000 is appropriated from the general fund to the Department of Natural Resources, Division of Parks for Overlook Park and acquisition.~~ *W*

~~W~~ ~~Sec. 425. The sum of \$60,000 is appropriated from the general fund to the Department of Health and Social Services for payment as a grant under AS 37.05.316 to the Kenai Women's Resource and Crisis Center for a child abuse prevention program for the fiscal year ending June 30, 1986.~~ *W*

* Sec. 426. The sum of \$50,000 is appropriated from the general fund to the Alaska State Legislature, House Special Committee on Telecommunications, for review and assessment of computer utilization and telecommunications facilities for the fiscal year ending June 30, 1986.

* Sec. 427. Section 2, ch. 22, SLA 1984, page 3, line 23 is amended to read:

	APPROPRIATION	GENERAL
	ITEMS	FUND
North Douglas Highway /		
Extension, Pioneer Access		
Road, Right-of-Way and		
Design (ED 4)	750,000	750,000

* Sec. 428. The sum of \$250,000 is appropriated from the general fund to the Department of Transportation and Public Facilities for a harbor site investigation in Kodiak.

* Sec. 429. The sum of \$130,000 is appropriated from the general fund to the Alaska State Legislature, House Leadership, for additional minority

1 staff expenses for the fiscal year ending June 30, 1986.

2 * Sec. 430. Section 1, ch. 17, SLA 1984 is amended to read:

3 Section 1. The sum of \$588,000 (\$700,000) is appropriated from
4 the general fund to the Legislative Affairs Agency [FOR THE OPERATION
5 OF THE THIRTEENTH LEGISLATURE - SECOND SESSION] to be allocated as
6 follows:

- 7 (1) senate operations fund 350,000
8 (2) house and senate resources committees
9 for a lobbying effort to influence
10 United States Senate action amending
11 the Export Administration Act to
12 allow the export of a limited amount
13 of Alaska crude oil 238,000 (350,000)

14 * Sec. 431. Section 2, ch. 17, SLA 1984 as amended by sec. 197, ch.
15 171, SLA 1984 is amended to read:

16 Sec. 2. The unexpended and unobligated portion of the
17 appropriation made by this Act (Legislature supplemental - \$700,000)
18 lapses into the general fund June 30, 1986 (1985).

19 * Sec. 432. The sum of \$22,000 is appropriated from the general fund to
20 the Alaska State Legislature, House and Senate Resource Committees for
21 committee related travel for the fiscal year ending June 30, 1986.

22 * Sec. 433. The sum of \$45,000 is appropriated from the general fund to
23 the Alaska State Legislature, House Leadership, for costs of television
24 coverage during the Second Session of the Fourteenth Legislature for the
25 fiscal year ending June 30, 1986.

26 * Sec. 434. The sum of \$45,000 is appropriated from the general fund to
27 the Alaska State Legislature, Senate Leadership, for costs of television
28 coverage during the Second Session of the Fourteenth Legislature for the
29 fiscal year ending June 30, 1986.
3

Chapter 105

Lower Kuskokwim power plan ^{WT 174,700} ~~78,900~~ [500,000]

~~WT Sec. 451. Section 4, ch. 24, SLA 1984, page 57, line 10 (Silver Lake
Hydro 2,05,000) is repealed.~~

~~WT Sec. 452. Section 11, ch. 171, SLA 1984 is amended to read:~~

~~WT Sec. 11. The sum of \$2,500 (\$415,000) is appropriated from the
general fund to the Alaska Power Authority for the continuation of
studies on the Neuhalen River.~~

* Sec. 453. The unexpended and unobligated portion of the appropriation
made in sec. 4, ch. 24, SLA 1984, page 61, line 3 (Richardson Highway
Communications Link - \$600,700) is repealed and reappropriated to the
Department of Administration for Alaska Statewide Accounting System (AKSAS)
post-implementation support.

* Sec. 454. Section 1, ch. 171, SLA 1980, as amended by sec. 4, ch. 34,
SLA 1982 is amended to read:

Section 1. The sum of \$227,642,300 [\$250,000,000] is
appropriated from the general fund to the Department of Revenue for
the reserve for emergency operating expenses account
(AS 37.05.159(a)).

* Sec. 455. The unexpended and unobligated portion of the appropriation
made in sec. 2, ch. 10, SLA 1983, page 7, line 19 (Yak to Parks Shoulder
widening - \$180,000) is reappropriated to the Department of Transportation
and Public Facilities for dust control at Central.

* Sec. 456. The unexpended and unobligated portion of the appropriation
made in sec. 30, ch. 82, SLA 1981, page 176, line 19 (Yukon River
Sternwheel Ferry Design - \$547,000) is repealed and reappropriated to the
Department of Administration as a grant under AS 37.05.315 to the City of
Fairbanks for United Service Organizations, Inc. program costs.

* Sec. 457. The unexpended and unobligated portion of the appropriation
made in sec. 30, ch. 82, SLA 1981, page 176, line 20 (Yukon Ferry Shore

Chapter 105

1 Airport Lighting 4,695,500 4,695,500
2 [4,719,000] [4,719,000]

3 * Sec. 463. Section 286, ch. 50, SLA 1980, page 84, line 16 is amended
4 to read:

	APPROPRIATION	GENERAL
	ITEMS	FUND
7 <u>Air-to-Ground Radios</u>	<u>3,500</u>	<u>3,500</u>
	[88,000]	[88,000]

9 * Sec. 464. Section 232, ch. 141, SLA 1982 is amended to read:

10 * Sec. 232. Section 25, ch. 80, SLA 1979, page 78 is amended by
11 adding the following after line 14:

	APPROPRIATION	OTHER
	ITEMS	FUNDS
14 Nome-Taylor Road		
15 Mile 8 - <u>North</u> [13]	2,225,000	2,225,000

16 * Sec. 465. Section 2, ch. 10, SLA 1983, page 28, line 20 is amended to
17 read:

	APPROPRIATION	GENERAL
	ITEMS	FUND
20 <u>Unalakleet - Land Reclamation</u>		
21 <u>and Development [ROAD/BRIDGE</u>		
22 <u>CONSTRUCTION]</u>	1,150,000	1,150,000

23 * Sec. 466. Section 30, ch. 82, SLA 1981, page 179, line 13 is amended
24 to read:

	APPROPRIATION	GENERAL
	ITEMS	FUND
27 Tractor Purchase, Wales (ED 22)	<u>145,400</u>	<u>145,400</u>
	[200,000]	[200,000]

29 * Sec. 467. The sum of \$250,000 is appropriated from the general fund

1 repealed and is reappropriated to the Department of Community and Regional
2 Affairs for payment as a grant under AS 37.05.316 to the Gulkana Village
3 Council for campground improvements and expansion.

4 * Sec. 531. The appropriation made in sec. 286, ch. 50, SLA 1980, page
5 41, line 25 (Fort Greely Mini-TV - \$40,000) is repealed.

6 * Sec. 532. The sum of \$30,000 is appropriated from the general fund to
7 the Department of Transportation and Public Facilities for Tok local road
8 improvements.

9 * Sec. 533. The sum of \$10,000 is appropriated from the general fund to
10 the Department of Community and Regional Affairs for payment as a grant
11 under AS 37.05.316 to Tok Umbrella Corporation for a community TV site.

12 * Sec. 534. Section 30, ch. 82, SLA 1981, page 169, line 5 is amended
13 to read:

	APPROPRIATION	GENERAL
	ITEMS	FUND
Bells Flats Road Resurface/ Guardrails	<u>766,652</u>	<u>766,652</u>
	[805,000]	[805,000]

19 * Sec. 535. The sum of \$39,600 is appropriated from the general fund to
20 the Department of Administration for payment as a grant under AS 37.05.315
21 to the Kodiak Island Borough for hospital equipment.

22 * Sec. 536. The sum of \$40,000 is appropriated from the general fund to
23 the Department of Natural Resources for bunker upgrade at Fort Abercrombie
24 and other Kodiak park improvements including Buskin River Park, Abercrombie
25 Park and Pasagshak Park.

26 * Sec. 537. Section 4, ch. 25, SLA 1982, page 6, line 8 is amended to
27 read:

	ALLOCATIONS
<u>Lake and Peninsula School District -</u>	

1 to the Department of Administration for payment as a grant under
 2 AS 37.05.315 to the Municipality of Anchorage for the Chugiak/Eagle River
 3 Joint Board for road improvements.

4 * Sec. 570. The unexpended and unobligated portion of the appropriation
 5 made in sec. 286, ch. 50, SLA 1980, page 89, line 20 (Brown Slough debt
 6 forgiveness - \$88,200) is repealed.

7 * Sec. 571. The unexpended and unobligated portion of the appropriation
 8 made in sec. 286, ch. 50, SLA 1980, page 79, line 24 (Koyukuk runway
 9 improvements - \$1,250,000) is repealed.

10 * Sec. 572. The unexpended and unobligated portion of the appropriation
 11 made in sec. 286, ch. 50, SLA 1980, page 79, line 25 (Pilot Station runway
 12 improvements - \$900,000) is repealed.

13 * Sec. 573. The unexpended and unobligated portion of the appropriation
 14 made in sec. 2, ch. 10, SLA 1983, page 7, line 12 (Mountain Village/St.
 15 Mary's road upgrade - \$455,000) is repealed.

16 * Sec. 574. The unexpended and unobligated portion of the appropriation
 17 made in sec. 25, ch. 80, SLA 1979, page 74, line 37 (Upper Kalskag runway
 18 extension - \$160,000) is repealed.

19 * Sec. 575. The unexpended and unobligated portion of the appropriation
 20 made in sec. 25, ch. 80, SLA 1979, page 55, line 31 (TV Transmitter/Cable-
 21 Stony River/Kalskag/Koyukuk - \$37,500) is repealed.

22 * Sec. 576. The unexpended and unobligated portion of the appropriation
 23 made in sec. 25, ch. 80, SLA 1979, page 55, line 32 (KYUK Translator-Line
 24 Village - \$25,000) is repealed.

25 * Sec. 577. The unexpended and unobligated portion of the appropriation
 26 made in sec. 1, ch. 153, SLA 1977, page 51, line 11 (Mini TV, Tanana -
 27 \$25,000) is repealed.

28 * Sec. 578. The unexpended and unobligated portion of the appropriation
 29 made in sec. 10, ch. 82, SLA 1981, page 174, line 4 (Chalkyitsik road
 30

1 repealed.

2 * Sec. 588. The unexpended and unobligated portion of the appropriation
 3 made in sec. 286, ch. 50, SLA 1980, page 84, lines 24 - 27 and page 85,
 4 lines 4 - 14 (Air to ground radios - \$110,000) is repealed.

5 * Sec. 589. The unexpended and unobligated portion of the appropriation
 6 made in sec. 286, ch. 50, SLA 1980, page 66, line 7 as amended by sec. 10,
 7 ch. 16, SLA 1981 and sec. 60, ch. 171, SLA 1984 (Lime Village alternative
 8 energy - \$46,000) is repealed.

9 * Sec. 590. The unexpended and unobligated portion of the appropriation
 10 made in sec. 34, ch. 107, SLA 1983, page 76, line 5 (Mekoryuk runway
 11 lights - \$250,000) is repealed.

12 * Sec. 591. The unexpended and unobligated portion of the appropriation
 13 made in sec. 2, ch. 10, SLA 1983, page 31, line 15 (Tyonek community
 14 facility - \$140,000) is repealed.

15 * Sec. 592. Section 14, ch. 139, SLA 1982, page 11, lines 18 - 22 is
 16 amended to read:

	APPROPRIATION	GENERAL
	ITEMS	FUND
19 SB 535 Relating to the Criminal		
20 Laws of the State - Appropriated		
21 to the Department of Health and		
22 Social Services	<u>772,000</u>	<u>772,000</u>
	(1,597,000)	(1,597,000)

24 * Sec. 593. Section 11, ch. 153, SLA 1977, page 59, line 27 as amended
 25 by sec. 106, ch. 171, SLA 1984 is amended to read:

	APPROPRIATION	GENERAL
	ITEMS	FUND
28 Runway gravel, six airports	<u>656,751</u>	<u>656,751</u>
	(700,000)	(700,000)

1 read:

ALLOCATIONS

2
3 Birch Creek runway extension
4 and maintenance building (ED 19) 1,417,000

5 * Sec. 615. Section 2, ch. 10, SLA 1983, page 3, line 8 is amended to

6 read:

	APPROPRIATION	GENERAL
	ITEMS	FUND
7 Holy Cross school reroofing		
8 <u>and districtwide improvements</u> (ED 24)	250,000	250,000

9
10
11 * Sec. 616. Section 14, ch. 113, SLA 1978, page 69 lines 17 - 24 is
12 amended to read:

	ALLOCATIONS	APPROPRIATION	GENERAL
		ITEMS	FUND
13 Iditarod REAA		<u>192,000</u>	<u>192,000</u>
14 Holy Cross oil storage tank	<u>60,000</u>	(60,000)	(60,000)
15 McGrath school roof renovation	<u>60,000</u>	(60,000)	(60,000)
16 McGrath elementary and secondary	<u>20,000</u>	(20,000)	(20,000)
17 Takotna oil storage	<u>11,000</u>	(11,000)	(11,000)
18 Talida oil storage	<u>15,000</u>	(15,000)	(15,000)
19 Lime Village oil storage tank	<u>15,000</u>	(15,000)	(15,000)
20 Takotna sewer/water/improvements	<u>11,000</u>	(11,000)	(11,000)

21
22 * Sec. 617. The unexpended and unobligated portion of the appropriation
23 made in sec. 22, ch. 122, SLA 1984, page 63, line 14, for the Senate
24 Finance Committee special projects telecommunications study and contractual
25 services study account lapses June 30, 1986.

26
27 * Sec. 618. Section 2, ch. 24, SLA 1984, page 7, line 16 is amended to
28 read:

	APPROPRIATION	GENERAL
29	SCS CSHB 195(Fin) am S	

Chapter 105

* Sec. 688. Section 4, ch. 24, SLA 1984, page 57, line 15 is amended to read:

	APPROPRIATION ITEMS	GENERAL FUND
<u>Southeast (TYEE-SWAN LAKE)</u>		
Intartic (ED 1-3)	404,000	404,000
* Sec. 689. The sum of \$350,000 ^{210,000} is appropriated from the general fund to the Department of Administration for payment as a grant under AS 37.05.315 to the City of Stebbins for a health facility.		
* Sec. 690. The sum of \$262,000 is appropriated from the general fund to the Department of Administration for payment as a grant under AS 37.05.315 to the City of Hooper Bay for water and sewer.		
* Sec. 691. The sum of \$250,000 ^{200,000} is appropriated from the general fund to the Department of Administration for payment as a grant under AS 37.05.315 to the City of Ambler for community building completion.		
* Sec. 692. The sum of \$300,000 ^{150,000} is appropriated from the general fund to the Department of Administration for payment as a grant under AS 37.05.315 to the North Slope Borough for aviation aids in Atkasuk and Anaktuvik Pass.		
* Sec. 693. The sum of \$125,000 is appropriated from the general fund to the Department of Administration for payment as a grant under AS 37.05.315 to the North Slope Borough for an arctic search and rescue program.		
* Sec. 694. The sum of \$125,000 is appropriated from the general fund to the Department of Health and Social Services for payment as a grant under AS 37.05.316 to the Manillaq Association for health and social services related programs.		
* Sec. 695. The sum of \$75,000 ^{40,000} is appropriated from the general fund to the Department of Education for payment as a grant under AS 37.05.316 to the Northwest Arctic School District for instructional television (ITV)		

1 history course work development.

2 ~~Ut Sec. 696. The sum of \$30,000 is appropriated from the general fund to~~
 3 ~~the Department of Health and Social Services for payment as a grant under~~
 4 ~~AS 37.05.316 to the Alaska Children Services for a youth protective~~
 5 ~~program.~~

6 * Sec. 697. The sum of \$68,000 is appropriated from the general fund to
 7 the Department of Community and Regional Affairs for payment as a grant
 8 under AS 37.05.316 to the Nome Eskimo Community for a project economic
 9 feasibility study.

10 ~~Ut Sec. 698. The sum of \$200,000 is appropriated from the general fund~~
 11 ~~to the Department of Administration for payment as a grant under AS 37.05.~~
 12 ~~316 to the North Slope Borough for remote aviation weather reporting~~
 13 ~~stations.~~

14 * Sec. 699. The sum of \$50,000 is appropriated from the general fund to
 15 the Department of Health and Social Services for payment as a grant under
 16 AS 37.05.316 to the Norton Sound Health Corporation for the community
 17 mental health program.

18 * Sec. 700. The sum of ^{10,000} ~~\$29,000~~ is appropriated from the general fund to
 19 the Department of Health and Social Services for payment as a grant under
 20 AS 37.05.316 to the Norton Sound Health Corporation for emergency patient
 21 travel.

22 * Sec. 701. The sum of \$75,000 is appropriated from the general fund to
 23 the Department of Community and Regional Affairs for payment as a grant
 24 under AS 37.05.316 to Kaverak for a youth employment program.

25 * Sec. 702. The sum of \$200,000 is appropriated from the general fund
 26 to the Department of Education for payment as a grant under AS 37.05.316 to
 27 the Lower Yukon School District for school classrooms in Alakanuk.

28 ~~Ut Sec. 703. The sum of \$300,000 is appropriated from the general fund~~
 29 ~~to the Department of Education for payment as a grant under AS 37.05.316 to~~

Chapter 105

1 to the Legislative Affairs Agency for operating expenses of the joint
2 special committee on local option laws during fiscal year 1986.

3 * Sec. 732. The sum of \$24,000 is appropriated from the general fund to
4 the Legislative Affairs Agency for operating expenses of the Bethel
5 legislative information office during fiscal year 1986.

6 * Sec. 733. The sum of ~~240,000~~^{30,000} is appropriated from the general fund to
7 the Department of Community and Regional Affairs for payment as a grant
8 under AS 37.05.316 to Nunam Kitlutsisti for a migratory waterfowl program.

9 * Sec. 734. The sum of \$60,000 is appropriated from the general fund to
10 the Department of Community and Regional Affairs for payment as a grant
11 under AS 37.05.317 to the village of Kipnuk for electrification
12 improvements.

13 * Sec. 735. Section 4, ch. 24, SLA 1984, page 63, line 8 is amended to
14 read:

	APPROPRIATION	GENERAL
	ITEMS	FUND
17 Munapitchuk airport construction	<u>2,500,000</u>	<u>2,500,000</u>
18 (ED 25)	[3,300,000]	[3,300,000]

19 * Sec. 736. The sum of \$800,000 is appropriated from the general fund
20 to the Department of Administration for payment as a grant under
21 AS 37.05.315 to the City of Aniak for dike construction.

22 * Sec. 737. The sum of \$90,000 is appropriated from the general fund to
23 the Department of Health and Social Services for payment as a grant under
24 AS 37.05.316 to the Southwestern Alaska Council for Prevention of Child
25 Sexual Abuse for a child abuse program.

26 * Sec. 738. The sum of \$700,000 is appropriated from the general fund
27 to the Department of Education for payment as a grant under AS 37.05.316 to
28 the Lower Kuskokwim School District for construction of Tununak Elementary
29 School addition.

Chapter 105

1 the Department of Education for payment as a grant under AS 37.05.316 to
2 the Alaska Humanities Forum for administrative costs.

3 ~~Sec. 748. The sum of \$575,000 is appropriated from the general fund~~
4 ~~to the Department of Administration for payment as a grant under~~
5 ~~AS 37.05.315 to the Municipality of Anchorage for the \$0.50 mesh program~~
6 ~~for District 8 limited road curbside areas.~~

7 * Sec. 749. The ^{Sum of 1,112,900} ~~unexpended and unobligated~~ portions of the
8 appropriations made to the Alaska Power Authority and reserved for
9 litigation for certain power projects (Solomon Gulch, Tyee, Swan Lake, and
10 Terror Lake) are lapsed.

11 * Sec. 750. The sum of ^{2,000,000} ~~\$3,500,000~~ is appropriated from the general fund
12 to the power project fund (AS 44.83.170). This appropriation is for
13 capitalization of a loan fund and does not lapse.

14 * Sec. 751. The sum of \$250,000 is appropriated from the general fund
15 to the Department of Administration for payment as a grant under
16 AS 37.05.315 to the City of Fairbanks for water and sewer projects.

17 * Sec. 752. The sum of \$50,000 is appropriated from the general fund to
18 the Department of Administration for payment as a grant under AS 37.05.315
19 to the City of Homer for the Pratt Museum expansion and design.

20 * Sec. 753. The sum of \$50,000 is appropriated from the general fund to
21 the Department of Administration, Alaska Public Broadcasting Commission.
22 for payment as a grant under AS 37.05.316 to KBBI Radio for tower
23 relocation.

24 * Sec. 754. The sum of \$110,000 is appropriated from the general fund
25 to the Department of Community and Regional Affairs for payment as a grant
26 under AS 37.05.317 to the village of Copper Center for a grader.

27 * Sec. 755. The unexpended and unobligated balance of the appropriation
28 made in sec. 80, ch. 101, SLA 1982, page 76, line 16 (Chenega Village
29 relocation) is repealed.



LAWS OF ALASKA

1985

Source

Chapter No.

CSHB 140(R)S

54

AN ACT

Relating to the use of teleconferencing under the Administrative Procedure Act.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: May 30, 1985
Actual Effective Date: August 28, 1985

AN ACT

Relating to the use of teleconferencing under the
Administrative Procedure Act.

* Section 1. AS 44.62.210(a) is amended to read:

(a) On the date and at the time and place designated in the notice the agency shall give each interested person or the person's authorized representative, or both, the opportunity to present statements, arguments, or contentions in writing, with or without opportunity to present them orally. The state agency may accept material presented by any form of communication authorized by this chapter and shall consider all relevant matter presented to it before adopting, amending or repealing a regulation.

* Sec. 2. AS 44.62.310(a) is amended to read:

(a) All meetings of a legislative body, of a board of regents, or of an administrative body, board, commission, committee, subcommittee, authority, council, agency, or other organization, including subordinate units of the above groups, of the state or any of its political subdivisions, including but not limited to municipalities, boroughs, school boards, and all other boards, agencies, assemblies, councils, departments, divisions, bureaus, commissions or organizations, advisory or otherwise, of the state or local government supported in whole or in part by public money or authorized to spend public money, are open to the public except as otherwise provided by this section. Except for meetings of a house of the legislature,

Chapter 54

1 attendance and participation at meetings by members of the public or
2 by members of a body may be by teleconferencing. Agency materials that
3 are to be considered at the meeting shall be made available at tele-
4 conference locations. Except when voice votes are authorized, the
5 vote shall be conducted in such a manner that the public may know the
6 vote of each person entitled to vote. The vote at a meeting held by
7 teleconference shall be taken by roll call. This section does not
8 apply to any votes required to be taken to organize a public body
9 described [THE BODIES SPECIFIED] in this subsection.

10 * Sec. 3. AS 44.62.310(e) is amended to read:

11 (e) Reasonable public notice shall be given for all meetings
12 required to be open under this section. The notice must include the
13 date, time, and place of the meeting, and if the meeting is by tele-
14 conference the location of any teleconferencing facilities that will
15 be used.

16 * Sec. 4. AS 44.62.312(a) is amended to read:

17 (a) It is the policy of the state that

18 (1) the governmental units mentioned in AS 44.62.310(a)
19 exist to aid in the conduct of the people's business;

20 (2) it is the intent of the law that actions of those units
21 be taken openly and that their deliberations be conducted openly;

22 (3) the people of this state do not yield their sovereignty
23 to the agencies which serve them;

24 (4) the people, in delegating authority, do not give their
25 public servants the right to decide what is good for the people to
26 know and what is not good for them to know;

27 (5) the people's right to remain informed shall be protect-
28 ed so that they may retain control over the instruments they have
29 created.

APPENDIX B

General Alaska Statutes on Telecommunications

- AS 11.46.484 to 11.46.740--on the criminal use of a computer
AS 29.48.060 to 29.48.010--on municipal government: public utility hearing and rates not regulated under AS 42.05.010-42.05.721
AS 42.05.010 to 42.05.721--on the Alaska Public Utilities Commission
AS 42.20.010 to 42.20.340--on civil and criminal offenses re eavesdropping, wiretapping, misuse of party lines
AS 44.21.150 to 44.21.170--on central control of data processing; Dept. of Administration
AS 44.21.241 to 44.21.255--on the Alaska Council on Science and Technology
AS 44.21.256 to 44.21.290--on the Alaska Public Broadcasting Commission
AS 44.21.300 to 44.21.330--on the Division of Telecommunications Services and Systems

APPENDIX B

TITLE 11

Revisor's notes. — Minor word amendment added paragraph (4) to sub-changes were made in the section in 1984. section (a) and added subsection (c).

Effect of amendments. — The 1984

Sec. 11.46.484. Criminal mischief in the third degree. (a) A person commits the crime of criminal mischief in the third degree if, having no right to do so or any reasonable ground to believe the person has such a right:

(1) with intent to damage property of another, the person damages property of another in an amount of \$50 or more but less than \$500;

(2) the person drives, tows away, or takes the propelled vehicle of another;

(3) having custody of a propelled vehicle under a written agreement with the owner of the vehicle that includes an agreement to return the vehicle to the owner at a specified time, the person knowingly retains or withholds possession of the vehicle without the consent of the owner for so long a period beyond the time specified as to render the retention or possession of the vehicle an unreasonable deviation from the agreement;

(4) the person tampers with a fire protection device in a building that is a public place;

(5) the person knowingly accesses a computer, computer system, computer program, computer network, or any part of a computer system or network; or

(6) the person uses a device to descramble an electronic signal that has been scrambled to prevent unauthorized receipt or viewing of the signal unless the device is used only to descramble signals received directly from a satellite or unless the person owned the device before September 18, 1984.

(b) Except as provided in (c) of this section, criminal mischief in the third degree is a class A misdemeanor.

(c) A person convicted under (a)(2) of this section who has been previously convicted under that paragraph or under former AS 28.35.010 is guilty of a class C felony. (§ 4 ch 166 SLA 1978; am § 1 ch 18 SLA 1979; am §§ 7, 8 ch 143 SLA 1982; am § 2 ch 79 SLA 1984; am § 2 ch 114 SLA 1984)

Revisor's notes. — Paragraph (6) of subsection (a) of this section was enacted as paragraph (a)(5). Renumbered in 1984. Also, minor word changes were made in subsection (a) in 1984.

Effect of amendments. — The first

1984 amendment, in subsection (a), added paragraph (5) and made related technical changes in paragraphs (3) and (4).

The second 1984 amendment, in subsection (a), deleted "or" at the end of paragraph (3) and added paragraph (6).

46.484

to sub-
c).

A per-
son if,
person

images
\$500;
icle of

ement
rn the
etains
owner
ntion
n the

lding

stem,
r sys-

that
of the
ived
efore

n the

been
AS
§ 1
984;

added
nical

osec-
para-

§ 11.46.505

CRIMINAL LAW

§ 11.46.740

Article 4. Forgery and Related Offenses.

Sec. 11.46.505. Forgery in the second degree.

NOTES TO DECISIONS

Applied in *Hemphill v. State, Ct. App.*
Op. No. 315 (File Nos. 7280, 7426, 7597,
7599, 7730), P.2d (1983); *Griffith v.*
State, Ct. App. Op. No. 331 (File No. A-47),
P.2d (1984).

Cited in *Heathcock v. State, Ct. App.*
Op. No. 293 (File No. 6803), 670 P.2d 1155
(1983); *Winfree v. State, Ct. App.* Op. No.
378 (File No. A-156), P.2d (1984).

Sec. 11.46.510. Forgery in the third degree.

NOTES TO DECISIONS

Quoted in *Hemphill v. State, Ct. App.*
Op. No. 315 (File Nos. 7280, 7426, 7597,
7599, 7730), P.2d (1983).

Sec. 11.46.580. Definitions.

NOTES TO DECISIONS

Quoted in *Hemphill v. State, Ct. App.*
Op. No. 315 (File Nos. 7280, 7426, 7597,
7599, 7730), P.2d (1983).

Article 5. Business and Commercial Offenses.

Section

740. Criminal use of computer

Sec. 11.46.740. Criminal use of computer. (a) A person commits the offense of criminal use of a computer if, having no right to do so or any reasonable ground to believe the person has such a right, the person knowingly accesses or causes to be accessed a computer, computer system, computer program, computer network, or any part of a computer system or network, and as a result of that access

(1) obtains information concerning a person; or

(2) introduces false information into a computer, computer system, or computer network with the intent to damage or enhance the data record of a person.

(b) Criminal use of a computer is a class C felony. (§ 3 ch 79 SLA 1984)

Article 6. General Provisions.**Section**

985. Deceiving a machine

990. Definitions

Sec. 11.46.985. Deceiving a machine. In a prosecution under this chapter for an offense that requires "deception" as an element, it is not a defense that the defendant deceived or attempted to deceive a machine. For purposes of this section, "machine" includes a vending machine, computer, turnstile, or automated teller machine. (§ 4 ch 166 SLA 1978)

Editor's notes. — This section is set out above to correct a minor error in the main pamphlet.

Sec. 11.46.990. Definitions. In this chapter, unless the context requires otherwise,

(1) "access" means to instruct, communicate with, store data in, retrieve data from, or otherwise obtain the ability to use the resources of a computer, computer system, computer network, or any part of a computer system or network;

(2) "appropriate" or "appropriate property of another to oneself or a third person" means to

(A) exercise control over property of another, or to aid a third person to exercise control over property of another, permanently or for so extended a period or under such circumstances as to acquire the major portion of the economic value or benefit of the property; or

(B) dispose of the property of another for the benefit of oneself or a third person;

(3) "computer" means an electronic device that performs logical, arithmetic, and memory functions by the manipulation of electronic, optical or magnetic impulses, and includes all input, output, processing, storage, computer software, and communication facilities that are connected or related to a computer;

(4) "computer network" means an interconnection, including by microwave or other means of electronic or optical communication, of two or more computer systems, or between computers and remote terminals;

(5) "computer program" means an ordered set of instructions or statements, and related information that, when automatically executed in actual or modified form in a computer system, causes it to perform specified functions;

(6) "computer system" means a set of related computer equipment, devices and software;

(7) "data" includes a representation of information, knowledge, facts, concepts, or instructions, that is being prepared or has been

TITLE 29

use the powers assumed in the statewide exercise in the exercise in the 18.020 for exercise powers conferred of the powers outside cities use restrictions option of a borrower powers specified, may exercise the use or the borrower.

ing, boroughs g, housing or o flood control, shall, subject er or election n the borough rough, within re being exercise to continue shall exercise 44 ch 53 SLA 976; am §§ 4, 59 SLA 1982)

Anchorage v. Brady's Floor Covering, 13 Alaska 741, 105 F. Supp. 717 (D. Alaska 1952).

Ordinances regulating massage parlors and physical culture studios were within the statutory powers of the Municipality of Anchorage. *Hilbers v. Municipality of Anchorage*, Sup. Ct. Op. No. 2084 (File No. 4296), 611 P.2d 31 (1980).

Council has unlimited discretion in licensing vehicles for hire. — A former, similar provision did not set forth any rules or regulations under which a person was entitled to a license from the city council for the use for hire of a motor vehicle. It simply left it to the unbridled discretion of the town council to refuse or grant an application for such a license. *Town of Fairbanks v. Mabey*, 11 Alaska 476 (1948).

And in approving changes of business locations. — A former, similar provision failed to lay down any regulations as to when a person would be entitled to have his application for change of business location approved by the town council. The granting or refusal of such a change was left to the unrestricted discretion of the city council. *Town of Fairbanks v. Mabey*, 11 Alaska 476 (1948).

Power to license does not include power to prohibit by excessive fee. — Under a power given to license and regulate under a former, similar provision, an

ordinance could not practically prohibit the business by requiring an excessive license fee. *Town of Valdez v. Bell*, 6 Alaska 109 (1918).

Additional liquor license may menace health and safety. — With 12 liquor establishments in the vicinity of the place chosen by an applicant for the exercise of his license, it could easily have been that additional liquor stores in that vicinity would not have been for the good of the people of the city and would have been a menace to their health and safety under the terms of a former, similar provision, so that council was authorized in not passing a resolution approving his application. *In re Kays*, 11 Alaska 556 (1948).

Landing and take-offs of airplanes may be prohibited as endangering public safety. — Under a former, similar provision, a town had a right to prohibit the use of its property for landing and take-offs of airplanes inasmuch as that was greatly endangering the public safety. *Seltenreich v. Town of Fairbanks*, 13 Alaska 582, 103 F. Supp. 319 (D. Alaska 1952), *aff'd*, 14 Alaska 568, 211 F.2d 83 (9th Cir.), *cert. denied*, 15 Alaska 272, 348 U.S. 887, 75 S. Ct. 206, 99 L. Ed. 697 (1954).

Applied in *Cremer v. Anchorage*, Sup. Ct. Op. No. 1579 (File No. 3597), 575 P.2d 306 (1978).

Collateral references. — 56 Am. Jur. 2d, *Municipal Corporations, Counties, and Other Political Subdivisions*, § 423 et seq.

62 C.J.S., *Municipal Corporations* §§ 132, 218, 307, 590.

Conflict between statutes and local regulations as to automobiles, 21 ALR 1186; 64 ALR 993; 147 ALR 522.

Public regulation of dry cleaning and dyeing establishments, 49 ALR 110; 128 ALR 678.

Municipal regulation of sale of poisons, drugs or medicines, 54 ALR 735.

Validity of ordinance prohibiting or regulating solicitation of patronage for hotels, roominghouses, etc., 121 ALR 275.

Use beyond municipal limits of municipal equipment for extinguishment of fires, 122 ALR 1158.

Power to require closing of place of amusement or public assembly because of fire hazard, 140 ALR 1048.

Validity of municipal regulation of aircraft flight paths or altitudes, 36 ALR3d 1314.

Validity and construction of municipal ordinances regulating community antenna television service (CATV), 41 ALR3d 384.

Applicability of zoning regulations to waste disposal facilities of state or local governmental entities, 59 ALR3d 1244.

Sec. 29.48.037. Extraterritorial jurisdiction. (a) A municipality may provide parks, roads (including ice roads), trails, playgrounds, emergency medical services, cemeteries and airports outside its boundaries, subject to AS 29.33.010, and may regulate their use and oper-

ation. A regulation adopted under this section must state that it applies outside the municipality.

(b) A municipality may adopt ordinances to protect its water supply and watershed and may enforce them outside its boundaries. Before this power may be exercised within the boundaries of another municipality, the approval of that municipality must be given by ordinance. This section applies to general law and home rule municipalities. (§ 2 ch 118 SLA 1972; am § 2 ch 100 SLA 1975; am § 5 ch 78 SLA 1978)

NOTES TO DECISIONS

Section inapplicable to streets connecting different portions of city. A former, similar provision, merely provided for the building of roads and trails outside of town limits, and had no reference to the building of streets connecting two different portions of the town or city. *Town of Ketchikan v. Zimmerman*, 4 Alaska 336 (1911).

Power granted does not deprive city

of other powers. — There was no reason that the grant to the council of power to extend roads and trails from its limits to certain points without its limits under a former, similar provision in any manner deprived the council of any of the implied or necessary powers which it would have enjoyed, in the absence of any such express grant in the charter. *Town of Ketchikan v. Zimmerman*, 4 Alaska 336 (1911).

Collateral references. — 56 Am. Jur. 2d, *Municipal Corporations, Counties, and Other Political Subdivisions*, §§ 227, 228, 436.

62 C.J.S., *Municipal Corporations*, § 141.

Sec. 29.48.040. Municipally-owned utilities. A municipality owning or operating utilities may extend service to adjacent areas outside its municipal limits. For that purpose the municipality may acquire, maintain and operate utility facilities together with necessary real property interests in real property outside its limits. This section applies to home rule and general law municipalities. (§ 2 ch 119 SLA 1972)

NOTES TO DECISIONS

A city was authorized to sell and distribute electrical energy to adjacent districts, areas, or localities located within a reasonable distance from the limits of the city under a former, similar provision. *Chugach Elec. Ass'n v. City of Anchorage*, Sup. Ct. Op. No. 407 (File Nos. 705, 706), 426 P.2d 1001 (1967).

But city is not permitted to extend system beyond settled area. — It was never intended by the use of the term "adjacent" in a former, similar provision to

permit a municipality to leapfrog a settled area, particularly where such area was, from all appearances, a part of the metropolitan area, and extend its distribution system into the territory beyond. *Chugach Elec. Ass'n v. City of Anchorage*, 13 Alaska 747, 106 F. Supp. 6 (D. Alaska 1952), aff'd, 15 Alaska 70, 214 F.2d 110 (9th Cir. 1954).

Although city may extend system to noncontiguous area beyond unsettled area. — Under a former, similar provision

a municipal its distrib noncontiguan distance of that the unsettled an Chugach Ele 13 Alaska 7 1952), aff'd. (9th Cir. 19

Purchas divert stre Since AS 2 gives munic provide for t sewers, aqu widen. Stra the channel

Collatera 2d, Municip Other Polit 63 C.J.S §§ 1050 to 1 Municipal

Sec. 29 for the are city may g the constr tems and y them the scribed by

(b) A fi qualified applies, a franchise. shall be g municipal election.

submission area outsi of the elec and spread certified i

(c) Pubi the street permit fee exceptions fees, term. the Alask

tate that it
water supply
ries. Before
ther munic-
y ordinance.
alities. (§ 2
SLA 1978)

was no reason
il of power to
m its limits to
limits under a
n any manner
of the implied
it would have
y such express
(Ketchikan v.
1911).

Corporations.

municipality
cent areas
pality may
necessary
his section
h 118 SLA

from a settled
h area was,
of the metro-
distribution
nd. Chugach
chorage. 13
(D. Alaska
14 F.2d 110

d system to
d unsettled
ar provision

a municipality was authorized to extend its distribution system into any noncontiguous area within a reasonable distance of its corporate limits, provided that the intervening territory was unsettled and uninhabited or virtually so. Chugach Elec. Ass'n v. City of Anchorage, 13 Alaska 747, 106 F. Supp. 6 (D. Alaska 1952), aff'd, 15 Alaska 70, 214 F.2d 110 (9th Cir. 1954).

Purchasing land beyond limits to divert stream from reaching city. — Since AS 29.10.117 (now AS 29.48.030) gives municipalities the express right to provide for the location and construction of sewers, aqueducts, and watercourses and widen, straighten, strengthen or change the channels of streams and watercourses,

such a grant of power would be idle if the city could not purchase ground outside of the incorporated limits and divert a stream beyond its limits and prevent it from reaching the incorporated limits, if such a course should be deemed advisable, rather than to confine its activities to the city limits proper. Town of Seward v. Margules, 9 Alaska 354 (1938).

If authority had not been expressly given by a former, similar provision for a city to purchase land outside of the incorporated limits and to divert a stream beyond its limits and prevent it from reaching the incorporated limits, such authority was necessarily implied. Town of Seward v. Margules, 9 Alaska 354 (1938).

Collateral references. — 56 Am. Jur. 2d, Municipal Corporations, Counties, and Other Political Subdivisions, § 560 et seq. 63 C.J.S., Municipal Corporations, §§ 1050 to 1052. Municipality's power to sell, lease, or

mortgage public utility plant or interest therein, 60 ALR2d 595.

Power of municipality to sell, lease, or mortgage public utility plant or interest therein, 61 ALR2d 595.

Sec. 29.48.050. Franchises and permits. (a) The assembly acting for the area outside cities and the council acting for the area within a city may grant franchises, including exclusive franchise privileges, for the construction, operation and maintenance of bus transportation systems and public utilities not regulated under AS 42.05 and may permit them the use of streets and other public places under regulations prescribed by ordinance.

(b) A franchise is not valid until it has been submitted to the qualified voters of the city or borough area outside cities in which it applies, and at least 55 per cent of the votes cast are in favor of the franchise. At least 30 days notice of a franchise referendum election shall be given in the same manner as is provided for notice of regular municipal elections, and the notice shall specify the purpose of the election. The ordinance granting a franchise shall provide for its submission for ratification to the qualified voters of the city or borough area outside cities at either a regular or special election, and the result of the election shall be canvassed publicly by the council or assembly and spread upon the records of the minutes and the result declared and certified in the same manner as in a regular election.

(c) Public utilities regulated under AS 42.05 have the right to use the streets and other public places, upon payment of a reasonable permit fee and on reasonable terms and conditions and with reasonable exceptions the assembly or council requires. A dispute as to whether fees, terms, conditions, or exceptions are reasonable shall be decided by the Alaska Public Utilities Commission. (§ 2 ch 118 SLA 1972)

NOTES TO DECISIONS

Power to provide for utilities authorizes binding grant of franchise. — Power granted to a municipality to provide for water supply and lights under a former, similar provision undoubtedly carried with it the power to grant a franchise to an electric light company for a limited period of time to use the municipal streets for poles and wires and the transmission of electricity, and the franchise, if accepted, became binding upon both the city and the company, not to be revoked or repealed, unless the power to repeal had been clearly and unmistakably reserved. *Alaska Elec. Light & Power Co. v. City of Juneau*, 294 F. 864 (9th Cir.), cert. denied, 266 U.S. 601, 45 S. Ct. 90, 69 L. Ed. 482 (1924).

Meaning of "franchise". — While the grant of a right to use a public wharf, being a privilege conferred by public authority, might be a "franchise" within the broad and general meaning of that word, it was not a "franchise" within the meaning of a former, similar provision. As there used, the word was limited to include only privileges granted to a private person to construct and maintain public services. *Femmer v. City of Juneau*, 9 Alaska 315, 97 F.2d 649 (9th Cir. 1938).

This section draws a distinction between franchisees and permits to use. *Femmer v. City of Juneau*, 9 Alaska 315, 97 F.2d 649 (9th Cir. 1938), decided under former, similar law.

Permits need not be given by separate ordinances. — A former, similar

provision required only that permission to use might be given under, i.e., in accordance with, "rules and regulations" established by ordinance, not that each separate permit had to be the subject of an ordinance. *Femmer v. City of Juneau*, 9 Alaska 315, 97 F.2d 649 (9th Cir. 1938).

But franchisees must be approved by electorate. — Both in the case of the grant of a franchise to construct and maintain public utilities and in the case of a sale, lease, exchange or similar disposal of public property, approval of the electorate was necessary to validate the transaction under a former, similar provision. *Femmer v. City of Juneau*, 9 Alaska 315, 97 F.2d 649 (9th Cir. 1938).

A certificate of public convenience and necessity did not grant a monopoly, in relation to a city's electrical utility system, to furnish electrical energy throughout the service areas which had been allotted. *Chugach Elec. Ass'n v. City of Anchorage*, Sup. Ct. Op. No. 407 (File Nos. 705, 706), 426 P.2d 1001 (1967).

A certificated utility is not insulated from competition by municipally owned and operated utilities under the Alaska Public Service Commission Act (AS 42.05). *Chugach Elec. Ass'n v. City of Anchorage*, Sup. Ct. Op. No. 407 (File Nos. 705, 706), 426 P.2d 1001 (1967).

Applied in *B-C Cable Co. v. City of Juneau*, Sup. Ct. Op. No. 2112 (File No. 4587), 613 P.2d 616 (1980).

Collateral references. — 56 Am. Jur. 2d, Municipal Corporations, Counties, and Other Political Subdivisions, § 140 et seq. 64 C.J.S., Municipal Corporations, § 1726.

Motive of council passing ordinance as

to franchise as affecting validity thereof, 32 ALR 1525.

Forfeiture of street railway franchise for breach of condition, 34 ALR 1420.

Municipality's liability in damages for refusal to grant franchise, 37 ALR2d 694.

Sec. 29.48.060. Public utilities rates. The assembly acting for the area outside cities and the council acting for the area within a city may regulate, fix, establish and change, as it considers proper, the rates and charges imposed for utilities services given to the municipality or its inhabitants by a municipally owned utility not regulated under AS 42.05 and may regulate and provide what is a reasonable deposit for meters and security for service to be given, provided that interest is paid on the deposit. All rates, charges and regulations shall be reasonable and shall permit a fair and reasonable return on invested capital. (§ 2 ch 118 SLA 1972; am § 1 ch 136 SLA 1980)

Cross reference certain unregulated relation by mun 42.05.711 (l).

Effect of amend amendment sub

Applicability. — vision was intende franchises thererafr franchises then in Light & Power Co. F. 864 (9th Cir.), 601, 45 S. Ct. 90. Town of Cordova Alaska 196 (1937).

The fact that an the commission's other entity was n as a factor in the of Fairbanks v. Comm'n & Wire Sup. Ct. Op. No. 20 P.2d 493 (1980).

City may not co fix rates of utiliti contract away its time to time chu charged by private in furnishing publi was prohibited by sion and by AS 21 (now 29.48.070 and City of Juneau, 9 Alaska 315 (9th Cir. 1938).

But may contr: own services. — sion and AS 29.10. 29.48.070 and 29 upon the power contractually the user of a municipa Femmer v. City of 97 F.2d 649 (9th Cir. 1938).

Rates may not

Collateral refer: 2d, Municipal Corp Other Political Sub 62 C.J.S., Mu § 292; 63 C.J.S. § 979. Discrimination and that outside

Cross references. — For exemption of certain unregulated utilities from regulation by municipalities, see AS 42.05.711 (l).

Effect of amendments. — The 1980 amendment substituted "municipally

owned utility" for "public service association, corporation, or individual" following "inhabitants by a" near the middle of the first sentence, and substituted "is" for "be" preceding "paid on the deposit" near the end of the first sentence.

NOTES TO DECISIONS

Applicability. — A former, similar provision was intended to refer, not only to franchises thereafter to be granted, but to franchises then in existence. *Alaska Elec. Light & Power Co. v. City of Juneau*, 294 F. 864 (9th Cir.), cert. denied, 266 U.S. 601, 45 S. Ct. 90, 69 L. Ed. 462 (1924); *Town of Cordova v. Alaska Pub. Util.*, 9 Alaska 196 (1937).

The fact that an entity was subject to the commission's jurisdiction while another entity was not may not be regarded as a factor in the first entity's favor. *City of Fairbanks v. Alaska Pub. Utils. Comm'n & Wire Communications, Inc.*, Sup. Ct. Op. No. 2079 (File No. 3977), 611 P.2d 493 (1980).

City may not contract away power to fix rates of utilities. — A city could not contract away its power to fix, and from time to time change, the rates to be charged by private organizations engaged in furnishing public services. Such action was prohibited by a former, similar provision and by AS 29.10.147 and 29.10.150 (now 29.48.070 and 29.48.080). *Femmer v. City of Juneau*, 9 Alaska 315, 97 F.2d 649 (9th Cir. 1938).

But may contract as to rates for its own services. — A former, similar provision and AS 29.10.147 and 29.10.150 (now 29.48.070 and 29.48.080) had no effect upon the power of a city to fix contractually the rates to be charged a user of a municipally owned public utility. *Femmer v. City of Juneau*, 9 Alaska 315, 97 F.2d 649 (9th Cir. 1938).

Rates may not be irrevocably fixed.

— There was not necessarily included in the power of a municipality to provide lights for a city under a former, similar provision, the power to enter into a binding contract whereby the rates to be charged by a public utility corporation would be irrevocably fixed. *Alaska Elec. Light & Power Co. v. City of Juneau*, 294 F. 864 (9th Cir.), cert. denied, 266 U.S. 601, 45 S. Ct. 90, 69 L. Ed. 462 (1924).

All the operator of a public utility was entitled to was a reasonable return on his net capital investment under a former, similar provision, represented by property actually used and useful in the public service, and then only provided that his operation was efficient and economical. *Pichotta v. City of Skagway*, 12 Alaska 42, 78 F. Supp. 999 (D. Alaska 1948).

Meaning of "invested capital." — "Invested capital," as used in a former, similar provision, meant the initial investment, regardless of subsequent changes in ownership, plus capital additions and minus accrued depreciation. *Pichotta v. City of Skagway*, 12 Alaska 42, 78 F. Supp. 999 (D. Alaska 1948).

The term "invested capital" as used in a former, similar provision should not have been construed to mean fair value, nor was the utility entitled to the benefit of any appreciation in value, nor should the term have been construed to mean that which was paid for a utility by the last purchaser. *Pichotta v. City of Skagway*, 12 Alaska 42, 78 F. Supp. 999 (D. Alaska 1948).

Collateral references. — 56 Am. Jur. 2d, *Municipal Corporations, Counties, and Other Political Subdivisions*, § 567 et seq. 62 C.J.S., *Municipal Corporations*, § 292; 63 C.J.S., *Municipal Corporations*, § 979.

Discrimination between property within and that outside municipality or other

governmental district as to public service or utility rates, 4 ALR2d 595.

Variations of utility rates based on flat and meter rates, 40 ALR2d 1331.

What land is contiguous or adjacent to municipality so as to be subject to annexation, 49 ALR3d 589.

Sec. 29.48.070. Hearing for regulation of utilities rates. If the assembly or council considers it advisable to regulate, change, or fix the rates to be charged by a public service corporation, association or individual not regulated under AS 42.05, it shall order a hearing to be held before the governing body at a time and place specified. Notice of the hearing shall be given by at least one publication in a newspaper of general circulation distributed within the municipality or, if no newspaper of general circulation is distributed within the municipality, notice shall be given by posting a notice in three public places within the city or borough area outside cities receiving the utilities services and by serving written notice upon the corporations, associations and individuals whose rates are to be regulated, fixed, or changed in the same manner that summonses are served. The notices shall be published or posted and served at least 15 days before the hearing. (§ 2 ch 118 SLA 1972)

Collateral references. -- 64 Am. Jur. 2d, Public Utilities, §§ 79 to 87, 101 to 109. 73B C.J.S., Public Utilities, § 15 et seq. Regulation of municipal utility rates, 76 ALR 852; 127 ALR 94.

Sec. 29.48.080. Right to participate and compel testimony. At a hearing held under AS 29.48.070, all public service corporations, associations, or individuals affected by or interested in the matters to be heard may be present and may be represented by counsel. The municipality and all interested parties may produce witnesses and examine them and introduce evidence to prove or disprove the facts in issue or matters to be established or inquired into at the hearing. All parties may compel the attendance of witnesses, and subpoenas requiring attendance shall be issued by the municipal clerk under the clerk's hand and the seal of the municipality. Subpoenas duces tecum requiring the production of books and papers shall be issued in like manner upon request. If a person fails to obey a subpoena, the party at whose request the subpoena issued may petition the superior court for an order compelling the attendance of the disobedient witness or the production of the books or papers referred to in a subpoena duces tecum. The superior court shall order the witness to appear and testify or compel the production of the books or papers. A violation of the order of the court is a contempt of court. If a witness appears and refuses to testify concerning a matter material to the facts inquired about at the hearing and to establish or determine which the hearing was had, an application may be made to the superior court to compel the witness to testify and answer questions put to the witness concerning the matters inquired about, and the court shall make an order compelling the witness to testify. Violation of the order is contempt of court. (§ 2 ch 118 SLA 1972)

Sec. 29.48.070 continued council shall the parties or council touching shall proceed which the ordinance the ordinance

Courts m
There was appeals from be settled right was in mine the issue evidence add had not been body. Pic of Alaska 42. 1948), decid
Rules gov
In its consid produced in court was governing (1) That the

Sec. 29 provisions as to the prevail.
(b) AS municipal

Sec. 29 governing publish a his zoning cor sion. (§ 2

Sec. 29 tion to ex protection trict comr the Histor ural Resc aries of th

§ 29.080

If the fix the or indi- be held of the aper of if no munic- c places utilities associa- changed shall be ing. (§ 2

15 et seq. y rates, 76

ony. At a ns, asso- ers to be e munic- examine issue or parties requiring he clerk's es tecum ed in like e party at r court for ess or the ena duces nd testify f the order refuses to out at the is had, an witness to e matters elling the t. (§ 2 ch

§ 29.48.090

MUNICIPAL GOVERNMENT

§ 29.48.110

Sec. 29.48.090. Further proceedings. A hearing under AS 29.48.070 shall begin at the time stated in the notice but may be continued from time to time. At least a quorum of the assembly or council shall be present at the hearing. At the conclusion of the hearing the parties interested may make such arguments before the assembly or council, either in person or by attorney, as they consider proper, touching the matters at issue, and thereafter the assembly or council shall proceed to regulate and fix the rates by ordinance. The date upon which the rates fixed or regulated take effect shall be stated in the ordinance and shall be at least 10 days after passage and approval of the ordinance. (§ 2 ch 118 SLA 1972)

NOTES TO DECISIONS

Courts may review rate orders. — There was no statutory provision for appeals from rate orders, but it appears to be settled that, where a constitutional right was involved, the court could determine the issue upon its own record and the evidence adduced before it, even though it had not been presented to the regulatory body. *Pichotta v. City of Skagway*, 12 Alaska 42, 78 F. Supp. 999 (D. Alaska 1948), decided under former, similar law.

Rules governing review by court. — In its consideration of the mass of evidence produced in appeals from rate orders, the court was aided by well-settled rules governing litigation of this kind, namely: (1) That the orders of a regulatory body are

presumptively valid, reasonable and correct; (2) that the burden of proof on the issue of confiscation is on the one raising it, and that nothing less than clear and convincing proof will justify judicial interference; (3) that the court cannot substitute its judgment for that of the authority whose action is under review upon a question as to which there is room for a difference of intelligent opinion. *Pichotta v. City of Skagway*, 12 Alaska 42, 78 F. Supp. 999 (D. Alaska 1948), decided under former, similar law.

There was a strong presumption in favor of the rates found by the council. *Graff v. Town of Seward*, 20 F.2d 816 (9th Cir. 1927), decided under former, similar law.

Sec. 29.48.100. Application. (a) In the case of conflict between the provisions of AS 29.48.050 — 29.48.070 and the provisions of AS 42.05 as to the regulation of rates of a utility, the provisions of AS 42.05 shall prevail.

(b) AS 29.48.050 — 29.48.100 apply to home rule and general law municipalities. (§ 2 ch 118 SLA 1972)

Sec. 29.48.108. Creation of historical district commissions. The governing body of a general law or home rule municipality may establish a historical district commission or designate the planning and zoning commission or itself to serve as the historical district commission. (§ 2 ch 139 SLA 1977)

Sec. 29.48.110. Establishment of historical districts. (a) In addition to existing municipal authority providing for the preservation, protection, and maintenance of historic sites, the local historical district commission established under AS 29.48.108, in consultation with the Historic Sites Advisory Committee within the Department of Natural Resources, may establish historical districts within the boundaries of the municipality.

TITLE 42

Alaska Statutes

Title 42. Public Utilities and Carriers.

Chapter

- 05. Alaska Public Utilities Commission Act (§§ 42.05.010 — 42.05.721)
- 06. Pipeline Act (§§ 42.06.140 — 42.06.640)
- 07. Alaska Transportation Commission Act (§§ 42.07.011 — 42.07.191)
- 10. Alaska Motor Freight Carrier Act (§§ 42.10.010 — 42.10.430)
- 20. Telegraph and Telephone Systems and Cable Lines (§§ 42.20.010 — 42.20.340)
- 30. Miscellaneous Regulations Governing Public Utilities and Carriers (§§ 42.30.010 — 42.30.190)

Revisor's notes. — The provisions of this title were redrafted in 1983 to remove personal pronouns pursuant to § 4, ch. 58, SLA 1982. Other minor word changes were made in this title in 1981 and 1983.

Editor's notes. — Section 18, ch. 110, SLA 1981 provides: "TRANSITION. (a) All orders, determinations, regulations, contracts, certificates, decisions, and privileges that have been issued, made, adopted, granted, or allowed to become effective by the Alaska Pipeline Commission or by a court of competent jurisdiction, in the performance of functions or in the conduct of proceedings that are transferred by this Act, continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Alaska Public Utilities Commission or other authorized officials, a court of competent jurisdiction, or by operation of law.

"(b) The provisions of this Act do not affect a tariff proceeding or an application for a certificate that is pending before the Alaska Pipeline Commission on the effective date of this Act (July 1, 1981), but these proceedings and the processing of applications continue under the Alaska Public Utilities Commission. Orders shall be issued in these proceedings, and appeals may be taken from them, as if this Act had not been enacted; and orders

issued in these proceedings continue in effect until modified, terminated, superseded, or revoked by an authorized official, or by a court of competent jurisdiction or by operation of law. Nothing in this subsection prohibits the discontinuance or modification of these proceedings under the same terms and conditions and to the same extent that these proceedings could have been discontinued or modified if this Act had not been enacted.

"(c) The Alaska Public Utilities Commission, with the advice of the Alaska Pipeline Commission, shall provide for the orderly transfer of proceedings from the Alaska Pipeline Commission to the Alaska Public Utilities Commission.

"(d) Except as provided in this subsection, the personnel employed in connection with, and the personnel positions, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to or to be made available with, the functions and programs transferred by this Act are transferred from the Alaska Pipeline Commission to the Alaska Public Utilities Commission for appropriate allocation in accordance with law. The positions of commissioner and of executive director of the Alaska Pipeline Commission are abolished."

Chapter 05. Alaska Public Utilities Commission Act.

Article

1. Establishment of Public Utilities Commission (§§ 42.05.010 — 42.05.131)
2. Powers and Duties of the Commission (§§ 42.05.141 — 42.05.211)
3. Certificate of Public Convenience and Necessity (§§ 42.05.221 — 42.05.281)
4. Services and Facilities (§§ 42.05.291 — 42.05.351)
5. Rates and Rate Schedules (§§ 42.05.361 — 42.05.441)
6. Accounts, Records and Reports (§§ 42.05.451 — 42.05.501)
7. Financial and Management Regulation (§§ 42.05.511 — 42.05.531)
8. Judicial Review, Penalties and Enforcement (§§ 42.05.541 — 42.05.621)
9. Miscellaneous Provisions (§§ 42.05.631 — 42.05.691)
10. General Provisions (§§ 42.05.711 — 42.05.721)

Article 1. Establishment of Public Utilities Commission.

Section	Section
10. Alaska Public Utilities Commission created	81. Oath of office
20. Composition of Alaska Public Utilities Commission	91. Compensation
30. Term of office; vacancy	101. Principal office; seal
35. Removal of commissioners	111. Legal counsel
40. Qualifications of members	121. Employment of commission personnel
50. Actual experience equivalent to a degree	123. Communications carriers section
71. Quorum	131. Restrictions on members and employees

Collateral references. — 64 Am. Jur. 2d, Public Utilities, §§ 230, 231. 73 C.J.S., Public Utilities, §§ 31 — 37.

Sec. 42.05.010. Alaska Public Utilities Commission created. There is created within the Department of Commerce and Economic Development the Alaska Public Utilities Commission. (§ 2 ch 199 SLA 1959; am § 1 ch 156 SLA 1960; am § 1 ch 113 SLA 1970; am § 83 ch 218 SLA 1976)

Cross references. — For termination of commission under "Sunset" law, see AS 44.66.010(a)(4).

NOTES TO DECISIONS

Legislative history of chapter. — See *Horner Elec. Ass'n v. City of Kenai*, Sup. Ct. Op. No. 390 (File No. 675), 423 P.2d 285 (1967).

Cited in *Greater Anchorage Area Borough v. City of Anchorage*, Sup. Ct. Op. No. 856 (File No. 1569), 504 P.2d 1027 (1972).

42.05.111

performance of
113 SLA

is all that
on to act.

and the
duties
with pre-
70)

are in
to Step
Bureau,
ch 148
1980)

active to
entitled
C. Range
in AS
for the
h. 3.

shall
large its
ties to
other

1970)

legal
com-
s and
in the
rep-
quest

§ 42.05.120

PUBLIC UTILITIES AND CARRIERS

§ 42.05.123

(b) The commission may employ temporary legal counsel from time to time in proceedings before the commission in which the attorney general is representing the public interest or a party before the commission. (§ 6 ch 113 SLA 1970)

Sec. 42.05.120. [Repealed, § 5 ch 113 SLA 1970.]

Sec. 42.05.121. Employment of commission personnel. (a) The commission may employ an executive director who shall have had at least five years of experience in public utility management or regulation, law, accounting, engineering, or an allied field. The executive director is responsible for directing the administrative functions of the commission and carrying out the policies as set by the commission. The commission may employ engineers, hearing officers, administrative law judges to the extent provided by AS 42.06.140(b), experts, clerks, accountants, and other agents and assistants it considers necessary. Employees and agents of the commission who are not partially exempt under AS 39.25.120, other than legal counsel, are in the classified service under AS 39.25.100.

(b) In addition to its staff of regular employees, the commission may contract for and engage the services of consultants and experts the commission considers necessary. (§ 6 ch 113 SLA 1970; am § 2 ch 103 SLA 1978; am § 2 ch 136 SLA 1980; am § 5 ch 110 SLA 1981)

Revisor's notes. — Section 6, ch. 110, SLA 1981 amended this section by adding a subsection (c), which was renumbered as AS 23.06.140(b) in 1981.

Effect of amendments. — The 1980 amendment in subsection (a), substituted the present second sentence for the former, which read: "The executive director may be one of the commission members," deleted "if not a member of the commission" near the middle of the fourth sentence, and deleted the former sixth sentence, which read: "The combined salary of an executive director who is a member of the commission may not exceed that of a superior court judge."

The 1981 amendment added "engineering" following "accounting" in the first sentence and added "administrative law judges to the extent provided by AS 42.05.121(c)" (now AS 42.06.140(b)) following "hearing officers" in the third sentence of subsection (a). The amendment, also in subsection (a), deleted the former fourth sentence which read "The executive director and his deputy are in the partially exempt service under AS 39.25.120" and substituted "Employees" for "all other employees" and added "who are not partially exempt under AS 39.25.120" in the present fourth sentence.

Sec. 42.05.123. Communications carriers section. (a) There is established within the commission a communications carriers section which shall develop, recommend and administer policies and programs with respect to the regulation of rates, services, accounting and facilities of communications common carriers within the state involving the use of wire, cable, radio and space satellites.

(b) The section shall advise and make recommendations to the commission and represent the commission in matters pertaining to com-

munication common carrier regulation and licensing and shall participate, as a party, in adjudicatory hearings in which significant common carrier issues are involved.

(c) It is the responsibility of the communications carrier section in its participation in rate or tariff adjudication proceedings to advocate and provide support for the lowest practicable rate under the circumstances. (§ 1 ch 224 SLA 1976)

Collateral references. — Community antenna television systems (CATV) as subject to jurisdiction of state public utility or service commission. 61 ALR3d 1150.

Who is a "common carrier" or "carrier" within the meaning of § 3(h) of the Com-

munications Act of 1934 (47 USCS § 153(h)), 46 ALR Fed 826.

Federal legal problems arising from subscription television or "pay TV" broadcast over the air, 61 ALR Fed 809.

Sec. 42.05.130. [Repealed, § 5 ch 113 SLA 1970.]

Sec. 42.05.131. Restrictions on members and employees. (a) A member of the commission or an employee of the commission may not have an official connection with, or hold stock or securities in, or have a pecuniary interest in a public utility within the state. Membership in a cooperative association is not a "pecuniary interest" within the meaning of this section; however, a member or employee of the commission may not be an officer, board member or employee of a cooperative association. A member or employee may not act upon a matter in which a relationship of the member or employee with any person creates a conflict of interest.

(b) A member or employee of the commission may not, after leaving the position as a member or employee of the commission, act as agent for or on behalf of a public utility in any matter before the commission that was before the commission during the employee's employment or the member's term of office. A violation of this subsection is a class A misdemeanor. (§ 6 ch 113 SLA 1970; am § 3 ch 136 SLA 1980)

Effect of amendments. — The 1980 amendment added subsection (b).

Sec. 42.05.140. [Repealed, § 5 ch 113 SLA 1970.]

Article 2. Powers and Duties of the Commission.

Section	Section
141. General powers and duties of the commission	161. Application of Administrative Procedure Act
151. Administrative authority of commission: regulations and hearing procedures	171. Formal hearings
	181. Final orders of the commission
	191. Format of orders

42.05.140

and shall
significant

section in
advocate
circum-

47 USCS

from sub-
broadcast

es. (a) A
may not
or have
membership
within the
commission-
operative
in which
creates a

leaving
agent
mission
ment or
class A
))

Proce-

in

§ 42.05.141

PUBLIC UTILITIES AND CARRIERS

§ 42.05.141

Section

- 201. Publication of reports, orders, decisions and regulations
- 211. Annual report

Collateral references. — 64 Am. Jur. 73 C.J.S., Public Utilities, §§ 38 — 62.
2d. Public Utilities, §§ 231 — 235, 264 — 275.

Sec. 42.05.141. General powers and duties of the commission.
The Alaska Public Utilities Commission may

(1) regulate every public utility engaged or proposing to engage in such a business inside the state, except to the extent exempted by AS 42.05.711, and the powers of the commission shall be liberally construed to accomplish its stated purposes;

(2) investigate, upon complaint or upon its own motion, the rates, classifications, rules, regulations, practices, services and facilities of a public utility and hold hearings on them;

(3) make or require just, fair and reasonable rates, classifications, regulations, practices, services and facilities for a public utility;

(4) prescribe the system of accounts and regulate the service and safety of operations of a public utility;

(5) require a public utility to file reports and other information and data;

(6) appear personally or by counsel and represent the interests and welfare of the state in all matters and proceedings involving a public utility pending before an officer, department, board, commission or court of the state or of another state or the United States and to intervene in, protest, resist, or advocate the granting, denial or modification of any petition, application, complaint or other proceeding;

(7) examine witnesses and offer evidence in any proceeding affecting the state and initiate or participate in judicial proceedings to the extent necessary to protect and promote the interests of the state.

(b) The commission shall perform the duties assigned to it under AS 44.83.162.

(c) In the establishment of electric service rates under this chapter the commission shall promote the conservation of resources used in the generation of electric energy. (§ 6 ch 113 SLA 1970; am § 1 ch 33 SLA 1971; am § 43 ch 83 SLA 1980)

Effect of amendments. — The 1980 amendment added subsections (b) and (c). 1985, was repealed by § 13, ch. 113, SLA 1981.

Editor's notes. — Section 51, ch. 83, SLA 1980, which provided for the repeal of subsections (b) and (c) effective July 1, 1981. Opinions of attorney general. — Where public utility company entered into contract to sell natural gas to federal mili-

tary installations pursuant to federal statute governing such contract negotiations, Alaska Public Utility Commission was precluded by supremacy clause of U.S. Constitution (Art. VI, cl. 2) for asserting its jurisdiction over the sale. August 4, 1976, Op. Att'y Gen.

The Alaska Public Utility Commission can require that a public utility file copies of its military supply contracts with the Commission pursuant to AS 42.05.361(a). August 4, 1976, Op. Att'y Gen.

NOTES TO DECISIONS

The general powers and duties of the Public Utilities Commission are set forth in this section. Greater Anchorage Area Borough v. City of Anchorage, Sup. Ct. Op. No. 856 (File No. 1569), 504 P.2d 1027 (1972), overruled on other grounds, 595 P.2d 629 (Alaska 1979).

The essence of the administrative power conferred upon the Public Utilities Commission is regulatory; the commission is empowered to set rates, promulgate regulations, collect information, process complaints against utilities and the like. Greater Anchorage Area Borough v. City of Anchorage, Sup. Ct. Op. No. 856 (File No. 1569), 504 P.2d 1027 (1972), overruled on other grounds, 595 P.2d 629 (Alaska 1979).

The statutory framework does not grant unlimited adjudicatory authority to the Public Utilities Commission. Greater Anchorage Area Borough v. City of Anchorage, Sup. Ct. Op. No. 856 (File No. 1569), 504 P.2d 1027 (1972), overruled on other grounds, 595 P.2d 629 (Alaska 1979).

This chapter simply does not contemplate the establishment of an administrative body with the authority to adjudicate disputes over the authority of boroughs to control construction along their rights of way. Greater Anchorage Area Borough v. City of Anchorage, Sup. Ct. Op. No. 856 (File No. 1569), 504 P.2d 1027 (1972), overruled on other grounds, 595 P.2d 629 (Alaska 1979).

The Public Utilities Commission is not empowered to decide disputes between municipalities over the control of construction activities within rights of way belonging to one of the disputants. Greater Anchorage Area Borough v. City of Anchorage, Sup. Ct. Op. No. 856 (File No. 1569), 504 P.2d 1027 (1972), overruled on other grounds, 595 P.2d 629 (Alaska 1979).

There is no "right" to have the commission act. Jager v. State, Sup. Ct. Op.

No. 1161 (File No. 2057), 537 P.2d 1100 (1975).

The matter of rate discrimination and investigation is such that the commission must be free to weigh the charges and data presented and the costs to the public and the utility, against which a complaint has been brought, to determine whether further proceedings are in the public interest. Jager v. State, Sup. Ct. Op. No. 1161 (File No. 2057), 537 P.2d 1100 (1975).

The Public Utilities Commission is not compelled to act by the mere filing of a complaint. Jager v. State, Sup. Ct. Op. No. 1161 (File No. 2057), 537 P.2d 1100 (1975).

Nor can the commission arbitrarily deny relief to a citizen who can demonstrate a sufficient probability that his complaint is valid. Jager v. State, Sup. Ct. Op. No. 1161 (File No. 2057), 537 P.2d 1100 (1975).

At the least the Public Utilities Commission must offer some justification for its dismissal of a complaint of discrimination in the rate structure based on a prior determination of allocation methods, previous adjudication of permissible discrimination, or other such factors. Jager v. State, Sup. Ct. Op. No. 1161 (File No. 2057), 537 P.2d 1100 (1975).

Confiscation. — A court may evaluate the showing of confiscation. That is, although the process of determining whether a rate is confiscatory involves fact/law determinations which require the special competence of the commission, the ultimate issue in confiscation questions is whether due process will be violated by the continued operation of the rate. United States v. RCA Alaska Communications, Inc., Sup. Ct. Op. No. 1647 (File No. 3772), 597 P.2d 489 (1979).

Standard of review of rate-making decisions. — Since generally rate-making decisions relate to complex subject matter which requires the particularized knowledge and experience of the rate-making

body, the normally had a real United States, Inc. 3772), 597

The following before the and overruled public Utilities rates. For serious an existing confiscatory gated to the commission and that are likely unreasonable Public Utilities permanent utility m without the operate utility will face utility is the interior public can be utility must be substantial"

Sec.

Sec. regulations regulate its (b) The procedure formal and procedure commissions, public commissions out-of-st

(c) The by the commission issue such the attached papers, or procedure commission.

commission may petition a court of this state to enforce its subpoenas, subpoenas duces tecum or other process. (§ 6 ch 113 SLA 1970)

NOTES TO DECISIONS

Cited in Jager v. State, Sup. Ct. Op. No. 1161 (File No. 2057), 537 P.2d 1100 (1975); United States v. RCA Alaska Communications, Inc., Sup. Ct. Op. No. 1647 (File No. 3772), 597 P.2d 489 (1979). Collateral references. — 73 C.J.S., Public Utilities, §§ 54, 55.

Sec. 42.05.160. [Repealed, § 5 ch 113 SLA 1970.]

Sec. 42.05.161. Application of Administrative Procedure Act. (a) The administrative adjudication procedures of the Administrative Procedure Act (AS 44.62) do not apply to adjudicatory proceedings of the commission except that final administrative determinations by the commission are subject to judicial review under that Act as provided in AS 42.05.551(a).

(b) The Administrative Procedure Act applies to regulations adopted by the commission. (§ 6 ch 113 SLA 1970)

NOTES TO DECISIONS

Standard of review of rate-making decisions. — See United States v. RCA Alaska Communications, Inc., Sup. Ct. Op. No. 1647 (File No. 3772), 597 P.2d 489 (1979).

Sec. 42.05.170. [Repealed, § 5 ch 113 SLA 1970.]

Sec. 42.05.171. Formal hearings. A formal hearing which the commission has power to hold may be held by or before three or more commissioners, a hearing officer, or an administrative law judge designated for the purpose by the commission. The testimony and evidence in a formal hearing may be taken by the commissioners, by the hearing officer, or by the administrative law judge to whom the hearing has been assigned. A commissioner who has not heard or read the testimony, including the argument, may not participate in making a decision of the commission. In determining the place of a hearing the commission shall give preference to holding the hearing at a place most convenient for those interested in the subject of the hearing. (§ 6 ch 113 SLA 1970; am § 45 ch 94 SLA 1980; am § 7 ch 110 SLA 1981)

Effect of amendments. — The 1980 amendment substituted "three" for "two" near the middle of the first sentence. The 1981 amendment added "a hearing officer, or an administrative law judge" following "three or more commissioners" in the first sentence, added "by the hearing officer, or by the administrative law judge"

following second

Sec. 4

Sec. the com: lege, or or any p party re SLA 19

Sec.

Sec. mission pursuat of its fir shall be parties

The s findings: aside if t tial evid: in this s statutor evidence Alaska municat (File No

The r be bas serves ensure t sions th second, tunity t process and thi opportu of Fai Comm: Sup. Ct P.2d 48 Com inform both th tion : conven phone

enas,

J.S.,

Act.
tive
s of
the
in
ted

he
re
g-
ce
ig
is
i-
e
t
3

following "by the commissioners" in the second sentence and added "or read" preceding "the testimony" in the third sentence.

Sec. 42.05.180. [Repealed, § 5 ch 113 SLA 1970.]

Sec. 42.05.181. Final orders of the commission. A final order of the commission compelling affirmative action, denying a right or privilege, or granting a right or privilege over protest of the public utility or any party of record may not be entered without giving the interested party reasonable notice and an opportunity to be heard. (§ 6 ch 113 SLA 1970)

Sec. 42.05.190. [Repealed, § 5 ch 113 SLA 1970.]

Sec. 42.05.191. Format of orders. Every formal order of the commission shall be based upon the facts of record. Every order entered pursuant to a hearing shall state the commission's findings, the basis of its findings and conclusions, together with its decision. These orders shall be entered of record and a copy of them shall be served on all parties of record in the proceeding. (§ 6 ch 113 SLA 1970)

NOTES TO DECISIONS

The standard of review of agency findings of fact is that they will be set aside if they are not supported by substantial evidence on the whole record. Inherent in this standard is a requirement, in part statutory, that the facts found be based on evidence in the record. *City of Fairbanks v. Alaska Pub. Utils. Comm'n & Wire Communications, Inc.*, Sup. Ct. Op. No. 2079 (File No. 3977), 611 P.2d 493 (1980).

The requirement that the facts found be based on evidence in the record serves three purposes: First, it helps to ensure that the agency does not make decisions that have no adequate basis in fact; second, it gives opposing parties the opportunity to challenge the agency's reasoning process and the correctness of the decision; and third, it affords reviewing courts the opportunity to evaluate the decision. *City of Fairbanks v. Alaska Pub. Utils. Comm'n & Wire Communications, Inc.*, Sup. Ct. Op. No. 2079 (File No. 3977), 611 P.2d 493 (1980).

Commission's handling of financial information unconstitutional. — Where both the city of Fairbanks and a corporation sought a certificate of public convenience and necessity to provide telephone service; at the hearing to decide the

matter the Alaska public utilities commission staff requested two years' annual balance sheets and income statements from the corporation; the corporation agreed to supply them to the staff, but requested that they not be divulged to Fairbanks or become part of the record, claiming that they were proprietary and that revealing them could place the corporation at a competitive disadvantage in its telecommunications contracting business; Fairbanks objected and suggested as an alternative that the income statements and balance sheets could be revealed to certain representatives of Fairbanks under an order of confidentiality; the commission ruled that the information was proprietary and should be kept confidential and did not allow any representative of Fairbanks to see it; a commission staff member reviewed the income statements and balance sheets and based on that review testified that the corporation could meet its financial commitments and was financially fit; and the information upon which this determination was based was never placed in the record, the commission's handling of the information relating to the corporation's financial fitness violated procedural due process.

City of Fairbanks v. Alaska Pub. Utils. Sup. Ct. Op. No. 2079 (File No. 3977), 611
Comm'n & Wire Communications, Inc., P.2d 493 (1980).

Sec. 42.05.200. [Repealed, § 5 ch 113 SLA 1970.]

Sec. 42.05.201. Publication of reports, orders, decisions and regulations. All reports, orders, decisions and regulations of the commission shall be in writing. The commission shall apprise all affected utilities and interested parties of these reports, orders, decisions, and regulations as they are issued and adopted, and, when appropriate to do so, shall publish them in a manner that will reasonably inform the public or the affected consumers of any public utility service. The commission may set charges for costs of printing or reproducing and furnishing copies of its reports, orders, decisions and regulations. The publication requirement, as it pertains to regulations, does not supersede the requirements of the Administrative Procedure Act (AS 44.62). (§ 6 ch 113 SLA 1970)

Sec. 42.05.210. [Repealed, § 5 ch 113 SLA 1970.]

Sec. 42.05.211. Annual report. The commission shall publish an annual report reviewing its work and submit it to the legislature by February 15 of each year. The report shall contain information and data which bear a significant relationship to the development and regulation of public utility services in the state and include an outline of the commission's program for the development and regulation of public utility services in the forthcoming year. (§ 6 ch 113 SLA 1970)

Sec. 42.05.220. [Repealed, § 5 ch 113 SLA 1970.]

Article 3. Certificate of Public Convenience and Necessity.

Section	Section
221. Certificates required	271. Modification, suspension or revocation of certificates
231. Application	281. Transfer of certificate
241. Conditions of issuance	
251. Use of streets in cities and boroughs	
261. Discontinuance, suspension or abandonment of certificated service	

Collateral references. — 73 C.J.S.,
Public Utilities, § 42.

§ 4
S
ope
afte
sior
and
pro
con
des
as
are
(
util
mo
hav
is a
(
req
one
act
sub
pub
sta
(
pub
tha
tak
und
inc
int
(
con
(
son
(
(
pur
tio
(
in
(
in a
exp
inv
(
ch

and
connected
and
ate to
n the
The
and
The
uper-
1.62).

h an
e by
and
and
tline
n of
970)

v.

-evo-

Sec. 42.05.221. Certificates required. (a) A public utility may not operate and receive compensation for providing a commodity or service after January 1, 1971 without first having obtained from the commission under this chapter a certificate declaring that public convenience and necessity require or will require the service. Where a public utility provides more than one type of utility service, a separate certificate of convenience and necessity is required for each type. A certificate shall describe the nature and extent of the authority granted in it, including, as appropriate for the services involved, a description of the authorized area and scope of operations of the public utility.

(b) All certificates of convenience and necessity issued to a public utility before July 1, 1970 remain in effect but they are subject to modification where there are areas of conflict with public utilities that have not previously been required to have a certificate or where there is a substantial change in circumstances.

(c) A certificate shall be issued to a public utility which was not required to have one before July 1, 1970, and which is required to have one after that date, if it appears to the commission that the utility was actually operating in good faith on that date. Such a certificate is subject to modification where there are areas of conflict with other public utilities or where there has been a substantial change in circumstances.

(d) In an area where the commission determines that two or more public utilities are competing to furnish identical utility service and that this competition is not in the public interest, the commission shall take appropriate action to eliminate the competition and any undesirable duplication of facilities. This appropriate action may include, but is not limited to, ordering the competing utilities to enter into a contract that, among other things, would:

- (1) delineate the service area boundaries of each in those areas of competition;
- (2) eliminate existing duplication and paralleling to the fullest reasonable extent;
- (3) preclude future duplication and paralleling;
- (4) provide for the exchange of customers and facilities for the purposes of providing better public service and of eliminating duplication and paralleling; and
- (5) provide such other mutually equitable arrangements as would be in the public interest.

(e) The commission may employ professional consultants to assist it in administering the provisions of this section and may apportion the expenses relating to this administration among the competing utilities involved.

(f) *[Repealed, § 12 ch 136 SLA 1980.]* (§ 6 ch 113 SLA 1970; am § 1 ch 76 SLA 1973; am § 12 ch 136 SLA 1980)

Effect of amendments. — The 1980 amendment repealed subsection (f).

NOTES TO DECISIONS

A certificate of public convenience and necessity is a property right and as such entitled to protection. Homer Elec. Ass'n v. City of Kenai, Sup. Ct. Op. No. 390 (File No. 675), 423 P.2d 285 (1967).

Certificate does not grant monopoly. — A certificate of public convenience and necessity to a public utility by the Alaska Public Service Commission is not an exclusive, or monopoly, grant to furnish electrical energy within the corporate limits of a city. Chugach Elec. Ass'n v. City of Anchorage, Sup. Ct. Op. No. 407 (File Nos. 705, 706), 426 P.2d 1001 (1967).

A public utility's certificate did not grant to it the exclusive right to furnish electrical energy within the corporate limits of a city. Homer Elec. Ass'n v. City of Kenai, Sup. Ct. Op. No. 390 (File No. 675), 423 P.2d 285 (1967).

Municipality may compete with certificated utility. — The delineation of a service area contained in a certificate of public convenience and necessity does not provide the basis for precluding a municipality from competing, within its own corporate limits, with a certificated utility. Chugach Elec. Ass'n v. City of Anchorage, Sup. Ct. Op. No. 407 (File Nos. 705, 706), 426 P.2d 1001 (1967).

The legislature did not intend, by virtue of its passage of the 1963 amendments to this chapter, that a certificate of public convenience and necessity was to be a monopoly grant in relation to competition from a municipally owned and operated utility. Homer Elec. Ass'n v. City of Kenai, Sup. Ct. Op. No. 390 (File No. 675), 423 P.2d 285 (1967).

The Public Service Commissioner's issuance, to a public utility, of a certificate of public convenience and necessity providing for a service area which encompassed within its territory a city did not preclude such city from furnishing electrical energy within its own city limits, in competition with such public utility's electrical distribution system. Homer Elec. Ass'n v. City of Kenai, Sup. Ct. Op. No. 390 (File No. 675), 423 P.2d 285 (1967).

Legislative intent. — In enacting subsection (b) of this section the legislature

indicated its intention that any right afforded certificated utilities under former AS 42.05.196 was not saved. Alaska Pub. Utils. Comm'n v. Chugach Elec. Ass'n, Sup. Ct. Op. No. 1636 (File Nos. 2969, 2993), 580 P.2d 687 (1978), overruled on other grounds, Sup. Ct. Op. No. (File No. 3636), 595 P.2d 626 (1979).

Subsection (b) of this section was supplemented by AS 42.05.271, which provides for the modification, suspension or revocation of certificates for several listed reasons, including the requirements of public convenience and necessity. Alaska Pub. Utils. Comm'n v. Chugach Elec. Ass'n, Sup. Ct. Op. No. 1636 (File Nos. 2969, 2993), 580 P.2d 687 (1978), overruled on other grounds, Sup. Ct. Op. No. (File No. 3636), 595 P.2d 626 (1979).

Subsection (d) of this section relates to questions of duplication of electrical services or facilities and the interpretation of a utility's certificate of public convenience and necessity. Greater Anchorage Area Borough v. City of Anchorage, Sup. Ct. Op. No. 856 (File No. 1569), 504 P.2d 1027 (1972), overruled on other grounds. 595 P.2d 629 (Alaska 1979).

Operation of garbage disposal sites does not constitute a utility service; it is only the passing over of control of solid waste to the disposal site operator which is regulated as a utility function. McClellan v. Kenai Peninsula Borough, Sup. Ct. Op. No. 1440 (File Nos. 2493, 2543), 565 P.2d 175 (1977).

Dumpsters are not equivalent of final landfill sites. — Interpretation that dumpsters serving as intermediate dump sites qualify as the functional equivalent of final landfill sites is not reasonable in that it would allow the Borough to place dumpsters in such a pervasive fashion as to completely vitiate the requirement of AS 29.48.033(b) and former subsection (f) of this section that certificate holders be compensated for their interests. McClellan v. Kenai Peninsula Borough, Sup. Ct. Op. No. 1440 (File Nos. 2493, 2543), 565 P.2d 175 (1977).

§ 42.

Se.

Se.

in w

requ

Se.

Se.

issue

able :

requ

sion :

and :

neces

condi

neces

may,

ch 11

Sec

Sec

utilit

other

upon

condi

A dis

sonat

requi

surch

aries

(§ 6 c

Mur

cable

super-

Utiliti

provisi

Sec

Sec

of ce

tion.

5.221

§ 42.05.230 PUBLIC UTILITIES AND CARRIERS § 42.05.261

Sec. 42.05.230. [Repealed, § 5 ch 113 SLA 1970.]

Sec. 42.05.231. Application. Application for a certificate shall be in writing and shall be in the form and contain the information required by the commission by regulation. (§ 6 ch 113 SLA 1970)

Sec. 42.05.240. [Repealed, § 5 ch 113 SLA 1970.]

Sec. 42.05.241. Conditions of issuance. A certificate may not be issued unless the commission finds that the applicant is fit, willing and able to provide the utility services applied for and that the services are required for the convenience and necessity of the public. The commission may issue a certificate granting an application in whole or in part and attach to the grant of it the terms and conditions it considers necessary to protect and promote the public interest including the condition that the applicant may or shall serve an area or provide a necessary service not contemplated by the applicant. The commission may, for good cause, deny an application with or without prejudice. (§ 6 ch 113 SLA 1970)

Sec. 42.05.250. [Repealed, § 5 ch 113 SLA 1970.]

Sec. 42.05.251. Use of streets in cities and boroughs. Public utilities have the right to a permit to use public streets, alleys and other public ways of a city or borough, whether home rule or otherwise, upon payment of a reasonable permit fee and on reasonable terms and conditions and with reasonable exceptions the city or borough requires. A dispute as to whether fees, terms, conditions or exceptions are reasonable shall be decided by the commission. The commission may require a utility to add the amount of any permit fee paid as a pro rata surcharge to its bills for service rendered at locations within the boundaries of any city or borough which requires payment of a permit fee. (§ 6 ch 113 SLA 1970)

NOTES TO DECISIONS

Municipal franchises granted to a cable television company were not superseded by the Alaska Public Utilities Commission Act, AS 42.05, since provisions of a municipal franchise not in actual conflict with commission regulatory activity remain in force. B-C Cable Co. v. City of Juneau, Sup. Ct. Op. No. 2112 (File No. 4587), 613 P.2d 616 (1980).

Sec. 42.05.260. [Repealed, § 5 ch 113 SLA 1970.]

Sec. 42.05.261. Discontinuance, suspension or abandonment of certificated service. (a) Except as otherwise provided in this section, a public utility may not discontinue or abandon a service for

right former a Pub. Ass'n, 2989, led on (File
i was which ension everal ments eesity. ugach (File 1978), Op. 28
elates trical preta-public reater ty of le No. led on Alaska
sites ice; it f solid nich is lellan t. Op. P.2d
nt of n that dump alent ble in place on as nt of on (f) rs be lellan t. Op. P.2d

which a certificate has been issued by the commission unless upon the application of the public utility and if, after notice and opportunity for hearing, the commission finds that the continued service is not required by public convenience and necessity. Any interested person may file with the commission a protest or memorandum of opposition to or in support of discontinuance or abandonment. The commission may authorize temporary suspension of a service or of part of a service.

(b) Upon complaint or upon its own motion, the commission may reinvestigate a previously authorized discontinuance, abandonment or suspension of a service of an operating public utility. If, after providing notice and an opportunity for a hearing, the commission finds that the public convenience and necessity require the service to be resumed, it may order the public utility to again provide the service. (§ 6 ch 113 SLA 1970)

Sec. 42.05.270. [Repealed, § 5 ch 113 SLA 1970.]

Sec. 42.05.271. Modification, suspension or revocation of certificates. Upon complaint or upon its own motion the commission, after notice and opportunity for hearing and for good cause shown, may amend, modify, suspend, or revoke a certificate, in whole or in part. Good cause for amendment, modification, suspension or revocation of a certificate includes

- (1) the requirements of public convenience and necessity;
- (2) misrepresentation of a material fact in obtaining the certificate;
- (3) unauthorized discontinuance or abandonment of all or part of a public utility's service;
- (4) wilful failure to comply with the provisions of this chapter or the regulations or orders of the commission; or
- (5) wilful failure to comply with a term, condition, or limitation of the certificate. (§ 6 ch 113 SLA 1970)

NOTES TO DECISIONS

AS 42.05.221(b) was supplemented by this section, which provides for the modification, suspension or revocation of certificates for several listed reasons, including the requirements of public convenience and necessity. Alaska Pub. Utils. Comm'n v. Chugach Elec. Ass'n, Sup. Ct. Op. No. 1636 (File Nos. 2969, 2993), 580 P.2d 687 (1978), overruled on other grounds, Sup. Ct. Op. No. (File No. 3636), 595 P.2d 626 (1979).

The term "wilful" itself is not a "word of art" or a "technical term." It has many different meanings, depending upon the context in which it is used. North State

Tel. Co. v. Alaska Pub. Util. Comm'n, Sup. Ct. Op. No. 1035 (File No. 1838), 522 P.2d 711 (1974).

The word "wilful" often denotes an act which is voluntary, knowingly or permissively done, as distinguished from one which is accidental or otherwise beyond the control of the person to be charged. North State Tel. Co. v. Alaska Pub. Util. Comm'n, Sup. Ct. Op. No. 1035 (File No. 1838), 522 P.2d 711 (1974).

If a person (1) intentionally does an act which is prohibited, irrespective of evil motive or reliance on erroneous advice, or (2) acts with careless disregard of statu-

tory
Nor
Com
183
Th
meet
in ac
Tel.
Ct. O
711
thru
whic
inter
the
Co.
Op.
(197
A
perio
be
wilfu
Co.
Op.
(197
Th

Se
St
sold
app
Se

Secti
291.
301.
311.
321.

Co
2d. P
73

pon the
nity for
ice is not
ted person
opposition
ommission
a service.
sion may
onment or
providing
is that the
sured, it
6 ch 113

n of cer-
sion, after
own, may
r in part.
ication of

rtificate;
part of a

er or the
tation of

m'n. Sup.
522 P.2d

notes an
vingly or
shed from
otherwise
son to be
v. Alaska
No. 1035
974).
es an act
e of evil
advice, or
of statu-

tory requirements, the violation is wilful. North State Tel. Co. v. Alaska Pub. Util. Comm'n, Sup. Ct. Op. No. 1035 (File No. 1838), 522 P.2d 711 (1974).

The concept of wilfulness, i.e., failure to meet responsibility and exercise control, is in accordance with case law. North State Tel. Co. v. Alaska Pub. Util. Comm'n, Sup. Ct. Op. No. 1035 (File No. 1838), 522 P.2d 711 (1974).

"Wilful failure" may be such behavior through acts of commission or omission which justified belief that there was an intent entering into and characterizing the failure complained of. North State Tel. Co. v. Alaska Pub. Util. Comm'n, Sup. Ct. Op. No. 1035 (File No. 1838), 522 P.2d 711 (1974).

A failure to perform an act for a long period of time, which is required by law to be performed, generally constitutes a wilful failure to perform. North State Tel. Co. v. Alaska Pub. Util. Comm'n, Sup. Ct. Op. No. 1035 (File No. 1838), 522 P.2d 711 (1974).

The general notion that a wilful act

implies a bad purpose is derived from criminal statutes. It has no such meaning when used in a statute to denounce an act not in itself wrong. North State Tel. Co. v. Alaska Pub. Util. Comm'n, Sup. Ct. Op. No. 1035 (File No. 1838), 522 P.2d 711 (1974).

Commission's definition of "wilful" did not shift burden of justification. — The commission's definition of "wilful" as "requiring only a showing that the failure to comply was with knowledge of the consequences of such failure" in finding that there was a "wilful failure" to meet the condition in the certificate, i.e., "good cause," did not shift the burden of justification to the telephone company; rather, the commission was merely delineating the nature of what would be reasonable justification, so as to render a failure to meet the condition nonwilful and, thus, the nature of the case that had to be made out by the evidence. North State Tel. Co. v. Alaska Pub. Util. Comm'n, Sup. Ct. Op. No. 1035 (File No. 1838), 522 P.2d 711 (1974).

Sec. 42.05.280. [Repealed, § 5 ch 113 SLA 1970.]

Sec. 42.05.281. Transfer of certificate. A certificate may not be sold or leased, rented, transferred or inherited without the prior approval of the commission. (§ 6 ch 113 SLA 1970)

Sec. 42.05.290. [Repealed, § 5 ch 113 SLA 1970.]

Article 4. Services and Facilities.

Section	Section
291. Standards of service and facilities	331. Standards for measurement
301. Discrimination in service	341. Testing of meter standards
311. Joint use and interconnection of facilities	351. Testing of appliances
321. Failure to agree upon joint use or interconnection	

Collateral references. — 64 Am. Jur. 2d, Public Utilities, §§ 236 — 239.
73 C.J.S., Public Utilities, § 44.

Sec. 42.05.291. Standards of service and facilities. (a) Each public utility shall furnish and maintain adequate, efficient and safe service and facilities. This service shall be reasonably continuous and without unreasonable interruption or delay.

(b) Subject to the provisions of this chapter and the regulations or orders of the commission, a public utility may establish reasonable rules and regulations governing the conditions under which it will render service.

(c) The commission may, upon its own motion or upon complaint after providing reasonable notice and opportunity for hearing, adopt as to service and facilities, including the crossing of facilities, just and reasonable standards, classifications, regulations, and practices to be furnished, imposed, observed, and followed by public utilities; adopt adequate and reasonable standards for the measurement of quantity, quality, pressure, initial voltage, or other conditions pertaining to the supply of the service of public utilities; adopt reasonable regulations for the examination and testing of the service, and for the measurement of it; adopt or approve reasonable regulations, specifications, and standards to secure the accuracy of meters and appliances for measurement; and provide for the examination and testing of appliances used for the measurement of a service of a public utility. In doing so, the commission shall conform to the standard practices of the industry.

(d) If the commission, upon its own motion or upon complaint, after providing reasonable notice and opportunity for hearing, finds that the service or facilities of a public utility are unreasonable, unsafe, inadequate, insufficient, or unreasonably discriminatory, or otherwise in violation of this chapter, the commission shall prescribe, by regulation or order, the reasonable, safe, adequate, sufficient service or facilities to be observed, furnished, enforced, or employed, including all repairs, changes, alterations, extensions, substitutions, or improvements in facilities that are reasonably necessary and proper for the safety, accommodation, and convenience of the public. (§ 6 ch 113 SLA 1970)

NOTES TO DECISIONS

Jurisdiction over complaints. — When a disgruntled phone subscriber seeks to recover damages for inadequate telephone service which is common to the public, the complaint may properly be referred to the public utilities commission for exercise of primary jurisdiction. When, however, a phone customer alleges that he has suffered from acts or omissions of the

utility which result in inadequate service which is different from that provided to the public as a whole, the complaint should be handled as a traditional common-law action, and the superior court should determine the issues in accordance with settled principles of tort liability. *Jeffries v. Glacier State Tel. Co.*, Sup. Ct. Op. No. 1985 (File No. 4298), 604 P.2d 4 (1979).

§ 4:
Co
cont
comm
ALR
14 A

S.

S.

not.
adv
prej
tain
betw
sect
vice
1970

Co
tion
facil
ALR
Civ

Se

Se
publ
pipe
for
then
the
tial
of m
expe
(b
and
syste
comm
facil
conv
will
facil
serv
(c)
term
custo

Collateral references. — Federal control as affecting power of public service commission, 4 ALR 1703, 1718, 1719; 8 ALR 969, 981; 10 ALR 966; 11 ALR 1450; 14 ALR 234; 19 ALR 678; 52 ALR 296.

Right of public utility company to discontinue its entire service, 11 ALR 252.

Sec. 42.05.300. [Repealed, § 5 ch 113 SLA 1970.]

Sec. 42.05.301. Discrimination in service. A public utility may not, as to service, make or grant an unreasonable preference or advantage to any person or subject any person to an unreasonable prejudice or disadvantage. A public utility may not establish or maintain or provide an unreasonable difference as to service, either as between localities or as between classes of service, but nothing in this section prohibits the establishment of reasonable classifications of service or requires unreasonable investment in facilities. (§ 6 ch 113 SLA 1970)

Collateral references. — Discrimination in provision of municipal services or facilities as civil rights violation, 51 ALR3d 950.

Civil rights: racial or religious discrim-

ination in furnishing of public utilities, services or facilities, 53 ALR3d 1027.

Use priorities: validity of imposition, by state regulation, of natural gas use priorities, 84 ALR3d 541.

Sec. 42.05.310. [Repealed, § 5 ch 113 SLA 1970.]

Sec. 42.05.311. Joint use and interconnection of facilities. (a) A public utility having sewers, conduits, utilidors, poles, pole lines, pipes, pipelines, mains or other distribution or transmission facilities shall, for a reasonable compensation, permit another public utility to use them when the public convenience and necessity require this use and the use will not result in substantial injury to the owner, or in substantial detriment to the service to the customers of the owners. The cost of modifications or additions necessary to a joint use shall be at the expense of the public utility requesting the use of the facilities.

(b) A telecommunications utility shall permit connection to be made and service to be furnished between a system operated by it and the system or toll facilities operated by another public utility or with the communications facility or system of a nonutility, or between its toll facilities and the toll facilities of another public utility, when public convenience and necessity require the connection and the connection will not result in substantial injury to the owner or other users of the facilities of either public utility or in substantial detriment to the service of either public utility.

(c) The tariff of a public utility shall include rules setting out the terms and conditions under which it will construct, or permit its customers or subscribers to construct, and install lines, cables, radio

links, or pipes from its existing facilities to the premises of applicants for service. (§ 6 ch 113 SLA 1970)

Cross references. — For applicability of this section to otherwise exempt utilities, see AS 42.05.321(b).

Sec. 42.05.320. [Repealed, § 5 ch 113 SLA 1970.]

Sec. 42.05.321. Failure to agree upon joint use or interconnection. (a) In case of failure to agree upon the joint use or interconnection of facilities or the conditions or compensation for joint use or interconnections, the public utility, including any municipality, or an interested person may apply to the commission for an order requiring the interconnection. If, after investigation and opportunity for hearing, the commission finds that public convenience and necessity require the joint use or connection, and that the use or connection will not result in substantial injury to the owner utility or its customers, or in substantial detriment to the services furnished by the owner utility, or in the creation of safety hazards, it shall

- (1) order that the use be permitted;
- (2) prescribe reasonable conditions and compensation for the joint use;
- (3) order the interconnection to be made;
- (4) determine the time and manner of the interconnection;
- (5) determine the apportionment of costs and responsibility for operation and maintenance of the interconnection.

(b) This section and AS 42.05.311 apply to all utilities whether or not they are exempt from other regulation under AS 42.05.711. (§ 6 ch 113 SLA 1970; am § 4 ch 136 SLA 1980)

Effect of amendments. — The 1980 amendment added subsection (b).

Sec. 42.05.330. [Repealed, § 5 ch 113 SLA 1970.]

Sec. 42.05.331. Standards for measurement. The commission shall establish by regulation adequate, fair and realistic standards for the measurement of quality, pressure, voltage or other conditions of utility services and shall prescribe reasonable regulations for examination and testing of the service and the accuracy of the devices used to measure it. (§ 6 ch 113 SLA 1970)

Sec. 42.05.340. [Repealed, § 5 ch 113 SLA 1970.]

§ 42

Se
shal
met
com
to th
met

Se

Se
vide
mea
appa
of co
and
paym
may
comr
respe
mea
utili
pers
reim
regu
SLA

Se

Section
361. 1
371. 1
381. 1
391. 1
401. 1

Col
2d. P

Se
(a) U

that a subscriber or member of the cooperative is entitled to vote in the election without regard to whether the subscriber's or member's account with the utility or cooperative is current and that the ballot must be postmarked or returned to the commission within 30 days after it was mailed or otherwise delivered to the subscriber or member. The notice shall also announce the schedule for one or more public meetings which shall provide an opportunity for the subscribers or members to discuss this election. The public meeting or meetings shall be held not more than 30 days before the ballots are mailed or distributed to those eligible to vote. A cooperative may satisfy this requirement by including a discussion of this election on the agenda of an annual meeting if the annual meeting is scheduled to be held not more than 30 days before the election.

(d) A ballot with return postage paid shall be mailed or delivered to each subscriber or member of the utility or cooperative with the subscriber's or member's bill for service and shall contain only the following language:

"Shall (name of utility or cooperative) be exempt from regulation by the Alaska Public Utilities Commission?

[] YES [] NO"

(e) The results of an election under this section shall be certified by the commission within 60 days after the ballots are mailed or delivered to the subscribers or members.

(f) During the 60 days immediately preceding an election under this section a list of subscribers or members of the utility or cooperative shall be made available at cost to any subscriber or member of the utility or cooperative who requests one. The list shall be in the same form that is available to the utility or cooperative.

(g) The board of directors of a utility or cooperative may call an election under this section on its own initiative and shall call an election upon receipt of a valid petition from its subscribers or members. A petition shall be considered valid if it is signed by not less than the number of subscribers or members equal to ten percent of the first 5,000 subscribers or members and three percent of the subscribers or members in excess of 5,000. An election under this section may only be held once every two years.

(h) A utility or cooperative which is already exempt from regulation under this section may elect to terminate its exemption in the same manner. (§ 10 ch 136 SLA 1980)

Sec. 42.05.720. Definitions. In this chapter

(1) "affiliated interest" includes:

(A) a person owning or holding directly or indirectly five per cent or more of the voting securities of a public utility engaged in intrastate business in this state;

(B) a person, other than those specified in (A) of this paragraph, in a chain of successive ownership of five per cent or more of voting

2.05.712

e in the
ember's
e ballot
ys after
er. The
eetings
nbers to
held not
to those
includ-
eting if
30 days

vered to
ith the
nly the

pt from

fied by
livered

der this
erative
of the
e same

call an
an elec-
nbers.
an the
ne first
bers or
only be

ulation
e same

cent or
rastate

aph, in
voting

§ 42.05.712

PUBLIC UTILITIES AND CARRIERS

§ 42.05.712

securities, the chain beginning with the holder of the voting securities of such public utility;

(C) a corporation five per cent or more of whose voting securities are owned by a person owning five per cent or more of the voting securities of the public utility or by a person in such a chain of successive ownership of five per cent or more of voting securities;

(D) a corporation five per cent or more of whose voting securities are owned or held by a public utility;

(E) a person with whom the public utility has a management or service contract;

(F) a person who is an officer or director of such a public utility or of a corporation in a chain of successive ownership of five per cent or more of voting securities;

(G) a corporation which has one or more officers or directors in common with a public utility;

(H) a person or corporation who or which the commission determines as a matter of fact, after investigation and hearing, actually is exercising such substantial influence over the policies and actions of a utility in conjunction with one or more other corporations or persons with whom they are related by ownership or blood, or by action in concert, that together they are affiliated with the utility within the meaning of this section even though none of them alone is so affiliated; or

(I) a person or corporation who or which the commission determines as a matter of fact after investigation and hearing actually is exercising substantial influence over the policies and actions of a utility even though such influence is not based upon stockholdings, stockholders, officers or directors to the extent specified in this section;

(2) "commission" means the Alaska Public Utilities Commission;

(3) "public" or "general public" means

(A) any group of 10 or more customers that purchase the service or commodity furnished by a public utility as defined in (2) of this section; and

(B) any utility purchasing the product or service or paying for the transmission of electric energy, natural or manufactured gas, or petroleum products which are re-sold to a group included in (A) of this paragraph or which are used to produce the service or commodity sold to the public by the utility;

(4) "public utility" or "utility" includes every corporation (whether public, cooperative, or otherwise), company, individual, or association of individuals, their lessees, trustees, or receivers appointed by a court, that owns, operates, manages or controls any plant, pipeline or system for

(A) furnishing, by generation, transmission or distribution, electrical service to the public for compensation;

(B) furnishing telecommunications service to the public for compensation;

(C) furnishing water, steam or sewer service to the public for compensation;

(D) furnishing by transmission or distribution of natural or manufactured gas to the Alaska public for compensation;

(E) furnishing for distribution or by distribution petroleum or petroleum products to the Alaska public for compensation when the consumer has no alternative in the choice of supplier of a comparable product and service at an equal or lesser price;

(F) furnishing collection and disposal service of garbage, refuse, trash or other waste material;

(5) "rate" includes each rate, toll, fare, rental, charge, or other form of compensation demanded, observed, charged or collected by a public utility for its services;

(6) "service" means (unless the context indicates otherwise) every commodity, product, use, facility, convenience or other form of service which is offered for and provided by a public utility for the convenience and necessity of the public;

(7) "tariff" means a rate, charge, toll, rule or regulation of a utility relating to services furnished by the utility to the general public for compensation and every map, page, adoption notice, instrument or other document filed with the commission setting out the terms and conditions under which utility services are offered to the public and instruments of concurrence and all other documents and data setting out the terms of a utility's business relations with another utility insofar as they affect the general public either directly or indirectly;

(8) "telecommunications" means the transmission and reception of messages, impressions, pictures and signals by means of electricity, electromagnetic waves and any other kind of energy, force variations or impulses whether conveyed by cable, wire, radiated through space, or transmitted through other media within a specified area or between designated points. (§ 6 ch 113 SLA 1970; am § 2 ch 36 SLA 1971; am § 2 ch 76 SLA 1973)

Revisor's notes. — Formerly AS 42.05.701. Renumbered in 1983 and reorganized to alphabetize the defined terms.

Cross references. — For legislative purpose of paragraph (4)(E) of this section, see § 1, ch. 36, SLA 1971 in the Temporary and Special Acts.

NOTES TO DECISIONS

Applied in *McClellan v. Kenai Peninsula Borough*, Sup. Ct. Op. No. 1440 (File Nos. 2493, 2543), 565 P.2d 175 (1977); *Alaska Pub. Utils. Comm'n v. Chugach Elec. Ass'n*, Sup. Ct. Op. No. 1636 (File Nos. 2909, 2993), 580 P.2d 687

(1978), overruled on other grounds. Sup. Ct. Op. No. (File No. 3636), 595 P.2d 626 (1979); *B-C Cable Co. v. City of Juneau*, Sup. Ct. Op. No. 2112 (File No. 4587), 613 P.2d 616 (1980).

Chapter 15. Bus Transportation.

[Repealed, § 29 ch 115 SLA 1980]

Chapter 20. Telegraph and Telephone Systems and Cable Lines.

Article

- 1. Ownership (§ 42.20.010)
- 2. Offenses (§§ 42.20.020 — 42.20.110)
- 3. Emergency Calls on Party Lines (§§ 42.20.120 — 42.20.150)
- 4. Eavesdropping and Wiretapping (§§ 42.20.300 — 42.20.340)

Article 1. Ownership.

Section

10. Establishment by foreigners prohibited

Sec. 42.20.010. Establishment by foreigners prohibited. Telegraph or cable lines owned or operated or controlled by persons not citizens of the United States, or by any foreign corporation or government may not be established in or permitted to enter Alaska. (§ 49-5-1 ACLA 1949)

Collateral references. — 74 Am. Jur. 2d, Telecommunications, §§ 1 — 3.

Article 2. Offenses.

Section

- 20. Refusal to transmit or falsification of official communication
- 30. Civil liability for taking utility service and for damages to or interference with a utility line
- 32. Presumption from use of nonmetered utility service
- 35. Jurisdiction
- 38. Definitions
- 40. Removal of instrument or meter or disconnecting of wire
- 50. Altering message

Section

- 60. Sending or delivering false or forged message; punishment
- 70. Punishment and civil liability for use by employee of information derived from message
- 80. Delaying or refusing to send or deliver message
- 90. Punishment and civil liability for opening or obtaining message addressed to another
- 110. Bribing operator or employee to disclose private message

Collateral references. — 86 C.J.S., Tel. & Tel., Radio & Television, § 115 et seq.

Sec. 42.1 communic war, insurr ity, for the persons sus shall give the price of agent, oper omits to tra it is, upon c by imprison (§ 49-5-11

Sec. 42.2 damages to liable to the times the ar value of the of gross neg

- (1) dama line;
- (2) dama from its ins
- (3) dama of the servic oil, or gas p
- (4) dama
- (5) interfe the transmis
- (6) procur
- (7) interfe measuring o
- (8) withou ity or taps a or advises th
- (b) A pers gently dama equal to the am § 1 ch 39

Effect of am amendment rev

TITLE 44

44.19.999
 9.001 and
 on Safety
 y out the
 4.19.192.
 d service
 led, § 10
 d, § 1 ch
 47.190.]
 mission.
 mission.
 4.27.061
 Agency.
 see AS
 99.009,
 on the
 1971.]
 Natural
 51 SLA
 pealed,
 pealed,
 e Arts.
 27.040
 tus of
 ns. see

Chapter 20. Alaska Council on Science and Technology.

[Renumbered as AS 44.19.181 — 44.19.188. Repealed, E.O. No. 46 (1980). For current provisions, see AS 44.21.241 — 44.21.255.]

Chapter 21. Department of Administration.

Article

1. Department Functions (§§ 44.21.010 — 44.21.050)
2. Pioneers' Homes (§§ 44.21.100 — 44.21.130)
3. Automatic Data Processing (§§ 44.21.150 — 44.21.170)
4. Older Alaskans Commission (§§ 44.21.200 — 44.21.240)
5. Alaska Council on Science and Technology (§§ 44.21.241 — 44.21.255)
6. Alaska Public Broadcasting Commission (§§ 44.21.256 — 44.21.290)
7. Telecommunications (§§ 44.21.300 — 44.21.330)
8. Office of Public Advocacy (§§ 44.21.400 — 44.21.440)

Article 1. Department Functions.

Section	Section
10. Commissioner of administration	40. Records or accounts of claims and warrants
20. Duties of department	50. Penalty for allowance of false, unjust or illegal claims
25. Contracts to operate vending facilities in state buildings	
30. Contracting with United States	

Sec. 44.21.010. Commissioner of administration. The principal executive officer of the Department of Administration is the commissioner of administration. (§ 8 ch 64 SLA 1959)

Collateral references. — 1 and 2 Am. 73 C.J.S. Public Administrative Law, Jur. 2d, Administrative Law, § 1 et seq. § 1 et seq.

Sec. 44.21.020. Duties of department. The Department of Administration shall

- (1) *[Repealed, § 4 ch 97 SLA 1976.]*
- (2) make surveys and studies to improve administrative procedures, methods, and organization;
- (3) keep general accounts;
- (4) approve vouchers and disburse funds for all purposes;
- (5) operate centralized purchasing and supply services, and necessary storerooms and warehouses;
- (6) allot space in state buildings to the various departments according to need and available space;
- (7) supervise telephone, mailing, messenger, duplicating, and similar services adaptable to centralized management;
- (8) administer the public employees' retirement system and teachers' retirement system;

Article

Article 3. Automatic Data Processing.**Section**

- 150. Declaration of purpose
- 160. Powers and duties of Department of Administration
- 170. Definitions

Sec. 44.21.150. Declaration of purpose. It is the purpose of AS 44.21.150 — 44.21.170 to designate the Department of Administration as the department responsible for the operation and management of automatic data processing resources and activities of the executive, legislative and judicial branches of state government, and to provide for periodic review of state automatic data processing procedures and mechanisms. It is further the purpose of these sections to encourage cooperation between the state government and local governments in the use of automatic data processing systems. (§ 2 ch 170 SLA 1972)

Sec. 44.21.160. Powers and duties of Department of Administration. (a) The department shall provide automatic data processing services responsive to the needs of state government and procure, operate and staff all automatic data processing equipment facilities used by state government.

(b) To carry out (a) of this section the department may

(1) maintain a central staff of systems analysts, computer programmers and other staff members sufficient to provide systems analysis and computer programming support required by the executive, legislative and judicial branches of state government;

(2) develop and maintain both short-range and long-range data processing plans for state government and provide managerial leadership in the use of automatic data processing;

(3) review all budget requests for automatic data processing services and recommend to the governor approval, modification, or disapproval;

(4) recommend implementation priorities of requested data processing systems;

(5) determine and satisfy the data processing equipment and supply requirements of all branches, departments and agencies of state government;

(6) provide all facilities, equipment and staff required to convert data to a form suitable for processing on automatic data processing equipment;

(7) develop and publish systems analysis, computer programming and computer operations standards;

(8) review all state automatic data processing systems to encourage effectiveness, measure performance, and assure adherence to the standards developed under AS 44.21.150 — 44.21.170;

(9) develop and conduct an automatic data processing training program designed to serve the technical and managerial needs of state government.

(c) The department may cooperate with political subdivisions of the state in the development and operation of data processing systems and may allow for the use of state facilities by political subdivisions.

(d) The department may develop and implement a plan for the integration of automatic data processing facilities of the University of Alaska with the state facilities. However, the integration plan authorized by this subsection may not be put into operation until approved by the President of the University of Alaska and the department.

(e) Nothing in this section precludes the department from authorizing recruitment and employment of data processing personnel by other departments of the executive branch when the commissioner determines that the needs of the other departments will be best served by the authorization. Nothing in this section precludes the department from obtaining necessary contractual assistance for automatic data processing activities. Nothing in this section precludes the legislature or judicial system from recruiting and employing data processing personnel or from obtaining necessary contractual assistance for automatic data processing activities.

(f) The division of data processing shall coordinate with the division of telecommunications in providing for the effective transfer of information by telecommunications through the establishment of compatible systems and common standards. (§ 2 ch 170 SLA 1972; am E.O. No. 50, § 8 (1981))

Effect of amendments. — The 1981 amendment added subsection (f).

Editor's notes. — Section 3, ch. 170, SLA 1972, provides: "This Act applies to all automatic data processing facilities acquired either partially or wholly with

state money before or after July 7, 1972. This Act also applies to automatic data processing facilities used by the state but financed with federal money, to the extent permissible under applicable federal policies."

Sec. 44.21.170. Definitions. In AS 44.21.150 — 44.21.170

(1) "automatic data processing" means

(A) those methods of processing data by using electrical accounting machinery (EAM) or electronic data processing equipment (EDP), including the activities and devices required to prepare data for automatic data processing;

(B) data communications devices and those systems used with automatic data processing equipment in the transmission and reception of data; and

(C) activities related to the design and development of automatic data processing systems;

(2) "commissioner" means the commissioner of administration;

(3) "department" means the Department of Administration. (§ 2 ch 170 SLA 1972)

Article 3 -

pose of AS
Administration
agement of
executive,
to provide
cedures and
encourage
nments in
SLA 1972)

Adminis-
processing
i procure,
facilities

uter pro-
ems anal-
:executive,

data pro-
adership

services
approval;
ata pro-

d supply
ate gov-

convert
rocessing

mming

ourage
ne stan-

ng pro-
of state

44.21.240

ministra-
— 3045i

ministra-
55.060.

concerned

tions and
security,
-being of

uld be of

who are
es;
problems

! groups
to older

as; and
for pro-

ake any
010 —
25.100).

services,
Services;

committee

provides:
ITY OF
NISTRA-
respon-
nt of
ngevity
10 —
Homes

com-
1981)

§ 44.21.241

STATE GOVERNMENT

§ 44.21.242

Article 5. Alaska Council on Science and Technology.

Section	Section
241. Council established	254. Definitions
242. Purpose, powers, and duties	255. Short title
253. Records, reports	

Editor's notes. — According to AS 44.66.010(a)(6), the Alaska Council on Science and Technology expired on June 30, 1983; however, under AS 44.66.010(b), the council continued in existence until June 30, 1984, for the purpose of concluding its affairs.

Sec. 44.21.241. Council established. (a) There is established in the Department of Administration the Alaska Council on Science and Technology. The council consists of seven members who are appointed by the governor upon the recommendations of the state's scientific, engineering, and related communities and organizations. Members have overlapping three-year terms, except that, of the first members, two have terms of one year, two have terms of two years, and three have terms of three years. Two members shall be selected from different executive departments of state government having significant research activities, two members shall be selected from the Alaska academic community, two members must have significant activities or direct interests in research and shall be selected from the general public, and one member shall be selected from the staff of the legislature. The council shall elect one of its members as chairman. A chairman may be elected for successive terms as chairman and serves until a successor is designated. Four members constitute a quorum.

(b) Council members receive no compensation but are entitled to the travel and per diem provided by law for members of boards or commissions. (E.O. No. 48, § 4 (1981))

Revisor's notes. — Enacted as AS 44.21.200. Renumbered in 1981.

Sec. 44.21.242. Purpose, powers, and duties. (a) The purpose of the council is to review and recommend the scientific and technological research needs of state government, to issue research grants and contracts, to oversee the issued grants and contracts, to promote high standards of research for the priorities proposed by the council, and to address stated legislative or administrative requests for research.

(b) The council may
(1) apprise itself of local, state, federal, and private research programs, activities, and needs;
(2) convene committees, task forces, conferences, public hearings, and other meetings necessary to carry out the council's purposes;

(3) award research grants and contracts on a fair and competitive basis and administer those grants and contracts;

(4) enter into agreements creating one or more systems of information exchange with any appropriate research funding sources;

(5) at the request of any state agency, enter into and administer, but not perform, the research under research grants and contracts funded by that state agency;

(6) investigate the need for and when necessary establish advisory committees for reviewing its program;

(7) request and receive from any agency of the state government the assistance and data needed to carry out the requirements of this section;

(8) hire an executive director and staff that may be necessary to implement AS 44.21.241 — 44.21.255.

(c) The council shall

(1) develop methods of surveying research needs of the state, based on the present and future information needs of policy makers, state agencies, and the public at large;

(2) annually review the research needs and propose priorities for funding;

(3) annually submit to the governor and the legislature the findings of the council, including a listing, description, ranking, and justification of research needs, and a commentary on significant research activities of the preceding year funded by the state and including the relationship of that research to the state's needs and priorities;

(4) promote and enhance standards for research activities for which the council has administrative oversight;

(5) establish review procedures for research proposals;

(6) at the request of either the governor or the legislature, advise in a timely fashion or inquiries concerning scientific investigation or comment;

(7) evaluate and forward to appropriate agencies and persons products of research activities funded by the council; the council shall prepare comments to accompany research reports summarizing the applications, importance, or further research needs demonstrated by the findings of council-supported research;

(8) coordinate its data and information needs with other research organizations in order to avoid unnecessary duplication;

(9) not conduct any research itself other than that necessary to further the purpose of the council as provided in (a) of this section;

(10) supply to any person or agency requesting assistance the available information on past or present research activities for which the council has information, except that the council shall not release information which may endanger the acceptance of any research proposal which is at the time competing with other proposals for funding. (E.O. No. 48, § 4 (1981))

44.21.242

ompetitive

f informa-
es;

nister, but
cts funded

advisory

ment the
f this sec-

ecessary to

ite, based
ers, state

rities for

findings
justifica-

research
ding the

es:
or which

advise in
ation or

persons
cil shall

ing the
ated by

research

to fur-
on;

e avail-
ch the

e infor-
proposal

.(E.O.

§ 44.21.253

STATE GOVERNMENT

§ 44.21.256

Revisor's notes. — Formerly AS
44.21.210. Renumbered in 1981.

Sec. 44.21.253. Records, reports. (a) The council shall have its financial records audited by an independent certified public accountant. The internal auditor and legislative auditor shall jointly prescribe the form and content of the financial records of the council and shall be afforded access to these records at any time.

(b) Before January 15 of each year, the council shall submit to the governor and the legislature a comprehensive report describing operations and expenditures and the status of grants and contracts for the last preceding fiscal year.

(c) The provisions of AS 09.25.110 — 09.25.120 apply to the council. (E.O. No. 48, § 4 (1981))

Revisor's notes. — Formerly AS
44.21.220. Renumbered in 1981.

Sec. 44.21.254. Definitions. In AS 44.21.241 — 44.21.255, "council" means the Alaska Council on Science and Technology established in AS 44.21.241. (E.O. No. 48, § 4 (1981))

Revisor's notes. — Formerly AS
44.21.230. Renumbered in 1981.

Sec. 44.21.255. Short title. AS 44.21.241 — 44.21.255 may be cited as the Science and Technology Act. (E.O. No. 48, § 4 (1981))

Revisor's notes. — Formerly AS
44.21.240. Renumbered in 1981.

Article 6. Alaska Public Broadcasting Commission.

Section	Section
256. Creation of Alaska Public Broadcasting Commission	264. Purpose of the commission
258. Membership and term of office	266. Duties of the commission
260. Compensation and expenses	268. Powers of the commission
262. Chairman	270. Commercial broadcasting
	290. Definitions

Sec. 44.21.256. Creation of Alaska Public Broadcasting Commission. There is created within the Department of Administration the Alaska Public Broadcasting Commission. (§ 1 ch 153 SLA 1970; am § 1 ch 87 SLA 1976; am E.O. No. 50, § 2 (1981))

Revisor's notes. — Formerly AS
14.58.010. Renumbered in 1981.

Cross references. — For findings and purpose of the order enacting this article, see E.O. No. 50 (1981).

Effect of amendments. — The 1981 amendment substituted "Department of Administration" for "Department of Education."

Legislative history reports. — For report on ch. 87, SLA 1976 (CSSB 691 am H), see 1976 House Journal, p. 1217.

Sec. 44.21.258. Membership and term of office. (a) The commission consists of nine members appointed by the governor, without regard to political affiliation, subject to confirmation by a majority of the members of the legislature in joint session. In making appointments to the commission, the governor shall give due consideration to representation from such fields as higher education, elementary and secondary education, communications, commercial broadcasting, public health, public works, labor, commerce and the professions. Members may be removed only for cause.

(b) The members of the commission shall serve staggered terms of five years, with the initial terms determined by lot. (§ 1 ch 153 SLA 1970; am § 2 ch 87 SLA 1976)

Revisor's notes. — Formerly AS 14.58.020. Renumbered in 1981. report on ch. 87, SLA 1976 (CSSB 691 am H), see 1976 House Journal, p. 1217. Legislative history reports. — For

Sec. 44.21.260. Compensation and expenses. Members of the commission receive no salary, but are entitled to per diem and travel expenses authorized by law for other commissions. (§ 1 ch 153 SLA 1970)

Revisor's notes. — Formerly AS 14.58.030. Renumbered in 1981.

Sec. 44.21.262. Chairman. At the first meeting, the commission shall elect a chairman from among its members to serve for one year. A chairman may be elected and serve for more than one consecutive term. (§ 1 ch 153 SLA 1970)

Revisor's notes. — Formerly AS 14.58.040. Renumbered in 1981.

Sec. 44.21.264. Purpose of the commission. The commission is created to encourage and supervise the development of an integrated public broadcasting system for the state and for the coordination of all public broadcasting stations. The primary purpose of the commission is the encouragement and support of noncommercial public broadcasting in the state through the provision of operating and capital grants in support of the delivery of noncommercial programs intended for a general audience by locally controlled nonprofit broadcast stations or telecommunications entities. The commission may support stations and entities which also engage in the delivery of instructional, for-credit programs, and the commission may provide funds for those

S
P
of
no
19

14
an
se

P
as
at
di
A
b

tc

ir

b

li

st
A
cc
P

ci
1

1
a
n
b
F
e

he commis-
or, without
majority of
g appoint-
ieration to
entary and
sting, pub-
Members

d terms of
153 SLA

SSB 691 am
p. 1217.

ers of the
d travel
153 SLA.

mmission
one year.
nsecutive

ission is
tegrated
on of all
mission
c broad-
i capital
ntended
roadcast
support
actional,
or those

purposes, but the primary purpose of commission funds is the support of activities that result in the delivery of general audience, noncommercial material. (§ 1 ch 153 SLA 1970; am § 2 ch 87 SLA 1976; am E.O. No. 50, § 3 (1981))

Revisor's notes. — Formerly AS 14.58.060. Renumbered in 1981.
Effect of amendments. — The 1981 amendment added the second and third sentences.

Legislative history reports. — For report on ch. 87, SLA 1976 (CSSB 691 am H), see 1976 House Journal, p. 1217.

Sec. 44.21.266. Duties of the commission. The commission shall

- (1) *[Repealed, E.O. No. 50, § 4 (1981).]*
- (2) *[Repealed, E.O. No. 50, § 4 (1981).]*
- (3) *[Repealed, E.O. No. 50, § 4 (1981).]*
- (4) apply for federal and private funds for public broadcasting purposes and receive all federal, state or private funds, property or assistance that may be appropriated, granted or otherwise made available to the commission for public broadcasting purposes, and use and disburse funds and property for purposes consistent with the terms of AS 44.21.010 — 44.21.330, subject to reasonable limitations imposed by the grantor;
- (5) provide consultative services in all aspects of public broadcasting to all public or private agencies in the state which request them;
- (6) serve as a library and clearinghouse for public broadcasting information;
- (7) *[Repealed, E.O. No. 50, § 4 (1981).]*
- (8) *[Repealed, § 7, ch 87, SLA 1976.]*
- (9) through grants to qualified entities, develop an integrated public broadcasting network for the state;
- (10) *[Repealed, E.O. No. 50, § 4 (1981).]*
- (11) through grants to qualified entities, develop and distribute public broadcasting programming in the state;
- (12) prepare and submit to the governor and the legislature, in consultation with the telecommunications divisions in the Department of Administration, a long term plan for the development of public broadcasting stations and systems in the state, and annually update the plan;
- (13) perform all other functions necessary to ensure the orderly and coordinated development of public broadcasting in the state. (§ 1 ch 153 SLA 1970; am §§ 4, 7 ch 87 SLA 1976; am E.O. No. 50, § 4 (1981))

Revisor's notes. — Formerly AS 14.58.060. Renumbered in 1981.
Effect of amendments. — The 1981 amendment repealed paragraph (1) which read "control and supervise the use of broadcasting channels reserved by the Federal Communications Commission for educational broadcasting purposes."

repealed paragraph (2) which read "initiate or receive for review and approval all applications for educational broadcasting licenses submitted to the Federal Communications Commission for or on behalf of an elementary school system, community college, institution of higher learning, private educational institution, nonprofit

community or municipal organization in the state." and repealed paragraph (3) which read "initiate or receive for review and approval all applications for federal, state or private funds if the applications involve any form of educational broadcasting." In paragraph (4), the amendment added "apply for federal and private funds for public broadcasting purposes and" preceding "receive all," substituted "public" for "educational" preceding "broadcasting" and deleted "at all levels of education" preceding "and use and disburse." In paragraph (5), the amendment substituted "public" for "educational" preceding "broadcasting." In paragraph (6), the amendment added "public broadcasting" preceding "information" and deleted "on broadcasting for educational and public purposes" following "informa-

tion." The amendment repealed paragraph (7) which read "have the final authority over the broadcasting policy programming" and repealed paragraph (10) which read "develop and distribute public broadcast programming for educational institutions and public agencies in the state." In paragraphs (9) and (11), the amendment added "through grants to qualified entities" preceding "develop" and deleted "for public affairs" following "broadcasting programming" in paragraph (11). The amendment redesignated former paragraph (12) as present paragraph (13) and added present paragraph (12).

Legislative history reports. — For report on ch. 87, SLA 1976 (CSSB 691 am H), see 1976 House Journal, p. 1217.

Sec. 44.21.268. Powers of the commission. (a) The commission may

(1) employ all consultative, technical and clerical personnel necessary for the implementation of AS 44.21.010 — 44.21.330, within the limits of available funds;

(2) employ a director, who shall be directly responsible to the commission in financial and administrative matters;

(3) provide grants to locally controlled non-profit telecommunications entities which lease, purchase, construct, own, operate and manage and are the licensees of public broadcasting stations, production centers, and other related equipment and facilities for the production and transmission of open circuit, closed circuit, 2,500 megahertz, and other transmission means necessary to provide fully effective public broadcasting in the state;

(4) appoint unpaid advisory committees to assist in development of programs for public television broadcasts;

(5) provide assistance to licensed commercial broadcasting stations for the broadcast of public affairs programming.

(b) In performing its duties and exercising its authority under AS 44.21.010 — 44.21.330, the commission may not exercise control over the specific content or airing of any program material. (§ 1 ch 153 SLA 1970; am § 5 ch 87 SLA 1976; am E.O. No. 50, § 5 (1981))

Revisor's notes. — Formerly AS 14.58.070. Renumbered in 1981.

Effect of amendments. — The 1981 amendment designated the existing section as subsection (a) and added subsection (b). In subsection (a)(3), the amendment substituted "provide grants to locally controlled non-profit telecommunication entities which" for "where no other com-

petent contracting agency exists" near the beginning of the paragraph, substituted "licensees" for "licensee" following "manage and are the," substituted "public" for "educational" preceding "broadcasting stations," deleted "all" preceding "other related equipment" and substituted "public" for "educational" preceding "broadcasting in the state" near the end of the

§ 44.21.268

deleted paragraph final authority policy pro- paragraph (10) distribute public or educational agencies in the and (11), the ch grants to 2 "develop" and "ers" following "g" in para- : redesignated present part- ent paragraph

ports. — For CSSB 691 am p. 1217.

ommission

inel neces- within the

o the com-

non-profit ict own, adcasting facilities uit, 2,500 vide fully

pment of

tations

nder AS rol over 153 SLA

near the nstituted ng "man- ublic" for adcasting ng "other ed "pub- "broad- d of the

§ 44.21.270

STATE GOVERNMENT

§ 44.21.300

paragraph. The amendment deleted "instructional and" preceding "public tele- vision" in subsection (a)(4) and deleted "and utilization of satellite communica- tions for the broadcasting of special public

affairs programming" following "public affairs programming" in subsection (a)(5). Legislative history reports. — For report on ch. 87, SLA 1976 (CSSB 691 am H), see 1976 House Journal, p. 1217.

Sec. 44.21.270. Commercial broadcasting. Nothing in AS 44.21.256 — 44.21.290 may be construed to restrict or control commer- cial broadcast stations or companies operating or licensed in the state. (§ 1 ch 153 SLA 1970)

Revisor's notes. — Formerly AS 14.58.080. Renumbered in 1981.

Sec. 44.21.290. Definitions. In AS 44.21.256 — 44.21.290, unless the context otherwise requires

(1) "commission" means the Alaska Public Broadcasting Commis- sion;

(2) "public broadcasting" includes, but is not limited to, television and radio transmission by 2,500 megahertz, closed circuit or micro- wave video and audio programming, slow-scan television pro- gramming, programming via satellite, teletype or facsimile transmission, and distribution methods, when the transmission, pro- gramming and distribution are intended to serve a noncommercial public purpose. (§ 1 ch 153 SLA 1970; am § 6 ch 87 SLA 1976; am E.O. No. 50, § 6 (1981))

Revisor's notes. — Formerly AS 14.58.090. Renumbered in 1981.

Effect of amendments. — The 1981 amendment deleted "educational" preceding "public" and deleted "or instruc-

tional" preceding "purpose" in paragraph (2).

Legislative history reports. — For report on ch. 87, SLA 1976 (CSSB 691 am H), see 1976 House Journal, p. 1217.

Article 7. Telecommunications.

Section	Section
300. Telecommunications divisions	320. Division of telecommunications sys- tems
305. Deputy commissioner	330. Definitions
310. Powers and duties of the telecommunications divisions	
315. Division of telecommunications ser- vices	

Sec. 44.21.300. Telecommunications divisions. There is estab- lished in the department

- (1) a division of telecommunications services; and
- (2) a division of telecommunications systems. (E.O. No. 50, § 9 (1981))

Revisor's notes. — Formerly AS
44.21.200. Renumbered in 1981.

Sec. 44.21.305. Deputy commissioner. (a) The telecommunications divisions shall be administered by a deputy commissioner of the department appointed by the commissioner.

(b) The deputy commissioner shall

(1) provide executive direction for the activities of the telecommunications divisions; and

(2) assure that division activities in no way constitute an influence on the content or airing of programming, and report to the governor, the commissioner, and the Alaska Public Broadcasting Commission any request or attempt by an employee of the state to influence the content or airing of program material. (E.O. No. 50, § 9 (1981))

Revisor's notes. — Formerly AS
44.21.210. Renumbered in 1981.

Sec. 44.21.310. Powers and duties of the telecommunications divisions. (a) The telecommunications divisions, as directed by the deputy commissioner, shall

(1) advise the governor on matters of policy and comprehensive state planning for telecommunications services;

(2) make an annual report to the governor and to the legislature on the activities of the telecommunications divisions;

(3) coordinate, manage, and supervise state programs in telecommunications, including the management of those telecommunication services for the state obtained from common carriers and from the communications industry;

(4) when requested, provide technical and consulting assistance to the executive, judicial, and legislative branches of state government, to the University of Alaska, and to private noncommercial entities which request that assistance in facility procurement and leasing and in identifying long-range goals and objectives for the state and its political subdivisions in all aspects of telecommunications, including public, educational, and instructional telecommunications;

(5) prepare and maintain a state comprehensive telecommunications development plan to further state telecommunications development and to meet state telecommunications needs and prepare and maintain a comprehensive inventory of all state communications facilities;

(6) whenever feasible, procure services from private enterprise or certified and franchised utilities and contract for the construction, management, operation and maintenance of telecommunications systems, and develop a procurement policy under AS 37.05.010 — 37.05.410; the procurement policy must seek to achieve the maximum benefit to the public, and methods of procurement, including lease,

44.21.310

telecom-
missioner

of the

influence
governor,
commission
since the
1))

cations
by the

ve state

ure on

ms in
those
ommon

ance to
tent, to
which
and in
s polit-
g pub-

lecom-
munications
repair
ations

ise or
action,
s sys-
10 —
imum
lease,

§ 44.21.310

STATE GOVERNMENT

§ 44.21.310

purchase, rental, or combinations of lease, purchase, and rental, must be selected on the basis of factors such as the ratio of long-range costs versus benefits, life cycle costing, and the costs to the communications industry to the extent that these costs may affect local and long distance basic telephone rates;

(7) provide information and assistance to state agencies to promote governmental coordination and unity in the preparation of agency plans and programs involving the use of telecommunications;

(8) apply for and accept federal and private money, property, or assistance, that may be appropriated, granted, or otherwise made available to the telecommunications divisions and use and disburse money and property for purposes consistent with AS 44.21.300 — 44.21.330 and AS 44.21.256 — 44.21.290, subject to reasonable limitations imposed by the grantor;

(9) participate with other governmental units in planning, and assist local governments and governmental conferences and councils in the state in planning and coordinating their activities relating to telecommunications;

(10) provide for the orderly transition to new telecommunications services and systems by state agencies;

(11) serve as a clearinghouse for information, data, and other materials which may be necessary or helpful to federal, state, or local governmental agencies in the development of telecommunication systems;

(12) coordinate their services and activities with those of other state departments and agencies to the fullest extent possible to avoid unnecessary duplication; and

(13) provide that all activities of the telecommunications divisions are responsive to state statutes and regulations, and to the regulations and rulings of the Federal Communications Commission.

(b) The telecommunications divisions, as directed by the deputy commissioner, may

(1) coordinate their functions with local, regional, state, and federal officials, private groups and individuals, and with officials of other countries, provinces, and states;

(2) enter into contracts and subcontracts on behalf of the state to carry out the provisions of AS 44.21.300 — AS 44.21.330;

(3) act for the state in the initiation, investigation, and evaluation of, or participation in, programs related to the purposes of the telecommunications divisions which involve more than one government or governmental unit;

(4) on behalf of the state, apply for, accept, and expend gifts or grants made to the state if the gifts or grants are for the purposes of furthering the objectives of the telecommunications divisions; and

(5) hold public hearings to obtain information for the purpose of carrying out the provisions of AS 44.21.300 — 44.21.330.

(c) The telecommunications divisions may not attempt to influence or affect the content or airing of program material. (E.O. No. 50, § 9 (1981))

Revisor's notes. — Formerly AS 44.21.220. Renumbered in 1981.

References to AS 44.21.200 — 44.21.250 were changed to AS 44.21.300 — 44.21.330 in subsections (a)(8), (b)(2) and (b)(5) by the revisor of statutes under AS 01.05.031 to conform to the renumbering of the article.

Additionally, a reference to AS 14.58 was changed to AS 44.21.256 — 44.21.290 by the revisor of statutes pursuant to AS 01.05.031 to reflect the renumbering and transfer of that chapter.

Sec. 44.21.315. Division of telecommunications services. (a) The division of telecommunications services shall be administered by a director appointed by the commissioner.

(b) The division of the telecommunications services shall provide

(1) technical consultation to educational and public telecommunications users;

(2) coordination and support to telecommunications services for instruction, including technical assistance and assistance in preparation of applications for grants related to program development as may be requested by

(A) public school districts and the Department of Education;

(B) the University of Alaska; and

(C) other state agencies as approved by the deputy commissioner;

(3) coordination and support for health and safety-related functions, including the administrative and client services provided by state, federal, and private agencies;

(4) coordination and support to telecommunications services for public participation in state-financed services, including the public hearing process, as may be statutorily required or otherwise appropriate;

(5) assistance, through design, development, and promotion, to local school districts or other local and regional education agencies for the regionalization of instructional telecommunications services;

(6) establishment of operational policies for public telecommunications services other than public broadcasting; and

(7) assistance to the Alaska Public Broadcasting Commission and any commission-designated subcommittees, as necessary to perform assigned division functions; the division shall cooperate with the commission and subcommittees in order to develop policies which are responsive to the user groups which are represented on the commission.

(c) Subject to available funding, the division of telecommunications services may make grants to educational and public telecommunication users except grants for public broadcasting purposes.

(d) and de all res year hearin: updat: Depart: tricts.

(e) hearin: devel: facilit: than

(f) opera or pr

(g) gram respo the d

Rev 44.21.

Se The a di

(b) telec

44.2 (1) telec

(2) age:

(3) desi

(4) pro

(c) telec

tele

(ent

(for

(sat

(d) The division of telecommunications services shall study, plan, and develop integrated instructional telecommunications services for all residents of the state, and shall annually report on current fiscal year instructional telecommunications activities and, after public hearings, submit to the governor and the legislature an annually updated long-term development plan prepared in consultation with the Department of Education, the University of Alaska, local school districts, and other local and regional education areas.

(e) The division of telecommunications services shall, after public hearings, submit to the governor an annually updated long-term development plan for teleconferencing facilities and services, including facilities and services used both by state agencies and groups other than state agencies.

(f) The division of telecommunications services may not own, operate, or be the licensee of a public noncommercial broadcast station or production center.

(g) Nothing in this section implies division responsibility for programming content. Program design, production, and use are the responsibility of the program-sponsoring agency or other entity, not the division. (E.O. No. 50, § 9 (1981))

Revisor's notes. — Formerly AS 44.21.230. Renumbered in 1981.

Sec. 44.21.320. Division of telecommunications systems. (a) The division of telecommunications systems shall be administered by a director appointed by the commissioner.

(b) Except as provided in (e) of this section, the division of telecommunications systems may, consistent with the provisions of AS 44.21.310(a)(6)

(1) plan, design, construct, manage, and operate all telecommunications systems owned or leased by state agencies;

(2) manage centrex and other telephone-related services of state agencies;

(3) be responsible generally for telecommunications systems and design for state agencies; and

(4) coordinate with state agencies in performing their data and word processing tasks.

(c) Within the limits of available financing, the division of telecommunication systems shall administer and operate the satellite television project, by

(1) coordinating with the satellite television user groups and entities; and

(2) providing liaison, management support, and technical assistance for the satellite television project.

(d) Decisions and policies relating to programming under the satellite television project, including scheduling and allocation

policies, may not be made by the divisions of telecommunications or the department, but may only be made by a network that is representative of participating rural television users, by commercial broadcast users or by other affected participating user groups and entities under procedures provided by statute or, if no statute applies, then by agreement of the affected user networks or groups. The department shall assist users in preparing agreements that may be required under this subsection.

(e) The divisions of telecommunications and the department may not engage in any activity which interferes with a contract or program right relating to commercial television programming, including but not limited to any right protected by copyright.

(f) Nothing in AS 44.21.300 — 44.21.330 prohibits a state agency from developing telecommunications systems within its own agency if the commissioner gives written authorization for the agency to engage in its own design, development, management, or operation. The commissioner may authorize independent development only upon a showing of necessity. A description of all authorization under this subsection must be included in the annual report required under AS 44.21.310(a)(2).

(g) A state agency authorized to develop an internal telecommunications system shall, whenever feasible, coordinate its design development, management, and operation with the division of telecommunications systems. (E.O. No. 50, § 9 (1981))

Revisor's notes. — Formerly AS 44.21.240. Renumbered in 1981.

Sec. 44.21.330. Definitions. In AS 44.21.300 — 44.21.330

- (1) "commissioner" means the commissioner of administration;
- (2) "department" means the Department of Administration;
- (3) "deputy commissioner" means the deputy commissioner in the department who administers the telecommunications divisions;
- (4) "public broadcasting" means the delivery of radio or television noncommercial programming intended for the general public by any method of telecommunications;
- (5) "public telecommunications" means telecommunications which serve public broadcasting, general educational, instructional, medical, safety, emergency, or public participation functions;
- (6) "state agencies" means all departments, divisions, and offices in the executive branch of state government; it does not mean an agency of the legislative or judicial branch of government or the University of Alaska;
- (7) "telecommunications" means the transmission and reception of messages, impressions, pictures, and signals by means of electromagnetic transmission with or without benefit of a closed transmission medium including all instrumentalities, facilities,

appara
throug
area of
(8) "
princip
§ 9 (19

Revis
44.21.23

Section
400. Pu
410. Po
420. En

Sec.
ated in
(§ 1 ci

Sec.
(a) Th
(1) :
13.26.

(2) :
AS 13
(3) :

action
ianshi
depen
the se
(4)

respor
13.26.
which
agenc
a com

(5)
under
Comp
a min
the d
ceedi:
perso
canno
flict c

44.21.330

ions or the
esentative
lcast users
nder proce-
greement
hall assist
is subsec-

ment may
- program
ading but

the agency
agency if
to engage
The com-
upon a
this sub-
der AS

internal
inate its
vision of

ion;
;
- in the
s;
revision
by any

which
medical,

ices in
agency
sity of

tion of
of
losed
ilities,

§ 44.21.400

STATE GOVERNMENT

§ 44.21.410

apparatus, and services, whether conveyed by cable or wire, radiated through space, or transmitted through other media within a specified area or between designated points;

(8) "telecommunications systems" means those systems in which the principal service and functions are telecommunications. (E.O. No. 50, § 9 (1981))

Revisor's notes. — Formerly AS 44.21.250. Renumbered in 1981.

Article 8. Office of Public Advocacy.

Section	Section
400. Public advocacy office established	430. Attorneys engaged by public advocacy office
410. Powers and duties of public advocacy office	440. Conflicts of interests
420. Employment of office personnel	

Sec. 44.21.400. Public advocacy office established. There is created in the Department of Administration the office of public advocacy. (§ 1 ch 55 SLA 1984)

Sec. 44.21.410. Powers and duties of public advocacy office.

(a) The office of public advocacy shall

(1) perform the duties of the public guardian under AS 13.26.360 — 13.26.410;

(2) provide visitors and experts in guardianship proceedings under AS 13.26.131;

(3) provide guardian ad litem services to children in child protection actions under AS 47.17.030(e) and to wards and respondents in guardianship proceedings who will suffer financial hardship or become dependent upon a government agency or a private person or agency if the services are not provided at state expense under AS 13.26.112;

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

(5) provide legal representation and guardian ad litem services under AS 25.24.310; in cases arising under the Uniform Interstate Compact on Juveniles (AS 47.15); in cases involving petitions to adopt a minor under AS 25.23.100(j); in cases involving petitions to remove the disabilities of a minor under AS 09.55.590; in children's proceedings under AS 47.10.050(a); and in cases involving indigent persons who are entitled to representation under AS 18.85.100 and who cannot be represented by the public defender agency because of a conflict of interests.

APPENDIX C

TO: REP. "RED" BOUCHER, HOUSE COMMITTEE ON
TELECOMMUNICATIONS
FROM: DOUG BARRY AND BEV MICHAELS
DATE: 12/17/85

SUMMARY: The work of the Committee could focus productively on five major issue areas. 1) The importance of placing telecommunications on the public and legislative agendas, while moving towards the development of a state master plan for telecommunications. This could be accomplished in part by calling attention to possible hefty price increases for basic services such as the telephone, and by analyzing the effects of such increases on utilization and equality of access; 2) Committee goals could be further advanced by finding common cause with the Senate Telecommunications Committee; 3) The State's role as telecommunications customer and industry regulator needs to be re examined; 4) The terms "universal service" and "lifeline" need to be redefined. A new definition that provides for greater equality of access to different kinds of information technology may include an enhanced role for the community library; 5) Users and potential users require training in the utilization and applications of information technologies; 6) The legislature should play a leadership role in order to insure that telecommunications resources are used in ways that are cost effective and produce the greatest good for the greatest number of people; 7) The legislature should appropriate funds now for the collection and analysis of data which will assist in making sound public policy.

Since we are late in responding, and because most of our concerns pertaining to the report have already been adequately addressed by others, we shall limit our comments to what we hope will be of help as the Committee members get down to work.

You have before you a staggering number of issues, not only the ones raised in the report, but those additional items suggested by conference participants. What follows is a list of fairly representative areas of concern from which an agenda for at least this legislative session could emerge:

1. Consciousness Raising. The public and the Legislature need to develop a greater appreciation for the importance of telecommunications, not only in the conduct of everyday life but in terms of future economic and social development. Normally, you might have to shake people by the collar in order to focus their attention on I-Nets or blanking intervals, but the prospect of huge telephone rate increases may concentrate minds wonderfully and allow a whack to be taken at the bundle of other issues raised in this forum.

In other words, the problems and potential opportunities posed by deregulation of the telephone industry provide a touchstone upon which to raise general awareness and to build a coherent State telecommunications plan. The inability to place telecommunications on the public agenda makes it more likely that what ultimately prevails is the meat ax or narrow special interest substitute for wise policy formulation.

2. The Senate Telecommunications Committee. Searching for solutions to the considerable problems posed by substantial telephone rate increases would be an area of common cause for the House and Senate Special Committees on Telecommunications. To its credit, the Senate side has already looked into some technological options for improving the delivery and end results of long distance educational services. These options, if implemented, also would be substantially affected by higher rates for voice and data transmission.

Focusing on the impacts of higher costs of communication or on specific technological solutions to other kinds of problems should not occur at the expense of comprehensive planning. Sadly, the recent experience throughout the world is for governments to decide on a "solution" before the problem is adequately defined. The system for diagnosing needs and planning solutions needs to be made more reliable. Close working relations this session between the House and Senate Committees would be an important step in this direction.

3. The State as a Telecommunications Customer. In this climate of deregulation the State, as perhaps the largest purchaser of telecommunications services, must be a smart consumer in addition to performing its duty of looking after the interests of individual consumers. The Committee could help insure that the State is up to the task by looking into the issues raised by the following questions: Are we all being adequately represented by the State's regulatory agencies? Does the Department of Law, or the Governor's Office, or the Department of Administration possess the necessary resources to fully comprehend let alone act prudently in the complex environment of telecommunications law and economics (not just in the realm of telephones but in cable and broadcast television, I-nets, teletex, etc.)? Do we presently have an organizational structure that can effectively plan for and respond to changes in this environment in ways that are in the best interests of the public? Is the process now in place capable of acting in ways that are both fiscally and socially responsible? Would it be appropriate for the Committee to act not just as a gatherer of facts but as an advocate for the consumer, whether the consumer is the State or an ordinary citizen who

depends on affordably priced access to information?

What are the real costs and benefits of increased competition in the telecommunications playing field, including development by the public sector of alternative channels of voice and data communication?

4. Definition of Universal Service. The terms universal service and "lifeline" need to be thought of not just as affordable access to a telephone but as access to other sources of information as well. Survival in the "Information Age" may require a right to communicate and to have equal or reasonable access to certain kinds of essential information.

Might libraries, for example, become a kind of community communications center where access to audio conferencing equipment, television production facilities, video and audio cassettes, computers with software and access to data banks, and training in the use of these resources, could be provided to all who sought them? If the age of electronics does indeed shift more information to electronic distribution, then it follows that libraries will have to overcome their long affiliation with a particular format--the printed page--and shift more of their acquisition budget to new formats, such as electronic data bases. Expenditures--on data based subscriptions, phone line hookups and computer time on the one hand and video display terminals and perhaps video disc players and programs on the other hand--may be required to continue providing the same types of information to patrons as they are now doing. From the users' viewpoint, the library will remain a constant: a repository of information. From the managers' and suppliers perspective, maintaining that service will require adjustments and re-evaluation on how best to serve the user. From the legislative perspective, assuring that libraries are properly funded regardless of their location, and that funds are spent in a responsible manner, becomes a prime concern.

5. Training. As alluded to above, and mentioned frequently by respondents to this forum, training in the use of all communications technologies can no longer be an after thought nor the first thing to be cut when funds get tight. The successful application of new technologies often requires changes both in the ways users think and in how they do things. For example, as more instructional technologies become available in the classroom--and pressure mounts to use them--the role of teachers will likely change from that of the primary repository of information to a kind of information manager. Without adequate training provided by a reliable long term funding base this and other important changes will not occur in step with perceived needs in Alaska or with what is happening elsewhere.

At a time when interest in finding the optimal applications for information technologies appears to be on the increase around the state, we need to provide users and potential users with the best possible support. While the Committee can not itself provide this specialized training, its members can make applications a primary theme during this and future legislative sessions.

It should be noted that little of this new technology is changing the CONTENT of the communication itself. Much of what we are discussing here is machines or processes for distributing information. But it is still the information itself and how it is used that should remain both the starting and ending concern of the information revolution.

6. Accountability. The primary goal of a state telecommunications master plan could be to insure that communications resources are fully used, shared, and coordinated in ways that are cost effective and produce the greatest good for the greatest number of people. It may be appropriate for the Committee to involve itself in some form of budget oversight in matters where capital and operating requests pertain to any aspect of telecommunications. This "watchdog" role may involve simply asking the right questions at finance committee hearings. Has agency X consulted with agency Y before investing in this or that hardware or software? Has agency Q bothered to assess training or other constituent needs? If it has and the requested funds are cut by the finance committees or the Governor's office, do all parties understand the consequences of their actions? In the extreme case, the Committee could perhaps suggest that all State agencies be strongly urged or required by law to file each year a "telecommunications impact statement," explaining how they propose to serve their constituents, what they will do to seek cooperation with other agencies, what they have done to contain costs, and, if a state master plan exists, what will be done to insure compliance?

This should not be perceived as another burdensome reporting exercise or as a threat to agency autonomy, but as an attempt to see and interpret the big picture, to open new channels of communication among state agencies and the people they serve. Even though a master plan or, at the very least, a bundle of programs resembling a comprehensive, coherent policy process eventually emerge and are administered by an agency within the administrative branch, the legislature should in any case develop the means to help insure maximum accountability.

7. Research. There is much that we need to know about the affects of the process of sending and receiving information. The use of the telephone, for example, is much more complex

than most of us think. Do the patterns and nature of use differ greatly between rural and urban Alaska? Does the use of the telephone by rural Alaskans provide information that may have economic or social impact on rural communities? How should we conduct an assessment of telecommunications uses along with present and future needs?

A very good research question was asked by one of the respondents: What kind of information do people WANT? The problem with the question is that some people may not know. Another key question is what do people DO. By observing what they do and how they do it we may be able to suggest ways to help them acquire access to information that will result in better decisions.

One important goal of the Committee for this legislative session may be, at the very least, to commission a research design from a research institute IN state. A research task force could be organized to assist in the design and to begin to collect the necessary baseline data. As one of the respondents correctly pointed out, gathering and analyzing the data and performing program evaluations will be a difficult and long term process. It should begin now.

We thank you for the opportunity to comment.

COMMENTS FROM LARRY PEARSON UAA JOURNALISM

November 24, 1985

To: Rep. H.A. "Red" Boucher,
House Special Committee on Telecommunications

From: Larry Pearson, Assistant Professor,
Department of Journalism and Public Communication,
University of Alaska, Anchorage

Although I have expressed some of my views about Alaskan telecommunications policy issues to you and to individual members of the teleconference, I would like to take this opportunity to put these views on the record.

Two forms of telecommunication have long been recognized in Alaska as deserving of governmental assistance. These are communication by telephone and by television to remote sites. These services are recognized as communication lifelines, and state policy, as I understand it, has been to assure that these lifelines are not withdrawn.

The fate of these lifelines in an era of change for the telephone and television industries clearly is a central concern of state telecommunications policy. But this is only the most obvious of the fundamental issues facing the committee.

Just what is it that these lifelines are doing? What should they be doing? Should other lifelines be thrown out? We all have ideas about the importance and value of telephones and television in the cities and the villages. But where's our evidence?

As the Telecommunications Draft Report shows, we are far from knowing the answers. We are only beginning to ask the questions. There is a real danger that the answers we eventually accept will be no more than rationalizations for the activities we have long been engaged in. The Telecommunications Committee is in a position to see that we do better than that, that we deal with telecommunication policy issues in a way that assures the interests of all Alaskan citizens will be well served.

And how can we do that? We must, first, find out what those interests are. This is a particularly difficult task when we remember that most of the people who are the potential users of telecommunications know little about

communication technology and its capabilities. They can tell us how they use the telephone and what they watch on television, but few of them are likely to know that it is possible to order airline tickets over videotex (an interactive telecommunication system whose chief components are a central computer and -- for the user -- a telephone, a television set and a keypad). They can tell us what television programs they like most and what ones they like least, but they may be able to tell us nothing about kinds of programming that they never have been exposed to.

So how can we ask them questions if we know in advance that they don't know the answers?

The strong temptation is to take a paternalistic approach, to say: "We are the experts and we know what's good for you." It is an approach that has made some entrepreneurs rich -- and has impoverished others. And those are the risks the state government faces if it chooses to base its decisions on the advice of those who have the greatest knowledge of telecommunication technologies.

But the risk of failure can be reduced for government just as it often is for private industry if a way of identifying the interests of the ultimate users can be found. And I think that is another important task the Special Committee on Telecommunications faces.

It is necessary to talk to a cross-section of Alaskan citizens -- probably in a field survey -- to identify their interests and needs. Such a survey should not focus on telecommunication. It should focus on communication in all its forms. This includes physical movement from one place to another to exchange information, communication by mail, and communication involving the established media. It should also look at how state agencies communicate with individuals and with other organizations.

If we can first find out what kinds of communication are important to people, we can then decide whether telecommunication offers ways of improving communication. We may thus identify opportunities for private industry. And we may identify areas in which only state subsidies will make improved communication possible. In those areas we will have to weigh the economic costs against the social benefits.

Some possibilities:

*Use of telecommunication to increase citizen involvement in policy formation (as we are doing in this teleconference).

*Use of expert computer systems (such as medical diagnostic systems)

in problem solving.

*Use of teletext to provide TV captioning for the hearing-impaired, textual information -- such as aircraft weather reports -- via television for other users. Even computer software may be transmitted in this way, piggybacking on the television signal.

*Use of videotex for electronic banking, ordering goods and services, getting state and national news (in more depth than radio or television; more quickly than newspapers).

I would hope that many other possibilities would be identified and considered. It might be helpful to think not only of what enhanced telecommunication systems would allow us to say to the villages, but of what such systems would allow the villages to say to us.

The members of the UAA Journalism and Public Communication Department also believe that it should be made easier for those interested in telecommunications -- especially telecommunications policy and content issues -- to find relevant materials. If these materials are gathered and organized, we can reduce the danger that the answers to our questions, once they are found, will be forgotten. Our department has begun to collect materials about telecommunication research and policy in Alaska. We would welcome contributions to this collection from other participants in the teleconference.

Thank you.

+

COMMENTS FROM NANCY STERES RURAL EDUCATION UNALASKA

November 12, 1985

I received and read the Interim Report on Telecommunications which you sent me and am responding per your request.

Several issues are raised in the Report. I will first address the issues related to rural education and telecommunications. I checked with people at the Unalaska School, kindergarten through 12th grade, and asked if they use Learn Alaska TV and/or Audio conferencing. The Alaska History teacher told me he taped two series off Learn Alaska for use in his classes. He also often tapes live broadcasts of, for example, the Berger Hearings and the AFN Convention for use in the classroom. Audio conferencing is used by both teachers and students in the school.

I also tape series sometimes from Learn Alaska for use in Rural Education courses. In my contact with the general public, some people watch Learn Alaska and I'm not aware of anyone here taking University Course by viewing Learn Alaska. I offer University courses locally here and possibly more remote communities use Learn Alaska to enroll in University courses. I use the audio conferencing for statewide courses, and meetings. I also use the Legislative audio conferencing and others do in this community.

I would like to see better coordination of Learn Alaska and Rural Ed Centers for programming. I receive information from the Learning Channel in New York and I know there are more and better series out there; I would like to see some new programs and less repetition of programs.

The questions raised regarding subsidizing inter and intrastate telephone service is an interesting one. Of course, personally, I feel our telephone rates are already very expensive. I am not in favor of increasing the cost of telephone service. Remember the discussion we had at Margery Walker's home regarding local drop phone lines? I would like to be able to offer the computer/phone modem for students to access their instructors. This is an important priority in education. Educational institutions are behind private industry in the use of telecommunications and I feel that we need to focus some money and time on developing this. On page 30 item 1, the question of combining technologies for more efficient delivery and exchange of information is a good idea.

The question raised on page 24 of the report, "Does this imply the state has an obligation to provide entertainment television just as it does educational

service?" I think so. It isn't just being able to tune in to Dallas; the national news and statewide news are important. Maybe expanding cable is an answer; we have cable here in Unalaska, it is expensive, approximately \$29.00 including FM stations, and it does not provide the three major networks. I've lived here for three years. I am from San Francisco. I remember my first winter here; sometimes just being able to watch 60 Minutes live from California gave me a feeling of contact with the outside. Regarding sharing commercial and educational TV, we already have to share the commercial programming, sports events often win out over other programming. We are fortunate in Unalaska. We have a local TV station, Unalaska Community TV, Inc. which rebroadcasts a lot of the PBS programs. I know many communities do not receive PBS and I'd like to see it available to them.

I hope this assists you in your work in the committee. I appreciate your asking for my input and look forward to the opportunity in the future.

Nancy A. Steres
University of Alaska Rural Education Center
Unalaska

COMMENTS FROM JOEL ROTHBERG ACAP ATTORNEY

The following comments were submitted by the Alaska Consumer Advocacy Program on November 18, 1985. They were submitted by ACAP's attorney, Joel Rothberg.

ACAP appreciates the opportunity to submit written comments to the Committee on the subject of lifeline rates, a topic that was mentioned in your interim draft report. Lifeline rates as they have been considered and to a limited degree realized in the other states are reduced rates for low-income, handicapped, elderly, and other socially disadvantaged citizens, which assist these individuals in maintaining telephone service. It is important to note that the concept of lifeline rates is a subsidiary of the goal of universal telephone service, the availability of telephone service at reasonable rates to any resident of the state who desires it. Lifeline rates can best be viewed as a subsidy designed to ensure availability of service to residents whose need for service is particularly great and who may not be able to afford service at rates which are reasonable for other residents. Lifeline rates may thus be seen as furthering the goal of universal service.

Whether one is speaking of universal availability or more specifically of lifeline rates, the same basic public need for telephone service underlies both concepts. Urban Alaskans require telephone service at a minimum to maintain access to police and fire protection and emergency medical treatment. Rural Alaskans, who must cope to a substantially greater degree with the effects of severe climate, great distance, and the absence of roads, depend upon the telephone not only for the services already mentioned but also often for a variety of other purposes, including obtaining food and other supplies, consulting with doctors, nurses and other health care professionals, contacting social workers, public assistance agents, and other local, state, and federal officials, and obtaining legal assistance.

Lifeline rates and the degree of subsidization required should be considered in conjunction with other issues before the Committee affecting the future availability and cost of local, intrastate, and interstate telephone service in Alaska. These concerns include the structure of telephone company competition within the state, the shifting of costs from long-distance companies to ratepayers, possibly through subscriber line charges, and the problem of bypass of the telephone system by some ratepayers. Resolution of these questions will require decisions about the extent to which the cost of service will be distributed among urban and rural Alaskans, telephone companies and the state. Essential to obtaining

answers to these questions is detailed information about telephone usage and costs in Alaska disclosing, among other information, distribution of telephone traffic among local, intrastate, and interstate calls, purposes of calls, and resulting difference, if any, in telephone costs for urban and rural residents. This information should be applied to determine how much of the goal of universal service can be achieved through restructuring of the existing system by increased competition and how much will have to be achieved by other means, including the introduction of lifeline rates.

ACAP remains available to provide additional information and assistance on lifeline rates and other aspects of telecommunication policy, should the Committee desire this.

Joel A. Rothberg

**COMMENTS FROM VINOD BATRA PRES. UNICOM & UNITED
UTILITIES SERVING RURAL ALASKA**

Nov. 18

The following comments were received by the House Special Committee on Telecommunications from Vinod Batra, President of Unicom, Inc. which has as an affiliate United Utilities, a large rural local telephone company. The letter is dated August 29, 1985.

The letter reads as follows:

Reading through your draft report of House Special Committee on Telecommunications, I shall like to offer the following comments for consideration by this committee:

1. Does the State government want to be in the Telecommunications business or does it want to become a catalyst for the development of telecommunications?

I believe the State should be a catalyst and allow private enterprise and market forces to dictate growth of such services.

In this connection, all existing programs; e.g. ITV, Rural Net, etc., should be turned over to private industry for a nominal charge. If subsidy is needed to provide a certain level and grade of service, it should be on a bid basis. The State could obtain the best service at the lowest cost and keep existing telecommunications companies healthier.

2. Should the State encourage and fund Public Television and Public Radio services for all Alaskans?

I believe that all Alaskans should have the availability of a minimum level of service required for their health, welfare and education. Beyond that, if an individual wishes to reside in the wilderness of the Brooks Range, that is a choice that the individual made and society should have no obligation to incur exorbitant amounts to tend to the person's comforts.

3. Should committees be established vs networking of professionals?

Very few committees ever reach an economic decision. The professionals (hired by the State or the industry) should be tasked with preparing

the grand master plan and industry should be asked to implement. Once again, any subsidy required for implementation should be on a bid basis so all entrants have equal opportunity.

Private telephone industry is an example of this arrangement. Through low-cost loans from REA, rural America has been able to achieve a very high penetration of quality telephone service. Lifeline services are not needed for rural America, but for the poor of urban America.

4. Establishment of lifeline rates and telephone buyers protection plan?

Taking an analogy from the electric industry, does the state intend to implement a buyer protection plan for light bulbs? A telephone is a device to receive and transmit signals. The marketplace will dictate who survives and continues to provide good equipment. It will be foolhardy for the State to become a guardian of the telephone industry or of buyers of such products.

Lifeline rates should be sought only if the consumer feels that he/she is unable to afford the minimum level of service required; i.e. cost of basic service + 5 toll calls/month less than \$3 each (approximately \$30 per month). Support for this should come through existing social programs and not from industry. A program similar to electric cost assistance should be considered.

5. Should the State play an advocacy role before regulatory bodies and Congress?

The State should play an active role and fund research and development efforts in promoting affordable telecommunications services for Alaska. With a vast area of the State undeveloped and not accessible, telecommunications will play an important role in opening up this access.

6. Reconfirmation of importance of telecommunications and related technologies?

Whether the State reconfirms or not is not important. The information age is here. The State can facilitate and encourage use of such tools and reduce the cost of administering; e.g. reduced cost of teachers by using canned media or teleconferencing or live video. An uplink of a school play from Anchorage to all rural communities has more value than sending drama teachers all over the state.

Telecommunications, computers are tools and effective use of these tools is more important than philosophical discussions on where the technology is taking us.

Vinod Batra
President

**COMMENTS FROM TED MCINTIRE DIRECTOR DIVISION OF
TELECOMMUNICATIONS SERVICES STATE OF ALASKA**

November 14, 1985

TO: Telecommunications Computer Conference

**FROM: Ted McIntire
Director
Division of Telecommunications Services
Department of Administration**

I have been following the contributions of various participants to this conference with a great deal of interest. After reviewing them a couple of days ago, I decided that I would like to make a few comments on points brought up by Gordon Parker, Executive Director of the ATA, in his excellent contribution to this conference.

The points made by Gordon, and upon which I would like to comment, are that the draft report was written largely from the standpoint of the State (government) as a customer, that the State as a large user of telecommunications could impact local rate payers by actions it might take, such as bypass, in procuring telecommunications services, and that the policy of the State is that telecommunications facilities should be under private ownership.

I believe these observations are reasonable and do not question them. I would, however, like to comment on them from the standpoint of a government telecommunications administrator.

The observation that the draft report emphasized the State as a customer rather than a protector of public and commercial interests stems from the fact that virtually all administrative government personnel perceive telecommunications service as a necessary tool for performing their jobs and are concerned solely with its efficacy and cost. E.O. 50, in fact, while providing some procurement policy guidelines, charges the Department of Administration principally with operational responsibilities. Thus, input to the report from administrative personnel would emphasize the user aspect of State government concerns.

The State's overall mandate to serve the public interest and to manage its own operations efficiently and effectively, in the case of telecommunications at least, can result in policy dilemmas. Such dilemmas are not unique to Alaska. An example of this is the following excerpt from an article in the

October, 1985 issue of "Communications Age", written by a consultant to the Commission on California State Government Organization and Economy:

Today, the State (California) seeks to ground its telecommunications decisionmaking in policies appropriate to the new environment. Unlike that of private sector users, the State's policy process is complicated by dual objectives. On the one hand, the State owes the taxpayers the greatest possible efficiencies in telecom expenditures; on the other hand, it owes the public it serves policies which will not - because of bypass - inflate residential rates.

Unfortunately there is no indication that the consultant or the Commission had any solution except to observe that the State's dual roles can and do lead to contradictory practices.

While Alaska policy requires that State telecommunications procurement policies include consideration of costs to the communications industry and effects on basic telephone rates, such analyses are extremely complicated and the results depend entirely on the methodologies and assumptions of the analyst. A layman who has observed the filings, comments and protests by competing carriers on rate making matters before the FCC or the APUC, could understandably be convinced that in the economics of telecommunications, anything can be "proved". As an over-simple illustration: If the State were to reduce its telecommunications costs by \$2 million annually through some form of bypass, one analyst might prove that this loss of telecom revenue would have to come out of the pockets of rate payers, while another would "prove" that the savings accruing to the State would provide public benefits that off-set increased telephone costs resulting in no net impact.

The analysis of impact of State telecommunications activities on the industry and on rate payers, while never simple, has become even more difficult due to the large number of unknowns such as the outcomes of proceedings on intrastate competition, rate integration and special Alaska separations, before the APUC and the FCC.

Some of the intent of E.O. 50 has already become subverted (the best word I could come up with) through deregulation. In the "FINDINGS AND PURPOSE" section of E.O. 50, the Governor stated: "I find that...private ownership and control of telecommunications facilities should be facilitated and enhanced..." At the time E.O.50 was written, most state telephone systems, instruments, key systems, and PBX's were telephone company property furnished under tariff. However, since the deregulation of customer premises equipment, the State has had no alternative but to buy or lease equipment on the open

market. Since the Division of Telecommunications Services started administering telephone procurement procedures for various State agencies in 1983, the State has purchased nearly 2-million dollars worth of telephone equipment. The total amount of State-owned telephone equipment will increase as tariffed systems wear out or otherwise need to be replaced. The fact that the State will eventually own all its own premises equipment and in-house wiring does not mean that the State will have become its own telephone company, but it will have become more involved in its own telephone systems and services than had been envisioned at the time E.O. 50 was developed.

While the State owns its own terminal facilities it still depends on the public switched telephone network for its interfacility telephone communications. This is not solely a result of policy; it also happens to be the only practical networking method available at the present time given the fact that there is only one intrastate carrier, the lack of consolidation of State offices, and the proliferation of integrated voice/data PBX's designed to communicate digitally, and the possible development of competitive services could result in pressure for the State to look at alternatives to regular MTS for its inter facility communications. The fact is that in a competitive environment the State by its own regulations might be required to consider competitive alternatives.

The observations and comments I have made here are to point out that the State does not have, and cannot have cast-in-concrete telecommunications policies that lay down the rules for all players in the foreseeable future. (The foreseeable future, as far as telecommunications is concerned, I believe is about three weeks.)

I think that we can all agree that the State's overall telecommunications policies should be toward protecting the public interests, providing the maximum practical involvement of private enterprise in State telecommunications systems, and ensuring that State government procures the telecommunications facilities and services, necessary to carry out its functions, in a fair, efficient and cost effective manner.

I don't believe these goals are mutually exclusive, but that it will take the efforts and cooperation of industry, State administrators and regulators to achieve them.

ADDITIONAL COMMENTS FROM DEAN RURAL EDUCATION NETWORK:

November 4, 1985

RURAL EDUCATION IS A NON-CAMPUS UNIT OF THE UNIVERSITY SYSTEM CHARGED WITH PROVIDING UNIVERSITY-LEVEL EDUCATION TO RURAL RESIDENTS IN THE LEAST POPULATED AREAS OF THE STATE: ALEUTIAN CHAIN, BRISTOL BAY, INTERIOR VILLAGES, AND NORTH SLOPE. RURAL ED. ALSO ADMINISTERS CORRESPONDENCE STUDIES STATEWIDE. IN ORDER TO SERVE OUR CONSITITUENCY, WE HAVE DEVELOPED DISTANCE DELIVERY ASSOCIATE OF ARTS DEGREE PROGRAM USING TELECONFERENCE MEDIUM FOR PRIMARY INTERACTION AND SUPPORTED BY LOCAL FACILITATORS AND A STRONG MATERIALS DEVELOPMENT COMPONENT. A CORE FACULTY AND ADMINISTRATION FOCUSES ENTIRELY ON DISTANCE DELIVERY. THE TELECOMMUNCATION TECHNOLOGIES PERMIT, FOR THE FIRST TIME, THE CONSISTENT AND COHERENT AVAILABILITY OF HIGHER EDUCATION IN THE VILLAGES. INTEREST AND ENROLLMENTS HAVE SURPASSED ALL EXPECTATIONS, MORE THAN DOUBLING (187-400+) FROM SPRING TO FALL 85. STUDENTS RESIDE IN 63 VILLAGES. PROSPECTS ARE FOR CONTINUED GROWTH... BUT, THE TLEPHONE CHARGES ARE OVERWHELMING. WE ARE FACED WITH HAVING TO CURTAIL SERVICE AT THE VERY POINT OF TAKE-OFF IN A DEMONSTRABLY SUCCESSFUL DISTANCE DELIVERY PROGRAM. FACULTY, ADMINISTRATION, REGIONAL SUPPORT SERVICES CAN SUPPORT GROWTH, BUT THE TELEPHONE BILL CANNOT. IS THERE A WAY TO SURMOUNT/CIRCUMVENT THESE CHARGES DURING AN ADJUSTMENT PERIOD? SOON, WE SHALL BE ABLE TO INCORPORATE VIDEO, TELETEXT, COMPUTER TECHNOLOGIES INTO THE INSTRUCTIONAL DELIVERY. THESE ... INTEGRATED TECHNOLOGIES SHOULD REDUCE ON-LINE COSTS OF INTERACTION WITHIN A COUPLE OF YEARS. IN THE MEANTIME, WE WANT TO ENCOURAGE AND REFINE DISTANT DELIVERY INSTRUCTION AND LEARNING. ESPECIALLY WHERE IT COUNTS THE MOST, FOR RURAL ALASKANS WHO HAVE NO OTHER ACCESS. WE SHALL APPRECIATE ANY SUGGESTIONS WHICH WILL HELP US TO MAINTAIN , AND EXTEND, SERVICES TO THE 95 VILLAGES IN OUR REGIONAL NETWORK WHICH THE TELEPHONE BILL NOW THREATENS. WE WERE VERY INTERESTED IN THE REPORT AND SHALL BE RESPONDING FROM SEVERAL PERSPECTIVES AS USERS OF THE SYSTEM.

THANK YOU.

MARGERY WALKER, DEAN, RURAL EDUCATION

COMMENTS FROM PROF. JOE JOYNER, ACC. POLITICAL SCIENCE:

November 1, 1985

**To: Representative H.A. Boucher
House Special Committee on Telecommunications**

**From: Joe Joyner
Teacher, Political Science, Anchorage Community College**

**Subject: Interim Report: House Special Committee on Telecommunications -
August 1985**

First, let me extend congratulations to you and to your committee for the foresight and determination you have shown in bringing about a refreshingly open dialogue on the vital subject of telecommunications in Alaska.

Second, the interim report, compiled so well by Katherine Anders, has brought a much needed focus upon the background, as well as upon the yet unresolved policy issues which must be collectively addressed.

Third, I would like to thank the Committee for inviting me into this important discussion. My perspective is more that of a user than operator or technician; however I do have some experience in the applications of television, videotext, audioconferencing, and computers to the informational process, especially with regard to education.

As a Political Scientist and educator, I have learned, and do teach my students that one source of national strength is the cohesiveness of the society which the state serves, and that this is no less true of sub-national states such as ours. A vital prerequisite to a society's cohesiveness is an adequate communications grid; that is, the mechanisms and processes, public and private, which permit the storage, retrieval and exchange of information and the acquisition of knowledge. Numerous studies on the subject conclude that the social, economic and political fabric of a society depends in large measure upon the degree to which information can be disseminated and shared. This is especially true in developing societies where there are limitations on the physical movements of people, goods and services.

The fragmented nature of our information delivery systems in Alaska seems to attest to the recognition by few people in compartmented functions

of our State of the need to assist in this aspect of our State's development according to their respective interests. It has been particularly true in the case of education and legislative affairs, and perhaps to less visible extents in other areas of public service. While these singular efforts are laudable, they have occurred over time in the absence of a comprehensive policy or a clearly articulated set of values or desired outcomes.

The observation in the interim report that when the money was there, there was a willingness to support the acquisition of hardware; however followed by what was apparently inadequate support of user related operating costs, is telling, and provides an excellent illustration of a dilemma which has been waiting to happen.

Alaska today is among the forerunners IN THE WORLD in the possession and use of near state-of-the-art communications technology, and yet lacks a consensus or clear understanding of its most effective use or the extent or purposes to which it can best be used.

Worse, because of uncertain policy commitments as to use, we have failed to give equal attention to the questions of human development in the utilization of these resources. For example, despite early and continuing appeals, the University of Alaska has, and continues to be inadequately funded for the development of faculty and facilitator skills necessary to perfect distance learning. I would suspect similar situations occur in other areas where the exchange of information and the acquisition of knowledge is of critical importance.

And what of the public we serve? It has become more and more apparent that by the turn of the century, American communities across the nation will be wired with communications grids that will link most homes, corporations, and schools with libraries, information data bases, banking institutions, and computer centers. Informational and educational television coupled with audio-communications and data links will bring people and ideas closer together in real and near-real time than we think possible even today. Will Alaska's publics be ready for that kind of world? What are the implications for education, commerce and democratic policy-making? What are the implications for a detached society which must communicate and compete in the mainstream of its own nation and in the world at large?

I firmly believe that the continued investment in telecommunications, both software and hardware, is a critical key to the further development of our state. Even more critical, in my view, is the need to develop -NOW- a consensus as to what telecommunication policy will serve Alaskans ino

**COMMENTS FROM MARGERY BENNING LEARN ALASKA
DEVELOPMENT:**

October 31, 1985

**TO: Rep. H.A. "Red" Boucher, Chairman
House Special Committee on Telecommunications**

**FROM: Marjorie Benning
Learn Alaska Development**

SUBJECT: Response to Draft Interim Report

The following comments on the Draft Interim Report reflect a personal perspective both as a user and as staff support to K-12, higher education, and public users of instructional telecommunications in Alaska over the past six years. The are not a reflection of Learn Alaska Network positions.

COMMENTS:

The overall document appears to be a well researched and comprehensive statement addressing historical perspectives as well as issues for future direction.

First, a few general comments. Telecommunications services are essential to a state like Alaska. We in Alaska have achieved more in a shorter period of time in both the development and utilization of telecommunications than most other parts of the world. In this situation however, we may become enticed into a one dimensional technological consciousness: the search for the technological "saviour".

We assume that telecommunications technologies will solve all of our problems, we assume that there is that ONE technology that will be THE answer, and we assume that whatever technology we do NOT currently have is better than what we DO have. All of these assumptions lead us to emphasize the telecommunications systems that have developed or are envisioned rather than the problems, issues, and circumstances which they are to address. Let me be clear that these technologies and telecommunications systems are vital. But they are vital for a purpose. Telecommunications systems must serve that purpose and be evaluated within that context.

With declining revenues, the state must determine both its legitimate role and its priorities for telecommunications services for its citizens. This is a considerable challenge, the basic elements of which are well outlined in the draft report.

1. Telephone Service. As a practitioner of distance education, I have been highly dependent on the existence of essential phone services to reach students across the state. Therefore, I feel universal service at affordable rates should be a high state priority at least until universal service is a fact. A close second priority is the encouragement of effective competition for both inter and intra state services.

2. State Subsidized Television Service. Currently the state of Alaska is funding in whole or in large part entertainment, public broadcasting and instructional television. Declining revenues require prioritizing these services into those that are the most appropriate for state involvement and are of the most benefit to its citizens. Recognizing major political obstacles to such a prioritization, I suggest that, of the three areas, the only mandated area for state participation is in instruction. The state has an obligation to provide for the education of its citizens through the secondary level. It may chose to provide publicly supported post secondary educational opportunities as it has done through the University of Alaska.

Alaska is a state that naturally lends itself to the utilization of instructional technology. This is evidenced by the high utilization rates of Learn Alaska technologies and the Department of Education's IST computer programs. These systems are not perfect, they need further development (the LAN television system is still not complete) and improved access to programming and services by all user constituencies. However, they have provided Alaskans with a higher percentage of Alaskan based instructional programming and software than will be found elsewhere. Further evaluation is needed at appropriate time frames. It is noted that most such systems have an 8 to 10 year development phase. The Learn Alaska Network system is in its 5th technological year while the utilization infrastructure within its principal constituencies of K-12 and higher education is in approximately its 4th year of development.

RATNET's entertainment programming has become a regular part of rural Alaska's television experience. It is not a question of if entertainment television will continue in rural Alaska but how. Again, with declining revenues, providing entertainment television becomes a lower priority. As with the development of telephone service, it is time to transfer responsibility for entertainment television to the private sector in a manner that

3

makes the service viable to rural residents as well as to commercial interests.

Public television has also received substantial state support and has been seeking to distribute programming statewide on a channel separate from RATNET. Currently public television has access to rural Alaskan audiences through RATNET. Learn Alaska also invited all public television stations to submit requests to air programming they might have consistent with Learn Alaska's mission. No requests have been received for the Spring '86 semester.

The proposal by public television stations to have responsibility for programming Learn Alaska from 7-10PM would effectively eliminate instructional programming for post secondary students. Evening is "prime time" for adult learners. As a long time supporter of public television, I enjoy much of their general programming. However, as a faculty member who, before Learn Alaska existed, attempted to get instructional programming for my class on each of the state's PBS stations, I know that instructional programming simply does not have priority given both PBS' mission and constraints. Again, additional distribution of public television seems of lesser priority in the face of declining revenues.

3. State supported teleconferencing. In a state with the characteristics of Alaska, teleconferencing is an efficient, effective, and essential telecommunications service. Alaska has lead the world in its utilization of both instructional and legislative teleconferencing. It is a service that should receive high state priority. It is also where centralized technical facilities may well provide cost savings. However, experience has shown that decentralized user facilities would be essential to meeting the divergent needs of educators, legislators and agency personnel.

4. Converging Technologies. The questions in this section are excellent. It could be expanded to examine specific examples of converging technologies across the state. In instructional telecommunications, we have clearly learned that a combination of technologies such as computers, television, and teleconferencing is more successful than a single technology. It allows the instructor to more nearly tailor the instruction to student learning styles--a particularly important consideration in Alaska. It fosters adapting the technology to the instructional process rather than the other way around. It is the future.

Your draft report incorporates many of the underlying telecommunications issues facing Alaskans. It is encouraging that you have solicited comment

1-

from a wide variety of Alaskans with experience in telecommunications. I would encourage you to develop and support a "working group" of a cross section of these individuals to continue this process.

The
of the
at the
of the

COMMENTS FROM EXEC. DIRECTOR UACN:

DATE: October 30, 1985

TO: H. A. Boucher, Chair
House Special Committee on Telecommunications

FROM: Con Dietz
Exec. Director
University of Alaska Computer Network

REGARDS: Electronic Communication Needs in Alaska I have been reading, with great interest, the comments on the "Telecommunications Report". The Computer Conference you have established has stimulated thought and action with regard to telecommunications in Alaska. This is what it will take to ensure that Alaskans take advantage of this technology to improve their competitiveness and quality of life. For these reasons, I contribute the following for consideration:

1. I certainly echo the comments of Bob Geiman, especially as they relate to the fact that the cost effectiveness of computers to assist in communications, as well as personal productivity in general, deserves further discussion and evaluation.
2. The multipronged approach to education, which includes: television, computer-aided-instruction, audio conferencing, computer conferencing and traditional student-pupil relationships, appears to me to be the best.
3. One of the most frequently mentioned deficiencies in current modes used in the remote or distant delivery of education is the lack of responsive (timely) feedback from students to teachers. More extensive use of voice and data communications can assist in this regard.
4. The possibility of distributing and extending audio conferencing systems through the use of leased and/or shared lines needs to be re-evaluated.

5. The University of Alaska Computer Network provides access to the University of Alaska on-line card catalog (GNOSIS), computer conferencing, electronic mail and extensive computer resources throughout the State of Alaska. This network is provided without cost to college students and others for instructional use in the following communities: Ketchikan, Sitka, Juneau, Valdez, Anchorage, Kenai, Kodiak, Bethel, Nome, Fairbanks, Palmer, and Kotzebue. The network can and perhaps should be extended to include additional rural education sites. It should, at the very least, be extended to include all community libraries.

6. Extensions to communications facilities should be done without adding new or additional bureaucracies. If possible, they should be done within existing structures to enhance the opportunity for shared resources, consistent standards and efficient use of scarce, trained personnel resources.

7. Voice mail systems should be established for use in state government, the University of Alaska and all of public education.

8. In-wats or other toll free access to existing and expanded voice and data communication networks should be provided. This will help remove financial barriers to equal access to state supported services, including education at all levels.

9. The State of Alaska, Department of Administration should consider contracting with ALASCOM or other communication organizations for T-1 service for voice and data between Juneau and Anchorage and between Anchorage and Fairbanks. It should then make those lines available at a prorated cost to other state supported organizations.

10. The University of Alaska has taken another significant step forward in the use of technology by the appointment of an electronic communications coordinating council (ECCC). This Council has been charged by President O'Dowd with the task of ensuring that its communication resources are fully utilized, shared to the greatest extent possible, cost effective and planned consistent with the goals of the University.

I apologize for the brevity of the above points. I also apologize to the extent that this is a repeat of what has been promoted before. I see advantages to the State of Alaska in considering each of them. Hopefully, in deliberating

these points, brighter minds than mine will discover vast improvements
which can be made to them.

cc ECCC Members

COMMENTS BY ALASKA TELEPHONE ASSOCIATION:

**ATA RESPONSE TO THE DRAFT REPORT OF THE HOUSE SPECIAL
COMMITTEE ON TELECOMMUNICATIONS**

October 29, 19854

We must note at the outset that the remarks of the Alaska Telephone Association (ATA) will not encompass all the areas included in the draft report before the House Special Committee on Telecommunications. Since we are not in the television business, our comments will be limited to those areas generally associated with telephone service.

As to the report before the Committee, we point out that, as it refers to telephone service, it is by and large written in the perspective of the State of Alaska as a customer, i.e., management of state government's telecommunications needs. The proper role of the Legislature must be to move beyond that of customer to consideration of the needs of all Alaskans. The State of Alaska in recent years has recognized that responsibility and taken a courageous leadership role in representing rural America before the Federal Communications Commission (FCC). In so doing, the State has recognized the impact which decisions by the State as a customer have on all residents of Alaska. This Legislature, in its considerations and in the policy guidance it will choose to pass on to state government agencies, must continue that recognition.

There are several issues that have dominated the attention of the industry and state regulators in recent years. All of them are complicated and interconnected. We will attempt to outline them as follows:

1) Competition: The question of competition in toll, or interexchange, must be considered on two fronts: interstate and intrastate. Let us first consider interstate competition.

As the result of a series of court decisions (including the 1981 AT&T Consent Decree) and corresponding FCC actions, we now have competition among companies seeking to provide interstate-toll service. The theory leading us into competition is, of course, that rates to users will be driven down by the marketplace. Rates charged, in other words, would be driven by actual costs

in relationship to typical market factors, i.e., level of competition and demand.

Traditionally that portion of the local exchange companies' costs which could be attributed to providing access to the toll network was allocated to the interstate jurisdiction. Through a complicated settlements process, local exchange companies received compensation to cover their costs plus their allowed rates of return from a nationwide pool.

As the competitive era dawned, it became necessary to deload toll rates of the traditional support to local service in order to allow toll companies flexibility in pricing and to prevent, if possible, large users from bypassing the public switched network. Hence the much discussed end user charge, or subscriber line charge.

Established at \$6.00 per access line for multiline businesses and \$1.00 currently for residences and single line businesses (rising to \$2.00 on June 1, 1986), the subscriber line charge is simply payment to cover the cost to the local exchange company for constructing and maintaining the facilities necessary to access the toll network.

The FCC, in its move to foster competition, realized that rural areas may not benefit as quickly from competition. They were convinced that rural ratepayers, deprived of the traditional toll support to keep local rates down and not recipient to numerous companies competing for their business, would be subjected to radical cost increases. Therefore the Universal Service Fund (USF) was created to continue, at least on a temporary basis, a portion of the toll supplement. The USF, funded through an initial \$80,000,000 contribution from AT&T and continuous payments by all interexchange carriers, is intended to cover a portion of the local exchange companies' costs which were allocated to toll service and were previously recovered through toll settlements.

In addition, the FCC approved implementation of a High Cost Factor (HCF) which is intended to reimburse local exchange companies with extraordinarily high costs of providing service. By and large, recipients of HCF funds are rural. Almost all of Alaska's local exchange companies fall into the high cost category.

On January 1, 1986, shifts in the jurisdictional allocations (the division of costs among interstate, intrastate and local) begin which will move more of the cost burden from interstate to local. It remains to be seen whether the USF and the HCF will provide enough support to protect rural ratepayers,

3

already not benefitting from toll competition, from inordinate increases in their local rates.

ATA has a current Task Force which is tracking the process of the shifts in jurisdictional allocations in an effort to determine the effectiveness of the USF in mitigating the pressures on local rates.

On the intrastate side, the Alaska Public Utilities Commission (APUC) has now under consideration Docket U-83-63, an investigation of the adoption of intrastate access charges. The issue is intrastate competition.

Uppermost in their consideration are the demographics of the state. If intrastate competition is allowed, it is likely competing carriers would concentrate on Anchorage, Fairbanks and Juneau. If competing carriers siphon away a portion of the business in the high density routes, then will there be enough left to support service in the sparsely populated rural areas? Or will toll deaveraging develop wherein rates on high density routes drop drastically forcing an equally drastic increase in rates on low density routes? Again, the current ATA Task Force is working on these issues in an effort to assist the APUC in deciding these issues.

As a point of reference, Alaska has not been overwhelmed with competing toll carriers. To date, Alascom continues to be the statewide carrier with only General Communication, Inc. offering competition in the interstate market. No carrier has filed for certification to compete with Alascom in the intrastate arena.

2) Bypass: Perhaps the most serious challenge facing us today, bypass occurs when a user determines that it can save money by developing its own private system and avoiding the switched network. When a large user moves its business to a private network, the revenues that user has been paying into the system obviously go with it. However, the facilities required to provide service to those still in the public switched network remain. The difference is, of course, the costs of those facilities must be spread over a smaller customer base.

The system may further be damaged by what is generally known as the "leaky PBX." This phenomenon occurs when an entity carries its toll on a private system to a central location and then connects through its own PBX to an offnet local number. That entity is then benefitting from the public switched network while making virtually no contribution toward its support. In recognition of the inequity of this situation, the FCC has allowed a \$25.00 surcharge to users producing this phenomenon.

It is through this process that the State of Alaska as a customer has the potential to do harm to the residents of the State of Alaska. For that reason, State policy as described in Executive Order 50 wisely requires that the State must evaluate the impact of its actions as a telecommunications customer on the ratepayers of the State as a whole.

3) **Universal Service:** This is a much defended but little defined term. It's one of those terms which everyone assumes is understood but few people can define succinctly. Generally, it is usually understood to mean, in a broad definition, the availability of telephone service to all citizens at a reasonable cost. "Availability," "telephone service" and "reasonable cost" are all vague terms, however, which have thus far eluded specific definition.

Commissioner Marvin Weatherly of the APUC has stated strongly his belief that Alaska Statutes should be amended to include a statement of Universal Service as a policy of the State of Alaska. We agree with the Commissioner and suggest the following language:

AS 42.05.140. Telecommunications Service Public Policy. All utilities providing local exchange and interexchange telecommunications service within this state are hereby declared to be affected with a public interest and, except as otherwise stated in AS 42.05.711, subject to regulation and general supervision by the Commission. Among the purposes to be served by such regulation are:

- 1) to make available to all people of this state modern and efficient telecommunications services at the most economic and reasonable cost;
- 2) to establish and maintain reasonable charges for telecommunications services without unreasonable discrimination or unfair or destructive competitive practices; and
- 3) to encourage the establishment and maintenance of a strong telecommunications industry.

4) **Lifeline:** Whereas the concept of Universal Service applies to the rights of all citizens of this country to have access to the nation's basic infrastructure of services should they choose to take advantage of that right, Lifeline is recognition that some of our fellow citizens suffer disadvantage requiring special consideration. Lifeline is clearly separate and distinct from Universal Service and the Legislature must consider it so.

The alternate approaches to funding Lifeline are:

- 1) a publicly funded and administered program;
- 2) a program funded through credits against exchange carrier state tax liabilities; or
- 3) one funded by additional charges to other ratepayers. With any of the above alternatives an indispensable role would have to be played by state agencies in establishing and applying eligibility requirements.

No plausible case can be made either for placing on exchange carriers the quasi-governmental role of applying eligibility standards or for imposing on exchange carriers, or the telecommunications industry generally, a financial burden that properly relates to the overall interests of society.

At the beginning is the very nature of Lifeline. Lifeline is understood to be a form of discounted basic local service that will assure the continued availability of affordable access to the public switched network for that portion of the public defined as being economically disadvantaged. The underlying concept is broad enough to open the way to new approaches not involving preferential discounts. In other words, if affordable access for the disadvantaged can be assured without such discounts, this would meet the Lifeline goal without the problems associated with maintaining arbitrary service classification.

A responsible approach to public policy cannot mean that Lifeline objectives require unlimited numbers and durations of calls at a discounted price. The competitive environment of telecommunications today makes it unworkable and self-defeating to force exchange carriers to provide service on an economically irrational basis. As the name itself suggests, Lifeline should be thought of as a way to be sure of meeting the essential requirements of the economically disadvantaged, including the poor elderly and the poor handicapped. This means simply basic access to emergency medical and safety services through the telephone network at a reasonable price. Any other approach would place greater burdens on exchange carriers and would increase the burdens falling on the average customer, both results being directly counter to stated FCC objectives.

In summary, Lifeline programs should be consistent with FCC objectives and designed to meet the essential requirements of those in special need.

There is no evidence that significant numbers of customers are removing telephone service from their homes because of higher local rates or

subscriber line charges. On the contrary, the only study that has approached this issue on an empirical basis, issued by the Washington Utilities and Transportation Commission, concludes that most disconnects occur because of the users' inability to pay their billed toll charges. The characteristic problem leading to disconnection involves individuals or households not able to manage their toll usage in relation to available funds. These parties are the likely candidates for voluntary or involuntary drop-off rather than subscribers faced with increasing local rates. If the Washington study results are representative, special programs directed at reducing the impact of local telephone service bills on the needy may not be necessary.

Other studies of a non-empirical nature have also concluded that the establishment of subscriber line charges and/or increases in local rates will have minimal adverse impact on subscriber penetration ratios.

Many states, including Alaska, have already taken steps to ensure utility service availability to low income households. As of 1983, all of the states had either designated telephone service as a basic or special need item or included it in calculating Aid to Families with Dependent Children (AFDC) benefits. Telephone costs are also included as a monthly expense item to calculate benefit levels in many states which supplement SSI assistance. Assessment of the need for Lifeline should take into account these existing programs.

The key factors which should be considered in selecting the best approach to Lifeline are:

- 1) the program selected should meet the essential needs of the economically disadvantaged;
- 2) the program should be consistent with national policies established by the FCC favoring a competitive environment in telecommunications;
- 3) in the interest of Universal Service, it should seek to assure local exchange carriers' ability to employ economically rational pricing;
- 4) the program should not permit large scale abuse that would undermine the foregoing policies;
- 5) complex and costly administrative procedures should be avoided to the extent possible;
- 6) the disadvantaged should not be subjected to demeaning

administrative procedures or unwarranted invasions of their privacy;

7) private companies should not be expected to perform a quasi governmental function; and

8) no unreasonable cost burden should fall on other users as a result of the approach adopted.

The best approach to Lifeline is a system based on direct payments to present entitlement program recipients augmenting any amounts already included for utility payments in a household's subsistence check. Under this approach there is no need for any involvement by exchange carriers or their regulators.

Having summarized these basic issues of which the Legislature should be aware, we turn now back to the report before the Committee. While reiterating our earlier statement that the report is, by and large and in respect to its comments on telephone service, presented from the point of view of the State as a customer, we feel compelled to make a few comments directed at specific statements contained in the report.

We take exception to the implication that little in the way of reliable telecommunications service was being provided prior to the earth station program in the mid-seventies. Our exception lies in the omission of the activity by local exchange companies. There were several telephone entrepreneurs establishing local exchange service decades prior to the involvement of the State and the sale of the Alaska Communications System to RCA in 1971. ATA itself, representative of local exchange companies, was formed in 1949.

Prior to the mid-seventies, toll was carried as an adjunct to military traffic on the Air Force-controlled ACS. While there is no denial that the transition to satellite transmission was a marked improvement, that program was only one factor in the widespread development in local exchange service which we see today in the Bush. Of equal, if not more, importance in terms of local exchange service, i.e., the ability of residents of a given community to have telephones in their homes or businesses and thereby access both the toll network and their neighbors, were the inclusion of Alaska in the nationwide settlements pool and the availability of low interest financing through the Rural Electrification Administration (REA).

3

Adoption of the Ozark settlements plan and inclusion of Alaska in the nationwide settlements pool was approved informally by the FCC in the mid-seventies and later confirmed officially by the Federal State Joint Board on Alaska/Hawaii Rate Integration. By allowing the cost of service to be spread over the national pool of ratepayers, the revenues to support widespread local exchange service throughout Alaska were made available.

In addition, low interest financing through REA was made available on a priority basis to establish new exchanges in Alaska. Revenues provided from Ozark and financing through REA were the major factors in the establishment and expansion of such companies as Interior Telephone, OTZ Cooperative, United Utilities and many others now providing local exchange service in the most distant and isolated areas of Alaska.

Ironically, the present threat to the rural ratepayer involve the same two factors. Ozark is no more, having given way to a competitive toll environment, subscriber line charges and the Universal Service Fund. The Congress is under heavy pressure from the Reagan Administration to eliminate the REA program. While it has survived the current session of Congress, the outlook for the future is not bright.

The report at hand does emphasize the consistent policy of the State of Alaska that telecommunications facilities should be under private ownership. We endorse that position as one correct for the State to maintain. The prime document of State policy in this area, Executive Order 50, issued by former Governor Jay Hammond, states this position clearly. Executive Order 50 further recognized the responsibility of the State to consider the impact which the State as a customer might have on the State as a body of citizens.

Finally, we note that the report correctly states the inelastic nature of demand for telecommunications services. We simply cannot turn off telephone service in rural America because the bill is too high. We in ATA have spent most of our waking hours in the past several years attempting to find solutions to the problems outlined here. We intend to continue striving to maintain a system which allows Alaskans the benefits of a state of the art telecommunications system at an affordable cost and which allows feasibility for the operation of local exchange companies. We appreciate the opportunity to work with this committee and look forward to continuing this dialogue.

Submitted by: Gordon Parker, Executive Director
Alaska Telephone Association

COMMENTS FROM DIRECTOR UAIT:

October 25, 1985

TO: Representative H.A. "Red" Boucher
FROM: Jane Pollard Demmert
SUBJECT: August 1985 Interim Report

The initiative your committee has taken to "corral" the diffuse aspects of the state's telecommunication growth is welcomed and needed. Your report aptly identifies the recent history of state-funded telecommunication growth, and highlights many unresolved policy issues. The Committee's work is occurring at a turning point in the state's history. Many telecommunication systems were capitalized in the last ten years. However, some were inadequately funded for maintenance, replacement and most significantly, for optimal staff support to introduce users to the systems and assist them in adapting traditional methods of delivery to the new technologies. Nevertheless use has developed rapidly and now agencies, and the University are dependent upon such services. Given the state's reduction in revenues, a central consideration is "WHERE SHOULD THE MAINTENANCE AND FURTHER DEVELOPMENT OF A TELECOMMUNICATION INFRASTRUCTURE FIT IN LEGISLATIVE AND EXECUTIVE BRANCH PRIORITIES?" In my view, it should be very high.

The University is currently writing a six-year plan. A central assumption in the drafts of the plan is that a basic level of higher education should be available to Alaskan's in their home community. A given is the further contraction of state revenues. Additionally, it is assumed that telecommunication-based delivery can assist to meet expanding educational needs traditionally met through bricks and mortar projects. In short: telecommunication delivery of education is essential to the University of Alaska, and reliance is projected to increase in the next six years. THE RESOLUTION OF POLICY ISSUES IDENTIFIED ON PAGE 36 IS CENTRAL TO MAINTENANCE OF CURRENT LEVELS OF UNIVERSITY INSTRUCTION, AS WELL AS PLANNED GROWTH.

There are analogies between telecommunication development and bricks and mortar capital construction. In both there is a tendency to focus on initial capitalization, neglecting the realistic implications in regard to operating and maintenance requirements. The state will continue to lose the

12

full potential of our present telecommunications services until sufficient resources are committed to these purposes, through new appropriations and reprogramming of existing funding. The concept of "life-cycle costing" for effective operation and use of current and planned telecommunication services is one the Committee could appropriately address.

The University of Alaska and the Alaska Department of Education have forged a mutually productive relationship in regard to use of telecommunication in education. Unique among the states, this partnership in the sponsorship, policy development, management and use of the LearnAlaska Network has generated significant cooperation and collaboration between the two entities. In many other states, universities and schools have created totally separate telecommunication services, in the process creating unnecessary duplicative costs. While this partnership enables cost-effectiveness, inter-agency funding patterns are the exception rather than the rule in Alaska. **THE STATE WILL BENEFIT FROM INCREASED WELL-PLANNED INTER-AGENCY COLLABORATION IN TELECOMMUNICATION, AND THE COMMITTEE CAN PLAY A KEY ROLE IN ADVOCATING THIS TYPE OF DEVELOPMENT.**

Finally, the Committee is well positioned to **ADVOCATE, ON BEHALF OF THE STATE FOR THE DEVELOPMENT AND SHAPING OF NEW TELECOMMUNICATION TECHNOLOGIES AND APPLICATIONS RESPONSIVE TO THE STATE'S NEEDS.** We need this type of advocacy, badly.

COMMENTS FROM DIRECTOR OF LIBRARIES UAE:

October 23, 1985

**Response to: An Interim Report: House Special Committee
On Telecommunications**

**From: Bob Geiman, Director of Libraries
University of Alaska**

I found the document to be an excellent statement from both the historic and future perspectives. I personally appreciate the work which went into assembling and presenting the data.

I agree that we face an absence of coherent and adequate policy. We are not prepared to move ahead with planning and coordination of telecommunications within Alaska and beyond. Western Interstate Commission for Higher Education (WICHE) has wrestled with this also from a regional perspective without success. This is heady and difficult work. It is only in an environment of mutual respect and trust that reasonable progress will be made in delicate policy issues.

The progression from policy to guides to action, to objectives and to evaluation was well stated. At the University of Alaska, Fairbanks, we proposed a Center for the Study of Applied Telecommunication Technology which has as its intent the focusing of attention on the progression noted in the report.

In the definitions section, I would like to see computer applications included as a specific component. Though computers are taken into account within the "converging technologies" section, I am concerned by the lack of recognition of computers at all levels.

Concerning the assessment of what needs to be done as we move forward, I hope the emphasis will be on actual need rather than hardware configurations. Our previous starting point in the past was too often centered around hardware.

The perspective on need and the increasing pressure for telecommunication

services are accurately described. We are very much aware that we live in an information world where one of our major bottlenecks is document delivery. Laser disc is a technology which has significant potential for addressing some of the needs.

I did particularly appreciate the perspective in the section on converging technologies. Access to information is squarely addressed. The University's GNOSIS system and teletext document delivery project combine some of these converging technologies to meet information access and delivery requirements.

I look forward to seeing you all in Anchorage next month. Congratulations to Rep. Red Boucher and Kathy Anders for the current leadership.

COMMENTS FROM DEAN OF RURAL EDUCATION NETWORK:

OCTOBER 22, 1985

HI RED BOUCHER,

I SHALL TEST YOUR CALLING CARD! THANK YOU FOR MAKING THE DRAFT PLAN ON TELECOMMUNICATIONS AVAILABLE TO THE RURAL ED NETWORK. IT IS CIRCULATING. HOPE IT WILL REAP SOME HELPFUL COMMENTS. IN THE MEANTIME, WE ARE FACING A TELECOMMUNICATIONS CRISIS IN TERMS OF THE COSTS OF THE AUDIOCONFERENCE. OUR DISTANCE DELIVERY PROGRAM USING THAT MEDIUM HAS MUSHROOMED IN POPULARITY. PARTICIPATION HAS DOUBLED (200-400) FROM SPRING TO FALL. WE EXPECT ANOTHER JUMP, TO APPROXIMATELY 600 IN THE SPRING. THE NUMBER OF VILLAGES SERVED HAS ALSO DOUBLED, FROM 33 TO 63 AND COULD READILY EXPAND TO ALL 95 VILLAGES OF THE RURAL ED SERVICE AREA...EXCEPT WE ARE RUNNING OUT OF FUNDS TO PAY THE \$32 PER HOUR BRIDGE CHARGE. OUR ORIGINAL BUDGET FOR BRIDGE COSTS WAS \$127.0. WE SHALL NOW SPEND OVER \$100.0 IN THE FALL SEMESTER ALONE! IT IS A BIG PROBLEM, ALBIT BORNE OF SUCCESS. I AM GLAD TO SAY THAT BECAUSE OF RURAL ED'S FLEXIBLE DELIVERY MODEL - WITH CORE FACULTY AND ADMINISTRATIVE SERVICES TEAMED WITH FIELD SUPPORT - THAT WE CAN SERVE INCREASED NUMBERS OF STUDENTS AND SITES WITHOUT INCREASED PERSONNEL COSTS WITH SOME REALLOCATIONS. I AM DISMAYED THAT WE MAY HAVE TO CURTAIL THE PROGRAM THAT IS DEMONSTRATING THE EFFICACY OF DISTANCE DELIVERY TO RURAL ALASKA, AT THE VERY MOMENT IT IS PROVING ITSELF TO THE PARTICIPANTS. WE ARE URGENTLY EXPLORING WAYS TO CUT COSTS, PROCURE FUNDING FOR THE COMMUNICATIONS LINK, AND ULTIMATELY, CUT PROGRAM. ANY SUGGESTIONS???

I VISITED WITH NELS ANDERSON IN DILLINGHAM LAST WEEK. HE REPORTED THAT HE HAD BEEN ON LINE WITH YOU. IT IS A WONDERFUL NEW WORLD OF TELECOMMUNICATIONS....IF ONLY WE CAN AFFORD IT.

MARGERY WALKER

**COMMENTS FROM EXECUTIVE DIRECTOR ALASKA PUBLIC
BROADCASTING COMMISSION:**

October 21, 1985

MEMORANDUM TO TELECOMMUNICATIONS CONFERENCE

**SUBJECT: Comments on Draft Interim Report; House Special Committee on
Telecommunications**

**FROM: Dr. Charles Northrip, Executive Director
Alaska Public Broadcasting Commission**

The draft report does a good job of raising the multitude of issues and questions facing the state's telecommunications policymakers. The "waterfront" is well covered in the various sections of the report. In general, I agree with the selection and wording of the various policy questions which need to be addressed. I will confine my comments to those areas of the draft where I have suggestions for rephrasing some of the issues questions or other additions.

On page 7, the draft briefly describes Executive Order 50. The effect of that order was to "compartmentalize" the State television project (TVP); instructional television activities; and public television and radio. Such compartmentalization made for clear organizational lines but perhaps resulted in less efficiency in the use of State resources. A possible policy question that could be raised is whether it is time to re-examine the organizational frameworks put in place by Executive Order 50 with an eye to more cooperative use of the State's telecommunication resources and more coordinated oversight of those resources. Such a question could be inserted in the converging technologies section of the report or in the conclusions section as an additional question to those already listed on page 35 and 36.

Naturally, the majority of my comments will deal with the section on public broadcasting. On page 25 of the draft where the potential issues are listed, I have the following comments:

The first listed issue could be broadened, I believe, to include the fact that the State provides not only entertainment television to 227 locations but instructional television as well. That means a

2

total of 2 full satellite transponders are devoted to such distribution. The question should perhaps be whether Alaska's citizens should be able to receive public television in the same way they now receive entertainment and instructional television. Put another way, should public television be treated differently in terms of state support for distribution than is entertainment and instructional television. It would also seem that a question could be raised as to whether existing state leased transponder capacity should be shared among entertainment, instructional, and public television (and perhaps other uses as well). Such an approach would seem to follow the general notion of getting maximum use out of existing resources.

Item 2 might be more easily discussed and decided by the Committee and other policymakers by the inclusion of examples of general audience public television programs. In-depth coverage provided by public television during election campaigns, special coverage provided during extraordinary events (such as the impeachment coverage), general informational programs on health and science, are such examples. The APBC would be glad to discuss with the Committee the programs currently provided to rural locations and what the potential would be if the statewide distribution goal could be reached.

Perhaps a better question to be asked under Item 3 is whether the use of the transponder devoted to education is consistent with the definition of such programming and the concept of shared use of the facility as was envisioned in the joint APBC/University of Alaska/Department of Education report in response to legislative Resolution Number 25. The definition in the Resolution clearly included public television general audience type programs because the Resolution also directed that the APBC participate in the report to be submitted in response to the Resolution. On page 33 of that report, it states "...significant cost savings may further be realized if design and implementation of any dedicated instructional telecommunication system is COORDINATED (emphasis added) with any other specialized statewide communication services which may be initiated. It should be further noted that on behalf of the public interest, the Federal Communications Act of 1934 permits reduced cost for private services to PUBLIC BROADCASTING (emphasis added), and may apply to some or all component of an instructional system." It seems clear that cooperation between public television and instructional television was assumed in the report. Such cooperation would assure that all aspects of educational

programming (both general informational and specific, for credit instruction) could be made available to the citizens.

On page 27, Item 3, raises the question of evaluating the impact of ITV/LearnAlaska. Study after study has proved that instructional television provides instruction that is not significantly different from instruction provided in the traditional classroom manner. That is not a negative finding. It clearly shows that instructional television has great potential for local classroom teachers to leave more routine matters of instruction to the technology so that they may concentrate more on individual needs and more unique portions of the curriculum. These benefits are particularly important to rural Alaska where special low student populations make large concentrations of faculty with many specialities impossible to achieve. The key question of the use of such technology is whether or not it is convenient for the teacher to use and cost effective for the State and the local education authority. Perhaps less money should be spent on a 24 hour-a-day broadcast schedule and more spent on recorders and automatic start/stop equipment at school locations so that relevant materials can be recorded (even on an automatic basis during the late night hours) so that the materials would be available for teacher use in accordance with local class schedules. Perhaps more effort should also be put into securing materials that concentrate on basic instruction to distribute over the system, rather than "enrichment" materials, which are often seen as additional burdens by the classroom teacher. I know that LearnAlaska officials are dealing with both of these areas and some progress has been made in terms of distributing whole blocks of instructional material in late night hours. I would still raise the question, however, as to whether the regular daily schedule is utilized by enough teachers and students to justify its cost.

I applaud the questions raised in Item 4 on page 27 and believe that it is time for an evaluation of the type suggested to be undertaken by an agency not involved in the direct providing of the service. Questions raised by the draft are good ones and I believe answers can be found, provided an independent and objective research team is given the task.

Since comparisons among the various amounts of money spent by the agencies listed on page 33 may be made, I'd like to call attention to a mistake I made when I supplied information to the Committee. I should have divided the APBC's spending between public radio and public television. Since TVP is an exclusively television project and the majority of funds spent by DOE and the University of Alaska for ITV/LearnAlaska are

7

devoted to television, I think it would be helpful to show how much the State actually spends in supporting public television as opposed to public broadcasting in general, which includes public radio. In FY'85, the APBC spent a total of \$4,045.8 on public television, including \$1,571.0 in one time capital expenditures. That amounted to 12.6% in the common size percentage column for FY '85. In FY '86, the APBC spent \$2,571.6 on public television or 9.2% in the common size percentage column. The balance of APBC expenditures in both years were devoted to public radio, which, thanks to 15 locations plus a number of translator and repeater facilities, now reaches almost all of Alaska's population. Public television, limited to areas around Anchorage, Fairbanks, Juneau, and Bethel, has not yet reached that level of statewide distribution.

In conclusion, I wish the Committee well as it continues its deliberations. The draft interim report is a good starting place and raises many important questions and policy issues. The key solution to many of the problems seems to be coordination and cooperation. All parties - telecommunications suppliers and users - must work together to get maximum benefit from state resources devoted to telecommunications. Public television station managers have been meeting with and corresponding with Learn/Alaska officials in the hope that more cooperative uses can be achieved. In fact, a proposal for such progress cooperative use is now on the table. I look forward to continued progress on that front and continued work with the Telecommunications Special Committee on those issues and others that concern us all. Thanks for the easy and efficient method of sharing comments and information.

COMMENTS FROM ATTORNEY GENERALS OFFICE

October 17, 1985

**Memo To: House Special Committee on Telecommunications
Ongoing Computer Conference Network**

**From: Peter Froehlich, J.D., Assistant Attorney General
State of Alaska**

Here are some brief and hurried comments on the September draft interim report by Kathleen Anders, as I prepare to leave my office for several weeks.

- The summary of session laws on pp. 4-10 and the references listed pp. 38-42 are particularly valuable collections of information.
- The identification of issues on pp. 20-30 is remarkably thorough and objective.

My thoughts on some specific issues:

- Telephone rate integration p. 21. The Alaska Joint Board was just established by the FCC and one of the most important things the legislature can do is appropriate the money necessary to fund the State's participation to protect all telephone rate payers from a loss of up to \$175 million/year in subsidies. (\$1000/year/ratepayer). Current estimates are that up to \$500,000 will be required in the next twelve months with roughly half possibly needed as a supplemental appropriation.

- TVP/APBC/LAN pp. 24-28: cooperation and farsightedness not always typical to the bureaucracy will be required to successfully accomplish the consolidation and other economy measures required as state money to spend on TV decreases. Hopefully private sector mechanisms will take up much of the slack.

- Teleconferencing p. 29. LTN fee increases are already chilling the use of teleconferencing by the executive branch that all hoped to foster through HB

140 last session. This may be one of the areas that needs quicker answers than some others.

Thanks to Kathy Anders and Representative Boucher for setting up this conference and helping a computer phobe like myself to learn first hand what available technology can help us do.

I'll check in with the conference on my return in mid November.

MEMORANDUM TO CONFERENCE FROM CHAIR OCTOBER 11, 1985:

***18 ANHAB Fri Oct 11 19:54 (27)**

Has been a fine week with excellent reports from Nels Anderson and Bill Bramble. Dr Bramble went over the report section by section and commented on it, this was extremely helpful. Dr Sylvia Broady, Prof Wallace Allen (Atwood Chair), Prof Larry Pearson, and Prof Richard Taylor along with Doug Barry of Learn Alaska met with staff and myself on Friday at UAA to discuss the subject of telecommunications from the user point of view, it was a very creative meeting. My thanks to Dr Broady and the UAA Department of Journalism & Public Communications for their input. The meeting was so successful that we plan to meet every Friday.

The meeting by the full Committee to review the draft report and comments is scheduled for Tuesday November 19th in Anchorage. I am hoping to have comments from all participants in hand by October 25th. While I would prefer to have the comments come via the computer conference, this is not absolutely necessary. If you prefer you can mail them directly to Kathy Anders in my Juneau office (Pouch V Juneau 99811) and Kathy will enter them into the conference. Whether your comments come via EMAIL or USMAIL they are vital to the success of the committee. There are over 25 Alaskans, from every communication discipline in the state, participating in the conference. If we are to develop a meaningful telecommunication policy for the future of OUR state your input is essential!!!!!!!

**H.A. "Red" Boucher, Chair
Special House Committee on Telecommunications
1024 W 6th Ave Suite 201F
Anchorage, Alaska 99501
Phone 276-3338**

COMMENTS FROM DEPARTMENT OF EDUCATION:

October 4, 1985

**Reactions to Draft of An Interim Report
House Special Committee on Telecommunications
dated August, 1985**

The following are section-by-section comments and reactions to the report.

Introduction

1. Good section.
2. I might point out that in the middle of page 1 where the figure of \$200 million for the past eleven years is referenced, this is an average expenditure of \$18.8 million per year or something like .0009% per year of the average operating budget during this period. Given the very large number of disperse elements that fall rather arbitrarily into "telecommunications" expenditures, I am wondering if the lump sum figure of \$200 million appears more massive than it is.

Policy Directives as Presented in Session Laws, Executive Orders, Legislative Resolves.

1. A good summary that brings together a lot of information.
2. P. 7 Executive Order 50

Two elements I would add:

- a) Calls for the establishment of an ITV network to be developed by the DOE and UA.
 - b) Deletes references to "instructional television" from APBC statutes.
3. On pp. 9-10, references to amounts in DOE budget are over-estimates for telecommunications expenditures. The amounts given are for general Office of Educational Technology and Telecommunications or Office of Instructional Services. Since the activities of these offices were and are

2

broader than telecommunications, the amount for telecommunications is less than the total figures listed.

Summation

1. P.11 First paragraph. Professor Merritt's view of the reasoning behind first earth stations. I am not sure how accurate this is. A compelling argument could be made for the importance of video distribution. I note here the installation of the experimental earth stations receiving ATS-6 signals in the early 70's and the fact that TV in some form became available as soon as the initial State earth stations were constructed. There has been a continuing clamor for TV service. This is certainly an issue where the eyes of the beholder then and now play a large role in interpretation. The interpretation also tends to minimize the rather substantial role education has played in funding, underwriting and utilizing these systems from the start.

Telephone Service/Potential Issues: Telephone Service

1. Excellent sections.
2. I think it might help to include more on the new digital communications networks (ISDN's). Alaska's local and statewide ability to participate in these may be a critical issue in the future.

Potential Issues: State Subsidized Commercial Television, Television Demonstration Project (TVP).

1. Good Section.
2. P.23, Point #4. A combination of entertainment and educational TV was tried during the early days of the TVP projects. Quite simply, it did not work for ITV due to competition for prime slots and last minute pre-emption problems (e.g. World Series, etc.). Instructional television use has now developed to the point where it could not work properly if limited to off-hours when entertainment TV options are sparse. Dual format and its impact on local distribution has not been tested in state nor shown to be adequate to the task. Retrofitting 250 sites would be costly. DOA telecommunication experts tell me that the break-even point is not reached for at least three years. By that time would conditions change to the point where amortization of investment is probable?

Potential Issues: Alaska Public Broadcasting Commission (APBC)

1. This section is weak and really does not address key issues with Public Television.
2. A major consideration is that the "Public" in Public TV should not be equated with "public" in the governmental political sense. Public broadcasting receives the largest of the State allocations for telecommunications each year (see p. 33 of report). The service provided is general audience programming which may be entertaining, educational or informational, but is not designed to carry out a given set of tasks for State government. In fact, State government is prohibited by statute from interference with programming. While PTV is a valuable service for a small and select portion of the public, State funds provided are essentially a subsidy akin to the subsidy provided entertainment television. The amount of the subsidy is large in comparison to that provided PTV in other states.

The state contribution to PTV in Alaska, at over \$6.00 per capita, is reported to be the highest in the United States. Typical cash contributions from state sources to PTV average around 24% of total budget and often flow through education agencies. The cash subsidy provided to Alaska PTV stations is I would guess, about 70% to 90% of cash resources received. In other states, the State contribution to PTV is often provided in return for educational services provided with input from the educational units involved. PTV in Alaska follows the community broadcasting model with stations located in four communities in the state (Anchorage, Bethel, Juneau, and Fairbanks). They vary in approach but are generally not heavily tied to education.

Given reducing State revenues, the amount of this subsidy, and the proportionate size of the item in the overall State telecommunications budget, a question might relate to whether alternative forms of funding or more cost-efficient methods of operating PTV are possible.

3. In points 1 and 2, the question is raised as to whether PTV should be further subsidized to provide for distribution to virtually every community in the State. The desirability of doing that in view of the points I raise (in #2 above) aside, there is a logical paradox in this notion. PTV has maintained a rather large subsidy through its preference for local community-based broadcasting. Distribution of a statewide signal is quite a different approach. If PTV approached distribution in this way in its entirety it could likely afford to run a single station with statewide coverage within its current budget or

on a reduced budget. On the other hand, if community-based broadcasting is required, the "super-station" model is certainly questionable. The costs of a two-pronged approach are enormous. In any case, given the high cost to the state already for the PTV subsidy, the Statewide distribution approach would need careful consideration.

One additional point should be made here about Statewide PTV delivery. The TVP or RATNET channel is already authorized to provide public TV along with entertainment TV. In essence, PTV already has a statewide mechanism for distribution. The problem for PTV has been that the RATNET committee selects little or no PTV for broadcast. In view of that fact, is there really a desire on the part of rural residents to have PTV distributed statewide? Or conversely, should TVP be encouraged to deliver a portion of the PTV schedule?

4. In point 3 of this section of the report, the issue of parallel PTV and LearnAlaska programming is raised. From my own investigation of this issue the overlap is minimal at present. It will probably become even less in the future as instructional programming develops further on the LearnAlaska Network. LearnAlaska sees no problem with current overlap. That is, if some programming on PTV serves the educational needs of the public, so much the better. The problem appears to be with PTV and its competitive stance relative to LearnAlaska. I find this strange given the strong competitors already vying for audience share (e.g., major networks, HBO, CNN, ESPN, etc.). Also, the fact that PTV is largely a state subsidized service anyway.
5. There are potential contributions to education that PTV could be making. Cooperation on TV program production is one area, tailoring of ITV schedules to fit the needs of local schools is another, possibilities like (point 7) public radio (though more limited in impact) may be yet another. Cooperative efforts in these areas are desirable. The negative stance on the part of some elements of the public broadcasting industry towards LearnAlaska, the University, and the Department of Education is not.

**Potential Issues: Office of Instructional Services/University of Alaska --
Instructional Television (ITV LearnAlaska Network)**

1. These seem to be the right questions to ask.
2. I might add that DOE's problem at present is that of trying to provide user support and assistance given a net gain of zero staffing in DOE for this very substantial program.

Potential Issues: Teleconferencing:

1. Good section.
2. I would note here also a reduction of \$660,000 including one staff position to the Office of Instructional Services, DOE, that negatively impacts on audioconferencing as well.

Potential Issues: Converging Technologies

1. Good section.
2. The low capability for intra and inter-departmental planning in this area is a key issue. This area needs more attention and appropriate staffing and funding.

Summation

Good section

Budget Review

It is interesting to see the relative amounts going into different programs. The DOA amounts for public broadcasting and Mel Hoverson's operation appear to be the bulk of the State telecommunications expenditure.

DOE figures tend to be overestimates due to the fact that budget figures were quoted that involve activities other than telecommunications.

Conclusions

Excellent section, especially the final paragraph.

William J. Bramble

**MEMORANDUM TO ALL PARTICIPANTS OF TELECOMMUNICATION
CONFERENCE:**

October 4, 1985

Subject: Purpose

By this time, most or all of you, have received a copy of "An Interim Report: House Special Committee on Telecommunications" prepared by Kathleen Anders special assistant for the committee. I would, for a moment, like to share my thoughts with you on the purpose of this report and what as Committee Chairman I hope to gain from your input.

I would like to call your attention to the Preface page which states "This document is not intended to represent findings of the committee but to become a working document on which action can be taken and dialogue begun." Secondly I would like to refer to Executive Order No. 50 issued by Governor Jay S. Hammond on July 1, 1981.

Section 1. Findings and Purpose. (a) As governor, I find that adequate telecommunications facilities and services available at reasonable and affordable rates are essential to the conduct of government, commerce, and private life and that these facilities and services should be available, to the extent possible, to all agencies and citizens of the state regardless of location. In addition, the future development of the state's public and private sectors will depend greatly on the innovative use of new telecommunications services and techniques now becoming available. It is in the interest of all people of the state for the state to facilitate the development of both basic and advanced telecommunications services and facilities to be available to all its citizens for their individual and mutual benefit. Furthermore, I find that in the interest of minimizing the size and influence of government, private ownership and control of telecommunication facilities should be facilitated and enhanced, and that state government actions affecting telecommunications should include an efficient and thorough assessment of long-range costs and benefits to users as well as the direct and indirect effect on the communications industry and the public."

In asking that a Special House Committee on Telecommunications be formed it was my hope that we could take a step back and look at the history of telecommunications and the direction in which we are going. Millions of dollars have been invested in technology (page 13). We need to

make sure that we are not caught up in the "bells and whistles" of the Information Age and that our telecommunication policy is directed towards expanding the horizons of the public and private sector. It is my feeling as a user and application oriented person that we are losing sight of the purpose of telecommunication and are becoming "technologically driven." However, I recognize that telecommunications means different things to different people. The Alaska Public Utilities Commission talks of POTS (plain old telephone service) and the impact of deregulation. The Department of Education talks of Distant Learning and the advent of TELETXT. The Department of Administration talks of "communication highways" and T streams. Indeed we are to a great degree all strangers in a strange land. To this end I have brought a report before you that asks the questions that I feel we need to begin to answer. I feel there are many advantages to using this type of format in the beginning. Problem solving using group techniques such as Nominal Group Technique (NGT) and delphi processes lend themselves well to computer conferencing. While I would prefer a more tree structured conference, we will, for the time being work within UACN's mail system. For each of you I would ask that you consider the process as well as the product. As a participant in some of Murray Turoff's (author Network Nation) early journeys into the electronic void I found the experience as important as the learning. I have asked JUKKA to prod and stimulate you. We are not looking for cut and paste additions to the report but a renewed direction for Alaska as we cross the threshold of the Information Age.

H.A. "Red" Boucher

COMMENTS FROM STEVE SMITH UAF:

October 3, 1985

Memo to: Rep. Boucher

From: Steve Smith

Comments on House Telecommunications Committee Draft Interim Report.

1. Overall, the draft seems to raise all the pertinent issues facing telecommunications development in the state.
2. Page 3, telecommunications definitions. A small point, but I assume defining telecommunication to mean "communication at a distance by electronic means" does not exclude consideration of fiber optics.
3. Page 20, Telephone Service. I echo those who support an attitude from the state that encourages competition. In the early stages of telecommunication development, there was some sense to a single intrastate carrier and intensive state involvement in systems and services. The expense of initial implementation of basic service is so high that it demands such concentration of resources and control. However, with basic infrastructures of technology and service in place, it makes sense to open the field for competition. I hope this can be accomplished in a spirit of cooperation. Some seem predisposed to an attitude of confrontation with Alascom. At the same time, it needs to be recognized that Alascom is no longer the only game in town.

One option with regard to the danger of increasing costs to maintain rural phone service is an emerging generation of satellites with direct links to mobile phones. This system is outlined in a recent article in the August "IEEE Spectrum" by Alex Hills ("Satellites and mobile phone: planning a marriage, pp. 62-67). It offers the potential for rural subscribers to make connections, via satellite, through large, distant exchanges. This bypasses one of the most expensive, and in Alaska most difficult to maintain, segments of rural telephone service -- the local loop. These systems are only in a development stage.

4. Page 23, State Subsidized Commercial Television.

I doubt many legislators, particularly those with rural constituencies, want to be known for voting to stop broadcast of "The Dukes of Hazzard" over RATNET. Yet, particularly as state revenues decline, it seems inappropriate for public monies to support commercial television service.

The suggestion of a state subsidy for start-up costs of local cable systems seems the best way to phase out public support while leaving a means of continued commercial programming if so desired. If I were a commercial cable operator, having financed my systems with private money, I might look askance at the state suddenly offering to foot the bill. The difficulty may come in those villages on the borderline in potential households for a profitable cable franchise. As an operator, I'd let the state underwrite installation, then I'd step in to operate the system. This could be expensive for the state.

Implicit in this debate of public funding of commercial broadcasting is the question of equality. Are we (the state) trying to provide rural Alaskans with all services available to urban dwellers?

Is the intent of state telecommunication policy to erase all differences of geography or to provide a common base of essential services regardless of location? If the latter, agreement must be reached, albeit an agreement always open to revision, on what essential services are and what minimum support is needed to provide them. The conclusions of the draft report discuss this point.

The most serious problems have arisen when the state became involved in programming decisions in commercial and non-commercial TV. When only one channel must serve the entire state, even with the RATNET program committee, programming choices must be made that may not reflect local viewing preferences. The case of RATNET broadcast (or better, non-broadcast) of the Senate impeachment hearings is a case in point. The Learn Alaska channel has similarly come under criticism for its programming which some view as unresponsive to local needs.

The state should be in the business of providing the means for telecommunication, and stay as far away as possible from control of the content of that communication. The centralized nature of broadcasting makes this difficult. This again points to the wisdom of local cable systems for communities. The people of each community could choose to receive several or no commercial channels.

Is commercial television an essential telecommunication service? Creating and sustaining RATNET has made it so. That question should no longer be the focus of discussion.

Page 24 of the draft report poses the question, "What do the people want?" The people who will be the viewers and users should be an integral part of policy making, planning, and implementation. This is nothing new. Yet, it somehow seems to take a back seat when it comes to action.

5. Page 25, APBC. Should the state support delivery of public television to all communities of 25 or more? Why? A cursory look at public television today indicates a large percentage of the programming falls under the heading "entertainment". I looked through the program guide for KUAC TV, the Fairbanks PBS affiliate and find, for the month of October: "Masterpiece Theater", a series of British-made dramas -- well done, often thought provoking, but at base, entertainment; "Evening at Pops"; "Summer Stock", an old Gene Kelly Judy Garland musical; "Seeing Things", a Canadian TV series about a newspaper reporter who solves crimes; "Cities", a series of well done travelogues; "Mystery", yet another British import of crime mysteries; "The Golden Years of Television", an airing of vintage U.S. TV programs from the 1950's; "Doctor Who", a British science fiction import, "Soundstage", an hour of performance by popular musicians; "MacNeil/Lehrer Newshour", a nightly news program, indepth and well done, but doesn't every commercial network have news? I watch many of these programs; I support public broadcasting; there are many other programs of an instructional or educational nature aired by PBS stations. My point is, public broadcasting is as much entertainment as it is educational. Should the state be making a content decision to subsidize statewide distribution of PBS programming while trying to get out of similar distribution of commercial broadcasting? Specialized cable TV programming is offering many of the same programs seen on PBS.

Television programming is changing. Cable TV and videocassettes are splintering the market. If the state must underwrite the cost of statewide programming over a TV broadcast channel, it would do well to concentrate on ITV and Alaskaoriented programs.

6. Page 26, Learn Alaska Network. Evaluation of ITV/Learn Alaska, or any educational program, is both deceiving and difficult. Quantitative evaluation of short-term effects are deceptive. They rarely indicate true effects of the program on learning. Long-term evaluation using both quantitative and qualitative measures are needed and they are difficult. The

political process demands immediate, quantitative results. Because X number of students watched Y number of hours of ITV last year means little without additional evaluation from other vantage points.

A criticism I have heard from many quarters, and over a period of years, regarding Learn Alaska is its inflexibility and inability to respond to local needs. Administrators rightly point out that with one channel they can rarely, if ever, please everyone all the time.

Rather than viewing Learn Alaska as one television channel broadcasting to the entire state (excepting limitations of reception in urban areas), it ought to be viewed as one satellite transponder capable of handling a wide ban of frequencies. This can be used for many information purposes.

Rather than asking educators and students if they are using Learn Alaska, the question should be "what are your information needs?" If we keep asking questions concern d with the present system, we won't get any feedback from people on needs not answered by Learn Alaska, nor on other options to consider. A decade ago the development of Alaskan tele-communications was not hampered by existing systems working for self preservation. Now the state is becoming tangled in existing programs that resist change.

7. Page 28, Teleconferencing. Teleconferencing is essential in a state like Alaska. This includes video, audio, and computer conferencing. In the past, suggestions of sharing networks have been discouraged -- too many different and conflicting needs. This has resulted in two distinct audio conference networks and several computer networks. Has there been an adequate technical assessment to determine the possibility of a shared physical network and scheduling with separate control of content? Certainly it is technically possible for several independent teleconferences to take place at once. It may not be cost effective using existing networks in Alaska, but has a serious study of this possibility been done? There are numerous examples of commercial firms that provide teleconferencing capabilities to multiple clients at the same time.

Is it possible for the various computer mail systems to access one another in a way that is transparent to the user?

8. Page 29, Converging Technologies. Is it feasible for the state, in concert with the private sector, to establish an Integrated Services Digital Network (ISDN)?

9. Page 35 Conclusions. The draft report speaks of establishing "a channel for academicians, agency personnel, and regulators" to discuss telecommunication issues. I strongly agree with this approach. There is no single group that brings all these people together. Communication among all those involved in telecommunications is important. Part of the fragmentary nature of telecommunications in the state is due to lack of this communication.

Long overdue is creation of a statewide telecommunication organization pulling together all these interests. Such an organization would need multiple sponsorship and independent management. It will never work if the legislature or administration or university or any single agency tries to control the organization. The best model I know of is the Pacific Telecommunications Council (PTC) composed of members from academics, business, and government.

A state council supported by public and private funds, organized along PTC guidelines, could provide a common meeting ground to begin working out conflicts among the telecommunication players in the state. Such an organization -- let's call it Alaska Telecommunications Council (ATC) for the moment -- could start modestly. PTC, an international organization, has a full time staff of only 3 or 4. ATC could be a clearing house for information on Alaskan telecommunications and developments outside the state, could sponsor a yearly conference as well as ongoing working committees, could publish a regular newsletter, could supervise and publish independent research and evaluation of telecommunication systems and services in the state, and could act as an informal arbiter when clashes arose among the various telecommunications entities in Alaska. Each of the state entities -- APUC, DOA, DOE, UA -- could pursue its own agenda and responsibilities but ATC could provide a common and neutral meeting ground.

The organization of such a group is not a simple thing. It can be argued that those with a need to communicate, do so already. Further, that telecommunication people in the state do come together from time to time. Nor, perhaps, do we need yet another organization. Turning the coin over, the communication that takes place now can tend to become a closed loop and political or private sector competitors remain aloof. The times when people with common telecommunication interests do come together are sporadic. There is no sustained effort to discuss problems. Finally, there are many options on the road to organizing a statewide entity which can avoid a full blown bureaucracy. The current effort, begun by Rep. Boucher, to tie

people together via computer is an example. It needs to continue, not end with the demise of the House Special Committee on Telecommunications.

10. Page 35, Conclusions. Any state statute defining universal service in Alaska would do well to begin with a study of the work done through the United Nations and the International Telecommunications Union in this area. A wealth of material exists on the 'right to communicate' and exactly what that right might include. I can provide a basic set of references, both people and print material, if desired.

COMMENTS FROM NELS ANDERSON BRISTOL BAY RURAL EDUCATION

September 12, 1985

MEMORANDUM TO CONFERENCE:

**Subject: Response to Interim Report from Nels Anderson, Jr. Coordinator
Bristol Bay Rural Education Center**

Nels was unable to be a direct participant in the conference. He is located in Dillingham where there is no direct dial to UACN. Nels a lifelong native Alaskan is a former member of the Alaska State House. He has been most active in the area of delivering educational programs via telecommunication to rural Alaska with heavy emphasis on computer generated formats.

Working closely with Senator John Sackett's Senate Telecommunications Committee he has been the oversight person on several recent studies that pertain to the delivery of educational information to rural Alaska. A recently completed study by Control Data looks at the delivery of educational programming, via telecommunications, to rural Alaska and makes a number of recommendations in this area. Nels, along with Walt Parker, former Commissioner of Transportation provided oversight for the report. Participants who would like a copy of the study can contact JUKKA.

The following represents Mr. Andersons comments on the Interim Report:

It is my view that you have met the goal of making your report a working document upon which discussion can begin in the effort to define a state-wide policy for telecommunications expansion in Alaska. The issues you raise are very real and deserve in-depth consideration. It appears as though the next task for your committee is to address the questions you raise in the "potential issues" sections of your report. A direction of what to do next will become clear as you assess what we have now and what we should be looking for in the future.

Walt Parker outlined a plan of action that would resolve a good many of the questions you bring forward by your review of the background of the subject of telecommunications in Alaska. It would seem to be a good idea to begin a process of eliminating the gray areas by establishing a group of knowledgeable Alaskans who could advise you and your committee on what the future emerging technology holds in store for delivering services, what

you and your committee should be shooting for, and at the same time keeping in mind dwindling state revenues.

The Big Question are...Is what we are doing now going to make sense for the future of Alaska as we look at the size of the State and look at the amount of money we are spending?

How will the State grow if a communications infrastructure is not put in place to serve the health, safety, economic growth and political stability of the people of Alaska?

Is there a way to tie the existing telecommunications infrastructure into a networking system that will utilize the capabilities of the University, Department of Administration, Department of Education and other departments that will meet our immediate, median and long-term needs for telecommunications in education, health care, government (local, state federal), law enforcement, land and water resource management, fish and game management and the needs of the private sector?

Your conclusions are well taken. There is so much information that the circuits overload if one is a stickler for detail. You have people that are paid to overload their circuits and you and your committee need to be looking at the big picture. The Big Picture is ALASKA and its telecommunications needs now and in the 21st Century.

It was my impression that a CONSORTIUM of personnel who deliver the telecommunications services to Alaskans throughout the State should be organized into a task force for planning. They should be consulted on how the existing systems could be used more intelligently by the people of Alaska as well as look at ways policy makers can better understand what is being done with the telecommunications capabilities we have now.

There is no question in my mind that education is a major service that can be delivered effectively by existing telecommunication capabilities with proper introduction and training. We can improve on what we have by training programs that will introduce the idea of audio-conferencing, computer communications and eventually video-conferencing to ALL ALASKANS no matter where they live. Our technology rushed way ahead of the users understanding of what was going on and therefore we could not effectively understand and utilize what we have.

This lack of understanding by policy makers and the general public has sent a signal to policy makers that there may not be a need for Learn/Alaska and

expanding our telecommunications capability. The result could very well be drastic cuts in service and short-circuiting progress that has been made to date.

We need training. I need training. We all need training. Cities and villages and communities need training.

We also need a commitment from policy makers that they will invest program development and training into the system we have now. Program development is a major on-going cost that will have to be spent to meet the needs that have existed but which we were unaware of at the time the technology was introduced to Alaskans.

Specifically, the University of Alaska serves the Bristol Bay Region through the Bristol Bay Rural Education Center in Dillingham. I have 32 villages within my area of responsibility and all but two or three are tied in with audio-conferencing capability. CCREE, Community College-Rural Education and Extension, is pushing audio-conferencing very heavily this year. 2.5 people attempt to serve this population of 5000 plus. The only way that we can see our way clear to address the needs is to use telecommunications technology.

How successful will we be? It is hard to say since we are breaking new ground. Lack of proper introduction and lack of training for instructors, facilitators and administrative staff may lead to major errors in delivery. We will learn from our mistakes...

Your report will be a very effective tool to get past the discussion stage of what our State needs to meet the 21st Century with confidence. Communication is critical to any growth and Alaska is growing. Social, political and economic growth will not occur without our State government encouraging a system of telecommunications that will be accessible to All Alaskans.

Policy makers like you and your committee members need to be enthusiastic supporters of expanding telecommunications capabilities. Without, informed, knowledgeable and enthusiastic support, a telecommunications system to encourage social, political, and economic development will not come to fruition. The Governor, the Senate leadership and the House leadership has to have people consistently pushing the leading edge of technology and matching that technology with the needs of All Alaskans throughout our State.

I realize I have drifted from critiquing your work but I cannot help but try to give you an insight on what I learned with Senator Sackett's project and what I am facing in the trenches with my current position.

I look forward to you and your committee coming up with a plan of action that will be the harbinger of our future and tell us what role telecommunications technology will play in delivery of services in Alaska. If no coherent plan is adopted soon, we may all become creodont.

Respectfully submitted,

Nels Anderson Coordinator
Bristol Bay Rural Education Center
P.O. Box 10228
Dillingham, Alaska 99576

SCOMM

#47:2

BILL SHEFFIELD
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

HB 1.21

January 25, 1985

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill changing the name of the division of telecommunications systems, in the Department of Administration, to the division of telecommunications operations. The new name more clearly reflects the actual functions of the division. The bill makes technical amendments to AS 44.21 to accomplish this change.

I urge your favorable consideration of this housekeeping measure.

Sincerely,

A handwritten signature in cursive script that reads "Bill Sheffield".

Bill Sheffield
Governor

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____ Page 1 of 1

REQUEST
 Bill/Resolution No.: HB 121
 Title: Change name Div. Tele. Systems to Div. Tele. Operations
 Sponsor: Governor
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL
 Agency Affected: Administration
 Program Category Affected: General Government
 BRU, Program or Subprogram(s) Affected: Telecommunications

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Bill will make technical amendments to AS 44.21.300-320 changing name of Division of Telecommunications Systems to Division of Telecommunications Operations. This housekeeping measure will update the statutes to reflect name change effected in June, 1984 by Commissioner Rudd. Requirements, authorities and duties of the division will not change.

Prepared By: *James H. Klop* Phone: 465-2041
 Division: Telecommunications Services Date: 12/5/84

Approved by Commissioner: *Lisa Rudd* Date: 12/12/84
 Agency: Department of Administration

Distribution (by Agency preparing fiscal note):

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

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF ADMINISTRATION

POUCH C (MS 0200)
JUNEAU, ALASKA 99811
PHONE: (907) 465-2200

OFFICE OF THE COMMISSIONER

February 7, 1985

Mr. Erik Dahl
Administrative Assistant
Office of Representative H.A. 'Red' Boucher
Pouch V (MS 3100)
Juneau, AK 99811


Dear Erik:

You inquired about the fiscal impact, if any, to HB 121, the bill which changes the Division of Telecommunications Systems to the Division of Telecommunications Operations.

Fiscal impact remains "0" because the Division will not incur FY 86 costs to accommodate this change. As a result of Commissioner Rudd's memorandum of June 7, 1984, the Division had stationery and outside sign changes made shortly thereafter. These changes were made for under \$500.00 and were paid from FY 84 operational monies.

If you have any questions, please call.

Sincerely,



Sioux Plummer
Acting Deputy Commissioner

SP/sg
8/2D1/0207-01/1
Enclosure

cc: Mel Hoversten
Acting Deputy Commissioner
Telecommunications
Department of Administration

Rebecca Burch
Special Assistant
to the Commissioner
Office of the Commissioner
Department of Administration

SCOMM

#47:3

BILL SHEFFIELD
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 28, 1985

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the use of teleconferencing for meetings and hearings held under the Administrative Procedure Act (AS 44.62). The bill confirms and clarifies that teleconferencing is a legally permissible means for increasing efficient public access and input to government bodies. Provisions to safeguard the constitutional and statutory rights of the public relating to hearings and public meetings are included in the bill.

The availability of new communications technology combined with our declining revenues make passage of this important measure a timely step towards economical efficient expansion of public access to the administrative process.

Sincerely,

A handwritten signature in cursive script that reads "Bill Sheffield".

Bill Sheffield
Governor

**STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date: _____

Page 1 of 2

REQUEST

BITT/Resolution No.: NA 140
 Title: Relating to use of telecon-
ferencing
 Sponsor: Governor
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Administration
 Program Category Affected: _____
General Government
 BRU, Program or Subprogram(s) Affected: _____
Telecommunications

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

	0	0	0	0	0	0
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

See Attached

Prepared By: *[Signature]* Phone: 465-2041
 Division: Telecommunications Services Date: 12/5/84

Approved by Commissioner: Lisa Rudd Date: 1/11/85
 Agency: Department of Administration

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

House Bill
Fiscal Note Analysis
Prepared by Division of Telecommunications Services
Department of Administration
December 5, 1984

This bill will clarify the legitimate use of teleconferencing for meetings and hearings held under the Administrative Procedures Act (AS 44.62). Specifically it will permit teleconference use by publically funded bodies for presentations, discussions and testimony at public hearings, and for counting quorum and voting.

The legal clarification of teleconference use will have no direct fiscal impact. Indirectly, however, some fiscal impact may be felt as increased use of teleconferencing could save money currently expended for travel.

Clarification and the resulting increase in use will allow for greater participation in public policy making as well as broader dissemination of information to and from governmental entities and the public.

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF ADMINISTRATION

POUCH C (MS 0200)
JUNEAU, ALASKA 99811
PHONE: (907) 465-2200

OFFICE OF THE COMMISSIONER

February 7, 1985

Mr. Erik Dahl
Administrative Assistant
Office of Representative H.A. 'Red' Boucher
Pouch V (MS 3100)
Juneau, AK 99811

Dear Erik:

Enclosed is information regarding HB 140, relating to the use of teleconferencing.

You will notice that some of the back-up material refers to SB 111, which was a similar bill that did not get out of committee last year.

Please feel free to call me at 465-2200 or Cynthia Halterman at 465-2401 if you have any questions.

Sincerely,

Sioux
Sioux Plummer
Acting Deputy Commissioner

SP/sg
8/2D1/0207-01/2
Enclosure

cc: Ted McIntire
Senior Planner
Division of Telecommunications Services
Department of Administration

Rebecca Burch
Special Assistant
to the Commissioner
Office of the Commissioner
Department of Administration

MF 37

CSSB III
POSITION PAPER

The Division of Telecommunications Services, Department of Administration, supports the passage of CSSB III (An Act relating to public meetings under the Administrative Procedures Act) because it will clarify past and present ambiguities relating to the use of teleconferencing at public meetings. Specifically, it will clarify the legality regarding voting and establishing quorums by teleconference.

Teleconferencing has proven to be an effective communications medium when used to disseminate or gather information. It is only when teleconferencing has been used for voting that questions regarding quorums and other legal considerations for meetings have arisen.

The intent to legally clarify teleconferencing has no direct fiscal impact on State agencies. However, it is noted that if this legislation becomes law, there are potential fiscal considerations for all teleconference users. It is assumed that by clearing up legal questions, teleconferenced meetings will become more popular and occur more frequently. This has the potential to reduce travel costs and to increase equipment and long distance telephone costs. Equipment costs could be for the purchase of teleconference terminal equipment and apparatus. In the final analysis, by clearing up legal considerations, resulting in increased teleconferencing activities and reduced travel would save money for the State. It is more cost effective to teleconference than it is to travel.

Sioux Plummer
Sioux Plummer, Director
Division of Telecommunications Services
Department of Administration

4-28-83
Date

Juliana Guy
Juliana Guy, Deputy Commissioner
for Telecommunications
Department of Administration

4-29-83
Date

Lisa Rudd
Commissioner Lisa Rudd
Department of Administration

5/3/83
Date

MEMORANDUM

State of Alaska

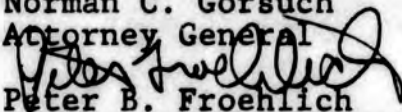
TO: Erik Dahl
Administrative Assistant
House Special Committee on
Telecommunications

DATE: February 13, 1985

FILE NO: 377-043-85

TELEPHONE NO: 465-3600

FROM: Norman C. Gorsuch
Attorney General

By: 
Peter B. Froehlich
Assistant Attorney General
and Assistant Legislation Attorney

SUBJECT: HB 140 on the use of
teleconferencing
under the Admini-
strative Procedure
Act

As you recently requested by telephone, a clean copy of my June 23, 1982 memorandum on the "legal implications of teleconferencing" is attached to this memorandum.

As recognized in 1982 by the introduction of HB 703 and as reiterated in my June 23, 1982 memorandum and in the governor's transmittal letters accompanying HB 111 in 1983 and HB 140 this year, it remains necessary to enact legislation to confirm and clarify the legitimacy of teleconferencing in administrative proceedings. Although teleconferencing is arguably already acceptable for at least some proceedings, only legislation like HB 140 can assure that actions taken and decisions made at or after teleconferenced proceedings will not be challenged in court.

In the words of Governor Sheffield's January 28, 1985 transmittal letter to Speaker Grussendorf, "The availability of new communications technology combined with our declining revenues make passage of this important measure [HB 140] a timely step towards economical efficient expansion of public access to the administrative process."

Please let me know if I can provide you or the committee any further information about HB 140 and its background.

NCG:PBF:md

Attachment

cc: Hon. Lisa Rudd, Commissioner
Department of Administration

Sioux Plummer, Director
Division of Teleconference Services
Department of Administration

Arthur H. Peterson
Assistant Attorney General
Legislation/Regulations Section
Department of Law

MEMORANDUM

State of Alaska

TO: Alex Mills
Deputy Commissioner
Department of Administration

DATE: June 23, 1982

FILE NO:

TELEPHONE NO: 465-3600 ex. 62

FROM: WILSON L. CONDON
ATTORNEY GENERAL

SUBJECT: Legal Implications
of Teleconferencing

By: *Peter B. Froehlich*
Peter B. Froehlich
Assistant Attorney General

You asked recently for my thoughts concerning any legal implications raised by the use of teleconferencing for meetings and hearings conducted by state boards, commissions, or agencies. Unfortunately, the situation is not nearly as clear cut as it seemed to me when we first discussed it several days ago.

I have reviewed the Administrative Procedure Act, AS 44.62 (APA), HB 703 which was introduced last session on this subject (but did not gain passage), and some correspondence between this office, legislative counsel and the House Labor and Commerce Committee concerning that bill.

The implications raised by teleconferencing for meetings and hearings of government bodies can be divided into several categories, including establishing quorums, taking testimony, and taking action. There are also at least two types of teleconferencing, including audio, with visual and only audio, and several types of proceedings by governmental bodies including hearings on proposed regulation actions under AS 44.62.210 (legislative type hearings), and adjudicatory hearings usually under AS 44.62.330--44.62.630 at which the grant or withdrawal of a right is considered, and other meetings to consider and take other actions.

The legal implications of teleconferencing are different depending on the combination of these variables involved in a particular instance. They may also vary according to whether it is the members of the governmental body, witnesses, parties, or the general public that is participating in a proceeding by teleconferencing.

The legal issues raised by teleconferencing proceedings of governmental bodies can be best solved or eliminated by some blanket legislation similar to HB 703. However, even without that clarification, at this time we can confidently make some general statements. First, legislative type hearings on proposed regulation actions may be conducted by teleconference regardless

Alex Mills
Deputy Commissioner

June 23, 1982
Page -2-

of the combination of the variables mentioned above. The conduct of these hearings is largely a matter of common sense and basic fairness. Of course the public notice of the proposed regulation action must include the details of any teleconferencing.

It is just as clear that adjudicatory hearings may not validly be conducted by audio only teleconferencing. This is because "due process of law", required by both the state and federal constitutions, includes the right of a person to confront and be confronted by witnesses against him, and this right requires visual observation of witnesses and their demeanor. It is possible that a procedure could be established for waiver of this right by parties to an adjudicatory proceeding but legislative authorization would insure against challenge of these waivers.

It is also clear that public meetings which otherwise comply with AS 44.62.310--44.62.312 (concerning open meetings) may also be teleconferenced. However, it is doubtful that a meeting in which the only public access was by teleconferencing, would comply with those statutes unless they are amended.

Finally, although it is not nearly as clear, there is a strong argument that most governmental groups can establish a quorum and vote for purposes of taking formal action by teleconferencing. Of course, other procedural requirements would have to be met such as public notice, public access and public record of the vote. Also, members of a body who vote by teleconferencing would have to have had the opportunity to hear, see, or otherwise evaluate relevant testimony and evidence, or at least a staff prepared summary of it. In the case of an adjudicatory hearing, each decision maker should probably have had the opportunity to personally view witnesses unless all parties agree otherwise.

It would be much safer, in terms of avoiding possible challenge of administrative actions, if a blanket amendment were added to the APA, clarifying the legitimacy of establishing quorums and taking votes by teleconferencing.

There are a myriad of possible other legal implications raised by a various combination of the variables mentioned, which I have not addressed. Nonetheless, I hope this memorandum is some help to you. Please let me know if you require any more detailed analysis of the issues it raises, or assistance in preparing appropriate legislation for introduction next session.

PBF/pkh

HB 140

(Teleconferencing under the Administrative Procedure Act)

SECTION-BY-SECTION ANALYSIS

* Section 1 is a general statement of the intent of the bill to allow state agencies to use teleconferencing technology for increased efficiency and convenience but without diminishing any rights of parties. The bill amends sections in four articles within the Administrative Procedure Act.

Article 4. PROCEDURE FOR ADOPTING REGULATIONS

* Section 2 amends AS 44.62.210 which is entitled "Public Proceedings" to clarify that agencies proposing to adopt administrative regulations may accept comments from the public by any form of communication unless the notice of the proposed regulation specifically limits the acceptable form of comments. This amendment would affirm a growing current practice.

Article 6. AGENCY MEETINGS PUBLIC

* Sections 3 -- 5 amend AS 44.62.310 -- 312, commonly referred to as our "Open Meeting Law". Only these sections of the bill apply to the legislative branch and that is only because the statutes amended already apply to that branch.

* Section 3 amends AS 44.62.310(a) to permit teleconference participation at public meetings of a public body (except for house and senate sessions) by both members of the body and members of the public, according to rules established by the body.

* Section 4 amends AS 44.62.310(e) to add a requirement that the notices already required for public meetings must include specific information about the meeting and about any teleconferencing that will be used.

* Section 5 adds a new paragraph to AS 44.62.312(a) stating the policy that the use of teleconferencing is for the convenience of parties, the public, and the bodies conducting meetings.

Article 8. ADMINISTRATIVE ADJUDICATION

* Section 6 adds a new subsection to AS 44.62.410 which is entitled "Time and Place of Hearing". The new subsection

authorizes the parties to an administrative adjudication to agree to use teleconferencing in conducting a hearing.

* Section 7 amends AS 44.62.600 and changes its title to "Voting Procedure". The amended section permits voting by members of an agency in an adjudication by means of teleconferencing, in addition to the currently authorized mail method. If votes are by teleconference they must be recorded to identify the way each member voted.

Article 9. GENERAL PROVISIONS

* Section 8 adds a new general section to AS 44.62 to broadly authorize the use of teleconferencing for any proceeding or act under the Administrative Procedure Act and specifically for establishing quorums, taking public input, and for voting when all voters have had a substantially equal chance to review testimony and evidence. This section, which is really the most important single section of the bill, includes a proviso similar to that in the intent statement in section 1 of the bill, that the use of teleconferencing may not violate statutory or constitutional rights of parties.

* Section 9 adds a paragraph to AS 44.62.640 to define "teleconferencing" as information exchange by audio or video electronic media.

SCOMM

#47:4

HB 242

File Contents

- 1) Bill History -- House Calendar 1-20-86
- 2) Letter of Transmittal from Governor Sheffield
- 3) Copy of HB 242 -- original
- 4) Copy of CS for HB 242 (Telecommunications)
- 5) Letter from Jim Shea, Dept. of Administration to Representative Adams
- 6) Finance Committee Report
- 7) Fiscal Note
- 8) Minutes from March 8, 1985 and March 12, 1985 Telecommunications Committee hearings

HOUSE CALENDAR: 1-20-86

BILL
PAGE
DATE
CHAMBER
TEXT

HB0242
00457
02/27/85

HOUSE

HOUSE BILL NO. 242 by the Rules Committee by request of the Governor, entitled:

"An Act relating to automatic data processing; and providing for an effective date."

was read the first time and referred to the House Special Committee on Telecommunications, the State Affairs and Finance Committees.

A zero fiscal note was attached.

The Governor's transmittal letter dated February 27, 1985, appears below:

"Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that establishes authority for the financing of centralized data processing services by the Department of Administration. This bill comprises an integral part of the charge-back system that members of the Thirteenth Alaska State Legislature encouraged the Department of Administration to informally implement.

The bill allows the department to reallocate, into a central account in the general fund, and expend appropriations made to state agencies. The account may then be used to finance data processing services for all state agencies. The balance of the account would continue into subsequent fiscal years so that the problems of financing expensive acquisitions of data processing equipment with extended delivery dates can be solved.

Because the need for data processing changes as rapidly as the technology available, a flexible method of financing these services must be found. I encourage you to favorably consider the enactment of this bill.

Sincerely,

/s/

Bill Sheffield
Governor"

BILL
PAGE
DATE
CHAMBER
TEXT

HB0242
00588
03/13/85
HOUSE

The Speaker waived the State Affairs Committee referral on HOUSE BILL NO. 242 (automatic data processing; effective date) at the request of the Chairman.

HB 242 is currently in the House Special Committee on Telecommunications and has a further referral to the Finance Committee.

BILL HB0242
 PAGE 00602
 DATE 03/15/85
 CHAMBER HOUSE
 TEXT

The House Special Committee on Telecommunications has considered HOUSE BILL NO. 242 (relating to automatic data processing; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 242 (Telecommunications) (same title) and reports it back as follows: Boucher (Chairman), Goll and Thompson recommend do pass; Wallis has no recommendation.
 HB 242 was referred to the Finance Committee.

BILL HB0242
 PAGE 01054
 DATE 04/24/85
 CHAMBER HOUSE
 TEXT

The Finance Committee has considered HOUSE BILL NO. 242 (automatic data processing; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 242 (Tele) (page 603) and reports it back as follows: Adams (Chairman), Ringstad, Szymanski, Larson, Pourchot, Uehling, Frank, Binkley and Cotten recommend do pass. Rieger has no recommendation.
 HB 242 was referred to the Rules Committee for placement on the calendar.

Automatic Data Processing HOUSE BILL NO. 242, by the Rules Committee by Request of the Governor. Relates to automatic data processing (see Governor's letter).

Introduced February 27 and referred to the House Special Committee on Telecommunications, State Affairs, Finance.

In his message transmitting the bill Governor Sheffield stated:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that establishes authority for the financing of centralized data processing services by the Department of Administration. This bill comprises an integral part of the charge-back system that members of the Thirteenth Alaska State Legislature encouraged the Department of Administration to informally implement.

The bill allows the department to reallocate, into a central account in the general fund, and expend appropriations made to state agencies. The account may then be used to finance data processing services for all state agencies. The balance of the account would continue into subsequent fiscal years so that the problems of financing expensive acquisitions of data processing equipment with extended delivery dates can be solved.

Because the need for data processing changes as rapidly as the technology available, a flexible method of financing these services must be found. I encourage you to favorably consider the enactment of this bill.

Because the need for data processing changes as rapidly as the technology available, a flexible method of financing these services must be found. I encourage you to favorably consider the enactment of this bill.

Automatic Data Processing HOUSE BILL NO. 242, (see page 366). Reported back to the House March 15 by House Telecommunications recommending adoption of a substitute and that it do pass. Concurring: Boucher (Chair), Goll and Thompson. Not concurring: Wallis has no recommendation.

The Telecommunications substitute would allow the Dept. of Administration to require each state agency to procure its automatic data processing services from the Department of Administration. Administration could also charge a state agency or other governmental agency for the cost of the automatic data processing services provided or procured by the Department for the agency. This version excludes section that would have set up a nonlapsing automatic data processing account.

Automatic Data Processing HOUSE BILL NO. 242, (see page 366). On March 13 the Speaker waived the State Affairs referral. The bill is currently in the House Special Committee on Telecommunications and has a further referral to Finance.

Automatic Data Processing HOUSE BILL NO. 242, (see pages 366;462;464). Reported back to the House April 24 by Finance recommending it do pass. Concurring: Adams (Chair), Ringstad, Szymanski, Larson, Pourchot, Uehling, Frank, Binkley and Cotten. Not concurring: Rieger has no recommendation. To Rules.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

HB 242

Revision Date: 155

REQUEST

Bill/Resolution No.:
Title: "An Act relating to the fiscal procedures ..."
Sponsor: Rules/Governor
Requestor:
Date of Request: 2/22/85

FISCAL DETAIL

Agency Affected: University of Alaska
Program Category Affected:
BRU, Program or Subprogram(s) Affected:

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		0				
200 TRAVEL		0				
300 CONTRACTUAL		0				
400 SUPPLIES		0				
500 EQUIPMENT		0				
600 LAND & STRUCTURES		0				
700 GRANTS, CLAIMS		0				
800 MISCELLANEOUS		0				
TOTAL OPERATING		0				

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE		0				
----------------	--	---	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		0				
FEDERAL FUNDS		0				
OTHER		0				
TOTAL		0				

POSITIONS:

FULL-TIME		N/A				
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary See Attached

Prepared By: Sherman Carter, Executive Vice President Phone: 474-7593
Division: University of Alaska Date:

Approved by Commissioner: Sherman Carter Date: 2/21/85
Agency:

Distribution (by Agency preparing fiscal note):

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

7/1/84

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____ Page 1 of 1

REQUEST

Bill/Resolution No.: _____
 Title: "An Act Relating to
 Automatic Data Processing; and Providing
 Sponsor: _____
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Dept. of Administration
 Program Category Affected: General Government
 For An Effective Date"
 BRU, Program or Subprogram(s) Affected:
 Information Resource Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE	0.0	0.0	0.0	0.0	0.0	0.0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This Legislation has no fiscal impact to the State

Prepared By: John Valensi *John Valensi* Phone: 465-2220
 Division: Information Resources Planning & Review Date: 2-11-85
 Approved by Commissioner: Lisa Rudd *Lisa Rudd* Date: 2-20-85
 Agency: Department of Administration *for*

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

BILL SHEFFIELD
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that establishes authority for the financing of centralized data processing services by the Department of Administration. This bill comprises an integral part of the charge-back system that members of the Thirteenth Alaska State Legislature encouraged the Department of Administration to informally implement.

not in (S) { The bill allows the department to reallocate, into a central account in the general fund, and expend appropriations made to state agencies. The account may then be used to finance data processing services for all state agencies. The balance of the account would continue into subsequent fiscal years so that the problems of financing expensive acquisitions of data processing equipment with extended delivery dates can be solved.

Because the need for data processing changes as rapidly as the technology available, a flexible method of financing these services must be found. I encourage you to favorably consider the enactment of this bill.

Sincerely,

A handwritten signature in cursive script that reads "Bill Sheffield".

Bill Sheffield
Governor

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF ADMINISTRATION

POUCH C (MS 0200)
JUNEAU, ALASKA 99811
PHONE: (907) 465-2200

OFFICE OF THE COMMISSIONER

March 27, 1985

The Honorable Albert Adams
House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative Adams:

This letter contains information relative to House Bill 242.

In April, 1983 the 12th Legislature, in conjunction with the Executive Branch, terminated the major part of what had been functioning as a computing resource chargeback system for the following reasons:

- The amounts using agencies were budgeting to pay their resource charges were much higher than the amount computing resource providers needed to operate.
- Chargeback rates established by the Data Centers were artificially high to cover losses from agencies that consumed resources but did not pay their chargeback billings.

Once chargeback was eliminated, it was necessary to establish an operating budget for the Data Centers paid directly out of General Funds instead of Inter-Agency receipts. This was accomplished by taking the total Data Center budget and subtracting the amount of non-General Funded based income that would continue to be received through Inter-Agency transfers. (An additional amount of \$3100.0 was added to cover those operating expenses that had been paid from capital funds for a number of years.) As a result, the major portion of the FY84 Information Resources Management (IRM) budget was established and the Data Centers as well as the using agencies lost visibility and, therefore, the means of managing resource consumption.

It can be argued as to whether this loss of manageability or the surge in system's development was the primary

contributor, but 1983 and 1984 were the most dramatic years of expanded Data Center load in the history of Alaska. From December, 1982 to January, 1985 (two years) the Data Centers have had to upgrade their computers three times for an increase in capacity of nearly 300%.

This growth does not imply there has been a total abandonment of rational use. A number of excellent systems have been implemented in this period. However, it is felt that some portion of the current consumption level could be reduced through effective management.

For this reason, the idea of resource chargeback as a management tool is still supported by both the Legislature and the Administration in spite of problems with the old system. However, a new system must have new characteristics. Some of which are:

- Chargeback rates must be auditable directly back to the provider's budget.
- The system must be able to absorb unpredicted variations in agency usage estimates.
- The system must allow cause/effect changes in Data Center configurations at times which may be incompatible with budgetary approval schedules.

In July 1983 (FY84), a cost analysis of the Data Centers was commenced and a study of various packaged billing systems was undertaken to select one that would fit the State's needs. After approval of a \$74,000 capital project for FY85, a technique for calculating rates was developed and approved by all departments and the Boeing Computing Chargeback System (FACTS) was purchased and installed in the Juneau and Anchorage Data Centers as well as the University of Alaska. Commencing with October, 1984, simulated invoices were generated and provided to high-use departments for review.

At this time, the mechanics of a new chargeback system are in place and operating, but two major elements remain to make it fully operational - HB242 and Implementation.

The Telecommunications Committee substitute for House Bill 242 will allow IRM to collect funds directly from other agencies of government that may use state computing resources. For example, there are a number of local police agencies that use various elements of the Public Safety systems and certain agencies of the Federal Government here in Alaska have expressed an interest in using certain services. This is an opportunity to gain additional income for the state through the sale of resources at times that

would not interfere with state priorities.

The other remaining major element to make chargeback fully operational is implementation. This involves moving the existing IRM General Fund amounts which are subject to chargeback out of IRM's budget and into the right user budgets so the system can commence operating.

To accomplish this, IRM recommends that the full system be implemented over a two year span. In the first year (FY86), budgets would remain as they have been presented, the new rates would be published and used for new systems justifications, invoices would be generated to the entire user community, but actual payment of funds to IRM account would only occur from those agencies that have been making inter-agency payments through FY85 and any new accounts. This would give all other agencies an additional few months to prepare better budget estimates for their resource consumption and include their expected General Fund increases in the FY87 budget proposal. Commensurate with the user's increases in General Fund requests, IRM's General Fund request will go down equally, assuming there are no drastic increases in load. If there are such increases, IRM will be providing a total by agency as to the recommended funding level based on historical consumption. Any deviations will be justified by the consuming agency.

I encourage the committee to look favorably on this bill and will be available for testimony or conversation at any time.

Sincerely,

James R. Shea
Deputy Commissioner
Information Resources and
Telecommunications

JRS/clS

cc: LuAnn Cutler, c/o Representative Adams, Pouch V
Elmer Lindstrom, c/o Representative Adams, Pouch V

HOUSE SPECIAL COMMITTEE
ON TELECOMMUNICATION
March 8, 1985
1:00 p.m.

Members Present: Rep. H.A. "Red" Boucher, Chairman
Rep. Dave Thompson, Vice-Chairman
Rep. Virginia Collins
Rep. Peter Goll
Rep. Kay Wallis

COMMITTEE CALENDAR

HB 140 "An act relating to teleconferencing under
the Administrative Procedure Act; and
providing for an effective date."
HB 242 "An act relating to automatic data
processing; and providing for an effective
date."

WITNESS REGISTER

Mike Wheeler
Director
Division of Data Network Services
DOA
Position Statement: Did not get to testify

Cynthia Halterman
Telecommunications Planner
Division of Telecommunications Services
DOA
Position Statement: Available for questions

Jim Shea
Deputy Commissioner
Information Resources Management
DOA
Position Statement: Testified in favor of HB 242

Charles Northrip
Executive Director
Alaska Public Broadcasting Commission
DOA
Position Statement: Testified in favor of HB 140

Peter Froehlich
Assistant Attorney General
Attorney Generals Office
Department of Law
Position Statement: Available for questions on HB 140

Ervin Jones
Department of Revenue
Position Statement: Observer

Mike McGee
Department of Revenue
Position Statement: Observer

Kathleen Samalon
IBM
Position Statement: Observer

PREVIOUS ACTION

HB 140: Read the first time 01/28/85 with Governor's Transmittal Letter; fiscal note with analysis in Supplement #10; Referred to TELE Rpt 4DP, Judiciary, Finance and Rules. Refer to House Special Committee on Telecommunications Minutes dated 02/22/85.

HB 242: Read the first time 02/27/85 with Governor's Transmittal Letter; zero fiscal note. Referred to TELE Rpt with Committee Substitute 3DP INR, SA Referral waived, Finance and Rules.

ACTION NARRATIVE

TAPE #9, SIDE 1
Recording
Number 000

Chairman Boucher Called the Special Committee on Telecommunications to order at 1:09 p.m. The Chair did not announce that the Members Present were Representatives Goll, Thompson, and Wallis.

The Chair Announced the topic of the meeting as HB 140, an act relating to the use of teleconferencing under the Administrative Procedure Act, and HB 242, and act relating to automatic data processing. The Chair indicated that they would first take up HB 140.

Number 027

First to testify on Hb 140 was Charlie Northrip of the Alaska Public Broadcasting Commission. He said that the provisions of this legislation would allow him much more flexibility in establishing quorums for his meeting since their meeting places tend to be inconsistent. He also said that the by

increasing the use of teleconferencing he would be able to increase public involvement in their hearings. Mr. Northrip drew the attention of the committee to page 2 line 21 of the bill which specifies the public notification requirements and noted that these requirements are far more comprehensive than exist presently.

Number 104

Chairman Boucher announced the members present

Number 109

Representative Wallis asked Mr. Northrip how the communities in District 24 hear about his meetings. Mr. Northrip said that they advertise in the Tundra Times and the Tundra Drums as well as other local papers. He added that they also inform public radio and television stations of the meetings.

Number 132

Representative Goll asked the Chair if he intended to move the bill. The Chairman said he did.

Number 146

Representative Thompson commented on the zero fiscal note for the bill saying that he believed that it may even be a positive one providing that travel costs would be reduced by state agencies.

Number 165

Chairman Boucher commented that there may be lots of question when this hits the floor since people tend to shy away from new technologies. He said that this bill should continue to move forward.

Number 191

Representative Goll moved that HB 140 be moved to the next committee of referral with individual recommendations. The Chair, seeing no objections passed the motion. Representative Thompson asked that the committee request that the remaining committee referrals be waved so that this bill may move directly to the house floor. The Chair said he would attempt to do that.

Number 207

The Chairman brought up HB 242 for discussion.

Number 214

The First to testify on this bill was Jim Shea, Deputy Commissioner of Information Resources Management in the Department of Administration. He explained that the bill was designed to do two things, first to

establish a non-lapsing account in the general fund to handle the receipts from the chargeback system. He said that the account was to be a safety valve to allow a buffer for covering overage and underage in the chargeback system. He said that the second part of the bill allows his organization to provide services to all other governmental agencies.

Number 248

Representative Goll said that he did not see why the fund was necessary and asked Mr. Shea to explain it. Mr. Shea explained that the account was to cover budget discrepancies and used the example of another agency under estimating its data processing usage.

Number 268

Representative Goll asked why Mr. Shea should get the fund and not every other state agency. Mr. Shea said that it was to be used to cover immediate costs for purchasing new equipment or software or perform maintenance on the equipment when there is no time to wait for additional appropriations.

Number 312

Representative Goll said that he had a problem with allowing agencies to make \$250,000 spot purchases with out the consent of the legislature. He said that was a matter of law. He asked Mr. Shea for information that would demonstrate the effectiveness of the last two years that would substantiate the appropriateness of this step. he also asked how he would compare the decline in the increase of data processing over the last 12 months as compared to the first 12 months of his tenure. Mr. Shea said that they were continuing on about the same curve.

Representative Goll asked when they would reach a positive cost benefit then asked Mr. Shea to go into some detail about the advances of the last few years. Mr. Shea said that this was not really in relation to the bill at hand. Representative Goll asked about the \$10 million saved in FY 84 through automation. Mr. Shea said that it ended up being about \$6 million. Representative Goll asked Mr. Shea what his prediction for the savings in FY 85 would be given the \$6 million in FY 84. Mr. Shea said that it

would be about another \$5 million and displayed a chart of expenses to the committee but stated that he could not provide more detail at this time.

Number 347

Representative Goll asked Mr. Shea how things were going over in the Department of Health and Social Services in terms of public assistance. He said that he had been getting a lot of complaints about backlogs that have not changed since since the excuse was that they were going to a new system. Mr Shea said that they seemed to be moving along according to the schedule but that there may be something beyond the reach of the computer system involved.

Number 357

Representative Goll apologized for his seemingly hostile attitude and explained that he was tired. He said that he just had some concerns about Data Processing costs and accountability and for these reasons he had some concerns about the second section of the bill.

Number 360

Representative Wallis asked about the requirement for state agencies to acquire data processing from the Department in section 1 of the bill. She asked if C&RA with its unappropriated grants would be required to go through the Department of Administration. Mr. Shea said that the Department reviews the the needs of the agency involved and sets out the technologically best answer. He said that if they are going to use the centralized facilities then they are required to use the departments system. Representative Wallis asked for the answer to her question whether C&RA unincorporated grants that are being processed would have to go back through the Department of Administration. Mr. Shea said no.

Representative Wallis asked for an example of what this system would apply to. Mr Shea said that it would apply to any major system that is being or would be developed in the state. He referenced a handout that had been distributed at an earlier meeting.

Number 399

Chairman Boucher called for a brief recess. When called back to order Representative Wallis asked what the intent of the Chair

was on this bill. The Chairman said that he will go with the wishes of the committee. He said that he would like to move it on but if there were problems with it then we would have to deal with them. He said that he thought there was a concern about the precedent being set by establishing what would be called a "slush fund". He added that this is the place to do the homework on the bill.

Number 421

Chairman Boucher announced that Representative Collins had arrived at the meeting.

Number 425

Chairman Boucher said that he felt that the bill should be held over so as to take a better look at it. He said that the next committee of referral was State Affairs a committee both he and Representative Collins are members of and he wanted to be able to answer any questions on the bill.

Number 438

Representative Goll asked Mr. Shea about the jurisdiction over the chargeback receipt money concerning the step skipped in not going back to the governor or the legislature for approval. Mr. Shea explained that the account was a management tool and that 49 other states have found it appropriate. He said that the account would be in the general fund and would not be managed by the Department. He explained that the intent was to provide visibility, accountability, and control to a previously invisible process. He added that this was not a slush fund, that they had been given slush funds in the past and the money was about gone.

Number 462

Representative Goll asked how much of the money was left. Mr. Shea said that there was about \$390,000. Representative Goll had Mr. Shea clarify some of the numbers in the hand out he provided. Representative Goll also stated that he had some problems with this considering the tightness of the budget and asked whether it was true that the first part of the bill was the essential part and the second part was a preference.

Number 495

Chairman Boucher interrupted and reminded the members that debate was continuing without recognition of the Chair.

Representative Goll apologized. The Chair said that he liked the free exchange that was going on but that it becomes hard to recognize the voices on the tape. He said that there were 15 minutes left and if they could air this thing then they should.

Number 504

Representative Goll said that he would await the direction of the Chair but that he felt that section 1 of the bill was essential and that section 2 was optional. He asked for the comments of the witness on this. Mr. Shea said that DOA has extensive control over data processing anyway and to add this statement is sort of a parenthetical statement to what the law already says.

Number 536

Representative Thompson asked about the \$5 million dollar limit. Mr. Shea said that he just grabbed a number and that he had no objections to setting the limit at any other value. Representative Thompson continued by saying that he needed to hear from the bureaucracy the understanding of the need for a priority of our needs. He said that it will not be possible for the state to support all of the needs it has created. He also said that he needed to talk to Mr. Shea more on this matter and had a concern about the non-lapsing account and needed to be shown that it was appropriate. Mr. Shea said that he would be more than glad to come and talk to anyone on why they want it. He said that it would not make his management or operation any easier.

Number 589

Representative Goll asked what services the PROFS system provides. Mr. Shea said that it handled word processing, scheduling, electronic mail, document transmission. Representative Goll said that all but the word processing and electronic mail could be done manually. He suggested that the cost of implementing the scheduling system far exceeds the cost of hiring 6 new people to perform the scheduling tasks. Mr. Wheeler said that it was in the ball park of about \$1000 per month.

Number 614

Chairman Boucher said that Mr. Shea's legislation is good and the challenges is good. He said that the reality of the situation is that there will be a lot of problems when this bill gets to the floor.

He suggested that Mr. Shea get together with the members of the committee and discuss this problem so as to have it cleared up as soon as possible.

Number 623 Representative Collins apologized for being late.

CHANGE TAPE #9, SIDE 2

Number 000 ... Data processing to the Nth degree. Mr. Shea said that the chargeback system is a tool for the agencies to measure their use of the computer.

Number 030 Representative Goll said that his concern was with the priorities and how other agencies respond to a crisis situation and where they get their crisis funds. Representative Goll disagreed very strongly with the last sentence of the Governor Transmittal letter which said, "Because the need for data processing changes as rapidly as the technology available...". He said the need does not change any more rapidly than it did in the stone age. He said that the only thing that changes is the technology and the perceived need in the mind of the beholder. He said that all the safeguards possible should be kept in place to insure that we are not overrun by the new technologies. Mr Shea agreed but stated that the system he was trying to put in place would not fall apart if he left, if it did then he would have failed.

Number 150 Representative Boucher interrupted the Representative Goll and adjourned the meeting at 2:02 p.m.

HOUSE SPECIAL COMMITTEE
ON TELECOMMUNICATION
March 12, 1985
1:00 p.m.

Members Present: Rep. H.A. "Red" Boucher, Chairman
Rep. Peter Goll
Rep. Dave Thompson
Rep. Kay Wallis

COMMITTEE CALENDAR

HB 242 "An Act relating to automatic data processing."

WITNESS REGISTER

Jim Shea
Deputy Commissioner
Office of Information Management
DOA
Position Statement: Testified in favor of the bill.

Kathleen Samalon
IBM
801 W 10th
Suite 301
Position Statement: Answered questions about IBM.

Ed Ciccolo
IBM
801 W 10th
Suite 301
Position Statement: Answered questions about IBM.

PREVIOUS ACTION

HB 242: Read the first time 02/27/85 with Governor's Transmittal Letter; zero fiscal note; Referred to TELE Rpt with Committee Substitute 3DP INR, SA Referral waived, Finance and Rules. Refer to House Special Committee on Telecommunications Minutes dated 03/08/85.

ACTION NARRATIVE

TAPE #10, SIDE 1
Recording
Number 000

Chairman Boucher called the house special

committee on Telecommunications to order at 1:08 p.m. Members present were Chairman Boucher. The Chairman apologized to those people at the meeting to observe and testify saying that he hoped to have a committee meeting. He noted that Representatives Davis, Collins, and Pignalberi were out of town and that Representative Wallis was unable to attend. The Chair announced that Representative Goll had arrived and that they would hold a work session on HB 242 when Representative Thompson arrived. Representative Goll said that he would get Representative Thompson and left the room. The Chair said that the bill would be taken up again on this Friday.

Number 055

Representatives Goll and Thompson joined the committee. Representative Goll said the he and Mr. Shea had discussed the matter at hand previously.

Number 077

Jim Shea, Deputy Commissioner of the Department of Administration joined the committee. Chairman Boucher said that the issue they were dealing with was what could be called a slush fund. He said that Mr. Shea had called it a management tool. He added that he wanted to move the bill but wanted to make sure that it did not do more harm than good in the long run.

Number 099

Mr Shea began by stating that after his talks with Representatives Goll and Thompson the day prior he was pretty sure that this was not the year for the legislature to consider a proposal of this type. He said that it may be the most mature thing to do at this time to implement the chargeback system, keep an eye on the rates and allow the need for the account to become obvious.

Number 118

Mr. Shea explained his background at the Washington State University Data Processing service center. He said that this state has multiple revolving accounts and provided support to 9 other states. He said that his department had its own account at a bank and that for money to be drawn out there had to be justification for the loss of interest as well as a cost benefit analysis. He said that the account in this bill might be too large of a step at first since there is not a lot of confidence in the chargeback system

Number 146

Representative Goll asked who did not have confidence in the chargeback system. Mr. Shea said that the legislature did not, nor did his organization considering the failure of the last system. Representative Goll asked what the difference is between this chargeback system and the one of the past. Mr Shea said that in the last system the rates were not auditable to the budget. He said that rates were set at what was thought to be tolerable levels. The new system rates are auditable back to the budget.

Number 146

Mr Shea said that he had talked to Mr. Dahl, the Committee Aide, that morning and they had discussed two points in the bill that should be retained. The first item was the provision that would allow them to deal directly with non-state agencies such as the federal government. Mr. Shea could not recall the second item but mentioned that Mr. Dahl had drawn up a committee substitute that was in the members files.

Number 209

Chairman Boucher announced that Representative Wallis was present and that they had a quorum.

Number 215

Mr Shea said that there was a new item 11 to replace what was previously section 2. Representative Thompson asked if there would be any resistance to subsection 10 by other state agencies then clarified by asking where other agencies get their data processing if not from DOA. Mr Shea said that DOA could authorize agencies to acquire services outside state government or to purchase equipment to meet their needs. Representative Thompson asked how prevalent it was that agencies do this.

Number 269

Representative Wallis how the other state agencies feel about the provision of section 10. Mr Shea said that this provision had always been understood and that this just put it in writing. Representative Wallis asked how the other departments feel about it. Mr Shea said that they try to work together with the agencies.

Number 301

Representative Wallis said that if the bill is held over then she would like to hear testimony on it from the other departments. Mr Shea said that all through the law, this

is implied and that item 10 is just a clarification of this. Mr. Shea asked if Representative Wallis wanted to put the entire law up for a test. Representative Wallis said that was not what she meant, she complimented Mr Shea on his presentation and one given previously then added that she only wanted to hear the other agency's comments on this item 10.

Number 324

Representative Goll asked in reference to a graph that was handed out what FY 85 and FY 86 were looking like. Mr Shea said that they were sitting on an annualized \$46 thousand dollar figure. Mr Shea said that he expected about another \$5 million drop in FY 85. In reference to FY 86 Mr Shea presented another hand out.

Number 357

Representative Goll asked how the program Mr Shea had presented a couple years ago requiring more dependence on the main frame was working. Mr Shea referred to a chart on the second hand out and pointed out the increase of about 40% in CPU use time in about 60 days. Representative Goll asked what sort of functions were being supplied and asked if there was any way to assess how the equipment was being used. Mr Shea said that investigations were going on now. Representative Goll asked how he would characterize the use of the machine. Mr Shea said the primary use by the departments had been the statistical and mathematic applications. Representative Goll then restated his initial question about main frame dependence and asked if the centralization was proceeding and how that had effected efficiency. Mr Shea said that the biggest factor involved was the advent of the micro computer and the problem using them in conjunction with the main frame. He added that we have just seen the edge of the micro computer boom and that there had been about 300 micro computers approved in the last 60 to 90 days.

Number 419

Representative Goll asked if there was a multi-year trend of increasing main frame use. Mr Shea said that they had grown 300 percent in CPU capacity in the last 2 years. Representative Goll asked what had been displace in dealing with the problems with the computer. Mr Shea said that he had no

way of knowing. Representative Goll asked Mr Shea what the system was being used for beyond the limited example given earlier. Mr Shea cited a system in Health and Social Services, he also cited the new state accounting system soon to be running. In addition Mr Shea cited the Public Safety Information System used by the State Troopers. Representative Goll said that he was trying to identify the major centralized uses of data processing. Mr Shea reference his last handout in which he had put a list of major uses of the individual computers.

Number 454

Representative Thompson asked Mr Shea to clarify that 300 micro computers were purchased. Mr Shea said that they were not purchased but authorized the acquisition of about that many micros. Representative Thompson said that a purchase of that size should warrant a sizable discount. Mr Shea said that they just went through the RFP process on those.

Number 470

Representative Goll asked what types of uses justified the purchase of these computers. Mr Shea said all sorts of needs were present from word processing to terminal needs. He said that all computers purchased are required to communicate with the main frame. Representative Goll asked how Mr Shea would characterize the actual requests. He asked if they were for central computer access. Mr Shea deferred his question to a person from the Fish & Game department who had been observing the meeting. Chairman Boucher interrupted.

Number 286

Chairman Boucher said that time was getting short. He said that he felt that this was a part of the education process in understanding what the thing called data processing was. The Chair said that he was hoping that when they had Mr Shea in here that they could talk about this. He said that he would like to indicate whether they were going to hold this bill over or not so they could get back to the discussion they were having. He said that he would like to move the bill but that he was concerned that Representative Wallis still had a concern about how the other departments felt. Representative Wallis said the bill would be coming up in State Affairs and her concerns

could be addressed there. The Chair attempted to answer her question by saying that the other departments were probably kicking and screaming because they all want their own data processing division. He said that beyond this there is a need for one agency to take a look at all of these expenditures to make sure that the proceed in the best direction. The Chairman said that if the committee substitute satisfies Mr Shea's desires and is good legislation then he would like to move it.

Number 522

Representative Thompson said that he would like to hear Mr Shea's response. Mr Shea said that his primary concern was the chargeback system and the provisions of subsection 11 in section 1 of the bill and that the fund could wait. He added that he had no objections to the committee substitute. Representative Thompson said that he had no problem with the committee substitute.

Number 549

Representative Goll moved that the committee pass committee substitute for House Bill 242 with individual recommendations and ask unanimous consent. Seeing no objections the Chair moved the the legislation out of committee.

Number 552

Representative Thompson asked Mr Shea if they consider leasing equipment such as the 300 micros approved for purchase rather than buying them. Mr Shea said that this is a continual problem and added that most places will not lease the equipment.

Number 588

Representative Goll asked Mr Shea about the extending the maintenance contracts on equipment to the life of the equipment rather than just for the length of time the manufacturer wants. Mr Shea said that this was part of the basic RFP which said that parts and maintenance had to be available for at least three years, the time period required for the purchase to amortize itself. Representative Goll said that he would not buy a car if he did not have a guarantee that parts would be available in three years. Representative Goll asked if that compares to secretaries. Mr Shea said that he did not know. Mr Shea said that there were two IBM representatives in the

room at the time that may be able to help.

Number 596

Representative Goll said that Mr Shea should not be subject to his caustic comments. He said that he was a little bit appalled that we are paying \$100 per hour to fix one of these typewriters. He said that he considered it blackmail. Mr Shea suggested that while they have them then hit them with the fact that he had figured in a 4% inflation factor for contingencies this year and IBM just raised their maintenance 7%. Representative Goll said that he felt that no piece of equipment should be purchased without some lifetime guarantee for service. He said that he was one of those who supported the use of IBM equipment and that he felt like he was being blackmailed when support is stopped.

Number 614

Ed Ciccolo of IBM introduced himself to the committee and took a seat at the table along with his partner Kathleen Samalon. Chairman Boucher said that he understood the changing technology but added that it was hard to understand sometimes the real benefit of computers. He said that if we were to have a meaningful program in this state then we cannot assume anymore that people are going to go for it simply because it is high-tech.

Number 628

Representative Thompson said that he had a meeting to go to.

TAPE CHANGE SIDE #10, SIDE 2

Number 008

Representative Goll said that a washing machine would be a good example because even though you have to pay a few hundred bucks for it, eventually it pays for itself. Representative Goll asked Mr Ciccolo if he has any analysis that would show in laymans terms the benefit of the use of computers in the office. Mr Ciccolo said that he did and that it was called a cost benefit analysis. He said that he could come by his office and go over it in more detail. He said that the process was not always simple, that the analysis sometimes included issues of quality of output and quality decisions made.

Number 060

Representative Goll said that he would welcome any demonstration that would show

him clearly that a benefit exists through the use of all this expensive machinery. Mr Shea said that he would like to quickly give two numbers from a study on office management improvement. The study said that in a secretarial office the maximum improvement through automation is 21%. The report also said that an engineering office could get as much as a 48% increase in efficiency.

Number 095

Chairman Boucher adjourned the meeting at 2:02 p.m.

January 22, 1986

MEMO TO FILE

FROM: Chris Herberger

Spoke to Mike Wheeler in Dept. of Administration concerning whether the University must procure data processing from the Dept. of Administration under HB 242. He said only with the consent of the President of the University. At the present time, the University has its own computers but there are plans for sharing network costs in the future.

SCOMM

#47:5

STATE OF ALASKA
THE LEGISLATURE

POUCH Y. STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 6, 1986

SUBJECT: HB 539 (life line rates)

TO: Representative H.A. "Red" Boucher, Chair
House Special Committee on Telecommunications

FROM: Teresa B. Cramer *TBC*
Legislative Counsel

You have requested a sectional analysis to HB 539 and asked questions concerning its effect.

SECTIONAL ANALYSIS

Section 1 permits a public utility to grant low-income customers discounted service or a reduced rate for essential telecommunication services despite the prohibition contained in AS 42.05.301 against granting unreasonable preferences or advantages in services.

Section 2 permits discounted service or reduced rates despite the prohibition contained in AS 42.05.391(a) against granting an unreasonable preference or advantage in rates.

ISSUES RAISED

1. May appropriations be added to HB 539?

The Alaska State Constitution requires in Article II, Section 13, that "bills for appropriations shall be confined to appropriations." HB 539 is not an appropriation bill and therefore, no appropriation could be added to it.

Your letter indicates that there is no administrative agency to handle the funds. Since these sections are part of AS 42.05, the Public Utilities Commission has responsibility for implementing the program. AS 42.05.141(3)) gives the commission power to

Representative H.A. "Red" Boucher

Page 2

February 6, 1986

make or require just, fair and reasonable rates, classifications, regulations, practices, services and facilities for a public utility.

2. If HB 539 is enacted, could the Alaska Public Utilities Commission establish a lifeline program without further statutory authority?

Under the power given to the APUC by AS 42.05.141(3), the commission could establish a lifeline program if this bill became law. Under AS 42.05.151(a)

The commission may adopt regulations, not inconsistent with law, necessary or proper to exercise its powers and to perform its duties under this chapter.

Since the sections permitting reduced rate and services are part of AS 42.05, the APUC has authority to implement them.

If I may be of further assistance, please advise.

TC:mkr

M2:145



1985-1986
ALASKA STATE LEGISLATIVE COMMITTEE

CHAIRMAN
Mr. John E. Dapcevich
Box 1081
Sitka, AK 99835
(907) 747-8383

VICE CHAIRMAN
Ms. Lee McAnerney
P.O. Box 406
Seward, AK 99664
(907) 224-3080

SECRETARY
Ms. June A. Robinette
P.O. Box 870797
Wasilla, AK 99687
(907) 376-2092

February 22, 1986

H. S. Boucher, Representative
Pouch V (MS 3100)
Juneau, Ak. 99811

Dear Red:

The Alaska State Legislative Committee for the American Association of Retired Persons recently met in Juneau and I was asked to send a letter of support to you for the following:

House Bill 539 titled "Telecommunications;
Reduced Rates"

Our committee, which represents the 20,914 AARP members in Alaska, would appreciate any action you might take that would ensure passage of this legislation.

Best personal regards,

A handwritten signature in cursive script, appearing to read "John", is written over the typed name of the chairman.

John E. Dapcevich
Chairman

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill Resolution No. : HB 539
 Title : An Act relating to reduced rates and discounted service for low income telecomm. customers
 Sponsor House Spec. Telecomm. & State Affairs
 Requestor : _____
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Alaska Public Utilities Con
 BRU : Alaska Public Utilities Com
 Components : Administration

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
----------------	-----	-----	-----	-----	-----	-----

REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
----------------	-----	-----	-----	-----	-----	-----

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS : Attach a separate page if necessary

Prepared by : T.S. Moninski II, Deputy Director
 Division : Alaska Public Utilities Commission

Phone : 276-6222
 Date : February 7, 1986

Approved by Commissioner : *Richard Greenberg*
 Agency : Commerce and Economic Development

Date : February 7, 1986

Distribution (by Agency preparing fiscal note):

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

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date : _____

REQUEST

Bill/Resolution No. : HB 539
 Title : Relating to reduced rates and discounted service for low-income telecommunications customers.
 Sponsor : Special Committee on Telecommunications
 Requestor : _____
 Date of Request : 2/5/86

FISCAL DETAIL

Agency Affected : Administration
 BRU : Telecommunications Services
 Components : Telecommunications Services

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
----------------	-----	-----	-----	-----	-----	-----

REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
----------------	-----	-----	-----	-----	-----	-----

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS : Attach a separate page if necessary

The bill, of itself, has zero financial impact on this agency. The effect of the bill would be to allow telecommunications utilities to provide reduced rates to low-income customers notwithstanding the prohibitions in AS 42.05 against rate discrimination.

Prepared by : Ted McIntire (Ted McIntire) Phone : 465-2041
 Division : Telecommunications Services Date : 2/5/86

Approved by Commissioner : Edna Anderson Date : 2/5/86
 Agency : Administration

Distribution (by Agency preparing fiscal note) :

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

Alaska State Legislature

POUCH V
JUNEAU, ALASKA 99811
(907) 465-4931

DISTRICT 10
BOX 111038
ANCHORAGE, ALASKA 99511
(907) 349-2192



CHAIRMAN
Special Committee on
Telecommunications

MEMBER
Labor and Commerce
State Affairs
Finance—Subcommittee Administration

Representative H. A. "Red" Boucher

January 31, 1986

TO: Members, House Special Committee on Telecommunications

FROM: Chris Herberger, Committee staff

SUBJECT: Lifeline programs

In general terms, lifeline telephone service means a discounted service or a reduced rate in order to maintain essential communication services for low-income residential customers.

So far only four states have implemented lifeline programs that are based on need (meaning that there is a qualifying means test to determine recipients). The states are California, Arkansas, New York and Wisconsin, and only in California was the lifeline program implemented by the legislature; in the other three states it was the Public Utility Commissions. These states have generally reduced the flat or measured local rate 50-66%. Funding mechanisms varied.

Nineteen states are offering "budget services" -- telephone service which is available to customers regardless of need, but the rate is based on some combination of distance, frequency, time-of-day and duration. This type of pricing is similar to the way long distance calls are priced.

Ten states have indicated that there is a statutory, judicial or administrative bar to lifeline rates with their state. These states include Colorado, Georgia, Indiana, Maryland, Oregon, Pennsylvania, South Dakota, Tennessee, Utah and Washington. Of these states, Georgia, Oregon, Tennessee and Washington have budget services, and Maryland and Nebraska have lifeline legislation pending. Details of each state's action or non-action are in the enclosed lifeline program survey.

A lifeline bill was introduced in the U.S. House of Representatives by Mickey Leland in January 1985. It was referred to Energy and Commerce Committee's subcommittee on telecommunications in February 1985 and no action has been taken on it.

The Federal Communications Commission has approved a lifeline program which all states may participate in. The program provides that federal money, up to the amount of the end-user charge, will be contributed to a lifeline program if the state matches the contribution. Recipients would be those eligible to receive Aid to Families with Dependent Children (AFDC) or Supplemental Social Security Income (SSI). At this time the state has approximately 9,702 cases with those two programs. The end-user charge is now \$1, scheduled to rise to \$2 in June 1986.

Alaska State Legislature

POUCH V
JUNEAU, ALASKA 99811
(907) 465-4931

DISTRICT 10
BOX 111038
ANCHORAGE, ALASKA 99511
(907) 349-2192



CHAIRMAN
Special Committee on
Telecommunications

MEMBER
Labor and Commerce
State Affairs
Finance—Subcommittee Administration

Representative H. A. "Red" Boucher

OPTIONS FOR IMPLEMENTING A LIFELINE PROGRAM IN ALASKA

- 1) Legislature eliminates only the perceived statutory bar, leaving the possibility of an actual lifeline program open.
- 2) Legislature does #1 and designs entire lifeline program including what agency administers the program, funding, recipients, and the appropriate rate.
- 3) Legislature does #1 and mandates an appropriate administrative agency to investigate and propose a lifeline program.
- 4) Legislature does #1 and some combination of the above.
- 5) Legislature does #1, determines that the state should participate in the federal program and takes necessary action.
- 6) Legislature does nothing.

SOME COMMENTS ON THE WORK DRAFT:

- 1) Some agency, if not the legislature, will need to define the terms in the draft, specifically "low-income," "essential," "discounted service," and "reduced rate." These terms are certainly open to various interpretations.
- 2) If the legislature does not mandate an agency to investigate the need and details of a lifeline program, and if the legislature does not do it itself, then lifeline rates will depend on the initiative of the APUC and the telephone utilities.
- 3) The legislature might want to broaden the scope and include all utilities and not just utilities providing telecommunication services.

§ 42.05.300

PUBLIC UTILITIES AND CARRIERS

§ 42.05.311

Collateral references. — Federal control as affecting power of public service commission, 4 ALR 1703, 1718, 1719; 8 ALR 969, 981; 10 ALR 956; 11 ALR 1450; 14 ALR 234; 19 ALR 678; 52 ALR 296.

Right of public utility company to discontinue its entire service, 11 ALR 252.

Sec. 42.05.300. [Repealed, § 5 ch 113 SLA 1970.]

Sec. 42.05.301. Discrimination in service. A public utility may not, as to service, make or grant an unreasonable preference or advantage to any person or subject any person to an unreasonable prejudice or disadvantage. A public utility may not establish or maintain or provide an unreasonable difference as to service, either as between localities or as between classes of service, but nothing in this section prohibits the establishment of reasonable classifications of service or requires unreasonable investment in facilities. (§ 6 ch 113 SLA 1970)

Collateral references. — Discrimination in provision of municipal services or facilities as civil rights violation, 51 ALR3d 950.

Civil rights: racial or religious discrim-

ination in furnishing of public utilities, services or facilities, 53 ALR3d 1027.

Use priorities: validity of imposition, by state regulation, of natural gas use priorities, 84 ALR3d 541.

Sec. 42.05.310. [Repealed, § 5 ch 113 SLA 1970.]

Sec. 42.05.311. Joint use and interconnection of facilities. (a) A public utility having sewers, conduits, utilidors, poles, pole lines, pipes, pipelines, mains or other distribution or transmission facilities shall, for a reasonable compensation, permit another public utility to use them when the public convenience and necessity require this use and the use will not result in substantial injury to the owner, or in substantial detriment to the service to the customers of the owners. The cost of modifications or additions necessary to a joint use shall be at the expense of the public utility requesting the use of the facilities.

(b) A telecommunications utility shall permit connection to be made and service to be furnished between a system operated by it and the system or toll facilities operated by another public utility or with the communications facility or system of a nonutility, or between its toll facilities and the toll facilities of another public utility, when public convenience and necessity require the connection and the connection will not result in substantial injury to the owner or other users of the facilities of either public utility or in substantial detriment to the service of either public utility.

(c) The tariff of a public utility shall include rules setting out the terms and conditions under which it will construct, or permit its customers or subscribers to construct, and install lines, cables, radio

NOTES TO DECISIONS

Separation of intrastate and interstate properties, expenses and revenues is required for properly determining the adequacy of a utility's

intrastate rates. *United States v. RCA Alaska Communications, Inc.*, Sup. Ct. Op. No. 1647 (File No. 3772), 597 P.2d 489 (1979).

Collateral references. — Charitable contributions by public utility as part of operating expense, 59 ALR3d 941.

Fuel adjustment clauses: validity of "fuel adjustment" or similar clauses authorizing electric utility to pass on increased costs of fuel to its customers, 83 ALR3d 933.

Advertising or promotional expenditures of public utility as part of operating expenses for ratemaking purposes, 83 ALR3d 963.

Affiliates: amount paid by public utility to affiliate for goods or services as

includible in utility's rate base and operating expenses in rate proceeding, 16 ALR4th 454.

Injunctions — rates: validity, construction, and application of Johnson Act (29 USCS § 1342), prohibiting interference by Federal District Courts with state orders affecting rates chargeable by public utilities, 28 ALR Fed 422.

Applied in *Alaska Pub. Util. Comm'n v. Greater Anchorage Area Borough*, Sup. Ct. Op. No. 1139 (File No. 2314), 534 P.2d 549 (1975).

Sec. 42.05.390. [Repealed, § 5 ch 113 SLA 1970.]

Sec. 42.05.391. Discrimination in rates. (a) A public utility may not, as to rates, grant an unreasonable preference or advantage to any of its customers or subject a customer to an unreasonable prejudice or disadvantage. A public utility may not establish or maintain an unreasonable difference as to rates, either as between localities or between classes of service. A municipally owned utility may offer uniform or identical rates for a public utility service to customers located in different areas within its certificated service area who receive the same class of service. Any uniform or identical rate shall, upon complaint, be subject to review by the commission and may be set aside if shown to be unreasonable.

(b) A rate charged by a municipality for a public utility service furnished beyond its corporate limits is not considered unjustly discriminatory solely because a different rate is charged for a similar service within its corporate limits.

(c) A public utility may not directly or indirectly refund, rebate or remit in any manner, or by any device, any portion of the rates and charges or charge, demand or receive a greater or lesser compensation for its services than is specified in its effective tariff. A public utility may not extend to any customer any form of contract, agreement, inducement, privilege or facility, or apply any rule, regulation or condition of service except such as are extended or applied to all customers under like circumstances. A public utility may not offer or pay any compensation or consideration or furnish any equipment to secure the installation or adoption of the use of utility service unless it conforms

Alaska State Legislature

POUCH V
JUNEAU, ALASKA 99811
(907) 465-4931

DISTRICT 10
BOX 111038
ANCHORAGE, ALASKA 99511
(907) 349-2192



CHAIRMAN
Special Committee on
Telecommunications

MEMBER
Labor and Commerce
State Affairs
Finance—Subcommittee Administration

Representative H. A. "Red" Boucher

DATE: February 3, 1986

TO: All Members, House Special Committee on
Telecommunications

FROM: Chris Herberger, Committee staff

SUBJECT: Some options for various lifeline programs

Defining "low-income"

1. To participate in the FCC program, people qualifying for Supplemental Social Security Income and Aid to Families with Dependent Children would be lifeline recipients. There are 9,702 cases for both of these programs in Alaska. If each case participated in a lifeline program, the state would be required to contribute \$232,848 per year excluding the administrative costs.
2. "Low-income" could be defined as those people presently receiving Food Stamps, Aid to Families with Dependent Children, and General Relief/General Relief Medical in Alaska. Benefits were issued to 15,246 cases in July 1985, approximately 3% of the Alaska population.
3. California did not align eligibility with any social programs but said that any household earning less than \$11,000 per year is eligible to participate.
4. Arkansas limited eligibility to Food Stamp recipients, Wisconsin to Low Income Energy Assistance recipients, and New York to State financial aid recipients.

Defining "discounted service"

1. Price local calls based on their distance, frequency, time-of-day and duration.
2. Use some combination of the above.
3. Place a cap on the number of local calls which are priced at a low flat-rate. Any calls above that cap would be charged at a per

call rate. In Georgia, for instance, 25 calls are charged at a flat-rate, with all calls after 25 billed at 12 cents per call.

4. Place a cap on the total duration of long distance calls which are priced at a reduced rate. Any calls above that cap would be charged at a regular rate.

Defining "reduced rate"

1. California is the only state that offers unlimited local calls at a reduced rate which is 50% of the normal rate. This is offered only where measured service is not available. Where measured service is available, the lifeline rate is 50% of the measured rate, plus a 30 to 60 call allowance per month.

2. Arkansas offers lifeline rates only where measured service is available. The lifeline rate is 33% of the flat rate with a 20 call per month allowance. All calls over 20 are billed at the normal measured rate.

3. New York offers lifeline rates only to those customers who subscribe to budget service. The lifeline rate is 50% of the budget rate.

4. In Wisconsin, the lifeline rate is priced at \$3.50/month plus 24 cents per local call.

Defining "essential service"

1. Limit lifeline service only to local calls.

2. Limit lifeline service only to long distance calls.

3. Have lifeline service include both local and long distance calls.

Administrative Agencies

Since the statute change is in the Alaska Public Utilities Commission jurisdiction, the APUC is the most likely agency to administrate a lifeline program. The Division of Public Assistance could be required to help in determining eligibility, etc.

Administrative Costs

California estimates that for 500,000 customers, there are \$221,500 in administrative costs annually. New York estimated its administrative costs will be \$20,000 annually with no mention of the number of recipients.

Funding

1. Have the telephone companies make up the shortfall through their tariff which would mean raising rates for the other customers.
2. Place a surcharge on all intrastate calls. This way everyone making a intrastate call contributes to the program, but it puts an additional burden on intrastate rates.
3. Have the state pick up the tab.

COMMENTS

As can be seen by the varied programs in the different states, there is lots of room for creativity in setting up a lifeline program. Innovative ways to meet Alaska's special needs should be possible, and the options listed here are not exhaustive.

As far as I know, no state has implemented any kind of discounted service or reduced rate for long distance service. Since long distance rates for calling within the state are already high for the rural areas and could substantially increase, some thought should be given to a lifeline program containing some provision for long distance rates.

There has been a lot of discussion among utility commissions, consumer groups, and phone utilities in the Lower 48 about the merits of option #1 under Defining "discounted service." Utilities basically say that the service is efficient and makes the cost causer be the cost payer. If you do not use the phone a lot, you do not pay a lot. The consumer groups say that local service is mostly a fixed cost and whether you make ten calls or fifty calls within the local service area it costs the same.

SCOMM

47:6

AMENDMENTS TO HB 701 PROPOSED BY GCI

- * Change the wording in the sentence contained in lines 12 and 13 to read "Consistent with this chapter, regulation of these utilities shall"
- * Add the word "modern" to line 14 so the phrase would read "make available to all people in the state a modern and efficient"
- * Replace the word "allow" in line 16 with "promote", and delete the phrase "if the competition does not unreasonably interfere with the efficient provision of the services to the public;" in lines 17 and 18.
- * Delete the language in lines 19 and 20 and substitute with "be reduced where appropriate."
- * Delete the phrase "or unfair or destructive competitive practices;" in lines 22 and 23.
- * Add the word "competitive" after the word "strong" in line 26.

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HB 701
 Title : An act relating to regulation of telecommunication services
 Sponsor : _____
 Requestor : _____
 Date of Request : _____

FISCAL DETAIL

Agency Affected : APUC
 BRU : _____
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING : (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS :

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS : Attach a separate page if necessary

The APUC has reviewed this bill and finds that it is strictly a statement of policy. No fiscal impact is projected.

Prepared by: T. S. Moninski II, Deputy Director Phone : 276-6222
 Division : Alaska Public Utilities Commission Date : _____

Approved by Commissioner : *John L. Lounsbury* Date : 4/3/86
 Agency : _____

Distribution (by Agency preparing fiscal note) :

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