

Byron Mallott
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520 465.5400 Fax
WWW.LTGOV.ALASKA.GOV




530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460 269.0263
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: JP Wood, AAC Contact
Regulatory Commission of Alaska

FROM: Scott Meriwether, Office of the Lieutenant Governor 465.4081 

DATE: October 7, 2016

RE: Filed Permanent Regulations: Regulatory Commission of Alaska

Regulations update re: electronic filing requirements and procedures (3 AAC 47; 3 AAC 48; 3 AAC 49.060; 3 AAC 51; 3 AAC 52; 3 AAC 53)

Attorney General File:	JU2015200764
Regulation Filed:	October 7, 2016
Effective Date:	November 6, 2016
Print:	220, January 2017

cc with enclosures:

Linda Miller, Department of Law
Micaela Fowler, Department of Commerce, Community & Economic
Development
Dianne Blumer, Administrative Regulation Review Committee
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO REGULATIONS
OF COMMERCE, COMMUNITY & ECONOMIC DEVELOPMENT

The attached 29 pages of regulations, dealing with implementing electronic filing, are adopted and certified to be a correct copy of the regulation changes that the Regulatory Commission of Alaska adopted at its March 25, 2016, meeting under the authority of AS 42.05.141 and AS 42.05.151 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Regulatory Commission of Alaska paid special attention to the cost to private persons of the regulatory action being taken

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: September 16, 2016
Anchorage, Alaska


Robert M. Pickett, Chairman

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that¹ on

October 7, 2016, at 1025 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.


Byron Mallott, Lieutenant Governor

Effective: November 6, 2016

Register: 220, January 2017

The introductory language of

3 AAC 47.050(b) is amended to read:

(b) At the time a regulated utility or pipeline carrier submits the payment required by (a) of this section, it shall **electronically** file with the commission, **in accordance with 3 AAC 48.095**, a report that contains the 3 (Eff. 10/21/92, Register 124; am 12/1/94, Register 132; readopt 12/1/95, Register 136; am 11/6/2016, Register 220)

Authority: AS 42.05.141
AS 42.05.151

AS 42.05.254
AS 42.06.140

AS 42.06.286

The introductory language of

3 AAC 47.060 is amended to read:

*“Publisher: Keep the
“AS” on the same line as
the rest of the citation.”*

Within 30 days after the filing with the commission of the annual report required by AS 42.05.451 (b) and AS 42.06.430 (7), a regulated utility or pipeline carrier shall **electronically** file with the commission, **in accordance with 3 AAC 48.095**, on a form provided by the commission, a report containing 3 (Eff. 10/21/92, Register 124; readopt 12/1/95, Register 136; am 11/6/2016, Register 220)

Authority: AS 42.05.141
AS 42.05.151

AS 42.05.254
AS 42.06.140

AS 42.06.286

3 AAC 47.070(c) is amended to read:

(c) A regulated utility or pipeline carrier may implement a charge in accordance with (a) of this section, without prior commission approval, after the commission has implemented the initial or revised regulatory cost charge. Within 15 days after implementing a charge under (a) of this section, a regulated utility or pipeline carrier shall submit a tariff filing under the procedures set out in **3 AAC 48.220, 3 AAC 48.240, and 3 AAC 48.270**. (Eff. 10/21/92, Register 124; am 12/1/94, Register 132; am/readopt 12/1/95, Register 136; am 6/13/2006, Register 178; am 11/6/2016, Register 220)

Authority: AS 42.05.141
AS 42.05.151

AS 42.05.254
AS 42.06.140

AS 42.06.286

3 AAC 48.020(e) is amended to read:

(e) **Written communications are** [EXCEPT AS PROVIDED IN 3 AAC 48.090(A) AND 3 AAC 48.240, A WRITTEN COMMUNICATION IS] considered to be officially received when delivered to the commission's office **or received electronically through the commission's electronic filing systems. A** [HOWEVER, A] commissioner, or an employee designated by the commission, may also receive written communications [AWAY FROM THE COMMISSION'S OFFICE,] under conditions prescribed by the commission. (Eff. 1/13/73, Register 44; am 6/29/84, Register 90; am 4/24/2004, Register 170; am 4/20/2006, Register 178; am 2/16/2012, Register 201; am 11/6/2016, Register 220)

Authority: AS 42.05.141

AS 42.05.151

AS 42.06.140

*“the period is not
boldface or underlined.”*

*“the sub-
section tag
“a” stays
lower-
case.”*

3 AAC 48.025(c) is amended to read:

(c) Filings formatted to print on paper larger than 8-1/2 inches by 11 inches may not be reduced before filing if doing so will make the substantive text, graphics, or photographic material illegible. Instead, oversized paper filings must be folded to 8-1/2 inches by 11 inches before filing. Electronic filings containing documents that should be printed on oversized paper must identify those documents and the proper paper sizes necessary to print legible copies of the documents. If the oversized document is greater than 11 inches by 17 inches and is part of a filing that is to be made electronically, a placeholder page generally describing the oversized document must be inserted in the filing where the oversized document otherwise would be and must be filed with the commission under 3 AAC 48.090(b)(3) with a cover letter that includes the commission's docket or tariff advice number for the corresponding electronic filing, and the title, filed date, and page reference of the electronic filing to which the oversized filing pertains. An electronic filing with a placeholder page is not complete until the paper version of the oversized document is officially received under 3 AAC 48.090(a) by the commission. Oversized documents must have not less than one-half inch margins on all sides and must be legible. (Eff. 2/16/2002, Register 201; am 11/6/2016)

Register 220

Authority: AS 42.05.141

AS 42.05.151

AS 42.06.140

subsections

3 AAC 48.060 is amended by adding new ~~sections~~ to read:

(j) Applications for water and wastewater provisional certifications will be kept in a separate set of files and will be numbered in the same general manner described in (b) of this section, except that the capital letter "W" will be used instead of the capital letters "U" or "P."

(k) Intrastate interexchange registrations will be kept in a separate set of files and will be numbered in the same general manner described in (b) of this section, except that the capital letters "RX" will be used instead of the capital letters "U" or "P."

(l) The commission will maintain a separate and complete file for each water and wastewater provisional certification proceeding and each intrastate interexchange registration proceeding, containing the original copy of each filing and all other material related to the proceeding. (Eff. 1/13/73, Register 44; am 6/29/84, Register 90; am 3/21/2003, Register 165; am 2/16/2012, Register 201; am 11/6/2016 Register 220)

Authority: AS 42.05.141
AS 42.05.151

AS 42.05.201
AS 42.05.361

AS 42.06.140
AS 42.06.400

~~3 AAC 48.090(b)(2)(A) is amended to read:~~

~~(b) Unless otherwise directed by the commission, service of pleadings, orders, and other documents is valid and complete if made in accordance with this subsection, as follows:~~ *Publisher: Existing introductory language of 3 AAC 48.090(b) is unchanged.)))*
The introductory language of 3 AAC 48.090(b)(2) is amended to read:

C; a (2) a party with electronic mail shall provide the commission and other parties with the party's electronic mail address. *A party shall make and accept service electronically, instead of by paper copies, in docketed proceedings [EXCEPT AS PROVIDED IN (3) OF THIS SUBSECTION], Compliance [COMPLIANCE] with this [THE] requirement [TO PROVIDE THE ELECTRONIC MAIL ADDRESS] is achieved by including the electronic mail address within the signature block of submitted pleadings in accordance with 3 AAC 48.095(h) or within the letterhead or signature block of other correspondence.* *compliance*
C; 3 ~~[A PARTY THAT IS TECHNOLOGICALLY UNABLE TO MAKE AND ACCEPT SERVICE BY ELECTRONIC MEANS IN ACCORDANCE WITH THIS SUBSECTION SHALL EITHER PROVIDE PROOF OF AN EXISTING WAIVER, OR PENDING WAIVER REQUEST, OR SUBMIT A NEW REQUEST FOR A WAIVER OF ELECTRONIC SERVICE UNDER 3 AAC 48.095(f)]~~ *a lower case)))*
C; [3] Concurrent with the party's first filing in the proceeding, a party that is technologically unable to send or receive electronic documents in accordance with this subsection shall indicate in the signature block "no electronic mail address."
Parties [PARTIES] shall serve other parties electronically as follows:

3 AAC 48.090(b)(2)(A) is amended to read:

all capital letters !!! (A) [UNLESS THE SENDING PARTY HAS A WAIVER OR A WAIVER REQUEST PENDING UNDER 3 AAC 48.095(f),] the sending party shall use electronic mail to complete service to all other *parties* in docketed proceedings; a sending party may **not** substitute paper service for electronic service on another party, **unless** [if] both parties agree to be served in this manner; *all bracketed text (to be deleted) is all capital letters !!!*

(C) 3 AAC 48.090(b)(3) is amended to read:

Publisher: Existing introductory language of 3 AAC 48.090(b) is unchanged.)))
~~(b) Unless otherwise directed by the commission, service of pleadings, orders, and other documents is valid and complete if made in accordance with this subsection, as follows:~~

(C) one copy to each other party's attorney of record or other authorized representative, or to the other party if the other party is unrepresented; a

Filing ~~(3) unless otherwise directed by the commission, a party filing on paper in accordance with 3 AAC 48.095(f), filing oversized documents in accordance with 3 AAC 48.025(c), or filing confidential material shall complete service by delivering in person, or by United States mail or a similar delivery service.~~
those **A party filing oversized documents or filing confidential materials on paper to the commission must provide electronic service of such documents to other parties in docketed proceedings, in accordance with 3 AAC 48.090(b)(2), unless the sending and receiving party agree to alternative means of service** *(2) of this subsection,*

3 AAC 48.090(g) is amended to read:

(g) A party desiring to reply to an answer shall serve [THE REQUIRED NUMBER OF COPIES OF IT ON] the commission within 20 days after service of the answer.

3 AAC 48.090(h) is amended to read:

« Bracketed text (to be deleted) in all capital letters »

(h) If the commission so orders in any proceeding, [a copy of] any application, petition, complaint, motion, or other **document** [PAPER] designated by the commission shall be served by the party that submitted the filing on all persons whom the commission determines may be affected by the proceeding. After a proceeding has been instituted, each answer, motion, or other **document** [PAPER] subsequently filed by any party must be served on all attorneys and parties of record concurrently with the filing [thereof] with the commission together with proof of service. (Eff. 1/13/73, Register 44; am 6/29/84, Register 90; am 8/6/92, Register 123; am 5/5/2000, Register 154; am 2/16/2012, Register 201; am 11 / 6 / 2016 Register 220)

« all capital letters »
2
of that document
Authority: AS 42.04.080
AS 42.05.141

AS 42.05.151
AS 42.06.055

AS 42.06.140

The introductory language of
3 AAC 48.091(g) is amended to read:

(g) In a separate motion, a party may move for expedited consideration of its principal motion by requesting relief in less time than would normally be required for the commission to issue a decision. If the party files electronically under 3 AAC 48.095, the party shall also use the commission's website features to indicate that the filing includes a motion for expedited consideration, if the motion is required to be submitted with the filing. A failure to properly indicate that the filing includes a motion for expedited consideration may delay commission review of the request. Courtesy copies of **an electronically filed** [THE] motion, regardless of when or how they are received by the commission, will not be considered part of the official record of the proceeding, and the commission will not base a timeline upon their receipt. The motion must ~~be~~ (Eff. 4/13/2000, Register 154; am 2/16/2012, Register 201; am 8/18/2013, Register 207; am 11 / 6 / 2016, Register 220)

Authority: AS 42.04.080
AS 42.05.141

AS 42.05.151

AS 42.06.140

3 AAC 48.095(a) is amended to read:

(a) Unless otherwise specified by order [, OR WAIVED IN ACCORDANCE WITH (I) OF THIS SECTION] or another applicable provision of this chapter, all **filings** *submitted to* [PARTIES AND THEIR REPRESENTATIVES PARTICIPATING IN A DOCKET PROCEEDING BEFORE] *submitted to* the commission, **with the exception of regulatory cost charge reports, may be filed** [SHALL FILE, SERVE, AND ACCEPT SERVICE] electronically **or on paper. Reports submitted in accordance with 3 AAC 47.050(b) or 3 AAC 47.060 shall be filed electronically, unless waived in accordance with (I) of this section or otherwise specified by order. Parties and**

their representatives participating in docket proceedings before the commission shall serve and accept service electronically in accordance with 3 AAC 48.090(b).

An electronic filing with the commission must be made through the commission's electronic filing systems using the commission's website. Public comments may be filed either electronically, including by electronic mail, or on paper. Additional copies of **an electronic** [a] filing, in any form, are not required, and may be deleted or destroyed by the commission. Electronic mail may be submitted to facilitate the commission staff's work, if requested by the staff or the commission.

3 AAC 48.095(g) is amended to read:

(g) An electronic file description and name must be as descriptive and concise as possible. The commission staff may change a file description or name if the change will assist staff processing of the file. **Commission staff will notify a filing entity, in writing, of any file description or file name changes.** shall

3 AAC 48.095(h)(1) is amended to read:

« Publisher: Existing introductory language of 3 AAC 48.095(h) is unchanged. »
(h) To verify an electronic filing by signature, a filer shall do the following:

(1) an electronic filing must include at least one signature block within the filing; the cover letter, application form, motion, or similar document within a filing must include, in substantially the following format, a signature block **or letterhead** that includes the typewritten name, mailing address, telephone number, [FACSIMILE NUMBER,] and electronic mail address of the signatory authorized to sign under 3 AAC 48.100(g) **and 3 AAC 48.270(a):**

Contact Name
Mailing Address
City, State, Zip Code
Phone: (xxx) xxx-xxxx
[FAX: (xxx) xxx-xxxx]
Electronic Mail Address: xxx@xxx.xxx;
~~3 AAC 48.095(k) is amended to read:~~

« Publisher: Keep the title number on the same line as the rest of the citation »

3 AAC 48.095(k) is amended to read:

(k) Service of filings **in formal proceedings, as defined in 3 AAC 48.070, [UNDER THIS SECTION]** must comply with 3 AAC 48.090(b).

~~3 AAC 48.095(l) is repealed in its entirety.~~

« Publisher: Existing introductory language of 3 AAC 48.095(l) is unchanged. »
(l) ~~The following procedures and requirements apply to a waiver from the electronic filing requirements of this section.~~

3 AAC 48.095(2)(1) is amended to read:

7

(1) a person requesting a waiver from the requirements of this section must file an original and two copies of a pleading entitled "Request for Waiver of Electronic Filing Requirements"; the provisions of 3 AAC 48.091 do not apply to a request for waiver submitted under this section; the administrative law judge assigned to a [THE] docket or commission staff member assigned to review a report filed under 3 AAC 47.050(b) or 3 AAC 47.060 may reject a paper filing made without a pending waiver request, or proof of an existing waiver, if the filing was required to be submitted electronically;

The introductory language of 3 AAC 48.095(2)(2) is amended to read:

(2) a request for a waiver of the electronic filing requirements for the duration of a docket or for a report filed under 3 AAC 47.050(b) or 3 AAC 47.060 may be granted if the requesting person

~~... (A) does not own or have reasonable access to the electronic equipment and software necessary to make the electronic filing;~~

~~(B) does not have a broadband Internet access connection to make the electronic filing;~~

~~(C) would incur interexchange per-minute charges to make the electronic filing;~~

~~(D) lacks a scanner, and the scanner is necessary for the person to make the electronic filing; or~~

~~(E) provides an affidavit setting out the factual basis for why compliance is not reasonably possible or would lead to undue hardship;~~

~~(3) the requesting person must file with the commission and serve on all other parties the request for a waiver concurrently with the person's first filing in the docket proceeding; while the request for a waiver is pending, all other parties to the proceeding shall complete service in person upon the requesting person, or by United States mail or a similar delivery service;~~

(4) a party may not file an opposition to a request for a waiver;

(5) the commission or an administrative law judge may deny a request for a waiver for good cause; if no action is taken on a request for a waiver five business days or earlier after filing, the request for a waiver is granted;

(6) if, after receiving a waiver under this subsection, a person becomes able to send and receive electronic filings, the person shall notify the commission immediately; the waiver of the electronic filing requirements automatically terminates upon receipt by the commission of that notice;

3 AAC 48.095(2)(7) is amended to read:

(7) a waiver of electronic filing requirements applies to a party's participation in a specific docket proceeding or a specific report filed under 3 AAC 47.050(b) or 3 AAC 47.060 and continues for the duration of that docket or the specific report unless terminated under (6) of this subsection, or otherwise stated in a commission order. (Eff. 2/16/2012, Register 201; am 11 / 6 / 2016 Register 220)

Authority: AS 42.05.141

AS 42.05.151

AS 42.06.140

The section heading of

changed

3 AAC 48.100 is amended to read:

(all bold)

(all bold)

General requirements of filings [PLEADINGS].

The introductory language of

3 AAC 48.100(g)(2) is amended to read:

and, if applicable [FACSIMILE NUMBER], attorney bar number [, IF APPLICABLE,] and electronic mail address.

(g) Beneath the signature of every attorney of record, party, or other person appearing on a filing [PLEADING], there must be typed, stamped, or printed the person's name and, for initial proceedings, the person's mailing address, telephone number, ~~[FACSIMILE NUMBER,] attorney bar number, and electronic mail address, if applicable [, AND ELECTRONIC MAIL ADDRESS,]~~ The correct legal name of an unrepresented party, or the firm name of a party's representative, who signs the filing [pleading] must appear above the signature of the person signing the filing [pleading] on behalf of that entity. The first filing [pleading] of a party, and only the first, must

3 AAC 48.100(g)(2) is amended to read: (all capital letters) (2) state the name, title, mailing address, facsimile number, and electronic mail address, if applicable of the person to whom correspondence and communications [IN THE PROCEEDING] are to be addressed. (Eff. 1/13/73, Register 44; am 6/29/84, Register 90; am 8/6/92, Register 123; am 4/24/2004, Register 170; am 2/16/2012, Register 201; am 11 / 6 / 2016, Register 220)

Authority: AS 42.05.141
AS 42.05.151

AS 42.05.451

AS 42.06.140

3 AAC 48.142 is amended to read:

(3 AAC 48.142. Service of discovery.) Discovery requests and responses to discovery requests must be served electronically as provided in 3 AAC 48.090(b)(2), (4), and (5), unless electronic filing has been waived under 3 AAC 48.095(f) or the sending and receiving party agree to alternative means of service. If electronic filing has been waived the parties shall determine how discovery is served. Responses to discovery requests may be shared among the parties by other means [OTHER THAN ELECTRONIC MAIL], if all parties agree. If the parties cannot agree on how discovery is served, the presiding officer will determine how discovery is served. Discovery requests and responses to discovery requests are not filed with the commission when served. (Eff. 8/18/2013, Register 207; am 11 / 6 / 2016, Register 220)

Authority: AS 42.05.141

AS 42.05.671

AS 42.06.445

AS 42.05.151

AS 42.06.140

3 AAC 48.182(b) is amended to read:

(b) Notice of a regular or special public meeting may [WILL] be published by the commission in a newspaper of general circulation in the area where the meeting will be held and teleconferenced. Notice will [ALSO] be posted at the commission's offices and may be posted on the commission's website. Notice of a regular and special meeting will include the date, time, and place of the meeting; general topics to be discussed or considered; and the location of any teleconferencing facilities that will be used.

3 AAC 48.182(c) is amended to read:

(c) Notice of an emergency public meeting may [WILL] be published by the commission as provided for under (b) of this section if the commission determines that sufficient time is available. Otherwise, notice of an emergency public meeting will be posted by the commission on the public notice board at the commission's offices and may be posted on the commission's website. [AND] Notice of an emergency public meeting will include the date, time, and place of the meeting; general topics to be discussed or considered; and location of any teleconferencing facilities that will be used. Reasonable attempts will be made in writing or by telephone by the commission to provide notice to known interested persons on the topics scheduled for the emergency public meeting.

3 AAC 48.182(d) is repealed ^{in its entirety}.

~~(d) NOTICE OF EACH PUBLIC MEETING WILL BE RECORDED ON THE COMMISSION'S PUBLIC MEETING RECORDING AND WILL INCLUDE DATE, TIME, AND PLACE OF THE MEETING AND GENERAL TOPICS TO BE DISCUSSED OR CONSIDERED AT THAT MEETING. (Eff. 6/27/92, Register 122; am 11 / 6 / 2016, Register 220)~~

Authority: AS 42.05.141
AS 42.05.151

AS 42.06.140
[AS 42.06.140(a)]

AS 44.62.310
[AS 44.62.310(e)]

3 AAC 48.183(a) is amended to read:

(a) In addition to the notice provisions of 3 AAC 48.182 for public meetings of the commission, an agenda of each public meeting of the commission will be printed and available for public inspection and copying at the commission's offices and may be posted on the commission's website.

3 AAC 48.183(b) is amended to read:

in period should not be boldface !!!

(b) The commission may post on its website or [WILL] deliver by hand, by United States mail or a similar delivery service, or by electronic mail a copy of an agenda to each known participant in a proceeding listed on the agenda [AND TO EACH AGENDA SUBSCRIBER AS PROVIDED UNDER (E) OF THIS SECTION]. *keep subsection tag lowercase*

3 AAC 48.183(c) is amended to read:

(c) A copy of an agenda of each regular public meeting and of each special public meeting will be available and may be mailed by the commission or posted on the commission's website at least one week before the scheduled date of the meeting.

3 AAC 48.183(d) is amended to read:

(d) A copy of an agenda of an emergency meeting [WILL] may be mailed by the commission or posted on the commission's website as soon as the agenda is available, but by no later than one week after the scheduled date of the emergency meeting. *Transpose*

3 AAC 48.183(e) is repealed *in its entirety*.

Repealed 11/6/2016
~~(e) A SUBSCRIPTION TO PUBLIC MEETING AGENDAS IS AVAILABLE FROM THE COMMISSION AT COST SET BY THE COMMISSION. (Eff. 6/27/92, Register 122; am 2/16/2012, Register 201; am 11/6/2016, Register 220)~~

Authority: AS 42.05.141

AS 42.05.151

AS 42.06.140

3 AAC 48.220(a) is amended to read:

(a) Each [AN ORIGINAL AND 10 COPIES OF EACH] utility tariff filing must be on file with the commission at least 45 days before the tariff may take effect unless the commission, by order, authorizes the filing to take effect in less than 45 days after the date of filing, or unless another commission regulation provides for a different filing method or time period. Each [AN ORIGINAL AND 10 COPIES OF EACH] initial pipeline tariff filing shall be on file with the commission at least 90 days before it may become effective unless the commission, by order, authorizes the filing to become effective in less than 90 days from the date of delivery. Each [AN ORIGINAL AND 10 COPIES OF EACH] revised pipeline tariff must be on file with the commission at least 30 days before the tariff may take effect unless the commission, by order, authorizes the filing to take effect in less than 30 days after the date of filing. Each filing must be transmitted to the commission by means of consecutively numbered letters designated as "Tariff Advice Letter No. 1, 2, 3, etc." Every advice letter must contain the applicable information set out in 3 AAC 48.270, unless another commission regulation provides otherwise. If a utility or pipeline carrier desires an effective date before the end of the statutory notice period for a filing, the utility or pipeline carrier shall request an earlier effective date and set out the reasons in the tariff advice letter. The utility or pipeline carrier shall attach

rate studies or supply other information pertinent to the filing. If interim approval of a tariff filing is sought, that request must also be set out in the tariff advice letter. (Eff. 11/16/73, Register 48; am 6/29/84, Register 90; am 8/6/92, Register 123; am 9/16/2005, Register 175; am 4/24/2009, Register 190; am 11/6/2016, Register 220)

Authority:	AS 42.05.141	AS 42.05.361	AS 42.05.421
	AS 42.05.151	AS 42.05.371	AS 42.06.140
	AS 42.05.231	AS 42.05.391	AS 42.06.350
	AS 42.05.241	AS 42.05.411	AS 42.06.390

3 AAC 48.240(a) is amended to read:

Publisher: Keep the title number on the same line as the rest of the citation

(a) **Unless otherwise specified by order or another applicable provision of this chapter, tariff filings may be submitted electronically, in accordance with 3 AAC 48.095.** No tariff or tariff revision filed by a utility or pipeline carrier will be accepted for filing unless it is **received by** [DELIVERED TO] the commission free of all delivery charges or claims no later than **5:00** [4:30] p.m. of a regular business day. **Unless otherwise directed by the commission, a public utility or pipeline carrier filing on paper shall submit an original and five copies of each tariff advice filing.**

3 AAC 48.240(c) is amended to read:

(c) Tariff filings, **whether received on paper or electronically** [DELIVERED] after **5:00** [4:30] p.m. on a regular business day, or on a Saturday, Sunday, or legal holiday for Alaska state offices, will be stamped as having been **received** [DELIVERED] on the commission's next regular business day. The day after the **received** [DELIVERY] date will be counted as the first day of the period of notice to the commission in accordance with AS 01.10.080. Every Saturday, Sunday, or legal holiday during the succeeding 29, 44, or 89 days, whichever is applicable, will be counted as part of the notice period, except that if the notice period ends on a Saturday, Sunday, or legal holiday, the notice period will be extended to the end of the commission's next regular business day. (Eff. 11/16/73, Register 48; am 6/29/84, Register 90; am 11/6/2016, Register 220)

Authority:	AS 42.05.141	AS 42.05.411	AS 42.06.350
	AS 42.05.151	AS 42.06.140(a)	AS 42.06.390
	AS 42.05.361		

3 AAC 48.270(a) is amended to read:

(a) Every tariff filing required by 3 AAC 48.200 - 3 AAC 48.430, except filings directly related to applications for new or amended certificates of public convenience and necessity, must be transmitted to the commission by a consecutively numbered original advice letter [AND 10 COPIES]. Advice letters may be on either letterhead or plain paper, but must be eight and one-half inches by 11 inches, must contain the exact

Register 220, January 2015, COMMERCE, COMMUNITY, AND EC. DEV.

C, if applicable,

7

legal name, [AND] return address, and electronic mail address, if applicable of the filing utility or pipeline carrier, and must be in substantially the following form:

Tariff Advice Letter No.

(Date; also return
address if not shown
on letterhead.)

Regulatory Commission of Alaska
(Anchorage, Alaska office)

address)

Commissioners:

The tariff filing described below is transmitted to you for filing, in compliance with the Alaska Public Utilities Regulatory Act (or the Pipeline Act, as applicable) and 3 AAC 48.200 - 3 AAC 48.430. (List here the tariff sheets that are being filed, substantially in the form shown below.)

Tariff Sheet Number

Cancels Sheet Number

Schedule or

Schedule or

Original Revised

Original Revised

Rule Number

Rule Number

(Insert here a statement setting out the estimated number of customers or shippers who will be affected by each separate schedule listed and the estimated annual revenues under both the existing and proposed rates. If the filing is for a new service; will not increase any rate or charge, result in the termination of an existing service, or conflict with any other schedule or rate; or will not in any other way adversely affect customers, shippers, or the public, insert a statement to that effect. If the filing is based upon a comprehensive study, submit a copy of the study or the working papers used by the utility or pipeline carrier.

When a special contract is filed, name the signatories to it; give the date of execution; briefly outline the provisions of the contract; and state the reason the customer was not required to take service under an existing tariff schedule or an appropriate revision of it, designed to accommodate the customer and all others similarly situated. If a commission order is in any way involved, cite it also.

Specify the exact date on which the utility or pipeline carrier wishes the entire filing to take effect. If a utility or pipeline carrier wishes a tariff filing, or any designated part of it, to take effect in less than the period prescribed by statute, conclude the advice letter with a statement of the reason, in sufficient detail, to support a finding by the commission that "for good cause shown the filing should be allowed to take effect before the end of the statutory notice period." If interim approval of a tariff filing is requested, that request must also be set out in the tariff advice letter.)

Very truly yours,
(Exact Legal Name of Utility or
Pipeline Carrier in Capital Letters)

⑦

(Name of Representative Authorized
To Issue Tariffs of Utility or Pipeline
Carrier)

(Title)

(Eff. 5/9/75, Register 54; am 6/29/84, Register 90; am 8/6/92, Register 123; am
4/24/2004, Register 170; am 11/6/2016, Register 220)

Authority:	AS 42.05.141	AS 42.06.140	AS 42.06.380
	AS 42.05.151	AS 42.06.350	AS 42.06.390
	AS 42.05.411	AS 42.06.360	

3 AAC 48.275(h) is amended to read:

(h) In addition to any other supporting studies required by this chapter, if a proposed tariff revision includes a rate redesign, other than an across-the-board increase, a cost-of-service study and a narrative explaining the methodology used in the study must be submitted [IN THE SAME NUMBER OF COPIES AS REQUIRED

UNDER 3 AAC 48.270(a)]. (Eff. 9/12/75, Register 55; am 6/8/78, Register 66; am
6/29/84, Register 90; am 1/10/99, Register 149; am 5/5/2000, Register 154; am
3/21/2003, Register 165; am 8/19/2006, Register 179; am 1/9/2009, Register 189; am
11/6/2016, Register 220)

Authority:	AS 42.04.080	AS 42.05.411	AS 42.06.350
	AS 42.05.141	AS 42.05.431	AS 42.06.370
	AS 42.05.151	AS 42.05.441	AS 42.06.390
	AS 42.05.361	AS 42.06.055	AS 42.06.430
	AS 42.05.391	AS 42.06.140	

by [DELIVERED TO]

3 AAC 48.280(b) is amended to read:

(b) The statutory period of notice to the commission and the public with respect to special contracts, and every new or revised tariff rate, charge, rule, regulation, condition of service, or practice, starts running as of the day after the date the filing is received ~~[DELIVERED]~~ by the commission in accordance with 3 AAC 48.240. In computing the statutory notice period, no consideration will be given to notice by telephone, electronic mail or facsimile [TELEGRAPH].

3 AAC 48.280(e)(1)-(2) is amended to read:

(e) The commission may, will, in its discretion, and on a case-by-case basis, prescribe one or more appropriate additional means by which a tariff filing must be noticed to the public, including [but not limited to]

«all capital letters»

(1) publication in one or more newspapers or ^{by means of} [via] other news media at the expense of the filing entity; or [AND]

(2) individual notice to all customers or shippers to be affected [, EITHER BY DIRECT MAIL AT THE EXPENSE OF THE UTILITY OR PIPELINE CARRIER] either by hand, By United States mail, or a similar delivery service, under conditions prescribed by the commission, or by the commission itself [, USING PLAIN UNSEALED ENVELOPES THAT HAVE BEEN STAMPED, ADDRESSED, AND FURNISHED BY THE UTILITY OR PIPELINE CARRIER]. (Eff. 11/16/73, Register 48; am 6/29/84, Register 90; am 11/6/2016, Register 220)

Authority: AS 42.05.141 AS 42.05.411 AS 42.06.350
AS 42.05.151 AS 42.06.140 [AS 42.06.140(a)] AS 42.06.390
AS 42.05.361

3 AAC 48.290(a) is amended to read:

^(3 AAC 48.290, Response to notice.)
(a) Comments may be filed either electronically, including by electronic mail, or on paper. Any person desiring to submit a comment in response to [STATEMENT OF INTEREST IN, OR OBJECTION TO,] a tariff filing may be asked to do so not later than 20 days after the received date of [DELIVERY TO] the commission unless a longer period, not in excess of 30 days, is granted by public notice, or by notice in writing. Every notice to the public by hand, United States mail, or a similar delivery service [direct mail] or by means of a paid legal advertisement in any news media shall specify the deadline date for comments [RESPONSES TO THE FILING].

^{(a bracketed material (to be deleted) is all capital letters.)}
~~3 AAC 48.290(b)(1)-(6) is amended to read:~~

(b) Comments [OBJECTIONS, OR STATEMENTS OF INTEREST,] must be submitted [in writing] with a copy to the utility or pipeline carrier; must be signed by the interested person or the person's authorized representative, and must contain at least the following information:

(1) reference to the applicable docket number, tariff advice letter number, or file reference specified in the notice;

(2) ^{the} name, [and] mailing address and electronic mail address, if applicable of the person filing, regardless of whether the person is a customer of the utility or a shipper with the pipeline carrier; and if the person is a customer or shipper, the physical address of the place or places where service is taken, or the place or places where shipment is received by the carrier;

(3) ^{the} reason for filing, if not a customer or shipper, together with any supporting factual data;

Register 220, January 2015 COMMERCE, COMMUNITY, AND EC. DEV.

(4) whether or not **the comment** [OBJECTION] is made on behalf of the interested person self or on behalf of other named persons, including [OR] or company [, ETC.], etc.;

(5) the person's **comment** [OBJECTION OR INTEREST] in the noticed matter with reasonable particularity, and as concisely as possible; and

(6) 2 statement that a true copy of the same **comment** [STATEMENT OF INTEREST OR OBJECTION] has been served on the utility or pipeline carrier that made the tariff filing, together with the date it was either **electronically** mailed or [HAND-]delivered by hand, United States mail or similar delivery service to the [HAND-DELIVERED] utility or pipeline carrier.

3 AAC 48.290(c) is amended to read:

all capital letters (c) A customer of a utility, or a shipper with a pipeline carrier, has unquestioned standing to file a timely **comment on** [STATEMENT OF INTEREST IN OR OBJECTION TO] a filing by that utility or pipeline carrier. The standing of others to file **comments** [THESE STATEMENTS] depends upon the nature of their interest, the merit of their position, the extent to which their **comments** [STATEMENTS] are supported by that [A.S.] accurate factual data, and such other factors as the commission considers pertinent. **Comments** [A STATEMENT OF INTEREST] may be summarily dismissed, or ignored, if the commission finds the **comment** [STATEMENT] is based upon erroneous assumptions or appears to be motivated mainly by a desire to harass or embarrass the utility or pipeline carrier or to protect the economic interests of the competitors of the utility or pipeline carrier. A person who is denied standing may file a motion asking the commission to reconsider its decision and indicating the reason the motion should be granted. (Eff. 11/16/73, Register 48; am 6/29/84, Register 90; am 11 / 6 / 2016, Register 220)

Authority: AS 42.05.141
AS 42.05.151
AS 42.06.140

[AS 42.06.140(a)] AS 42.06.370
AS 42.06.350 ← AS 42.06.390

3 AAC 49.060(c) is amended to read:

(c) The date on which the commission receives an application for a recount, rather than the date of mailing or transmission of the application, determines whether the application is filed within the time allowed under (a) of this section. If the actual physical delivery [BY TELEGRAM] of a copy in substance of the statements made in the application for recount is received in the commission's office before **5:00** [4:30] p.m., Alaska Standard or Daylight Time, as the case may be, on the due date, the application will be accepted; however, the original signed application must be postmarked at or before midnight, Alaska Standard or Daylight Time, as the case may be, of the same day.

3 AAC 49.060(g) is amended to read:

7

(g) The commission will give the utility or cooperative, or any other interested party, or the one or more persons appointed to represent the applicant during the recount, notice of the time and place of the recount by certified mail [, TELEGRAM,] or telephone. (Eff. 8/14/80, Register 75; am 11/6/2016, Register 220)

Authority: AS 42.05.151 [AS 42.05.151(a)] AS 42.05.712

The introductory language of 3 AAC 51.030(a) is amended to read:

(a) Following the issuance of a certificate of public convenience and necessity to provide TRS in this state, the provider shall file a tariff that incorporates the terms and conditions specified in its application. The TRS provider shall serve in conformance with its tariff until service expires under the terms of the certificate or until the commission decides otherwise. The TRS provider shall file with the commission, in accordance with 3 AAC 48.095, a monthly report that includes the following information: (Eff. 12/2/92, Register 124; am 2/23/2001, Register 157; am 11/6/2016, Register 220)

Authority: AS 42.05.141 AS 42.05.151 AS 42.05.296

3 AAC 51.040(c) is amended to read:

(c) After the commission determines the surcharge, each local exchange carrier shall submit to the commission a compliance tariff filing that includes the surcharge using the procedures set out in 3 AAC 48.220, 3 AAC 48.240, and 3 AAC 48.270. (Eff. 12/2/92, Register 124; am 2/23/2001, Register 157; am 11/6/2016, Register 220)

Authority: AS 42.05.141 AS 42.05.296 AS 42.05.321
AS 42.05.151 AS 42.05.311

3 AAC 52.030(b) is amended to read:

(b) Each utility shall file with the commission, in accordance with 3 AAC 48.095, a plan for inspection and maintenance of each pipeline facility owned or operated by the utility, and any changes in the plan. If the commission finds that the plan is inadequate to achieve safe operation, the commission shall, after notice and opportunity for a hearing, require the plan to be revised. (Eff. 2/21/69, Register 30; am 1/13/73, Register 44; am 11/6/2016, Register 220)

will
a text in brackets is all capital letters

Authority: AS 42.05.141 AS 42.05.461 AS 42.05.501

3 AAC 52.070(c) is amended to read:

(c) A written report of each accident shall be filed with the commission within 20 days after each accident, in accordance with 3 AAC 48.095. The report shall be made on the commission's "Gas Distribution Pipeline Accident or Incident Report" form or the

United States Department of Transportation's Form DOT-F-7100.2 for transmission and gathering systems. If the accident investigation is not completed within the 20-day period, the utility shall file an additional written report with the commission, in accordance with 3 AAC 48.095, upon the completion of the investigation and a written report of the progress of the investigation every 90 days until the investigation is complete. (Eff. 2/21/69, Register 30; am 1/13/73, Register 44; am 11 / 6 / 2016, Register 220)

Authority: AS 42.05.141 AS 42.05.291

3 AAC 52.300(d) is amended to read:

(d) Each utility shall make answering time studies of its operator services, using recognized sampling techniques, to the extent and with the frequency necessary to determine compliance with this section. Monthly summaries of these studies, prepared with respect to each appropriate operator grouping, must be filed with the commission promptly after the end of each calendar quarter, in accordance with 3 AAC 48.095. (Eff. 1/5/79, Register 69; am 11 / 6 / 2016, Register 220)

Authority: AS 42.05.141 AS 42.05.291 AS 42.05.331
AS 42.05.151

3 AAC 52.320(a) is amended to read:

(a) Each telephone utility shall report to the commission, in accordance with 3 AAC 48.095, all instances where the quality of service it provides fails to meet the surveillance levels specified in these standards for three consecutive months. That report must be filed with the commission within 30 days following the three-month period during which the surveillance levels have not been attained.

(((Publisher: Keep the title number on the same line as the rest of the citation.)))

3 AAC 52.320(b) is amended to read:

(b) Each telephone utility shall report as soon as reasonably possible to the commission, in accordance with 3 AAC 48.095, any specific occurrence or development which disrupts the service to five percent or more of its subscribers in a particular exchange or which has a significant adverse effect on toll network performance. A failure of the automatic number-identifying equipment or a failure of 25 percent or more trunks in any trunk group for a period of more than one hour is considered a significant disruption of service. (Eff. 1/5/79, Register 69; am 11 / 6 / 2016, Register 220)

(((text in brackets is all capital letters.)))

Authority: AS 42.05.141 AS 42.05.291 AS 42.05.331
AS 42.05.151

3 AAC 52.330 is amended to read:

3 AAC 52.330. Capital program and planning statement.

In addition to the annual report required by AS 42.05.451(b), a telephone utility shall file annually with this commission, in accordance with 3 AAC 48.095, a listing of its projected capital improvements projects that exceed \$15,000, arranged by major plant categories, for the current year and the ensuing two years. This filing must include a technical planning statement giving the reasoning underlying the construction program and a demand and facility chart for each central office entity or toll switching facility. The commission will prescribe the form or the format of the report. It is understood that changes after filing may be necessary as economic conditions, experience, and further study dictate. (Eff. 1/5/79, Register 69; am 1/16/2016, Register 220)

Authority: AS 42.05.141

AS 42.05.151

AS 42.05.511

3 AAC 52.333(c)(1) is amended to read:

Publisher: Existing introductory language of 3 AAC 52.333(c) is unchanged.)))

~~(c) If a local exchange telephone utility receives a bona fide request for interconnection in an exchange where interstate equal access is not being provided at the time of the request, that utility shall provide 2-PIC dialing at the same time and on the same schedule as required by the Federal Communications Commission for the implementation of interstate equal access. In this event, presubscription balloting for intrastate interexchange carriers shall be conducted by that utility in coordination with balloting for interstate interexchange carriers, as follows:~~

(1) At least 45 days in advance of the mailing of interstate interexchange presubscription ballots, a local exchange telephone utility shall file with the commission for review and approval, in accordance with 3 AAC 48.095, a proposed intrastate interexchange presubscription ballot that lists the available intrastate interexchange carriers. The ballot must clearly state that a customer may select different interexchange carriers for intrastate and interstate interexchange services. (Eff. 6/27/92,

Register 122; am 10/29/94, Register 132; am 11/11/2001, Register 160; am 4/24/2004, Register 170; am 1/16/2016, Register 220)

Authority: AS 42.05.141

AS 42.05.311

AS 42.05.800

AS 42.05.151

AS 42.05.321

AS 42.05.810

The introductory language of

3 AAC 52.358(b) is amended to read:

(b) Except as provided in (c) of this section, an entity registering under this section shall submit a registration fee of \$100, and shall file, in accordance with 3 AAC 48.095, the following information on a form prescribed by the commission:

Publisher: Keep the title number on the same line as the rest of the citation.)))

3 AAC 52.358(g) is amended to read:

is in accordance with 3 AAC 48.095,

(g) An entity registered under this section shall, on or before January 31 of each year, renew its registration by filing a form prescribed by the commission in accordance with 3 AAC 48.095. The registration renewal must include a statement of

any changes to information submitted with the entity's registration, an annual registration renewal fee of \$50, and a verification that the entity is in compliance with the requirements of (e) and (f) of this section. (Eff. 5/18/2003, Register 166; am

11 / 6 / 2016, Register 220)

Authority:	AS 42.05.141	AS 42.05.381	AS 42.05.661
	AS 42.05.151	AS 42.05.411	AS 42.05.711
	AS 42.05.221	AS 42.05.431	AS 42.05.810
	AS 42.05.361		

3 AAC 52.367(c)(1)(D) is amended to read:

« Publisher: Existing introductory language of 3 AAC 52.367(c) is unchanged. »
~~(e) A registered entity's online tariff must include a table of contents and a section for setting out notices of any proposed tariff revisions, and must set out in plain language a statement of the following:~~

« Publisher: Existing introductory language of 3 AAC 52.367(c)(1) is unchanged. »
~~(1) customer complaint information, including~~

(D) the commission's **mailing** address, **Internet address of the commission's website** and toll-free telephone number;

The introductory language of 3 AAC 52.367(d)(1) is amended to read:

(d) At least 30 days before revising a provision of its online tariff, a registered entity shall file with the commission **in accordance with 3 AAC 48.220, 3 AAC 48.240 and 3 AAC 48.270** [AN ORIGINAL AND TWO PAPER COPIES OF]

3 AAC 52.367(d)(1) is amended to read:

(1) the proposed tariff revision[, AND A COMPACT DISC OR 3.5-INCH DISKETTE CONTAINING THE PROPOSED REVISED TARIFF IN PC-COMPATIBLE, HYPERTEXT MARKUP LANGUAGE (HTML) FORMAT];

3 AAC 52.367(f)(4)-(5) is amended to read:

« Publisher: Existing introductory language of 3 AAC 52.367(f) is unchanged. »

~~(f) Public notice of a registered entity's proposed tariff revision must include a plainly written general description of the proposed tariff revision that is accurate and sufficient to alert consumers of any change to a rate or rule applicable to them, and also must include the following specific information:~~

(4) a statement that any person may, within 20 days after the date of the notice, file comments on the tariff revision with the commission by mail, **through the commission's website** or by electronic mail;

3 AAC 52.367(f)(5) is amended to read:

(5) the commission's **mailing** address, **the Internet address of the commission's website**, and electronic mail address where comments may be filed. (Eff. 5/18/2003, Register 166; am 11 / 6 / 2016, Register 220)

Authority: AS 42.05.141 AS 42.05.381 AS 42.05.431
AS 42.05.151 AS 42.05.411 AS 42.05.711
AS 42.05.361

3 AAC 52.372(b) is amended to read:

(b) No later than three months after the elimination, under 3 AAC 53.350(c), of the carrier common line charge, an interexchange carrier shall file a report, in accordance with 3 AAC 48.095, describing changes it has made in intrastate long distance rates. For a period of five full calendar years thereafter, no later than March 31 of each year, an interexchange carrier shall file an annual report, in accordance with 3 AAC 48.095, demonstrating the extent to which the carrier reduced intrastate long distance rates in the preceding calendar year in conformance with (a) of this section. The interexchange carrier's annual report must either demonstrate flow-through of access charge savings based upon the methodology developed through industry consensus and set out in the joint report submitted to the commission on December 13, 2001 in Docket R-01-1, or demonstrate reasonable progress towards achieving parity between intrastate long distance rates and interstate long distance rates. Under either approach, the annual report must include a schedule showing the change in dollars and minutes of intrastate long distance from year to year segregated between intrastate residential long distance and intrastate business long distance. (Eff. 7/31/2011, Register 199; am 11 / 6 / 2016, Register 220)

“Publisher: keeps title number on same line as the rest of the citation”

Authority: AS 42.05.141 AS 42.05.321 AS 42.05.571
AS 42.05.145 AS 42.05.381 AS 42.05.581
AS 42.05.151 AS 42.05.391 AS 42.05.611
AS 42.05.311 AS 42.05.431 AS 42.05.840

3 AAC 52.380(e) is amended to read:

(e) An interexchange carrier that owns or controls interexchange facilities in the state shall file annually with the commission, in accordance with 3 AAC 48.095, a report identifying occurrences of the carrier's noncompliance with the state telecommunications modernization plan set out in 3 AAC 53.700 - 3 AAC 53.720. The carrier shall also identify progress toward compliance with the deadline requirements of 3 AAC 53.700 - 3 AAC 53.720.

3 AAC 52.380(f) is amended to read:

(f) An interexchange carrier or alternate operator service provider shall annually submit calendar year traffic data, disaggregated by month, within 90 days after the end of each calendar year. The traffic data must be submitted, in a format prescribed by the commission, in accordance with 3 AAC 48.095. (Eff. 3/16/91, Register 117; am 9/1/2002, Register 163; am 5/18/2003, Register 166; am 9/16/2005, Register 175; am 11 / 6 / 2016, Register 220)

“in accordance with 3 AAC 48.095”

“Publisher: In the printed Alaska Administrative Code, in the history note for 3 AAC 52.380, most numerals in the dates are set out in too small a font or as fractions. Please set out the dates in normal font.”

Authority: AS 42.05.141
AS 42.05.151

AS 42.05.221
AS 42.05.241

AS 42.05.431
AS 42.05.990

3 AAC 52.390(f) is amended to read:

(f) For each proposed retail tariff revision, an interexchange carrier shall give public notice of that tariff revision by publication in a widely distributed newspaper of general circulation and shall file with the commission a [WRITTEN AND AN ELECTRONIC] copy of each notice. The carrier shall publish and file each notice no later than five days after filing the proposed tariff revision with the commission.

3 AAC 52.390(g) is amended to read:

website

(g) For each proposed wholesale tariff revision, an interexchange carrier shall provide public notice of that tariff revision on its Internet web site and shall file with the commission [BOTH A WRITTEN AND AN ELECTRONIC] a copy of the notice. The carrier shall post and file the notice no later than five days after filing the proposed tariff revision with the commission.

(((use all capital letters)))

(((transfer)))

3 AAC 52.390(h)(6) is amended to read:

“Publisher: Existing introductory text of 3 AAC 52.390(h) is unchanged.”
~~(h) In a notice required under (f) or (g) of this section, the carrier shall provide a general description of the proposed tariff revision that is accurate, written in plain English, and in sufficient detail to explain the proposal. The notice must include the following information:~~

(6) a statement similar to the following: "Any person may file written comments on this tariff revision with the Regulatory Commission of Alaska on paper [,] at 701 West Eighth Avenue, Suite 300, Anchorage, Alaska 99501 or electronically via the commission's website at (Internet web site address). To assure that the Commission has sufficient time to consider the comments before the revision takes effect, your comments must be filed with the Commission no later than (a specific date, not a weekend or holiday, approximately 7-10 days before the filing takes effect)."

by means of

The introductory language of

3 AAC 52.390(m) is amended to read:

(m) On or before March 31 of each year, an interexchange carrier shall file, in accordance with 3 AAC 48.095, a financial report of the carrier's intrastate interexchange operations in the state for the previous calendar year. Non-interexchange operations must be excluded from the financial report. The financial report must include detailed information regarding

~~3 AAC 52.390(n) is amended to read:~~

Register 220, January 2015, COMMERCE, COMMUNITY, AND EC. DEV.

« Publisher: Former 3 AAC 52.390(n) was repealed 8/1/2015. Retain the "Repealed" notation »

~~(n) On or before March 31 of each year, an interexchange carrier that under (c) of this section is a carrier of last resort or is assigned a responsibility of a carrier of last resort shall file, in accordance with 3 AAC 48.095~~

[The introductory language of]

3 AAC 52.390(o) is amended to read:

*am 10/6/2013, Register 208;
am 8/1/2015, Register 215;*

(o) On or before March 31 of each year, an interexchange carrier shall file with the commission, in accordance with 3 AAC 48.095, a map or a listing identifying each location where the carrier owns or controls interexchange facilities and identifying each type of facility that is sited at each location. After an initial filing, absent changes to the facilities map or listing, the interexchange carrier shall file verification, in accordance with 3 AAC 48.095, that no changes to the map or listing have occurred. If the interexchange carrier does not own or control an interexchange facility in the state, *6* (Eff. 3/16/91, Register 117; am 7/8/93, Register 127; am 9/1/2002, Register 163; am 5/18/2003, Register 166; am 8/27/2004, Register 171; am 9/16/2005, Register 175; am 11/6/2016, Register 220)

Authority: AS 42.05.141
AS 42.05.145

AS 42.05.151
AS 42.05.291

AS 42.05.800

3 AAC 52.450(c)(1)(H) is amended to read:

« Publisher: Existing introductory language of 3 AAC 52.450(c) is unchanged. »

~~(c) The following notice requirements apply to service disconnections permissible under (b) of this section:~~

« Publisher: Existing introductory language of 3 AAC 52.450(c)(1) is unchanged. »

~~(1) Except as provided in (2) of this subsection and in (d) of this section, a utility shall, at least 15 days before the scheduled date of disconnection, mail or deliver to the customer a written notice of its intent to disconnect service. A copy of the termination notice must be simultaneously forwarded to any third party designated by the customer on a service application. The notice must contain, at a minimum, the following information:~~

(H) the telephone number and mailing address of the commission, the Internet address of the commission's website, and a statement that the customer may file a complaint with the commission under 3 AAC 48.120 or 3 AAC 48.130 if not satisfied with the utility's response or resolution of a contested bill or tariff provision; and *2* (Eff. 1/1/87, Register 100; am 4/10/92, Register 122; am 11/6/2016, Register 220)

Authority: AS 42.05.141

AS 42.05.151

AS 42.05.291

[The introductory language of]

3 AAC 52.470(e) is amended to read:

(e) Upon entering into a contract with a nonregulated vendor, other than a contract with a qualifying facility as defined in 3 AAC 50.820(11), for the purchase of energy, including electrical energy or capacity, natural or manufactured gas, diesel oil or

gasoline, or any other fuel source, for a term exceeding 12 months, a utility shall file with the commission the following information, in accordance with 3 AAC 48.095: (Eff. 1/1/87, Register 100; am 1/11/2004, Register 169; am 11/6/2016, Register 220)

Authority: AS 42.05.141
AS 42.05.151

AS 42.05.291

AS 42.05.691

3 AAC 52.490(b)(2)(3) is amended to read:

is Publisher: Existing introductory language of 3 AAC 52.490(b) is unchanged. III

~~(b) A utility shall submit information to the commission regarding service outages as follows:~~

5, in accordance with 3 AAC 48.095,

(2) for an interruption of service, from whatever cause, which affects five percent or more of a utility's total customers or affects a discrete community of customers, and persists for three hours or more, the written report must include a description of the cause and extent of the outage, and must be filed within five working days after service is restored, in accordance with 3 AAC 48.095; and

3 AAC 52.490(b)(3) is amended to read:

5, in accordance with 3 AAC 48.095,

(3) a cumulative 12-month report of its service outages must be filed as a part of the utility's annual report to the commission under AS 42.05.451, in accordance with 3 AAC 48.095. (Eff. 1/1/87, Register 100; am 11/6/2016, Register 220)

Authority: AS 42.05.141
AS 42.05.151

AS 42.05.291

AS 42.05.501

3 AAC 52.504(h) is repealed in its entirety.

(Repealed 1/1/11)

~~(h) THE ELECTRIC UTILITY MUST SUBMIT THE INFORMATION REQUIRED IN (g) OF THIS SECTION ON A 3.5-INCH DISKETTE OR A COMPACT DISC, AND IN AN ELECTRONIC FORMAT COMPATIBLE WITH THE COMMISSION'S DATA-PROCESSING EQUIPMENT AND SOFTWARE, UNLESS THE COMMISSION WAIVES THIS REQUIREMENT BECAUSE THE ELECTRIC UTILITY LACKS A READILY ACCESSIBLE MEANS OR THE CAPABILITY TO PROVIDE ITEMS IN THE REQUIRED ELECTRONIC FORMAT.~~ (Eff. 1/11/2004, Register 169; am 11/6/2016, Register 220)

Authority: AS 42.05.141
AS 42.05.151
AS 42.05.381

AS 42.05.711
AS 42.45.110
AS 42.45.130

AS 42.45.160
AS 42.45.170

3 AAC 52.506(h) is repealed in its entirety.

(Repealed 11/6/2016)

~~(h) THE GAS UTILITY MUST SUBMIT THE INFORMATION REQUIRED IN (g) OF THIS SECTION ON A 3.5-INCH DISKETTE OR A COMPACT DISC, AND IN AN ELECTRONIC FORMAT COMPATIBLE WITH THE COMMISSION'S DATA-PROCESSING EQUIPMENT AND SOFTWARE, UNLESS THE COMMISSION~~

~~WAIVES THIS REQUIREMENT BECAUSE THE GAS UTILITY LACKS A READILY ACCESSIBLE MEANS OR THE CAPABILITY TO PROVIDE ITEMS IN THE REQUIRED ELECTRONIC FORMAT.]~~ (Eff. 1/11/2004, Register 169; am 11/6/2016, Register 220)

Authority: AS 42.05.141
AS 42.05.151
AS 42.05.381

AS 42.05.711
AS 42.45.110
AS 42.45.130

AS 42.45.160
AS 42.45.170

The introductory language of

3 AAC 52.640(b) is amended to read:

in accordance with 3 AAC 48.095

(b) A nonregulated participating electric utility shall request a change in its power cost equalization per kilowatt-hour, in accordance with 3 AAC 48.095, if the utility has

The introductory language of

3 AAC 52.640(f)(2) is amended to read:

Publiser: Existing introductory language of 3 AAC 52.640(f) is unchanged.

~~(f) A participating electric utility shall file with the commission a periodic fuel or purchased power cost report as follows:~~

(2) for a nonregulated participating electric utility, except as provided in (g) of this section, the report required by this subsection shall be filed in accordance with 3 AAC 48.095, on the dates and forms prescribed by the commission based on the historical frequency of a utility's fuel and power purchases and shall include all of the following information or supporting documents: (Eff. 10/28/89, Register 112; am 5/18/96, Register 138; am 9/11/2004, Register 171; am 4/28/2005, Register 174; am 11/6/2016, Register 220)

Authority: AS 42.05.141
AS 42.05.151

AS 42.45.110
AS 42.45.130

AS 42.45.160
AS 42.45.170

3 AAC 52.660(a) is amended to read:

(a) In order for the commission to determine whether the power cost equalization per kilowatt-hour of a participating electric utility is just and reasonable, a utility shall annually file in accordance with 3 AAC 48.095 ~~[WITH THE COMMISSION]~~ a report for review. (Eff. 10/28/89, Register 112; am 9/11/2004, Register 171; am 11/6/2016, Register 220)

Authority: AS 42.05.141
AS 42.05.151

AS 42.45.110
AS 42.45.130

AS 42.45.160
AS 42.45.170

The introductory language of

3 AAC 52.722(a) is amended to read:

7

(a) A utility that is eligible under 3 AAC 52.720 to apply for provisional certification must provide the following information in accordance with 3 AAC 48.095 and on a form prescribed by the commission: 8 (Eff. 6/19/2004, Register 170; am 6/3/2007, Register 182; am 11 / 6 / 2016, Register 220)

Authority: AS 42.05.141
AS 42.05.151
AS 42.05.221

AS 42.05.241
AS 42.05.254

AS 42.05.271
AS 42.05.691

The introductory language of

3 AAC 52.724(a) is amended to read:

in accordance with 3 AAC 48.095,

(a) A provisionally certificated utility shall file the following information each year, no later than 180 days after the close of the utility's annual accounting period, in accordance with 3 AAC 48.095: (Eff. 6/19/2004, Register 170; am 6/3/2007, Register 182; am 11 / 6 / 2016, Register 220)

Authority: AS 42.05.141
AS 42.05.151
AS 42.05.221

AS 42.05.241
AS 42.05.254

AS 42.05.451
AS 42.05.691

3 AAC 52.726(a) is amended to read:

(a) A provisionally certificated utility shall include the following statement on each bill sent to a customer:

"You should contact us first if you have a complaint about your water or wastewater service. If you are not satisfied after contacting us, you may then file a complaint with the Regulatory Commission of Alaska on paper at 701 West Eighth Avenue, Suite 300, Anchorage, Alaska 99501, electronically via the commission's website at (Internet web site address) or telephonically [The Regulatory Commission of Alaska may be contacted toll-free] at 1-800-390-2782, or TDD (907) 276-4533." (Eff. 6/19/2004, Register 170; am 11 / 6 / 2016, Register 220)

by means of

2

all Bracketed text (to be deleted) is all capital letters.

Authority: AS 42.05.141

AS 42.05.151

3 AAC 52.732 is amended to read:

3 AAC 52.732. Tariffs revisions.

A provisionally certificated utility may revise its tariffs without commission approval, but must file any revision within 30 days after the effective date of the revised tariff. The filing must be submitted in accordance with 3 AAC 48.240 and 3 AAC 48.270 and state the effective date of the revised tariff. (Eff. 6/19/2004, Register 170; am 11 / 6 / 2016, Register 220)

Authority: AS 42.05.141

AS 42.05.151

AS 42.05.361

3 AAC 52.900(b) is amended to read:

7

(b) The purpose of 3 AAC 52.900 - 3 AAC 52.940 is to establish a method for reasonable compensation for joint use if a utility owning a pole and another utility fail to agree on compensation for joint use of the pole. An agreement for joint use must be filed with the commission **in accordance with 3 AAC 48.095**. Absent unusual circumstances, the commission will assert its authority over joint use only if the utilities disagree on the terms of joint use or a joint use agreement, or if the commission has reason to believe that the utilities are not acting in accordance with the intent of **AS** 42.05. (Eff. 5/8/88, Register 106; am 2/2/2003, Register 165; am 11 / 6 / 2016, Register 220)

Authority: AS 42.05.151

AS 42.05.311

AS 42.05.321

Publisher: Keep the "AS" on the same line as the rest of the citation.))

3 AAC 52.930 is amended to read:

3 AAC 52.390. Procedure.

If an attaching utility and a pole-owning utility cannot reach agreement on a joint-use issue, including compensation, a complaint may be filed with the commission, and served on the other party, **in accordance with 3 AAC 48.095**, setting out the relevant facts and asking for relief. The other party may file an answer to the complaint within 20 days after service of that complaint. (Eff. 5/8/88, Register 106; am 2/2/2003, Register 165; am 11 / 6 / 2016, Register 220)

Authority: AS 42.05.151

AS 42.05.311

AS 42.05.321

The introductory language of

3 AAC 53.243(d)(2) is amended to read:

~~(d) In connection with any changes to the services offered by a carrier under (c) of this section, the carrier shall, before offering the service,~~
(2) file with the commission, **in accordance with 3 AAC 48.240**, an informational filing that includes a copy of the tariff sheets and a letter identifying

Publisher: Effective August 20, 2016, the commission repealed and readopted all of 3 AAC 53.243. Please keep the introductory language of 3 AAC 53.243(d), and all of 3 AAC 53.243(f), consecutively numbered tariff advice letter providing as the commission repealed and re-adopted these provisions.))

~~3 AAC 53.243(f)(2) is amended to read:~~

~~(f) The provisions of 3 AAC 48.220(c) do not apply to special contracts for services where there is no dominant carrier. Unless a petition for confidential treatment is filed under 3 AAC 48.045, a local exchange carrier may implement a special contract without approval of the commission by:~~

(EFF.)

~~(2) filing with the commission, in accordance with 3 AAC 48.240 ... (Eff. 9/16/2005, Register 175; am 11 / 6 / 2016, Register 220)~~

Authority: AS 42.05.141
AS 42.05.151

AS 42.05.241
AS 42.05.431

AS 42.05.301

AS 42.05.711
AS 42.05.990

am 8/20/2016, Register 219;

AS 42.05.221

The introductory language of 3 AAC 53.245(d) is amended to read:

(d) A petition for a rate modification filed under this section must also be filed in accordance with **3 AAC 48.240 and** 3 AAC 48.270, and must include the following: (Eff. 9/16/2005, Register 175; am 11/6/2016, Register 220)

Authority: AS 42.05.141
AS 42.05.151

AS 42.05.381

AS 42.05.421

The introductory language of

3 AAC 53.265(m) is amended to read:

and

(m) No later than 14 business days after denying a request for service, a local exchange carrier of last resort shall submit, to the commission's staff with oversight of consumer protection, **in accordance with 3 AAC 48.095**, a report regarding the denial of the request for service. The report must include ~~25~~ (Eff. 7/31/2011, Register 199; am 11/6/2016, Register 220)

Authority: AS 42.05.141
AS 42.05.145
AS 42.05.151

AS 42.05.261
AS 42.05.271

AS 42.05.291
AS 42.05.301

3 AAC 53.290(f) is amended to read:

(f) Unless otherwise provided in 3 AAC 53.243, a local exchange carrier shall publish a public notice of all proposed tariff revisions in a local, general circulation newspaper no later than three days after filing it with the commission. The public notice must contain a general description of the filing that is accurate, written in plain English, and sufficient to alert consumers of tariff revisions that may affect either the rules or rates applicable to them. The notice must include sentences containing the following information: the date the utility made or will make its filing with the commission; the date the revisions are expected to become effective; and a statement that both the proposed revisions and the utility's current tariff are available for review at the utility's office for which an address and office hours are provided. The notice must contain sentences similar to the following: "Any person may file comments on this tariff revision with the Regulatory Commission of Alaska (mailing address and Internet web site address). To assure that the commission has sufficient time to consider the comments before the revisions take effect, (utility name) suggests that you file comments no later than (a specific date, not a weekend or holiday, approximately 7-10 days before the filing takes effect)."

The introductory language of 3 AAC 53.290(i) is amended to read:

⑦

(i) On or before March 31 of each year, in accordance with 3 AAC 48.095, a local exchange carrier shall file a financial report of the carrier's operations in the state for the previous calendar year. The carrier's out-of-state operations must be excluded from the financial report. The carrier's financial report must include the following detailed information regarding its local exchange operations: (Eff. 6/21/98, Register 146; am

1/11/2001, Register 160; am 4/24/2004, Register 170; am 9/16/2005, Register 175; am 7/31/2011, Register 199; am 11/6/2016, Register 220)

Authority: AS 42.05.141
AS 42.05.151

AS 42.05.221
AS 42.05.241

AS 42.05.711
AS 42.05.990

3 AAC 53.320(b) is amended to read:

(b) No later than October 1 of each year, in accordance with 3 AAC 48.095, the administrator shall submit the proposed budget described in (a) of this section to the commission for approval for the following year. (Eff. 1/10/99, Register 149; am 7/31/2011, Register 199; am 11/6/2016, Register 220)

Authority: AS 42.05.141
AS 42.05.145
AS 42.05.151

AS 42.05.431
AS 42.05.711

AS 42.05.800
AS 42.05.840

3 AAC 53.330(a)(3)-(4) is amended to read:

“ Publisher: Existing introductory language of 3 AAC 53.330(a) is unchanged. ”

(a) To maintain approval under 3 AAC 53.310,

③ (3) the administrator shall report annually to the commission, in accordance with 3 AAC 48.095, an itemization of monthly administrative costs, including expenses, receipts, and payments associated with the administration of the AUSF; the administrator shall provide the commission full access to the data collected under or prepared through the administration of the AUSF;

3 AAC 53.330(a)(4) is amended to read:

④ (4) the administrator shall report quarterly to the commission, in accordance with 3 AAC 48.095, on the disbursement of money from the AUSF along with any recommended changes to the universal service surcharge factor; the administrator shall keep separate accounts for the universal service surcharge collected and universal service support disbursed; and ② (Eff. 1/10/99, Register 149; am 11/6/2016, Register 220)

Authority: AS 42.05.141
AS 42.05.145
AS 42.05.151

AS 42.05.431
AS 42.05.711

AS 42.05.800
AS 42.05.840

The introductory language of

① 3 AAC 53.440(a) is amended to read:

(a) A common carrier seeking designation as an eligible telecommunications carrier must file, for each study area or portion of a study area where eligible telecommunications carrier designation is sought, a request, **in accordance with 3 AAC 48.095**, that includes

Keep title number on same line as rest of citation)))

(Eff. 7/12/2009, Register 191; am 11/6/2016, Register 220)

3 AAC 53.440(b) is amended to read:

Authority: AS 42.05.141 AS 42.05.291 AS 42.05.431
AS 42.05.145 AS 42.05.306 AS 42.05.661
AS 42.05.151 AS 42.05.381

(b) The requesting common carrier shall serve a copy of its petition, **in accordance with 3 AAC 48.090**, on any common carrier that has been designated as an eligible telecommunications carrier in any part of the proposed eligible telecommunications carrier service area. (Eff. 7/12/2009, Register 191; am

11/6/2016, Register 220)

Authority: AS 42.05.141

AS 42.05.145

AS 42.05.151

The introductory language of 3 AAC 53.460(a) is amended to read:

(a) A common carrier designated as an eligible telecommunications carrier shall provide on or before March 31 of each year, **in accordance with 3 AAC 48.095** (Eff. 7/12/2009, Register 191; am 11/6/2016, Register 220)

Authority: AS 42.05.141
AS 42.05.145

AS 42.05.151

AS 42.05.291

3 AAC 53.625(b) is amended to read:

in accordance with 3 AAC 48.095

(b) A directory assistance provider may not charge unjust and unreasonable rates for 411 dialed or 907-555-1212 dialed intrastate directory assistance, grant an unreasonable preference or advantage, or subject a customer to an unreasonable prejudice or disadvantage. If only one directory assistance provider serves all customers in the state, that provider shall file its contracts and contract amendments for the provision of 411 dialed and 907-555-1212 dialed intrastate directory assistance with the commission, **in accordance with 3 AAC 48.095**. Unless the commission initiates an investigation, a filing under this subsection becomes effective 30 days after filing. (Eff. 11/24/2004, Register 172; am 11/6/2016, Register 220)

Authority: AS 42.05.141
AS 42.05.151
AS 42.05.145
AS 42.05.291

AS 42.05.361
AS 42.05.381
AS 42.05.391

AS 42.05.411
AS 42.05.421
AS 42.05.431

3 AAC 53.750(b) is amended to read:

(b) The commission will establish a deadline for the submission of requests for the establishment of public interest pay telephones that meet the criteria for that

Register 220, January 201⁷ COMMERCE, COMMUNITY, AND EC. DEV.

designation as set out in 3 AAC 53.745. A request must **be submitted in accordance with 3 AAC 48.095 and** indicate the exchange and the physical address or location for each public interest pay telephone. A request to designate an existing pay telephone as a public interest pay telephone must include sufficient cost and revenue information for the commission to determine the profitability of the pay telephone. (Eff. 1/11/2001,

Register 157; am 11/6/2016, Register 220)

Authority:	AS 42.05.141	AS 42.05.311	AS 42.05.810
	AS 42.05.151	AS 42.05.321	AS 42.05.840
	AS 42.05.291		

MEMORANDUM


State of Alaska
Department of Law

To: Hon. Byron Mallott
Lieutenant Governor

Date: October 5, 2016

File No.: JU2015200764

Tel. No.: 465-3600

From: Steven C. Weaver 
Sr. Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Re: Regulations update re: electronic
filing requirements and procedures
(3 AAC 47; 3 AAC 48; 3 AAC
49.060; 3 AAC 51; 3 AAC 52; 3 AAC
53)

We have reviewed the attached regulations from the Regulatory Commission of Alaska against the statutory standards of the Administrative Procedure Act. I have reviewed this project under a specific delegation dated October 3, 2016 from the Regulations Attorney. These regulations update electronic filing requirements and procedures across a number of regulatory chapters.

We find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

We note that though the certification of adoption order was mistakenly titled as an adoption order, the body of the order is correctly expressed as a certification of the Regulatory Commission of Alaska's March 25, 2016 adoption action. We also note that though the affidavit of commission action was mistakenly titled as an affidavit of oral hearing, the body of the affidavit correctly uses the text for an affidavit of commission action: it refers to the motion to adopt the regulations and the passage of that motion at the commission's March 25, 2016 meeting. Also, the affidavit was accompanied by a transcript of the March 25, 2016 meeting at which the commission adopted the regulations. Therefore, the typographical errors in the document titles are not a substantive violation of AS 44.62 (Administrative Procedure Act).

The August 29, 2015 public notice and the September 16, 2016 certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

Hon. Byron Mallott, Lieutenant Governor
Our file: JU2015200764

October 5, 2016
Page 2

We have made some technical corrections to the regulations in accordance with AS 44.62.125, as shown on the attached copy.

SCW

cc w/enc: (via email)

Robert M. Pickett, Chair
Regulatory Commission of Alaska

MEMORANDUM


State of Alaska Department of Law

To: Robert M. Pickett, Chair
Regulatory Commission of Alaska

Date: October 5, 2016

File No.: JU2015200764

Tel. No.: 465-3600

From: Steven C. Weaver 
Sr. Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Re: Regulations update re: electronic
filing requirements and procedures
(3 AAC 47; 3 AAC 48; 3 AAC
49.060; 3 AAC 51; 3 AAC 52; 3 AAC
53)

Under AS 44.62.060, we have reviewed the attached changes by the Regulatory Commission of Alaska and approve the changes for filing by the lieutenant governor. I have reviewed this project under a specific delegation dated October 3, 2016 from the Regulations Attorney.

You might wish to contact the lieutenant governor's office to confirm the filing date and effective date of the attached regulations changes.

We note that though the certification of adoption order was mistakenly titled as an adoption order, the body of the order is correctly expressed as a certification of the Regulatory Commission of Alaska's March 25, 2016 adoption action. We also note that though the affidavit of commission action was mistakenly titled as an affidavit of oral hearing, the body of the affidavit correctly uses the text for an affidavit of commission action: it refers to the motion to adopt the regulations and the passage of that motion at the commission's March 25, 2016 meeting. Also, the affidavit was accompanied by a transcript of the March 25, 2016 meeting at which the commission adopted the regulations. Therefore, the typographical errors in the document titles are not a substantive violation of AS 44.62 (Administrative Procedure Act).

The August 29, 2015 public notice and the September 16, 2016 certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

Robert M. Pickett, Chair
Regulatory Commission of Alaska
Our file: JU2015200764

October 5, 2016
Page 2

We have made some technical corrections to the regulations in accordance with AS 44.62.125, as shown on the attached copy.

SCW

cc w/enc: (via email)

Micaela Fowler, Regulations Contact
Department of Commerce, Community, and Economic Development

J.P. Wood, Chief Administrative Law Judge and Regulations Specialist
Regulatory Commission of Alaska
Department of Commerce, Community, and Economic Development

Rich Gazaway, Administrative Law Judge
Regulatory Commission of Alaska
Department of Commerce, Community, and Economic Development

Megyn A. Greider, Assistant Attorney General
Commercial and Fair Business Section

Stuart W. Goering, Sr. Assistant Attorney General
Commercial and Fair Business Section

MEMORANDUM


State of Alaska Department of Law

TO: Hon. Byron Mallott
Lieutenant Governor

DATE: October 3, 2016

FILE NO.: JU2015200764

TELEPHONE NO.: 465-3600

FROM: Susan R. Pollard 
Chief Assistant Attorney General
& Regulations Attorney
Legislation/Regulations Section—Juneau

SUBJECT: Specific delegation of authority
regarding regulations review on
Regulatory Commission of
Alaska regulations re: electronic
filing requirements and
procedures (3 AAC 47; 3 AAC
48; 3 AAC 49.060; 3 AAC
51; 3 AAC 52; 3 AAC 53)

By this memorandum, I am delegating my authority as Regulations Attorney under AS 44.62 to Assistant Attorney General Steven C. Weaver for the above-referenced regulations project. Under this delegation of authority, Steven Weaver has my full authority under AS 44.62 to conduct the legal review under AS 44.62 and take necessary actions on this regulations project.

If you have questions, please let me know.

SCW

cc w/enc:

Scott C. Meriwether, AAC Coordinator
Office of the Lieutenant Governor

Steven C. Weaver
Sr. Assistant Attorney General
Legislation/Regulations Section—Juneau

AFFIDAVIT OF ORAL HEARING

I, Rich Gazaway, Administrative Law Judge of the Regulatory Commission of Alaska, being sworn, state the following:

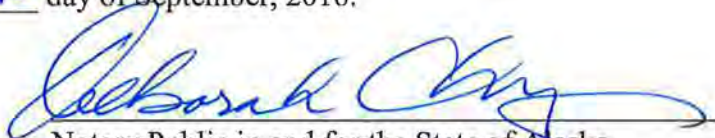
The attached motion to adopt regulation addressing the implementation of electronic filing was passed by the Regulatory Commission of Alaska during its March 25, 2016, public meeting.

Date: September 15, 2016
Anchorage, Alaska


Rich Gazaway, Administrative Law Judge

Subscribed and sworn to before me this 15th day of September, 2016.




Notary Public in and for the State of Alaska
My commission expires: with office

REGULATORY COMMISSION OF ALASKA
Special Public Meeting

March 25, 2016

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

STATE OF ALASKA
REGULATORY COMMISSION OF ALASKA

Before Commissioners: Robert M. Pickett, Chairman
Stephen McAlpine
Rebecca Pauli
Norman Rokeberg
Janis W. Wilson

REGULATORY COMMISSION OF ALASKA
701 West Eighth Avenue, Suite 300
Anchorage, Alaska 99501

SPECIAL PUBLIC MEETING
March 25, 2016
9:00 a.m

REGULATORY COMMISSION OF ALASKA
Special Public Meeting

March 25, 2016

1	TABLE OF CONTENTS		
2	ITEM	ISSUE	PAGE
3	1	Public Participation	3
4	2	R-15-002 - In the Matter of the	4
5		Consideration of Additional	
6		Regulations Implementing Electronic	
7		Filing	
8	3	R-15-006 - In the Matter of	65
9		Consideration of Revisions to	
10		Tariff Form and Filing	
11		Requirements	
12	4	Other Business	81
13	5	Executive Session as Required	81
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

1 P R O C E E D I N G S

2 CHAIRMAN PICKETT: Good morning.

3 This is a special public meeting of the Regulatory
4 Commission of Alaska. It's Friday, March, 25th,
5 2016, approximately 9:05 a.m. With me on the dais
6 are Commissioner Pauli and Commissioner Wilson.
7 And I'm Chairman Bob Pickett. Commissioners
8 Rokeberg and McAlpine will hopefully be joining us
9 shortly.

10 Item number one is public participation. Are
11 there any members of the Anchorage audience who
12 would care to address the Commission this morning?
13 If so, please come forward to the back table, make
14 sure the mic is on, and keep your comments to less
15 than five minutes.

16 MS. O'CONNOR: Thank you, Chairman
17 Pickett. I'm Christine O'Connor with the Alaska
18 Telephone Association. And I would just like to
19 recognize Jana for her hard work and dedication.
20 I understand this is her last public meeting.

21 We just want to say good job putting up with
22 us, being patient, being continually professional,
23 and being willing to roll up your sleeves when the
24 weird stuff came along.

25 In my former life, I was often calling Jana

1 saying: well, I think I should be able to do
2 this. What do you think? And she never flinched,
3 at least not visibly. So thank you, Jana. We
4 really appreciate your work. Stay in touch. And
5 I'm sure we'll be seeing you around. Thank you.

6 CHAIRMAN PICKETT: And, Christine,
7 trust me, she gets a lot of weird stuff from the
8 Commissioners, too.

9 Is there anyone else in the Anchorage
10 audience who would care to address the Commission?
11 Is there anyone online who would care to make any
12 comments to the Commission? Hearing none, we will
13 close out agenda item number one.

14 Agenda item number two is R-15-002, In the
15 Matter of the Consideration of Additional
16 Regulations Implementing Electronic Filing. Jana
17 has prepared a memo with her recommendations, and
18 I will turn it over to her at this point. Jana?

19 MS. GRENN: Good morning,
20 Commissioners. So I'd like to just start with
21 giving you what the recommendation for today is
22 going to be. Today we -- staff is proposing that
23 you adopt the proposed amendments to Title 3,
24 Chapters 47 through 53 of the Alaska
25 Administrative Code as shown in Exhibit JAG-1,

1 which is the decisional matrix in front of you
2 today, to expand electronic filing to all
3 non-docket-related proceedings and reports.

4 So, basically, I'd like to start back and
5 give you a brief history of the docket, and then
6 we'll go into the actual recommendations that
7 we'll be making today. On December 11, 2011, the
8 Commission adopted electronic filing regulations
9 in Docket R-09-004. The regulations required
10 mandatory electronic filing in all docket
11 proceedings with an opportunity for waiver.

12 They did, however, prohibit the filing of any
13 confidential record electronically. And the
14 regulations took effect February 16th, 2012. Due
15 to time constraints within the docket, the
16 electronic filing regulations did not address
17 electronic submission of tariff advice filings,
18 reports, or other filing requirements.

19 Consequently, public utilities and pipeline
20 carriers are currently required to submit tariff
21 revisions, reports, and other non-docket-related
22 filings to the Commission on paper, which means 10
23 plus an original. This is only required for those
24 utilities, pipeline carriers, and other company
25 representatives that participate in the

1 Commission's electronic filing testing system
2 known as the beta testers. At the public meeting
3 held on February 25th, 2015, the Commission voted
4 to open Docket R-15-002 to address the electronic
5 submission of filings in docket and
6 non-docket-related proceedings and scheduled a
7 technical conference to convene on April 27th.

8 The technical conference was held on the date
9 prescribed by the Commission and included a number
10 of representatives from industry as well as the
11 Department of Law, Regulatory Affairs, the Public
12 Advocacy Section, and various members of the
13 Commission's staff.

14 The Commission issued Order R-15-002(2),
15 which provided comment on the proposed regulations
16 after the technical conference. Initial comments
17 were due October 12th and reply comments were due
18 November 12th of 2015. The Commission received
19 six initial comments and five reply comments. And
20 a summary of the comments have been prepared for
21 you as JAG-2 for Docket R-15-002.

22 So with that, I'd like to go into
23 some of what the commenters responded to us on in
24 the revisions that I'm proposing today from the
25 regulations that were initially issued for comment

1 in R-15-002. So we'll start with the basic
2 overall construct of the regulations, which is
3 that this will allow the permissive electronic
4 filing of any document to the Commission; meaning
5 you can file on paper or electronically through
6 the Commission's system, meaning you'll no longer
7 have to file 10 copies plus an original filing.
8 If you do submit something on paper, we're only
9 requiring five copies, which will be enough to do
10 our internal processing.

11 The one thing that -- there's two
12 items that will be mandatory to be filed
13 electronically and those are the regulatory cost
14 charge reports, both quarterly and annual, and
15 confidential documents; which technical conference
16 participants from R-09-004 and going forward
17 believe are better to be filed on paper to the
18 Commission, though they may be submitted
19 electronically to the parties within a docket.

20 The other interesting part of the regulations
21 is that we will still be requiring mandatory
22 service electronically in all docket proceedings,
23 which was requested by the technical conference
24 participants. That's only for docketed
25 proceedings, formal proceedings before the

1 Commission.

2 So with that, I'll start on Exhibit JAG-2,
3 page 3, and on Exhibit JAG-1, page 17. So
4 initially we decided to require the mandatory
5 filing -- electronic filing of regulatory cost
6 charge reports. Staff created a new subsection,
7 3 AAC 47.065. Chapter 47 is where the regulations
8 for the regulatory cost charge calculations and
9 reports are found.

10 The regulations we inserted into that section
11 listed the mandatory requirement for electronic
12 filing, and they basically mirrored what we had in
13 3 AAC 48.095. The comments we received said that
14 all electronic filing regulations should really be
15 consolidated under 48.095, and that it would just
16 be preferable to reference back to 48.095 in
17 Chapter 47 when there were specific requirements.

18 So what staff is proposing today, as you'll
19 see on page 17 of Exhibit JAG-1 which is the
20 decisional matrix, is that staff would like you to
21 adopt option two; which states that, "Unless
22 otherwise specified by order or another applicable
23 provision of this chapter, all filings submitted
24 to the Commission, with the exception of
25 regulatory cost charge reports, may be filed

1 electronically or on paper." That's the
2 permissive filing that we've been talking about.

3 Then it goes into, "Reports submitted in
4 accordance with 3 AAC 47.050(b) or
5 3 AAC 47.060" -- which are the quarterly and
6 annual RCC reports -- "shall be filed
7 electronically unless waived in accordance with
8 (1)" -- which are waiver provisions. If you are
9 technically unable to submit an electronic filing,
10 you can seek a waiver from the Commission -- "of
11 this section or otherwise specified by order."

12 So we're integrating all of the requirements
13 for electronic filing into one section now and
14 stating what must mandatorily be filed
15 electronically and that everything else can be
16 filed permissively.

17 Are there any questions?

18 (Commissioner McAlpine joins dais.)

19 CHAIRMAN PICKETT: So before we go
20 on, would it be helpful for us to adopt the
21 various options rather than try -- what's your
22 preference?

23 MS. GRENN: It depends. The
24 decisional matrix is extensive. It's about 75
25 pages, and there's options under each regulation

1 that I'm proposing to change today. These are
2 just the sections that we had comments on that
3 were put in the notice that I'm changing the
4 language based on what we've already issued out
5 for comment.

6 CHAIRMAN PICKETT: Okay.

7 MS. GRENN: So it's up to you,
8 whatever you would like to do today.

9 CHAIRMAN PICKETT: Yeah. I guess
10 my concern is if we get a bunch of these going and
11 there's like the original staff proposed
12 regulation and then the staff amended based on
13 comments, it may make a clearer record if we go
14 back and see specifically what it is the
15 Commission agreed.

16 Rich, any thoughts?

17 MR. GAZAWAY: It will take a while,
18 but we could go through that process.

19 CHAIRMAN PICKETT: Any Commissioner
20 preference? Commissioner Wilson, any thoughts on
21 that?

22 COMMISSIONER WILSON: I think
23 perhaps if there's any -- not necessarily an up or
24 down vote on each, but if there's any discussion
25 on each item that she goes through with respect to

1 the comments, perhaps we should take them up when
2 we're thinking about them.

3 CHAIRMAN PICKETT: Okay. So let's
4 take option two, post-comment staff-proposed
5 regulations, on page 17 of 75 in JAG-1.

6 Are there any Commissioner comments?
7 Questions? Commissioner Pauli?

8 COMMISSIONER PAULI: I have a
9 question regarding the second-to-the-last sentence
10 that says "additional copies of an electronic
11 filing." How would there be additional copies of
12 an electronic filing?

13 would it be just resubmitted?

14 MS. GRENN: I believe what was
15 anticipated is that someone would submit something
16 electronically and then also deliver a paper
17 version of their electronic filing to us or fax us
18 a courtesy copy. That those won't be used to
19 establish statutory time lines for the filing.
20 We're going strictly on what's received through
21 the Commission's electronic filing system.

22 COMMISSIONER PAULI: Okay. Okay.
23 Thank you.

24 CHAIRMAN PICKETT: Any thoughts,
25 Commissioner McAlpine, on option two on page 17 of

1 75?

2 COMMISSIONER McALPINE: No. I'm
3 fine with that.

4 CHAIRMAN PICKETT: Okay. It sounds
5 like it is the consensus of the Commission to go
6 with option two, post-comment staff-proposed
7 regulation on page 17 of 75.

8 Please continue.

9 MS. GRENN: Next we'll move to
10 page 18 of Exhibit JAG-1 and corresponding page 6
11 on Exhibit JAG-2. This is titled 3 AAC 47.065(f),
12 which was the section for the RCC requirements;
13 but it's also the same language that we see in
14 3 AAC 48.095(g), which is an existing regulation.
15 In general, the regulation stated that an
16 electronic file description name must be as
17 descriptive as possible, and that Commission staff
18 can change that name if it assists in processing
19 the filing.

20 Comments we received stated that no one was
21 opposed to the Commission staff being allowed to
22 change the file description or name, but requested
23 that staff be required to notify a filer when they
24 do so so that they can maintain the same names
25 that the Commission records will reflect.

1 In order to make that correction, staff added
2 language to the end of subsection (g) that says,
3 "Commission staff will notify a filing entity, in
4 writing, of any file description or file name
5 changes." And it's just basically a courtesy on
6 our part to make sure our records reflect a
7 filer's records and there's no discrepancy between
8 the two.

9 CHAIRMAN PICKETT: Any Commissioner
10 questions or comments on option one, post-comment
11 staff-proposed regulation on page 18 of 75?
12 Seeing none, the Commission consents and agrees
13 with that option.

14 MS. GRENN: Next we'll move to
15 page 26 of Exhibit JAG-1 and page 10 of Exhibit
16 JAG-2. This is dealing with filing service
17 amendment and disposition of service pleadings
18 under 3 AAC 48.490(b) subsection (2) through (3).

19 Initially when the Commission proposed these
20 regulations for the technical conference, staff
21 thought that it might be reasonable to only
22 require permissive notice -- or permissive service
23 of pleadings to other parties. And technical
24 conference participants were pretty adamant that
25 they would like to see mandatory service in

1 documents -- electronic mandatory service.

2 So staff reverted the regs back to what they
3 were originally and noticed them in R-15-002. The
4 comments we received back were in support of what
5 staff had done but had a couple little clarifying
6 issues they would like to see addressed.

7 First, the proposed language commenters
8 believed could be interpreted to allow a party not
9 to serve another party electronically.
10 Specifically in 48.090(b) subsection (2) there was
11 a clause that said, "except as filings provided in
12 (3) of this subsection, everything shall be served
13 electronically." And subsection (3) basically
14 required that certain filings, including filings
15 on paper, be served by U.S. Mail.

16 So commenters believed a party in a docket
17 proceeding that elected to file on paper may claim
18 that the language in that subsection allowed them
19 to serve a document on other parties by mail,
20 which is not what the technical conference
21 participants had wanted.

22 Additionally, we had comments that said the
23 regulations in this subsection did not mirror the
24 regulations in 3 AAC 48.142, which was the service
25 of discovery, and it highlighted a problem with

1 who must agree to the alternative service.
2 3 AAC 48.090(b)(2) indicated that the sending and
3 receiving party must agree to alternative service,
4 while 48.142 stated that every party in the docket
5 proceeding must agree to alternative means of
6 service.

7 So in order to address those, staff is
8 proposing that we remove the reference to
9 subsection (3) that states certain filings may be
10 submitted by paper, and remove any references to
11 paper copies when it comes to service in docketed
12 proceedings. Service must be done electronically
13 between the parties, end of story. And that,
14 hopefully, will clarify the language and address
15 any issues that commenters had.

16 Further, staff is proposing to amend that in
17 a docket proceeding a party may serve on paper
18 including oversized documents and confidential
19 material to the Commission in person, by U.S.
20 Mail, or similar delivery service. However,
21 electronic service is still required of all those
22 types of documents to other parties unless
23 alternative service is agreed to between the
24 sending and receiving parties.

25 We're making it very clear that all parties

1 that are going to submit paper filings to the
2 Commission can do so, but they must serve those
3 documents electronically to the parties in the
4 docket. And if they want to do it any other way,
5 the sending and receiving party must agree to the
6 alternative means of service.

7 As far as dealing with the discrepancy
8 between this regulation and 48.142, staff is
9 processing a clarifying revision under that
10 section to state that the sending party may not
11 substitute paper service for electronic service on
12 another party unless both parties agree to be
13 served in this manner. So we're making sure the
14 regulations on service of discovery and service of
15 docket proceedings are identical; sending and
16 receiving parties must agree to alternate means of
17 service.

18 CHAIRMAN PICKETT: Are there any
19 Commissioner questions or comments on option two,
20 post-comment staff-proposed regulation on page 26
21 of 75? Seeing none, the Commission will agree
22 with that option two.

23 MS. GRENN: All right. So the
24 final section we're going to talk about is going
25 to be on page 28 of Exhibit JAG-1 and page 18 of

1 Exhibit JAG-2. This is 3 AAC 48.182(b) through
2 (c) and, also, 48.1803(a) through (e), which is
3 notice of public meetings and the public meeting
4 agendas.

5 The issues with these sections were not
6 initially discussed at the technical conference
7 but came after the technical conference from staff
8 at the Commission requesting that we clarify that
9 the Commission may post their notice of public
10 meetings and public meeting agendas on their Web
11 site. So this was included in the notice that was
12 issued in R-15-002, but was not discussed at the
13 technical conference.

14 In general, the commenters supported posting
15 notices on the Commission's Web site, though many
16 of them suggested that the Commission be required
17 to post the notices, making it mandatory. They
18 also suggested the elimination of newspaper legal
19 notices, stating that they don't inform the
20 most -- a greater number of the public and that
21 it's not the most efficient means of noticing at
22 this time.

23 In response, we received comments from the
24 Attorney General's Office, which cited to Alaska
25 Statute 44.62.310(e), "which governs notice of

1 government public meetings and states that notice,
2 one, may be given using print or broadcast media
3 and, two, shall be posted at the principal office
4 of the public entity."

5 So with that in mind, staff is proposing to
6 amend the regulations under 48.182, notice of
7 public meetings, to allow the Commission to post
8 notices on its Web site, meaning we're not going
9 to use "will" as a mandatory language requirement
10 but use "may." So we're leaving the Commission
11 open with flexibility to notice public meetings
12 however we see fit at the time, whether that be by
13 mailing a person a notice, by e-mailing it to
14 them, by posting it on the Commission's Web site.

15 We are still required to post a copy of all
16 our public meeting notices at our Commission
17 offices by virtue of the statute under
18 AS 42.62.310(e). So that will remain in the
19 regulations.

20 In addition, there is something that just
21 came up this morning that I'd like to discuss with
22 you as far as the public meeting notices as well
23 under 48.182. This is subsection (d), which
24 states that, "Notice of each public meeting will
25 be recorded on the Commission's public meeting

1 recording and will include date, time and place of
2 the meeting, and general topics to be discussed or
3 considered at the meeting."

4 Unfortunately, this part of the regulation
5 did not make it into the technical conference
6 discussion, nor was it formally noticed as one of
7 the provisions we'd be amending today. However,
8 it's come to staff's attention that we no longer
9 perform this function, nor have we for a very long
10 time. And there is no open public meeting
11 requirement in the statutes that require that we
12 do this. So staff is recommending that we amend
13 this regulation to remove the mandatory "will"
14 language and replace it with "may."

15 CHAIRMAN PICKETT: And that would
16 be included in your option two, basically?

17 MS. GRENN: Yes. It's not in your
18 packet --

19 CHAIRMAN PICKETT: Right.

20 MS. GRENN: -- because it just came
21 up today. But we will incorporate it into the
22 final adopted regulations. So the regulation for
23 3 AAC 48.182(d) would read as -- I'll read it into
24 the record so that we have it for our order.

25 CHAIRMAN PICKETT: Okay.

1 MS. GRENN: "Notice of each public
2 meeting may be recorded on the Commission's public
3 meeting recording and may include date, time and
4 place of the meeting, and general topics to be
5 discussed or considered at that meeting."

6 CHAIRMAN PICKETT: I will turn to
7 the Attorney General and ask if that is sufficient
8 that it was not originally noticed but is within
9 the scope of the original notice. Could you
10 address that?

11 MS. GREIDER: Yes. Thank you,
12 Chairman Pickett. There is no notice problem.
13 There is no procedural or substantive problem --

14 CHAIRMAN PICKETT: Is your mic on?
15 I don't think --

16 MS. GREIDER: It is. Can you not
17 hear me?

18 CHAIRMAN PICKETT: Okay. Go ahead.

19 MS. GREIDER: Thank you, Chairman
20 Pickett. There is no procedural or substantive
21 problem with the Commission adopting the proposed
22 regulation change today. Thank you.

23 CHAIRMAN PICKETT: Okay. I will
24 note that Commissioner McAlpine joined us about 15
25 minutes ago and Commissioner Rokeberg just joined

1 us.

2 (Commissioner Rokeberg joins dais.)

3 CHAIRMAN PICKETT: So Commissioner
4 comments on this? Commissioner McAlpine?

5 COMMISSIONER MCALPINE: This was a
6 matter that I discussed with other Commissioners
7 yesterday. I dialed that number and noticed that
8 the meeting that was noticed on that number was
9 one of several months ago. And it came to my
10 attention that in order to get that number, you
11 have to have a copy of the agenda. And at the
12 bottom of the agenda in the tiny print is the
13 telephone number that you may call.

14 So in order to get the agenda, you have to
15 have a copy of the agenda in order to find the
16 number that you're about to dial. So I agree with
17 staff's recommendation, it would be my
18 recommendation that we eliminate that in its
19 entirety. Since that number -- or that agenda
20 item was posted several months ago, no one has
21 called that number.

22 And it doesn't strike me as odd that no one
23 would call that number because they would have had
24 to have already had the agenda in order to get the
25 agenda that they were seeking by calling the

1 number. So I would propose, I guess, that we
2 eliminate it in its entirety -- and I don't know,
3 Megyn, whether that would meet -- cause any notice
4 problems. Because, certainly, they have notice
5 before they call the number. And that would be my
6 feeling about it. I think that, doing as staff
7 suggested, that we "may" post would certainly
8 alleviate any concern.

9 CHAIRMAN PICKETT: Megyn?

10 MS. GREIDER: Thank you, Chairman
11 Pickett.

12 Commissioner McAlpine, eliminating subsection
13 (d) entirely leaves the Commission free to
14 creatively notice via voicemail messages, as long
15 as the posting is still done. It is. It's posted
16 on the online public notice system, the notice
17 requirements of 44.62.310(e) are met, and it
18 remains permissive if you choose to use voicemail
19 messages or additional venues for notice of public
20 agendas for public meetings.

21 Does that answer your question?

22 CHAIRMAN PICKETT: So it's your
23 recommendation to delete that --

24 COMMISSIONER MCALPINE: I would
25 move that we delete subsection (d). At the risk

1 of offending anyone, it's rather obtuse.

2 CHAIRMAN PICKETT: Okay. Why don't
3 you put that in the form of a motion since that
4 is --

5 COMMISSIONER MCALPINE: I'm sorry.
6 I thought I did. I would move that we eliminate
7 subsection (d).

8 CHAIRMAN PICKETT: Is there a
9 second?

10 COMMISSIONER WILSON: Second for
11 purposes of discussion.

12 CHAIRMAN PICKETT: Commissioner
13 discussion? Commissioner Rokeberg, you have your
14 finger on the button.

15 COMMISSIONER ROKEBERG:
16 Mr. Chairman, my only concern here is that we make
17 sure that we're all comfortable with the level of
18 notice that we can provide the public,
19 particularly the disabled community, those people
20 that need assistance to call in -- even people in
21 the deaf community can use the TRS or the people
22 in the blind community -- to make sure they have
23 ready access to any agenda that we have for a
24 public meeting.

25 This is particularly important because this

1 is the one opportunity we have to interface with
2 the public, particularly with our open mic
3 procedure. So I want to make sure whatever we do
4 I would be supporting the amendment but not
5 without making sure we have adequate replacement
6 for the ability to contact and communicate with
7 this Commission.

8 CHAIRMAN PICKETT: Commissioner
9 Pauli?

10 COMMISSIONER PAULI: I'd like to
11 ask the AG: Does this present any ADA concerns?

12 MS. GREIDER: Given -- Commissioner
13 Pauli, given that notice is posted as required, is
14 posted online as required and mailed out to
15 interested parties at times, the notice is
16 being -- is meeting the requirements of the
17 statute.

18 As far as the Americans with Disabilities
19 Act, I don't know that that is cured by the
20 presence or absence of a voicemail message.
21 Because, as Commissioner McAlpine pointed out, in
22 order to get the phone number to call the
23 voicemail message to find out the details of the
24 meeting, you would have to have the details of the
25 phone number.

1 COMMISSIONER PAULI: But that's
2 something that could be changed. I'm not adverse
3 to deleting obsolete regulations. And -- but I
4 just want to second Mr. Rokeberg's concern -- or
5 Commissioner Rokeberg's concern about the
6 accessibility for whoever might be interested.
7 But --

8 MS. GREIDER: The absence -- excuse
9 me --

10 COMMISSIONER PAULI: So, I mean, I
11 just was wondering if you were aware of that. And
12 so if you're not, that's fine.

13 MS. GREIDER: Commissioner Pauli, I
14 don't know that, again, the absence or presence of
15 subsection (d) cures any ADA concerns. I think
16 the ADA concerns are cured by the fact that notice
17 is being provided visually on the web site and
18 with the posting here at the Commission and the
19 sometimes mailing out to interested entities.
20 That meets the minimum requirements of the statute
21 as well as the ADA.

22 And without a subsection (d), you know,
23 articulating specifically what the Commission will
24 do or may do, the Commission is free to, as I
25 said, creatively address -- if it perceives of a

1 community or population that is not receiving
2 adequate notice, to address that and remedy that
3 in their discretion.

4 COMMISSIONER PAULI: Okay. Thank
5 you.

6 MS. GREIDER: Thank you.

7 CHAIRMAN PICKETT: Commissioner
8 Rokeberg?

9 COMMISSIONER ROKEBERG:
10 Mr. Chairman, I think perhaps the fix may be more
11 procedural than regulatory in a certain sense. If
12 we have procedures that are in place that allow
13 the communications to be completed with the
14 public, rising to the level of regulation may not
15 be entirely necessary.

16 For example, if the -- our number -- our
17 general number is available and our receptionist
18 staff, people that man the phones, have a ready
19 copy that they could read the agenda at the
20 request of anybody calling in and make sure that
21 is noticed on our web site, things of that nature.
22 If we can tidy up the procedures, we don't need to
23 have additional regulations.

24 CHAIRMAN PICKETT: Well, I think
25 what Commissioner McAlpine is proposing is the

1 deletion of a regulation that seems to be archaic
2 and is not actually happening.

3 COMMISSIONER MCALPINE: If I may,
4 Mr. Chairman, Commissioner Rokeberg brings up a
5 good point, and that is someone who doesn't have
6 access to the Internet and wants to know about the
7 agenda. The number that the regulations ask that
8 they call is 263-2111. And that number is, as I
9 understand it, dedicated to the purpose of
10 providing the agenda.

11 But, again, you can't get that number unless
12 you have a copy of the agenda. The regular number
13 of the Commission is 263-26 --

14 COMMISSIONER WILSON: 276.

15 COMMISSIONER MCALPINE: --
16 276-6222. And if they dial that number -- I don't
17 call that very often. In fact, I don't think I've
18 ever called it.

19 In any event, if they called that number
20 inquiring about the agenda, staff is directed to
21 read the agenda to an individual who does not have
22 access to the Internet and may not have seen the
23 posted notice. That would be the occasion that I
24 think it would be required, if they dial the
25 regular number of the Commission and that staff

1 read to them what is available on the agenda.

2 COMMISSIONER ROKEBERG:

3 Mr. Chairman, I would ask of Commissioner
4 McAlpine -- he informed me there was a -- we may
5 have a technical problem in terms of going from --
6 transferring to VoIP from a traditional copper
7 landline in terms of availability of the phone
8 circuit to be available in case of a power outage.

9 Is there any substance to that, or is that --
10 Mr. Gazaway, maybe you could help me here.

11 MR. GAZAWAY: Not really. I'm not
12 familiar. The VoIP system sucks, is what I will
13 say about it, as far as how it's been performing
14 for us so far.

15 COMMISSIONER ROKEBERG: Tell us how
16 you feel.

17 MR. GAZAWAY: But I don't know what
18 will happen in the event of a power outage. We
19 have had problems with the phones picking up. We
20 have had problems with connecting and getting
21 lines. And so I'm really not confident in the
22 system as far as how it's been performing. But, I
23 mean, I don't know how to answer your question, to
24 be honest with you.

25 COMMISSIONER MCALPINE: I truly

1 wonder whether someone sitting in the dark is
2 going to be concerned about the agenda at the RCA.
3 But be that as it may, Mr. Gazaway is correct, the
4 VoIP system that we have here is much less
5 efficient than that copper wire line that we had a
6 year ago. So I don't -- do you know, is that
7 number that they're directed to call a land line?

8 MR. GAZAWAY: They're asking us to
9 continually comment on the reliability of the
10 service, the lack of the ability to connect to a
11 call. And they're trying to work with the
12 provider to gain a greater system of reliability.
13 What I think is part of the problem is it doesn't
14 connect to the Internet, is my understanding. And
15 without power, I can't see that improving.

16 CHAIRMAN PICKETT: Commissioner
17 Wilson, do you have any thoughts or comments on
18 Commissioner McAlpine's amendment before us?

19 COMMISSIONER WILSON: I'm going to
20 vote in favor of it. I don't think there's any
21 need for us to even address this issue. I think
22 that calling the main number -- if we've had no
23 calls here to date, I -- most people use the web
24 site. And there are bound to be a few that don't
25 have access to the Internet, but they can call the

1 main number and get all the information they want.

2 CHAIRMAN PICKETT: Okay.

3 COMMISSIONER WILSON: Whatever --
4 whether it's reading the agenda or whether it's
5 any other information about what's going on at the
6 Commission.

7 CHAIRMAN PICKETT: And I intend to
8 support Commissioner McAlpine's amendment. So is
9 there any further comments?

10 COMMISSIONER ROKEBERG: I, too,
11 Mr. Chairman, will support the amendment just with
12 the caveat that we have a written procedural
13 policy about how this will be handled and
14 everybody knows what to do.

15 CHAIRMAN PICKETT: We will now move
16 on to the vote. All those in favor of the
17 amendment signify by saying --

18 COMMISSIONER McALPINE: Excuse me,
19 Mr. Chairman. Mr. Gazaway had a question.

20 CHAIRMAN PICKETT: Mr. Gazaway?

21 MR. GAZAWAY: So the public
22 noticing for the public meetings is handled on the
23 fourth floor through your administrative section.
24 Is that who you're wanting to draft up some
25 procedures? We're trying to understand where that

1 responsibility would go.

2 CHAIRMAN PICKETT: Well, it will
3 ultimately land here, and whoever needs to be
4 involved in that procedure will be involved.

5 MR. GAZAWAY: Okay.

6 COMMISSIONER MCALPINE: I'll send a
7 note down, Rich.

8 CHAIRMAN PICKETT: We'll now move
9 on to the vote. All those in favor of
10 Commissioner McAlpine's amendment say aye.

11 (Collective aye.)

12 CHAIRMAN PICKETT: Passes
13 unanimously.

14 And when we get through the rest of the
15 regulation, I'm going to trust that you will have
16 the specific citation for this first amendment
17 that we officially voted on. Okay.

18 MS. GRENN: Yes.

19 COMMISSIONER WILSON: Mr. Chairman?

20 CHAIRMAN PICKETT: Commissioner
21 Wilson?

22 COMMISSIONER WILSON: I have a
23 comment on the other portion of this.

24 CHAIRMAN PICKETT: Okay.

25 COMMISSIONER WILSON: On subsection

1 (b).

2 CHAIRMAN PICKETT: You're on page?

3 COMMISSIONER WILSON: I would like
4 to see -- subsection (b). I'm on page 28 of --

5 CHAIRMAN PICKETT: 75.

6 COMMISSIONER WILSON: Right.

7 CHAIRMAN PICKETT: Okay.

8 COMMISSIONER WILSON: Again, notice
9 of public meetings. I would like to see the
10 language say we "will" post it on the Commission's
11 Web site rather than "may." Because, as I
12 mentioned earlier, it's my belief that a lot of
13 people use the Web site and rely on the Web site.
14 And I think they should be entitled to rely on the
15 Web site.

16 We shouldn't be able to sneak in a public
17 meeting that is not noticed on our Web site. So I
18 would like to make that mandatory.

19 COMMISSIONER MCALPINE: Second.

20 CHAIRMAN PICKETT: Okay. It's been
21 moved and seconded that we take the
22 language "notice of a public -- a regular or
23 special public meeting may" and replace it with
24 "will." The "will" is the existing, is that
25 correct, Jana?

1 MS. GRENN: There is no mention of
2 the Commission's Web site in the existing
3 regulation.

4 THE COURT: There is no mention?

5 MS. GRENN: Right. So what we
6 would change is to say: Notice will also be
7 posted at the Commission's offices and posted on
8 the Commission's Web site. So we would take out
9 the permissive "may" language on the web site
10 portion of the regulation.

11 CHAIRMAN PICKETT: Okay. Is
12 there -- Commissioner Pauli?

13 COMMISSIONER PAULI: I don't know
14 if this is the appropriate place to do it or if I
15 need to make a friendly amendment. But the second
16 sentence where it says "notice will also be
17 posted," I think that the "also" should be deleted
18 because it implies that there was something that
19 was supposed to be done in addition to that.

20 So it should just read "notice will be posted
21 at the Commission's office and the Commission's
22 Web site." And that would, I think, take care of
23 it.

24 COMMISSIONER WILSON: I absolutely
25 agree with that change. So I would amend the

1 motion to include that change.

2 CHAIRMAN PICKETT: Okay. So read
3 that -- notice will be posted at the Commission's
4 office and --

5 COMMISSIONER WILSON: And on the
6 Commission's Web site.

7 CHAIRMAN PICKETT: And on the
8 Commission's -- Jana, any downside to this
9 proposed language from your conversations with
10 staff or anyone?

11 MS. GRENN: My only concern would
12 be if the Commission's Web site were down and you
13 were requiring yourselves to notice via the Web
14 site -- which is what the regulation would require
15 you to do if you -- the Web site's down and you
16 can't notice it, you fail to meet your notice
17 requirements that you stated you would do so in
18 the regulation.

19 CHAIRMAN PICKETT: Yeah. And if we
20 had a special public meeting for some reason --

21 MS. GRENN: You have to post it.
22 If you're going to -- this regulation deals with
23 regular or special public meeting notices. So
24 that's what subsection (b) is telling you, how you
25 will notice those. According to Alaska statute on

1 open meetings, right now all you're required to do
2 absolutely is post the notice in our offices and
3 post it on the State online public noticing Web
4 site. You're required to do that. Anything else
5 is permissive by how you notice.

6 So that's why I suggested using "may" for our
7 Web site, is it allows the Commission to continue
8 flexibly deciding how they would like to notice
9 their public meetings outside of the mandatory
10 requirements already in the statutes.

11 CHAIRMAN PICKETT: And, in
12 practice, we do put the notice on our Web site. I
13 can't think when we have intentionally not done
14 that.

15 MS. GRENN: That's correct. It's
16 normally always on the Web site.

17 CHAIRMAN PICKETT: And I would hate
18 to see us get in a position -- because we've had a
19 number of special public meetings -- and, say, we
20 absolutely had to have a special public meeting,
21 say, next Monday -- assuming it's not a holiday --
22 and here we are Friday and our site crashes; which
23 it has. Then we would not be able to have it with
24 the proposed amendment.

25 Rich?

1 MR. GAZAWAY: These are your
2 regulations. You have a waiver process. So, I
3 mean, I think -- I don't disagree with you that
4 it's problematic. But I would point out that you
5 do have a waiver process.

6 CHAIRMAN PICKETT: Okay. Well, as
7 I said, our normal practice is meant to always
8 notice. And I guess if you feel -- I mean, we'll
9 take a vote.

10 Any other comments? We will move on to the
11 vote on the proposed language dealing with notice.
12 Everybody understand what we're voting on?

13 Let's go ahead for the vote. All those in
14 favor say aye.

15 COMMISSIONER PAULI: Which one?
16 I'm sorry. I don't --

17 CHAIRMAN PICKETT: Okay. This was
18 basically taking your language and making it to
19 where we must post the notice on our web site as a
20 component of what we're required to do for public
21 notice, period. And if we have to change that, we
22 have to go through a waiver process.

23 MR. GAZAWAY: Could I just reread
24 the sentence that is at issue?

25 CHAIRMAN PICKETT: Go ahead.

1 MR. GAZAWAY: "Notice of a regular
2 or special public meeting may be published by the
3 Commission in a newspaper of general circulation
4 in the area where the meeting will be held and
5 teleconferenced. Notice will also be posted at
6 the Commission's offices and may be posted on the
7 Commission's web site. Notice of a regular and
8 special meeting will include the date, time and
9 place of the meeting, general topics to be
10 discussed or considered, and the location of any
11 teleconferencing facilities that will be used."

12 Is that the proposed language?

13 CHAIRMAN PICKETT: Okay.
14 Commissioner Wilson?

15 COMMISSIONER WILSON: Question:
16 The online public notice -- the state's online
17 public noticing system is not mentioned in here,
18 but you've stated today that we're required to do
19 that. We cannot hold a public meeting unless we
20 put it on the state's web -- on the state's public
21 noticing system.

22 So how are the next people when Jana is not
23 here -- which may be very soon -- going to know
24 that it has to go on the online public noticing
25 system?

1 MR. GAZAWAY: It is in the
2 procedure manuals for Commission processes, is my
3 understanding. We have drafted extensive manuals
4 governing agency procedures in recent years.

5 COMMISSIONER WILSON: So what the
6 result will be is that if we don't pass the
7 amendment I propose, we are going to -- our
8 regulated entities and other members of the public
9 are going to have to rely on the State public
10 noticing system and not on our Web site for notice
11 of our public meetings because our Web site will
12 be unreliable.

13 CHAIRMAN PICKETT: It will be
14 unreliable based on what?

15 COMMISSIONER WILSON: Because we
16 have to put it on the online public notice system
17 or else we cannot hold a public meeting. But we
18 don't have to put it on our Web site.

19 COMMISSIONER McALPINE: Does that
20 take us back to "may"? The Commission may post it
21 on the Web site.

22 It's becoming fairly apparent to me that
23 staff has given this much more thought than we
24 have, and that they have come up with the wording
25 that they are comfortable with and better fits all

1 situations. It allows us the ability to be -- at
2 the risk of stating the obvious here, that we can
3 be somewhat more lax. But at the same time, we
4 have always made best efforts to provide public
5 notice. And this gets us back to the use of the
6 word "may."

7 We are going to put it on the State's web
8 site. We're required to do that. And we may also
9 put it on our web site. And we are also -- we
10 have always done that. So I think that, given
11 staff's level of involvement in this regulation, I
12 would defer to their verbiage.

13 CHAIRMAN PICKETT: I tend to agree
14 with Commissioner McAlpine. I've been here eight
15 years and I cannot think of a single special or
16 public meeting that it has not been put on our web
17 site.

18 Any -- Commissioner Rokeberg?

19 COMMISSIONER ROKEBERG: I'm curious
20 about the request I brought up regarding public
21 accommodations and so forth. Do we need to
22 actually indicate that we will provide upon
23 request the signers or interpreters or something
24 to meet the public accommodation requirements
25 under State and federal law or is that -- is that

1 assumed or how do we handle that particular item?

2 Is it necessary to have to talk about that,
3 or is there another regulation that -- or other
4 requirement here that would satisfy that
5 requirement?

6 MR. GAZAWAY: Jana is quickly
7 perusing the regulation to find that language
8 there. We do know that there's a standard entry
9 on the bottom of each public notice with that kind
10 of language. And that has been since before my
11 time here, which is prehistoric days from the
12 agency perspective.

13 COMMISSIONER ROKEBERG: That's what
14 I'm assuming. I think there is under State
15 statute. But, I mean, how does that fit and mesh
16 with our regulations?

17 Is that assumed to be superior in a mandated
18 requirement anytime we do a notice or what?

19 MR. GAZAWAY: Could you repeat your
20 question? I'm not sure I follow.

21 COMMISSIONER ROKEBERG: Pardon me?

22 MR. GAZAWAY: Could you repeat your
23 question again?

24 COMMISSIONER ROKEBERG: What I'm
25 asking is: Is it necessary for us in our

1 regulation to reflect those requirements, because
2 are they not handled elsewhere in the law?

3 MR. GAZAWAY: There would be
4 statutory requirements for public agencies that
5 would address ADA requirements for the agencies
6 that they must comply with.

7 COMMISSIONER ROKEBERG: Maybe the
8 Attorney General can help.

9 MS. GREIDER: I'm sorry. My
10 computer has crashed, so I can't pull them up
11 right now. But it is not necessary that they be
12 articulated in the Commission's regulations. They
13 are required in State statutes. And the phone
14 number for those who are definitely able to call
15 to ask for accommodation is on all of the notices.
16 Thank you.

17 CHAIRMAN PICKETT: With a name.

18 MS. GREIDER: With a name. Thank
19 you.

20 CHAIRMAN PICKETT: Further
21 discussion on the amendments before us? Does
22 everyone understand what we're voting on?

23 We'll move on to the vote. All those in
24 favor of the amendment specify by saying aye.

25 (Collective aye.)

1 CHAIRMAN PICKETT: Opposed?

2 (Collective nay.)

3 CHAIRMAN PICKETT: Three nays;
4 Commissioner Pauli, myself, and Commissioner
5 McAlpine. Two ayes; Commissioner Wilson and
6 Commissioner Rokeberg.

7 Commissioner Pauli?

8 COMMISSIONER WILSON: I'd like to
9 propose another amendment.

10 COMMISSIONER PAULI: Go ahead.

11 COMMISSIONER WILSON: Notice -- the
12 sentence would read, "Notice will be posted at the
13 Commission's offices, on the State public
14 notice -- on the online public noticing system of
15 the State of Alaska, and may be posted on the
16 Commission's web site," so that people will know
17 where they can go to rely upon when we will have a
18 public meeting.

19 CHAIRMAN PICKETT: Is there a
20 second for Commissioner Wilson's amendment?

21 COMMISSIONER PAULI: Second for
22 purposes of discussion.

23 CHAIRMAN PICKETT: It has been
24 seconded by Commissioner Pauli.

25 Discussion? Commissioner Pauli?

1 COMMISSIONER PAULI: I appreciate
2 what Commissioner Wilson is trying to do by
3 telling people, here's where you can go for the
4 information. And I sort of question throughout
5 the discussion, if our Web site's down, how do we
6 get it on the State Web site? And I don't know if
7 that would require somebody calling Juneau or how
8 that would work.

9 I have noticed, no pun intended, that the
10 information is contained on our Web site of -- and
11 I'm not sure that putting the "will" is going to
12 change that. I think somebody who's aware of our
13 Web site will know that that's where they could
14 go. I certainly would think that it would be an
15 internal -- huge internal problem if it did not
16 get on the Web site, because that is the primary
17 form of communication that people rely upon.

18 But I don't think we should box ourselves in
19 where we have to go through a waiver process on
20 top of a short-term special public meeting, which
21 would be my concern. So...

22 CHAIRMAN PICKETT: Further
23 Commissioner discussion on Commissioner Wilson's
24 proposed amendment?

25 Seeing none, we'll move on to the vote. All

1 those in favor of Commissioner Wilson's amendment
2 signify by saying aye.

3 (Collective aye.)

4 CHAIRMAN PICKETT: Opposed?

5 (Collective nay.)

6 CHAIRMAN PICKETT: Commissioner
7 Pauli, Chairman Pickett, and Commissioner McAlpine
8 were nays. Commissioner Wilson and Commissioner
9 Rokeberg were the ayes.

10 So with that, we are with the post-comment
11 staff-proposed regulation language, option two on
12 page 28 of 75; is that correct?

13 MS. GRENN: Yes.

14 COMMISSIONER PAULI: Excuse me?

15 CHAIRMAN PICKETT: Go ahead.

16 COMMISSIONER PAULI: I would like
17 to make a motion that the notice will also be
18 posted at the Commissioner's office. Delete the
19 "also" and state, "Notice will be posted at the
20 Commissioner's office."

21 CHAIRMAN PICKETT: At the
22 Commission's office?

23 COMMISSIONER PAULI: Commission's,
24 yes.

25 well, in your office.

1 CHAIRMAN PICKETT: No.

2 So go ahead and help us understand exactly
3 what you're --

4 COMMISSIONER PAULI: That the
5 "also" -- because having the word "also" in there
6 implies that there is -- one of these other things
7 would be occurring as well. So, in other words,
8 that notice --

9 CHAIRMAN PICKETT: Will be?

10 COMMISSIONER PAULI: Yeah. And so
11 I think that the "also" is not necessary and --

12 CHAIRMAN PICKETT: Okay. So your
13 amendment would just delete "also."

14 COMMISSIONER PAULI: From the
15 second full sentence, which is the one that
16 contains the addition proposed by staff.

17 CHAIRMAN PICKETT: Okay. Does
18 everyone understand Commissioner Pauli's proposed
19 amendment? Is there a second?

20 COMMISSIONER WILSON: I second the
21 motion.

22 CHAIRMAN PICKETT: Commissioner
23 discussion on the motion?

24 Seeing none, we'll move on to the vote. All
25 those in favor say aye.

1 (collective aye.)

2 CHAIRMAN PICKETT: Opposed?

3 (collective nay.)

4 CHAIRMAN PICKETT: Commissioner

5 Rokeberg, Pauli, Pickett, and Wilson were the

6 ayes. And Commissioner McAlpine was the nay.

7 So with that deletion, do you understand what
8 the Commission just decided?

9 MR. GAZAWAY: Can I ask for
10 clarity's sake --

11 CHAIRMAN PICKETT: Yes.

12 MR. GAZAWAY: -- that the entire
13 sentence be read back into the record so we can
14 understand exactly what it is we'll be approving.

15 CHAIRMAN PICKETT: "Notice of a
16 regular or special public meeting may be published
17 by the Commission in a newspaper of general
18 circulation in the area where the meeting will be
19 held and teleconferenced. Notice will be posted
20 at the Commission's office and may be posted on
21 the Commission's web site. Notice of a regular
22 and special meeting will include the date, time
23 and place of the meeting, general topics to be
24 discussed or considered, and the location of any
25 teleconferencing facilities that will be used."

1 Does that clarify it for staff?

2 MR. GAZAWAY: Yes, sir.

3 CHAIRMAN PICKETT: Is there
4 anything else we need to discuss on page 28?

5 MS. GRENN: Not on 28.

6 CHAIRMAN PICKETT: Okay.

7 MS. GRENN: But since you guys have
8 discussed notice of public meetings, I would move
9 to page 29, which is making similar amendments to
10 3 AAC 48.182(c), which is a notice of emergency
11 public meetings.

12 CHAIRMAN PICKETT: Okay.

13 MS. GRENN: Again, staff is adding
14 in the permissive allowance for the Commission to
15 post on the Commission's web site the notice of an
16 emergency public meeting. And I don't know if the
17 Commission wants to have discussion about that
18 outside of what you already have done in
19 subsection (b). But, if not, we'll go forward and
20 just go with the permissive.

21 CHAIRMAN PICKETT: Commissioner
22 Wilson?

23 COMMISSIONER WILSON: Just a
24 question: Emergency public meetings must be on
25 the online public noticing system or not?

1 MS. GRENN: Any public meeting of
2 this agency must be on the online public noticing
3 system.

4 CHAIRMAN PICKETT: Have you scoured
5 it, Commissioner Pauli, for an "also" in there?

6 COMMISSIONER PAULI: Yes, I have.
7 And there isn't one.

8 CHAIRMAN PICKETT: Don't see one.

9 COMMISSIONER MCALPINE: For a point
10 of clarification, Mr. Chairman, the word "also" is
11 conjunctive and it doesn't add or detract from the
12 sentence. Ms. Knudsen-Latta would probably back
13 me up as would Gregg's Manual.

14 CHAIRMAN PICKETT: Point well
15 taken. But at the end of the day, you got to
16 count to five and get at least three.

17 So any further Commissioner discussion on
18 option two, post-comment staff-proposed regulation
19 on page 29 of 75? I will take that as the
20 Commission concurs with your recommendation.

21 MS. GRENN: All right. And then,
22 finally, I would have you guys look at page 31 of
23 75, which is 3 AAC 48.183(a) through (e), which is
24 actually the public meeting agendas themselves.
25 This is discussing the notice of them. And,

1 again, we're -- staff is recommending that you
2 allow the permissive ability to post on the
3 Commission's web site the agendas themselves.

4 CHAIRMAN PICKETT: Any Commissioner
5 comments or questions about option one on page 31
6 of 75, staff-proposed regulation?

7 Any objections to the Commission including
8 this? Seeing none, we will take that as
9 concurrence with the staff recommendation.

10 MS. GRENN: All right. So now I'd
11 like to move your guys' attention to Exhibit
12 JAG-2. There's a couple of comments we received
13 on regulations that staff did not propose any
14 amendment to that we would like to go over with
15 you at this time.

16 CHAIRMAN PICKETT: Okay.

17 MS. GRENN: So let me see here.
18 All right. The comment we received is actually
19 from the Rural Coalition with regard to
20 3 AAC 47.065(c), which mirrors the existing
21 regulations under 3 AAC 48.095(c)(1) through (4).
22 And it actually discusses how an electronic filing
23 may be rejected, specifically: If it's not in
24 compliance with the requirements, that it not
25 contain an excessive number of files, that it not

1 be excessively large, that it lacks the
2 appropriate extension in indicating the filing
3 type, or that it is corrupt or otherwise cannot be
4 successfully read or processed by the Commission,
5 and, also, for good cause.

6 Those are the reasons that the Commission may
7 reject an electronic filing that's submitted.
8 That's in existing regulation. The Rural
9 Coalition suggested that this language was too
10 vague, and that if the Commission's electronic
11 filing system was unable to accept electronic
12 filings above a particular size, that it should be
13 incorporated into the filing system without the
14 need of a regulation.

15 They proposed that the Commission strike
16 48.065(c)(1) through (2) -- which would also be
17 48.095(c)(1) through (2) -- and that the
18 Commission did not need a regulation to give it
19 authority to reject electronic filings that are so
20 large that the Commission is technically unable to
21 accept them.

22 ENSTAR replied to this comment and suggested
23 that specific number of files or other technical
24 limitations that the Rural Coalition suggested
25 should be clarified in the regulation could be

1 included in the RCA's submission guide or included
2 in the "Other frequently asked questions" section
3 on the Commission's Web site.

4 Staff agrees with ENSTAR that including this
5 information can be put in the submission guideline
6 on the Web site. And we do have technical
7 specifications outside of those listed in the
8 regulation in that submission guideline that's
9 available on the Web site today.

10 Staff is concerned that putting explicit size
11 limitations within the regulation may make it
12 difficult to update what the Commission can accept
13 if technology advances where we're able to accept
14 larger files or we can't and we have to do smaller
15 files. Having it in the regulation saying we will
16 only accept this size makes it difficult for us to
17 be flexible and change how our system changes.

18 So staff is not recommending any change to
19 the regulation. But I did want to bring it to
20 your attention that there were comments received
21 on how the Commission may reject a filing and what
22 those rejectable reasons may be.

23 Are there any questions?

24 CHAIRMAN PICKETT: Commissioner
25 questions? Okay.

1 MS. GRENN: All right. And the
2 second item I'd like to discuss is on page 12 of
3 JAG-2. It's listed under 3 AAC 48.095(a), which
4 is electronic filing requirements. In general,
5 this section just allows the permissive electronic
6 filing of all communications with the Commission.
7 But the Rural Coalition suggested in its comments
8 that there was no language in the proposed
9 regulation that states when a filing is received
10 by the Commission.

11 They believe that all submissions to the
12 Commission should be deemed received at the moment
13 they are submitted via electronic filing system
14 and the standard should be the same throughout the
15 proposed regulations. The rural Coalition urged
16 the Commission to clarify that the filing is
17 received upon submission, not upon review by
18 staff, and that this process would be the same as
19 the procedure recognized for paper filings.

20 The AG replied to this comment and suggested
21 that taking the Rural Coalition's suggestions
22 would inject uncertainty into the deadlines
23 arising from a filing. For example, they cited
24 that a utility could submit a filing that failed
25 to meet the requirements of 3 AAC 48.275 but that

1 the Commission would still have to accept the
2 insufficient filing. The notice period of the
3 filing would start, but the public would not have
4 the information necessary to review the tariff
5 filing.

6 The AG stated that the effective date of a
7 filing should be based on the date the Commission
8 determines that a filing is complete and not the
9 instant the filing is -- the filer sends the
10 document.

11 So historically filings submitted to the
12 Commission on paper and electronically have been
13 treated slightly differently. If you submitted a
14 filing to the Commission on paper, it would have
15 been routed to records and filing staff for its
16 date stamp. It's scanned and put into the
17 electronic filing system as a .pdf, and then
18 routed to appropriate Commission section.

19 In contrast, filings submitted electronically
20 are reviewed by records and filing staff for
21 compliance with the electronic filing requirements
22 under 48.095 before being accepted into the system
23 and routed through the Commission for further
24 review and analysis. Staff concedes that the
25 receipt of an electronic filing is subject to a

1 different level of review than a filing submitted
2 on paper but believes the distinction is due to
3 the inherent nature of the technology used to
4 submit the filing.

5 There are a number of different technological
6 requirements that must be met in order for the
7 Commission to properly process an electronic
8 filing. For example, 3 AAC 48.095(e) requires an
9 electronic filing to be submitted in portable
10 document format, or .pdf, and be text searchable.
11 If the Commission were to accept an electronic
12 filing in some other format, it would require
13 costly staff time and resources to reformat and
14 process the filing before it can even be looked at
15 by staff.

16 Additional requirements such as electronic
17 filings being submitted free of security settings
18 are also important to the overall maintenance of
19 the Commission's electronic filing records. And
20 these technical requirements are not necessary for
21 the filings submitted on paper because they are
22 scanned and processed by our own staff internally.

23 Therefore, staff is not recommending any
24 change to the regulation, but, again, this was an
25 issue that was brought forward by commenters.

1 Are there any questions?

2 CHAIRMAN PICKETT: Commissioner
3 questions?

4 And I appreciate you identifying those areas
5 like that --

6 COMMISSIONER MCALPINE: Just one
7 comment. I had no idea that the various security
8 settings affect the timing of our receipt of even
9 normal e-mail.

10 And, for instance, if you go on through
11 Outlook, I notice that I clear off all of my
12 e-mails when I leave the premises -- that may be
13 as late as 7:00 at night -- and I walk out the
14 door. There are no unread e-mails on my system.
15 And I come back the next morning and all of a
16 sudden there's five e-mails that are posted from
17 the previous day that are timed at 4:00-something
18 in the afternoon.

19 So I contacted IT about that. And I believe
20 it was Kevin informed me that when you go in
21 through Outlook instead of going onto the web to
22 get to your mail, the security settings go through
23 that and cause there to be a delay in the
24 delivery. And so if you want to be sure that you
25 get immediate access to your e-mail, you should go

1 onto the web to access your e-mail rather than go
2 through the Outlook process that the state has set
3 up with the various security settings.

4 So I concur with staff's recommendation on
5 this for that one reason that has affected my
6 life.

7 CHAIRMAN PICKETT: Any other
8 Commissioner comments or questions? Commissioner
9 Wilson?

10 COMMISSIONER WILSON: Just a
11 question. Is that why electronic filings don't
12 have a time stamp on them?

13 MS. GRENN: All electronic filings
14 should have a date stamp on them.

15 COMMISSIONER WILSON: Date stamp
16 but not time? Time of day?

17 MS. GRENN: I think they are
18 stamped internally within the system. And there
19 is a way to access the time the filing actually
20 came to our system, it's just not --

21 COMMISSIONER WILSON: But when we
22 get the documents on the web or in STAR, it's
23 not -- the time they were filed is not on them.

24 MS. GRENN: Correct. It's actually
25 the time staff reviewed it and date-stamped it.

1 And that kind of leads into the next discussion I
2 can have about the 5:00 p.m. receive time.

3 COMMISSIONER WILSON: This was just
4 a question. I didn't need to follow up with that.

5 CHAIRMAN PICKETT: Lead on, Jana.

6 MS. GRENN: Okay. The last one.
7 This is on page 20 of JAG-2. And it deals with
8 3 AAC 48.240(a), the delivery of a tariff. So as
9 adopted today, all tariff filings will be
10 permissively allowed to be submitted
11 electronically or on paper with the Commission.

12 And part of staff's proposed amendment to
13 this section was to state that electronic filings
14 received -- tariff filings received must be
15 received at least by 5:00 p.m. on a regular
16 business day. And this was to make it coincide
17 with the existing regulation under
18 3 AAC 48.090(a), which states that docket filings,
19 pleadings must be submitted to the Commission by
20 5:00 p.m. on a regular business day in order to be
21 counted as received that day.

22 Again, the Rural Coalition commented on this
23 believing that the 5:00 p.m. deadline was not
24 necessary because filings submitted at 4:59 p.m.
25 are no more likely to be reviewed on the same day

1 it was filed than a filing that was submitted at
2 11:59 p.m. And they stated that the proposed
3 regulations do not address when someone at the
4 Commission is able to inspect an electronic filing
5 or post it to the Commission's Web site. So they
6 should be able to extend the deadline from 5:00 to
7 11:59.

8 They also stated that a filing submitted to
9 the Commission's electronic filing system any time
10 on the date of the deadline should be sufficient
11 to count as being filed on that day. Again, the
12 AG replied to these comments and stated that
13 allowing after-business-hour filing invites
14 parties to game the system.

15 They gave another example in a docket where
16 simultaneous briefings are due. If one party
17 decides not to work overtime and instead files and
18 serves its documents at 5:00 p.m., another party
19 could decide to use the additional seven hours to
20 modify their briefing based on an earlier party's
21 filing; and that the 5:00 p.m. deadline should be
22 kept.

23 ATT Alaska supported the Rural Coalition's
24 suggestion, and ENSTAR supported the AG's
25 suggestion that the 5:00 p.m. deadline for the

1 submission of filings to the Commission's
2 electronic filing system will be kept. Again,
3 historically the Commission has date-stamped all
4 filings, including tariff filings, as received if
5 they are submitted prior to 5:00 p.m. on a regular
6 business day. That's if it's electronic or if
7 it's on paper.

8 So if you show up at 4:59 at the Commission's
9 office with a tariff filing and you hand it to the
10 front desk, they'll date-stamp it as received that
11 day. If you submit electronically, you'd have to
12 get the filing in before 4:59 p.m. If you got it
13 in at 5:01, when records and filing receives the
14 filing into the system, they'd see a 5:01 stamp
15 that that's when it came into the system and they
16 would date-stamp it for the following day.

17 Staff --

18 CHAIRMAN PICKETT: Can I throw an
19 editorial comment in here?

20 MS. GRENN: Absolutely.

21 CHAIRMAN PICKETT: The concept that
22 nothing happens between 5:00 and the next day is
23 totally erroneous. I can think of numerous
24 occasions, quite frankly, in the last couple of
25 weeks in which I've been reviewing stuff that came

1 in at 4:59. And I get an e-mail version of it at
2 5:03. And I know all the Commissioners on the
3 dais have experienced similar things. So just for
4 a clarification in the record.

5 MS. GRENN: Absolutely. Thank you.
6 So while staff acknowledges that there are
7 distinct review processes between an electronic
8 filing and a paper filing, as we discussed
9 previously, staff believes that allowing the
10 electronic submission of filings up to 11:59 p.m.
11 could create uncertainty in the deadlines arising
12 from a filing.

13 Further, a standard time by which all filings
14 must be received by the Commission, whether filed
15 electronically or on paper, creates equality
16 between the filing systems and doesn't provide an
17 unfair advantage to anyone who chooses to file in
18 paper as opposed to doing so electronically.
19 Additionally, maintaining the 5:00 p.m. deadline
20 simplifies the Commission's processes, and it's
21 the same for every filing. It makes it easier for
22 training purposes. We're not trying to train
23 people on two different systems.

24 So for that reason, Commission staff did not
25 propose any revision to the time a filing must be

1 submitted to the Commission, and remains convinced
2 that 5:00 p.m. for paper or electronic filing
3 should be maintained in the regulations.

4 Are there any questions?

5 COMMISSIONER MCALPINE:

6 Mr. Chairman?

7 CHAIRMAN PICKETT: Commissioner

8 McAlpine?

9 COMMISSIONER MCALPINE: Not to be
10 redundant, but as recently as one week ago today,
11 we received a filing at 4:59. It involved several
12 hundred pages. And by Monday morning I know at
13 least two Commissioners sitting on this dais had
14 read that filing in its entirety. So I would just
15 reiterate what you said, Mr. Chairman, that the
16 4:59 deadline doesn't mean that we don't read it
17 that same day or over the weekend if necessary.

18 CHAIRMAN PICKETT: Mr. Gazaway?

19 MR. GAZAWAY: I would just point
20 out that -- I got to give Mr. Beard his props --
21 that Brian will stay late to get the filings to
22 the Commissioners that evening after they come in
23 that day.

24 CHAIRMAN PICKETT: Indeed, he does.

25 COMMISSIONER MCALPINE: Yes, he

1 does.

2 COMMISSIONER PAULI: Chairman
3 Pickett?

4 CHAIRMAN PICKETT: Commissioner
5 Pauli?

6 COMMISSIONER PAULI: I see that the
7 regulation is being amended from 4:30 to 5:00. I
8 guess, why not keep it at 4:30 so that way
9 employees aren't having to stay after 5:00 on a
10 Friday to get e-mails to us that we need to do our
11 work over the weekend?

12 MS. GRENN: So currently in the
13 electronic filing regulations 48.090 -- I think
14 it's subsection (a) -- states that all docket
15 filings that are filed electronically must be
16 received by the Commission by 5:00 p.m. The
17 3 AAC 48.240(a) is dealing with tariffs. So we're
18 trying to make the two mirror each other.

19 COMMISSIONER PAULI: Okay. Thank
20 you.

21 MS. GRENN: Everything, any
22 communication with the Commission must be received
23 by 5:00 p.m. We're making them all equal.

24 MR. GAZAWAY: And can I add one
25 thing? The previous reason for that change to the

1 filing was to match our business practices. Since
2 the front desk was open till 5:00, you could file
3 in hard copy till 5:00 p.m. So the electronic
4 filing deadline was moved to the same time frame.

5 COMMISSIONER PAULI: Okay. Thank
6 you.

7 CHAIRMAN PICKETT: Any other
8 comments or questions for staff? Okay.

9 MS. GRENN: The only thing we have
10 left to do, then, is to adopt the matrix, all the
11 options. We could do them individually, or I
12 think you could do them all at once with the
13 exception of the regulations you did.

14 CHAIRMAN PICKETT: What I would
15 propose is we do it all at once with articulation
16 of the amendments that we made this morning. And
17 so I will make a motion and then have you read
18 into the record the specific amendments.

19 Is that okay?

20 MS. GRENN: That is fine.

21 CHAIRMAN PICKETT: I'm going to
22 make the motion to the Commission that we adopt
23 the proposed amendments to Title 3, Chapters 47 to
24 53 of the Alaska Administrative Code as shown in
25 Exhibit JAG-1 to expand electronic filings to all

1 non-docket-related proceedings and reports as
2 amended this morning.

3 Is there a second?

4 COMMISSIONER MCALPINE: Second.

5 CHAIRMAN PICKETT: And for clarity
6 for the record, go ahead and read the amendment.

7 MS. GRENN: The only amendment you
8 have this morning that was already voted on is for
9 3 AAC 48.182 subsection (b). And it will now
10 read, "Notice of a regular or special public
11 meeting may be published by the Commission in a
12 newspaper of general circulation in an area where
13 the meeting will be held and teleconferenced.
14 Notice will be posted at the Commission's offices
15 and on the Commission's Web site.

16 "Notice" -- or it may be posted on the
17 Commission's Web site. I'm sorry -- "notice of a
18 regular and special public meeting will include
19 the date, time and place of the meeting, general
20 topics to be discussed or considered, and the
21 location of any teleconferencing facilities that
22 will be used."

23 Today you've also decided to amend
24 3 AAC 48.182(d) to delete that regulation in its
25 entirety.

1 CHAIRMAN PICKETT: Do all of the
2 Commissioners understand the motion as amended
3 before us here this morning?

4 We'll now move on to the vote. All those in
5 favor say aye.

6 (Collective aye.)

7 CHAIRMAN PICKETT: Opposed?

8 Passes unanimously. We will now close agenda
9 item number two, R-15-002, and take a ten-minute
10 break.

11 (Off record.)

12 CHAIRMAN PICKETT: We are back on
13 the record. This is the special public meeting,
14 March 25th, Friday. It is now approximately
15 10:30 a.m. We are on agenda item number three,
16 R-15-006, In the Matter of the Consideration of
17 Revisions to Tariff Form and Filing Requirements.
18 Jana, lead on.

19 MS. GRENN: All right. So today
20 before you, you have Exhibit JAG-3, which is a
21 decisional matrix that came out of the technical
22 conference the Commission held in this docket.
23 And today staff is recommending that the
24 Commission issue Exhibit JAG-3 and the proposed
25 regulations in it for comment.

1 And, as you said, this docket is addressing
2 general tariff form and filing requirements and
3 actually came somewhat out of Docket R-15-002.
4 When we were in the technical conference for that
5 docket, a number of technical conference
6 participants suggested there were concerns with
7 existing tariff form and filing requirements and
8 suggested that they be addressed.

9 At the public meeting held on July 1st, 2015,
10 the Commission voted to open Docket R-15-006 to
11 address these issues and scheduled a technical
12 conference to convene on September 28th to discuss
13 staff's proposed regulations. The technical
14 conference was held on the date prescribed and
15 included a number of industry representatives as
16 well as the Department of Law, Regulatory Affairs,
17 and Public Advocacy Section, and staff members
18 from various sections of the Commission.

19 In general, the participants at the technical
20 conference were in consensus regarding the need to
21 revise the Commission's regulations and supported
22 the vast majority of staff's proposed regulations.
23 However, they did suggest that the regulations
24 themselves could benefit from reorganization that
25 would improve the clarity of the regulations and

1 consolidate the regulations that address similar
2 issues.

3 For example, 3 AAC 48.220, 48.240, and 48.280
4 all discuss a tariff filing's proposed effective
5 date, which at times has caused confusion and
6 ambiguity within the regulations because different
7 time lines are established in three different
8 regulations.

9 Based on the comments received at the
10 technical conference, staff restructured the
11 decisional matrix that was used at the conference
12 and incorporated the participants' comments to
13 address the organizational issues in the existing
14 regulations. The revised decisional matrix, which
15 is exactly what you have in front of you today as
16 Exhibit JAG-2, was e-mailed to all the conference
17 participants on December 10th, 2015.

18 Staff requested that recipients inform the
19 Commission whether they believed an additional
20 technical conference was necessary to discuss the
21 proposed revisions or if they would be amenable to
22 having the regulations issued for comment. The
23 Commission received four responses, all of which
24 supported staff's proposed regulations and
25 requested that they be issued for comment. So

1 that is why we are here today requesting that
2 these regulations be issued for comment.

3 what I'd like to do is go over three or four
4 examples of what staff is proposing to do in these
5 regulations so you get a sense of what staff --
6 what you'll be hearing comments on.

7 CHAIRMAN PICKETT: Okay. Before we
8 get into that, at a fairly high level just see if
9 there's any Commissioner questions as far as the
10 process and specifically what it is you're going
11 to be asking the Commission to do.

12 So Commissioner Pauli?

13 COMMISSIONER PAULI: I do not have
14 JAG-3. I have JAG-1. And what I have marked as
15 JAG-3 is an e-mail -- a copy of an e-mail.

16 CHAIRMAN PICKETT: Is that -- go
17 ahead.

18 MS. GRENN: That is correct. The
19 e-mails that you have as JAG-2, -3, and -4 are
20 being put into the record this way so that you can
21 see what staff requested of the technical
22 conference participants, what they responded to us
23 with; so that they're in the record somewhere and
24 not just in my personal e-mail inbox.

25 COMMISSIONER PAULI: But the

1 appropriate decision matrix is JAG-1?

2 MS. GRENN: That is correct.

3 COMMISSIONER PAULI: Thank you.

4 CHAIRMAN PICKETT: Okay. Good.

5 Other Commissioner questions on this matter?

6 Proceed.

7 MS. GRENN: All right. So on

8 Exhibit JAG-1, page 16 is where we start with

9 3 AAC 48.230. This existing regulation deals with

10 billing and contract forms and requires each

11 economically regulated utility or pipeline carrier

12 to submit to the Commission all routine billing

13 and contract forms as tariff filings.

14 Staff is proposing to repeal the section in

15 its entirety based on the comments we received in

16 the technical conference. Participants, with the

17 exception of the Attorney General's Office, stated

18 their belief that the submission of tariff billing

19 and contract forms were unnecessary and created

20 duplicative work for economically regulated

21 companies.

22 They also alluded to the fact that a number

23 of their billing and contract forms are revised

24 frequently -- for example, bill messages on the

25 back of a monthly billing statement that you may

1 receive -- and could not be reg- -- and could
2 include regulated and unregulated service.

3 Further, they stated that this regulation has
4 been interpreted by other Commission staff to mean
5 that all customer applications, shut off notices,
6 as well as main extension, line extension, and
7 deferred payment agreements must be incorporated
8 into a company's tariff; which has caused a
9 significant amount of additional work for the
10 utility and pipeline carriers as well as the
11 Commission staff that has to review these filings
12 and recommend approval to the Commission.

13 They also stated that there were specific
14 exemptions in the filing requirements with regard
15 to competitive local exchange and interstate
16 interexchange carriers, which are found in
17 Chapters 52 and 53 of the regulations, that don't
18 require those types of utilities to submit these
19 forms to the Commission.

20 In an attempt to better understand how the
21 forms are actually used, staff contacted the
22 Commission's Consumer Protection, Tariff, and
23 Administrative Sections and requested they provide
24 specific examples of how the Commission uses these
25 billing forms. And those are the e-mails you see

1 in Exhibit JAG-4. You're seeing what the
2 responses were to staff.

3 Basically, they indicated that a company's
4 tariff billing forms were most often used to
5 determine whether an electric utility was in
6 compliance with specific service and safety
7 requirements, to ensure that a company's billing
8 and contract forms mirrored its actual tariff
9 provisions, to verify that the regulatory cost
10 charge was a separate line item on customer bills,
11 and to investigate informal complaints.

12 Staff believes that while these are all
13 important things, the billing forms don't provide
14 realtime information that would be useful in
15 determining whether a company is currently in
16 compliance with Commission regulations or whether
17 they're -- during the investigation of an informal
18 complaint -- staff believes that if any of these
19 companies were in non-compliance with these issues
20 that the billing forms are used to investigate,
21 that you would most likely see an informal
22 complaint being filed which would open an
23 investigation of the Commission.

24 And at that time, the CP Section of the
25 Commission could request the actual billing form

1 that was sent to the person that is filing the
2 complaint. That they could actually see the main
3 extension agreement that was signed. That those
4 forms are not realtime once they're encapsulated
5 within the tariff and, therefore, don't provide
6 the best information when you're doing an
7 investigation of the utility for an informal
8 complaint or for any other reason.

9 I also found out that many of the forms are
10 not reviewed on a regular basis, which leads them
11 to be outdated. They're not required to be filed
12 annually. It's up to the utility to file them
13 with the Commission when they change. And it can
14 be insignificant things like code changes in how
15 they do billing that changes on the billing form
16 that sets in motion a requirement to file this
17 billing form. And it does create a lot of work
18 for the utilities and for Commission staff.

19 So that's why staff at this time is
20 recommending that entire section will be repealed.
21 It will be reenacted under addition -- a new
22 tariffing provision. We'll keep the same
23 numbering, but the requirements of that section
24 will be no longer. And that's what we're going to
25 be seeking comment on.

1 Are there any questions about that section,
2 or would you like me to go on to the other
3 examples we have?

4 CHAIRMAN PICKETT: Commissioner
5 questions?

6 So just for my own clarification, what we're
7 going to be asked in terms of putting out for
8 comment is on page 16 of 72, your R-15-006
9 post-technical-conference staff-proposed
10 regulation; is that correct?

11 MS. GRENN: That is correct.

12 CHAIRMAN PICKETT: Okay. Please
13 proceed.

14 MS. GRENN: The next section I'd
15 like you to turn to is page 28 of 72 in Exhibit
16 JAG-1. This deals with 3 AAC 48.270(a), which is
17 tariff advice letters. The information in this
18 section is used as a basis for the rejection of
19 noncompliant tariff filings. For example, each
20 tariff advice letter is required to identify the
21 number of customers or shippers that will be
22 affected by a proposed tariff revision as well as
23 revenue impact.

24 There's also specific statements regarding
25 whether or not the proposed filing is for a new

1 service or not. Staff believes that the current
2 language used to describe the required tariff
3 advice letter information is confusing and has
4 resulted in different interpretations of the
5 regulation, which has caused an inconsistency in
6 the rejection of tariff filings.

7 And this was echoed by technical conference
8 participants. Staff is proposing to amend this
9 section by removing the specific filing
10 requirements from regulation that do not aid in
11 the understanding of a proposed tariff filing and
12 replacing it with simplified language detailing
13 exactly what information should be provided in
14 every tariff advice letter and specific
15 information that should be provided in tariff
16 advice letters that accompany proposals for new
17 service.

18 Staff is also going to be moving some of this
19 language into different subsections, so it's not
20 just one big section that you have to read that
21 covers multiple pages of the regulation. There's
22 different subsections so it's easier to read.

23 Are there any questions?

24 CHAIRMAN PICKETT: Commissioner
25 questions?

1 So we'll be putting out for comment page 28
2 of 72, the R-15-006 post-technical-conference
3 proposed regulation; is that correct?

4 MS. GRENN: Yes.

5 CHAIRMAN PICKETT: Continue.

6 MS. GRENN: The next section I'd
7 like to go over with you is on page 46 of Exhibit
8 JAG-2. This is 3 AAC 48.330(a) and deals with the
9 format of tariff sheets. At the technical
10 conference in R-15-002, a number of the
11 participants supported revisions to existing
12 regulations with regard to required tariff sheet
13 boxes.

14 I'm sure if you've ever seen a tariff sheet
15 you know what I'm talking about, the box that
16 surrounds the information actually in the tariff
17 sheet. This is required by the regulation. And
18 technical conference participants stated that it
19 was extremely difficult to perform those boxes
20 electronically, and that similar formatting was
21 not required by other federal agencies that
22 require the submission of tariff sheets.

23 At the technical conference for R-15-006, the
24 participants proposed that it also may no longer
25 be necessary to require tariff sheet revision

1 numbers, and they believed that that requirement
2 was too burdensome at the time.

3 And they wanted to also know how staff
4 actually uses the revision numbers when we see
5 them on the tariff sheets. So staff believes that
6 the tariff sheet revision numbers are useful in
7 reviewing the historical revisions to a company's
8 effective tariff and notes that both the Federal
9 Communications Commission and the Federal Energy
10 Regulatory Commission require revision numbers on
11 tariff sheets in some format.

12 So staff is not going to be recommending at
13 this time that you issue for -- that you remove
14 the revision numbers from the tariff sheets.
15 However, we believe -- I believe that the existing
16 tariff sheet requirements that mandate the boxes
17 to delineate the different sections of the tariff
18 sheet were probably originally developed when
19 paper copies of tariff sheets were revised through
20 typewritten edits, and it's no longer easily
21 performed now in today's electronic age.

22 While uniformity in the presentation of
23 tariff sheets does provide a certain amount of
24 value to the tariffs that are filed with the
25 Commission, staff believes that a modernized

1 approach with the format of tariff sheets may
2 better serve the Commission by providing utility
3 and pipeline carriers with greater flexibility in
4 the development and maintenance of their tariffs.
5 And as long as certain elements of the tariff
6 sheet remain in the requirements, such as revision
7 numbers, effective date certificate numbers, the
8 tariff sheets will continue to provide information
9 to the Commission. So we'll be recommending those
10 changes to section 3 AAC 48.330(a).

11 Are there any questions?

12 CHAIRMAN PICKETT: Commissioner
13 questions?

14 So state for the record what
15 specifically you're going to ask the Commission to
16 put out for public comment.

17 MS. GRENN: We'll be asking the
18 Commission to issue the regulations shown on
19 page 46 for 3 AAC 48.330 under the column
20 R-15-006, post-technical-conference staff-proposed
21 recommendation.

22 CHAIRMAN PICKETT: Okay. Please
23 proceed.

24 MS. GRENN: The final section I'd
25 like to go over with you today is 3 AAC 48.400,

1 which is adoption notice. And this is on page 60
2 of Exhibit JAG-1. This subsection provides
3 specific language that must be used in adoption
4 notice filed by a company seeking to assume the
5 effective tariff of an existing utility or
6 pipeline carrier.

7 It requires an adoption notice to be filed
8 when a utility or pipeline carrier or portion of
9 one transfers their operating control from one
10 company to another or when the legal form of the
11 organization or name of the utility or pipeline
12 carrier is changed.

13 Traditionally the Commission has only
14 required an adoption notice to be filed when the
15 name of the utility as it appears on the
16 certificate of public convenience and necessity is
17 changed due to a transfer, acquisition, or name
18 change since any other organizational revisions,
19 for example the parent or grandparent corporation
20 level changing, are not reflected on the company
21 certificate.

22 In order to ensure that the regulation
23 reflects the Commission's actual practice, staff
24 is proposing to amend 3 AAC 48.400(a) to clarify
25 that an adoption notice is only required when the

1 name on the certificate of public convenience and
2 necessity associated with the company's effective
3 tariff is being revised.

4 Are there any questions?

5 CHAIRMAN PICKETT: Are there any
6 questions for Jana?

7 And, again, just state for the record
8 specifically what is going to go into the notice
9 for public comment.

10 MS. GRENN: Yes. Staff is
11 proposing that the Commission issue for comment
12 the language used for 3 AAC 48.400(a) as shown on
13 page 60 of 72 in Exhibit JAG-1.

14 CHAIRMAN PICKETT: Okay.

15 MS. GRENN: And the entire matrix,
16 Exhibit JAG-1, will actually be all of the
17 regulations noticed for comment.

18 CHAIRMAN PICKETT: So is there
19 anything else that you have?

20 MS. GRENN: Not at this time.

21 CHAIRMAN PICKETT: Does the
22 Attorney General have any comments?

23 MS. GREIDER: No. Thank you,
24 Chairman Pickett.

25 CHAIRMAN PICKETT: With that, I

1 will move that the Commission issues for public
2 comment staff's proposed amendments to Title 3,
3 Chapters 48 through 53 of the Alaska
4 Administrative Code as shown on Exhibit JAG-1 that
5 address general tariff form and filing
6 requirements.

7 COMMISSIONER MCALPINE: Second.

8 CHAIRMAN PICKETT: Commissioner
9 discussion?

10 Seeing none, we'll move on to the vote. All
11 those in favor of the motion say aye.

12 (Collective aye.)

13 CHAIRMAN PICKETT: Opposed?

14 Passes unanimously. I believe that's all --
15 Rich?

16 MR. GAZAWAY: Just the question:
17 Do you want any specifics on reply and comment
18 period and the duration, or do you want to just do
19 the standard 30/30?

20 CHAIRMAN PICKETT: Does the staff
21 have any recommendations?

22 MR. GAZAWAY: I would say we're at
23 the beginning of the statutory clock, so 30 days
24 for comments and 30 days for reply would be
25 typical.

1 CHAIRMAN PICKETT: Okay.

2 Commissioner comments on the proposal from staff?

3 I think Commissioners would concur with that
4 proposal.

5 MR. GAZAWAY: We'd also like to
6 make sure that we're going to release JAG-1 in its
7 entirety and not just the proposed regulations.

8 CHAIRMAN PICKETT: Yes. With that,
9 I believe we have completed agenda item number
10 three.

11 Is there other Commissioner business that we
12 must take up this morning? Seeing none, agenda
13 item number four is completed.

14 Does the Attorney General have need for an
15 executive session?

16 MS. GREIDER: Chairman Pickett,
17 there's no need for an executive session. Thank
18 you.

19 CHAIRMAN PICKETT: Is there a
20 motion to adjourn at 10:46 a.m. this morning?

21 COMMISSIONER WILSON: I move we
22 adjourn.

23 CHAIRMAN PICKETT: Second?

24 COMMISSIONER PAULI: Second.

25 CHAIRMAN PICKETT: All those in

1 favor say aye.

2 (Collective aye.)

3 CHAIRMAN PICKETT: Thank you very

4 much for being here this morning.

5 (Adjourned - 10:46 a.m.)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

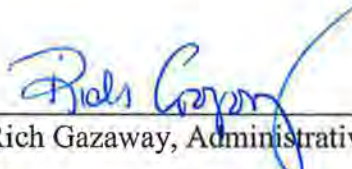
I, Rich Gazaway, Administrative Law Judge, of Regulatory Commission of Alaska, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 3 AAC 47.050 – 3 AAC 53.750 addressing the implementation of electronic filing has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulation;
- (5) furnished electronically to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Division of Legal and Research Services;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
- (8) furnished electronically, along with a copy of the proposed regulation, to the Legislative Affairs Agency, the chair of the Labor and Commerce Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.


Date: September 15, 2016
Anchorage, Alaska



Rich Gazaway, Administrative Law Judge

Subscribed and sworn to before me this 15th day of September, 2016.





Notary Public in and for the
State of Alaska
My commission expires: with office

NOTICE OF PROPOSED CHANGES TO THE ELECTRONIC FILING REGULATIONS OF THE
REGULATORY COMMISSION OF ALASKA

The Regulatory Commission of Alaska (Commission) proposes, in Docket R-15-002, to adopt regulation changes in Title 3 of the Alaska Administrative Code dealing with the expansion of electronic filing to all docket and non-docket related proceedings, including tariff filings and reports. Specifically, the Commission is considering expanding electronic filing to all communications submitted to the Commission and removing the current mandatory electronic filing requirements in formal docket proceedings, allowing for filings with the Commission to be submitted electronically or on paper. In addition, the Commission is considering whether it should require mandatory electronic filing of Regulatory Cost Charge (RCC) quarterly and annual reports.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Regulatory Commission of Alaska at 701 West 8th Avenue, Suite 300, Anchorage, Alaska 99501. Additionally, the Regulatory Commission of Alaska will accept comments via its website at: <http://rca.alaska.gov/RCAWeb/WhatsNew/PublicNoticesComments.aspx>.

Comments may also be submitted through the Alaska Online Public Notice System, by accessing this notice on the system and using the "comment" link. Initial comments must be received no later than 5:00 p.m., on October 12, 2015 and should reference Docket R-15-002. Reply comments must be received no later than 5:00 p.m., on November 12, 2015.

If you are a person with a disability who needs special accommodation in order to participate in this process, please contact Joyce McGowan at 907-276-6222, toll-free at 1-800-390-2782 or TTY 907-276-4533 no later than October 5, 2015 for initial comments and November 4, 2015 for reply comments to ensure that any necessary accommodations can be provided.

Since this is a regulations proceeding, commenters are not required to serve their comments on other entities or persons set out on the service list of this notice. Interested persons may request from the Commission copies of the comments filed in this proceeding. For a copy of the proposed regulation changes and related materials contact the Commission's Records & Filings Section at the above address or at 907-276-6222 or go to:

<http://rca.alaska.gov/RCAWeb/Home.aspx>. Those seeking to obtain the materials at the above website must pick "All Open Rulemaking Dockets" under *Top Searches* and choose Matter Number "R-15-002."

After the public comment period ends, the Commission will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. **YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.** Written comments received are public records and are subject to public inspection.

Statutory Authority: AS 42.05.151(a), AS 42.05.254(g), AS 42.06.140(a)(5), AS 42.06.286(d), AS 42.08.220(b)(4) and AS 42.08.380(d).

Statutes Being Implemented, Interpreted, or Made Specific: AS 42.05.151(b), AS 42.05.201, AS 42.05.231, AS 42.05.254, AS 42.05.361, AS 42.05.451(b), AS 42.05.671(c), AS 42.06.250, AS 42.06.286, AS 42.06.350, AS 42.06.430(7), AS 42.06.445(d), AS 42.08.240, AS 42.08.320(a), AS 42.08.330(b), AS 42.08.340, AS 42.08.380, AS 42.08.400(d), AS 42.08.450(a)(2)(c), AS 42.45.110(g) and AS 42.45.170(a)(1).

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: August 28, 2015

T.W. Patch, Chairman

ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(g))

1. Adopting agency: Regulatory Commission of Alaska
2. General subject of regulation: Electronic Filing Requirements
3. Citation of regulation (may be grouped): 3 AAC 47.050 - 3AAC 47.070, 3 AAC 48.020, 3 AAC 48.025, 3 AAC 48.060, 3 AAC 48.090, 3 AAC 48.091, 3 AAC 48.095, 3 AAC 48.100, 3 AAC 48.142, 3 AAC 48.182, 3 AAC 48.183, 3 AAC 48.220, 3 AAC 48.240, 3 AAC 48.270, 3 AAC 48.275, 3 AAC 48.280, 3 AAC 48.290, 3 AAC 49.060, 3 AAC 51.030, 3 AAC 51.040, 3 AAC 52.030, 3 AAC 52.070, 3 AAC 52.300, 3 AAC 52.320, 3 AAC 52.330, 3 AAC 52.333, 3 AAC 52.358, 3 AAC 52.367, 3 AAC 52.372, 3 AAC 52.380, 3 AAC 52.390, 3 AAC 52.450, 3 AAC 52.470, 3 AAC 52.490, 3 AAC 52.504, 3 AAC 52.506, 3 AAC 52.640, 3 AAC 52.660, 3 AAC 52.722 - 3 AAC 52.726, 3 AAC 52.732, 3 AAC 52.900, 3 AAC 52.930, 3 AAC 53.243, 3 AAC 53.245, 3 AAC 53.265, 3 AAC 53.290, 3 AAC 53.320, 3 AAC 53.330, 3 AAC 53.440, 3 AAC 53.460, 3 AAC 53.625, 3 AAC 53.750
4. Reason for the proposed action:
- ☐ compliance with federal law
- ☐ compliance with new or changed state statute
- ☐ compliance with court order
- ☐ development of program standards
- ☒ other: (please list) Changes to electronic filing procedures
5. RDU/component affected: Regulatory Commission of Alaska

6. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY 2016	Subsequent Years
Operating Cost	\$ <u>0</u>	\$ <u>0</u>
Capital Cost	\$ <u>0</u>	\$ <u>0</u>
Federal receipts	\$ <u>0</u>	\$ <u>0</u>
General fund match	\$ <u>0</u>	\$ <u>0</u>
General fund	\$ <u>0</u>	\$ <u>0</u>
General fund/ program receipts	\$ <u>0</u>	\$ <u>0</u>
General fund/ mental health	\$ <u>0</u>	\$ <u>0</u>
Other funds (specify)	\$ <u>0</u>	\$ <u>0</u>

7. The name of the contact person for the regulations:

Name Richard Gazaway
Title Advisory Section Manager
Address 701 W. Eighth Avenue, Suite 300
Anchorage, AK 99501
Telephone 907-276-6222
E-mail address richard.gazaway@alaska.gov

8. The origin of the proposed action:

☒ staff of state agency
☐ federal government
☐ general public

_____ petition for regulation change
_____ other (please list) _____

9. Date: August 28, 2015

Prepared by: _____

[signature]

Name (typed) T.W. Patch

Title (typed) Chairman

Telephone: 907-276-6222

268448
0001371044
\$363.56

R.C.A.
RECEIVED
15 SEP 10 AM 10:58

AFFIDAVIT OF PUBLICATION

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

Emma Dunlap

being first duly sworn on oath deposes and says that he/she is a representative of the Alaska Dispatch News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

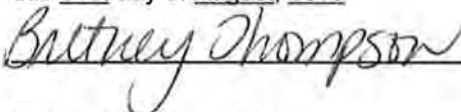
August 29, 2015

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed



Subscribed and sworn to before me
this 31st day of August, 2015



Notary Public in and for
The State of Alaska.

Third Division

Anchorage, Alaska

MY COMMISSION EXPIRES

2/23/2019

Notary Public
BRITNEY L. THOMPSON
State of Alaska
My Commission Expires Feb 23, 2019

NOTICE OF PROPOSED CHANGES TO THE ELECTRONIC FILING REGULATIONS OF THE REGULATORY COMMISSION OF ALASKA

The Regulatory Commission of Alaska (Commission) proposes, in Docket R-15-002, to adopt regulation changes in Title 3 of the Alaska Administrative Code dealing with the expansion of electronic filing to all docket and non-docket related proceedings, including tariff filings and reports. Specifically, the Commission is considering expanding electronic filing to all communications submitted to the Commission and removing the current mandatory electronic filing requirements in formal docket proceedings, allowing for filings with the Commission to be submitted electronically or on paper. In addition, the Commission is considering whether it should require mandatory electronic filing of Regulatory Cost Charge (RCC) quarterly and annual reports.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Regulatory Commission of Alaska at 701 West 8th Avenue, Suite 300, Anchorage, Alaska 99501. Additionally, the Regulatory Commission of Alaska will accept comments via its website at: <http://rca.alaska.gov/RCAWeb/WhatsNew/PublicNoticesComments.aspx>.

Comments may also be submitted through the Alaska Online Public Notice System, by accessing this notice on the system and using the "comment" link. Initial comments must be received no later than 5:00 p.m., on October 12, 2015 and should reference Docket R-15-002. Reply comments must be received no later than 5:00 p.m., on November 11, 2015.

If you are a person with a disability who needs special accommodation in order to participate in this process, please contact Joyce McGowan at 907-276-6222, toll-free at 1-800-390-2782 or TTY 907-276-4533 no later than October 5, 2015 for initial comments and November 4, 2015 for reply comments to ensure that any necessary accommodations can be provided.

Since this is a regulations proceeding, commenters are not required to serve their comments on other entities or persons set out on the service list of this notice. Interested persons may request from the Commission copies of the comments filed in this proceeding. For a copy of the proposed regulation changes and related materials contact the Commission's Records & Filings Section at the above address or at 907-276-6222 or go to: <http://rca.alaska.gov/RCAWeb/Home.aspx>. Those seeking to obtain the materials at the above website must pick "All Open Rulemaking Dockets" under Top Searches and choose Matter Number "R-15-002."

After the public comment period ends, the Commission will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED. Written comments received are public records and are subject to public inspection.

Statutory Authority: AS 42.05.151(a), AS 42.05.254(g), AS 42.06.140(a)(5), AS 42.06.286(d), AS 42.08.220(b)(4) and AS 42.08.380(d).

Statutes Being Implemented, Interpreted, or Made Specific: AS 42.05.151(b), AS 42.05.201, AS 42.05.231, AS 42.05.254, AS 42.05.361, AS 42.05.451(b), AS 42.05.671(c), AS 42.06.250, AS 42.06.286, AS 42.06.350, AS 42.06.430(7), AS 42.06.445(d), AS 42.08.240, AS 42.08.320(a), AS 42.08.330(b), AS 42.08.340, AS 42.08.380, AS 42.08.400(d), AS 42.08.450(a)(2)(c), AS 42.45.110(g) and AS 42.45.170(a)(1).

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: August 28, 2015

T.W. Patch, Chairman

Published: August 29, 2015

A2108-106671-15