

ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 8672

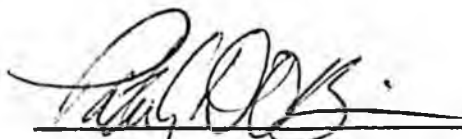
10411 HOUSE RULES



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Signature of Camera Operator

12/4/2003
Date

2001-2002
HOUSE RULES COMMITTEE
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2001-2002
HOUSE RULES COMMITTEE
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20

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 6
 Bill Version: CSHB 20(FIN)
 (H) Publish Date: 3/26/02

Revision Date/Time (Note if correction): 03/25/2002 2:15 PM Dept. Affected: DCED
 Title: Aid to Municipalities and others BRU: Community Assist & Econ. Dev. (405)
 Component: Municipal Dividend Program
 Sponsor: Representative Moses
 Requester: House Finance Component No.: N/A

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	39,930.8	39,780.8	40,455.8	40,455.8	40,455.8	40,455.8
Miscellaneous						
TOTAL OPERATING	39,930.8	39,780.8	40,455.8	40,455.8	40,455.8	40,455.8

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES (1041)	59,333.3	60,000.0	60,666.0	61,333.3	62,000.0	62,666.6
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
AIDEA Dividend	(15,000.0)	(15,000.0)	(15,000.0)	(15,000.0)	(15,000.0)	(15,000.0)
Other (Municipal Dividend Fund)	54,930.8	54,780.8	55,455.8	55,455.8	55,455.8	55,455.8
TOTAL	39,930.8	39,780.8	40,455.8	40,455.8	40,455.8	40,455.8

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

The bill establishes a new Municipal Dividend Fund within the Department funded from a portion of the excess earnings of the Permanent Fund. The Alaska Permanent Fund Corporation has estimated that the transfer to the Municipal Dividend Fund would be \$59.3 million in FY 03 and increase by \$666,667.0 annually thereafter. Each fiscal year the legislature may appropriate money in the Municipal Dividend Fund for the State Revenue Sharing and Safe Communities programs. The Legislature may also appropriate monies from the Municipal Dividend Fund to the Capital Matching Grant program through the capital budget (this amount was \$15.0 million in FY 02 funded by the AIDEA dividend) and for payment to municipalities for costs of confinement and care of state prisoners. This fiscal note reflects the replacement of \$15.0 million of AIDEA dividend funds with Municipal Dividend Program funds.

See page two for additional analysis.

Prepared by: Pat Poland, Director Phone 907-269-4580
 Division: Community and Business Development Date/Time 3/25/02 2:15 PM
 Approved by: Deborah B. Sedwick, Commissioner Date 3/25/2002
 Agency: Department of Community & Economic Development

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

BILL NO. CSHB 20(FIN) - FN#6

ANALYSIS CONTINUATION

This fiscal note was calculated assuming the FY 03 - 08 funding level for the State Revenue Sharing and Safe Communities Programs will be \$39,630,753, an increase of \$10 million over the FY 02 appropriation level. Additionally, the fiscal note was based upon an estimation that an additional 30 unincorporated communities located within organized boroughs would become eligible for funding under the Capital Matching Grants Program beginning in FY 05 and each would be fully funded at the \$25,000 statutory level. Finally, the fiscal note reflects one new city incorporation in FY 03 and one second class city reclassification to first class or home rule in FY 03.

DCED FY03 Distribution of Municipal Dividend Program Funds

Safe Communities	\$21,775.6
Revenue Sharing	17,855.2
New Eligible Communities	300.0
Capital Matching Grants	<u>15,000.0</u>
Total	\$54,930.8

CS FOR HOUSE BILL NO. 20(RLS)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES MOSES, Davies, Foster, Wilson, Hudson, Mulder, Bunde, Stevens, Joule, Lancaster, James, Kapsner

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to organization grants to cities, to state aid for unincorporated
2 communities, and to municipal dividends."

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

4 * **Section 1.** AS 29.05.180(a) is amended to read:

5 (a) To defray the cost of transition to city government and to provide for
6 interim government operations, each city incorporated after June 30, 2002,
7 [DECEMBER 31, 1985] is entitled to [AN] organization grants [GRANT OF \$50,000
8 FOR THE FIRST FULL OR PARTIAL FISCAL YEAR] after incorporation as
9 follows:

10 (1) \$100,000 for the city's first full or partial fiscal year;

11 (2) \$50,000 for the city's second fiscal year; and

12 (3) \$25,000 for the city's third fiscal year.

13 * **Sec. 2.** AS 29.05.180(b) is amended to read:

14 (b) To defray the cost of reclassification, each second class city in the

1 unorganized borough incorporated before January 1, 1986, that reclassifies as a first
2 class city or adopts a home rule charter after June 30, 2002, [DECEMBER 31, 1985]
3 is entitled to [AN] organization grants [GRANT EQUAL TO \$50,000 FOR THE
4 FIRST FULL OR PARTIAL FISCAL YEAR] after reclassification as follows:

5 (1) \$200,000 for the city's first full or partial fiscal year;

6 (2) \$100,000 for the city's second fiscal year;

7 (3) \$50,000 for the city's third fiscal year.

8 * Sec. 3. AS 29.60.140 is amended to read:

9 Sec. 29.60.140. State aid for [TO] unincorporated communities. (a)
10 Subject to (c) of this section, the [THE] department shall pay for [TO] each
11 unincorporated community an entitlement each fiscal year to be used for a public
12 purpose. The department shall pay an entitlement for an unincorporated
13 community in a borough or unified municipality to that borough or unified
14 municipality. The borough or unified municipality may use the money from the
15 entitlement only for the benefit of that unincorporated community. The
16 department with advice from the Department of Law shall determine whether there is
17 in each unincorporated community in the unorganized borough an incorporated
18 nonprofit entity or a Native village council that will agree to receive and spend the
19 entitlement. If there is more than one qualified entity in an unincorporated community
20 in the unorganized borough, the department shall pay the money under the
21 entitlement to the entity that the department finds most qualified to receive and spend
22 the money. The department may not pay money under an entitlement to a Native
23 village council unless the council waives immunity from suit for claims arising out of
24 activities of the council related to the entitlement. A waiver of immunity from suit
25 under this subsection must be on a form provided by the Department of Law. If there
26 is no qualified incorporated nonprofit entity or Native village council in an
27 unincorporated community in the unorganized borough that is willing to receive
28 money under an entitlement, the entitlement for that unincorporated community may
29 not be paid. Neither this subsection nor any action taken under it enlarges or
30 diminishes the governmental authority or jurisdiction of a Native village council. If at
31 least \$41,472,000 is appropriated for all entitlements under as 29.60.010 - 29.60.310

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
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State of Alaska

1 unorganized borough incorporated before January 1, 1986, that reclassifies as a first
2 class city or adopts a home rule charter after June 30, 2002, [DECEMBER 31, 1985]
3 is entitled to [AN] organization grants [GRANT EQUAL TO \$50,000 FOR THE
4 FIRST FULL OR PARTIAL FISCAL YEAR] after reclassification as follows:

5 (1) \$200,000 for the city's first full or partial fiscal year;

6 (2) \$100,000 for the city's second fiscal year;

7 (3) \$50,000 for the city's third fiscal year.

8 * Sec. 3. AS 29.60.140 is amended to read:

9 Sec. 29.60.140. State aid for [TO] unincorporated communities. (a)
10 Subject to (c) of this section, the [THE] department shall pay for [TO] each
11 unincorporated community an entitlement each fiscal year to be used for a public
12 purpose. The department shall pay an entitlement for an unincorporated
13 community in a borough or unified municipality to that borough or unified
14 municipality. The borough or unified municipality may use the money from the
15 entitlement only for the benefit of that unincorporated community. The
16 department with advice from the Department of Law shall determine whether there is
17 in each unincorporated community in the unorganized borough an incorporated
18 nonprofit entity or a Native village council that will agree to receive and spend the
19 entitlement. If there is more than one qualified entity in an unincorporated community
20 in the unorganized borough, the department shall pay the money under the
21 entitlement to the entity that the department finds most qualified to receive and spend
22 the money. The department may not pay money under an entitlement to a Native
23 village council unless the council waives immunity from suit for claims arising out of
24 activities of the council related to the entitlement. A waiver of immunity from suit
25 under this subsection must be on a form provided by the Department of Law. If there
26 is no qualified incorporated nonprofit entity or Native village council in an
27 unincorporated community in the unorganized borough that is willing to receive
28 money under an entitlement, the entitlement for that unincorporated community may
29 not be paid. Neither this subsection nor any action taken under it enlarges or
30 diminishes the governmental authority or jurisdiction of a Native village council. If at
31 least \$41,472,000 is appropriated for all entitlements under as 29.60.010 - 29.60.310

1 for a fiscal year, the entitlement for each unincorporated community under this
2 subsection for that year equals \$40,000. Otherwise, the entitlement equals \$25,000.

3 (b) In this section "unincorporated community" means a place [IN THE
4 UNORGANIZED BOROUGH] that is not incorporated as a city and in which 25 or
5 more persons reside as a social unit.

6 * **Sec. 4.** AS 29.60.140 is amended by adding a new subsection to read:

7 (c) The department may pay an entitlement under (a) of this section for an
8 unincorporated community in a borough or unified municipality only if the borough or
9 unified municipality on a service area basis provides at least three of the following
10 services within the community:

- 11 (1) fire protection and emergency services;
- 12 (2) water and sewer;
- 13 (3) solid waste management and disposal;
- 14 (4) public road or ice road maintenance;
- 15 (5) public health.

16 * **Sec. 5.** AS 29.60 is amended by adding a new section to article 3 to read:

17 **Sec. 29.60.330. Municipal dividend fund.** There is established in the
18 department the municipal dividend fund consisting of municipal dividends transferred
19 to the fund under AS 37.13.145(e). Each fiscal year, the legislature may appropriate
20 money in the municipal dividend fund for the organization grant program
21 (AS 29.05.200), municipal tax resource equalization program (AS 29.60.010 -
22 29.60.080), priority revenue sharing for municipal services program (AS 29.60.100 -
23 29.60.180), and revenue sharing for safe communities program (AS 29.60.350 -
24 29.60.375). Any balance in the fund may be appropriated for

- 25 (1) capital project matching grants (AS 37.06.010 - 37.06.090);
- 26 (2) payments to municipalities for costs of confinement and care of
27 state prisoners.

28 * **Sec. 6.** AS 37.13.145 is amended by adding a new subsection to read:

29 (e) On or after July 1 and after all the other transfers under this section, the
30 corporation shall, subject to appropriation, transfer a municipal dividend from the
31 earnings reserve account to the municipal dividend fund established under

1 AS 29.60.330. The municipal dividend equals the lesser of

2 (1) the amount calculated by multiplying \$100 by the number of
3 permanent fund dividends paid by the Department of Revenue during the calendar
4 year immediately preceding the year the transfer is made under this subsection; or

5 (2) the balance of the earnings reserve account on the date of the
6 transfer under this subsection.

7 * Sec. 7. The uncodified law of the State of Alaska is amended by adding a new section to
8 read:

9 APPLICABILITY. This Act applies beginning fiscal year 2003 and thereafter.

Tony Knowles, Governor

Alaska Department of Community
and Economic Development

Office of the Commissioner

P.O. Box 110800, Juneau, AK 99811-0800

Telephone: (907) 465-2500 • Fax: (907) 465-5442 • TDD: (907) 465-5437

Email: questions@dced.state.ak.us • Website: www.dced.state.ak.us/

May 1, 2002

The Honorable Pete Kott
Chairman
House Rules Committee
State Capitol, Room 204
Juneau, AK 99801-1182

RE: *CS FOR HOUSE BILL NO. 20(FIN)* An Act relating to organization grants to cities, to state aid to unincorporated communities, and to municipal dividends; and providing for an effective date.

Dear Representative Kott:

This is to follow up my letter of April 23 expressing objections to Sections 3 and 4 of *CS for House Bill No. 20(FIN)*.

I have had an opportunity to review proposed amendments to *CS for House Bill No. 20(FIN)* as reflected in work draft "22-LS008/L3 Cook 4/29/02." If the amendments reflected in the work draft were made to the legislation, my concerns expressed earlier would be resolved.

As a minor point, I note that the line 14 of the above-referenced work draft states "Page 2, lines 15 – 17." I believe that the reference to line 15 should be changed to 14.

Sincerely,



Jeff Bush
Deputy Commissioner

cc: The Honorable Carl Moses

HB

206

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: CSHB 206(2d RES)
 (H) Publish Date: 2/13/02

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish & Game
 Title Vessel Limited Entry for Commercial Fisheries BRU Comm Fish Entry Commission
 Component Comm Fish Entry Commission
 Sponsor House Resources
 Requester House Resources Component No. 471

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
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 EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact

Prepared by: Roger Kolden Phone 790-6950
 Division: Commercial Fisheries Entry Commission Date/Time 2/11/02 9:34 AM
 Approved by: Mary McDowell, Commissioner Date 02/11/2002
 Agency: Commercial Fisheries Entry Commission

ALASKA STATE LEGISLATURE

Representative Pate Kott, Chair
Representative Brian Porter
Representative Vic Kohring
Representative Carl Morgan
Representative Lesil McGuire
Representative Ethan Berkowitz
Representative Reggie Joule



Alaska State Capitol
Juneau, AK 99801-1182
Telephone: (907) 465-3777
Fax: (907) 465-2819

House of Representatives Rules Committee

Agenda

February 26, 2002

Butrovich Room 205, Alaska State Capitol

February 26, 2002 (11:00 A.M.)

Call to Order

+ HB 206 - VESSEL LIMITED ENTRY FOR COMM. FISHERIES

Overview: Update on HCR 17 and Netricity's role in Alaska

Other Business

Adjournment

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSHB206(RLS)
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish & Game
 Title Vessel Limited Entry for Commercial Fisheries BRU Comm Fish Entry Commission
 Component Comm Fish Entry Commission
 Sponsor House Resources
 Requester House Rules Component No. 471

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
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 EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Working Draft 22-LS0426W

No fiscal impact

Prepared by: Roger Kolden Phone 790-6950
 Division Commercial Fisheries Entry Commission Date/Time 2/22/02 5:00 PM
 Approved by: Mary McDowell, Commissioner Date 02/22/2002
 Agency Commercial Fisheries Entry Commission

22-LS0426\W
Utermohle
2/21/02

CS FOR HOUSE BILL NO. 206(RLS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE

**Offered:
Referred:**

Sponsor(s): HOUSE RESOURCES COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to a vessel-based commercial fisheries limited entry system for the
2 Bering Sea Korean hair crab fishery and for weathervane scallop fisheries, to
3 management of offshore fisheries, and to the definition of 'person' for purposes of the
4 commercial fisheries entry program; and providing for an effective date."

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

6 * Section 1. The uncodified law of the State of Alaska is amended by adding a new section
7 to read:

8 **FINDINGS.** The legislature finds that

9 (1) the conventional commercial fisheries limited entry system, which limits
10 the entry of natural persons into a fishery, may not adequately protect the economic health
11 and stability of certain fisheries in this state;

12 (2) a system that limits the number of vessels that may engage in a fishery
13 may be necessary to regulate certain fisheries in order to promote the conservation and
14 sustained yield management of Alaska's fishery resource and the economic health and

1 stability of commercial fishing in this state;

2 (3) the existing moratorium on entry of new vessels into the Bering Sea
3 Korean hair crab fishery (AS 16.43.901) expires on June 30, 2003, and the existing vessel
4 moratorium for the weathervane scallop fisheries in state waters (AS 16.43.906) expires on
5 June 30, 2004;

6 (4) a vessel-based limited entry system may be necessary to facilitate state
7 management of fisheries that overlap with federally managed fisheries in the United States
8 exclusive economic zone; and

9 (5) a vessel-based limited entry system may be necessary to achieve
10 compatible state and federal management and enforcement of fisheries.

11 * Sec. 2. AS 16.43 is amended by adding new sections to read:

12 **Article 6A. Vessel Permit System for Bering Sea Korean Hair Crab Fishery**
13 **and Weathervane Scallop Fisheries.**

14 **Sec. 16.43.450. Vessel permit system.** (a) The commission may establish a
15 vessel permit system under AS 16.43.450 - 16.43.520 for the Bering Sea Korean hair
16 crab fishery or a weathervane scallop fishery if the commission determines that

17 (1) the regulation of entry into the fishery is necessary to achieve the
18 purposes of this chapter;

19 (2) a vessel permit system would achieve the purposes of this chapter;
20 and

21 (3) either
22 (A) limiting the number of participants in the fishery under
23 AS 16.43.140 - 16.43.330 would not achieve the purposes of this chapter; or
24 (B) regulating the number of vessels in the fishery would
25 enable the state to gain or retain management of the fishery.

26 (b) If the federal government has delegated management authority in the
27 United States exclusive economic zone to the state for the Bering Sea Korean hair crab
28 fishery or a weathervane scallop fishery, the commission may, to the extent consistent
29 with this chapter, adopt regulations to ensure that the vessel permit system is
30 consistent with applicable federal laws.

31 (c) If the commission establishes a vessel permit system for a fishery that

1 involves more than one fishery resource, type of gear, or administrative area, the
2 commission may limit, as the commission determines appropriate, the fishery
3 resources that may be harvested under the vessel permit, the types of gear that may be
4 used under the vessel permit, or the areas where fishing may occur under the vessel
5 permit. The commission shall adopt criteria, as appropriate, for determining

6 (1) how restrictions on fishery resources, types of gear, and areas
7 fished are established for individual vessel interim-use permits and vessel entry
8 permits; and

9 (2) how eligibility to take a particular fishery resource, to use a
10 particular type of gear, or to fish in a particular area is established.

11 (d) The commission may, after consultation with the Department of Fish and
12 Game, regulate the fishing capacity or effort authorized under a vessel interim-use
13 permit or a vessel entry permit if the commission finds that limitations on fishing
14 capacity or effort are necessary to achieve the purposes of this chapter. The
15 commission shall adopt criteria, as appropriate, for measuring the fishing capacity or
16 effort of a vessel and for determining how restrictions on vessel fishing capacity or
17 effort are established for individual vessel interim-use permits and vessel entry
18 permits. The criteria may be based on past participation.

19 (e) The commission shall adopt regulations limiting the number of vessel
20 permits that may be held by a permit holder or group of related permit holders if the
21 commission finds that limiting the number of vessel permits that may be held by a
22 permit holder or group of related permit holders is necessary to prevent the excessive
23 concentration of ownership of vessel permits in the fishery.

24 **Sec. 16.43.460. Initial issuance of vessel permits.** (a) For each fishery in
25 which the commission establishes a vessel permit system under AS 16.43.450, the
26 commission shall establish qualifications for vessel interim-use permits and vessel
27 entry permits. The qualifications may include a qualification date, eligibility period,
28 recent and past participation requirements, minimum requirements for the nature and
29 degree of ownership interest that a permit holder must have in a vessel in order to
30 receive a vessel permit for the vessel, and criteria for receiving transferable and
31 nontransferable vessel entry permits. In adopting qualifications for transferable and

1 nontransferable vessel entry permits, the commission shall consider

2 (1) information provided by the Department of Fish and Game,
3 participants in the fishery, owners of vessels and gear used in the fishery, and other
4 interested parties;

5 (2) the level of recent and past participation and harvest in the fishery,
6 the nature of the fishery, and the need to ensure the manageability of the fishery and
7 conservation of the fishery resource.

8 (b) If the commission establishes a vessel permit system under AS 16.43.450
9 for a fishery that is, or recently was, subject to a moratorium on entry of new vessels
10 under AS 16.43.901 or 16.43.906, the commission shall incorporate some or all of the
11 vessel eligibility criteria established for the moratorium into the eligibility criteria for
12 vessel permits issued under the vessel permit system.

13 (c) Pending the issuance of vessel entry permits for a fishery for which the
14 commission has established a vessel permit system under AS 16.43.450, the
15 commission shall issue a vessel interim-use permit to the owner of each vessel that the
16 commission finds is potentially eligible to receive a vessel entry permit. A vessel
17 interim-use permit is renewable from year to year; however, a vessel interim-use
18 permit expires at the end of the period for which the permit was issued and may not be
19 renewed after a final determination by the commission that the vessel is or is not
20 eligible for a vessel entry permit.

21 (d) The commission shall issue vessel entry permits for a fishery, subject to
22 conditions established by the commission under AS 16.43.450 - 16.43.520, to the
23 owner of each vessel that the commission finds is eligible to receive a vessel entry
24 permit for that fishery.

25 (e) The commission shall adopt regulations regarding

26 (1) the determination of which person or entity is eligible to receive a
27 vessel interim-use permit or a vessel entry permit for a vessel in the event of
28 competing claims to ownership of the vessel;

29 (2) the substitution of another vessel by the applicant for a vessel
30 interim-use permit or a vessel entry permit if the vessel or vessels used to establish
31 eligibility for a vessel entry permit are lost, or are retired from the fishery by the vessel

1 owner, before the initial issuance of a vessel entry permit for the vessel.

2 **Sec. 16.43.470. Optimum number range of vessel permits.** (a) If, after the
3 initial issuance of vessel entry permits for a fishery, the commission determines that a
4 long-term biological or economic change has occurred in the fishery, the commission,
5 in consultation with the Department of Fish and Game, shall establish the optimum
6 number range of vessel entry permits for the fishery.

7 (b) In determining the optimum number range of vessel entry permits, the
8 commission shall seek to

9 (1) facilitate sound management of the fishery;

10 (2) promote

11 (A) the economic health and stability of the fishery;

12 (B) broad access to the fishery;

13 (C) conservation of the fish resources taken in the fishery;

14 (D) quality seafood products; and

15 (3) discourage waste of harvested fish.

16 (c) The commission may increase or decrease the optimum number range of
17 vessel entry permits for a fishery if the commission finds that an established long-term
18 change in the biological or economic condition of the fishery has occurred and that the
19 number of vessel entry permits that are necessary to achieve the goals set out in (b) of
20 this section has substantially changed.

21 (d) If the optimum number range of vessel entry permits is less than the
22 number of outstanding vessel permits for the fishery, the commission may adopt
23 regulations to allow the voluntary consolidation of vessel entry permits by permit
24 holders, including entities. The commission may investigate procedures to
25 permanently reduce the number of vessel permits issued for a fishery to within the
26 optimum number range.

27 (e) If the optimum number range of vessel entry permits is greater than the
28 number of permits authorized for the fishery, the commission shall issue additional
29 vessel entry permits until the number of vessel entry permits is consistent with the
30 optimum number range for the fishery. The commission shall obtain fair market value
31 for new vessel entry permits issued under this subsection. The commission shall

1 determine whether the additional vessel entry permits issued under this subsection are
2 transferable or nontransferable.

3 **Sec. 16.43.480. Transfer and expiration of vessel entry permits.** (a) The
4 commission may adopt regulations authorizing the transfer of a transferable vessel
5 entry permit to an eligible transferee and establishing the terms and conditions under
6 which vessel entry permits may be transferred. The commission may require that the
7 transferee of a vessel entry permit must have a legal ownership interest in the vessel
8 identified on the vessel entry permit. The commission may establish by regulation
9 minimum requirements for the nature and degree of ownership interest that the
10 transferee must have in the vessel.

11 (b) The commission may adopt regulations authorizing the simultaneous
12 transfer of a transferable vessel entry permit to an eligible transferee and the
13 substitution of another vessel for the vessel identified on the permit under
14 AS 16.43.490.

15 (c) The commission shall adopt regulations relating to the expiration of
16 nontransferable vessel entry permits.

17 **Sec. 16.43.490. Substitution of vessels.** (a) The commission shall adopt
18 regulations providing for the permanent or temporary substitution, after the initial
19 issuance of vessel entry permits, of another vessel for the vessel that is identified on a
20 vessel entry permit. The commission may specify by regulation the nature and degree
21 of legal ownership interest that a permit holder must have in the vessel that is
22 permanently or temporarily substituted for the vessel identified on the permit. Upon
23 the approval of a permanent substitution of a vessel, the commission shall issue a new
24 vessel entry permit for the substituted vessel.

25 (b) A substituted vessel and the operation of the substituted vessel are subject
26 to all terms and conditions attached to the vessel entry permit at the time that the
27 vessel permit is transferred from the original vessel to the substituted vessel.

28 **Sec. 16.43.500. Renewal of vessel permits.** (a) A vessel interim-use permit
29 or vessel entry permit is issued for one year and must be renewed annually.

30 (b) A vessel interim-use permit or vessel entry permit may not be renewed
31 until the fees for each preceding year during which the permit has not been renewed

1 are paid.

2 (c) Failure to renew a vessel entry permit for two consecutive years from the
3 year of last renewal results in a forfeiture of the permit unless the forfeiture is waived
4 by the commission for good cause. If an administrative closure of a fishery occurs for
5 an entire season, the commission may not count the season toward the two-year
6 period.

7 **Sec. 16.43.510. Vessel permit fees.** (a) The commission shall establish fees
8 for the issuance and annual renewal of vessel interim-use permits and vessel entry
9 permits. Annual fees established under this subsection may not exceed \$2,500 and
10 shall reasonably reflect the rate of economic return for the fishery.

11 (b) The commission shall waive the payment of the annual fees for a vessel
12 interim-use permit or a vessel entry permit for a fishery in which there was an
13 administrative closure for the entire season.

14 (c) Subject to AS 37.10.050(a), the commission may establish fees for
15 processing applications for vessel interim-use permits and vessel entry permits, for
16 transfer of vessel entry permits, and for permanent and temporary substitution of
17 vessels.

18 (d) The commission may charge interest at a rate not to exceed the legal rate
19 of interest established in AS 45.45.010(a) on fees established under the section that are
20 more than 60 days overdue.

21 **Sec. 16.43.520. General vessel permit provisions.** (a) A person or entity
22 may not operate a vessel or use a vessel to take fish in a commercial fishery for which
23 a vessel interim-use permit or vessel entry permit is required unless the appropriate
24 vessel permit has been issued for the vessel and is posted in a prominent location on
25 the vessel.

26 (b) A person or entity may not hold more than one vessel entry permit for a
27 fishery unless

28 (1) the number of vessel entry permits held by the person or entity is
29 consistent with regulations of the commission regarding concentration of ownership of
30 vessel permits in the fishery; and

31 (2) either

1 (A) the person or entity qualified for each vessel entry permit at
2 the time of the initial issuance of vessel entry permits for the fishery; or

3 (B) the vessel entry permits are issued for a vessel for which
4 the person or entity already holds another vessel entry permit for that fishery.

5 (c) The operator of a vessel for which a vessel interim-use permit or vessel
6 entry permit has been issued shall comply with the terms of the vessel permit while the
7 vessel is operated in the fishery for which the permit is issued.

8 (d) A vessel interim-use permit and a vessel entry permit constitute a use
9 privilege that may be modified or revoked by order of the commission or by law
10 without compensation.

11 (e) A vessel entry permit may not be

12 (1) pledged, mortgaged, leased, or encumbered in any way;

13 (2) transferred with any retained right of repossession or foreclosure,
14 or on any condition requiring a subsequent transfer; or

15 (3) attached, distrained, or sold on execution of judgment or under any
16 other process or order of any court.

17 (f) Unless the person who holds a vessel entry permit has expressed a contrary
18 intent in a will that is probated, the commission shall, upon the death of the person,
19 transfer the vessel entry permit by right of survivorship directly to the person's
20 surviving spouse or, if no spouse survives, to another person designated by the vessel
21 permit holder on a form provided by the commission. If no spouse survives and if the
22 person designated on the form, if any, does not survive, the permit passes as part of the
23 vessel permit holder's estate. A designation under this subsection must be
24 acknowledged before a person authorized to administer an oath under AS 09.63.010 or
25 must be witnessed by two persons who are qualified under AS 13.12.505 to witness
26 the will of the vessel permit holder. A vessel entry permit is exempt from the claims of
27 creditors of the estate.

28 (g) AS 16.43.450 - 16.43.520 do not alter the requirement for an interim-use
29 permit or entry permit under AS 16.43.140 or a vessel license under AS 16.05.490 -
30 16.05.520.

31 (h) Nothing in AS 16.43.450 - 16.43.520 limits the powers of the Board of

1 Fisheries or the Department of Fish and Game.

2 (i) Notwithstanding AS 16.05.815 and AS 16.43.975, the commission may
3 release to the owner of a vessel information on the vessel's history of harvests in a
4 fishery that is necessary to apply for a vessel interim-use permit or vessel entry permit
5 under AS 16.43.450 - 16.43.520.

6 * Sec. 3. AS 16.05.735 is amended to read:

7 **Sec. 16.05.735. Management of offshore fisheries.** The state may assume
8 management of a fishery [THE SCALLOP FISHERIES] in offshore water adjacent to
9 the state in the absence of a federal fishery management plan for the fishery
10 [SCALLOPS] or in the event that a federal fishery management plan for the fishery
11 [SCALLOPS] delegates authority to the state to manage the fishery [SCALLOP
12 FISHERIES] in the United States exclusive economic zone.

13 * Sec. 4. AS 16.43.010(a) is amended to read:

14 (a) It is the purpose of this chapter to promote the conservation and the
15 sustained yield management of Alaska's fishery resource and the economic health and
16 stability of commercial fishing in Alaska by regulating and controlling entry of
17 participants and vessels into the commercial fisheries in the public interest and
18 without unjust discrimination.

19 * Sec. 5. AS 16.43.100(a) is amended to read:

20 (a) To accomplish the purposes set out in AS 16.43.010, the commission shall
21 (1) regulate entry into the commercial fisheries for all fishery resources
22 in the state;
23 (2) establish priorities for the application of the provisions of this
24 chapter to the various commercial fisheries of the state;
25 (3) establish administrative areas suitable for regulating and
26 controlling entry into the commercial fisheries;
27 (4) establish, for all types of gear, the maximum number of entry
28 permits for each administrative area;
29 (5) designate, when necessary to accomplish the purposes of this
30 chapter, particular species for which separate interim-use permits or entry permits will
31 be issued;

- 1 (6) establish qualifications for the issuance of entry permits;
2 (7) issue entry permits to qualified applicants;
3 (8) issue interim-use permits as provided in AS 16.43.210, 16.43.220,
4 and 16.43.225;
5 (9) establish, for all types of gear, the optimum number of entry
6 permits for each administrative area;
7 (10) administer the buy-back program provided for in AS 16.43.310
8 and 16.43.320 to reduce the number of outstanding entry permits to the optimum
9 number of entry permits;
10 (11) provide for the transfer and reissuance of entry permits to
11 qualified transferees;
12 (12) provide for the transfer and reissuance of entry permits for
13 alternative types of legal gear, in a manner consistent with the purposes of this
14 chapter;
15 (13) establish and administer the collection of the annual fees provided
16 for in AS 16.43.160;
17 (14) administer the issuance of commercial fishing vessel licenses
18 under AS 16.05.490;
19 (15) issue educational entry permits to applicants who qualify under
20 the provisions of AS 16.43.340 - 16.43.390;
21 (16) establish reasonable user fees for services;
22 (17) issue landing permits under AS 16.05.675 and regulations adopted
23 under that section;
24 (18) establish and collect annual fees for the issuance of landing
25 permits that reasonably reflect the costs incurred in the administration and
26 enforcement of provisions of law related to landing permits; [AND]
27 (19) establish a moratorium on entry into commercial fisheries as
28 provided in AS 16.43.225; and
29 (20) administer, when necessary to accomplish the purposes of this
30 chapter, a vessel permit system under AS 16.43.450 - 16.43.520.

31 * Sec. 6. AS 16.43.240(b) is amended to read:

1 (b) When the commission finds that a fishery, not designated as a distressed
2 fishery under AS 16.43.230 or not subject to a moratorium under AS 16.43.225, has
3 reached levels of participation that require the limitation of entry under AS 16.43.140
4 - 16.43.330 in order to achieve the purposes of this chapter, the commission shall
5 establish the maximum number of entry permits for that fishery.

6 * Sec. 7. AS 16.43.240(c) is amended to read:

7 (c) When the commission finds that a fishery subject to a moratorium under
8 AS 16.43.225 has reached levels of participation that require the limitation of entry
9 under AS 16.43.140 - 16.43.330 in order to achieve the purposes of this chapter, the
10 commission shall establish the maximum number of entry permits for that fishery.

11 * Sec. 8. AS 16.43.960(a) is amended to read:

12 (a) The commission may revoke, suspend, or transfer all entry or interim-use
13 permits, vessel entry permits, or vessel interim-use permits held by a person or
14 entity who knowingly provides or assists in providing false information, or fails to
15 correct false information provided to the commission for the purpose of obtaining a
16 benefit for self or another, including the issuance, renewal, duplication, or transfer of
17 an entry or interim-use permit, [OR] vessel license, vessel entry permit, or vessel
18 interim-use permit. The commission may suspend, as appropriate, that person's or
19 entity's eligibility to hold an entry or interim-use permit, vessel entry permit, or
20 vessel interim-use permit for a period not to exceed three years, and may impose an
21 administrative fine of not more than \$5,000 on the person or [. THE COMMISSIC
22 MAY ALSO IMPOSE AN ADMINISTRATIVE FINE OF NOT MORE THAN
23 \$5,000 ON AN] entity whose officers, employees, representatives, or agents
24 knowingly provide or assist in providing false information, or fail to correct false
25 information provided, to the commission for the purpose of obtaining a benefit.

26 * Sec. 9. AS 16.43.970(a) is amended to read:

27 (a) A person who violates a provision of this chapter or a regulation adopted
28 under this chapter or an entity that violates a provision of AS 16.43.450 - 16.43.520
29 or a regulation adopted under AS 16.43.450 - 16.43.520 is, upon conviction, guilty
30 of a class B misdemeanor and is punishable by a fine of not more than \$5,000 for a
31 first conviction, and a fine of not more than \$10,000 for a second or third conviction.

1 Upon a first or second conviction under this subsection, the court may in its discretion
2 also order the commission to suspend the commercial fishing privileges of the person
3 or entity for a period of not more than three years and to revoke one or more or all
4 commercial fishing permits held by the person or entity. Upon a third or subsequent
5 conviction under this subsection, the person or entity is also subject to a loss of
6 commercial fishing privileges as provided under (i) of this section. This subsection
7 does not apply to violations of AS 16.43.140(a).

8 * Sec. 10. AS 16.43.970(b) is amended to read:

9 (b) A person or entity who knowingly makes a false statement to the
10 commission for the purpose of obtaining a benefit, including the issuance, renewal,
11 duplication, or transfer of an entry or interim-use permit, [OR] vessel license, vessel
12 interim-use permit, or vessel entry permit, or a person who assists another by
13 knowingly making a false statement to the commission for the purpose of obtaining a
14 benefit for another, is guilty of the crime of unsworn falsification as set out in
15 AS 11.56.210. Upon conviction, the person or entity is also subject to suspension of
16 commercial fishing privileges and revocation of commercial fishing permits under (i)
17 of this section.

18 * Sec. 11. AS 16.43.970(d) is amended to read:

19 (d) If a permit holder is charged by the state with violating a provision of this
20 chapter or a regulation adopted under this chapter, the holder may not transfer [,
21 UNDER AS 16.43.170,] any interim-use or entry permit under AS 16.43.170 or any
22 transferable vessel entry permit under AS 16.43.450 - 16.43.520 [,] until after the
23 final adjudication or dismissal of the charges.

24 * Sec. 12. AS 16.43.970(e) is amended to read:

25 (e) Notwithstanding any other provision of this section, an interim-use or entry
26 permit or transferable vessel entry permit may not be transferred while under
27 suspension, without the consent of the commission.

28 * Sec. 13. AS 16.43.970(f) is amended to read:

29 (f) A commercial fishing entry permit revoked under this section that is
30 pledged as security for a loan under AS 16.10.333, or 16.10.338, or AS 44.81.231
31 shall be reassigned as provided in AS 16.10.337 or AS 44.81.250.

1 * Sec. 14. AS 16.43.970(i) is amended to read:

2 (i) Upon the conviction of a person or entity for an offense described under
3 (a), (b), or (g) of this section, the court shall immediately notify the commission of the
4 conviction. The notice provided by the court shall be accompanied by an order
5 suspending commercial fishing privileges and revoking commercial fishing permits
6 under (a) of this section, as appropriate. The commission shall, upon receipt of

7 (1) an order from the court under (a) of this section, suspend the
8 commercial fishing privileges of a person or entity for the period set by the court and
9 revoke commercial fishing permits held by the person or entity as directed by the
10 court;

11 (2) a notice from the court that a person or entity has been convicted
12 of a third or subsequent violation of (a) of this section, suspend all commercial fishing
13 privileges of the person or entity for a period of three years from the date of
14 conviction and revoke all commercial fishing permits held by the person or entity;

15 (3) a notice from the court that a person or entity has been convicted
16 of a violation described under (b) of this section, suspend all commercial fishing
17 privileges of the person or entity for a period of three years from the date of
18 conviction and revoke all commercial fishing permits held by the person or entity;

19 (4) a notice from the court that a person has been convicted of a
20 violation described under (g)(1) of this section, suspend all commercial fishing
21 privileges of the person for a period of one year from the date of conviction;

22 (5) a notice from the court that a person has been convicted of a
23 violation described under (g)(2) of this section, suspend all commercial fishing
24 privileges of the person for a period of two years from the date of conviction;

25 (6) a notice from the court that a person has been convicted of a
26 violation described under (g)(3) of this section, suspend all commercial fishing
27 privileges of the person for a period of five years from the date of conviction.

28 * Sec. 15. AS 16.43.970(j)(1) is amended to read:

29 (1) "commercial fishing permit" means an entry permit, [OR] an
30 interim-use permit, a vessel entry permit, or a vessel interim-use permit issued
31 under this chapter;

1 * Sec. 16. AS 16.43.980(a) is amended to read:

2 (a) The commission shall prepare an annual report and notify the legislature
3 that it is available. The report must [SHALL] include but not be limited to the
4 following:

5 (1) a progress report on the reduction of entry permits to optimum
6 levels;

7 (2) recommendations for additional legislation relating to the
8 regulation of entry of participants and vessels into Alaska commercial fisheries.

9 * Sec. 17. AS 16.43.990(5) is amended to read:

10 (5) "person" means a natural person; "person" [AND] does not
11 include a corporation, company, partnership, firm, association, organization, joint
12 venture, [BUSINESS] trust, [OR] society, or other legal entity other than a natural
13 person;

14 * Sec. 18. AS 16.43.990 is amended by adding a new paragraph to read:

15 (10) "entity" means a corporation, company, partnership, firm,
16 association, organization, joint venture, trust, society, or other legal entity other than a
17 natural person.

18 * Sec. 19. This Act takes effect immediately under AS 01.10.070(c).

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House Resources Committee

House Bill 206 Sponsor Statement

"An Act relating to a vessel-based commercial fisheries limited entry system for the Bering Sea Korean hair crab fishery and for weathervane scallop fisheries, to management of offshore fisheries, and to the definition of 'person' for purposes of the commercial fisheries entry program; and providing for an effective date."

HB 206 establishes a vessel-based commercial fisheries limited entry program. The bill preserves the State's current limited entry program as the primary form of limitation, and authorizes the Commercial Fisheries Entry Commission (CFEC) to implement a vessel-based limitation in a fishery only under certain tightly defined conditions.

In its bill enacting the Hair Crab moratorium in 1996, the Legislature recognized the need to establish a vessel-based limitation program and directed CFEC and the Department of Law to draft and bring to the Legislature legislation to accomplish that. Such legislation was drafted but failed to gain passage during the 21st Session. HB 206 reintroduces enabling provisions for this important fisheries management tool.

Under the current limited entry statute, CFEC may only issue limited entry permits to gear operators in a fishery, not to vessels or vessel owners. This type of limited entry system, based on an "owner-operator" model, is appropriate for fisheries where typically vessels are small and fished by one person usually in nearshore waters. But other fisheries in Alaska, particularly some of those in the Gulf of Alaska and the Bering Sea, are characterized by larger vessels fishing in offshore waters. These vessels move from area to area and may be operated by successive skippers hired by vessel owners to keep the vessel fishing throughout a season. Current law may not be appropriate or workable for this kind of fishery; in fact, it could potentially increase rather than limit the units of gear and not achieve the resource conservation and economic viability purposes of the Limited Entry Act. Further, it would award ongoing fishing privileges to many who have worked essentially as hired crew, and not those who have invested in the fishery.

The bill establishes the framework for a vessel-based limitation system, much as existing law provides the framework for the operator-based program. Effective fishery management tools, such as those authorized in HB 206, will help ensure the State has the flexibility to effectively manage a wide range of fisheries and, in some fisheries, to gain or retain State management authority in the years ahead.

Introduced 3/21/2001
Prepared by Co-chairman Drew Scalzi

Proposed Second House Resources CS for HB 206 (Work Draft 22-LS0426\B)

The primary focus of the changes being proposed to the version of HB206 adopted by the House Resources committee in 2001 is removal of the so-called "second-generation" provision. The goal of that provision was to provide a mechanism whereby fisheries limited under the vessel-based limited entry system authorized by the bill, would, over time, evolve increasingly toward being 'owner-operator' in character. Alaska's current limited entry program is based on the owner-operator model, (which is characteristic of Alaska's salmon fisheries and most other state-managed fisheries), and is designed to perpetuate that character in fisheries after limitation. The second-generation provision was primarily included in the original HB206 because that bill provided generic authority to the Commercial Fisheries Entry Commission (CFEC) to use this new vessel-based limited entry system in any fisheries in the future that met criteria specified in the bill.

After considerable deliberation, the House Resources Committee amended HB206 just before moving it from committee to narrow the scope of the bill to authorize the use of the vessel-based program ONLY for limitation of the scallop and Korean Hair Crab fisheries. The committee substitute version of the bill removed authority for the commission to use the vessel-based program to limit any other fisheries. The scallop and hair crab fisheries are not currently owner-operator in nature. Applying the "second-generation" criteria to permit transfers in these fisheries would be cumbersome, at best. Vessel owners in these fisheries have raised concern about impacts of the provision and asked that it be removed, now that the bill pertains only to these 2 fisheries.

The proposed Second Resources CS (Work Draft 22-LS0426\B) is substantially the same as the first Resources CS as the program authorized is virtually the same and the draft bill still authorizes the use of the vessel-based limitation program only for the scallop and hair crab fisheries. The primary focus of the revisions proposed in the draft is removal of the second-generation provision. Thus, if one or both of these two fisheries were to be limited under this program, a holder of a vessel entry permit would not be restricted to transferring the permit only to an individual human being, but would be able to transfer the permit to a partnership, company, or other "entity." Over time, ownership patterns in the fishery would likely stay very similar to what they are today.

Most other revisions proposed in the draft second CS are simply changes needed to make other provisions of the bill consistent with the removal of the second-generation provision or to provide clarity. The comparison on the following two pages explains each change proposed in the work draft.

Work Draft 22-LS0426\B makes the following changes to CSHB206(RES):

P.4, line 30, after “vessel,” insert: “or vessels”

Purpose of change: Acknowledges that participation using more than one vessel may be counted toward eligibility for a vessel permit.

P.4, line 31, change “is” or “are” and insert after “lost,”: “or are retired from the fishery by the vessel owner,”

Purpose: Allows flexibility in situations where a vessel leaves the fishery due to a decision of the owner to retire the vessel from the fishery, rather than to the sinking of the vessel.

P.6, line 5, insert “and establishing the terms and conditions under which vessel entry permits may be transferred. The commission may require that”

Purpose: Makes clear that commission has authority to set requirements such as having permit transfer paperwork come through the commission, just as all transfers of limited entry permits must do now, and to require information about ownership of the entity to which a permit is being transferred. This is necessary to ensure compliance with provisions such as those aimed at preventing excessive concentration of ownership.

Adding “commission may require that,” would allow flexibility for vessel permit holders to lease, rather than own a vessel in the future. This may help make it possible for those who can’t afford to purchase both a permit and a vessel to enter the fishery.

P. 6, after line 10 – delete the ‘second-generation’ language that in HB 206 and in CSHB206(RES) (p.6, lines 9-28 of CS) prohibited the transfer of vessel permits to ‘entities’ (anything other than one human being).

Purpose: See explanation on previous page.

P. 6, delete provision that commission may prohibit involuntary transfers (p.7, line 2-3 of Res CS)

Purpose: Issue is covered more thoroughly in new provisions on p. 8 of draft bill.

P. 6, lines 20-22: sentences combined and reworded (for clarity), and added “may” in line 20.

Purpose of adding “may”: Provides flexibility to allow permit holders to use a leased vessel, partner with someone else who owns the vessel, or participate in some other arrangement besides owning both the permit and part or all of the vessel to be used.

Deleted lines 24-25 of p.7 of Res CS.

Purpose: To be consistent with removal of second generation provision.

Deleted p.8, lines 18-21 of Res CS.

Purpose: To be consistent with removal of second-generation language as future permit holders can be entities, rather than persons, so can't require to that vessel owner be on board.

P. 8, inserted lines 11-27

Purpose: Added language that mirrors provisions in current limited entry statute to make it clear that vessel entry permits, like limited entry permits, constitute a "fishing privilege," not property, and to provide right of survivorship and other provisions for transfer of a permit upon the death of the permit holder in circumstances where holder of the vessel entry permit is a natural person, rather than an entity.

P. 10, lines 29-30, insert: "when necessary to accomplish the purposes of this chapter,"

Purpose: Recognizes that CFEC may or may not opt to utilize the vessel entry permit system authorized by this bill. If CFEC opts to not limit the two subject fisheries at all, or opts not to use this alternate program for either one, there would be no need to require the commission to "administer a vessel permit system."

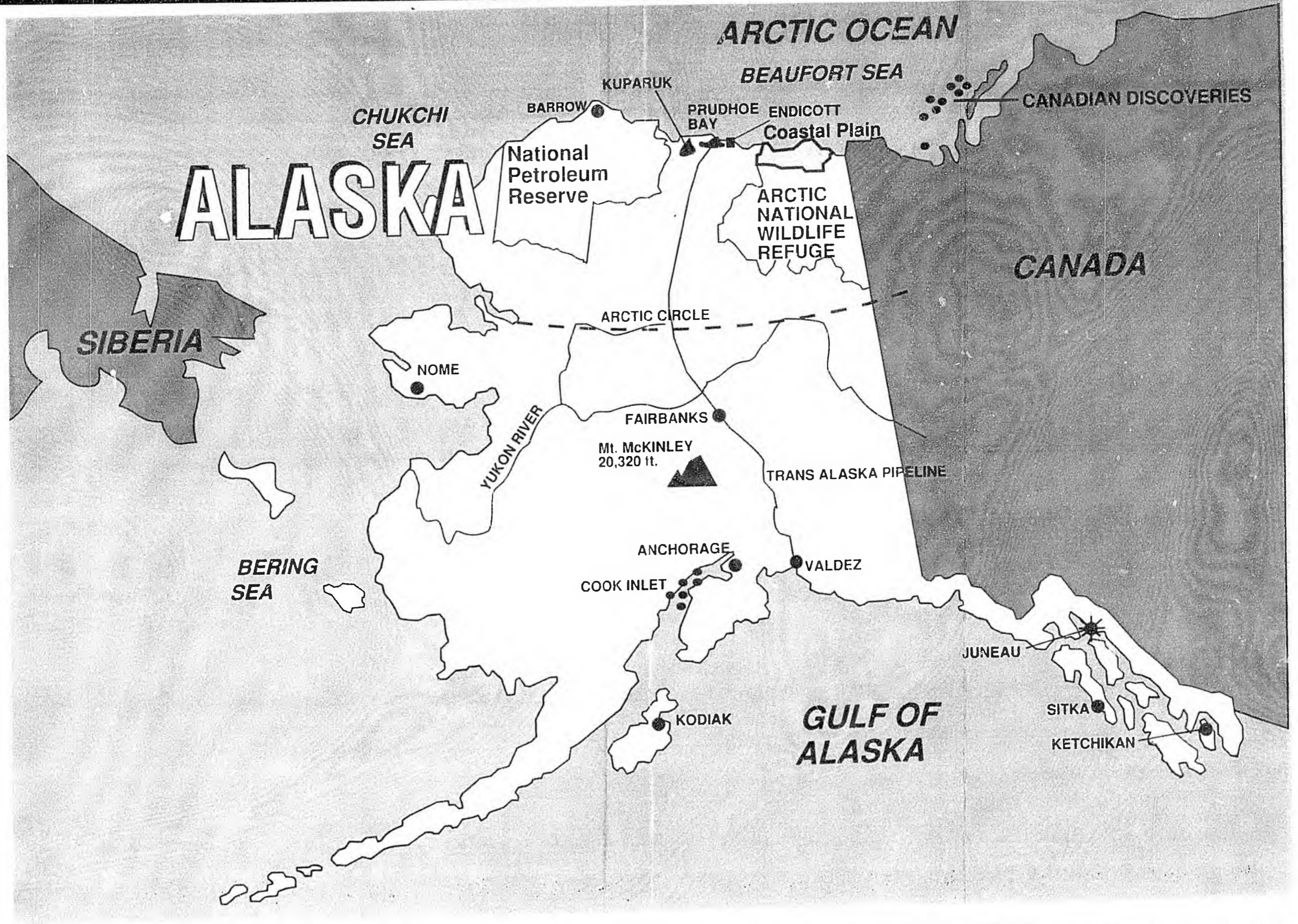
P. 14, line 18, replace staggered effective dates with one immediate effective date for whole bill.

Purpose: The more elaborate effective date clauses were included in original bill because it provided "generic authority" and because, at the time of introduction, the moratoria in the scallop and hair crab fisheries were to expire soon. With the narrowed scope of bill, and the extensions made by the legislature to the two moratoria, the bill now needs only a simple immediate effective date for all sections of the bill.

Netricity, LLC



Filling the Internet Power Gap
for the Future



Alaska: Powering the Internet

Using Electricity Generated with
Natural Gas on Alaska's North Slope
to Power Data Centers

Internet Power Demand

- Since 1995 internet data transmission volumes have been doubling approximately once every three months.
- Yankee Group, an internet research firm, estimates the data center business to be a \$9 Billion revenue business in 2000, rising to over \$47 Billion by 2003.

- Computers, servers and the Internet now consume approximately 8% of U.S. electricity, according to the Digital Power Report.
- Kenneth Lay, Chairman of Enron Corp., predicted in October, 1999, that by the year 2010, one-half of U.S. electricity production would be dedicated to computers and the Internet.

- 54 Million American households, or 51% of the total, have computers and 41.5% of American homes have Internet access, up from 26.2% in 1999.
- American businesses have over 50 Million computers in service.
- Cisco's 7500 Series Router, one of the data center business standards, can consume over 1,000 watts of power.

Alaska's Vast Natural Gas Reserves

- The North Slope of Alaska contains no less than 35 Tcf (Trillion Cubic Feet) of proven natural gas reserves.
- Those proven reserves are a mere fraction of the total volume of natural gas located on the North Slope as probable and possible reserves which could ultimately be brought into commercial production.

- Those natural gas reserves do not have a market currently due to the prohibitive cost of building a pipeline to the lower 48 states.
- Similarly, while gas fired power generation currently takes place on the North Slope, the costs of building an electrical transmission system to the lower 48 states and the associated line loss of electricity transmitting over that distance, prohibit the construction of power plants on the North Slope to use that gas in-situ to produce electrical power.

Proposed Pipeline Construction

- Feasibility studies are under way for the construction of a 2.5 to 4.0 Bcf per day pipeline from the North Slope to the Lower 48 with in-service dates estimated from 2006 to 2010.
- Any such pipeline will still leave a tremendous amount of gas stranded on the Slope with no market.

- Assuming the larger potential pipeline, of 4 Bcfd capacity, went in service at the earliest proposed date of 2006, that pipeline would move 1.46 Tcf per year from the Slope. At that rate it will take 24 years to move only the proven reserves of today from the Slope, with all probable and possible reserves behind that. Given the 6 years between now and the earliest in-service date for the pipeline, some of the proven reserves of today could not get into that pipeline for 30 years.

The Netricity Concept

- Utilize North Slope natural gas to generate electricity locally for use in a large data center located on the North Slope.
- The data center would be linked to the Internet via the existing Alaska United fiber-optic cable system from Prudhoe Bay to Valdez, Anchorage, Seattle and the North Pacific fiber-optic cable.

Advantages and Benefits of the Netricity Concept

- Creation of a market for natural gas in the near term without the need for a pipeline.
- High-tech, well paying employment opportunities for Alaskans.
- With its location and access to the North Pacific Cable this facility would access North American and Asian Internet markets and straddle communications between the two continents.

- Ambient Cooling: A major cost for data centers in the Lower 48 is air conditioning to keep electrical components from overheating. The North Slope offers tremendous ambient cooling possibilities with heat pumps or ambient air flowed around computer clean rooms, eliminating air conditioning needs and the power associated with that cooling effort.

Power Reliability

- Power generated on the North Slope could be fully dedicated and conditioned to meet the needs of the data processing industry, which is demanding a higher quality and reliability of power. That data center would not have to compete for power from the grid or suffer the spikes in that power as seen in the Lower 48 states.

Possible Advantages

- A combined cycle power plant would generate electricity at a higher cost but would also generate steam which could potentially be utilized in heavy oil recovery.
- CO₂ produced by the power plant could potentially be pumped into oil reservoirs to maintain pressure and as an Enhanced Oil Recovery effort.

Netricity's Requirements

- We need a gas supply in the range of 1 Tcf, to be utilized in the power plant over the next 25 years.
- The chances of bringing a data center to the North Slope are inversely proportional to the cost of natural gas. The lower the cost of gas, the lower the cost of electricity generated will be and that low cost electricity would attract the data center.

Natural Gas Purchase
Proposal

Proposal to Acquire Options to Purchase Natural Gas From the State of Alaska on the North Slope

- 1) Netricity, LLC (Netricity) needs to secure a natural gas supply on the North Slope of Alaska under a series of options to purchase gas in order to be certain of that supply prior to marketing electricity to data center power users.
- 2) We anticipate that electrical generation capacity will be added in 45 MW (Megawatt) increments. Each 45 MW turbine will require approximately 8.5 MMCFD.
- 3) The options that Netricity needs to secure to buy natural gas are requested under the following general terms and conditions:
 - a) Netricity would secure 14 options to purchase natural gas and each option could be exercised to execute a gas purchase contract for a volume of 90% to 110% of a volume of 8.5 MMCFD for at least 5 and no more than 25 years from a date commencing no less than 60 or more than 180 days after the date of option exercise. The 10% variability will allow Netricity to more exactly nominate and contract for the volumes needed, based upon experience and fuel consumption of the earliest turbine(s) installed.
 - b) The options would each be for a duration of 5 years, commencing on July 1, 2002.
 - c) All natural gas contracts resulting from the exercise of an option or options would be take-or-pay in nature, with Netricity being required to pay for all gas under contract, subject to make-up provisions allowing for previously purchased gas to be taken at a later date, and for buyout of the remaining term of any such contracts at an agreed upon discount.
 - d) All natural gas under option to Netricity must be utilized within Alaska and may not be exported out of the state prior to use.
 - e) Natural gas delivered under the contract would be dehydrated, free of sulfur and comprised of no more than 1 (one) molar percent of inert gases at a pressure base of between 650 and 1,000 psi.
 - f) Natural gas under the gas purchase contracts would all be delivered at mutually agreeable central facility(s) within or proximal to the Prudhoe Bay Field.
 - g) Natural gas purchased pursuant to the exercise of options would be at a price of \$0.36/mcf, regardless of the date of option exercise or duration of the contract secured by exercise of that option.
 - h) Events qualifying for excuse of performance by either party due to events constituting force majeure would be mutually agreed to by the parties.
 - i) State agrees not to supply any other parties with natural gas within the North Slope Borough for purposes of generating electricity that would be dedicated to powering data centers co-located with generation for a period of 5 years commencing on July 1, 2002.

News Articles

Alaska to hold critical role in US energy politics

Steven Poruban
Senior Staff Writer

Alaska's oil and gas resources—and the ability to explore for, develop, produce, and transport them—will play a key role in US energy politics in the coming years, particularly under a new administration in the US White House.

The exploitation of Alaska's extensive hydrocarbon reserves hinges largely on two main issues: the development of a scheme to transport natural gas from the Alaskan North Slope to markets in the US Lower 48

and the opening of the Arctic National Wildlife Refuge (ANWR) Coastal Plain to exploration and development (see related story, p. 66).

Topping the list of priorities of newly elected US Pres. George W. Bush is a revamp of the country's energy policy. As part of this policy, Bush has stressed the need to include an aggressive approach to exploration within the US, in hopes of easing the country's dependence on foreign oil.

During one of the presidential debates in early October 2000, Bush stated, "The only way to become less dependent on foreign sources of crude oil is to explore at home. And you bet I want to open up a small part of Alaska, because when that field is on line, it will produce [1] million b/d. Today, we import [1 million b/d] from [Iraq.] I would rather that a million come from our own hemisphere, our own country, as opposed from Saddam Hussein."

Pipeline routes

Currently, there are four proposed schemes for monetizing ANS gas, two of

which involve the construction of a pipeline through Canada to the Lower 48

The first proposal, known as the Alaska Highway route, was first offered by Foothills Pipe Lines Ltd., Calgary, in the 1970s as the Alaska Natural Gas Transportation System (ANGTS) and has already received approvals from the US Federal Energy Regulation Commission and the Canadian National Energy Board. Many in the industry, including the state of Alaska and several Canadian provinces, including the Yukon Territory, strongly back the proposal.

"They are a lot further along

Alaska Gov.
Tony Knowles

"Alaska's natural gas can be the foundation of a 21st century economy of high-tech resource development, high-tech manufacturing, and new business growth and quality of life based on affordable clean energy. With known and estimated [Alaskan] reserves of up to 100 tcf, natural gas can fuel our economy for the next 50-70 years, but to start this mammoth project, we need a single point of contact."



with FERC than anybody else," explained Arlon R. Tussing, an oil and gas consultant based in Mercer Island, Wash., and a close industry observer of the various proposed routes.

The second pipeline proposal, offered by a Houston-based group of promoters, is being led by Arctic Resources Co. (ARC). The group, which has not received any government approvals yet, "are claiming to promote what looks to be the technically best proposal," Tussing commented.

The pipeline's route will run along the arctic coasts of the US and Canada, most likely from Prudhoe Bay to the Canadian Beaufort Sea and into the Mackenzie Delta, then via the Mackenzie Valley into northern Alberta.

The other two ANS gas monetization proposals involve the construction of a pipeline from the Prudhoe Bay area to tidewater in south-central Alaska for delivery into an LNG export scheme and the construction of gas-to-liquids facilities at Prudhoe Bay to create a GTL stream that could be injected into the existing Trans-Alaska Pipeline System oil pipeline.

Pipeline feasibility

The US government put its hand on the pulse of the oil and gas industry regarding an Alaskan gas pipeline most recently last September, when pipeline companies gathered to report to the US Senate energy committee that a pipeline from the North Slope to the Lower 48 would be a feasible project.

Sen. Frank Murkowski (R-Alas.), who chaired the committee, said proven ANS gas reserves are more than 35 tcf, with potential reserves of more than 10 times that.

"With prices [currently] hovering around \$5/Mcf, the economics have never looked better for Alaskan gas to be delivered to an eager market in the Lower 48," he said.

Foothills Chairman Robert L. Pierce said, "We believe that the Alaska Natural Gas Transportation System can be in service and transporting Alaskan North Slope gas in the 2006-07 time frame." He said the ANGTS overland pipeline route would move the gas from Alaska to northern Alberta, from which it would be shipped to the Lower 48.

The US and Canadian governments approved the route 21 years ago, Pierce noted, and it would be less environmentally disruptive than other overland routes because it would parallel existing highways.

Forrest Hoglund, ARC chairman and CEO, said that the development and delivery of the ANS region's abundant natural gas supplies will require a "unique approach."

"Our country's track record so far on trying to tap Alaskan and other arctic natural gas reserves and bringing the gas to market has not been successful," Hoglund

said. "Over the past 25 years, technological limitations and conflicting industry and governmental interests stalled attempts to tap these reserves

"As a result, no project has been built, and proposed solutions have proven to be uneconomical," he added.

Jerry Hansen, president of the Interstate Natural Gas Association of America, called the construction of a gas line "a matter of no small importance to America in terms of our economy and our future energy security."

The top ANS producers—BP, ExxonMobil Corp., and Phillips Petroleum Co.—were also present to state their opinions. The three ANS gas producers have agreed to a joint work program focused on ways to monetize ANS gas. The initial program, which is expected to cost about \$75 million, will involve the conceptual design, project cost estimating, permitting considerations, commercial structure, and overall viability of their Alaskan Gas Pipeline Project. The work program is expected to take 18 months, the companies said.

Robert Malone, BP's western region president, said BP is studying various options for moving the gas to market, including gas, natural gas liquids, and gas-to-liquids proposals. He said it would take 1 year to order materials for a gas pipeline and 3 years to build it.

"Our focus for Alaska gas is not to simply build a pipeline," Malone said. "Rather, our goal is to create a new gas exploration, development, and production industry that sits side-by-side with the existing oil industry in Alaska."

Terry Koonce, president of ExxonMobil Production Co., told the committee, "At this time, we do not know whether the Lower 48 gas market will support the major capital expenditures required for a [gas] pipeline and when such a pipeline could be built and be in operation.

"It is worth noting that there is sufficient gas on the North Slope for multiple projects if market conditions are supportive. The prospect of building a gas-to-liquids project would not be precluded by building another project, such as a pipeline to the Lower 48."

Phillips Alaska Inc. Pres. and CEO Kevin Meyers said, "We are currently evaluating routing alternatives and plan to select a primary [pipeline] route and begin per-

mit application by midyear 2001. During 2001, we would expect a significant effort to build external stakeholder consensus around the primary route."

Meyers added that gas sales from the line would be a possibility by 2007, provided that the company receives stakeholder consensus from both the US and Canada for a primary project as well as cooperation from both countries' governments to expedite permitting.

"Whether the pipeline route is accepted or not, it's the producers that are going to make the decision," Tussing noted. "Of the three pipeline promotion groups, Foothills is the only one that has anything to bring to the table," he said. Tussing added that the White House's new cabinet candidates—especially the Department of Energy, the Department of the Interior, and the Environmental Protection Agency—will certainly have some influence over the pipeline's routing, but that the producers are ultimately going to make the final decision.

Alaska's role

Alaska has actively participated in studying the feasibility of transporting North Slope gas to markets south. Late last year, Alaska Gov. Tony Knowles expressed his state's support for the Alaskan Highway route. He billed the idea with the phrase: "My way is the highway." (OGJ, Dec. 4, 2000, Newsletter, p. 7)

The 1,800-mile line would be the largest private construction project in US history.

A shorter, competing route from Prudhoe Bay across the Beaufort Sea and down the Mackenzie River Delta to Alberta also has been suggested, but that route poses formidable technical, environmental, and logistical challenges,

including "under-ocean" across pipelines at untested pressure over never-achieved length of 400 miles," Knowles said (OGJ, Nov. 27, 2000, p. 31).

Building the massive pipeline would generate billions of dollars for the Alaskan economy, provide access to more gas for use in that state, and create spin-off industries involving the use of gas liquids, say state officials.

Knowles has pledged to spend the rest of his office term pushing to launch construction of a natural



Consultant
Arlon Tussing,
on prospects for an
Alaska gas pipeline

"Both the politicians and the producing companies are giving the impression that something is going to be built. It seems to me that this is a real stretch.

gas pipeline. He is on record in support of lowering state tax barriers to encourage such a project.

Further demonstrating his strong commitment to the line's construction, Knowles earlier this year issued an administrative order that, among other things, included:

- The creation of a "pipeline cabinet" and coordination office to centralize permitting and oversight procedures among state agencies for construction of such a pipeline.
- The introduction of an amendment that would include both gas pipeline and gas-to-liquids proposals in the state's 1998 Stranded Gas Development Act, which originally targeted only a possible LNG project.
- The issuance of a notice seeking a \$4 million appropriation to jump-start construction of a gas pipeline; the money would help fund initial work on permits and rights-of-way.

The administrative order "establishes a fully integrated state organization that utilizes existing government structure and processes to the maximum extent possible, minimizes impacts to existing agency functions, and promotes internal alignment of state agencies," the governor said.

The objective is a streamlined, one-stop state permitting facility that will be in place if a company decides to build a pipeline to move Alaskan gas to markets in the contiguous US.

"Alaska's natural gas can be the foundation of a 21st century economy of high-tech resource development, high-tech manufacturing, and new business growth and quality of life based on affordable clean energy. With known and estimated [Alaskan] reserves of up to 100 tcf, natural gas can fuel our economy for the next 50-70 years, but to start this mammoth project, we need a single point of contact," Knowles said.

The official pipeline coordinator will submit periodic progress reports to the governor and members of his gas pipeline cabinet, summarizing goals, objectives, and accomplishments in building the proposed pipeline.

In his state of the state address, given earlier this year, Knowles made it clear that a method to get North Slope natural gas to southern markets was a top priority.

"I believe Alaskans can be on the working end of a shovel building a natural gas pipeline within 2 years," he said. "After 2 decades of false starts and broken dreams, the economic and political stars are finally aligned in our favor. Natural gas is the fuel of the 21st century."

"We're working hard to keep this project on track—conferring with Alaska's major oil and gas producers; cosponsoring a natural gas summit in America's heartland; listening to Alaskans."

"And I'll soon appoint the governor's Natural Gas Policy Council to ensure Alaskans realize the maximum benefits from this project. This includes feedstock for new industries, community access to gas, and future gas projects."

Will it get built?

Although there are many who are backing the construction of the gas line from the North Slope, still others can't help but be wary of how long it has taken to get to this point. Tussing noted that with a project with such a large economy of scale, the long-term cost must truly justify its construction.

"Both the politicians and the producing companies are giving the impression that something is going to be built," he

said. "It seems to me that this is a real stretch. It wasn't much more than a year ago that the price out of Alberta was less than \$1 [per Mcf] [US]. And, under those circumstances, to be competitive, you've got to bring the gas as far as Alberta with \$1—what kind of netback [would that provide]? We now have the highest market prices that we've seen since the evolution of the market price for gas, but we've also got the most volatile situation—nothing has happened to the fundamentals," Tussing observed.

As for when such a project would be completed, Tussing said, "It could be any time and no time."

Holding up the progress, Tussing said, is the fact that "the numbers just don't work out. Unless you're convinced that there has been a major, permanent structural shift—that there has been some change in the fundamentals between 1999 and 2000—the safest thing would be to assume that the fundamentals are going to be the same, roughly on the average that they have been over the previous 15 years. There's no basis for a gas pipeline either to the Lower 48 or to an LNG terminal," he said.

Opening ANWR

As for the likelihood that Bush would attempt to open up part or all of ANWR to exploration, Tussing said, "I can't foresee of the Bush administration—no matter how strongly they felt about it—collecting or being willing to cash in enough chips to do it. There's no popular support in the United States for it."

Tussing added that within Alaska, however, there is strong support for such a proposal. "Drilling is now prohibited without an act of Congress. There are members of Congress, maybe a third of the Senate under major pressure by the administration would vote to open it, but there isn't any national consensus for it," he said.

"The Democrats in Congress would love to have an early fight. It's really the only high-profile wedge issue in the environmental arena. ANWR is overwhelmingly an emotional issue. There's no way that the decision is going to affect the gas line or have any impact on national security." ♦

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Business travel

By David Field

Two: Southwest adds a daily non-stop April 1 between Chicago Midway and Fort Lauderdale, for a total of two daily, and one between Midway and Las Vegas, for three a day.


Doubles: TWA will give double Aviators frequent-flier miles Jan. 31-April 1

on three flights starting Jan. 31 between Miami and San Juan, Puerto Rico. Register for offer 01642 at 800-325-4815 or at

In comparison to last October, an average one-way airplane ticket in first class increased about \$25:

\$237.33 Oct. 1999	\$262.49 Oct. 2000
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Source: Air Transport Association
By Quin Tan, USA TODAY



twa.com.

Triples: Thrifty offers triple the usual 50 miles per rental day to Alaska Airlines Mileage Plan members Jan. 1-April 1. Two-day minimum, 14-day maximum rental.

Growth: Ten-month-old JetBlue carried its 1 millionth passenger Thursday.

Plan: Delta will begin daily non-stops between Atlanta Hartsfield and Buenos Aires, Argentina, in April.

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More power! Tech firms act to avoid blackouts

Steps include backup generators, building substations

By Edward Iwata
USA TODAY

PALO ALTO, Calif. -- As California's power crisis worsens, high-tech firms in Silicon Valley are taking steps to defend themselves against potentially devastating blackouts.

"Electricity is the oxygen of Silicon Valley," says Karl Stahlkopf, vice president at the Electric Power Research Institute in Palo Alto.

This year, state authorities have declared energy alerts on a record 52 days. California declares alerts when power

reserves fall dangerously below 7% of the state's capacity. To stave off energy outages and emergencies:

► About 200 Silicon Valley firms, from Intel to eBay, have agreed with utilities to voluntarily cut their energy use 10% or more during "rolling blackouts" imposed by utilities to lighten the load on the state's electrical system. This season, there have not been rolling blackouts. If there were, the tech firms would save up to 400 megawatts of energy -- the equivalent of 400,000 households.

In return, the companies get rate discounts of 10% to 20% all year. Or they drop lower on the list of customers who may lose power during mandatory blackouts. "They can take more control over their destiny," says spokesman Larry Owens at Silicon Valley Power.

► Virtually every high-tech firm and

chipmaking plant has backup generators to keep safety and office equipment running. Oracle recently built a \$6 million substation to power its corporate offices in case of disaster.

► Learning from earthquakes and last year's Y2K scare, chipmaker LSI Logic has a "SWAF team" of managers and security people ready to jump on emergencies. They can communicate worldwide via shortwave radios and satellite phones, spokesman Kevin Brett says.

California had its first-ever statewide Stage 3 alert Dec. 7. In Stage 3, the severest warning, power may be cut to any customer at any time. In Stage 2, power may be cut to large business customers. During Stage 1, customers are asked to reduce electricity use.

In June, record heat waves and overheated transmission lines led energy officials to curtail power to parts of the

San Francisco Bay Area for several days. About 100,000 business and residential customers lost power for an hour or two each time.

Silicon Valley firms suffered \$100 million in lost production during the outages, says spokeswoman Michelle Montague-Bruno of the Silicon Valley Manufacturers Association.

Tech firms need more power than others because they run huge data processing rooms, chipmaking plants and research labs. Electricity demand in Silicon Valley grew 12% last year; the statewide average was 3%, Stahlkopf says.

If the government and utilities don't start building a new electrical infrastructure in the next five years, Stahlkopf says, the crisis will spread.

► Bush pushes for more oil, 9A

Cover story

More
companies

Silicon Valley cranks up conservation

As energy rates soar 40%, companies dim lights, buy more efficient equipment

By Jon Swartz
USA TODAY

SAN FRANCISCO — Faced with the largest electricity rate increase in state history and the certainty of "rolling blackouts" when air conditioners crank up this summer, Silicon Valley firms are pulling out the stops to conserve energy.

► **Hewlett-Packard.** It has one energy "war room," and is building three more this year to monitor power consumption of 12,000 employees in 41 buildings in five San Francisco Bay Area cities. By tracking use closely, H-P could see where it could cut energy use. For example, it dims lights or adjusts temperatures when statewide electricity supplies are running dangerously low. H-P also is replacing \$500,000 refrigerator units that cool computer centers with more efficient models.

► **Roche Pharmaceuticals.** Stung by an hour-long outage March 19, the 1,200-person crew cut energy use 20% by urging workers to turn off computers, lights, even labs during peak energy usage.

► **Cisco Systems.** The networking giant is trimming electricity use an additional 10%, on top of earlier cutbacks, by using more energy-efficient equipment.

California regulators Tuesday approved monthly electricity rate increases of about 40%. The state already suffered rolling blackouts this winter, and more are likely in the summer heat.

With the Valley already living on the edge of darkness, though, the rapid growth of "server farms" — sprawling computer complexes that handle Internet traffic — threaten to tax the state's fragile power system even more.

"Energy use is now at a level the state expected in 2015," says analyst Jarad Carleton of Frost & Sullivan. "A lot of that, specifically the growth of server farms, is tied to tech's rapid expansion."

San Jose officials next week are set to approve the world's largest server farm, a

\$1 billion project that could guzzle the equivalent of energy for 150,000 homes. The 2.2 million square-foot facility, overseen by U.S. DataPort, would handle more than 10% of Internet traffic worldwide when it opens in 2002.

"The project's scale, in light of the state's energy problems, is troubling to say the least," says Michael Stanley-Jones of the Silicon Valley Toxics Coalition.

U.S. DataPort CEO Grant Sedgwick counters that the center will create 700 jobs and generate \$70 million over 10 years in property and utility taxes. It hopes to build its own power plant, he says.

Exodus Communications, which operates 14 data centers in California and 42 nationwide, already has plans to build its own power plant in the Valley.

Electronics manufacturer Solectron is exploring a more drastic move. It runs 22 plants in the Valley and may move some operations out of state.

"In the end, how do you remain competitive in this environment?" spokesman Kevin Whalen says.

3/29/01 USA TODAY

A troubled veneer plant in Ketchikan was tossed a life ring this week.

The Ketchikan Borough Assembly voted 5-2 Monday night in favor of negotiating up to \$2.5 million in new financing for Gateway Forest Products, which filed for Chapter 11 bankruptcy protection last month.

The assembly will meet again today to con-

by the borough with funds appropriated by Congress to ease Southeast Alaska's economic woes from a downturn in the timber industry.

A standing-room-only crowd turned out for Monday's night meeting. Many of the roughly 18 people who testified about Gateway asked the assembly to offer it more financial assistance and to assume the debt the company has racked up with local companies, said borough

real inconvenience, he said.

The Bankruptcy Court fil stopped payment on money owe up to that date, although the judge reorganization has allowed the co cash on hand to pay employees working, Bloom said.

See Page E-

SPOTLIGHT: WORKPLACE

Bush repeals Clinton's ergonomics regulations

■ POLICY: President says OSHA rules were too costly and broad.

By SANDRA SOBIERAJ
The Associated Press

WASHINGTON — President Bush on Tuesday signed a repeal of new workplace safety regulations, saying they posed "overwhelming compliance challenges" for businesses.

The measure, revoking rules issued late in the Clinton administration, was the first substantive

policy that Bush signed into law.

The rules from the Occupational Safety and Health Administration were aimed at preventing carpal tunnel syndrome, tendinitis and other health problems associated with repetitive motion, awkward postures, contact stress and the like. If such injuries were reported, adjustments to work stations would have been required.

Businesses, which were given until October to comply, said the required changes would cost them as much as \$100 billion a year.

Bush has asked Labor Secre-

tary Elaine Chao to devise a cheaper way of addressing workplace safety.

The president signed the bill in the Roosevelt Room with only a few spectators on hand.

"There needs to be a balance between an understanding of the costs and benefits associated with federal regulations," Bush said in a statement. "The ergonomics rule would have cost both large and small employers billions of dollars and presented employers with overwhelming compliance challenges."

Earlier Tuesday, women business leaders signing the legislative represented change "is positive."

"The rule would have bureaucratic one-size-fits-all to a broad range of workers — not just men at work," Bush said.

He held the legislative victory for himself as a Republican-controlled Congress. Last week, in his first

See Page E-1

Inside Alaska business



California power woes hit locally

Rolling blackouts in California because of power shortages have thrown the off switch for at least one Alaska company. Kay Cashman, publisher of Petroleum News Alaska, said her Web site — petroleumnewsalaska.com — went down Tuesday for at least several hours because its host computer is in Palo Alto, Calif. An outage happened once before this year, she said. "It's frustrating," Cashman said. Anchorage-based Petroleum News plans to move its host-computer site to Haines, where its Web master resides, she said.

NANA profits again top \$5 million

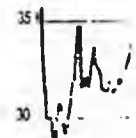
NANA Regional Corp. posted a \$5.1 million profit in 2000, down 2.5 percent from a year earlier, according to the company's annual

report. It marks the third year in a row the Kotzebue-based Native regional corporation made a profit in excess of \$5 million. The corporation, which represents Inupiat from Northwest Alaska, reported revenue of \$176 million, up 30 percent. NANA has just more than 10,000 shareholders and owns 1.7 million acres of surface estate and 1.8 million of subsurface. The company has more than a dozen subsidiaries in the oil field services, mining support services, real estate, tourism engineering and other ventures. NANA's net royalties from its huge Red Dog lead and zinc increased to \$4.4 million in 2000, up from \$3 million the year before, the annual report says. The NANA board has set a goal of achieving 15 percent annual growth and \$10 million in profits by 2005, according to the company.

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Wednesday February 14, 10:42 am Eastern Time

Press Release

SOURCE: Edison Electric Institute

Power Companies, Developers Discuss Impact of Internet Data Centers; Along With Business Opportunities, Server Farms Pose Huge Power Demands



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WASHINGTON, Feb. 14 /PRNewswire/ -- The growth of Internet data centers -- buildings that house computer servers and networking equipment and can consume as much power as a small city -- were the focus of a just-concluded conference hosted by Edison Electric Institute. The event, Electric Utilities and Internet Hotels/Data Centers: Building the Infrastructure for the New Economy, was the first gathering of all parties, including electric utilities, zoning officials, data center developers, and consulting engineers to scrutinize the unique challenges and opportunities that data centers pose. A follow-up conference will be held in early fall.

Internet data centers, also called server farms, Internet hotels, or Telco hotels, store the computer servers and networking equipment that manage the Internet's traffic. Located near crucial fiber-optic cable networks that have the broadband capacity to handle their large amounts of data, the data centers consist of little more than racks and racks of computers and the air conditioners needed to keep them cool. The centers, however, operating 24/7, demand absolutely reliable power and lots of it. Compared with the 5-10 watts per square foot that a typical office building requires, data centers may need between 50 to 200 watts a square foot, and can be as big as three football fields.

"Although electric utilities welcome the increased load a data center represents," said EEI's Steve Kiesner, Director, National Accounts. "We often have to make huge investments in generation and transmission infrastructure to support them. How these will be paid for was a key discussion topic."

Kiesner went on to point out that many factors will affect the power needs of an Internet hotel. A developer may come in and ask for five megawatts or 10. But as the center starts out, its business may warrant only one to two megawatts. After that, business will probably fluctuate, and along with it, the center's need for power. Another variable is that as computer equipment becomes smaller and more energy efficient, the future power estimates may never be realized.

"The many questions Internet data centers pose require that we get input from all sides," said EEI's Group Director of Energy Services, Michael McGrath. "Developers want power to be supplied quickly and 99.9999 percent reliable. Utilities want safety concerns addressed, financial protections for their other customers, and some security on their investment."

A follow-up conference will take place early this fall. In preparation, the group planned a number of action items. Among them were setting up a task force and list server to maintain a dialogue on issues as they arise. One key action item for the new task force will be to meet with utility regulators and discuss the potential effect of these data centers on regional power markets. Another item will be to compile actual facility performance profiles to prevent over design on a utility's part.

"This conference was a great start," said McGrath. "As we move forward, we all look toward working together to ensure a smooth transition with the least amount of impact on the power grid and without slowing down the development process."

For more information about EEI's Internet data center initiative, please contact Steve Kiesner at 202-508-5414, skiesner@eei.org, or Charles Foster at 202-508-5554, cfoster@eei.org.

Edison Electric Institute (EEI) is the association of United States investor-owned electric utilities and industry affiliates and associates worldwide. Its domestic members generate approximately three-quarters of all the electricity generated by electric utilities in the country and service about 70 percent of all ultimate customers in the nation.

SOURCE: Edison Electric Institute

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[Questions or Comments?](#)

High-tech operations could black out Seattle

New 'server farms' to handle Internet could drain system

The Associated Press

BELLEVUE, Wash. — More than two dozen "server farms" — data centers that handle the traffic of the Internet — are planned for the Seattle area, another sign of the region's high-tech boom and prosperity.

But there's a price: Collectively, the farms will need nearly as much electricity as the entire city of Seattle, at a time when the Northwest already faces nearly a 1-in-4 chance of power outages.

"This is just a massive load that was unforeseen by anybody," said Steve Secrest, director of rates and regulations for Puget Sound Energy, the Bellevue-based utility that provides electricity to much of western Washington.

It takes 1,200 megawatts to keep things humming in Seattle, which has its own public utility. Each server farm requires 30 megawatts to 50 megawatts. By comparison, it takes about 30 megawatts to power the entire University of Washington.

The Northwest Power Planning Council, which tries to balance wildlife and fish protection with power generation needs in Washington, Oregon, Idaho and Montana, had been warned about the region's

generating capacity even without the server farms.

Based on a study completed in March, the council predicted a 24 percent chance of winter outages in the four-state area by 2003.

"The concept of server farms wasn't on the horizon (then) ... so we didn't include it," council spokesman John Harrison told the Eastside Journal, the paper said Tuesday.

Even without them, the study concluded, there is a need for the "equivalent of 3,000 megawatts" in new generating capacity to ensure no more than a 5 percent chance of blackouts for the region, a power-industry standard.

Capacity to meet that forecast can't be developed in time, Harrison said. The only new generating plants scheduled to come on line by 2003 are two natural gas-powered plants, together producing 600 megawatts a day, he said.

"We would still have a 2,400-megawatt problem," Harrison said.

Server farms are "definitely a concern, and whether this is going to be the straw that breaks the camel's back is a good question," said Tony Usibelli, a senior energy policy specialist with the state Community Trade and Economic Development Department.

No regulatory mechanism would allow Seattle City Light or Puget Sound Energy to just say no to the server farms.

Utilities have an "obligation to serve," Usibelli said.



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WINGI

Level 3 will build giant technical hub outside Boston

By Jerd Smith
News Staff Writer

Broomfield-based Level 3 Communications will build a 500,000-square-foot technical hub outside Boston this year to meet skyrocketing demand for space from Internet service providers and others.

Level 3 already operates mega-centers in New York, Boston and Silicon Valley and plans a third in Hong Kong this year, said spokes-



woman Kathy Sattem. Level 3 operates 38 so-called gateway centers nationwide. They are used by Internet service providers and others as switching stations and technical entryways to phone networks and the Internet.

A 96,000-square-foot center

just finished in Silicon Valley is already sold out, Sattem said.

"Our expansion in New England and other areas around the country is a direct result of the continuing growth of the Internet economy," said Level 3 President Kevin O'Hara.

The centers serve as portals to Level 3's national and international broadband network. Level 3 already has 4.4 million square feet of technical space and plans to have 6.5 million square feet.

9/7/2000 RM News

11/16 Qwest launches CyberCenter in Highlands Ranch

RM
12/16
By Jeff Smith

News Staff Writer

When MSHOW.com organized a live Web conference for Qwest Communications Inc. two weeks ago, the Denver company turned to Qwest itself for help in "hosting" the event.

Servers, high-speed routers and other equipment at Qwest's new CyberCenter in Highlands Ranch were used to pipe video and audio onto the Internet from an analyst meeting in New York.

"You create a lot of traffic when you video-stream 10 gigabytes in five minutes to 1,000 people," said Robert Ogdon, MSHOW.com's chairman and chief executive officer. But

this event, he said, "was seamless" for those who watched on the Web.

Qwest is betting tens of millions of dollars that hundreds of other companies will take advantage of the technology offered at its center in the Denver area.

The center, formally launched Wednesday, is designed to help companies with information technology applications ranging from Web content distribution to data management.

The facility is Qwest's 12th in a U.S. rollout that is planned to reach 24 by the end of 2001. The technology is impressive: Routers are capable of sending video, voice and data out to the information

highway at speeds of up to 2.4 gigabits per second.

That's roughly equivalent to 45 million simultaneous Internet connections at a standard modem speed of 56 kilobits per second.

And despite the rapid increase in the number of similar cyber centers across the country, company officials are bullish.

"We are not concerned that there is overbuilding in the industry," said Richard Weston, senior vice president of Qwest Internet Solutions. "We see insatiable demand."

But while space in a previous cyber center in California was sold out in 13 days, Qwest officials estimate the company will probably

"fill" the Highlands Ranch center in about a year.

"Companies may not put their whole (information technology) applications on the Web," Weston said, but may start with such applications as e-mail and sales management.

The center has racks available for up to 100,000 servers.

Company officials declined to disclose current or potential customers, but nationally the telecommunications company's business customer base includes 40 of the Fortune 50, leading dot.com companies such as Amazon.com, and top Internet providers such as AOL and Akamai.

To safeguard customer operations, Qwest is providing 24-hour security and video surveillance of all entrances and aisles. Just to reach the area where the servers are housed requires placing the back of one's hand through a "biometric" scanner that matches the scan to one's photo ID. Server racks inside are locked for customer protection.

The company has built in redundancies, including two backup connections to the Internet. A staff of 19 has been hired to monitor operations and troubleshoot.

The center also has backup for power, heating, ventilation, air conditioning and fire suppression.

Business travel

By David Field

Two: Southwest adds a daily non-stop April 1 between Chicago, Midway and Fort Lauderdale, for a total of two daily, and one between Midway and Las Vegas, for three a day.

Doubles: TWA will give double Aviators frequent-flier miles Jan. 31-April 1

on three flights starting Jan. 31 between Miami and San Juan, Puerto Rico. Register for offer 01642 at 800-325-4815 or at

In comparison to last October, an average one-way airplane ticket in first class increased about \$25:



Source: Air Transport Association
By Quinn-Tamm, USA TODAY

twa.com.

Triples: Thrifty offers triple the usual 50 miles per rental day to Alaska Airlines Mileage Plan members Jan. 1-April 1. Two-day minimum, 14-day maximum rental.

Growth: Ten-month-old JetBlue carried its 1 millionth passenger Thursday.

Plan: Delta will begin daily non-stops between Atlanta Hartsfield and Buenos Aires, Argentina, in April.

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More power! Tech firms act to avoid blackouts

Steps include backup generators, building substations

By Edward Iwata
USA TODAY

PALO ALTO, Calif. — As California's power crisis worsens, high-tech firms in Silicon Valley are taking steps to defend themselves against potentially devastating blackouts.

"Electricity is the oxygen of Silicon Valley," says Karl Stahlkopf, vice president at the Electric Power Research Institute in Palo Alto.

This year, state authorities have declared energy alerts on a record 52 days. California declares alerts when power

reserves fall dangerously below 7% of the state's capacity. To stave off energy outages and emergencies:

► About 200 Silicon Valley firms, from Intel to eBay, have agreed with utilities to voluntarily cut their energy use 10% or more during "rolling blackouts" imposed by utilities to lighten the load on the state's electrical system. This season, there have not been rolling blackouts. If there were, the tech firms would save up to 400 megawatts of energy — the equivalent of 400,000 households.

In return, the companies get rate discounts of 10% to 20% all year. On they drop lower on the list of customers who may lose power during mandatory blackouts. "They can take more control over their destiny," says spokesman Larry Owens at Silicon Valley Power.

► Virtually every high-tech firm and

chipmaking plant has backup generators to keep safety and office equipment running. Oracle recently built a \$6 million substation to power its corporate offices in case of disaster.

► Learning from earthquakes and last year's Y2K scare, chipmaker LSI Logic has a "SWAT team" of managers and security people ready to jump on emergencies. They can communicate worldwide via shortwave radios and satellite phones, spokesman Kevin Brett says.

California had its first ever statewide Stage 3 alert Dec. 7. In Stage 3, the severest warning, power may be cut to any customer at any time. In Stage 2, power may be cut to large business customers. During Stage 1, customers are asked to reduce electricity use.

In June, record heat waves and overheated transmission lines led energy officials to curtail power to parts of the

San Francisco Bay Area for several days. About 100,000 business and residential customers lost power for an hour or two each time.

Silicon Valley firms suffered \$100 million in lost production during the outages, says spokeswoman Michelle Montague-Bruno of the Silicon Valley Manufacturers Association.

Tech firms need more power than others because they run huge data processing rooms, chipmaking plants and research labs. Electricity demand in Silicon Valley grew 12% last year; the statewide average was 3%, Stahlkopf says.

If the government and utilities don't start building a new electrical infrastructure in the next five years, Stahlkopf says, the crisis will spread.

► Bush pushes for more out, PA

Cover story

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11/28 10:20

Computers to Boost Energy Use More Than Forecast (Update1)

By Bradley Keoun

Washington, Nov. 28 (Bloomberg) -- Computers and electronic equipment are driving growth in U.S. energy usage faster than the government forecast a year ago, according to a report published today by the Department of Energy.

Electricity demand during the next two decades is expected to rise by 1.8 percent a year, the department said in an annual energy outlook, faster than the 1.3 percent expected in last year's report.

The revision came after a "reevaluation of the potential for growth in electricity use for a variety of residential and commercial appliances and equipment, including personal computers," the report said.

Electricity prices will decline 10 percent by 2020 as deregulation and increased competition in the electric industry lead to cuts in operating, maintenance and administrative costs, the report said.

Total residential energy usage was projected to grow by 1.2 percent a year to 24.4 quadrillion British thermal units in 2020, up from the 23 quadrillion forecast a year ago. The most rapid growth will come from computers, electronic equipment and appliances.

Commercial energy usage will grow by 1.4 percent a year to 20.8 quadrillion Btu, driven mostly by rising demand from computers, office equipment and telecommunications devices.

Growing Energy Demand

Overall, the nation's total energy usage is expected to grow by 1.3 percent a year to 127 quadrillion Btu in 2020. That's up about 30 percent from this year's usage of an estimated 97.6 quadrillion.

U.S. oil demand was projected to grow by 1.3 percent a year, led by growth in transportation, which accounts for 70 percent of U.S. petroleum consumption.

"Higher light-duty vehicle travel in the forecast is partially offset by higher vehicle efficiency," the report said.

The share of U.S. petroleum demand met by imports will increase to 64 percent in 2020 from 51 percent in 1999.

Higher oil output from the Organization of Petroleum Exporting Countries and from non-OPEC countries will meet growing demand from the United States, the Middle East, the former Soviet Union, China and the Pacific Rim.

Falling Oil Prices

World oil prices in 1999 dollars are expected to average \$22.33 a barrel in 2020, about the same as forecast last year. Oil prices this year are expected to average about \$27.60, up from \$17.35 last year because of production cutbacks last year by OPEC and several non-OPEC nations.

Oil prices are expected to fall to \$22.50 a barrel by 2003 as supply catches up with demand.

Natural gas prices were expected to be 10 percent higher in 2020 than the agency forecast last year, as new supplies from domestic wells and Canadian imports fail to keep pace with rising consumption by power producers.

Natural gas prices were expected to average about \$3.30 per thousand cubic feet (\$3.21 per million Btu) in 2000 and 2001, up about 60 percent from last year's \$2.08. Prices are expected to decline through 2004 as new technology leads to improvements in drilling and the efficiency of completed wells.

Power Producers

Prices are expected to average \$3.13 per thousand cubic feet in 2020 as demand from power producers grows. The amount of gas used in electricity generation is expected to triple between 1999 and 2000.

The Energy Department revised its estimate for annual U.S. natural gas demand in 2020 to 34.7 trillion cubic feet, up 10 percent from last year. That means natural gas demand will grow 2.3 percent a year from an estimated 22.74 trillion cubic feet this year.

The share of total U.S. electricity generation attributed to natural gas was expected to increase to 36 percent in 2020 from 16 percent in 1999, as power producers seek the cleanest-burning fuel available.

About 27 percent of the nation's 97 gigawatts of nuclear generating capacity will be retired by 2020, and no new nuclear power plants are planned.

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SECTION B

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Mile High Tech

SPORTS
SECTION FOLLOWS 12B

MONDAY • MARCH 27 • 2000

Qwest, IBM form \$5 billion alliance

Joint venture will focus on Web-hosting centers

by Jerd Smilli
News Staff Writer

Qwest Communications moved Sunday to accelerate its lucrative technology ser-

vices business, joining forces with IBM in a \$5 billion venture to build and operate 28 Web hosting centers nationwide.

Denver-based Qwest, which owns a 25,500-mile high-speed, fiber-optic network, already operates seven centers nationwide, with another seven due to be operating by the end of the year. Under the terms of its agreement with IBM, another

28 centers will be built during the next three years.

Web hosting centers provide the software, hardware and networking needed to operate Web sites. Though huge online companies, such as Amazon.com, host their own Web sites, millions of other medium and small businesses hire outside companies to provide the physical space, opera-

tional support and Internet access that keep their sites open for business.

Qwest and IBM say their partnership will allow both companies to cash in on the demand these businesses are generating.

"Our alliance with Qwest demonstrates how leaders in the information technology

See QWEST on 12B

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Qwest, IBM to cash in on demand

QWEST from 1B

and Internet communications industries can collaborate to help companies worldwide become e-businesses," Doug Elix, IBM senior vice president of Global Services, said in a statement Sunday.

"This is a great deal for both companies," said Jeanne Schaaf, a network analyst at Boston-based Forrester Research.

Qwest provides long-distance phone and Internet access services. The young company, in the process of merging with Denver-based US West, has been pushing hard to generate more business for its new network.

The IBM partnership will help do that, said Qwest spokeswoman Jane Morrissey. Under the terms of the agreement, IBM will buy about \$2.5 billion worth of services from Qwest during the next seven years, with Qwest paying IBM a similar amount to build the centers and provide technical support.

Qwest will be responsible for overall management of the centers.

"This is the largest commercial venture we've done," Morrissey said.

Forrester's Schaaf said the relationship with IBM will give Qwest access to Big Blue's considerable industry contacts and e-commerce expertise.

"It gives Qwest a great opportunity to work with IBM and some of its higher-level clients," she said.

The Web hosting industry is one of the fastest-growing in the technology world, Forrester estimates; that the revenue generated by Web hosting will reach \$14.6 billion by 2003, up from \$2 billion in 1999.

Qwest, like other companies, has been struggling to meet demand for Web-hosting services, with its seven existing centers filling within weeks of being finished.

Joining forces with IBM will allow Qwest to offer more services faster, said Lew Wilks, president of Qwest's Internet and multimedia

markets division, in a statement Sunday.

"We can improve customers' financial performance, lower their capital costs and cut the time needed to introduce new e-business services," he said.

Under the new agreement, four Web hosting centers will be built this year -- one each in Dallas; Philadelphia; Sterling, Va.; and San Jose, Calif.

Additional centers are planned in Denver; Atlanta; Austin, Texas; Boston; Chicago; Los Angeles; Washington, D.C.; New York City; Phoenix; Seattle; and another near San Jose in the Silicon Valley.

Qwest has come under fire this year from technology analysts who have been concerned that the company has been distracted from its focus on new technology businesses by the merger with US West.

But Qwest officials said Sunday the IBM joint venture should allay some concerns.

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BUSIN

MONDAY

Denver Metro Chamber of Commerce Small Business Start-up Seminar, 10:00 a.m. - 1:00 p.m., 1445 Market St., Suite 100, Denver, CO 80202. Info: (303) 620-8076.

Colorado Association of Realtors Boulder Unit, monthly meeting, Monday of each month, Lopez & Associates, 154 E. Travis, (303) 494-9229.

Downtown Toastmasters Noon, The Hooker Restaurant, 55 1/2th Ave., (303) 441-1111. Skyline Toastmasters, 6:45 p.m., South Gate Presbyterian Church, 1700 S. Grant St., (303) 441-0469.

Titan Toastmasters, 6:00 p.m., Country Club, 7474 Dove, (303) 971-6100.

TUESDAY

Rocky Mountain Chapter of the Government Meeting Professionals Association, 8:00 a.m. - 1:00 p.m., Holiday Inn Southeast, Annual meeting, planning, 5222 E. 1st Ave., (303) 402-7777.

Northwest Mortgage and Lending Association of Realtors, free 6:00 p.m. buyer seminar, 5:30 p.m. - 8:00 p.m., Westworth Blvd. Renaissance Center of Days, (303) 399-1100.

World Trade Center Denver, Introduction to World Trade Center, 10:00 a.m. - 11:00 a.m., 1625 Broadway, Suite 1000, (303) 441-1100.

Benchmark Coaching for Business, 10:00 a.m. - 12:00 p.m., Killebrew Club, 1000 1/2th St., (303) 441-1100.

Denver Hispanic Chamber of Commerce, Spanish leads group, 8:00 a.m. - 10:00 a.m., Business Plaza, 900 W. 1st Ave., (303) 441-1100.



Mile HighTech

MONDAY • AUGUST 28 • 2000

WIRED for GROWTH



From left, Nupremis employees Steve Gaines, Karl Niemann and Jeff Baer monitor the company's network at the Nupremis network operations center in Boulder. Nupremis announced plans last month to open 20 data centers globally by the end of 2001.



David Gandini, FirstWorld Communications' chief operating officer, stands in the Arapahoe County company's collocation center. "There are a lot of companies that have made statements about building and going forward, but we still feel there is a tremendous shortage of data center space across the country today," he says.

Data centers proliferate as companies try to meet mushrooming demand for Internet services.

By Kris Hudson
News Staff Writer

Chuck Cadle peered through the bulletproof glass that separated him from the sterile, white room filled with an armada of black, refrigerator-sized computer cabinets.

Cadle, chief executive officer of Boulder's Nupremis Inc., is not allowed inside. Only a few of the company's technicians are allowed to enter the data center to tend to its equipment and the vast network of cables and wires.

Data centers are the present and future of the Internet. They're high-powered, highly secure data havens where Internet companies can power their online operations without fear of disruption. They're

also big business, representing a multibillion-dollar industry that has attracted some of high-tech's biggest names and several Colorado upstarts like Nupremis.

"It's the Fort Knox of data centers," Cadle said, standing outside Nupremis' data center Friday. "If you've got a mission-critical application, you don't want it to go down. You want it to be highly reliable . . . and secure."

A card-scanner system allows only authorized workers into the data center. Its 68 cabinets — stocked with Compaq servers and data-storage devices connected by an intricate web of cables snaking below the room's raised floor and suspended from its ceiling — are kept in a temperature- and humidity-controlled environment. A fire-

suppression system is programmed to snuff out any flicker of flame.

Equally secure is the Nupremis network operations center where a few technicians monitor the company's network on screens stacked three high and 12 across. If something goes wrong or a system nears capacity in this data center or any of the eight Nupremis plans to open this year, workers will know instantly. In addition to the standard firewall safeguards, the company is installing intrusion-detection software to thwart hackers.

This is what it takes to nouse customers' Web operations in the digital economy, where the flow of data is a lifeblood and downtime is a slow death.

Study rates countries' high-tech readiness

In key areas, even some major powers don't foster expansion

By D. Ian Hooper
Associated Press

WASHINGTON — Many countries are a long way from having the infrastructure to support technology companies, and economic expansion will stagnate without necessary improvements, according to a report released last week.

The report, prepared by officials responsible for worldwide Y2K readiness last year, rates 42 nations in the areas of connectivity, technological leadership, information security, worker training and business climate. Twenty-three, including China, Russia and South Africa, require substantial improvement in at least two areas before technology companies and governmental team efforts can flourish.

"The networked world is under construction," said Bruce W. McConnell, head of McConnell International LLC, a technology consulting firm. "Smart companies will get in on the ground floor, but they should wear hard hats. The foundations are still unfinished. Many countries have not yet created the conditions that permit full participation in the digital economy."

McConnell and the firm's other owner, Roslyn Eckett, led the International Y2K Cooperation Center's global Y2K readiness effort.

Estonia and Taiwan have the best ratings among all countries. Both have high ratings in governmental leadership, worker training and business climate.

Central and Southern Europe — such as Bulgaria, the Czech Republic, Italy and Hungary — are the best-rated regions in the report.

Nations there were found to have skilled and educated workers, legal protections and computer security laws that are more advanced than in many other regions.

Also, the report said,

See DATA CENTERS on 8B

See HEADINESS on 12B

Shakeout predicted in fast-growing industry

DATA CENTER from 1B

"It's really the maturation of the Web," said Karl Niemi, an, the company's director of network operations. "It's moved from an ad hoc thing to something you run your business on. And when you run your business on it, you need reliability and availability."

Several types of data centers exist. One version, often called a collocation facility or gateway, is set up by major telecommunications carriers to serve as a center where Internet companies can gain access to the carriers' international networks. Typically, the carrier provides little beyond floor space and network access, relying on other companies to meet customers' additional needs.

A traditional data center offers more services than a collocation facility. A data-center operator often will lease such equipment as servers and storage devices to customers. Some even resell enterprise software systems in a pay-as-you-go format known as application service provision.

In short, data center operators act as a one-stop shop for customers, providing network access from several carriers, on-demand software and information-technology support.

And then there's a confusing twist: Data centers can be set up inside collocation facilities.

The former is more lucrative than the latter. Boston-based market research firm The Yankee Group reports that carriers receive average monthly revenue of \$50 per square foot for bare-bones collocation services. In contrast, data-center operators charge an average of \$1,000 per square foot monthly for the numerous services they offer in addition to floor space and network access. For broad, complex offer-

ings, that figure can climb to \$10,000 per square foot.

Analysts predict that, sooner rather than later, collocation services will become a commodity as the supply of data-center space catches up with the demand, and only the data-center operators that provide additional services will make money.

"Delivering quality of service at a reasonable price is going to be big," said David Tapper, an analyst with research firm IDC.

All told, Yankee Group values the broader market of "netsourcing" — which includes the outsourcing of Web hosting, network, integration and support services — at \$9.1 billion this year, growing to \$46.7 billion by 2003.

Thus, it's not hard to see why so many companies have entered the data-center market. The major players include well-known names such as Exodus Communications, Intel Corp., EDS, Hewlett-Packard Co., Level 1 Communications and partnerships of AT&T Corp., British Telecom and Qwest-IBM.

The industry has a strong foothold in Colorado, where at least seven companies operate some form of data center for use by Internet companies. Level 1 and Qwest are among the largest collocation providers. Arapahoe County-based Veno Inc. hosts more than 400,000 Web sites at its centers. FirstWorld Communications and InFlow Inc. operate several data centers and intend to open more. And this year, two new companies — Niprens and Relera — have announced plans to open dozens of data centers.

"Right now, the market is so open. There's so much opportunity," said Dave Gaudin, chief operating officer of Arapahoe County-based FirstWorld. "There



Chief Executive Officer Eric Hood, left, and Chief Operating Officer Ron Cooper of Relera relax in their Arapahoe County office. The startup announced this month that it will open 25 data centers in the next 18 months.

are a lot of companies that have made statements about building and going forward, but we still feel there is a tremendous shortage of data-center space across the country today."

Backed by Denver financier Donald Sturm, FirstWorld operates eight data centers and plans to open two more by October. The company offers its customers network access provided by multiple carriers, third-party software, third-party data storage and additional services, including remote monitoring. FirstWorld executives say the company holds an advantage over industry newcomers because it already has several data centers.

However, FirstWorld has problems.

Last month, the company told investors its performance and margins for the balance of the year will fall below predicted levels because of slow sales and high costs. Along with the financial shortfall, FirstWorld announced the resignation of Chief Executive Officer Sheldon Ohinger. The company intends to right itself by divesting auxiliary businesses to focus on its data centers.

Even so, FirstWorld's stock plummeted, and the company became the target of numerous shareholder lawsuits, which it says are groundless.

Inflow, founded in 1997 by two Air Force Academy graduates, operates 11 data centers. The company provides data-center space, network access and information-technology services. Like FirstWorld, Inflow specializes in serving small and medium-sized businesses.

In the past 18 months, Inflow has raised \$2.25 million in venture financing to fuel its expansion. The company filed in February to sell its stock to the public but has not begun doing so.

Relera burst onto the scene this month with the announcement it will open 25 data centers in the next 18 months. Launched earlier this year, the startup has generated significant momentum. It is led by Chief Executive Officer Eric Hood, former vice president for engineering and operations at Veno, and chief operating officer Ron Cooper, former chief operating officer of Medialine.

In the past six months, Relera has collected \$300 million in venture financing from Denver-based Telecom Partners, Navis Partners, Columbia Capital Partners, Bank of America Capital Partners, Crescendo Ventures, CIBC, Broadband Venture Partners and Morgan Stanley Dean Witter. And last week, Relera unveiled plans to open data centers in 11 Level 1 collocation facilities.

Arapahoe County-based Relera intends to offer data-center space, network access from multiple suppliers and IT support. The company will not provide servers or software.

"The watchword in business today is speed to market," Cooper said. "And we help our customers achieve their speed-to-market goals by providing the infrastructure and services they need but don't have or develop themselves."

Niprens announced its plans to launch 100 data

centers globally by the end of 2001. The 8-month-old company is a "roll-up" of Boulder-based business-integration Center, Hungarian application-service provider InterWay and wireless local-network company New Location. The three were bought and combined by Callahan Associates, the Denver telecom development firm led by former U.S. West executive Dick Callahan.

Armed with \$44 million in venture financing and soon to add \$75 million in debt financing, Niprens intends to open its data centers at collocation sites of several telecom carriers. It has opened data centers at its own sites in Boulder and Budapest, Hungary.

Niprens intends to serve medium-sized and large businesses. The company offers a suite of data-center services, including warehousing software and its own IT services.

With so many new entrants joining the party, even a fast-growing market is bound to get crowded. The Yankee Group predicts an eventual shakeout.

"There are a lot of startups in this market," Yankee Group analyst Joanna Blakos said. "We don't think all of the startups are going to thrive in the long term. We expect to see a quinquennial of the specialist companies take place. Anyone that has a one-way traffic spin on hosting of focuses on a specific space and is great at it is going to be an acquisition target."

"And the other thing is that so many people are building out data centers that we don't think the market can support all of that space," she said. "The pricing is already demonstrating that to me."

Contact: Jeff Haddock at (303) 892-5155, or haddock@rockymountainnews.com.

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FILE:

Business travel

By David Field

TWO: Southwest adds a daily non-stop April 1 between Chicago, Midway and Fort Lauderdale, for a total of two daily, and one between Midway and Las Vegas, for three a day.

Doubles: TWA will give double Aviators frequent-flier miles Jan. 31-April 1

on three flights starting Jan. 31 between Miami and San Juan, Puerto Rico. Register for offer 01642 at 800-325-4815 or at

In comparison to last October, an average one-way airplane ticket in first class increased about \$25:

\$237.33 Oct. 1999	\$262.49 Oct. 2000
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SOURCE: AIR TRANSPORT ASSOCIATION
By Delta From USA TODAY

twa.com.

Triples: Thrifty offers triple the usual 50 miles per rental day to Alaska Airlines Mileage Plan members Jan. 1-April 1. Two-day minimum, 14-day maximum rental.

Growth: Ten-month-old JetBlue carried its 1 millionth passenger Thursday.

Plan: Delta will begin daily non-stops between Atlanta Hartsfield and Buenos Aires, Argentina, in April.

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More power! Tech firms act to avoid blackouts

Steps include backup generators, building substations

By Edward Iwata
USA TODAY

PALO ALTO, Calif. — As California's power crisis worsens, high-tech firms in Silicon Valley are taking steps to defend themselves against potentially devastating blackouts.

"Electricity is the oxygen of Silicon Valley," says Karl Stahlkopf, vice president at the Electric Power Research Institute in Palo Alto.

"This year, state authorities have declared emergency alerts when power

reserves fall dangerously below 7% of the state's capacity. To stave off energy outages and emergencies:

► About 200 Silicon Valley firms, from Intel to eBay, have agreed with utilities to voluntarily cut their energy use 10% or more during "rolling blackouts" imposed by utilities to lighten the load on the state's electrical system. This season, there have not been rolling blackouts. If there were, the tech firms would save up to 400 megawatts of energy — the equivalent of 400,000 households.

In return, the companies get rate discounts of 10% to 20% all year. Or they drop lower on the list of customers who may lose power during mandatory blackouts. "They can take more control over their destiny," says spokesman Laird

chipmaking plant has backup generators to keep safety and office equipment running. Oracle recently built a \$6 million substation to power its corporate offices in case of disaster.

► Learning from earthquakes and last year's Y2K scare, chipmaker LSI Logic has a "SWAT team" of managers and security people ready to jump on emergencies. They can communicate worldwide via shortwave radios and satellite phones, spokesman Kevin Brett says.

California had its first-ever statewide Stage 3 alert Dec. 7. In Stage 3, the severest warning, power may be cut to any customer at any time. In Stage 2, power may be cut to large business customers. During Stage 1, customers are asked to reduce electricity use.

In June, record heat waves and overheated transmission lines led energy officials to curtail power to parts of the

San Francisco Bay Area for several days. About 100,000 business and residential customers lost power for an hour or two each time.

Silicon Valley firms suffered \$100 million in lost production during the outages, says spokeswoman Michelle Montague-Bruno of the Silicon Valley Manufacturers Association.

Tech firms need more power than others because they run huge data-processing rooms, chipmaking plants and research labs. Electricity demand in Silicon Valley grew 12% last year; the statewide average was 3%, Stahlkopf says.

If the government and utilities don't start building a new electrical infrastructure in the next five years, Stahlkopf says, the crisis will spread.