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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Micaela Fowler
Department of Commerce, Community & Economic Development

FROM: Scott Meriwether, Office of the Lieutenant Governor
465.4081

DATE: September 28, 2017

RE: Filed Permanent Regulations: Regulatory Commission of Alaska

A handwritten signature in blue ink, likely belonging to Scott Meriwether.

Regulatory Commission of Alaska regulations re: general tariff form and filing requirements (3 AAC 47.070(c); 3 AAC 48.220 - 3 AAC 48.410; 3 AAC 48.468(b); 3 AAC 48.645(a); 3 AAC 48.710(a); 3 AAC 48.730(a); 3 AAC 51.040(c); 3 AAC 52.367(d); 3 AAC 52.370(b); 3 AAC 52.375(b); 3 AAC 52.390(a); 3 AAC 52.732; 3 AAC 52.734(a); 3 AAC 52.810(a); 3 AAC 53.200(a); 3 AAC 53.240(b,(c)); 3 AAC 53.243; 3 AAC 53.245(d); 3 AAC 53.290; 3 AAC 53.345(c))

Attorney General File:	JU2016200452
Regulation Filed:	9/27/2017
Effective Date:	10/27/2017
Print:	224, January 2018

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE REGULATORY COMMISSION OF ALASKA

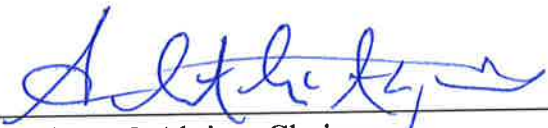
The attached 39 pages of regulations, dealing with the general tariff form and filing requirements, are certified to be a correct copy of the regulation changes that the Regulatory Commission of Alaska adopted at its September 13, 2017, public meeting, under the authority of AS 42.05.151 and after compliance 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.

On the record, 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 described in 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: 9/20/17
Anchorage, Alaska



Stephen McAlpine, Chairman

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on September 27, 2017 at 11:50 A.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.



Lieutenant Governor

Effective: October 27, 2017

Register: 224, January 2018

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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; am 10 / 27 / 2017, Register 224)

Authority: AS 42.05.141 AS 42.05.254 AS 42.06.286
AS 42.05.151 AS 42.06.140

3 AAC 48.220 is repealed and readopted to read:

3 AAC 48.220. Tariff filing submission, calculation of statutory notice period, and effective date. (a) Unless otherwise provided, the statutory notice period for a tariff filing does not begin until the filing utility or pipeline carrier has complied with this section. If a utility or pipeline carrier submits a tariff filing that does not meet all of the notice and form and filing requirements provided under statute and 3 AAC 48.200 - 3 AAC 48.430, and the commission does not waive those requirements under 3 AAC 48.805, the commission may reject the filing. The statutory notice period for a rejected tariff filing begins only after the filing is supplemented, within a period specified by the

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commission, to comply with all applicable requirements. If a utility or pipeline carrier fails to supplement a rejected tariff filing in order to comply with all applicable requirements within the period specified by the commission, the tariff filing will be closed and returned to the utility or pipeline carrier. If a tariff filing is refiled by the utility or pipeline carrier after having been rejected and returned as provided in this chapter, the tariff filing shall be renumbered with the next available tariff advice number and treated as a new tariff filing.

(b) 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. A utility or pipeline carrier filing on paper shall submit an original and five copies of each tariff filing, unless otherwise directed by the commission.

(c) Each tariff filing submitted to the commission must be transmitted by means of consecutively numbered tariff advice letters. Every tariff advice letter must contain the applicable information set out in 3 AAC 48.270(a), unless another provision of 3 AAC 47 - 3 AAC 53 (Regulatory Commission of Alaska) provides otherwise, and is subject to one of the following statutory notice periods as follows:

(1) a utility tariff filing must be submitted to the commission not later than 45 days before it 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 provision of 3 AAC 47 - 3 AAC 53 (Regulatory Commission of Alaska) provides for a different filing method or time period;

(2) an initial pipeline tariff filing must be submitted to the commission not

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later than 90 days before it may take effect unless the commission, by order, authorizes the filing to take effect in less than 90 days after the date of filing, or unless another provision of 3 AAC 47 - 3 AAC 53 (Regulatory Commission of Alaska) provides for a different filing method or time period;

(3) a pipeline tariff filing, other than an initial pipeline tariff filing, must be submitted to the commission not later than 30 days before it may take effect unless the commission, by order, authorizes the filing to take effect in less than 30 days after the date of filing, or unless another provision of 3 AAC 47 - 3 AAC 53 (Regulatory Commission of Alaska) provides for a different filing method or time period.

(d) Whether submitted on paper or electronically, a tariff filing made before 5:00 p.m. on a regular business day will be considered filed with the commission for the purpose of determining the statutory notice period. The day after the filing is submitted with the commission will be counted as the first day of the period of notice to the commission and the public in accordance with AS 01.10.080. The statutory notice periods set out in (c) of this section shall be determined in the same manner prescribed under 3 AAC 48.090. If a notice period ends on a Saturday, Sunday, or state legal holiday, the notice period will be extended to the end of the commission's next regular business day. In computing the statutory notice period, consideration will not be given to notice by telephone, electronic mail, or facsimile transmission.

(e) Except as otherwise provided in this chapter, the commission may reject a tariff filing submitted to the commission with insufficient time to accommodate the statutory notice period before a proposed effective date.

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(f) A utility or pipeline carrier may propose an effective date before the end of the statutory notice period for a tariff filing as set out in 3 AAC 48.270(a). If a proposed effective date is not included in a tariff advice letter, the commission will treat the last day of the statutory period of notice to the commission as the proposed effective date, unless the tariff filing is suspended in accordance with 3 AAC 48.310(d). The commission may reject a tariff filing if a proposed effective date is more than 90 days after the date the tariff filing is submitted to the commission, except as specifically authorized by the commission on request of a utility or pipeline carrier, or except in the case of an initial pipeline tariff.

(g) After approval, the commission will validate each effective tariff sheet, special contract, agreement, form, and other document required by commission order, by placing the commission's date-of-receipt stamp on the upper right corner of each tariff sheet, form, and other document and by entering the appropriate effective date on the bottom right corner of each tariff sheet, form, and other document. The commission will return a copy of each effective tariff sheet, special contract, agreement, form, and other document required by commission order to the utility or the pipeline carrier after the effective date of the filing.

(h) Each effective tariff on file with the commission is lawful until revised in accordance with the procedures established under law, 3 AAC 48.200 - 3 AAC 48.430, and other provisions of 3 AAC 47 - 3 AAC 53 (Regulatory Commission of Alaska). (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; am

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10/27/2017, Register 224)

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 48.230 is repealed:

3 AAC 48.230. Billing and contract forms. Repealed. (Eff. 11/16/73, Register 48; am 6/29/84, Register 90; am 8/6/92, Register 123; repealed 10/27/2017, Register 224)

3 AAC 48.240 is repealed:

3 AAC 48.240. Delivery of tariff. Repealed. (Eff. 11/16/73, Register 48; am 6/29/84, Register 90; am 11/6/2016, Register 220; repealed 10/27/2017, Register 224)

3 AAC 48.250(a) is amended to read:

3 AAC 48.250. Tariff on file for public inspection. (a) Each utility or pipeline carrier shall maintain in its tariff a list of the locations at which it keeps a copy of its paper tariff available for public inspection and, if applicable, the Internet address of its electronic tariff.

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3 AAC 48.250(c) is repealed:

(c) Repealed 10/27/2017. (Eff. 11/16/73, Register 48; am 6/29/84, Register 90; am 10/27/2017, Register 224)

Authority:	AS 42.05.141	<u>AS 42.06.140</u>	AS 42.06.350
	AS 42.05.151	[AS 42.06.140(a)]	AS 42.06.390
	AS 42.05.361		

3 AAC 48.260 is repealed:

3 AAC 48.260. Public notice of utility tariff inspection privilege. Repealed.
(Eff. 11/16/73, Register 48; am 6/29/84, Register 90; repealed 10/27/2017, Register 224)

3 AAC 48.270 is repealed and readopted to read:

3 AAC 48.270. Tariff advice letters. (a) Unless otherwise provided, 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 letter designated as “Tariff Advice Letter No. 1, 2, 3, etc.” Tariff advice letters may be on either letterhead or plain paper, but must be formatted to print eight and one-half inches by 11 inches in size, must contain the name and return address of the filing utility or pipeline carrier, and must contain the name, return address, and electronic mail address of the filing utility or pipeline carrier’s representative authorized to issue tariffs. Tariff advice letters

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must

- (1) list the tariff advice letter number;
 - (2) specify the statutes, regulations, or commission order that the filing is made under;
 - (3) list the tariff sheets, special contracts, agreements, forms, or other documents required by commission order that are being filed;
 - (4) summarize the proposed tariff revisions, including an explanation about whether the filing proposes to implement rules, rates, or both;
 - (5) include a statement setting out whether the filing will impact any current customers or shippers and if so, the estimated number of customers or shippers that will be affected;
 - (6) if applicable, include a request for the tariff filing to take effect before the end of the statutory notice period, including a proposed effective date and explanation demonstrating good cause showing why the early effective date is necessary; and
 - (7) if applicable, include a request for interim approval.
- (b) If the filing is based upon a study, a copy of the study used by the utility or pipeline carrier must be filed with the tariff advice letter, if not already on file with the commission. If a utility or pipeline carrier wishes to keep a study confidential it may petition for confidentiality as provided in 3 AAC 48.045.
- (c) When a special contract is filed, the tariff advice letter must address the requirements of 3 AAC 48.390(b) and include a statement explaining the reason the

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customer was not required to take service under an existing tariff schedule or appropriate revision of it, designed to accommodate the customer and all others similarly situated. If a special contract is filed under seal, in accordance with 3 AAC 48.045(a), the tariff advice letter must also name the signatories to the contract and give the date of execution. (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; am 10/27/2017, Register 224)

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 48.280 is repealed and readopted to read:

3 AAC 48.280. Additional public notice. The commission may prescribe, on a case-by-case basis, one or more appropriate additional means by which a tariff filing must be noticed to the public, including

(1) publication in one or more newspapers or by means of other news media at the expense of the filing utility or pipeline carrier;

(2) individual notice to all customers or shippers that may be affected by the tariff filing, either by hand, by United States mail, or by a similar delivery service, under conditions prescribed by the commission, or by the commission itself; or

(3) publication on the commission's website. (Eff. 11/16/73, Register 48; am 6/29/84, Register 90; am 11/6/2016, Register 220; am 10/27/2017, Register

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224)

Authority: AS 42.05.141 AS 42.05.411 AS 42.06.350
AS 42.05.151 AS 42.06.140 AS 42.06.390
AS 42.05.361

The section heading of 3 AAC 48.290 is changed to read:

3 AAC 48.290. Response to public notice.

3 AAC 48.300(a) is amended to read:

3 AAC 48.300. Waiver of statutory notice period. (a) When a utility or pipeline carrier includes in its tariff advice letter a request under 3 AAC 48.270(a)(6) for [AUTHORIZATION FOR] a tariff filing to take effect before the end of the statutory notice period, the burden of showing good cause for waiving statutory notice must be borne by the filing utility or pipeline carrier.

The introductory language of 3 AAC 48.300(b) is amended to read:

(b) In response to each request under (a) of this section, the commission may **take one of the following actions:** [WILL, IN ITS DISCRETION,]

• • •

3 AAC 48.300(b)(1) is amended to read:

(1) deny the request and require at least the statutory notice period to

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expire before allowing the **tariff** filing to take effect;

3 AAC 48.300(b)(2) is amended to read:

(2) grant the **requested** [REQUEST AS OF THE] effective date **as proposed in the tariff advice letter** [SPECIFIED];

3 AAC 48.300(b)(3) is amended to read:

(3) allow the **tariff** filing to take effect before the end of the statutory notice period but later than the **requested effective** date **proposed in the tariff advice letter** [SPECIFIED IN THE REQUEST]; [AND]

The introductory language of 3 AAC 48.300(c) is amended to read:

(c) The commission, on its own motion or for good cause shown, **may** [WILL, IN ITS DISCRETION,] waive statutory notice and specify an effective date **before** [SOONER THAN] the end of the statutory notice period for [TARIFF FILINGS, INCLUDING]

. . .

3 AAC 48.300(c)(2) is amended to read:

(2) **tariff filings** [TARIFFS] covering services, facilities, or commodities not previously furnished;

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3 AAC 48.300(c)(4) is amended to read:

(4) **tariff filings** [TARIFFS] filed to comply with orders of the commission.

(Eff. 11/16/73, Register 48; am 6/29/84, Register 90; am 10/27/2017, Register 224)

Authority: AS 42.05.141 **AS 42.06.140** AS 42.06.390

AS 42.05.151 [AS 42.06.140(a)] AS 42.06.400

AS 42.05.411

3 AAC 48.310(b) is amended to read:

(b) When a tariff filing is rejected, it will be returned promptly to the utility or pipeline carrier with a letter explaining the reason **the filing** [IT] was rejected.

3 AAC 48.310(c) is amended to read:

(c) A tariff filing, or any portion of one, that has been rejected is void [AND, FOR ALL PURPOSES, SHALL BE TREATED AS THOUGH IT HAD NEVER BEEN FILED].

3 AAC 48.310(e) is amended to read:

(e) If the commission does not enter a formal order suspending a tariff filing, in whole or in part, the part of the filing that is not suspended takes effect when the statutory notice period has **expired** [RUN] in accordance with **3 AAC 48.220** [3 AAC 48.240], or at a later date designated by the utility or pipeline carrier.

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3 AAC 48.310(f) is amended to read:

(f) Show cause orders and orders of investigation involving a suspended tariff **filing** will be issued under the same docket file number as the one under which the original suspension order was entered.

3 AAC 48.310(g) is amended to read:

(g) If a suspended tariff filing is withdrawn by a utility or a pipeline carrier and later refiled, the commission **may** [WILL, IN ITS DISCRETION,] suspend **the filing** [IT] again up to the full statutory period.

(Eff. 11/16/73, Register 48; am 6/29/84, Register 90; am 10 / 27 / 2017, Register 224)

Authority:	AS 42.05.141	AS 42.05.421	AS 42.06.350
	AS 42.05.151	<u>AS 42.06.140</u>	AS 42.06.400
	AS 42.05.411	[AS 42.06.140(a)]	

3 AAC 48.320 is repealed and readopted to read:

3 AAC 48.320. Separate tariff for each utility or pipeline carrier and controlling effective tariff. (a) When a single entity furnishes more than one kind of utility service, pipeline carrier service, or commodity, as defined in AS 42.05 or AS 42.06, the entity shall file a separate tariff for each kind of utility service, pipeline carrier service, or commodity that the entity furnishes.

(b) For every service that a utility or pipeline carrier offers that is regulated by the commission, the effective tariff of the utility or pipeline carrier must set out the rates,

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charges, regulations, terms, and conditions applicable to the service. The effective tariff of every utility or pipeline carrier must specifically provide for, and authorize, every rate or charge subject to the commission's jurisdiction.

(c) A utility or pipeline carrier may not deviate from its effective tariff or refuse to apply it uniformly without prior commission approval.

(d) If a utility or pipeline carrier charges more or less than the amount provided by its effective tariff, it shall promptly make appropriate adjustments to correct the total overpayment or underpayment.

(e) Errors occurring in an effective tariff that result solely from a typographic or reproduction mistake must, upon discovery, be corrected immediately by the utility or pipeline carrier by filing, in compliance with 3 AAC 48.220 and 3 AAC 48.270, revised tariff sheets. (Eff. 11/16/73, Register 48; am 6/29/84, Register 90; am 10/27/2017, Register 224)

Authority:	AS 42.05.141	AS 42.05.381	[AS 42.06.140(a)]
	AS 42.05.151	<u>AS 42.06.140</u>	AS 42.06.360
	AS 42.05.371		

3 AAC 48.330 is repealed and readopted to read:

3 AAC 48.330. Format of tariff sheets. Every tariff sheet must be legible and formatted to print eight and one-half by 11 inches in size and, except as provided in 3 AAC 48.360(d), include

(1) the number of the utility or pipeline carrier's certificates of public

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convenience and necessity;

- (2) the tariff sheet number;
- (3) the tariff sheet revision number;
- (4) the name of the utility or pipeline carrier;
- (5) the tariff advice number; and
- (6) the proposed effective date. (Eff. 11/16/73, Register 48; am 6/29/84,

Register 90; am 4/24/2004, Register 170; am 10/27 / 2017, Register 224)

Authority: AS 42.05.141 AS 42.05.361 AS 42.06.350
AS 42.05.151 AS 42.06.140

3 AAC 48.340(a) is amended to read:

3 AAC 48.340. Tariff sheet designation. (a) Each [COMPLETELY] new tariff sheet must be officially designated by the letters "RCA" in the upper left-hand corner of the tariff sheet, followed by the number of the utility [UTILITY'S] or pipeline carrier's certificate of public convenience and necessity authorizing the utility or pipeline carrier to furnish the kind of service or commodity covered by its tariff.

3 AAC 48.340(b) is amended to read:

(b) Each sheet of every tariff, except the title page, must bear a sheet number [IN THE SPACE PROVIDED] at the top of the sheet. The first publication of a tariff sheet must be designated as "Original Sheet"

3 AAC 48.340(c) is amended to read:

(c) The amendment of any sheet of a tariff shall be made only by reissuing the particular sheet upon which the change, addition, or cancellation is made. Reissuing the sheet means to cancel it by a new **tariff sheet that contains** [PAGE WHICH SHALL BE DESIGNATED AS A REVISED PAGE IN THE MANNER SHOWN BELOW AND SHALL CONTAIN] the same tariff provisions except whatever additions, changes, or cancellations are made. Each revised tariff sheet **must** [SHALL] bear the same sheet number, **either spelled out or in numerical format**, as the sheet it amends and **must** [SHALL] bear a consecutive revision number as explained in this subsection. A revised **tariff** sheet **that** [WHICH] amends an original sheet **must** [SHALL] be designated "FIRST REVISION OF SHEET ... ," "SECOND REVISION OF SHEET ... ," etc. Each revised sheet **must** [SHALL] direct the cancellation of the original or revised sheet **that** [WHICH] it amends and this cancellation **may** [SHALL] be shown in the manner indicated in the following example:

FIRST REVISION OF SHEET

CANCELLING

ORIGINAL SHEET

When the first revision of a sheet is to be amended, it **must** [SHALL] be cancelled by a second revised sheet in the following manner:

SECOND REVISION OF SHEET

CANCELLING

FIRST REVISION OF SHEET

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The same number formatting must be used consistently throughout the tariff.

3 AAC 48.340(d) is amended to read:

(d) If, after a tariff has been issued, **adding** [IT BECOMES NECESSARY TO ADD] an additional **sheet becomes necessary** [PAGE] to provide for **an** expanded or additional tariff matter, the added **sheet must** [PAGE SHALL] be designated as an original sheet, [(] not a revised sheet, [)] and **must** [SHALL] be given the same sheet number, when added between existing sheets of the tariff, as the sheet **that** [WHICH] it follows. **A period or dash** [, BUT A DECIMAL] suffix, [(] in the numerical sequence, [)] **must** [SHALL] follow the sheet number, **but not both a period and dash**. For example, a sheet added between sheets four and five of the tariff **must** [SHALL] be designated as "Original Sheet 4.1" **or "Original Sheet 4-1"** and a sheet added between 4.1 **or 4-1** and 5 of the tariff **must** [SHALL] be designated as "Original Sheet 4.2" **or "Original Sheet 4-2"** etc. **Either dashes or periods must be used consistently throughout the tariff.** **A** [IN NO CASE, HOWEVER, SHALL A] sheet **may not** be added between two sheets both of which bear sheet numbers with suffixes containing two **periods or two dashes** [DECIMAL PLACES]. If **amending** [IT SHOULD BECOME NECESSARY TO AMEND] original sheet 4.1 **or 4-1 becomes necessary**, it shall be done in the manner prescribed in (c) of this section by issuing **the** first revision of sheet 4.1 **or 4-1**.

3 AAC 48.340(f) is amended to read:

(f) When a revised **tariff** sheet is issued **that** [WHICH] omits rates, charges, or

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other provisions formerly published on the sheet that [WHICH] it cancels, and the omitted matter is transferred to a different sheet, the revised sheet must [SHALL] make specific reference to the tariff sheet on which the omitted matter will thereafter be found. [AS INDICATED IN THE FOLLOWING EXAMPLE: FOR (HERE IDENTIFY THE OMITTED MATTER) FORMERLY PUBLISHED ON ... (HERE INSERT THE WORDS "ORIGINAL SHEET OR REVISION OF SHEET"), SEE REVISION OF SHEET] The sheet to which the omitted matter is transferred must [SHALL] refer to the tariff sheet on which the matter was formerly published [, SUBSTANTIALLY AS FOLLOWS: FOR (HERE IDENTIFY THE TRANSFERRED MATTER) IN EFFECT PRIOR TO THE EFFECTIVE DATE HEREOF, SEE (HERE INSERT THE WORDS "ORIGINAL SHEET OR REVISION OF SHEET")]. The cancellation of the matter on the former tariff sheet shall be made effective simultaneously with the effective date of the matter on the sheet to which it is transferred. Subsequent revisions of the revised sheets accomplishing the transfer must [SHALL] omit the references required in this subsection [ABOVE WITH RESPECT TO THE TRANSFERRED MATTER].

3 AAC 48.340(g) is amended to read:

(g) If anything on a tariff sheet is to be cancelled entirely, and is not to be transferred to another sheet [PAGE] of the same tariff, the revised sheet that [WHICH] effects the amendment must [SHALL] specifically show the cancellation of the provisions, as prescribed under 3 AAC 48.360(g) [AND IDENTIFY THE PROVISIONS

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TO BE CANCELLED. FOR EXAMPLE, IF A RULE IS CANCELLED, THE NUMBER AND CAPTION OF THE RULE SHOULD BE BROUGHT FORWARD ON THE NEW SHEET BUT THE BODY OF THE RULE SHOULD BE OMITTED AND, IN ITS PLACE, IT SHOULD BE STATED THAT THE RULE IS CANCELLED. ALTERNATIVELY, THE CANCELLATION (BUT NOT TRANSFER) OF A SUBSTANTIAL PORTION OF MATERIAL ON A TARIFF SHEET MAY BE ACCOMPLISHED BY SIMPLY OMITTING THE MATTER TO BE CANCELLED AND INSERTING A FOOTNOTE AT THE BOTTOM OF THE REVISED SHEET CLEARLY INDICATING THE NATURE OF THE MATTER THAT HAS BEEN CANCELLED]. Subsequent revisions of the revised tariff sheet that effected the cancellation must [SHALL] omit the required margin notations [CANCELLATION]. (Eff. 11/16/73, Register 48; am 6/29/84, Register 90; am 4/24/2004, Register 170; am 10 / 27 / 2017, Register 224)

Authority: AS 42.05.141 AS 42.05.361 AS 42.06.350
AS 42.05.151 AS 42.06.140

3 AAC 48.350 is repealed:

3 AAC 48.350. Separate tariff for each utility. Repealed. (Eff. 11/16/73, Register 48; am 6/29/84, Register 90; repealed 10 / 27 / 2017, Register 224)

3 AAC 48.360 is repealed and readopted to read:

3 AAC 48.360. General arrangement and content of tariff. (a) The effective tariff of a utility or pipeline carrier must contain

(1) a title page that includes the name of the utility or pipeline carrier issuing the tariff as listed on the utility or pipeline carrier's certificate of public convenience and necessity, the certificated service or commodity offered, each certificated area to which the tariff applies, and the physical address of the issuing utility or pipeline carrier;

(2) an index with a complete and accurate list of the contents of the tariff;

(3) a map or set of maps depicting the utility or pipeline carrier's certificated service area;

(4) a complete set of terms and conditions governing the services offered by each utility or pipeline carrier under its applicable tariff; and

(5) a schedule of all rates and charges for each class of service offered, or for each customer or shipper group.

(b) If the index is rendered inaccurate due to the submission of a tariff sheet with a proposed revision, the index tariff sheet must be revised concurrently.

(c) The maps furnished by a pipeline carrier must show the pipeline facility or extension, the route of the pipeline facility or extension, the location of each intake and offtake point currently used, and each intake or offtake point that has been constructed but is not currently used. The maps furnished by a utility must clearly delineate the boundaries of

(1) each of the utility's certificated areas, and the principal area and major points actually served under the tariff; and

(2) the areas, zones, or districts in which the utility's rate schedules are

generally applied.

(d) For a pipeline carrier also subject to federal jurisdiction, tariff sheets that delineate the sections of the pipeline carrier's currently effective federal tariff and that are applicable to intrastate transportation of oil and petroleum products, together with a complete copy of the federal tariff, must be set out on consecutively numbered pages immediately following the intrastate rates and charges.

(e) Special contracts with customers must be filed separately by the utility, need not conform to the numbering plan set out in this section, and need not be included in the index page.

(f) In the construction of a tariff, consideration may be given to the fact that it will probably be necessary, in the future, to file additional rates, rules, regulations, or other items. Reservation of sheet and schedule numbers may therefore be made to provide, in advance, for subsequent filings to be made in proper relation to schedules, or other items filed previously.

(g) The purpose and effect of every tariff revision must be indicated on the tariff by the use of the following symbols to the right of the text to which they apply:

C - to denote a changed condition or regulation;

D - to denote a discontinued rate, regulation, or condition;

I - to denote an increase;

L - to denote that material has been relocated from or to another sheet or place in the tariff with no change in text, rate, rule, or condition;

N - to denote a new rate, regulation, condition, or sheet;

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R - to denote a reduction;

S - to denote reissued matter;

T - to denote a change in text for clarification.

(h) The symbols in (g) of this section may not be carried forward on subsequent revisions of the tariff sheets where they originally are shown or into tariff reissues or supplements, and the filing utility or pipeline carrier is not required to use them in any reproduction of its tariff for public inspection. (Eff. 11/16/73, Register 48; am 6/29/84, Register 90; am 10/27/2017, Register 224)

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

3 AAC 48.390 is repealed and readopted to read:

3 AAC 48.390. Special contracts. (a) Special contracts are treated as tariff filings. A utility service, commodity, or facility furnished to a customer under an unwritten contract or arrangement must be discontinued unless the parties to it execute a written contract and file it with the commission. This section does not apply to

- (1) the merchandising of equipment and appliances;
- (2) parts replacement and repair work on customer-owned equipment;
- (3) utility construction or materials purchase contracts;
- (4) easements;
- (5) applications for membership in cooperative associations; or

(6) service agreements which merely recite the provisions of a utility's effective tariff.

(b) Each special contract filed with the commission under AS 42.05.361(a) and 3 AAC 48.200 - 3 AAC 48.430 must contain a provision indicating the understanding of the parties that the contract

(1) does not take effect without the prior approval of the commission; and

(2) is, at all times, subject to revisions by the commission.

(c) The parties to every special contract shall be given notice and an opportunity to be heard as a condition precedent to the commission revising a special contract.

(d) A special contract may not be used as a device or method to give the vendee an unreasonable preference or advantage or subject the vendee to an unreasonable prejudice or disadvantage as determined by analyzing the provisions of the contract in relation to the terms and conditions under which the utility offers a comparable service under comparable conditions to the general public.

(e) The commission may authorize a utility to offer untariffed services or equipment to customers by special contract under the following conditions:

(1) the utility has filed a tariff filing for the service or equipment in the form and accompanied by the supporting information required under 3 AAC 48.200 - 3 AAC 48.430;

(2) the commission has suspended the operation of the tariff filing pending final approval;

(3) the commission has specified each rate to be charged the customer in

the special contract;

(4) each rate specified is retroactively reviewable and revisable, upward or downward, from the effective date of the special contract, and the customer's liability is to pay each rate finally approved for the tariff filing plus or minus accrued interest if that rate is different from the rate initially approved for use in the special contract; and

(5) the special contract expressly advises the customer of the potential retroactive liability for increased rates, plus accrued interest.

(f) Upon the commission's final approval of the tariff filing submitted under (e)(1) of this section, including any adjustment of the rate authorized for use in the special contract, the special contract lapses and service must continue under the terms and conditions set out in the utility's effective tariff.

(g) If the parties to a special contract that is filed with and approved by the commission cancel that contract, the utility or pipeline carrier shall notify the commission that the special contract has been cancelled. The notice to the commission must be by tariff advice letter and must include a copy of the instrument cancelling the special contract and the effective date of the cancellation. (Eff. 11/16/73, Register 48; am 1/19/80, Register 73; am 6/29/84, Register 90; am 10/27/2017, Register 224)

Authority:	AS 42.05.141	AS 42.05.301	AS 42.05.391
	AS 42.05.151	AS 42.05.361	AS 42.05.431
	AS 42.05.291	AS 42.05.381	

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The introductory language of 3 AAC 48.400(a) is amended to read:

3 AAC 48.400. Adoption notice. (a) When the name of a utility or pipeline carrier, as shown on a certificate of public convenience and necessity is changed, due to the transfer of [OR PORTION OF ONE, IS TRANSFERRED FROM THE] operating control of one utility or pipeline carrier to that of another by sale, lease, rental, inheritance, assignment, receivership, acquisition of a controlling interest by any means, or change in the legal form of its organization, or when the name of the utility or pipeline carrier is changed, the utility or pipeline carrier operating after that, if it intends to continue using the tariff shall, for each tariff so used, issue and file with the commission and shall, at the same time, make available for the statutory notice period at every place designated under 3 AAC 48.200 - 3 AAC 48.430, a tariff supplement containing an adoption notice reading substantially as follows:

. . .

3 AAC 48.400(c) is amended to read:

(c) Until the [SUCH] time when [AS] an adopted tariff is refiled in the name of the utility or pipeline carrier that [WHICH] adopted it, all subsequent revisions to the tariff must [OF IT SUBSEQUENT TO ADOPTION WILL] bear [, AT THE TOP PART OF EACH TARIFF SHEET,] the name of the utility or pipeline carrier whose tariff was adopted [AND, AT THE BOTTOM PART OF THE SHEET AFTER "ISSUED BY," THE NAME OF THE UTILITY OR PIPELINE CARRIER THAT ADOPTED THE TARIFF AND IS ISSUING THE REVISIONS OF THE TARIFF]. A tariff adopted by one utility or

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pipeline carrier may not be adopted by another utility or pipeline carrier, but instead must be filed as the tariff of the filing utility or pipeline carrier without any substantive change in the rates, charges, rules, and regulations of the predecessor utility or pipeline carrier. (Eff. 11/16/73, Register 48; am 6/29/84, Register 90; am 10/27/2017, Register 224)

Authority:	AS 42.05.141	<u>AS 42.06.140</u>	AS 42.06.350
	AS 42.05.151	[AS 42.06.140(a)]	AS 42.06.360
	AS 42.05.361	AS 42.06.305	AS 42.06.390

3 AAC 48.410 is repealed and readopted to read:

3 AAC 48.410. Tariff of acquired or newly formed utility or pipeline carrier.

(a) A newly formed utility, or a utility brought under the commission's jurisdiction by operation of law, shall file its complete tariff with the commission as part of its application for a certificate of public convenience and necessity. A utility filing an application for extension of its service area shall include as part of its application any tariff revisions that may be required and a statement justifying the applicability of its existing tariff in the new service area. The filings are subject to modification, and take effect on the date the certificate, or amendment to the certificate, is granted or at a later date under an order of the commission.

(b) A utility or pipeline carrier acquiring ownership or control of another utility or pipeline carrier, or portion of one, and filing a notice adopting the rates, rules, regulations, and other items of that utility or pipeline carrier shall, not later than 90 days

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after the filing of that adoption notice, file those rates, rules, regulations, and other items as a part of the acquiring utility or pipeline carrier's own tariff or as a separate tariff in the acquiring utility or pipeline carrier's own name if it plans to continue to operate in accordance with them. (Eff. 11/16/73, Register 48; am 6/29/84, Register 90; am

10/27/2017, Register 224)

Authority:	AS 42.05.141	<u>AS 42.06.140</u>	AS 42.06.350
	AS 42.05.151	[AS 42.06.140(a)]	AS 42.06.360
	AS 42.05.361	AS 42.06.305	AS 42.06.390
	AS 42.05.411		

3 AAC 48.468(b) is amended to read:

(b) A simplified pipeline tariff meeting the requirements of 3 AAC 48.450 - 3 AAC 48.490 will be noticed to the public in accordance with **3 AAC 48.220 and** 3 AAC 48.280. A petition to declare the pipeline facility a designated pipeline facility eligible to operate under a simplified pipeline tariff will be noticed to the public as part of the simplified pipeline tariff filing.

(Eff. 1/9/2009, Register 189; am 10/27/2017, Register 224)

Authority:	AS 42.04.080	AS 42.06.140	AS 42.06.400
	AS 42.06.055	AS 42.06.350	

3 AAC 48.645(a) is amended to read:

3 AAC 48.645. Applications: notice, deadline for filing competing

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applications; public hearing. (a) An application for a certificate of public convenience and necessity; for an amendment to a certificate; for discontinuance, abandonment, or suspension of a service, facility, or route in whole or in part; for transfer of a certificate of public convenience and necessity; or for the authority to acquire or dispose of a controlling interest in a certificated public utility or pipeline carrier under AS 42.05.281 or AS 42.06.305; or any other application described in 3 AAC 48.625 and 3 AAC 48.640(a), will be noticed by the commission to the public in substantially the same manner and format as a tariff filing is noticed to the public under 3 AAC 48.220 and 3 AAC 48.280 - 3 AAC 48.290. If an application for a certificate, for an amendment to, or transfer of, a certificate, or for authority to acquire a controlling interest in a certificated utility or pipeline carrier, is filed by a utility or pipeline carrier that is not subject to economic regulation by the commission, the public notice will state that fact, define the meaning of the term "economic regulation," and place the public on notice by explaining that, with respect to this applicant, the commission has no jurisdiction over matters that constitute economic regulation. The notice will cite the applicable statute, regulation, or other authority, under which the applicant is exempt or claims exemption from economic regulation.

(Eff. 6/29/84, Register 90; am 10/27/2017, Register 224)

Authority:	AS 42.05.141	<u>AS 42.06.140</u>	AS 42.06.270
	AS 42.05.151	[AS 42.06.140(a)]	AS 42.06.290
	AS 42.05.221	AS 42.06.240	AS 42.06.300
	AS 42.05.231	AS 42.06.250	AS 42.06.305

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AS 42.05.241

AS 42.06.260

AS 42.06.340

3 AAC 48.710(a) is amended to read:

3 AAC 48.710. Filing requirements. (a) A rate adjustment filing under 3 AAC 48.700 - 3 AAC 48.790 is subject to 3 AAC 48.220 [GOVERNED BY 3 AAC 48.240] and 3 AAC 48.270.

(Eff. 1/1/87, Register 100; am 10/27/2017, Register 224)

Authority: AS 42.05.141 AS 42.05.381 AS 42.05.421

AS 42.05.151 AS 42.05.411 AS 42.05.431

3 AAC 48.730(a) is amended to read:

3 AAC 48.730. Notice and effective date. (a) A cooperative's rate adjustment filing under 3 AAC 48.700 - 3 AAC 48.790 is subject to 3 AAC 48.220 - 3 AAC 48.280 [GOVERNED BY 3 AAC 48.280] and becomes [WILL BECOME] permanent at the end of the notice period described in AS 42.05.411 unless the commission suspends the filing in accordance with AS 42.05.421. If the commission suspends the filing, the commission may [WILL, IN ITS DISCRETION,] allow the filing to take effect on an interim basis, subject to refund.

(Eff. 1/1/87, Register 100; am 10/27/2017, Register 224)

Authority: AS 42.05.141 AS 42.05.381 AS 42.05.421

AS 42.05.151 AS 42.05.411 AS 42.05.431

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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;

am 10/27/2017, Register 224)

Authority: AS 42.05.141 AS 42.05.296 AS 42.05.321

AS 42.05.151 AS 42.05.311

The introductory language of 3 AAC 52.367(d) 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

...

(Eff. 5/18/2003, Register 166; am 11/6/2016, Register 220; am 10/27/2017, Register

224)

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 52.370(b) is amended to read:

(b) A certificated carrier shall maintain a current tariff of retail rates and all

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special contracts for retail rates on file with the commission. The certificated carrier may modify retail rates, offer new or repackaged services, and implement special contracts for retail service without approval of the commission after 30 days' notice to the commission of a tariff filing submitted in accordance with 3 AAC 48.220 [, 3 AAC 48.240,] and 3 AAC 48.270. A tariff filing by a registered entity must comply with 3 AAC 52.367 unless it is a special contract. A special contract filed by a registered entity must be submitted in accordance with 3 AAC 48.220 [, 3 AAC 48.240,] and 3 AAC 48.270. A modification in retail rates must be consistent with (a) of this section.

(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 9/16/2005, Register 175; am 10/6/2013, Register 208; am 10/27/2017, Register 224)

Authority: AS 42.05.141 AS 42.05.241 AS 42.05.711
AS 42.05.151 AS 42.05.431 AS 42.05.990
AS 42.05.221

3 AAC 52.375(b) is amended to read:

(b) The certificated carrier shall maintain a current tariff of wholesale rates and all special contracts for wholesale rates on file with the commission. The carrier may reduce wholesale rates without approval of the commission after 30 days' notice to the commission of a tariff revision submitted in accordance with 3 AAC 48.220 [, 3 AAC 48.240,] and 3 AAC 48.270. A tariff revision to increase wholesale rates, to offer new or repackaged wholesale services, or to implement special contracts for wholesale service

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is subject to the provisions of 3 AAC 48.220, [3 AAC 48.240,] 3 AAC 48.270, and 3 AAC 48.280 - 3 AAC 48.410 and must also include quantitative data, including cost-of-service data, in support of the proposed rates.

(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 9/16/2005, Register 175; am 10/27/2017, Register 224)

Authority: AS 42.05.141 AS 42.05.241 AS 42.05.711
AS 42.05.151 AS 42.05.431 AS 42.05.990
AS 42.05.221

3 AAC 52.390(a) is amended to read:

3 AAC 52.390. Miscellaneous provisions. (a) The provisions of [(1) 3 AAC 48.230, DO NOT APPLY TO AN INTEREXCHANGE CARRIER; HOWEVER, THE COMMISSION MAY REQUIRE CHANGES TO A BILLING OR CONTRACT FORM IF THAT FORM IS CONFUSING OR MISLEADING TO CUSTOMERS, OR IS CONTRARY TO THE PUBLIC INTEREST; AND (2)] 3 AAC 48.275, 3 AAC 48.277, and 3 AAC 48.430 do not apply to an interexchange carrier.

(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 10/6/2013, Register 208; am 8/1/2015, Register 215; am 11/6/2016, Register 220; am 10/27/2017, Register 224)

Authority: AS 42.05.141 AS 42.05.151 AS 42.05.800

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AS 42.05.145 AS 42.05.291

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 48.220** [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; am 10/27/2017, Register 224)

Authority: AS 42.05.141 AS 42.05.151 AS 42.05.361

3 AAC 52.734(a) is amended to read:

3 AAC 52.734. Tariffs on file for public inspection. (a) A provisionally certificated utility shall keep its tariff available for public inspection in accordance with **3 AAC 48.250** [3 AAC 48.250(a) AND (b) AND 3 AAC 48.260].
(Eff. 6/19/2004, Register 170; am 10/27/2017, Register 224)

Authority: AS 42.05.141 AS 42.05.151 AS 42.05.361

3 AAC 52.810(a) is amended to read:

3 AAC 52.810. Notice. (a) Initial and revised surcharge tariff filings are subject to **3 AAC 48.220, 3 AAC 48.270(a)(6),** [3 AAC 48.240] and 3 AAC 48.280.
(Eff. 6/29/2014, Register 170; am 10/27/2017, Register 224)

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Authority: AS 42.05.141 AS 42.05.151

3 AAC 53.200(a) is amended to read:

3 AAC 53.200. Applicability of local exchange competition provisions, purpose, and waiver. (a) The provisions of 3 AAC 53.200 - 3 AAC 53.299 apply to all local exchange carriers that furnish local exchange telephone service within a competitive local exchange market as designated under 3 AAC 53.205. The provisions of 3 AAC 53.210, 3 AAC 53.245, **3 AAC 53.290(a)(2)** [3 AAC 53.290(a)(3)], and 3 AAC 53.220(d) apply in noncompetitive areas also.

(Eff. 6/21/98, Register 146; am 9/16/2005, Register 175; am 10/27/2017, Register 224)

Authority: AS 42.05.141 AS 42.05.221 AS 42.05.990
AS 42.05.151 AS 42.05.711

3 AAC 53.240(b) is amended to read:

(b) A nondominant carrier shall maintain a current tariff of retail rates and all special contracts for retail rates on file with the commission. A nondominant carrier may modify retail rates and implement special contracts for retail services without approval of the commission after 30 days' notice to the commission of a tariff filing submitted in accordance with 3 AAC 48.220, [3 AAC 48.240,] 3 AAC 48.270, and 3 AAC 53.290(f).

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3 AAC 53.240(c) is amended to read:

(c) A dominant carrier shall maintain a current tariff of retail rates and all special contracts for retail rates on file with the commission. A dominant carrier may reduce retail rates, offer new or re-packaged services, and implement special contracts for retail services without approval of the commission after 30 days' notice to the commission of a tariff filing submitted in accordance with 3 AAC 48.220, [3 AAC 48.240,] 3 AAC 48.270, and 3 AAC 53.290(f). A tariff revision by a dominant carrier to increase a rate is subject to the provisions of 3 AAC 48.200 - 3 AAC 48.430.

(Eff. 6/21/98, Register 146; am 9/16/2005, Register 175; am 10/27/2017, Register 224)

Authority: AS 42.05.141 AS 42.05.241 AS 42.05.711
AS 42.05.151 AS 42.05.431 AS 42.05.990
AS 42.05.221

The introductory language of 3 AAC 53.243(d) is amended to read:

(d) The provisions of 3 AAC 48.270(a) do not apply to filings made under this section. The provisions of 3 AAC 48.390(a) and 3 AAC 48.390(b)(1) [3 AAC 48.220(c) AND 3 AAC 48.390(a)(1)] do not apply to special contracts for services where there is no dominant carrier. When implementing any rate, service, condition or rule, or special contract under (c) of this section, a carrier shall

...

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The introductory language of 3 AAC 53.243(d)(2) is amended to read:

(2) file with the commission, in accordance with **3 AAC 48.220** [3 AAC 48.240], an informational filing that includes a copy of the tariff sheets and a consecutively numbered tariff advice letter providing

* * *

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

(ii) a statement identifying the provision of the special contract that complies with **3 AAC 48.390(b)(2)** [3 AAC 48.390(a)(2)]; and

The introductory language of 3 AAC 53.243(e) is amended to read:

(e) The provisions of 3 AAC 48.330 - 3 AAC 48.340, **3 AAC 48.360(a) - (f)** [3 AAC 48.360(a) – (h)], and 3 AAC 48.380 do not apply to tariff sheets submitted under this section. Tariff sheets under this section must be submitted as follows:

* * *

3 AAC 53.243(e)(2)(G) is amended to read:

(G) margin notations set out in **3 AAC 48.360(g) and (h)** [3 AAC 48.360(i) AND (j)] indicating changes.

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

(3) the special contract filed does not include the provision required in

3 AAC 48.390(b)(2) [3 AAC 48.390(a)(2)].

(Eff. 9/16/2005, Register 175; am 8/20/2016, Register 219; am 11/6/2016, Register 220;

am 10/27/2017, Register 224)

Authority:	AS 42.05.141	AS 42.05.241	AS 42.05.711
	AS 42.05.151	AS 42.05.301	AS 42.05.990
	AS 42.05.221	AS 42.05.431	

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 48.220** [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; am 10/27/2017, Register

224)

Authority:	AS 42.05.141	AS 42.05.381	AS 42.05.421
	AS 42.05.151		

³²
3 AAC 52.390(a) is amended to read:

3 AAC 53.290. Miscellaneous provisions. (a) Except as provided in 3 AAC 48.440 and the *Alaska Intrastate Interexchange Access Charge Manual*, adopted by

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reference in 3 AAC 48.440, the provisions of

(1) 3 AAC 48.275 do not apply to those services for which the carrier is a nondominant carrier; **and**

(2) [3 AAC 48.230 DO NOT APPLY TO A LOCAL EXCHANGE CARRIER; HOWEVER, THE COMMISSION MAY REQUIRE CHANGES TO A LOCAL EXCHANGE CARRIER'S BILLING AND CONTRACT FORM IF THAT FORM IS CONFUSING OR MISLEADING TO CUSTOMERS OR IS CONTRARY TO THE PUBLIC INTEREST; AND

(3)] 3 AAC 48.277 and 3 AAC 48.430

(A) do not apply to a local exchange carrier

(i) after its application for certification to provide local exchange telephone service in competition to an existing local exchange carrier is granted; or

(ii) for services in an area designated by the commission as a competitive local exchange market; and

(B) apply, **notwithstanding** [NOT WITHSTANDING] (A) of this paragraph, to a local exchange carrier whose

(i) costs are used as the basis for determining intrastate access charge rate caps; or

(ii) costs or rates are used as the basis for determining state universal service support under 3 AAC 53.300 - 3 AAC 53.399, excluding the lifeline program.

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3 AAC 53.290(h) is amended to read:

(h) The provision of **3 AAC 48.270(a)(5)** [3 AAC 48.270(a)] that requires **a tariff advice letter to include** [THE FILING OF] 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] does not apply to a retail service offering of a local exchange carrier unless the carrier proposes to discontinue or increase the rates for a service. However, the commission may require a local exchange carrier filing a tariff under 3 AAC 53.240 to provide that information after the carrier submits its tariff proposal.

3 AAC 53.290(j) is amended to read:

(j) If the commission, by order, finds that an exchange is no longer served by multiple certificated facilities-based local exchange carriers, the remaining certificated facilities-based local exchange carrier shall be a dominant carrier for all retail services and shall also be the carrier of last resort. The provisions of [3 AAC 48.230,] 3 AAC 48.275, 3 AAC 48.277, and 3 AAC 48.430 apply to the remaining certificated facilities-based local exchange carrier. The provisions of 3 AAC 53.240 and 3 AAC 53.243 no longer apply to the remaining certificated facilities-based local exchange carrier. The commission will determine, upon petition or on its own motion, whether the exchange remains a competitive local exchange market. (Eff. 6/21/98, Register 146; am 11/11/2001, 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; am 10/27/2017, Register

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Authority: AS 42.05.141 AS 42.05.221 AS 42.05.711
AS 42.05.151 AS 42.05.241 AS 42.05.990

3 AAC 53.345(c) is amended to read:

(c) A local exchange carrier of last resort seeking to initiate, renew, or modify its total carrier of last resort support amount, or to increase a CCL rate cap as provided under (b) of this section, must submit a tariff advice letter in accordance with 3 AAC 48.220 [, 3 AAC 48.240,] and 3 AAC 48.270.

(Eff. 7/31/2011, Register 199; am 10/27/2017, Register 224)

Authority: AS 42.05.141 AS 42.05.311 AS 42.05.431
AS 42.05.145 AS 42.05.321 AS 42.05.830
AS 42.05.151 AS 42.05.381 AS 42.05.840
AS 42.05.291

MEMORANDUM


State of Alaska Department of Law

To: Hon. Byron Mallott
Lieutenant Governor

Date: September 26, 2017

File No.: JU2016200452

Tel. No.: 465-3600

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

Re: Regulatory Commission of Alaska
regulations re: general tariff form and
filing requirements (3 AAC 47.070(c);
3 AAC 48.220 - 3 AAC 48.410;
3 AAC 48.468(b) ; 3 AAC 48.645(a);
3 AAC 48.710(a); 3 AAC 48.730(a);
3 AAC 51.040(c); 3 AAC 52.367(d);
3 AAC 52.370(b); 3 AAC 52.375(b);
3 AAC 52.390(a); 3 AAC 52.732;
3 AAC 52.734(a); 3 AAC 52.810(a);
3 AAC 53.200(a); 3 AAC 53.240(b),
(c); 3 AAC 53.243; 3 AAC 53.245(d);
3 AAC 53.290; 3 AAC 53.345(c))

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 September 26, 2017 from the Regulations Attorney. These regulations are an omnibus update to the general tariff form and filing requirements, to streamline the process and rearrange provisions so that the regulations flow more logically.

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.

The May 25, 2016 public notice, the June 8, 2017 supplemental public notice, and the September 20, 2017 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: JU2016200452

September 26, 2017
Page 2

We have made a technical correction to the header of the regulations in accordance with AS 44.62.125, as shown on the attached copy. Specifically, I changed the year in the header from "2017" to "2018"; but the edit has nothing to do with the effective date of the regulations. Rather, the edit reflects that the first Alaska Administrative Code register where the publisher will set the regulations in print is Register 224, the January 2018 quarterly supplement. In contrast, the effective date of the regulations will be 30 days after the regulations are filed as provided under AS 44.62.180. That date will be considerably earlier than the publication date.

Additionally, I corrected a typographical error (my own) in a lead-in line on page 36 of the package. But the lead-in line is not part of the regulations. We have not made any corrections to the regulations as the commission adopted them at its meeting of September 13, 2017.

SCW

cc w/enc: (via email)

Stephen McAlpine, Chair
Regulatory Commission of Alaska

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

Richard Gazaway, Advisory Section Manager
Regulatory Commission of Alaska
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

Christine M. Breton
Regulatory Commission of Alaska
Department of Commerce, Community, and Economic Development

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

MEMORANDUM

State of Alaska Department of Law

TO: Hon. Byron Mallott
Lieutenant Governor

DATE: September 26, 2017

FILE NO.: JU2016200452

TELEPHONE NO.: (907) 465-3600

FROM: Susan R. Pollard *SRP*
Chief Assistant Attorney General
and Regulations Attorney
Legislation/Regulations Section

SUBJECT: Specific delegation of authority regarding regulations review on Regulatory Commission of Alaska regulations re: general tariff form and filing requirements (3 AAC 47.070(c); 3 AAC 48.220 - 3 AAC 48.410; 3 AAC 48.468(b) ; 3 AAC 48.645(a); 3 AAC 48.710(a); 3 AAC 48.730(a); 3 AAC 51.040(c); 3 AAC 52.367(d); 3 AAC 52.370(b); 3 AAC 52.375(b); 3 AAC 52.390(a); 3 AAC 52.732; 3 AAC 52.734(a); 3 AAC 52.810(a); 3 AAC 53.200(a); 3 AAC 53.240(b), (c); 3 AAC 53.243; 3 AAC 53.245(d); 3 AAC 53.290; 3 AAC 53.345(c))

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 and
Assistant Regulations Attorney
Legislation/Regulations Section

NOTICE OF PROPOSED CHANGES TO THE GENERAL TARIFF FORM AND FILING REGULATIONS OF
THE REGULATORY COMMISSION OF ALASKA

The Regulatory Commission of Alaska (Commission) proposes, in Docket R-15-006, to adopt regulation changes in Title 3 of the Alaska Administrative Code dealing with the general tariff form and filing requirements in 3 AAC 48.200 – 3 AAC 48.442.

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 June 23, 2016 and should reference Docket R-15-006. Reply comments must be received no later than 5:00 p.m., on July 25, 2016.

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 June 16, 2016 for initial comments and July 18, 2016 for reply comments to ensure that any necessary accommodations can be provided.

Since this is a regulations proceeding, commentors 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-15-006.”

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.

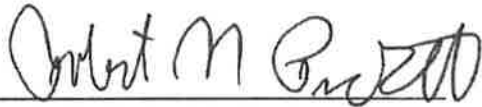
Statutory Authority: AS 42.05.151(a), AS 42.06.140(a)(5) and AS 42.08.220(b)(4).

Statutes Being Implemented, Interpreted, or Made Specific: AS 42.04.080, AS 42.05.141, AS 42.05.145, AS 42.05.151, AS 42.05.221, AS 42.05.231, AS 42.05.241, AS 42.05.291, AS 42.05.301, AS 42.05.311, AS 42.05.321, AS 42.05.361, AS 42.05.371, AS 42.05.381,

AS 42.05.391, AS 42.05.411, AS 42.05.421, AS 42.05.431, AS 42.05.711, AS 42.05.800,
AS 42.05.830, AS 42.05.840, AS 42.05.990, AS 42.06.055, AS 42.06.140, AS 42.06.240,
AS 42.06.250, AS 42.06.260, AS 42.06.270, AS 42.06.290, AS 42.06.300, AS 42.06.305,
AS 42.06.340, AS 42.06.350, AS 42.06.360, AS 42.06.370, AS 42.06.380, AS 42.06.390 and
AS 42.06.400

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

DATE: May 24, 2016

A handwritten signature in black ink, appearing to read "Robert M. Pickett", written over a horizontal line.

Robert M. Pickett, Chairman

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(g))

1. Adopting agency: Regulatory Commission of Alaska
2. General subject of regulation: Proposed Changes to General Tariff Form and Filing
3. Citation of regulation (may be grouped): 3 AAC 48.220, 3 AAC 48.230, 3 AAC 48.240, 3 AAC 48.250, 3 AAC 48.260, 3 AAC 48.270, 3 AAC 48.280, 3 AAC 48.290, 3 AAC 48.300, 3 AAC 48.310, 3 AAC 48.320, 3 AAC 48.330, 3 AAC 48.340, 3 AAC 48.350, 3 AAC 48.360, 3 AAC 48.390, 3 AAC 48.400, 3 AAC 48.410, 3 AAC 48.468, 3 AAC 48.645, 3 AAC 48.710, 3 AAC 48.730, 3 AAC 50.770, 3 AAC 52.375, 3 AAC 52.390, 3 AAC 52.445, 3 AAC 52.710, 3 AAC 52.734, 3 AAC 52.810, 3 AAC 53.243, 3 AAC 53.290, 3 AAC 53.345
4. Department of Law file number, if any: _____
5. 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 (identify): Changes to the General Tariff Form and Filing Requirements
6. Appropriation/Allocation: Commerce/RCA

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

	Initial Year FY <u>2016</u>	Subsequent Years
Operating Cost	\$ <u>0</u>	\$ <u>0</u>
Capital Cost	\$ <u>0</u>	\$ <u>0</u>
1002 Federal receipts	\$ <u>0</u>	\$ <u>0</u>
1003 General fund match	\$ <u>0</u>	\$ <u>0</u>
1004 General fund	\$ <u>0</u>	\$ <u>0</u>
1005 General fund/ program	\$ <u>0</u>	\$ <u>0</u>
Other (identify)	\$ <u>0</u>	\$ <u>0</u>

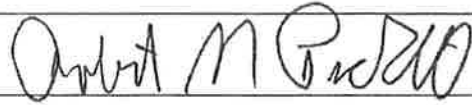
8. The name of the contact person for the regulation:
Name: Richard Gazaway
Title: Advisory Section Manager
Address: 701 W Eighth Avenue, Suite 300 Anchorage, AK 99501
Telephone: 907-263-2164
E-mail address: richard.gazaway@alaska.gov

9. The origin of the proposed action:

- ☒ Staff of state agency
☐ Federal government
☐ General public
☐ Petition for regulation change
☐ Other (identify) _____

10. Date: May 24, 2016

Prepared by: _____



Name (printed) Robert M. Pickett

Title (printed): Chairman

Telephone: 907-276-6222

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(g))

1. Adopting agency: Regulatory Commission of Alaska
2. General subject of regulation: Proposed Changes to General Tariff Form and Filing
3. Citation of regulation (may be grouped): 3 AAC 48.220, 3 AAC 48.230, 3 AAC 48.240, 3 AAC 48.250, 3 AAC 48.260, 3 AAC 48.270, 3 AAC 48.280, 3 AAC 48.290, 3 AAC 48.300, 3 AAC 48.310, 3 AAC 48.320, 3 AAC 48.330, 3 AAC 48.340, 3 AAC 48.350, 3 AAC 48.360, 3 AAC 48.390, 3 AAC 48.400, 3 AAC 48.410, 3 AAC 48.468, 3 AAC 48.645, 3 AAC 48.710, 3 AAC 48.730, 3 AAC 50.770, 3 AAC 52.375, 3 AAC 52.390, 3 AAC 52.445, 3 AAC 52.710, 3 AAC 52.734, 3 AAC 52.810, 3 AAC 53.243, 3 AAC 53.290, 3 AAC 53.345
4. Department of Law file number, if any: _____
5. 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 (identify): Changes to the General Tariff Form and Filing Requirements
6. Appropriation/Allocation: Commerce/RCA

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Operating Cost	\$ <u>0</u>	\$ <u>0</u>
Capital Cost	\$ <u>0</u>	\$ <u>0</u>
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1005 General fund/ program	\$ <u>0</u>	\$ <u>0</u>
Other (identify)	\$ <u>0</u>	\$ <u>0</u>

8. The name of the contact person for the regulation:
Name: Richard Gazaway
Title: Advisory Section Manager
Address: 701 W Eighth Avenue, Suite 300 Anchorage, AK 99501
Telephone: 907-263-2164
E-mail address: richard.gazaway@alaska.gov

9. The origin of the proposed action:

 X Staff of state agency

 Federal government

General public

Petition for regulation change

Other (identify) _____

10. Date: June 7, 2016.

Prepared by: A. J. L. L. L. L.

107 Name: Robert M. Pickett

Title: Chairman

Telephone: 907-276-6222

SUPPLEMENTAL NOTICE OF PROPOSED CHANGES TO THE GENERAL TARIFF FORM AND FILING
REGULATIONS OF THE REGULATORY COMMISSION OF ALASKA

The Regulatory Commission of Alaska (Commission) proposes, in Docket R-15-006, to adopt regulation changes in Title 3 of the Alaska Administrative Code dealing with the general tariff form and filing requirements in 3 AAC 48.200 – 3 AAC 48.442. The proposed changes to regulations 3 AAC 48.220, 3 AAC 48.230, 3 AAC 48.240, 3 AAC 48.250, 3 AAC 48.260, 3 AAC 48.270, 3 AAC 48.280, 3 AAC 48.300, 3 AAC 48.310, 3 AAC 48.320, 3 AAC 48.330, 3 AAC 48.340, 3 AAC 48.350, 3 AAC 48.360, 3 AAC 48.390, 3 AAC 48.400, 3 AAC 48.410 may include revisions to the following topics:

The timing, electronic filing, statutory notice period, effective date, form, and rejection of tariff filings, and the validation of tariff filings, special contracts, agreements, and forms;

The form of notice of tariff filings;

The suspension and rejection of tariff filings;

The public inspection of tariffs;

The form, content, notice, and effect of special contracts; the commission's ability to authorize service under a special contract; and the requirement to notify the commission a special contract has been cancelled;

The form, content, and effective date of tariff advice letters;

Requests to waive the statutory notice period for tariff advice filings;

The filing of a separate, complete, effective tariff for each utility or pipeline carrier service offered, and the correction of any errors discovered in each effective tariff;

The format, content, designation, and arrangement of original and revised tariff sheets;

The form of notice and filing of adopted tariffs;

Tariffs of an acquired or newly formed utility or pipeline carrier.

Commission regulations that cite to 3 AAC 48.200 – 3 AAC 48.442 may also be amended to ensure citations to the regulations are correct, including 3 AAC 48.468, 3 AAC 48.645, 3 AAC 48.710, 3 AAC 48.730, 3 AAC 50.770, 3 AAC 52.375, 3 AAC 52.390, 3 AAC 52.455, 3 AAC 52.710, 3 AAC 52.734, 3 AAC 52.810, 3 AAC 53.243, 3 AAC 53.290, and 3 AAC 53.345.

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 p.m. on July 7, 2016 and should reference Docket R-15-006. Reply comments must be received no later than 5 p.m. on August 8, 2016.

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 not later than June 30, 2016 for initial comments and August 1, 2016 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-15-006."

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.

This is a SUPPLEMENTAL NOTICE adding to the NOTICE OF PROPOSED CHANGES that was issued on May 24, 2016, concerning the proposed regulations revisions contained in Department of Law file number JU2016200452. This SUPPLEMENTAL NOTICE is being issued to clarify comment deadlines and to include an informative summary of the regulations that was omitted from the original NOTICE OF PROPOSED CHANGES.

Statutory Authority: AS 42.05.151(a), AS 42.06.140(a)(5) and AS 42.08.220(b)(4).

Statutes Being Implemented, Interpreted, or Made Specific: AS 42.04.080, AS 42.05.141, AS 42.05.145, AS 42.05.151, AS 42.05.221, AS 42.05.231, AS 42.05.241, AS 42.05.291, AS 42.05.301, AS 42.05.311, AS 42.05.321, AS 42.05.361, AS 42.05.371, AS 42.05.381, AS 42.05.391, AS 42.05.411, AS 42.05.421, AS 42.05.431, AS 42.05.711, AS 42.05.800, AS 42.05.830, AS 42.05.840, AS 42.05.990, AS 42.06.055, AS 42.06.140, AS 42.06.240, AS 42.06.250, AS 42.06.260, AS 42.06.270, AS 42.06.290, AS 42.06.300, AS 42.06.305, AS 42.06.340, AS 42.06.350, AS 42.06.360, AS 42.06.370, AS 42.06.380, AS 42.06.390 and AS 42.06.400

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

DATE: June 7, 2016


60r Robert M. Pickett, Chairman

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION


I, Richard Gazaway, Advisory Section Manager, 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 the general tariff form and filing requirements (3 AAC 48.220-.360; 3 AAC 48.390-.410; 3 AAC 48.468; 3 AAC 48.645; 3 AAC 48.710; 3 AAC 48.730; 3 AAC 52.375; 3 AAC 52.390; 3 AAC 52.732-.734; 3 AAC 52.810; 3 AAC 53.243-.245; 3 AAC 53.290; and 3 AAC 53.345) 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 & Commerce Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

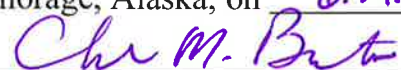
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulation notice information also has been posted on the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

Date: 6.21.17



Richard Gazaway, Advisory Section Manager

Subscribed and sworn to before me at Anchorage, Alaska, on 6.21.17.



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

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AFFIDAVIT OF PUBLICATION

R.C.A.
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16 JUN -1 AM 10:10

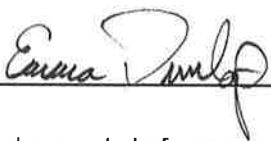
STATE OF ALASKA
THIRD JUDICIAL DISTRICT

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

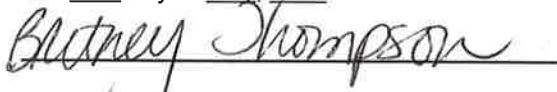
May 25, 2016

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 25th day of May, 2016



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

AO#08-106837-16

NOTICE OF PROPOSED CHANGES TO THE GENERAL TARIFF FORM AND FILING REGULATIONS OF THE REGULATORY COMMISSION OF ALASKA

The Regulatory Commission of Alaska (Commission) proposes, in Docket R-15-006, to adopt regulation changes in Title 3 of the Alaska Administrative Code dealing with the general tariff form and filing requirements in 3 AAC 48.200 - 3 AAC 48.442.

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 June 23, 2016 and should reference Docket R-15-006. Reply comments must be received no later than 5:00 p.m., on July 25, 2016.

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 June 16, 2016 for initial comments and July 18, 2016 for reply comments to ensure that any necessary accommodations can be provided.

Since this is a regulations proceeding, commentors 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-15-006."

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 42.06.140(a)(5) and AS 42.08.220(b)(4).

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AS 42.04.080, AS 42.05.141, AS 42.05.145, AS 42.05.151, AS 42.05.221, AS 42.05.231, AS 42.05.241, AS 42.05.291, AS 42.05.301, AS 42.05.311, AS 42.05.321, AS 42.05.361, AS 42.05.371, AS 42.05.381, AS 42.05.391, AS 42.05.411, AS 42.05.421, AS 42.05.431, AS 42.05.711, AS 42.05.800, AS 42.05.830, AS 42.05.840, AS 42.05.990, AS 42.06.055, AS 42.06.140, AS 42.06.240, AS 42.06.250, AS 42.06.260, AS 42.06.270, AS 42.06.290, AS 42.06.300, AS 42.06.305, AS 42.06.340, AS 42.06.350, AS 42.06.360, AS 42.06.370, AS 42.06.380, AS 42.06.390 and AS 42.06.400

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

DATE: May 24, 2016

Robert M. Pickett, Chairman

Published: May 25, 2016

268448
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\$537.86

R.C.A.
RECEIVED

16 JUN 13 AM 10:45

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

June 08, 2016

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

Emma Dunlap

Subscribed and sworn to before me
this 8th day of June, 2016

Britney Thompson

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

SUPPLEMENTAL NOTICE OF PROPOSED CHANGES TO THE GENERAL TARIFF FORM AND FILING REGULATIONS OF THE REGULATORY COMMISSION OF ALASKA

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The timing, electronic filing, statutory notice period, effective date, form, and rejection of tariff filings, and the validation of tariff filings, special contracts, agreements, and forms;

The form of notice of tariff filings;

The suspension and rejection of tariff filings;

The public inspection of tariffs;

The form, content, notice, and effect of special contracts; the commission's ability to authorize service under a special contract; and the requirement to notify the commission a special contract has been cancelled;

The form, content, and effective date of tariff advice letters;

Requests to waive the statutory notice period for tariff advice filings;

The filing of a separate, complete, effective tariff for each utility or pipeline carrier service offered, and the correction of any errors discovered in each effective tariff;

The format, content, designation, and arrangement of original and revised tariff sheets;

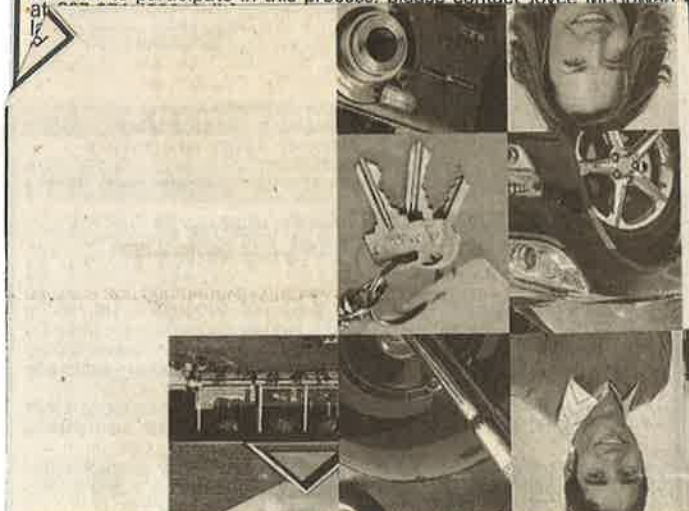
The form of notice and filing of adopted tariffs;

Tariffs of an acquired or newly formed utility or pipeline carrier.

Commission regulations that cite to 3 AAC 48.200 - 3 AAC 48.442 may also be amended to ensure citations to the regulations are correct, including 3 AAC 48.468, 3 AAC 48.645, 3 AAC 48.710, 3 AAC 48.730, 3 AAC 50.770, 3 AAC 52.375, 3 AAC 52.390, 3 AAC 52.455, 3 AAC 52.710, 3 AAC 52.734, 3 AAC 52.810, 3 AAC 53.243, 3 AAC 53.290, and 3 AAC 53.345.

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.asp>. 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 p.m. on July 7, 2016 and should reference Docket R-15-006. Reply comments must be received no later than 5 p.m. on August 8, 2016.

If you are a person with a disability who needs special accommodation in order to participate in this process, please contact Joyce McGowan at 1-800-477-2262.



AO #08-06822206
844-16

AFFIDAVIT OF COMMISSION ACTION

I, Rebecca Alvey, Utility Tariff Analyst II, for the Regulatory Commission of Alaska, being duly sworn, state the following:


The attached motion dealing with the general tariff form and filing requirements was passed by the Regulatory Commission of Alaska during its September 13, 2017, public meeting.

Date: 9/19/17



Rebecca Alvey, Utility Tariff Analyst II

Subscribed and sworn to before me at Anchorage, Alaska, on 9.19.17.



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

1 STATE OF ALASKA
2 REGULATORY COMMISSION OF ALASKA
3
4
5 Before Commissioners: Stephen McAlpine, Chairman
Rebecca Pauli
6 Robert M. Pickett
Norman Rokeberg
7 Janis W. Wilson
8
9
10
11
12
13 REGULATORY COMMISSION OF ALASKA
701 West Eighth Avenue, Suite 300
14 Anchorage, Alaska 99501
15 PUBLIC MEETING
September 13, 2017
16 9:00 a.m.
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1 P R O C E E D I N G S

2 CHAIRMAN MCALPINE: Good morning,
3 ladies and gentlemen. It's 9:00 a.m. This is the
4 time set for the public meeting of the Regulatory
5 Commission of Alaska. My name is Stephen
6 McAlpine. With me on the dais is Commissioner
7 Janis Wilson. Participating telephonically is
8 Commissioner Bob Pickett. I expect to be joined
9 shortly by Commissioner Norman Rokeberg. And
10 Commissioner Pauli had an appointment outside of
11 the office.

12 The first item on the agenda is public
13 participation. Is there anyone in the audience
14 that wishes to address the Commission at this
15 time?

16 Seeing none, is there anyone telephonically
17 that wishes to address the Commission?

18 Hearing none, I'll return for the last time
19 to the audience. Is there anyone that wants to
20 participate?

21 Seeing none, item number one, public
22 participation is closed.

23 Item number two on the agenda is R-15-006 In
24 the Matter of the Consideration of Revisions to
25 Tariff Form and Filing Requirements. I'll turn to

1 Commissioner Wilson.

2 COMMISSIONER WILSON: Thank you,
3 Mr. Chairman. These regulations are back before
4 us again. We have adopted them and they went to
5 the Department of Law for review. And the
6 Department of Law has a lot of suggested changes.
7 And so I would like to turn to staff to talk about
8 the suggested changes.

9 MR. GAZAWAY: Commissioner, this is
10 a relatively standard process where Law will go
11 through edits and, if the changes are significant
12 enough, they will require re-approval.

13 My microphone is on, so I don't know why
14 you're not hearing me.

15 COMMISSIONER WILSON: I think the
16 audience may not be hearing you very well.

17 CHAIRMAN MCALPINE: You're picking
18 up.

19 MR. GAZAWAY: Okay. So bottom line
20 is when Law goes through their edits, if they're
21 significant enough, they will require re-approval.
22 That's the process from them. In this case there
23 were a couple of citations that were corrected.
24 In other words, we had moved a section and not
25 made the change.

1 And the other thing was a lot of the phrasing
2 was, shall I say, archaic. We moved old
3 regulations and they had phrasing that is no
4 longer in vogue with the Department of Law. For
5 example, one of the phrases that they repeatedly
6 changed is we used to say, "The Commission will at
7 its discretion," which is an odd way of saying,
8 "The Commission may." So now the phrasing is,
9 "The Commission may." And so that's the type of
10 changes that were made.

11 COMMISSIONER WILSON: And I
12 understand that staff has reviewed all of the
13 changes -- the tariff section, I mean, has
14 reviewed all of the changes and the changes that
15 were made are not substantive.

16 MS. ALVEY: That's correct.

17 COMMISSIONER WILSON: So,
18 Commissioners, you have in your packet three
19 documents. The first is a letter from the
20 Department of Law, a four-page letter explaining
21 the changes from Megyn Greider.

22 Next is the marked-up version of the
23 regulations that we previously adopted. And the
24 third is the re-keyed version with all of the
25 changes that the Department of Law suggests. So

1 it's the third document that we -- that I will be
2 asking you to adopt today.

3 MR. GAZAWAY: And I would note that
4 probably the only document available to the public
5 is the third document.

6 COMMISSIONER WILSON: Okay.

7 CHAIRMAN MCALPINE: Mr. Goering,
8 it's my understanding that this does not require
9 us to go back out for public comment; is that
10 correct?

11 MR. GOERING: That's my
12 understanding as well. The general rule is, as
13 long as you are within the scope of the original
14 notice and the notice is not stale, in other
15 words, if it was issued less than one year ago,
16 then you would not need to re-notice it. And I
17 believe that both of those conditions have been
18 met.

19 CHAIRMAN MCALPINE: Thank you.
20 Mr. Gazaway, do you have anything further?

21 MR. GAZAWAY: No.

22 CHAIRMAN MCALPINE: The Chair will
23 entertain a motion to adopt.

24 COMMISSIONER PICKETT: So moved.

25 CHAIRMAN MCALPINE: It's been

1 moved. We have one person here for a second.

2 COMMISSIONER WILSON: I second the
3 motion.

4 CHAIRMAN MCALPINE: Okay. Because
5 Commissioner Pickett is appearing telephonically,
6 we'll conduct our vote by roll call.

7 Commissioner Wilson?

8 COMMISSIONER WILSON: Yes.

9 CHAIRMAN MCALPINE: Commissioner
10 Pickett?

11 COMMISSIONER PICKETT: Yes.

12 CHAIRMAN MCALPINE: And I vote yes.
13 Is there anything further, Mr. Gazaway?

14 MR. GAZAWAY: No, sir.

15 CHAIRMAN MCALPINE: That will
16 finish item number two. Item number three is
17 other business. Is there any other business to
18 come before the Commission this morning?

19 Hearing none, item number three is closed.

20 Mr. Goering, is the attorney general in need
21 of an executive session?

22 MR. GOERING: Yes.

23 CHAIRMAN MCALPINE: Okay. The
24 Chair will entertain a motion -- well, first of
25 all, can you state the purpose of the executive