

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

8419 SENATE LABOR & COMMERCE

To: Alaska Senate Labor & Commerce Committee

April 5, 1994

From: Don Muller, Sitka

Subj: RE: SJR 51

MAP SHOWING ULTIMATE IMPACT OF FORESTRY AS USUAL (by fax)

Dear Senators:

This describes the attached map, which I will use in my testimony today.

The map is a black and white copy of the Sitka portion of a large color map produced by the US Forest Service that shows the whole Tongass.

Map Key:

1. The white terrestrial areas on the map depict lands that are "unforested" or which are "unproductive forest." This is the bulk of the land area.
2. The light grey shows two things which are indistinguishable in this black and white rendition, but which are shown in light grey and light green on the original map. As shown on the original map, light grey is "private land" and light green is "Strata A and B productive forest." This strata contains two volume classes of forest of between 8000 to 30,000 board feet of timber per acre. For illustration: the light grey on the eastern side of Sitka Sound is mostly private land; and the light grey in Moonah Sound is Strata A and B forest.
3. The dark grey also shows two things, which are distinguishable on the original map as dark grey showing "State owned land" and dark green showing "Strata C and D productive forest." This strata contains two classes of forest that are over 30,000 board feet per acre. For illustration: the dark grey is on the islands and uplands in Sitka Sound is all State owned land; the dark grey in the area on marked "Kadahun" is all Strata C and D forest, and as

you can see, it is found primarily along the river.

4. The black is productive old growth forest that has been logged to date or will be logged if the current Tongass Land Management Plan is followed. This shows the ultimate effect of maintaining the 50-year contract.

5. The map is entitled "Alternative C -- Vegetation at Year 2140." Alternative C means "current direction." It is my understanding that most of the logging shown would be done under the APC contract, if it is not cancelled. The map is available from John Day of the US Forest Service TLMP office in Juneau. I recommend that the committee obtain a copy of the original map before making a decision on SJR 51.

DISCUSSION:

This map clearly illustrates that continuing with the APC contract and "business as usual" will substantially liquidate the productive forest base in the vicinities of Sitka, Tenakee and Hoonah. Very little productive forest will remain to sustain other key forest-dependent elements of the economies of these towns; in fact these parts of these economies will likely die. These economic sectors include subsistence livelihoods; personal use of fish and game; the commercial salmon industry; guiding for hunting, fishing, hiking and kayaking; and eco-tourism and the cruise ship industry.

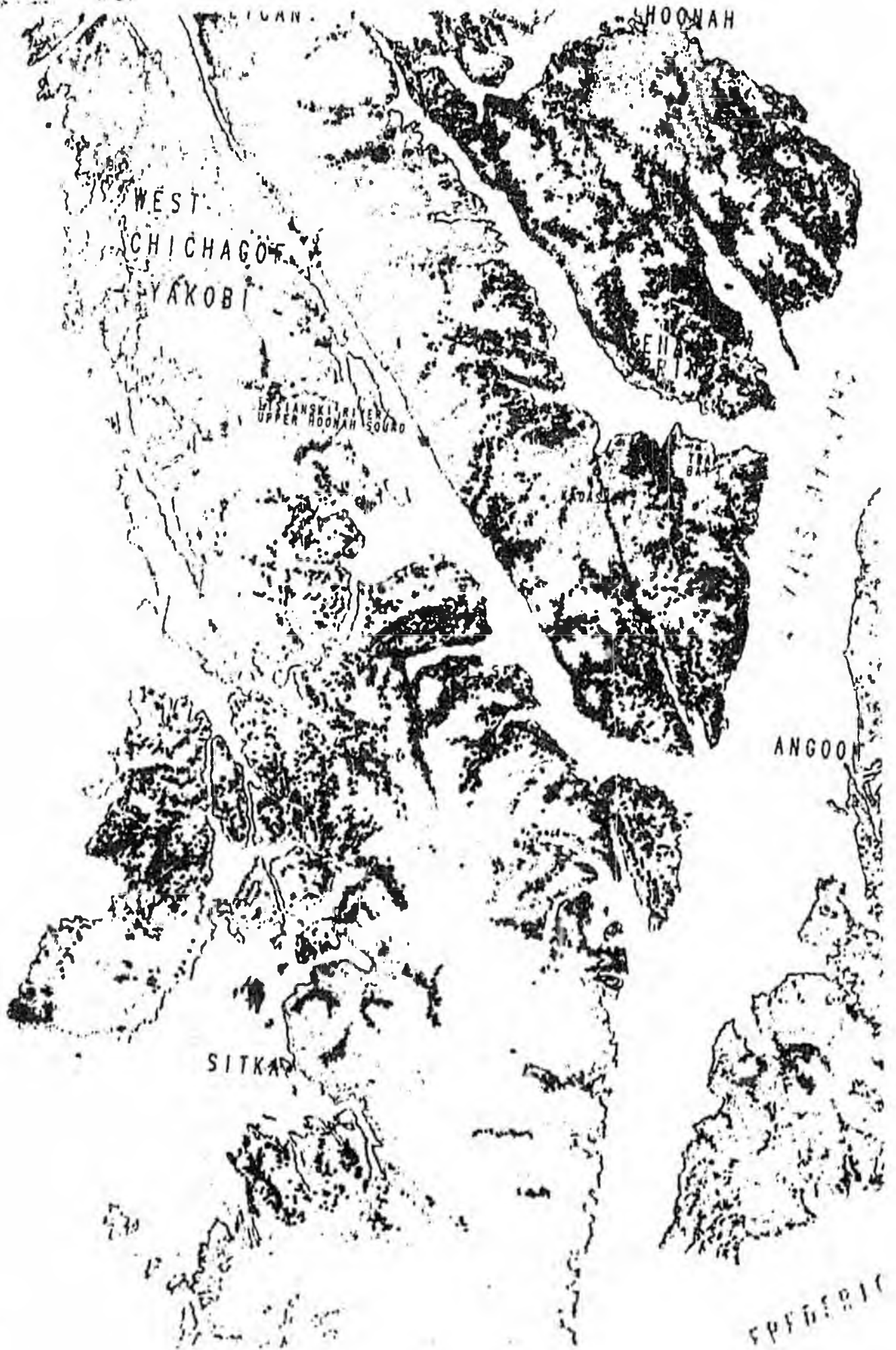
In addition, the existing timber industry will cut itself out of old growth and out of existence before there is substantial second growth forest available for cutting. While cutting its own throat it will devastate the remainder of our economy.

Cancelling the APC contract is a positive step for Sitka's future, and the State Legislature should call for its immediate cancellation. At the same time though, the Legislature should take steps to foster a substitute timber industry based on creating a large number of new jobs from a minimum amount of timber through promoting (or perhaps requiring) that maximum value be added by turning wood into finished, high quality products.

This resolution should be stripped of everything except the title "A Resolution," and be amended to: 1) Request AIDEA to cease supporting the MDF facility and instead seek and aid alternatives to make a maximum value added timber industry a reality, and 2) request the USDA to cancel the APC contract.

Only if this is done will northern Southeast Alaska have secure, stable future. I hope the State will assist the region in making the NECESSARY transition to a more sane timber industry.

If you look at the original map showing the whole Tongass you will see that there are similar impacts in the rest of APC's cutting area (which also includes Kuiu Island), as well as the whole Tongass.



SENATE COMMITTEE REPORT
IRST COMMITTEE OF REFERRAL

DATE: 3/29/94

FURTHER:

Date of 5-Day Notice: 3/31/94
 (in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3/5/94

L&C Committee considered SJR 51

Support for the development of a fiberboard plant in Sitka; encouraging the Alaska Industrial Development and Export Authority to continue its efforts to assist; requesting the United States Forest Service to continue a long-term timber purchase contract.

and recommends:

replace with _____ CS _____

same title
 new title
 technical title change
 (HB only)

attaches amendment(s)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

FISCAL NOTE INFORMATION

Department	Date	Zero	Fiscal
S. L&C COMM.	3/5/94	<input checked="" type="checkbox"/>	

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

OTHER RECOMMENDATIONS:

_____ DNP

Tim Kelly - Do Pass

Chair: Signature and Recommendation

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SJR 51

Revision Date: _____ Dept. Affected: Statewide
 Title: "Expressing support for the development of a fiberboard plant in Sitka:" BRU: _____
 Sponsor: Senate Judiciary Committee Component: _____
 Requestor: _____ COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
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CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of any current year (FY94) cost: \$ None

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Senate Labor & Commerce Committee Phone: 465-3819
 Division: _____ Date: 4/5/94
 Approved by Commissioner: Committee Chairman: *Tim Kelly* Date: 4/5/94
 Agency: _____

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

FISCAL NOTE

Alaska State Legislature



Sen. Robin Taylor, *Chair*
Sen. Rick Halford, *Vice Chair*
Sen. George Jacko, *Member*
Sen. Dave Donley, *Member*
Sen. Suzanne Little, *Member*

State Capitol
Juneau, AK 99801-1182
.....
907 465-3717
Fax: 907 465-3922

Senate Judiciary Committee

SPONSOR STATEMENT SJR 51

Sitka has recently experienced the loss of a major employer with the closure of the pulp mill owned by Alaska Lumber & Pulp. The community is seeking to recover from the loss of the mill and have replaced by a similar resource use.

Alaska Lumber and Pulp Corporation is proposing to develop a medium density fiberboard(MDF) plant in lieu of the original facility. Preliminary studies have shown that a MDF facility is feasible, however a further more exhaustive examination is necessary. This investigation will take time.

The Alaska Industrial Development and Export Authority is working with Alaska Lumber and Pulp to fully examine this project. A portion of the economics of the project involves the 50 year contract to harvest timber in the Tongass National Forest; if this contract is canceled unilaterally by the Forest Service there is a concern that the fiberboard plant will be uneconomic.

The Chief of the Forest Service has set a date of April 15 for a decision as to whether to allow the contract to continue or to cancel it. Support of Alaska Lumber and Pulp's efforts is the basis of this resolution.

The resolution would ask that the contract be continued to allow for the completion of this study and if proven feasible permit a MDF pulping facility to operate in Sitka. I urge a prompt consideration of this resolution so that it reaches the chief prior to the April 15 deadline.

Response to F.S. in Dispute on Contract

By STEVE WILL
Sentinel Staff Writer

The Alaska Pulp Corp. today issued its formal and legal response to the U.S. Forest Service's letter of intent to terminate APC's 50-year contract.

The 12-page document, addressed to Alaska Regional Forester Michael Barton in Juneau and signed by attorney William F. Martson Jr. of Portland, Ore., disputes on many points the Forest Service contention that APC's shutdown of the Sitka mill was a breach of the mill's timber contract.

Martson said there is precedent in the history of the current contract for processing facilities to be completely dismantled and rebuilt for different uses and for production shutdowns lasting "several months" during which the Forest Service made no indication that the contract was in any way jeopardized.

It was the U.S. Government, Martson said, that has repeatedly unilaterally breached the terms of the contract with APC. On other points, he said:

— unexpected and disruptive conditions (force majeure) caused APC to suspend mill operations, which is an allowable cause under Section 5a2 of the contract.

— the original contract specifically required APC to install a mill by 1961, but had no requirement that a particular one be continuously operated for 50 years.

— the contract allows flexibility in how APC meets its obligation to primary manufacture of harvested timber. APC's proposed modification of the pulp mill to a medium-density fiberboard plant is in accord with terms of contract, as is selling pulp wood to the Ketchikan Pulp Company and milling sawlogs in Wrangell as APC is now doing.

— the Jan. 13 Forest Service demand that the mill reopen as a dissolving pulp facility within 30 days is commercially unreasonable, even impossible.

Force Majeure

Barton stated in his Jan. 13 letter that the 50-year contract required continued year-round operation of the pulp mill, and that ceasing operation was a material breach of the contract.

APC counters that the contract includes a clause which gives APC the

right to suspend certain operations because of abnormal causes beyond APC's control, including acts of the government.

Those causes are the forces majeure cited by the company. APC contends changes made by the government to its contract following passage of the 1990 Tongass Timber Reform Act (TTRA) — and which were "far more economically onerous than ... were required by the TTRA" — were a primary reason that APC could no longer produce pulp at a competitive price, and thus closed the mill.

Martson wrote in today's letter that "it was 'the Government' which struck out the economic heart of the contract — the mid-market test. It was 'the Government' which unilaterally reduced the volume of the contract. And it was 'the Government' which imposed a material price surcharge. These 'acts of the Government' aimed at this and only one other contract were abnormal ... and permit APC the ability to operate 'a pulp mill ... only at a loss.'"

Flexibility

Martson states "the contract does not require APC to operate any particular mill facility." He quotes the contract as stating that "the Purchaser ... shall install ... a mill or mills for the manufacture of pulp" noting that it does not say "install and operate." He further maintains that the intent of the contract is to provide for primary manufacture within Alaska and full utilization of pulp quality wood. How those goals are to be achieved is not defined and immaterial. Martson wrote that APC's current practice of selling the pulp wood it harvests to KPC and processing sawlogs in Wrangell, is in full compliance with the contract.

Martson further states harvesting wood to supply an MDF plant, which APC says it is committed to installing pending completion of a financial feasibility study, would also comply with the terms of the contract.

The timing of Barton's Jan. 13 letter "may well interfere with or even prevent APC from moving forward on or finalizing plans" for the alternative pulp facility, Martson wrote. "This will have a materially adverse effect

Continued on Page 8

2/10/94

SITKA
Sentinel

Continued from Page 1
upon APC, its employees and timber dependent communities in Southeast Alaska."

Unreasonable.

APC argues that the timeline promulgated by the Forest Service in its demand that APC reopen the Sitka Mill by next week is unreasonable and even impossible.

The only remedy Barton left open for APC to avoid termination of the contract was to reopen the pulp mill within 30 days. But Martson noted that APC has sold its winter supply of pulp logs to KPC, with Forest Service approval, and thus has nothing to manufacture into pulp. It laid off its work force and mothballed the mill, all with full knowledge of and no objection from the Forest Service.

"Then, in the dead of winter in Alaska, APC receives a demand by the Forest Service to restart the plant — not within a reasonable time, allowing it to secure inventory and a work force, but within 30 days," Martson wrote.

He alleged that "certain groups who were never satisfied with the TTRA had been working during the three month period after APC's June 30, 1993, announcement of the impending mill closure, "urging the

government to use the shutdown as an excuse to terminate the contract."

"Only through a response to a Freedom of Information Act request has APC learned that the interference with its long-term contract by certain groups intensified after Sept. 24, 1993. The positions adopted by the Forest Service in its Jan. 13, 1994, letter simply reflect its capitulation to the arguments made by these groups. The positions taken to justify termination are inconsistent with the plain words of the contract, with the government's prior practice in response to APC's shutdowns, and with the government's good faith and fair dealing."

APC's formal response to Barton's Jan. 13 termination notice concludes that "APC's conversion of its dissolving pulp mill to an MDF plant is just another in a series of facility modifications authorized by the contract. As such, your letter of Jan. 13, 1994, should be withdrawn. At a minimum, it should be modified so as to allow APC a commercially reasonable time (six months) to pursue the next step in converting to an MDF facility."

Barton wrote in his Jan. 13 letter that he will make a final contract termination decision "as soon as possible" after his 30-day show-cause or mill reopening deadline expires.

Judge Suspended Says Do-

Mill's closure would make pulp of 1,000 timber jobs

The continuing war over timber, environment and jobs is being fought now over Alaska Pulp Corp. Based in Seattle, it is owned out of Japan and operates in Sitka and Wrangell, Alaska. This company has for years been a target of environmentalists. It and Ketchikan Pulp Corp. hold 50-year contracts to cut federal timber in the Tongass National Forest — a process environmentalists describe as "laying waste to the nation's last great temperate rain forest."

For years, these companies have paid the government little for the timber they cut. While loggers in Washington and Oregon were paying hundreds of dollars per thousand board feet of timber, in 1992 Alaska Pulp paid \$2.49.

The world market has given environmental groups a chance to shut down Alaska Pulp, and they have jumped for it. But before this company is shut down, hear its case, and its proposal for the future.

In 1957 Alaska Pulp was given a 50-year contract for federal timber on the following terms: It had to process its logs in Alaska, so that it would create jobs more stable than gold mining and salmon



Bruce Ramsey

canneries. These jobs were recently paying an average of \$45,000 each.

Part of the deal was that the company build and run a pulp mill where high costs made it difficult. The trade-off was that the government would sell the timber cheap.

At the time, Japan was big in textiles. Alaska Pulp decided to produce the feedstock for rayon. Called dissolving pulp, it is used in hospital gowns, hardhats, toothpaste, burritos and ice cream.

In the early years, the company sent top-quality old-growth sawlogs to the pulper — an outrageous waste by today's standards. It now sends them to its sawmill in Wrangell, which supplies lumber to Asia and tight-grain blocks to door-and-window makers in the Puget Sound area. The poor-grade logs — and there are many so far north — are pulped at Sitka.

Or were, until last year. The market for dissolving pulp had been undercut by new mills in Brazil, China and South Africa. The Sitka mill needed to spend \$108 million to clean up water pollution. Congress had unilaterally amended its 50-year contract, tightening the terms.

As a result of all these things, Alaska

Pulp closed its Sitka mill in September, laying off 360 workers. For now, it runs the sawmill at Wrangell, but only as long as it has the 50-year logging contract. And that requires a pulp mill.

The company now proposes to keep the 50-year contract alive by producing medium-density fiberboard — the stuff in schoolroom furniture. MDF is a pulp-based substitute for plywood, and has a

Employment at all Alaska Pulp operations, which was 1,100 at its peak and 750 now, would rise back to 980. If the Forest Service terminates the 50-year contract, it goes to zero. That's a big deal for Sitka, pop. 8,500, and Wrangell, pop. 3,000.

market expanding by about 15 percent a year.

Converting the Sitka site to MDF would cost about \$60 million. That's a fraction of the cost of a new plant, and an investment that could be amortized over the 17 years remaining in the logging contract. If approved, the plant could be in production by early 1996, the company says.

Because none of the West Coast MDF producers are near tidewater, and because the Jones Act penalizes shipping to the United States, the mill would mainly export to Asia.

MDF solves several problems. MDF pulp is not bleached, and creates no water pollution. That saves \$104 million on clean-up costs. And because MDF requires a long-fiber wood species, the mill does not need to worry about southern-hemisphere competitors who use short-fiber eucalyptus.

MDF also offers more money to the Forest Service. Franklin Roppel, executive vice president, estimates that under the formula in Alaska Pulp's 50-year contract (which is based on product prices), it would be paying about \$75 a thousand board feet for its logs. That's still

only about one-eighth the price of federal timber in Western Washington (what there is of it), but it's worlds away from \$2.49.

Employment at all Alaska Pulp operations, which was 1,100 at its peak and 750 now, would rise back to 980. If the Forest Service terminates the 50-year contract, it goes to zero. That's a big deal for Sitka, pop. 8,500, and Wrangell, pop. 3,000 — both of which naturally support the MDF proposal.

Environmentalists assert that the level of logging, which would not change, is unsustainable. The company says 88 per-

cent of the Tongass is already off-limits to logging, and that it needs to log 4-to-5 percent of the total Tongass to keep busy during the remaining 17 years of its contract. Unlike logging in Washington state, it is still cutting virgin timber, on a 100-year rotation.

Of course \$75 per thousand is still cheap for old growth. Alaska native corporations received much more for their Tongass timber. But they were under no obligation to mill the logs in Alaska — and didn't. Alaska Pulp is economically viable only because of a federal policy to use public timber to create jobs rather than revenue to the Forest Service.

The company's environmental opponents aim at neither. They say they want "sustainable" logging and "value added manufacturing." But by pushing to have the 50-year contract canceled, and to sharply curtail logging in the Tongass, they would wipe out the area's best industrial jobs. Southeastern Alaska is at a huge disadvantage in attracting others.

Much of the area would revert to seasonal fishermen and subsistence homesteaders, with occasional visits by cruise ships. Folks who wanted year-round work would have to leave — or apply to the government.

■ Bruce Ramsey is an editorial writer and member of the Post-Intelligencer Editorial Board.

see file
TIMES
FBI 11, 1994



RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator

11/6/97
Date

HB

54

Alaska State Legislature

Senator Tim Kelly, Chair
Senator Steve Rieger, Vice Chair
Senator Bert Sharp
Senator Judy Salo
Senator Georgianna Lincoln



STATE CAPITOL, SUITE 101
JUNEAU, ALASKA 99801-1182
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SENATE LABOR AND COMMERCE COMMITTEE

716 W. 4TH, SUITE 400
ANCHORAGE, AK 99501-2133
PHONE: (907) 258-8180
FAX: (907) 258-4524

April 11, 1994

Additional Packet Information for HB 54 - Telephone Caller Identification Block

- * **Draft Committee Substitute**
- * **Letter from the Alaska Telephone Association**
- * **Letter from C.W. Plimpton**

8-LS0178ND
Cramer
2/28/94

SENATE CS FOR CS FOR HOUSE BILL NO. 54(L&C)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES BROWN, Navarre, Mulder, Hudson

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to telephone caller identification; and providing for an effective
2 date."

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

4 * Section 1. AS 42.05 is amended by adding a new section to read:

5 Sec. 42.05.335. CALLER IDENTIFICATION SERVICES AND CALL
6 BLOCKING. (a) A telephone utility may not offer a caller identification service
7 unless the utility also offers customers blocking service on a per line and per call
8 basis. A telephone utility may not impose a continuing charge for providing blocking
9 service. However, a telephone utility may impose a charge for reinstalling or changing
10 blocking service as provided in (b) of this section.

11 (b) A telephone utility may not impose an installation charge for the initial
12 installation of blocking service. After the initial installation of a blocking service, the
13 telephone utility may impose a reasonable, nonrecurring charge for a change in the
14 type of blocking service provided or for reinstallation if the blocking service is

1 cancelled.

2 (c) In this section,

3 (1) "blocking service" means a service that prevents the release of the
4 telephone number, or of information derived from the telephone number, of the
5 telephone from which the call was placed;

6 (2) "caller identification" means a display unit that allows a subscriber
7 to read the telephone number of a calling party.

8 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

Alaska Telephone Association

4341 B Street, Suite 304
Anchorage, AK 99503
(907)563-4000
FAX (907)562-3776

Thomas R. Minnich
President

James Rowe
Executive Director

April 7, 1994

Honorable Tim Kelly
Chairman
Labor and Commerce Committee
Alaska State Senate
Juneau, AK 99801-1182

Dear Senator Kelly:

The Alaska Telephone Association (ATA) supports the House Labor and Commerce Committee substitute for H.B. 54 ("telephone caller identification"), so long as that version is supplemented by an amendment that will permit telephone subscribers to have initial "caller blocking service" free of charge.

Under the ATA-requested amendment, a reasonable, non-recurring charge would be made for any change in blocking service or for reinstallation after the initial free blocking service is installed. We have discussed this amendment with the bill's prime sponsor, Representative Brown, who has informed us she is receptive to it and will support it before your Committee. We have also discussed this with Senate Labor and Commerce Committee staff and have asked that the amendment be included in a new committee substitute. A copy of the amendment as agreed to with Representative Brown is attached.

I am providing this written statement on behalf of ATA and the 22 local telephone companies throughout Alaska which comprise our membership, because previously scheduled business will require me to be out of State on April 12 when H.B. 54 is to be heard by your Committee. Larry Markley, who represents our interests in Juneau, will also be out of State on April 12. I will be happy to further discuss this issue when I return to my office in Anchorage on April 13, should you need any additional information.

Sincerely,



James Rowe

A M E N D M E N T

OFFERED IN THE HOUSE
TO: CSIB 54(L&C)

BY REPRESENTATIVE BROWN

Page 1, lines 7 - 9:

Delete ", without charge to the customer, service that prevents the subscriber who has a caller identification service from reading the number of the calling party"
insert "blocking service"

Page 1, line 9, after ".":

Insert "A telephone utility may not impose a continuing charge for providing blocking service. However, a telephone utility may impose a charge for reinstalling or changing blocking service as provided in (b) of this section.

(b) A telephone utility may not impose an installation charge for the initial installation of blocking service. After the initial installation of a blocking service, the telephone utility may impose a reasonable, nonrecurring charge for a change in the type of blocking service provided or for reinstallation if the blocking service is cancelled."

Page 1, line 10:

Delete "(b) In this section,"

Insert "(c) In this section,

(1) "blocking service" means a service that prevents the release of the telephone number, or of information derived from the telephone number, of the telephone from which the call was placed;

(2)"

FAX#005

DATE:FEBRUARY 1, 1994

PAGE 1 OF 1

TO: SENATE LABOR AND COMMERCE COMMITTEE
FAX # 465-3756

ATTN: MR. TIM KELLY

SUBJECT: HOUSE BILL 54 (RE:CALLER ID)

FROM: C.W.PLIMPTON
6903 MEADOW ST.
ANCHORAGE, AK 99507
TEL.#349-4116/FAX #522-1474

TEXT:

I WISH TO RESPECTIVELY REQUEST THAT THE ABOVE MENTIONED HOUSE BILL,
(HB54) BE PASSED.

I BELIEVE PRECEDENCE HAS BEEN ESTABLISHED (IF THAT IS THE PROPER
TERM TO USE HERE) BY THE FCC INDUSTRY BULLETIN DATED JANUARY 11,
1993 WHERE-IN (PAGE 6) IT STATES "EACH TRANSMISSION TO A TELEPHONE
FACSIMILE MACHINE MUST CLEARLY CONTAIN,...(2) THE IDENTITY OF THE
SENDER AND (3) THE TELEPHONE NUMBER OF THE SENDER OR OF THE
FACSIMILE MACHINE." (I WOULD BE HAPPY TO FAX THE WHOLE NOTICE TO
YOU SHOULD YOU DESIRE THAT I DO SO.)

I BELIEVE THIS IS ONE WAY TO HELP AVOID CALLS FROM THOSE WHO WOULD
USE THE TELEPHONE UNLAWFULLY. IF THIS LAW IS GOOD ENOUGH FOR FAX
MACHINES, IT IS GOOD ENOUGH FOR PRIVATE TELEPHONES!

THANK YOU ALL VERY MUCH - HAVE A GOOD SESSION!

RESPECTFULLY YOURS,

SIG/

END PAGE ONE



Alaska Women's Resource Center

111 W. 9th Avenue • Anchorage, Alaska 99501 • (907) 276-0528 • Fax: (907) 278-8944

April 27, 1992

The Honorable Ted Stevens
United States Senate
522 Hart Building
Washington, D.C. 20510-0201

Dear Senator Stevens:

I am writing to alert you to problems which I believe will be created for Alaska's substance abuse and domestic violence program providers under the provisions of S. 652, the Telephone Privacy Act of 1991.

Most people don't have a clue to the fact that when they call an 800 or a 900 number, the number they call from and the name/address of the phone they use are -- or soon will be -- readily available to the owner of the number.

I understand this is true even if the call is made from an 'unlisted' number and that the situation will get even worse if the only remedy for Caller ID is per call blocking as proposed in S. 652 for states like Alaska which have taken no action on such services.

Safety is the first and most important issue domestic violence victims must address for themselves and their children. It has been clearly documented that violence often increases when a victim first takes steps to prevent continued battering. The requirement to enter a special code prior to making any call in order to protect the privacy of the location from which one is calling (per call blocking) is an absurd concept for a victim of domestic violence. In addition, as a service provider, AWRC would have to start warning its clients that even incidental calls made from the Center might help their batterer to track them down.

Legally, the situation would be even worse for AWRC and its substance abuse clients. New Dawn, AWRC's halfway house for women in recovery and their children, presently has a pay telephone in the residence for the use of residential clients. Under federal law we are required to maintain the identity of such clients in absolute privacy and may not even acknowledge that someone is, or has been, a client.

The location of that phone (111 W 9th) and the name of the account, even if we managed to use a name less well-known than

— AK WOMEN'S RESOURCE —
CENTER

"New Dawn," established through Caller ID would clearly undermine our efforts to comply with federal confidentiality requirements.

Caller ID is being promoted as a way to keep people safe, but I believe it will have just the opposite effect for a great many. The anecdote for Caller ID must not be costly or impractical to use. It appears that Alaska is in a particularly vulnerable position since there has been no regulatory debate on Caller ID or decision concerning its availability.

I urge you to examine the proposals of S. 652 carefully and work to assure that privacy interests are not sacrificed through it.

Sincerely,

A handwritten signature in cursive script, appearing to read "Theda Pittman".

Theda Pittman
Executive Director

ALASKA NETWORK
ON
DOMESTIC VIOLENCE
AND
SEXUAL ASSAULT

479 6th Street, No. 116 • Juneau, Alaska 99801 • (907) 586-3650

Abused Women's Aid in Crisis (AWAIC); Advocates for Victims of Violence (AVV);
Aiding Women in Abuse and Rape Emergencies (AWAPE);
Alaska Women's Resource Center (AWRC); Arctic Women in Crisis (AWIC);
Bereng Sea Women's Group (BSWG); Emmonak Women's Shelter;
Kodiak Women's Resource & Crisis Center (KWRC);
Marineq Regional Women's Crisis Program; Parent Aid Family Support Center;
Safe & Fear-Free Environment (SAFE); Seward Life Action Council (SLAC);
Sikans Against Family Violence (SAFV); South Peninsula Women's Services (SPWS);
Standing Together Against Rape (STAR);
Tongva Community Counseling Center; Tundra Women's Coalition (TWC);
Unalaskans Against Sexual Assault & Family Violence (USAFV);
Valley Women's Resource Center (VWRC);
Women in Crisis Counseling & Assistance (WCCA);
Women in Safe Homes (WSH); Women's Resource & Crisis Center (WRCC)

AUG 31 1992

August 26, 1992

Rosemary Karish
Rep. Kay Brown
3111 "C" Street, Suite 435
Anchorage, AK 99503

Dear Rosemary:

Sorry for the delay in sending this material to you.

As I explained, Caller ID provides recipients of phone calls with the phone number of the caller through a device installed on the telephone. I understand that one company has begun listing the account name as well. This concerns the Network because it will place domestic violence victims in immediate danger. I've enclosed several statements and memos from other State coalitions on that point. Other groups, such as doctors, attorneys, and counselors, are also likely to oppose unrestricted Caller ID-- not to mention the great number of Alaskans that currently have unlisted numbers for privacy.

For some time, the Network has been following the problems raised by Caller ID for domestic violence victims. We were prompted to look into action here in Alaska when a piece of federal legislation was introduced which prevented State regulation of Caller ID more restrictive than that outlined in the bill. That legislation eventually stalled. It is only a matter of time before this service is marketed in Alaska.


**AK NETWORK ON DOMESTIC
VIOLENCE & SEXUAL ASSAULT LETTER + BACK-UP**

Rosemary Karish
Page Two

The Network would like to look at legislation that, at a minimum, requires companies marketing Caller ID in Alaska to provide free per call and per line blocking. This solution was adopted by the Oregon Utilities Commission after hearings on the issue there. I have asked Fran Ulmer's staff to see if she might be interested in sponsoring such legislation, and have not yet heard back from them. I'll let you know as soon as I hear anything.

I hope you're having a great summer!

Best wishes,



Cindy Smith
Executive Director

NEW JERSEY COALITION FOR BATTERED WOMEN
2520 WHITEHORSE-HAMILTON SQUARE RD., TRENTON, NJ 08650
609-684-8107

MEMORANDUM

DATE: March 13, 1991
TO: Advocates
FROM: Barbara Price, Executive Director
SUBJECT: Caller ID

By now many of you are aware that New Jersey has Caller ID. It has existed in New Jersey for over three years. As such we now have the dubious distinction of being the model for Caller ID in every other state. Bell Companies seeking to have Caller ID implemented in their states point with pride to New Jersey to prove the success of this new technology. They have documented many stories on how Caller ID has saved lives, cut down on bomb threats, saved business dollars, and reduced the complaints of harassing phone calls by fifty percent. We do not question the validity of these stories, however in all fairness, we feel we must present another view of the effects of Caller ID in New Jersey.

As I have stated in a previous memo, Caller ID is available in eighty percent of the state. Only three to four percent of New Jersey Bell's customers subscribe to the service which has risen to this level over a three year period. Many of the customers are police, fire departments and businesses. Without knowing the numbers involved, it is probably safe to assume that this group represents possibly one third to one half of the subscribers or one to two percent. This means the remaining 2 percent could be residential customers. If we assume that all of these residential customers are living with or involved with another person, and extrapolate from national domestic violence statistics, we could say that one half are possible abusers. The population in New Jersey is 7.7 million and the domestic violence programs in New Jersey responded to 53,706 hot line calls and provided shelter or outreach services to 13,589 victims in 1989. The probability that we are making contact with all Caller ID customers who are also abusers is minuscule. Given this limited statistical sample, the NJ Coalition for Battered Women feels strongly that it is impossible to accept the blanket statement by New Jersey Bell that Caller ID is a success.

Contrary to the picture painted by New Jersey Bell, there are problems with Caller ID. Some of these problems can be solved by the remedy suggested by the phone company which requires the placement of additional phones for special outgoing only lines wherever phones currently exist. Clients and staff alike would be asked to use the outgoing only phones when they do not wish to reveal their location. The phone number for this outgoing only phone would still go forward to the Caller ID phone. However anyone returning a call to that line would get a recording saying the number reached is not in service. NJ Bell offered these extra phones to all shelters, counselors in their homes, and even clients. After a test effort in one shelter, they have not continued to offer these phones to counselors or clients and have only responded to two other programs' inquiries. Both have had technicians in to look at wiring, and one received credit cards for two counselors to use. They have not contacted the Coalition about any further efforts. Since we are currently pursuing other means of resolving the Caller ID issue, we have made no further requests of NJ Bell.

The solutions suggested by New Jersey Bell are cumbersome and do nothing for individual women who don't contact our programs. Given the nature of domestic violence and the way victims respond, there is no way for the Coalition to know how many abusers are using Caller ID to isolate and control their victims. The following incidents have been reported by domestic violence programs in New Jersey since the summer of 1990.

- Hotlines are receiving calls from males wanting to know where the phone number they're calling originates. In the space of ten days, one shelter received three such calls. This program works with victims on a non-shelter basis who are still with their batterers. They have been forced to revise their intake procedures to include asking clients if they have Caller ID and if it is safe to call them at home. In addition they ask if they know how to erase the number from the tape and provide instruction on how to do so if they do not know. Many of our programs are now adopting this procedure.
- Several shelters have reported that men calling asking where this number originates have been very nasty and verbally abusive.
- A resident used the shelter phone to speak with her landlord. At some later point he called the shelter and asked to speak with her. He was told they could not confirm or deny her residence. He informed them he knew she was there because she had called him, and he had Caller ID. He also said he was a government worker and if they didn't let him speak with her, he could easily find the shelter and her. They did not comply.
- A volunteer made a personal call from one of the direct shelter lines that is unpublished. She called her son who was not home. When he returned, he called the number that showed up on his Caller ID tape. His mother answered the phone and was shocked to hear her son's voice. It became immediately apparent to the volunteer how dangerous Caller ID could be for the shelter. The program has now instituted a new policy that does not allow personal calls on the house phone.
- A student researcher from a local university contacted a client, with permission from the client and shelter, to interview her for a research project. When the woman's husband returned home, he found the number on the Caller ID tape. He called the number and told the student to leave his wife alone. He was very abusive and threatening. This program is near a major university and frequently has students involved as interns and researchers. Caller ID puts this work in jeopardy.

Counselors from another program often call clients from home to cancel or re-schedule support groups or meetings with clients. A counselor did not know the client had Caller ID. Later that evening the client now having the counselor's home phone number, called her. While this situation did not present a particular problem for this counselor, it did illustrate the potential for possible abuse, harassment or disruption of the counselor's private life. This will certainly have a chilling effect on a program's ability to employ counselors who may not be able to do all their work from the program offices. New Jersey Bell has not given us any indication that they will change phone numbers for people caught in this situation for free.

Another program which offers batterers counseling had a man participating who had been referred by his employer. His wife was not part of the program for victims and may have been unaware that he was doing this. A counselor had occasion to call the man, and the program number showed up on the Caller ID machine. The wife dialed the number and upon discovering what it was, became very upset about what the program might be telling her husband. When her husband returned they got into an argument and a fight ensued. The police were called. Both husband and wife were arrested and now both are court ordered into counseling.

CALLER ID UPDATE

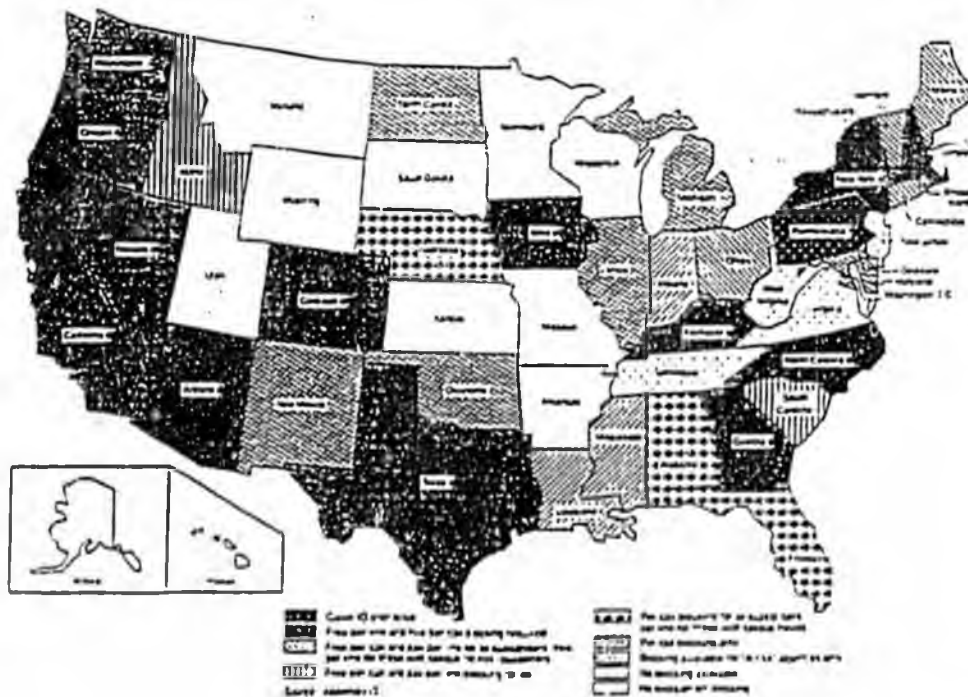
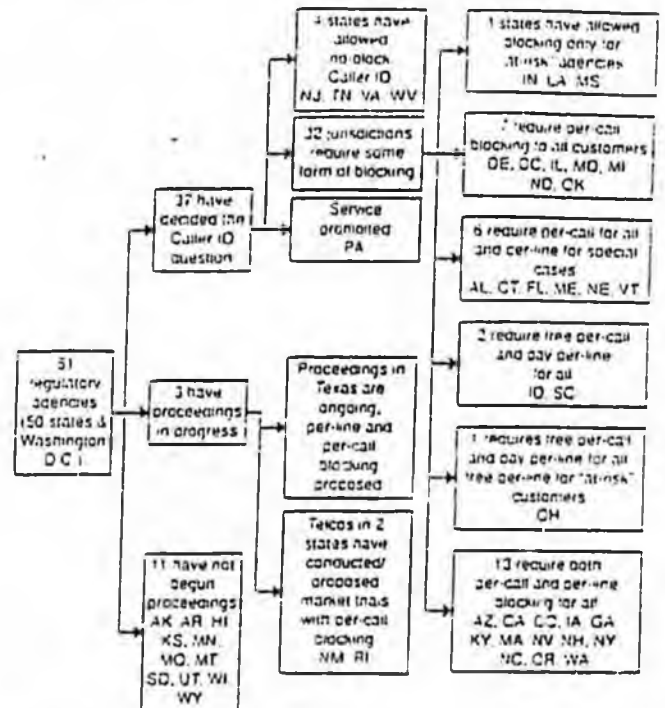
Only four states permit Caller ID without any accompanying blocking service, according to a comprehensive report by the National Regulatory Research Institute at Ohio State University. The District of Columbia and 31 states require some form of blocking, either per-call blocking (in which the caller activates a code each time he or she wishes not to have the number displayed to the recipient of the call) or per-line blocking (in which display is blocked on all calls from the line unless a non-blocking code is activated), or a combination.

The 250-page reference book provides the most complete available description of state regulatory action on Caller ID (as of August 1992). It goes far beyond Caller ID and the accompanying CLASS telephone services; it also describes public-service commission actions on other privacy-sensitive policies by telephone companies and other utilities.

The report concludes that Caller ID is only the tip of the iceberg, because telephone companies are handling more transaction-generated information and because "the utility culture is changing from one based on the public interest to one based on marketing."

"A utility is in the unique situation of having been granted a franchise area in which it is a monopoly...This provides the utility with a near-total population of consumers from which it can obtain information," say the authors, lawyer Robert E. Burns, communications specialist Rohan Samarajiva, and researcher Roopali Mukherjee. "An argument can be made that utilities must be held to a higher standard than that

contained in the common law of privacy." Utility Customer Information: Privacy and Competitive Implications is available for \$39.50 from NRRI Publications, 1080 Carmack Rd., Columbus, Ohio 43210-1002, 614/292-9404, fax 614/292-7196. New Jersey was the first state to approve Caller ID and gave it carte blanche -- no blocking at all. Now the ACLU has petitioned for a rehearing (No. TO 92070699). Bell Atlantic has moved to dismiss.



MAR 8 1993

Bill No.: HB 54

Date: March 8, 1993
Contact: Marcia Lynn McKenzie
465-4356

POSITION PAPER - Council on Domestic Violence & Sexual Assault

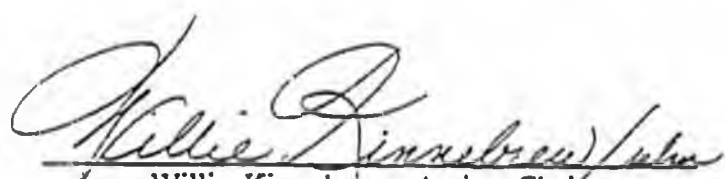
Title: "An Act relating to eavesdropping, telephone caller identification, and telephone directory listings and solicitations."

The Council on Domestic Violence & Sexual Assault supports HB 54 which would ensure that telephone caller identification (caller ID) service must be accompanied by a service, without charge to the customer, that prevents the caller's number from being read by the party with caller ID service.

The availability of unrestricted caller ID service would jeopardize the lives and safety of victims of domestic violence. A battered woman may have physically escaped her perpetrator but have need to contact him concerning child visitation or financial support. If the perpetrator subscribed to caller ID service, when a victim called him, he would easily be able to track down where she was through the use of a reverse telephone directory. This would not only endanger the victim herself, but could result in harassment or danger for those sheltering her, such as a safe home provider or shelter staff and other residents.

At least thirty-seven states have dealt with the issue of privacy and caller ID services. In New Jersey, which is one of only a very few states which allows caller ID service without blocking, shelters have reported that confidentiality of clients' whereabouts have been breached and that shelter staff have received abusive phone calls as a result of the caller ID service. Thus it is critical that caller ID service be accompanied by a blocking service.

The Council is also concerned that the blocking service be made available at no charge to the customer. Victims of domestic violence who flee their homes for protection often have little or no money. Also, shelter programs are non-profit community-based agencies with minimal financial resources. The additional financial burden of having to pay for caller ID blocking services will only reduce resources available for direct services for victims.


Willie Kinnebrew, Acting Chair
Council on Domestic Violence
& Sexual Assault

POSITION PAPER: COUNCIL
ON DOMESTIC VIOLENCE

HB 54: "An Act relating to eavesdropping, telephone identification, and telephone directory listings and solicitations."

Most states have required utilities to provide free blocking of caller I.D. Free blocking is consistent with the commission's proposed statement of privacy principles. The commission has scheduled a workshop on the proposed privacy principles later in February and will work with the public and the utilities to refine those principles.

Eavesdropping: This section falls outside normal commission jurisdiction.

Telephone Solicitation: The commission has reviewed the proposed changes to AS 45.50.475 regarding telephone solicitation and believes the requirements are clearly outlined in statutes and, therefore, no regulations are necessary.

The commission would like the Legislature to consider amending 475(c) to give local exchange telecommunications companies the responsibility of informing parties of the telephone solicitation provisions of this section.

Section 475(c) could be amended as follows:

[THE ALASKA PUBLIC UTILITIES COMMISSION SHALL, BY REGULATION, REQUIRE THAT] Local exchange telecommunications companies are required to inform parties of the provisions of this section. Notification may be made by

- (1) annual inserts in the billing statements mailed to parties;
- (2) conspicuous publication of the notice in the consumer information pages of local telephone directories.

This change would effectively make enforcement of these provisions a matter for the Attorney General's office under fair trade practices.


Paul Fuhs, Commissioner

2. 12 - 93
Date

dg1/076pp.apuc

- POSITION PPR.: DCED -

Representative Kay Brown

ALASKA STATE LEGISLATURE

Legislative Information Office
3111 C Street
Anchorage, Alaska 99503
(907) 561-7627

During Session
State Capitol
Juneau, Alaska 99801-1182
(907) 465-4998

Sponsor Statement

RECEIVED

APR 26 1993

Ans'd.....

CS HB 54 (L&C) addresses protection of Alaskan's right to privacy and personal safety:

- *Would provide Caller Identification "call blocking" or "line blocking" services without charge to telephone utility customers. This will protect those who for their own safety must keep their location confidential.*

Additions and amendments to Alaska Statutes provided by this legislation would make it clear that a citizen's right to individual privacy includes the right to prevent electronic identification of the subscriber's name, phone number, or address.

Downro - SPONSOR STATEMENT & - Sponsor
LETTER REGARDING CALLER ID FACTS

Representative Kay Brown

ALASKA STATE LEGISLATURE

Legislative Information Office
5111 C Street
Anchorage, Alaska 99503
(907) 561-7627

During Session
State Capitol
Juneau, Alaska 99801-1182
(907) 465-4998

March 16, 1993

Representative Bill Hudson
Chair, House Labor and Commerce Committee

Dear Chairman Hudson:

At the last hearing on HB 54, Telephone Privacy, you asked me to provide written testimony on some pertinent facts concerning "Caller ID." I hope this letter adequately addresses your questions.

How many states currently have Caller ID and offer free per-line and per-call blocking?

Utilities in 26 states provide Caller ID. Of those, only 6 states do not require some form of call blocking. 13 states require free per-line and per-call blocking. Those states are: Washington, Oregon, California, Nevada, Wyoming, Arizona, North Carolina, New Hampshire, Vermont, Massachusetts, Georgia, New York, and New Mexico.

If Caller ID is marketed in Alaska, will unlisted telephone numbers be available to persons and businesses with Caller ID?

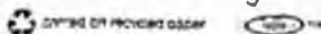
Yes. Caller ID will, in effect, nullify the privacy provided by unlisted numbers. Currently about 30% of all Alaskans have unpublished numbers. Several states have required that unpublished phone numbers be automatically blocked under Caller ID in order to protect these consumers.

What is the average cost to consumers of Caller ID in states in which it is offered?

Cost varies by state, but averages between \$4 to \$8 per month for residential customers. There is no apparent increased cost to customers in states which require free per-line and per-call blocking. For instance, in Washington, PTI markets Caller ID at around \$4 per month (with free blocking), while New Jersey residents, with no blocking, are paying \$6.50 per month.

DISTRICT 15

Downtown • Fairview • Northstar • Romig • South Addition • Spenard

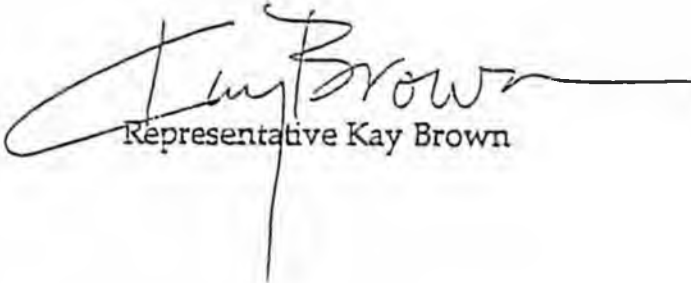


What percentage of the population subscribes to Caller ID in states which offer the service?

Around 2% to 5% . For example, in New Jersey out of 3 million customers, about 200,000 have Caller ID. It isn't clear how many of these are business customers rather than residential. It means that over 90% of the population, which does not want the service, has its privacy circumscribed by the 2% to 5% who do.

Thank you for your consideration of House Bill 54, Telephone Privacy.

Sincerely


Representative Kay Brown

CS for House Bill 54 (L&C)
Telephone Privacy

Representative Kay Brown

Sectional Analysis

Section 1.

Adds a new section to Alaska Statute 42.05. AS 42.05.335 CALLER IDENTIFICATION SERVICES AND CALL BLOCKING. (a) If a telephone utility offers caller identification service to its customers, then it must also offer to its customers, without charge, "call blocking" and "line blocking" services. This would allow a subscriber the option of keeping their phone number, subscriber's name and address confidential.

(b) Defines "caller identification" as the unit that displays the telephone number of a calling party.

Section 2.

Immediate effective date.

SENATE COMMITTEE REPORT

DATE: 4/23/93

FURTHER: JUDICIARY

DATE TURNED INTO OFFICE: _____

L&C Committee considered CS FOR HOUSE BILL NO. 54(L&C)

"An Act relating to telephone caller identification; and providing for an effective date."

and recommends:

- replace with SEN. CS HB 54 (L&C)
- or adopt previous _____ CS _____
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
SB 605 DCED	2/12	<input checked="" type="checkbox"/>	

Appropriation No Fiscal Note

DO PASS:

Alton R.
Ben M. Nason
Judith E. Sald
Deborah

OTHER RECOMMENDATIONS:

T. Kelly-DoPan

Chair: Signature and Recommendation

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 54

Revision Date: 4/12/94
 Title: An Act relating to eavesdropping, telephone caller I.D., telephone listings/solicitations
 Sponsor: Brown/Navarre
 Requestor: Labor and Commerce

Department Affected: Commerce and Economic Development
 BRU: Alaska Public Utilities Commission
 Component: Alaska Public Utilities Commission

COMPONENT SERIAL NO. _____

Expenditures/Revenues:

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
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 EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
-------------------------------	----------	----------	----------	----------	----------	----------

FUND SOURCE

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

Estimate of current year (FY 94) cost: \$ 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.)

Prepared by: Robert A. Lohr, Executive Director
 Division: Alaska Public Utilities Commission

Phone: 276-6222
 Date: 4/12/94

Approved by Commissioner: Paul Fuhs
 Agency: Commerce and Economic Development

Date: 4-12-94

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
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HB 54: "An Act relating to eavesdropping, telephone identification, and telephone directory listings and solicitations."

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Section 475(c) could be amended as follows:

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This change would effectively make enforcement of these provisions a matter for the Attorney General's office under fair trade practices.


Paul Fuhs, Commissioner

2 12 - 93
Date

STATE OF ALASKA
1993 LEGISLATIVE SESSION

Revision Date: _____
 Title: An Act relating to eavesdropping, telephone caller I.D.,
telephone listings and solicitations.
 Sponsor: Brown/Navarre
 Requestor: Labor & Commerce

Department Affected: Commerce and Economic Development
 BRU: Alaska Public Utilities Commission
 Component: Alaska Public Utilities Commission
 COMPONENT SERIAL NO. _____

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
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
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF:Program Receipts	0	0	0	0	0	0
1006 GF:MHTIA	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

Estimate of current year (FY 93) impact: 0

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Robert A. Lohr, Executive Director
 Division: Alaska Public Utilities Commission

Phone: 276-3222
 Date: 2/11/93

Approved by Commissioner: Paul Fuhs
 Agency: Commerce and Economic Development

Date: 2-12-93

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STATE OF ALASKA
1993 LEGISLATIVE SESSION

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 Component: Alaska Public Utilities Commission
 COMPONENT SERIAL NO. _____

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
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 FUND SOURCE:	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF:Program Receipts	0	0	0	0	0	0
1006 GF:MHTIA	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

Estimate of current year (FY 93) impact: 0

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Robert A. Lohr, Executive Director
 Division: Alaska Public Utilities Commission

Phone: 276-6222
 Date: 2/11/93

Approved by Commissioner: Paul Fuhs
 Agency: Commerce and Economic Development

Date: 2-12-93

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
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CS FOR HOUSE BILL NO. 54(L&C)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 3/17/93

Referred: Judiciary, Finance

Sponsor(s): REPRESENTATIVES BROWN, Navarre, Mulder, Hudson

monthly or an initial

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to telephone caller identification; and providing for an effective
2 date."

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

4 * Section 1. AS 42.05 is amended by adding a new section to read:

5 Sec. 42.05.335. CALLER IDENTIFICATION SERVICES AND CALL
6 BLOCKING. (a) A telephone utility may not offer a caller identification service
7 unless the utility also offers customers, without charge to the customer, service that
8 prevents the subscriber who has a caller identification service from reading the number
9 of the calling party on a per line and per call basis.

10 (b) In this section, "caller identification" means a display unit that allows a
11 subscriber to read the telephone number of a calling party.

12 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

A M E N D M E N T

OFFERED IN THE HOUSE
TO: CSHB 54(L&C)

BY REPRESENTATIVE BROWN

Page 1, lines 7 - 9:

Delete ", without charge to the customer, service that prevents the subscriber who has a caller identification service from reading the number of the calling party"

Insert "blocking service"

Page 1, line 9, after ".":

Insert "A telephone utility may not impose a continuing charge for providing blocking service. However, a telephone utility may impose a charge for reinstalling or changing blocking service as provided in (b) of this section.

(b) A telephone utility may not impose an installation charge for the initial installation of blocking service. After the initial installation of a blocking service, the telephone utility may impose a reasonable, nonrecurring charge for a change in the type of blocking service provided or for reinstallation if the blocking service is cancelled."

Page 1, line 10:

Delete "(b) In this section,"

Insert "(c) In this section,

(1) "blocking service" means a service that prevents the release of the telephone number, or of information derived from the telephone number, of the telephone from which the call was placed;

(2)"

HB

101

LAW OFFICES OF
KEMPEL, HUFFMAN AND GINDER
 A PROFESSIONAL CORPORATION

ROGER R. KEMPEL
 RICHARD R. HUFFMAN
 PETER C. GINDER
 DONALD C. ELLIS

ANDREW J. PIERRO
 GEORGE S. HARRINGTON JR.
 BOBBY DEAN SMITH
 JAY D. DURYCH

March 16, 1993

ANCHORAGE OFFICE
 255 E. FIREWEED LANE, SUITE 200
 ANCHORAGE, ALASKA 99503-2004
 (907) 277-1804
 TELECOPIER (907) 278-2483

CORDOVA OFFICE
 930 2ND STREET
 P.O. BOX 1828
 CORDOVA, ALASKA 99574
 (907) 424-7410
 TELECOPIER (907) 424-7454

David Hutchens, Executive Director
 Alaska Rural Electric Cooperative Association, Inc.
 ARECA Building
 703 West Tudor Road, Suite 200
 Anchorage, Alaska 99503

Re: Legislative Adoption of NESC

Dear Dave:

I have reviewed HB-101 as currently introduced, and I have significant reservations as to the constitutionality of this legislation as proposed. Basically, the use of the word "shall" at line eight of HB-101 mandates the adoption of future editions of the NESC. This could be seen as creating an unconstitutional delegation of legislative authority to a non-governmental agency. I believe that this type of effort to more or less automatically adopt future editions of the Code has been attempted in the past and has met with adverse Attorney General's Opinions. Generally, the utilities are in agreement that new editions of the Code should be adopted, but I do not think it is in anyone's interest, the utilities or the state of Alaska, that the adoption be subject to challenge as unconstitutional.

While HB-101 in its present form could probably be fixed by substituting the word "may" for the word "shall" in line eight and eliminating the word "immediately" in line five (in order to allow for adequate notice), I believe that the far better approach would be to follow the model legislation proposed by the editor of the *National Electric Safety Code Handbook*. I am informed by Mr. Clapp, the editor of the *National Electric Safety Code Handbook*, 3d ed., that this approach has been specifically designed to withstand constitutional challenges as well as addressing implementation deadlines. This approach could be enacted as follows:

**A BILL
 FOR AN ACT ENTITLED**

"An act relating to the adoption of the National Electric Code and the National Electric Safety Code."

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

- Section 1. As 18.60.580 is repealed and reenacted to read:

Section 18.60.580. APPLICABLE NATIONAL
 STANDARDS.

David Hutchens, Executive Director
March 16, 1993
Page 2

(a) Electrical facilities and wiring in the state of Alaska shall conform with the applicable provisions of the National Electric Code (ANSI NFPA). All electric power, telephone, community antenna/cable, and television (CATV) utilities operating in the state of Alaska shall design, construct, operate, and maintain their lines and equipment in conformance with the applicable provisions of the National Electric Safety Code (NEC) - ANSI C2.

(b) The requirements of the 1993 edition of the above Standard shall be met for applicable facilities and work tasks, as applicable, on or after the effective date as defined herein; such requirements may be used by a utility at any time after the publication date.

(c) Unless a hearing is requested of the Department of Labor within 120 days of the publication of the subsequent version of the above standards, such revised editions shall in 60 days (the 180th day after publication) automatically be adopted as the applicable edition for facilities and work covered thereunder until superseded. When editions change, existing facilities may continue to meet the requirements of previously applicable Code editions if allowed to do so under the new edition.

(d) The Department may, at its discretion after appropriate hearing, modify, delete, or waive individual requirements of the Standard. A modification, deletion, or waiver of a national standard of practice contained in the Standard shall be made only when (1) other measures achieving equivalent levels of safety are substituted therefor or (2) such national standard practice is found to be not applicable or is found to be unduly burdensome for the level of safety achieved under the given local conditions. Modifications, deletions, or waivers of individual requirements of an edition of the Standard shall remain in force until (1) the effective date of the next subsequent edition of the Standard or (2) repeal by the Department, whichever occurs first.

□ Section 2. AS 18.60.590(a) is amended to read:

(a) The Department shall by regulation adopt amendments to the [1990] National Electric Code as approved and issued by the American National Standards Institute.

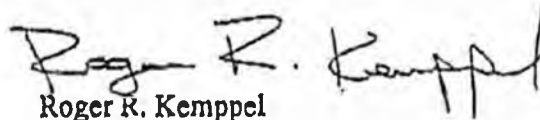
This approach has been presented to the National Association of Regulatory Utility Commissioners and is being considered for adoption in several states. I believe that it is constitutional and additionally answers several implementation questions in connection with new editions of the Code.

David Hutchens, Executive Director
March 16, 1993
Page 3

If you have any questions, please feel free to contact me.

Sincerely yours,

KEMPEL, HUFFMAN AND GINDER, P.C.



Roger R. Kempel
General Counsel for ARECA

RRK:ibf

BILL NO: HOUSE BILL NO. 101

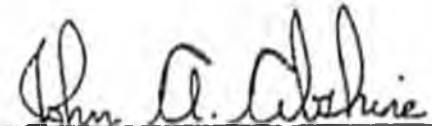
DATE: February 11, 1993

TITLE: Adopting National Electrical Code

CONTACT: Arbe Williams
465-2700

House Bill No. 101, proposes to allow the department to adopt by regulation the most recent national electrical code or national electrical safety code. The bill also adopts the 1993 published edition of the National Electrical Code and the 1993 published edition of the National Electrical Safety Code in the interim.

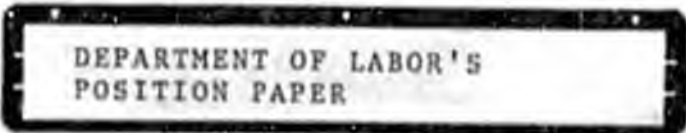
The Department of Labor supports House Bill No. 101.



Charles W. Mahlen
Commissioner

Date: 2/11/93

POSITION PAPER/Department of Labor



HOUSE LABOR AND COMMERCE COMMITTEE

ALASKA STATE LEGISLATURE

STATE CAPITOL, JUNEAU, AK 99801-1182
(907) 465-4954



SPONSOR STATEMENT HOUSE BILL 101 NATIONAL ELECTRICAL CODE

House Bill 101 was introduced to assure the adoption of the minimum electrical safety standards for the state as set by the American National Standards Institute.

The National Electrical Code and the National Electrical Safety Code are reviewed by the American National Standards Institute every three years. These codes constitute the minimum electrical safety standards for the state and are adopted by revising AS 18.60.580. HB 101 will eliminate the need for new legislation every three years, a costly and time-consuming exercise, by allowing the Department of Labor to adopt the most recent national electrical code or national electrical safety code by regulation.

HB 101 has the support of the Department of Labor and the International Brotherhood of Electrical Workers.

HOUSE LABOR AND COMMERCE COMMITTEE

ALASKA STATE LEGISLATURE

STATE CAPITOL, JUNEAU, AK 99801-1182
(907) 465-4954



AMENDMENT

HOUSE BILL 101

PAGE 1, LINE 5, delete "Immediately after," insert "After".

PAGE 1, LINE 8, delete "shall" and insert "may".

AMENDMENT 01

Lyndy

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO : HB 101

Revision Date: _____

Department Affected: Labor

Title: Adopting Nationa' Electrical Code

BRU: Labor Standards & Safety

Sponsor: House Labor & Commerce

Component: Mechanical Inspection

Requestor: House Labor & Commerce

COMPONENT SERIAL NO. 346

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE FUND SOURCE:						
-----------------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)

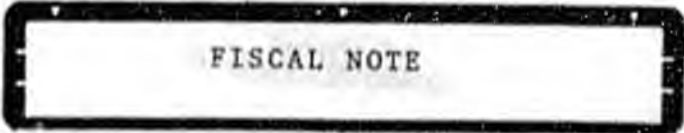
Prepared by: Donald Studv, CSP, Director  Phone: 465-6003

Division: Labor Standards & Safety Date: 2/3/93

Approved by Commissioner: Charles W. Mahlen 

Agency: Department of Labor Date: 2/3/93

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SENATE COMMITTEE REPORT

DATE: 3/5/93

FURTHER: JUDICIARY

DATE TURNED INTO OFFICE: 4/14/93

L&C Committee considered HOUSE BILL NO. 101

"An Act relating to the adoption of the National Electrical Code and the National Electrical Safety Code."

and recommends:

replace with SENATE CS HB 101 (L&C)
or adopt previous _____ CS _____
 attaches amendment(s)

same title
 new title
 technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal
DOL	2/3	<input checked="" type="checkbox"/>	

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

DO PASS:

Tim Kelly
Bob Sharp

OTHER RECOMMENDATIONS:

Mr. Tim
G. E. Salo (No Rec)
Henry ...

Tim Kelly - Do Pass
Chair: Signature and Recommendation

Leg. Legal Code
at

HOUSE BILL NO. 101

**IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION**

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Introduced: 1/29/93

Referred: Labor & Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the adoption of the National Electrical Code and the
2 National Electrical Safety Code."

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

4 * Section 1. AS 18.60.580 is repealed and reenacted to read:

5 Sec. 18.60.580. MINIMUM ELECTRICAL STANDARDS. Immediately after
6 the American National Standards Institute approves a new, published edition of the
7 National Electrical Code or a new, published edition of the National Electrical Safety
8 Code, the Department of Labor shall, by regulation, adopt the most recent codes to
9 constitute the minimum electrical safety standards of the state.

10 * Sec. 2. AS 18.60.590(a) is amended to read:

11 (a) The department may by regulation adopt amendments to the [1990]
12 National Electrical Code as approved and issued by the American National Standards
13 Institute.

14 * Sec. 3. Notwithstanding the amendment to AS 18.60.580 made by sec. 1 of this Act,

H

1 until the Department of Labor adopts a regulation establishing an electrical code and an
2 electrical safety code for the state, the 1993 published edition of the National Electrical Code
3 (ANSI NFPA) approved by the American National Standards Institute on August 14, 1992,
4 and the 1993 published edition of the National Electrical Safety Code (ANSI C2-1993)
5 approved by the American National Standards Institute on July 10, 1992, constitute the
6 minimum electrical safety standards of the state.

8-LS0493E ✓
Cramer
3/29/93

SENATE CS FOR HOUSE BILL NO. 101(L&C)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered:
Referred:



Sponsor(s): HOUSE LABOR AND COMMERCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the adoption of the National Electrical Code and the
2 National Electrical Safety Code."

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

4 • Section 1. AS 18.60.580 is repealed and reenacted to read:

5 Sec. 18.60.580. MINIMUM ELECTRICAL STANDARDS. After the
6 American National Standards Institute approves a new, published edition of the
7 National Electrical Code or a new, published edition of the National Electrical Safety
8 Code, the Department of Labor may, by regulation, adopt the most recent codes to
9 constitute the minimum electrical safety standards of the state.

10 • Sec. 2. AS 18.60.590(a) is amended to read:

11 (a) The department may by regulation adopt amendments to the [1990]
12 National Electrical Code as approved and issued by the American National Standards
13 Institute.

14 • Sec. 3. Notwithstanding the amendment to AS 18.60.580 made by sec. 1 of this Act.

1 until the Department of Labor adopts a regulation establishing an electrical code and an
2 electrical safety code for the state, the 1993 published edition of the National Electrical Code
3 (ANSI NFPA) approved by the American National Standards Institute on August 14, 1992,
4 and the 1993 published edition of the National Electrical Safety Code (ANSI C2-1993)
5 approved by the American National Standards Institute on July 10, 1992, constitute the
6 minimum electrical safety standards of the state.

HB

102

BILL NO: CSHB 102(FIN)

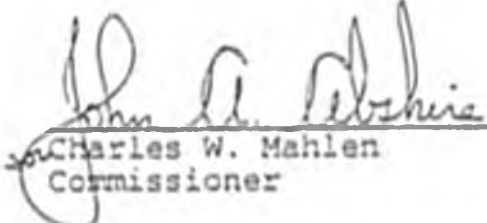
DATE: March 4, 1993

TITLE: Panel Members on Alaska Labor Relations Agency
CONTACT: Arbe Williams
465-2700

House Bill No. 102, proposes to expand the membership of the Alaska Labor Relations Agency from three members to six members. Two members would have a management background, two members would have a labor background and two members would be from the general public. The governor would designate a chair from the public members of the board.

Continuing with the current workload, the three current board members would be sitting 40 or more days per year. This is a heavy workload and the Alaska Labor Relations Agency has had difficulty obtaining a quorum. Expanding the board will expedite the agency's administrative hearings.

This bill will not have a fiscal impact on the operation of the Alaska Labor Relations Agency. The Department of Labor supports House Bill No. 102.



Charles W. Mahlen
Commissioner

Date: 3/5/93

POSITION PAPER/Department of Labor

STATE OF ALASKA

DEPARTMENT OF LABOR

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

P.O. BOX 21149
JUNEAU, ALASKA 99802-1149
PHONE (907) 465-2700

FAX (907) 465-2784

March 8, 1993

The Honorable Tim Kelly
Chair, Labor & Commerce Committee
Alaska State Senate
State Capitol, Room 101
Juneau, AK 99801-1182

Dear Senator Kelly:

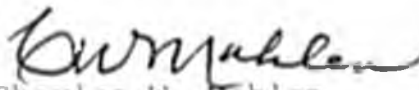
Committee Substitute for House Bill No. 102 (Finance) which proposes to expand the membership of the Alaska Labor Relations Agency passed the House and was transmitted to the Senate on March 5, 1993. The bill was referred to the Senate Labor & Commerce and Finance Committees. I am requesting that the bill be scheduled for a hearing before the Senate Labor & Commerce Committee.

The bill would expand the membership of the board from three members to six members and the governor would designate a chair from the public members of the board.

A fiscal note and position paper from the Department of Labor and a copy of the bill are enclosed for your information. If you would like additional information concerning this legislation, please do not hesitate to contact my Special Assistant, Arbe Williams.

Thank you for your consideration of my request to schedule Committee Substitute for House Bill No. 102 (Finance) for a hearing.

Sincerely,


Charles W. Mahlen
Commissioner

Enclosures

HOUSE LABOR AND COMMERCE COMMITTEE

ALASKA STATE LEGISLATURE

STATE CAPITOL, JUNEAU, AK 99801-1182
(907) 465-4954



MEMORANDUM

March 12, 1993

TO: Senator Tim Kelly, Chair
Senate Labor and Commerce Committee

FROM: Representative Bill Hudson, Chair
House Labor and Commerce Committee

SUBJECT: Request for Hearing

Committee Substitute for House Bill 102 (Finance) an Act relating to the Alaska Labor Relations Agency, has been referred to your committee. This is to request that you schedule HB 102 for a hearing at your earliest convenience.

CSHB 102 (Fin) proposes to expand the membership of the Alaska Labor Relations Agency. The bill would expand the membership to the board from three members to six members and the governor would designate a chair from the public members of the board.

The Alaska Labor Relations Agency has had difficulty in obtaining a quorum and on several occasions the agency has had to reschedule hearings. Rescheduling is an inconvenience and costly to the parties involved, particularly when counsel has been retained or the representative has had to travel. Expanding the board will expedite the hearings of the agency and avoid rescheduling meetings.

The bill has a zero fiscal note and the support of the Department of Labor.

SENATE COMMITTEE REPORT

DATE: 3/8/93

FURTHER: FINANCE

DATE TURNED INTO OFFICE: 4/14/93

L&C Committee considered CS FOR HOUSE BILL NO. 102(FIN)

"An Act relating to the Alaska Labor Relations Agency; and providing for an effective date."

and recommends:

replace with SENATE CS HB 102 (L&C)
 or adopt previous _____ CS _____
 attaches amendment(s)

same title
 new title
 technical title change
 (HB only)

adopts _____ Letter of Intent

further referral to the _____

- do pass
- do not pass
- no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal
CS DOL - Comm OFF.	3/1	<input checked="" type="checkbox"/>	

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

DO PASS.

[Signature]
[Signature]
J. E. Salo

OTHER RECOMMENDATIONS:

[Signature] - WP

Twin Kelly - Do Pass
 Chair: Signature and Recommendation

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO : CSHB 102(FIN)

Revision Date: _____
 Title: Panel Members on Ak. Labor
Rel. Agency
 Sponsor: House Labor & Commerce
 Requestor: House Rules

Department Affected: Labor
 BRU: Commissioner's Office
 Component: _____
Alaska Labor Relations Agency
 COMPONENT SERIAL NO. 1200

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS/CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Jan DeYoung, Hearing Examiner Phone: 269-4895
 Division: Alaska Labor Relations Agency Date: 3/4/93
 Approved by Commissioner: Charles W. Mahlen
 Agency: Department of Labor Date: 3/4/93

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CS FOR HOUSE BILL NO. 102(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 3/2/93
Referred: Rules

Sponsor(s): HOUSE LABOR AND COMMERCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the Alaska Labor Relations Agency; and providing for an
2 effective date."

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

4 • Section 1. AS 23.05.360(a) is amended to read:

5 (a) There is established within the Department of Labor the Alaska labor
6 relations agency. The agency is comprised of six [THREE] members appointed by the
7 governor and confirmed by the legislature. The term of office of a member is three
8 years. Members serve staggered terms in accordance with AS 39.05.055. A vacancy
9 in an unexpired term shall be filled by appointment by the governor for the remainder
10 of the term. The agency must include two members [A MEMBER] with a
11 background in management, two members [A MEMBER] with a background in labor,
12 and two members [A MEMBER] from the general public. All members must have
13 relevant experience in labor relations matters.

14 • Sec. 2. AS 23.05.360(b) is amended to read:

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(b) Not more than ~~four~~ [TWO] members of the agency may be members of the same political party.

* Sec. 3. AS 23.05.360 is amended by adding a new subsections to read:

(e) The governor shall designate a chair from the public members. The chair holds office at the pleasure of the governor.

(f) For purposes of holding hearings, the members of the board sit in panels of three members. The chair designates the panel that will consider a matter. Each panel must include a representative of management, a representative of labor, and a representative from the general public. A member of one panel may serve on the other panel when the chair considers it necessary for the prompt administration of AS 23.40.070 - 23.40.260 (Public Employment Relations Act) or AS 42.40 (Alaska Railroad Corporation Act).

* Sec. 4. AS 23.05.370(b) is amended to read:

(b) Two members of a panel constitute a quorum for hearing cases. Action taken by a quorum of a panel in a case is considered the action of the full board. Four members constitute a quorum for the transaction of business other than hearing cases [AND TWO AFFIRMATIVE VOTES ARE REQUIRED FOR FINAL ACTION ON MATTERS ACTED UPON BY THE AGENCY].

* Sec. 5. AS 23.05.370(a)(2) is repealed.

* Sec. 6. Notwithstanding the amendments made by this Act to AS 23.05.360 and 23.05.370, until the governor has appointed, and the legislature confirmed, three additional members to serve on the Alaska Labor Relations Agency, a quorum of the agency may be established as provided in AS 23.05.370(b) as it read before the amendment made by sec. 4 of this Act and the chair of the agency shall be the chair selected under former AS 23.05.370(a)(2).

* Sec. 7. This Act takes effect July 1, 1993.

8-LS0505N
Cramer
3/30/93

SENATE CS FOR CS FOR HOUSE BILL NO. 102(L&C)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered:
Referred:

Sponsor(s): HOUSE LABOR AND COMMERCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the Alaska Labor Relations Agency; and providing for an
2 effective date."

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

4 • Section 1. AS 23.05.360(a) is amended to read:

5 (a) There is established within the Department of Labor the Alaska labor
6 relations agency. The agency is comprised of six [THREE] members appointed by the
7 governor and confirmed by the legislature. The term of office of a member is three
8 years. Members serve staggered terms in accordance with AS 39.05.055. A vacancy
9 in an unexpired term shall be filled by appointment by the governor for the remainder
10 of the term. The agency must include two members [A MEMBER] with a
11 background in management, two members [A MEMBER] with a background in labor,
12 and two members [A MEMBER] from the general public. All members must have
13 relevant experience in labor relations matters.

14 • Sec. 2. AS 23.05.360(b) is amended to read:

1 (b) Not more than three [TWO] members of the agency may be members of
2 the same political party.

3 * Sec. 3. AS 23.05.360 is amended by adding a new subsections to read:

4 (e) The governor shall designate a chair from the public members. The chair
5 holds office at the pleasure of the governor.

6 (f) For purposes of holding hearings, the members of the board sit in panels
7 of three members. The chair designates the panel that will consider a matter. Each
8 panel must include a representative of management, a representative of labor, and a
9 representative from the general public. A member of one panel may serve on the other
10 panel when the chair considers it necessary for the prompt administration of
11 AS 23.40.070 - 23.40.260 (Public Employment Relations Act) or AS 42.40 (Alaska
12 Railroad Corporation Act).

13 * Sec. 4. AS 23.05.370(b) is amended to read:

14 (b) Two members of a panel constitute a quorum for hearing cases. Action
15 taken by a quorum of a panel in a case is considered the action of the full board.
16 Four members constitute a quorum for the transaction of business other than
17 hearing cases [AND TWO AFFIRMATIVE VOTES ARE REQUIRED FOR FINAL
18 ACTION ON MATTERS ACTED UPON BY THE AGENCY].

19 * Sec. 5. AS 23.05.370(a)(2) is repealed.

20 * Sec. 6. Notwithstanding the amendments made by this Act to AS 23.05.360 and
21 23.05.370, until the governor has appointed, and the legislature confirmed, three additional
22 members to serve on the Alaska Labor Relations Agency, a quorum of the agency may be
23 established as provided in AS 23.05.370(b) as it read before the amendment made by sec. 4
24 of this Act and the chair of the agency shall be the chair selected under former
25 AS 23.05.370(a)(2).

26 * Sec. 7. This Act takes effect July 1, 1993.

HEB

113

MEMORANDUM

State of Alaska
Department of Law

TO: Honorable Ron Larson
State of Alaska
House of Representatives

DATE: January 29, 1993

FILE NO:

TEL NO: 269-5206

SUBJECT: House bill regulating
telephonic and charitable
solicitations

FROM:

[Signature]
James Forbes
Assistant Attorney General
Fair Business Practices Section

Description of Bill

This bill would regulate solicitations for telephonic sales and charitable fund raising; areas which are, for the most part, unregulated. State consumer protection investigators have noticed a dramatic increase in fraudulent activity in this area. Most states have adopted legislation dealing with charitable solicitation fraud and telemarketing scams, but Alaska lags behind. As a result, scam artists are increasingly avoiding those states, and are concentrating their activities on unregulated states, such as Alaska. We believe that they cause the loss of millions of dollars each year in Alaska -- money which would otherwise circulate among legitimate businesses in the local economy. Many of the victims are elderly or reside in native villages, and we have documented cases where individual victims have lost substantial amounts of money -- in the tens of thousands of dollars.

Section 1: Regulation of Telemarketers

Purpose: This section is designed to curtail a rampant form of fraud which typically involves a high pressure sales pitch by telephone. The caller is almost invariably an out-of-state "boiler room" operator with minimal ties to any one locality, and with the ability to quickly close up shop, change identity, and re-open at another location.

The typical scam involves a promise to the consumer that (s)he has won a fabulous prize, usually including a new car, and all that is necessary to get the new car (or other fabulous prize) is that the consumer agree to purchase products (frequently vitamins or skin care products) for a high price, usually in the \$500 to \$750 range. The seller utilizes high pressure tactics

Post-it brand fax transmittal memo 7871		# of pages = 6
To: <i>Duchin</i>	From: <i>Jim Forbes</i>	
Ca: <i>[initials]</i>	Ca: <i>[initials]</i>	
Dept:	Phone #: 269 5206	
DEPT. OF LAW		
ANALYSIS		

Honorable Ron Larson

January 29, 1993

Page 2

designed to force the consumer to make a quick decision to agree to the purchase, lost the opportunity to win the fabulous prize be lost. The consumer is usually required to make payment on the spot, either by authorizing a credit card charge over the telephone or, more recently, by writing out a check which is picked up within minutes by a courier, such as Federal Express, dispatched by the telemarketer. The consumer is promised that (s)he will receive the valuable prize after several weeks. By the time the consumer realizes that the prize is not forthcoming, the telemarketer has frequently moved on to a new location, with a new identity.

State investigators have observed that the victims of these scams are frequently elderly, and once they agree to a sale by one telemarketer, they become the target of numerous telemarketers because their names are added to a "suckers list" which is sold for substantial sums of money to other telemarketers.

Remedy proposed by bill: Section 1 of the bill attacks the above-described problem in three important ways:

(1) It requires registration of telemarketers, including detailed information about exactly who they are, their histories, and the physical location from which they are operating;

(2) It mandates a "cooling off period" by prohibiting the telemarketer from taking the customer's money until the agreement is reduced to a written contract; and

(3) It provides criminal penalties for violators.

The registration and identification requirements will allow the state to pinpoint the individuals who are operating high pressure telephonic sales, and determine whether they have prior criminal histories or significant other past problems dealing with sales fraud, making closer scrutiny appropriate. The state currently has no effective means of forcing individuals, who conduct sales by telephonic means across state lines, to identify themselves. Businesses operating within Alaska are required to obtain a state business license, but interstate telemarketers routinely fail to comply with this requirement -- and they are the operators the state has the most need to supervise.

The written contract requirement will put an end to the "high pressure" tactic which is so successful in separating consumers from their money when the promise of a valuable prize is involved. Consumers who have acquiesced to high pressure sales techniques frequently wish to cancel the sale after they have had time to calmly reflect on the transaction. But when they have already authorized a credit card sale by telephone, or a courier

Honorable Ron Larson

January 29, 1993

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has already picked up their payment, revocation of the sale is not always possible. The written contract requirement will put high pressure telemarketers on more of an equal footing with local, established merchants who are, on a day-to-day basis, accountable to their customers after the sale.

Criminal penalties at the felony level are necessary if the regulations are to be taken seriously by the telemarketers. In our experience, and in discussions with our counterparts in other states, we find that fraudulent telemarketing operators build the cost of defending civil suits into their profit structures, and are not the least bit deterred by the threat of civil litigation by state attorneys general. Misdemeanor penalties would not be adequate because they do not permit extradition, and fraudulent telemarketing operators virtually always work across state lines. Elevating the penalty to the felony level is, therefore, necessary in order to provide a credible deterrent to those who are otherwise disposed to violate the law. Considering the degree of theft we have observed in this area, and the vulnerability of many of the victims, felony treatment is appropriate to the offense.

Exemptions: This bill is noteworthy for the types of transactions not covered. The bill provides a total of 16 exempt categories. These categories exempt sales operations which we have not perceived as presenting a fraud problem. Most legitimate enterprises are exempt by the express language of the bill, but those legitimate sellers that are not exempt will have no difficulty complying with the requirements of the bill.

Section II: Regulation of Charitable Solicitations

Purpose: Alaska is one of the few states without some form of charitable solicitation regulation. Investigators for the Fair Business Practices Section have uncovered numerous recent examples of scam artists collecting money from the public by posing as charitable organizations. We believe this problem to be doubly pernicious because these scam artists divert the limited amount of money available for charitable giving from legitimate charities to their own pockets; and they poison the atmosphere for charitable giving by making members of the public cynical about donating money to charity. We believe that this bill will adequately address those problems.

Operation of the Section: Section II of the bill requires all non-exempt organizations to file a registration document with the Attorney General. In the case of a paid solicitor (an organization under contract with a charitable organization to raise money) a bond must also be filed. Organizations are required to re-register each year in September.

Honorable Ron Larson

January 29, 1993

Page 4

The registration statement will be on a form provided by the Attorney general, in accordance with regulations to be adopted under the bill. There will be no registration fee.

The bill requires that paid solicitors enter into a written contract with the charitable organization on whose behalf the solicitations are made. The contract must clearly spell out the respective obligations of the parties, including the method for calculating the compensation of the paid solicitor. A copy of that contract must be filed with the Attorney General.

Disclosures: Paid solicitors are required by the bill to disclose identifying information to the person solicited so that (s)he will have a clear picture of who it is that is calling, who it is that they represent, and what charitable purpose is served by the organization. Upon request, a paid solicitor is required to provide a financial statement of the charitable organization and the terms of the contract under which the solicitor is paid.

Mail and Broadcast Solicitations: Paid solicitors who raise money by means of mail, radio, or television are required by the bill to send the donor written confirmation of any pledge that is received, including disclosure of the identity of the person making the solicitation, the charitable organization on whose behalf the solicitation is being made, and the purpose for which the funds will be used.

Unlawful Practices: The bill prohibits the use of any deceptive statements in the course of a solicitation. State investigators have discovered that, particularly in the case of telephonic solicitations by phony or "sound alike" charities, deceptive or false information is frequently disseminated.

Records: The bill provides that the registration statements, written contracts, and other documents filed with the Attorney General are public records. Charitable organizations are also required to maintain their records for a period of three years in a form that permits them to be audited.

Enforcement and Penalties: Violations of this law can be enforced privately by either the charitable organization which sustains damages as a result of another organization or solicitor's violation of the section, or by a person who makes a charitable contribution to a solicitor who violates the law. It can also be enforced by the Attorney General. The bill provides a powerful private remedy in that it permits the court to: issue an injunction against further violations; award damages for the violation; and require the violator to pay 100% of the attorney's fees and costs incurred by the aggrieved party. In the case of a

Honorable Ron Larson

January 29, 1993
Page 5

willful violation, treble damages can be awarded under the Consumer Protection Act. The bill also provides a criminal misdemeanor penalty for nonexempt persons or organizations who fail to file the necessary registration papers.

Exemptions: The following are exempt from registration under this bill: church or religious organizations; political candidates; organizations that do not raise more than \$5,000 in contributions in a given year; and charitable gaming operators licensed under AS 05.15.100. The term "paid solicitor" under the bill does not apply to an individual who counsels a person or institution on whether to make a contribution, nor does it include a salaried officer, employee, or volunteer of a charitable organization.

Regulations: The bill gives the Department of Law authority to adopt regulations to implement it.

Section III: Relation to Consumer Protection Law

Violation of either Section I or Section II of this bill would constitute a violation of the Consumer Protection Act, AS 45.50.471(b). Under this section, both the Attorney General and private individuals would have authority to enforce provisions of the law with the mechanisms available under the Consumer Protection Act. These mechanisms include injunctive relief, and treble damages in the case of a "willful" violation.

Section IV: Full Costs and Attorney's Fees

By providing that litigation under Section II of the bill could result in an award of full costs and attorney's fees, the bill conflicts with Civil Rules 79 and 82. Section 4 of the bill resolves the conflict by specifically providing that Rules 79 and 82 be amended to the extent provided in the bill. Section 4 requires, therefore, passage by a two-third vote of the Legislature.

Conclusion

Section I of the bill dealing with telemarketing is largely patterned after existing statutes in Oregon and Florida. The Oregon and Florida laws have reportedly been helpful in deterring telemarketing fraud. In fact, we believe that the current increase in telemarketing fraud in Alaska may be the result, at least in part, of the successful implementation of regulations in other states. Telemarketers who find inhospitable conditions in other states due to effective legislation are probably turning their attention to states like Alaska which do not

Honorable Ron Larson

January 29, 1993

Page 6

have similar legislation. Law enforcement officers in other states who have executed search warrants on telemarketer "boiler rooms" report that they have seen signs on the walls reminding the sales agents not to make solicitation calls in certain states, due to the anticipated level of law enforcement.

We believe that Section I of the bill strikes the appropriate balance between legitimate sales operations and society's need to regulate illegitimate scam operations. We believe that Section I of the bill does so without interfering unduly in legitimate sales operations.

Section II of the bill is largely patterned after the Michigan charitable solicitation statute, with certain provisions borrowed from California and Hawaii. We believe that Section II strikes the appropriate balance between noninterference with legitimate charitable organizations' fund raising efforts and society's need to deal with scam artists who steal money that otherwise might be donated to legitimate charities. We anticipate that legitimate charitable organizations will support this bill.

JF:bev

cc: Attorney General Charlie Cole
Deputy Attorney General Bruce Botelho
Regulations Attorney Deborah Behr
Legislative Liaison Kris Lethin



ALASKA DIVISION, INC.

Nels Anderson, M.D.
President

Jan Young, R.N.
Chairman of the Board

Roland Gower, M.D.
Chairman, Executive Committee

Barbara Kenney
Secretary

Brent Ulmer
Treasurer

March 1993

Diana Kuhns
Executive Vice President

House of Representatives
Attn: Ron Larson
State Capitol, Room #502
Juneau, Alaska 99801-1182

Dear Representative Larson,

This letter is to inform you that on February 7, 1993, the Board of Directors of the American Cancer Society voted, with unanimous approval, to fully support House Bill #113.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nels Anderson".

Nels Anderson, M.D.
President
American Cancer Society,
Alaska Division, Inc.



- LETTERS OF SUPPORT -



ALASKA DIVISION, INC.

Nels Anderson, M.D.
President

Jan Young, R.N.
Chairman of the Board

Roland Gower, M.D.
Chairman, Executive Committee

Barbara Keeney
Secretary

Brent Ulmer
Treasurer

Diana Kuhns
Executive Vice President

March 12, 1993

Representative Ron Larson
State Capitol
Juneau, AK 99801-1182

Dear Representative Larson,

The American Cancer Society, Alaska Division Public Issues Committee met on February 6, 1993, and reviewed your House Bill 113 regulating telephonic and charitable solicitations. The Committee recommended to the Division Board of Directors our organization support of the bill --- unanimous passage.

This bill is well drafted to be able to help eliminate look-alikes or sound-alike organizations and to regulate charity organizations that do not meet established standards. Alaskans have experienced too many fly-by-night charity promoters who have taken advantage of our good will and generosity, and then disappear with the take.

We are pleased that you have taken this legislation on as a priority. The American Cancer Society, Alaska Division, Inc. supports your endeavor. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Diana Kuhns".

Diana Kuhns
Executive Vice President

cc: Don Rogers, MD, Public Issues Chair

National Society of Fund Raising Executives

Alaska Chapter
P.O. Box 230611
Anchorage, AK 99523-0611

VIA FAX

February 25, 1993

The Honorable Ron Larson
House of Representatives
State of Alaska
Juneau, Alaska

Dear Representative Larson:

The Alaska Chapter of the National Society of Fund Raising Executives is supportive of your efforts at curbing abuses in charitable solicitation in Alaska. Thank you for your sponsorship of HB #113.

Fraudulent charitable solicitation obviously hurts those individuals who unknowingly contribute to non-existent causes, but there is also a heavy impact on legitimate Alaska charities. To the extent that these scams are successful, they harm non-profits in two ways.

First, they take away monies which may very well have been contributed to real Alaska non-profits. Those funds are no longer available, obviously, to help the myriad Alaska non-profit organizations helping make this a better state in which to live.

The second impact is that, rightly or wrongly, fraudulent solicitation places a cloud of suspicion on all charitable solicitation, legitimate or otherwise. While the vast majority of Alaska's non-profits provide identified, needed services in a very efficient manner, they are able to do so only because of generous charitable support from citizens throughout the state. Yet in many cases these scams only serve to reinforce the all-too-common generalization that all fund raising is somehow tainted, and we do believe there is a direct impact on contributions as a result.

The National Society of Fund Raising Executives Alaska Chapter is one of several hundred NSFRE chapters nationwide. Nationally there are over 13,000 members; we have 32 in the Alaska Chapter, representing non-profits from Juneau, Fairbanks and Anchorage.

The Honorable Ron Larson

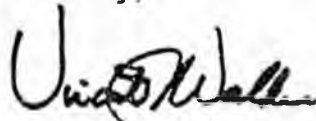
February 25, 1993

Page 2

At our monthly luncheon meeting on February 24, we had the pleasure of listening to Assistant Attorney General Jim Forbes explain the background and specifics of HB #113. During that meeting the membership formally agreed to work with you in support of the bill.

Please let me know what additional help you may need. I would be happy to testify in person on behalf of HB #113, representing the many fund raising professionals in Alaska who feel this bill is necessary.

Sincerely,



Vincent J. Walker

Alaska Chapter President

President,
Providence Health Care
Foundation

vjw/ab

12 APR 93

#2113

DEAR REP LARSEN,

THANK YOU FOR YOUR EFFORTS ON HELPING TO PROTECT
OUR CITIZENS FROM DISHONEST TELEPHONE SOLICITORS.

SOME OF OUR OLDER PEOPLE MANY TIMES FALL PREY TO

THESE SOLICITORS WHEN THEY ARE TRYING TO ~~STRETCH~~ ^{STRETCH} ~~THEIR~~ ^{THEIR}

DOLLARS.

AGAIN THANK YOU

Kendall M. Gaggins
1524 LATOUCHE #3
ANCHORAGE, AK 99501

DIVISION OF LEGAL SERVICES

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3807 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

April 19, 1993

SUBJECT: Sectional summary of CSHB 113(FIN)
TO: Representative Ron Larson
Attn: Judy
FROM: Theresa L. Bannister *TB*
Legislative Counsel

You have requested a sectional summary of the above described bill. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Section 1 of the bill adds a new chapter regulating telephonic solicitations.

Section 45.63.010 requires a person selling property or services by telephonic means to register with the Department of Law before the solicitation campaign, if the person makes substantially the same offer on substantially the same terms to two or more persons. Establishes certain procedures and information requirements for registration. Prohibits the seller from giving false information in the notice of intent to engage in the solicitation campaign.

Section 45.63.020 requires a telephonic seller to obtain from the buyer a signed, written contract before finalizing a purchase payment. Requires the contract to notify the buyer of the buyer's cancellation and replacement rights under sec. 45.63.030.

Section 45.63.030 provides the buyer with certain cancellation and replacement rights. Establishes when the sale becomes final.

Section 45.63.040 prohibits the seller from making certain representations to the buyer.

Section 45.63.050 prohibits a waiver of the buyer's rights under the chapter. Makes a waiver void.

~~SECTIONAL ANALYSIS~~
- SECTIONAL ANALYSIS -

Section 45.63.060 establishes criminal penalties for certain violations of the chapter.

Section 45.63.070 declares that the remedies in the chapter are in addition to other remedies that may be available to the buyer or the department.

Section 45.63.080 exempts certain sellers and types of sales from the chapter.

Section 45.63.090 directs the department to adopt regulations to implement the chapter.

Section 45.63.100 defines certain terms for the chapter.

Section 2 of the bill adds a new chapter regulating charitable solicitations.

Section 45.68.010 prohibits a charitable organization from soliciting contributions unless it is registered with the Department of Law. Prohibits a paid solicitor from soliciting contributions for a charitable organization unless the paid solicitor is registered with the department. Establishes the registration procedure. Establishes the duration and renewal of the registration. Requires that a material change in the information provided in the initial or renewal registration statements to be reported to the department within seven days after the change.

Section 45.68.020 prohibits a paid solicitor seller from soliciting contributions for a charitable organization without having a written contract with the organization. Indicates what the contract is to contain and requires a copy to be filed with the department.

Section 45.68.030 requires a paid solicitor to make certain disclosures to the person being solicited.

Section 45.68.040 requires a paid solicitor who makes mail, radio, or television solicitations to mail written confirmation of contribution pledges to the contributors within a certain time. Requires the confirmation to include the disclosures required by sec. 45.68.030.

Section 45.68.050 identifies certain practices that a person may not engage in when soliciting for a charitable organization.

Section 45.68.060 establishes that the documents required to be filed with the department under the chapter are public records.

Section 45.68.070 requires a charitable organization and a paid solicitor who are either subject to or exempted from the chapter under sec. 45.68.120 to maintain the records required by the chapter for five years.

Representative Ron Larson

April 19, 1993

Page 3

Section 45.68.080 establishes that charitable organizations and paid solicitors who have certain out-of-state connections and who are required to be registered under the chapter are considered to have appointed the department their agent for service of process in a proceeding under the chapter. - Requires the department to deliver notice of the service and a copy of the process to the appropriate person in order to complete the service.

Section 45.68.090 authorizes a charitable organization that suffers damages because of a violation of the chapter by another charitable organization or a paid solicitor to bring a civil action against the violator. Authorizes a contributor to bring a civil action against a charitable organization or paid solicitor who violates the chapter. Indicates the type of relief that the court may provide. Requires the complainant to serve a copy of the complaint on the department and to mail a copy of an order or judgment in the action to the department.

Section 45.68.100 establishes a criminal penalty for a person who solicits contributions for a charitable organization for compensation without complying with the registration requirements of sec. 45.68.010.

Section 45.68.110 declares that the chapter's remedies are in addition to other available remedies.

Section 45.68.120 exempts certain persons from the registration requirement. Requires exempt persons to maintain for five years certain records relating to the exemption.

Section 45.68.130 directs the department to adopt regulations to implement the chapter.

Section 45.68.900 defines certain terms for the chapter.

Section 3 of the bill adds violations of the two new chapters to the list of unlawful trade practices prohibited by the Unfair Trade Practices and Consumer Protection Act (AS 45.50.471 - 45.50.561).

Section 4 of the bill describes how certain court rules are changed by the bill.

If I may be of further assistance, please advise.

TLB:pl
93-313.plm

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STATE OF ALASKA

THE ALASKA PUBLIC UTILITIES COMMISSION

Before Commissioners:

Don Schröer, Chairman
Susan M. Knowles
Daniel Patrick O'Tierney
Mark A. Foster
James E. Carter, Sr.

In the Matter of the Consideration of Principles on Privacy in Telecommunications Services)
)
)
)
)

R-93-1

ORDER NO. 2

ORDER MODIFYING FILING AND HEARING SCHEDULES

BY THE COMMISSION:

By Order R-93-1(1), issued January 15, 1993, the Commission issued for comment proposed principles for privacy in telecommunications, scheduled a workshop for discussion of those principles, and established filing and hearing schedules. On March 4, 1993, the Municipality of Anchorage d/b/a Anchorage Telephone Utility (ATU) filed a request for a thirty-day extension of those established schedules.

To allow interested persons an opportunity to more fully develop their comments on this public policy matter, the Commission will grant an extension of time for the submission of written comments and reschedule the public hearing to accommodate that extension. Commentors are reminded that what is at issue in this Docket are privacy principles, not individual service offerings.

Alaska Public Utilities Commission
1016 West Sixth Avenue, Suite 400
Anchorage, Alaska 99501
(907) 276-6222

1 STATE OF ALASKA

2 THE ALASKA PUBLIC UTILITIES COMMISSION

3 Before Commissioners:

4 Don Schröer, Chairman
5 Susan M. Knowles
6 Daniel Patrick O'Tierney
7 Mark A. Foster
8 James E. Carter, Sr.

9 In the Matter of the Consideration of Principles on Privacy in Telecommunications Services)) R-93-1))))

10 CERTIFICATION OF MAILING

11 I, TAMARA H. ALEXANDER, certify as follows:

12 I am a Documents Processor IV in the offices of
13 the Alaska Public Utilities Commission, 1016 West Sixth Avenue,
14 Suite 400, Anchorage, Alaska 99501.

15 On March 8, 1993, I mailed copies of

16 ORDER NO. 2, entitled:

17 ORDER MODIFYING FILING AND HEARING SCHEDULES
18 (Issued March 8, 1993)

19 in the proceeding identified above to the persons indicated on the
20 attached service list.

21 DATED at Anchorage, Alaska, this 8th day of March, 1993.

22
23
24 Tamara H. Alexander
25 TAMARA H. ALEXANDER
26

Alaska Public Utilities Commission
1016 West Sixth Avenue, Suite 400
Anchorage, Alaska 99501
(907) 276-6222

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

