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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Megan Saupe, Regulatory Commission of Alaska

FROM: April Simpson, Office of the Lieutenant Governor *AS*
465.4081

DATE: June 17, 2024

RE: Filed Permanent Regulations: Regulatory Commission of Alaska
Regulatory Commission of Alaska regulations re: Public Meetings Process (3 AAC
48.181)

Attorney General File:	2023200019
Regulation Filed:	6/17/2024
Effective Date:	7/17/2024
Print:	251, October 2024

cc with enclosures: Colleen Bailey, Department of Law
Judy Herndon, LexisNexis



THE STATE
of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

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June 11, 2024

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Re: *3 AAC 48.181: RCA - Public Meetings Process*
Our file: 2023200019

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Regulatory Commission of Alaska against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This letter constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Regulatory Commission of Alaska after the close of the public comment period.

The regulations concern procedures for public notice of meetings of the Regulatory Commission of Alaska pursuant to the Alaska Open Meetings Act.

The January 19, 2023 public notice, the September 22, 2023 supplemental public notice, and the April 18, 2024 order certifying changes all state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.060. The corrections are incorporated into the attached copy of the regulations.

Sincerely,

TREG TAYLOR
ATTORNEY GENERAL

By: **Rebecca C. Polizzotto** Digitally signed by
Rebecca C. Polizzotto
Date: 2024.06.11
09:36:49 -08'00'

Rebecca C. Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and
Legislative Research Section

RCP/pwp

CC w/enclosure: Megan Saupe, Regulations Contact
Department of Commerce, Community and Economic Development

Erin Egan, Assistant Attorney General
Department of Law

Parker W. Patterson, Assistant Attorney General
Department of Law

APPENDIX J: Certification Order

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

The attached 5 pages of regulations, dealing with the Regulatory Commission of Alaska’s public meeting procedures (3 AAC 48.181 – 3 AAC 48.184, 3 AAC 48.187, 3 AAC 48.190), are certified to be a correct copy of the regulation changes that the Regulatory Commission of Alaska adopted at its March 27, 2024, 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: April 18, 2024




Robert A. Doyle, Chairman

April Simpson for

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on June 17, 2024 at 9:15 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.


for Lieutenant Governor *Nancy Dahlstrom*

Effective: July 17, 2024

Register: 251, October 2024

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, NANCY DAHLSTROM, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

April Simpson, Regulations and Initiatives Specialist

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.



A handwritten signature in blue ink, reading "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

3 AAC 48.181(a) is amended to read:

(a) Unless otherwise noticed under 3 AAC 48.182, regular public meetings will be held by the commission twice a month on dates set by the commission at 9:00 a.m. in the commission's offices in Anchorage. **The chair of the commission may cancel a regular public meeting if there is no item that requires public discussion and the action does not result in cancellation of consecutive regular public meetings.**

(Eff. 6/27/1992, Register 122; am 11/10/1996, Register 140; am 7 / 17 / 2024, Register 251)

Authority	AS 42.05.141	AS 42.05.161	AS 44.62.310
	AS 42.05.151	AS 42.06.140	AS 44.62.312

3 AAC 48.182(b) is amended to read:

(b) Notice of a regular or special public meeting may be published by the commission in a newspaper of general circulation in the area where the meeting will be held and teleconferenced. Notice will be posted at the commission's offices, [AND MAY BE POSTED] on the commission's **Internet website, and the Alaska Online Public Notice System at least one week prior to the scheduled meeting.** Notice of a regular **or** [AND] special **public** meeting will include the date, time, and place of the meeting; general topics to be discussed or considered; **and information for virtual access, including a contact number for those seeking to participate telephonically** 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 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 Internet website, and the Alaska Online Public Notice System. Notice of an emergency public meeting will include the date, time, and place of the meeting; general topics to be discussed or considered; and information regarding virtual access, including a contact number for those seeking to participate telephonically and the 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 is amended by adding a new subsection to read:

(e) In this section, "virtual access" includes any real time means of listening to, and optionally observing, the conduct of a public meeting in a location other than where the commission is physically meeting, including teleconferencing, video conferencing, web streaming or other similar technologies or services, and may include capability for two-way communication to facilitate efficient participation by commissioners, advisory staff, counsel, and scheduled presenters, as well as public participants if permitted under 3 AAC 48.186. (Eff. 6/27/92, Register 122; am 11/6/2016, Register 220; am 7 / 17 / 2024, Register 251)

Authority: AS 42.05.141 AS 42.06.140 AS 44.62.310
AS 42.05.151

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 **will** [MAY] be posted on the commission's **Internet** website **and the Alaska Online Public Notice System**.

3 AAC 48.183(b) is amended to read:

(b) The commission **will** [MAY] post on **the commission's Internet** [ITS] website **and may** [OR] 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.

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 **at the commission's offices**, [AND MAY BE MAILED BY THE COMMISSION OR] posted on the commission's **Internet** website, **and the Alaska Online Public Notice System** 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 **public** meeting **will** [MAY] be [MAILED BY THE COMMISSION OR] posted on the commission's **Internet** website **and the Alaska Online Public Notice System** as soon as the agenda is available, but **not** [BY NO] later than one week after the scheduled date of the emergency meeting. (Eff. 6/27/92, Register 122; am 2/16/2012, Register 201; am 11/6/2016, Register 220; am 7 17 / 2024, Register 251)

Register 251, October 2024

COMMERCE, COMMUNITY, AND ECON. DEV.

Authority: AS 42.05.141 AS 42.05.151 AS 42.06.140

3 AAC 48.184 is amended to read:

3 AAC 48.184. Procedure at meetings. A public meeting of the commission will be conducted in accordance with the 1990 edition of Robert's Rule of Order Newly Revised. **The commission will make written material discussed at the public meeting available to the public at the beginning of the meeting unless such material is intended for discussion during executive session or is subject to attorney-client privilege.** (Eff. 6/27/92, Register 122; am 7 / 17 / 2024, Register 251)

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

3 AAC 48.187(b) is amended to read:

(b) A transcript of a public meeting will [NOT] be prepared by the commission **and will include as an attachment written material discussed at the public meeting unless such material is related to executive session or is subject to attorney-client privilege** [UNLESS SPECIFICALLY ORDERED BY THE COMMISSION OR REQUESTED BY AN INTERESTED MEMBER OF THE PUBLIC. THE PERSON WHO REQUESTS A TRANSCRIPT SHALL BEAR THE COST OF ITS PREPARATION. IF A TRANSCRIPT IS ORDERED OR REQUESTED, IT WILL BE PREPARED IN ACCORDANCE WITH THE PROVISIONS OF 3 AAC 48.156. THE ORIGINAL TRANSCRIPT, TAPES, AND EXHIBITS WILL BE DELIVERED TO THE COMMISSION].

Register 251, October 2024

COMMERCE, COMMUNITY, AND ECON. DEV.

3 AAC 48.187(c) is repealed:

(c) Repealed 7 / 17 / 2024. (Eff. 6/27/92, Register 122; am 7 / 17 / 2024,

Register 251)

Authority: AS 42.05.141 AS 42.05.151 AS 42.06.140(a)

3 AAC 48.190 is amended to read:

3 AAC 48.190. Official record. The official record of each proceeding before the commission is a paper printing of the electronic file. The official record includes any **staff memoranda**, paper documents, or exhibits **considered at a public meeting. Each document must also be included in the record of any related docketed proceeding discussed as an agenda item at a public meeting** [FILED IN ACCORDANCE WITH THIS CHAPTER THAT HAVE NOT BEEN SCANNED INTO THE COMMISSION'S ELECTRONIC FILING SYSTEMS]. (Eff. 2/6/2012, Register 201; am 7 / 17 / 2024, Register 251)

Authority: AS 42.05.141 AS 42.05.151 AS 42.06.140